

**Paradigms and Models of Labor Governance in Mexico:
From Corporatism to Effective Collective Bargaining?****Paradigmas y modelos de gobernanza laboral en México:
¿del corporativismo a la negociación colectiva efectiva?**

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ABSTRACT

The paper presents an analysis of different modalities adopted in labor relations in Mexico since the post-revolutionary period, from the perspective of labor governance theory. Specifically, it offers an interpretation of the transition process in Mexico following the 2019 reform of the Federal Labor Law. The paper is based fundamentally on the systematization of an extensive documentary review, which concludes that this reform established a new legal framework that could gradually allow for the establishment of effective collective bargaining agreements for the first time in Mexico. While this is a preliminary analysis of an ongoing process, the labor governance approach constitutes an adequate approach for rethinking labor relations in the Mexican case.

Keywords: 1. industrial relations, 2. labour governance, 3. collective bargaining, 4. labour unions, 5. Mexico.

RESUMEN

Se ofrece un análisis de las diferentes modalidades adoptadas en las relaciones laborales en México desde la posrevolución a partir de la perspectiva de la teoría de la gobernanza laboral. Particularmente, en el escrito se hace una interpretación del proceso de transición en el mundo laboral en México después de la reforma a la Ley Federal del Trabajo en 2019. El trabajo se basa fundamentalmente en la sistematización de una amplia revisión documental, que concluye que dicha reforma estableció un nuevo marco jurídico-legal que podría permitir paulatinamente la institución de procesos de negociación efectiva de contratos colectivos de trabajo por primera vez en México, y si bien se trata del análisis preliminar de un proceso en desarrollo, el enfoque de la gobernanza laboral constituye una adecuada aproximación para repensar las relaciones laborales en el caso mexicano.

Palabras clave: 1. relaciones laborales, 2. gobernanza laboral, 3. negociación colectiva, 4. sindicato, 5. México.

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INTRODUCTION

The main objective of this article is to analyze some of the different forms that labor relations have taken in Mexico, with particular emphasis on the landscape that has gradually taken shape following the major reform to the Ley Federal del Trabajo⁴ (LFT) enacted on May 1, 2019 (Decree of 2019). To achieve this, the article employs the concept and analytical model of labor governance, a framework commonly used in various regions and academic communities around the world, although its development in Mexico has remained limited and only recently begun to take form.

It should be stated succinctly that various authors, most notably Donaghey et al. (2014) and Oehri (2015), argue that labor governance can be understood through two paradigms: one oriented toward production and the other oriented toward consumption. The following table outlines their main characteristics:

Table 1. Paradigms and Models of Labor Governance

Paradigm	Production-Oriented		Consumption-Oriented				
Governance Modality	Hierarchical		Network-based				
Model	1 Legalistic	2 Collective Bargaining	1 IFAs*	2 Societal	3 Inter-governmental	4 Business Association	5 Codes of Conduct
Actors	States and actors involved in contractual labor relations: workers (trade unions), employers, and government representatives.		Actors located outside contractual labor relations: multinational companies, consumers, social movements, civil society actors, non-governmental organizations (NGOs), intergovernmental institutions, business associations, global union federations, among others.				
Enforcement Mechanism	Authority-based mandate Hard law Coercion		Market-based rules Soft law Persuasion				
Advantages	Binding regulation; compliance through authority-based mandates within the boundaries of the State.		Transnational reach; promotion of participatory governance.				
Challenges	Lack of authority at the transnational level; downward pressure on standards due to global competition.		Selective mechanisms and gaps in global governance.				

* International Framework Agreements.

Source: Own elaboration based on Donaghey et al. (2014), Oehri (2015), and Chávez and De León (2022).

From this perspective, it is argued that both paradigms have only begun to expand in Mexico in recent years, driven by a combination of political, cultural, and economic factors. Notably, when the Mexican case is analyzed through the lens of the theory of labor governance, there is a clear absence of an explanatory framework capable of accounting for the form that a substantial portion

⁴ Federal Labor Law (unofficial translation).

of labor relations took from the post-revolutionary period throughout much of the twentieth century and continuing into the present.

Therefore, based on the Mexican experience, the addition of a “zero paradigm” is proposed to complement the two existing paradigms within this framework. While this paradigm may not be as common or widely recognized as the others, it is considered to enrich the theoretical model of labor governance. It specifically refers to the period of the authoritarian regime, during which a system of domination was established through a corporatist apparatus mediated by clientelistic relationships, characterized by inherent corruption and oriented toward political and electoral control.

The article provides a detailed analysis of how this paradigm functioned and subsequently examines the early expansion of the production-oriented paradigm in Mexico.⁵ To achieve this, the article is organized into three sections. The first section presents a synthesis of the general principles of the production-oriented paradigm the theory of labor governance, supplemented by a series of Mexico-specific exceptions that must be considered for its proper adaptation. The second section examines the components, characteristics, and manifestations of the two paradigms under analysis in Mexico: the clientelist-corporatist and the production-oriented. Finally, the third section offers conclusions that clarify the current status of labor governance in Mexico.

THE PRODUCTION-ORIENTED PARADIGM

The theory of labor governance and the Exceptional Case of Mexico

The study of labor governance has experienced significant growth over the past decades across various regions. Although this growth has not yet reached a surge, there is a clear and sustained expansion in the literature, with considerable potential for further development in the coming years.⁶ From this perspective, the discussion begins with the production-oriented paradigm proposed by Donaghey et al. (2014) and Oehri (2015). It is also important to note—although it is not the primary focus of this work—that the consumption-oriented paradigm is present in Mexico, with efforts and initiatives gradually increasing and deepening to achieve soft and voluntary forms of labor governance.

In the present study, particular attention is given to the first paradigm, which emerged alongside the consolidation of the modern state as the entity responsible for guaranteeing first-, second-, and third-generation rights well into the twentieth century (Marshall, 1997). This labor governance paradigm is characterized by a hierarchical structure, grounded in authority-based mandates

⁵ Due to space constraints, this paper does not examine the development of the consumption-oriented paradigm in Mexico. A detailed analysis of this topic is provided in the manuscript by Chávez Becker et al. (n.d.).

⁶ Chávez Becker and De León (2022) provide a comprehensive review of this process.

(Donaghey et al., 2014; Oehri, 2015), and dependent on binding regulation within the framework of the state through “hard” law.

At its inception, this paradigm developed as a model that, for typological purposes, can be referred to as *legalistic*, grounded in the existence and proper functioning of the constitutional and legal-institutional mechanisms characteristic of modern states. These mechanisms prescribe adherence to the principles, procedures, and standards that all actors involved in the production process are required to observe and comply with.

The tripartite negotiation model, commonly referred to as collective bargaining, represents the second component of the production-oriented paradigm. It emerged and consolidated as a response to a context in which highly powerful actors disrupted the normal functioning of the legal mechanisms designed to guarantee the rights of production actors, particularly workers, through para-constitutional and para-parliamentary channels. This model, based on negotiation, mediation, and bargaining processes involving employers, workers, and the government, became widely adopted and evolved into the most prevalent form of labor governance, especially in the second half of the twentieth century and continuing into the present in many Western countries.

As noted earlier, this study seeks to apply the analytical framework of labor governance to the Mexican case. However, before undertaking this task, three important contextual considerations or exceptions must be explained, given the complex and distinctive history of labor relations in Mexico, which shape the framework’s applicability. The first of these concerns the creation, development, consolidation, and uncertain decline of a labor governance paradigm that has not been addressed in the global debate and that extends the theoretical structure.

In Mexico, the hegemonic form of labor governance that has prevailed for nearly a century is primarily characterized by a complex arrangement among corrupt union leaders (León, 1975; Sanders, 1978; Córdova, 1979), a significant segment of the business elite, and the government-party elite. This arrangement has effectively prevented the establishment of a fully functional collective bargaining model (Sánchez-Castañeda, 2005; De la Garza Toledo, 1994). Oriented toward political and electoral control, this paradigm has undergone a transitional process in recent decades, during which its legal-institutional foundations have gradually eroded, more rapidly in recent years, yet it continues to influence a substantial portion of labor relations in Mexico.

Secondly, it should be noted that the introduction of a new legal framework regulating labor relations in Mexico, primarily defined by the 2017 constitutional reform to Article 123 (Decree of 2017) and the 2019 reform of the LFT (Decree of 2019), opens the possibility of implementing a model of effective collective bargaining that more closely resembles the systems established and practiced in countries where such bargaining is based on genuine bilateral labor relations. In this context, the exceptional nature of the Mexican case lies in the novelty that the implementation, development, and potential expansion of such a model would represent, whereas in other contexts it has been standard practice for many decades.

A third contextual consideration draws on the argument of Bensusán and Middlebrook (2013), who note that, surprisingly, the democratization of the political-electoral regime in Mexico, analytically situated between 1988 and 1997 (Labastida & López Leyva, 2004), did not directly lead to the democratization or restructuring of labor relations. Nor did it occur indirectly, as the new context of party competition and the introduction and stabilization of electoral uncertainty did not initiate a process resulting in a fundamental transformation of the prevailing regime of relations among production actors.

Moreover, the significant recent transformations to the legal-institutional framework governing labor relations in Mexico initially originated from an unexpected source: pressure from the United States government for Mexico to establish a legal foundation that would promote and protect “workers’ democratic rights” (Bensusán & Middlebrook, 2020, p. 985).

Before analyzing labor governance models in Mexico, it is important to note that, although this analytical category has not been widely applied in the country, there have been some recent attempts to adapt the concept of governance to the Mexican labor context. For instance, Kurczyn (2016, pp. 128–129) explains that governance in labor regulation is understood in certain circles as the implementation of public policies designed to balance economic and social conditions in labor relations in a way that supports comprehensive social development. He adds that such development must occur dynamically through a combination of actions by both the state and society.

On the other hand, Sánchez-Castañeda (2016, p. 294) emphasizes the need to move from a governance model to one of good governance in the Mexican labor context, characterized by “dialogue, negotiation, and consensus.” From this perspective, a regime of good labor governance in Mexico can be built on the basis of “three fundamental pillars: employment policy, labor inspection, and tripartite dialogue.” More recently, Medina and Ramos (2021) associate the idea of governance with governmental effectiveness, leading them to conclude that the concept of labor governance,

is related to institutional capacities and their ability to implement effective cross-cutting policies aimed at generating diverse employment opportunities. The goal is to strengthen planning, monitoring, follow-up, evaluation, and management capacities to achieve an effective labor policy. (Medina & Ramos, 2021, p. 20)

These recent, but still limited, approaches to the relationship between governance and labor in Mexico reflect a growing, albeit nascent, academic interest in the theory and concept of labor governance, contributing significantly to broadening and disseminating this debate within the national context. However, all of these perspectives share a common limitation: they treat governance as an end point rather than as a mechanism for social and political coordination (Chávez Becker, 2021). In contrast, the theory and concept of labor governance employed in the present study treat it as a means rather than an end, using it as an analytical tool to examine the various forms labor policy has taken in the country without imposing a normative stance.

SOME PARADIGMS AND MODELS OF LABOR GOVERNANCE IN MEXICO

The following section explains and analyzes the way in which two distinct paradigms of labor governance materialize: first, the model oriented toward political–electoral control, and second, the one oriented toward production, as well as the extent to which each of them currently penetrates the Mexican context.

The Corporatist and Clientelist Labor Governance Paradigm

The labor governance paradigm oriented toward political and electoral control cannot be understood without recognizing that it was constructed, perhaps not entirely deliberately but nonetheless decisively, as one of the fundamental pillars of control in the structuring of the post-revolutionary Mexican political regime from the 1920s onward. Córdova (1979, pp. 35–36) noted that the development of this new regime reached a point where “official unions” constituted “the fundamental social support of the dominant political structure,” and that opposing them was equivalent to subverting the order and confronting the power of the state. Similarly, Rendón Corona (2001, p. 19) explained that “breaking the controls in the labor relationship” was, “in a sense, breaking the system.”

The development of a regime in which unions, among other organizations, became a cornerstone of the political system was a consequence of implementing a mass-oriented policy aimed at establishing a corporatist-clientelist⁷ and statist system of domination that was authoritarian and hierarchical in nature (Rendón Corona, 2001). This system produced decades of apparent governability and economic and political stability following a highly turbulent period (Sanders, 1978) and continued to exert its effects throughout the twentieth century and into the first decades of the twenty-first century (Meyer, 1989; Zapata Schaffeld, 2004; Ortega, 2012).

The fact that a substantial part of the regime’s stability depended on the corporatist and clientelist control of the worker masses was a significant factor shaping the labor governance model implemented during that period. In other words, political necessity largely determined the configuration of this model. As Rendón Corona (2001, p. 19) notes, “the concept of control within the political system extends beyond the direct labor relationship to encompass the political interests and ideology of the workers.”

To implement and operationalize this formidable mechanism of political and social control, a complex and highly sophisticated system was constructed. At the top stood a powerful state bureaucracy, led almost exclusively and monolithically by the president of the republic and an elite

⁷ Córdova (1979) explains that the specificity of Mexican corporatism lies in the fact that the corporations were anchored to the official party, rather than functioning as governmental entities or being integrated into the state structure, as was the case in Italy or Germany.

at the head of the ruling political party (Sanders, 1978).⁸ From 1938 onward, this system was reinforced by masses of workers and peasants organized into groups and unions of diverse ideological orientations, sizes, and origins, rather than by individuals affiliated separately and divided into sectors or corporations (Garrido, 1982), although some antecedents of this process can be traced back to the revolutionary period (Gilly, 2007).

Unions, federations, and confederations became central components of a “mass organization” party (Córdova, 1979, p. 18), into which large groups of workers were automatically incorporated (Bensusán & Middlebrook, 2013). This party operated through a rigidly structured, vertically hierarchical pyramid (León, 1975). Through the combination of mandatory union membership and the incorporation of unions as well as peasant, military, and popular organizations into the party, the Party of the Mexican Revolution (PRM) secured the affiliation of approximately 1.25 million workers by 1940. Together with individuals from other sectors, this amounted to more than six million members (Ginzberg, 2010), creating a powerful electoral constituency that continued to expand in subsequent decades.

The intermediate or intermediary level of the system rested on what Córdova (1979, p. 33) called a “gigantic theoretical and political fraud,” which consisted of “identifying the organization with its leadership or bureaucracy and, through it, completing the process of domination over the working class,” a practice that was simply the “result of a characteristic style of authoritarian union leadership.” In this case, since the organized masses had become the true political “subjects” of the new regime, it was essential to maintain strict control over them. This was necessary not only because they constituted the core electoral clientele upon which the entire system depended, but also because their free mobilization and action represented a source of instability and potential disorder, phenomena to which the post-revolutionary regime developed increasing aversion, particularly during the antifascist Popular Front period and later during the so-called National Unity era (Loeza, 2010), when a sort of “cult” of unanimity was intensified (Rendón Corona, 2001, p. 18).

What followed the transformation of the official party into a corporatist machine was a prolonged refinement of the system of domination through the organization. Once mobilizations ceased, the organization, now converted into an instrument of political power, quickly became a veritable prison for organized workers, an uncontested force that was invincible and insurmountable for them. (Córdova, 1979, p. 34)

⁸ Of course, this refers to the Partido Nacional Revolucionario (PNR) (National Revolutionary Party [unofficial translation]), established in 1929, which was transformed into the Partido de la Revolución Mexicana (PRM) (Party of the Mexican Revolution [unofficial translation]) in 1938, and later into the Partido Revolucionario Institucional (PRI) (Institutional Revolutionary Party [unofficial translation]) in 1946.

From this perspective, the official union leaders, or “*charros*,”⁹ as they were commonly called in the vernacular of the time, became the central axis of corporatist and clientelist control over the vast and growing masses of workers. This made them powerful actors who nonetheless had to “cede” their power, severely limit its exercise, or, more precisely, exchange it. Control over union leaders was maintained through various mechanisms that included significant political and economic opportunities, in which corruption assumed a systemic character and, as Sanders (1978, p. 156) noted, became the “lubricant” that kept the entire political apparatus functioning. Sustaining these leaders was therefore crucial for the operation of the system as a whole. By the late 1970s, a period in which this system had already become deeply entrenched, Córdova explained that it was common to assert,

That if the State did not blatantly support the official union leadership, as it does to the detriment of the legal framework that governs us, their power would not endure for a single day. There is much truth in this. Indeed, if the state did not systematically repress every union movement organized against corporatist domination, independence within the unions and revolt among the organized workers would spread like fire through dry grass, and left to its own devices, the union bureaucracy would be unable to withstand the onslaught. Yet the state is by no means a neutral entity in this conflict. (Córdova 1979, p. 35)

Therefore, he continued, asking the state for “neutrality” was “tantamount to demanding its own suicide,” and he explained:

of course, the State is not going to commit suicide. The union organization is part of the established political order; this is not written in any law, but it counts as if it were, for the order, with or without law, is order, and the use of force legitimizes it. (Córdova, 1979, pp. 35–36)

Finally, at the base of this authoritarian system of corporatist and clientelist domination, whose objective was to maintain political control over the working masses, the bureaucracy in general, and union leaders in particular, had at their disposal a wide range of legal provisions, strategies, administrative safeguards, judicial or procedural mechanisms, and para-legal practices, among many instruments operating at different levels and spheres of this distinctive form of labor governance. Taken together, these tools both severely restricted or prevented the actions of union dissidents and contributed to the subjugation of workers. In this regard, Bensusán and Middlebrook (2013, p. 39) argued that a point was reached at which,

union efforts to obstruct working-class mobilizations, restrict organizational pluralism within the labor sector, and limit labor demands, combined with restrictive legal provisions and governmental administrative practices, represented some of the central elements of political authoritarianism in Mexico.

⁹ This statement originates from the appointment of Jesús Díaz de León, nicknamed “El Charro,” as leader of the railway workers’ union in the autumn of 1948, during the presidency of Miguel Alemán Valdés, despite having been removed by the union’s executive committee (Loaeza, 2010).

Some of the most important mechanisms for ensuring control at the base are presented here, classified for analytical purposes into three dimensions. The first group of control mechanisms is associated with legal and administrative aspects. Broadly speaking, legal provisions promoted the centralization of the government–union relationship through the Secretaría del Trabajo y Previsión Social¹⁰ (STPS) and ensured that only loyal unions could hold collective labor agreements.¹¹ Historically, another important element for exercising this control has been the official registration or recognition that unions must obtain from state or federal labor authorities (Middlebrook, 1992).

In this regard, the law requires that unions be officially registered, receive government recognition, and maintain their statutes and executive committees, formalizing any changes in leadership and membership on an ongoing basis (Rendón Corona, 2001, p. 15). Without official recognition, the capacity of workers organized outside the official unions was extremely limited; for example, they could not negotiate a collective labor agreement or initiate a strike. Moreover, although registration procedures are “in principle... fairly straightforward,” in practice they are subject to extensive administrative delays, arbitrariness, and mechanisms of political influence (Bensusán & Middlebrook, 2013, p. 35).

Within this dimension are the notoriously infamous clauses of entry exclusion and separation exclusion, which were used to compel workers to join a specific union and remain within it (Rendón Corona, 2003).¹² Similarly, restrictions on the exercise of the right to strike are evident within the legal and administrative framework. The exercise of this right was limited to organized workers, as the conciliation and arbitration boards had the authority to declare strikes invalid and compel workers to resume their activities (Alzaga, 2018). At the same time, officially recognized union leaderships were granted broad powers, allowing them to initiate an indefinite strike that was binding on all workers at a workplace without consulting them (Bensusán & Middlebrook, 2013).

It is also important to note that the State had extensive capacity to intervene in labor disputes, possessing several tools to carry out conciliation and arbitration activities (Middlebrook & Quintero, 1998). These included “declaring strikes lawful and valid, conducting inspections and counts regarding the ownership of contracts and organizations, and imposing its own perspective through the Conciliation and Arbitration Boards in agreement with officials and employers” (Bensusán & Middlebrook, 2013, p. 18). In other words, in matters of labor justice, the State acted as both judge and party, creating a persistent conflict of interest. Additional administrative processes allowed the control of quorum in union general assemblies and the establishment of so-

¹⁰ Ministry of Labor and Social Welfare (unofficial translation).

¹¹ This centralization applied to all unions, with the exception of the Federación de Sindicatos de Trabajadores al Servicio del Estado (FSTSE) (Federation of Unions of Workers at the Service of the State, unofficial translation) (Bravo Ahuja, 1988).

¹² Starting in 2001, the Supreme Court of Justice of the Nation issued a series of rulings declaring these provisions unconstitutional, as they impeded the exercise of the right to freedom of association guaranteed in Article 123 (Rendón Corona, 2003).

called protection contracts (Xelhuantzi, 2000; Tilly, 2014), which, through “fictitious organizations” or “phantom unions”, deprived “employers of any bilateral negotiation over labor conditions” with the company’s workers (Rendón Corona, 2001, p. 15).

A second dimension includes two types of control within the unions: undemocratic elections of union leadership and restrictions on workers’ ability to express their opinions or criticism (Zapata Schaffeld, 2004). In the first case, various mechanisms existed to limit or prevent competitive elections within the unions (Bouzas Ortiz, 2000). Beyond intimidation and harassment of candidates not aligned with official unionism, one of the most important mechanisms was the imposition and frequent use of public and open voting in assemblies by acclamation rather than by secret ballot, a process that made each worker’s vote publicly known (Anzures, 2014).

This resulted in a permanent but covert government intervention in union leadership elections, which commonly produced electoral processes prearranged between factions of the union bureaucracy. When a genuine electoral contest did occur, it was often limited to disputes between “currents within the officialdom” and “bureaucratic cliques,” because any group of workers attempting to run an independent and autonomous candidacy had to face a powerful machine that included “the combined manipulations of bureaucrats, employers, and officials,” with the final link being “repression” (Rendón Corona, 2001, p. 16). In the second case, Bensusán and Middlebrook (2013, pp. 37–38) note that “union leaders allied with the government have been the main beneficiaries of certain provisions of the LFT, such as those that obstruct challenges from rank-and-file workers” arising from leadership actions or the absence of dialogue processes between the two parties.

The third dimension encompasses corporatist and clientelist forms of control, which the specialized literature has documented in several ways. One notable example is the illegal, and at times overt, flow of resources from federal and state government coffers “to finance internal campaigns in support of favored leaders” within official unionism (Rendón, 2001, p. 17). In addition, the Confederación de Trabajadores de México¹³ (CTM) has demonstrated significant financial dependence on federal funds, which were routed through the official party (Bensusán & Middlebrook, 2013).

The selective use of public force against rival unions was also a recurring form of control during this period, particularly when opposition or dissent within the unions intensified.¹⁴ Political quotas, such as legislative seats and elected positions, were offered to “*charro*” unionism to secure the loyalty of its leaders, along with other material and economic benefits intended to reinforce their allegiance (Aziz Nassif, 1989).

¹³ Confederation of Mexican Workers (unofficial translation).

¹⁴ It is worth noting in this regard that, for several decades, there was ongoing union dissent, which intensified particularly during the 1970s through strikes and other mobilizations involving electricians, miners, and metalworkers, among others (Anguiano Rodríguez, 1985).

Finally, labor groups affiliated with the PRI were granted “preferential access to social programs funded with public resources, including subsidized access to basic services, housing, and consumer loans.” For decades,

the CTM virtually monopolized union representation on the tripartite conciliation and arbitration boards and on the governing boards of institutions such as the Instituto Mexicano del Seguro Social¹⁵ (IMSS), the Comisión Nacional de los Salarios Mínimos¹⁶ (CNSM), and the Comisión Nacional para la Participación de los Trabajadores en las Utilidades.¹⁷ (Bensusán & Middlebrook, 2013, pp. 38–39)

In addition, it was the main recipient “of the benefits generated by the Instituto del Fondo Nacional de la Vivienda para los Trabajadores¹⁸ (INFONAVIT) and the Banco Obrero (BO)” (Bensusán & Middlebrook, 2013, pp. 38–39). This analysis highlights the high degree of control and sophistication achieved by the labor governance paradigm oriented toward corporatist and clientelist control of organized workers in Mexico. It is no coincidence that, despite the historically low labor standards, the critique and mobilization efforts of Mexican workers and their allies were primarily focused on reforming the legislation. In practice, this legislation legalized the authoritarian control and domination of their collective action, and ultimately, or as a consequence, their exploitation, even though during certain periods—for example, during the so-called “stabilizing development” (1954-1970)—there were improvements in labor conditions and, more broadly, in living standards.

For this reason, although there have been processes of labor law reform in recent decades at various levels and with differing scope and intent, it was not until the 2017 constitutional reform to Article 123 and the 2019 labor reform that the legal and regulatory framework underpinning this authoritarian labor governance paradigm, which institutionalized mechanisms to permanently suppress labor conditions and standards in Mexico, was substantially modified (Decree of 2017; Decree of 2019).

Collective Bargaining: The Emerging Labor Governance Model?

Indeed, among other objectives, both labor law reforms primarily focused on improving labor justice, expanding freedom, deepening union autonomy, and strengthening collective bargaining processes, with the aim of consolidating a new labor governance model based on effective tripartite negotiations (Ortiz et al., 2019; Bensusán & Middlebrook, 2020).

¹⁵ Mexican Social Security Institute (unofficial translation).

¹⁶ National Minimum Wage Commission (unofficial translation).

¹⁷ National Commission for Worker Participation in Profits (unofficial translation).

¹⁸ National Workers’ Housing Fund Institute (unofficial translation).

In general terms, the 2017 amendment to Article 123 of the Constitución Política de los Estados Unidos Mexicanos¹⁹ reformed Sections XVIII, XIX, XX, XXI, and XXII Bis. It is important to note that, prior to this reform, Sections XVI and XVII already recognized the right of workers and employers to organize into unions and professional associations, as well as the right to strike and engage in work stoppages. The new wording added that strikes are lawful, thereby aligning labor rights with those of capital, and established that the resolution of disputes falls under the jurisdiction of the labor courts of the Federal Judiciary, which must observe the principles of legality, impartiality, transparency, autonomy, and independence (Decree of 2017).

Likewise, it was established that if an employer refuses to submit disputes to arbitration or to comply with its resolution, the collective labor agreement may be terminated, and the worker must be compensated. Finally, the principles ensuring the freedom of collective bargaining were clarified, an essential premise that paves the way for a new negotiation model and introduces legal changes in the process of legitimizing collective labor agreements (Decree of 2017).

Meanwhile, the 2019 reform to the LFT sought to align these constitutional changes with the corresponding secondary legislation (López-Chávez & Velázquez-Orihuela, 2021). When published in the *Diario Oficial de la Federación*²⁰ on May 1, 2019, the reform specified the following objectives (Decree of 2019):

1. Establish pre-litigation conciliation as the primary mechanism for resolving labor disputes.
2. Implement a system for prompt and efficient labor justice that adheres to the principles of legality, impartiality, transparency, autonomy, and independence.
3. Guarantee union freedom, union democracy, authentic collective bargaining, and the principle of representativeness within unions through the personal, free, secret, and direct vote of workers.
4. Ensure that the registration of collective labor agreements and labor organizations is governed by the principles of certainty, transparency, democracy, and freedom.

The 2019 labor reform was extensive in scope, addressing important social, economic, and procedural aspects (Montalvo & Martínez, 2020).²¹ In this regard, Carbonel (2019, cited in Ortiz et al., 2019, p. 11) argued that “it had been nearly fifty years since such a comprehensive and profound labor reform had occurred in Mexico, and that the modifications approved by the Congress of the Union represent a true watershed for workers, employers, and unions.” The first point reflects a significant effort to reduce the judicialization of labor matters through an ambitious pre-litigation conciliation strategy. This process is overseen by a new executive body, the Federal Center for Conciliation and Labor Registry (CFCRL, for its acronym in Spanish) at the national level, as well as by the conciliation centers established in each state of the Republic. Second, the *locus* of labor justice was repositioned to address the historically entrenched conflict of interest in

¹⁹ Political Constitution of the United Mexican States (unofficial translation).

²⁰ Official Gazette of the Federation (unofficial translation).

²¹ Due to space constraints, this topic cannot be addressed in depth in the present study.

this area, along with a procedural restructuring aimed at expediting the administration of justice and dismantling the bureaucratic control mechanisms previously used under the authoritarian labor governance paradigm to hinder and delay it. To achieve this, the conciliation and arbitration boards were eliminated, and the administration of justice was transferred to specialized federal or local labor courts under the judiciary. In addition, various measures were established to streamline labor trials and reduce judgment times.

Arguably, the third of these objectives most directly addresses the transition of the prevailing labor governance paradigm in Mexico. Regarding union freedom and democracy, the reform enshrined the right to form unions or freely join them without any restrictions, as well as the full self-management of these organizations. It also eliminated mandatory or automatic corporate union membership, establishing that participation in unions must be voluntary and affirming members' right to elect union leadership through a personal, free, direct, and secret vote, while stipulating that union leaders cannot remain in office indefinitely.

Regarding the improvement of collective bargaining quality and union representativeness, the reform mandated that only unions holding a "certificate of representativeness issued by the registration authority, which confirms that the union represents the workers of the company in question and includes the right to call a strike, could negotiate, register, and file a collective labor agreement" (Ortiz et al., 2019, p. 6). Similarly, the reformed LFT required that collective labor agreements be submitted for worker approval every two years.

The final objective led to the establishment of the Center for Conciliation and Labor Registry, the governmental body responsible for registering unions, collective labor agreements, and the internal regulations of labor organizations, as well as ensuring their dissemination and publicity. The 2019 LFT reform also introduced other significant measures, including provisions on dignified, decent, and inclusive work; new forms of individual employment contracts, such as probationary and initial training contracts; government intervention mechanisms during health contingencies; fines for litigants and public officials who obstruct trials; modifications to the dismissal notification process; and key regulations regarding outsourcing,²² among others (Ortiz et al., 2019; Montalvo & Martínez, 2020).²³

That said, it is well known that the existence of a law does not guarantee its enforcement or, even more, its proper application. Regarding the conciliation process in labor disputes, the STPS

²² This was complemented by the approval of another reform to the LFT, enacted on April 23, 2021, which, together with other legislation, aimed to regulate the hiring of specialized personnel through subcontracting and outsourcing mechanisms (Decree of 2021).

²³ It should not be overlooked that, alongside the recent labor law reforms in Mexico, the United States-Mexico-Canada Agreement (USMCA), which amended the terms of the North American Free Trade Agreement (NAFTA) and came into effect on July 1, 2020, included several provisions regarding labor rights applicable throughout the region. Bensusán and Middlebrook (2020) argue that pressure from numerous powerful unions, as well as from the U.S. government, played a significant role in this process. In particular, Chapter 23 of the agreement incorporated the Rapid-Response Labor Mechanism (RRM), a trilateral labor dispute procedure that has been used primarily by Mexican unions and workers' groups.

reported that, as of October 31, 2023, there were 158 centers for labor conciliation in operation, employing nearly 900 conciliators, including 111 local offices with more than 700 conciliators working in them (STPS, 2024a).

At the federal level, by the end of 2023, nearly 265 000 individual conciliation requests had been filed, of which 162 137, or approximately 61%, were resolved through agreements (CFCRL, 2024a). Additionally, around 5 550 collective conciliation requests were submitted, of which 92% were concluded (STPS, 2023). According to agency data, 70% of labor disputes under federal jurisdiction have been conciliated, with 83 percent of these resolved during the first hearing (STPS, 2023).

At the local level, between November 2020 and October 2023, more than one million conciliation requests were processed, of which nearly 647,000, or 63.5%, were resolved through either a conciliation agreement or ratification. STPS data indicate that the average local conciliation rate nationwide reached 77.9%, and the median duration of conciliation processes was 24.9 calendar days (STPS, 2024b).

Regarding labor justice, at the time of writing, there were 145 labor courts nationwide, with approximately 370 active judges. Of these, over one hundred were local courts, staffed by nearly 250 judges (STPS, 2024a). It was also reported that at the local level, almost 157 000 lawsuits were filed, of which more than 70 000 had been resolved, representing a case closure rate of 44.7%. Available data indicate that the average national resolution time for ordinary cases was 250 days (8 months and 10 days), while for special cases it was 231 days (7 months and 22 days).²⁴

Additionally, at the start of the contract legitimization process, the STPS initially reported approximately 580 000 registered contracts (Martínez, 2021). Subsequently, national labor authorities conducted a review, reducing this number to around 130 000, meaning that 80 to 90% of previously registered contracts were eliminated because they were “protection contracts”, agreements negotiated between unions and companies without worker participation, or were inactive (Hernández, 2023). Of this total, the CFCRL reported that between May 1, 2021, and May 1, 2023,²⁵ 30 526 collective bargaining agreements were legitimized, while 663 were not approved by workers (STPS, 2023), resulting in more than 108 000 agreements being nullified for not being submitted to a vote. This process involved over 7.2 million workers in various contractual legitimization procedures (STPS, 2024b).

Finally, the CFCRL (2024b) itself reported that, as of November 15, 2023, more than 51 000 procedures for the registration of collective bargaining agreements had been approved. These included more than 13 000 new internal work regulations, nearly 13 000 wage-review agreements, approximately 12 500 registration certificates, nearly 6 000 certificates of representativeness,

²⁴ In 2019, the STPS estimated that under the new labor justice model, the average duration of cases would decrease “from approximately four years to around six months to obtain a final judgment” (STPS, 2019, para. 1).

²⁵ Date on which the deadline for the legitimization of collective bargaining agreements ended.

approximately 6 000 contractual review agreements, and around one thousand initial contracts filed (CFCRL, 2024b).

With this brief review of the available data on some of the advances in the implementation of the 2019 reform, an active institutional process can be observed that is aimed at fulfilling the objectives of the new labor legislation, at least in documentary terms. For example, the creation and operation of numerous offices of the new labor authorities have been reported, beginning with the CFCRL, the local conciliation centers, and the labor courts at both the federal and state levels. However, as previously noted, it is still somewhat early to make a general assessment of its implementation, since, in the opinion of specialists in labor issues, this is a moment of “transition; that is, we cannot ensure that it will succeed, we cannot ensure that it will move forward,” because “we are in a process of experimentation” (Escobar, cited in Martínez, 2023a, para. 2) and institutional consolidation.

Considering that the economically active population in Mexico amounts to nearly 61 million people (INEGI, 2023),²⁶ it is possible to draw a rough assessment of the reform’s implementation. According to labor lawyer Humberto Oseguera Barajas,

the unionization rate in Mexico is 10–12% of the economically active population, legitimized contracts account for 12–13%, and the number of workers covered by these contracts is around four million—this represents the current status under the reform. (Martínez, 2023a, para. 12)

A little more than five years after the labor reform was enacted, “genuine collective bargaining” appears as a “novel phenomenon,” yet remains incipient in Mexico (Franco Hernández, 2019, p. 16).

In the same vein, another important factor in the slow progress of implementing the reform aimed at improving the quality of collective bargaining agreements is that it “is a law that came from outside and from above,” which means that “workers have not taken ownership of the reform because they do not have a culture of unionized labor” since “at least a generation, workers have not known what a union is” (Escobar, cited in Martínez, 2023a, para. 3), and often perceive it “as an instrument of extortion, corruption, and abuse against themselves” (Martínez, 2023a, para. 10). Escobar also noted that the reform was approved and implemented “without the institutions being prepared, and moreover, with a long history of highly deteriorated, fragile, and poorly constructed labor institutions” (Martínez, 2023a, para. 3).

In line with this argument, it should be noted that the data provided by both the STPS and the CFCRL are primarily based on documentary information and reports received from their local offices, as well as from companies and unions that submit information to these institutions. This limits the availability of evidence to support the existence of adequate verification processes, even on a sample basis. Likewise, outside of official sources, there is no aggregated or comprehensive data that would allow for an overall assessment of the reform’s implementation.

²⁶ Data corresponding to the close of the third quarter of 2023.

However, some NGOs and independent research centers have begun to publish reports on this topic. For example, the Centro de Apoyo a la Libertad Sindical (CALIS) reported at the end of 2023 that “an exponential increase in requests for certificates of representativeness (almost 9 000) has been detected, mostly from charro and protectionist unions,” and that only “15 000 workers have been able to make the decision to shake off the yoke of corrupt and corporatist unions and opt for an independent and democratic alternative” (Centro de Investigación Laboral y Asesoría Sindical [CILAS] & CALIS, 2023, p. 2). Similarly, a 2022 report stated the following:

the case of the company Tokio Roky de México, which operates a plant of over 20 000 square meters producing catalysts for Mazda and is represented by the Sindicato de Trabajadores de la Industria Metal Mecánica Automotriz Similares y Conexos de la República Mexicana (SITIMM). In this instance, only 41 workers were allowed to participate, of whom only 31 voted, and all votes were in favor of the collective bargaining agreement (CILAS & CALIS, 2022, p. 37).²⁷

Taking into account the preceding analysis, labor law specialists still need to determine what happened with the companies that were left without a collective bargaining agreement due to the failure to legitimize their existing one. In addition, a thorough review of the quality of the legitimized collective bargaining agreements is necessary (Sadka, cited in Flores, 2023), along with an examination of the legitimization processes themselves, to establish how many of these agreements were reached and defined through genuine and effective negotiations rather than through simulated procedures.

All of these issues and questions indicate that the labor governance model based on collective bargaining in Mexico is not yet a present reality. Instead, it represents a medium- to long-term project, whose implementation is being actively pursued through efforts to enforce the new legal and regulatory framework governing the national labor sphere.

CONCLUSION: HYBRID STATUS OF LABOR GOVERNANCE IN MEXICO

From the review conducted, several conclusions can be drawn regarding the state of labor governance in Mexico. The first, with considerable conceptual significance, is that the Mexican case, from an empirical standpoint, contributes to what may be termed the “zero paradigm,” since the historical, hegemonic, and to a certain extent prevailing mode of labor governance has not been accounted for in the general theory of labor governance. While Mexico is not the only country to have experienced authoritarian forms of labor governance, the durability, scope, and depth with which labor relations have been managed from the post-revolutionary period to the present make it a paradigmatic case for theoretical purposes. The characteristics of this control-oriented paradigm are schematically summarized in Table 2:

²⁷ This document also reports other cases in which serious simulations occurred in the processes of legitimizing collective bargaining agreements in companies such as Mazda (various affiliates and subsidiaries), Cemex, and others (CILAS and CALIS, 2022).

Table 2. Control Mechanisms in the Corporate, Clientelist, and Authoritarian Paradigm of Labor Governance in Mexico

Zero paradigm oriented to political-electoral control	
Governance modality	Authoritarian
Model	1 Corporate-Clientelist
Actors	Actors located within and outside labor contractual relations, oriented toward political control: party leadership (PNR-PRM-PRI), corporate leadership (labor and employer), union leadership, government representatives.
Compliance mechanism	Based on authoritarian political control Paralegal (outlaw)
Advantages	Not applicable. System that provides non-democratic governance within the limits of the State.
Challenges	Lack of national and international legitimacy.

Source: Own elaboration based on Córdova (1979), Rendón (2001), and Bensusán and Middlebrook (2013).

Once this paradigm has been defined and delineated, labor governance oriented toward political-electoral control, it is possible to assert, as a second conclusion, that at least theoretically there are multiple paradigms and models of labor governance, although this scenario is constantly evolving and gradually becoming more complex. However, it is important to remember that the theory of labor governance is not concerned with

it does not represent a sequential process in which one model replaces another, although faster rates of growth may be observed in certain models at specific historical moments, or they may emerge at different times, always in relation to the particular configuration adopted by contemporary states. (Chávez & De León, 2022, p. 170)

Therefore, even if schematic, the analytical framework that incorporates the theory of labor governance is enriched by including the *zero* paradigm, which recognizes authoritarian and often paralegal forms of managing labor relations.

Third, this study helps to demonstrate that in recent years several models encompassed within the paradigms of labor governance have emerged and developed in Mexico. As previously explained, the authoritarian model remains present and continues to dominate the majority of unionized workers in the country. For instance, according to its own data, the CTM has nearly 5 million affiliated workers, of whom 1.8 million are covered by collective bargaining agreements that have already been legitimized (Martínez, 2023b). However, a reasonable question persists regarding the quality of representation provided by the unions affiliated with this confederation, the integrity of their participation in the negotiation of collective labor and wage agreements, and consequently, the quality of the conditions established.

On the other hand, the 2017 constitutional reform and the 2019 amendment to the LFT have, for the first time in Mexico, created the conditions for the development of real, systematic, and consistent collective bargaining processes between unions and employers. To what extent is this occurring today? The answer remains more uncertain than conclusive; nevertheless, for the first time, the legal and regulatory foundations for genuine collective bargaining have been established in Mexico, and gradually, some groups of workers and autonomous, independent unions have begun to make use of the new framework (Moctezuma, 2024).

The foregoing leads to a final conclusion: the current state of labor governance in Mexico can be described as hybrid, in that the various paradigms and models that compose it interact and coexist simultaneously. It is important to emphasize that these paradigms and models do not operate in isolation; rather, they interrelate and influence one another, shaping a context that is increasingly complex, constantly evolving, and unique at each moment.

Translation: Erika Morales.

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