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Unions and strikes in contemporary Mexico

ABSTRACT

This paper analyses the changes the trade union movement has undergone since the 2019 revision of the labour law, promoted by the first left-leaning government since the 1930s. We observe that the changes in labour laws were accompanied by a policy of wage recovery that reversed the prolonged wage decline that had prevailed during more than thirty years of neoliberalism in Mexico. Along with the wage recovery, there has been an increase in unionisation rates, a slight growth in strikes, and the formation of new independent unions that have managed to challenge the large workers' federations aligned to the former ruling party, and in some important cases displace them, as happened at General Motors in Silao, Guanajuato on 3 November, 2021.

KEYWORDS

Labour reform
Trade unions
Strikes
Neoliberalism

INTRODUCTION

Until very recently, the Mexican labour movement was predominantly under the influence of “protection unions”, a term used to describe unions that clandestinely signed “protection contracts” with employers to the detriment of the workers. These contracts were a tool to maintain low labour costs, stifling genuine worker representation and enriching the leaders of such unions. A staggering 85 percent of the contracts in Mexico were identified as protection contracts, as acknowledged by the Mexican Secretary of Labour (El Economista, 2021).

This situation directly resulted from the “perfect dictatorship”, a term used to describe the one-party rule of the Partido Revolucionario Institucional (PRI) in Mexico. The PRI was supported by, and supported, big national industrial unions and union confederations, as well as national peasant organisations and organisations of businesses, small and large, which were incorporated into the structures of the PRI. This corporatist labour relations regime persisted and had significant social consequences, including the prevalence of “protection unions”, that is, sweetheart unions.

This article examines unions’ current conditions and activities in Mexico in the context of the 2019 Federal Labour Law revision and the consequences for labour law compliance of the Mexico, Canada, and the United States Trade Agreement (USMCA), which was signed in 2018 and went into effect on 1 July, 2020.

For that purpose, we look briefly at the history of unions in Mexico in the context of the evolution of the Mexican economy and the corresponding political changes. In the final sections of this article, we will discuss the recent activities of independent unions in light of the political and institutional changes brought about by the government of President Andrés Manuel López Obrador (AMLO), who has been vocal about his support for workers’ rights and has introduced essential labour reforms.

CHANGING THE WORLD, CHANGING UNIONS

During the late 1930s, the growth of nationalised industries at the national level (petroleum, communications and railroads) and, at local level, the important electrical energy firm Central Power and Light (Luz y Fuerza del Centro), as well as the implementation of import substitution policies, spurred rapid economic growth, outpacing other Latin American countries. This system rewarded organised workers in the Confederation of Mexican Workers (CTM)¹ and other “official” unions – so called because of their incorporation into the ruling party’s structures – with rising wages and numerous social benefits. Organised peasants benefited from subsidised inputs and price supports and employers enjoyed protected markets, all in exchange for the political support of the PRI. From 1950 to 1967, GDP per capita grew relatively fast (see Astorga et al., 2005), but towards the second half of the 1960s, growth began to slow down, and an external sector

GRAPH 1. GDP PER CAPITA GROWTH (ANNUAL %)



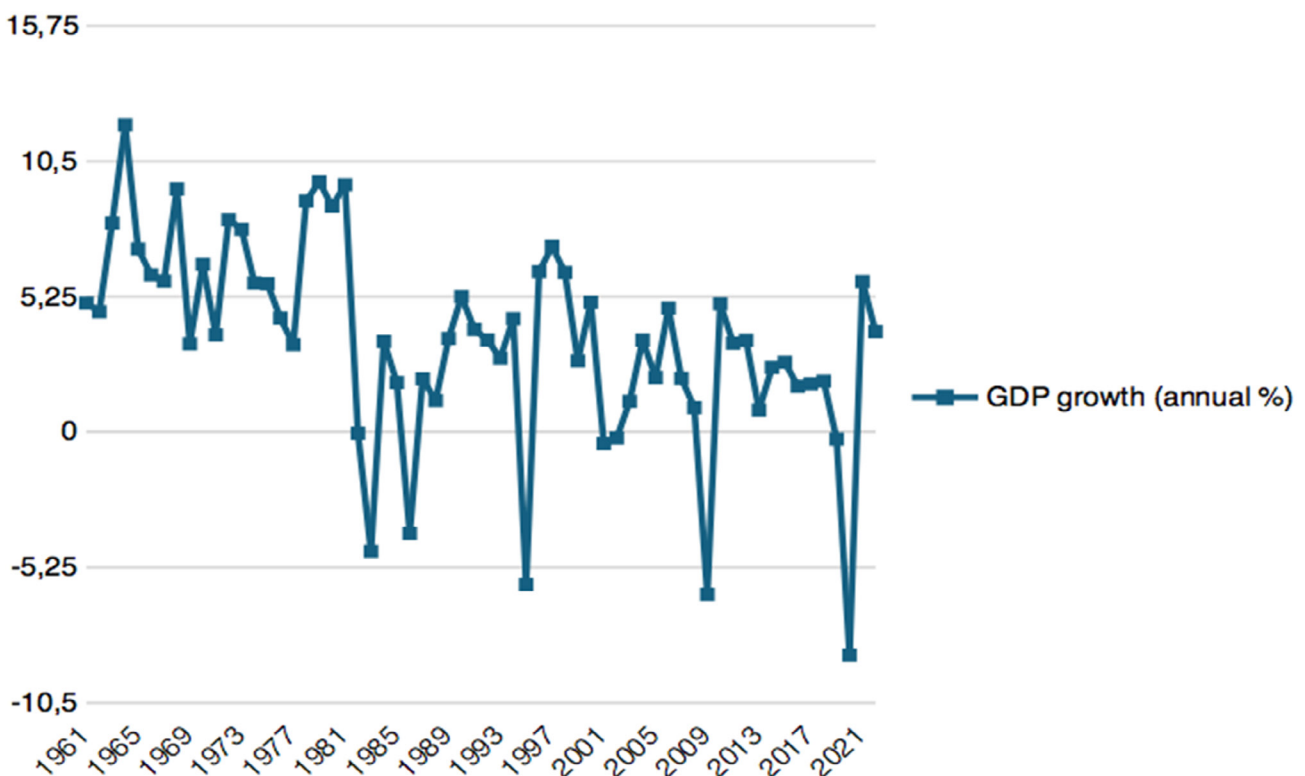
Source: Authors’ elaboration based on estimates of the Maddison Project Database MPD (Olt and Luiten van Zanden, 2024).

¹ Founded in 1936 and initially led by members of the Mexican Communist Party (see Zepeda, 2021, p. 88 and ff).

The import substitution model started showing economic cracks as state-led industrialisation did not create a robust industrial sector capable of absorbing a growing urban population. Extreme inequality and a lack of social mobility led to rising political tensions and a series of economic and political crises: the army massacre of hundreds of student protesters in Tlatelolco in 1968, rural unrest (including armed guerrilla movements) and radical independent union strikes in the 1970s, peso devaluation in 1976, and the debt crisis of 1982. These crises were met with authoritarian measures, including violent repression and the imposition of “pacts” and “wage caps” (*topes salariales*) aiming to restrain wages.

Graph 2 vividly illustrates the growth process between 1960 and 1980, showing how GDP grew slowly during the late 1960s and early 1970s and collapsed in the 1980s. A similar GDP per capita growth for the same period is shown in Graph 1.

GRAPH 2. GDP GROWTH (ANNUAL %)



Source: World Bank Development Indicators, World Bank

In 1988, the disputed election of Carlos Salinas de Gortari marked a definitive turn toward authoritarian social policy and neoliberal economics, resulting in the end of the relative privilege of workers organised in the corporatist unions. The neoliberal model, based on the privatisation of public assets and leaving remaining state enterprises at the mercy of open markets, had an immediate and dramatic impact on the most privileged sector of the organised working class, the oil workers, whose powerful and wealthy leader, Joaquín Hernández Galicia – “la Quina” – had opposed the privatisation policies. Weeks after Salinas was inaugurated, he sent the Mexican army to assault the home of Hernández Galicia and arrest him in what is known as “*el quina-*

zo”, demonstrating Salinas’ willingness to use power ruthlessly.

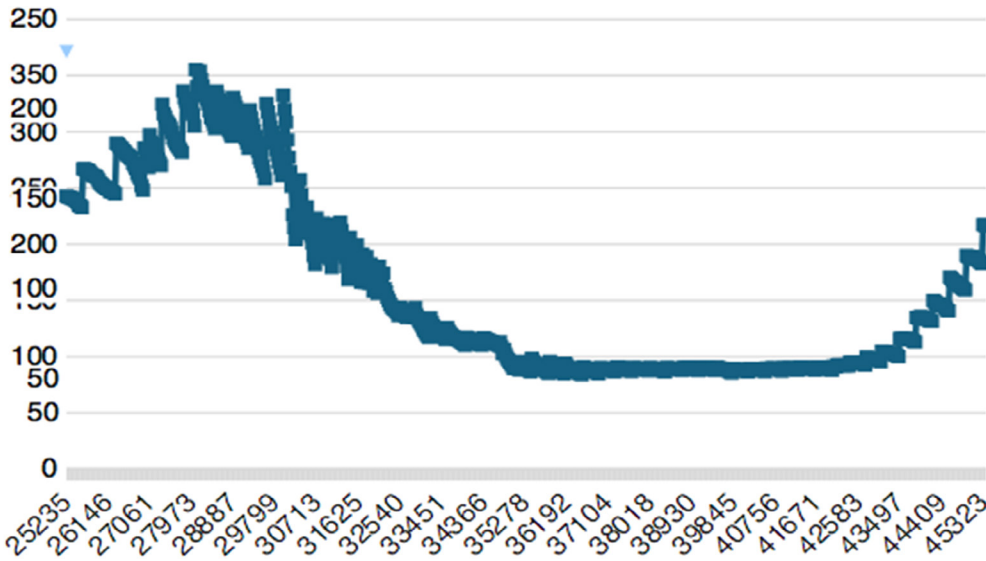
This use of repressive force sent a message to the influential union leaders of the other national industrial unions and the national confederations that they had no choice but to support the new neoliberal regime. It became clear that while union leaders would remain a privileged elite, their union membership would see their wages lose their purchasing power through wage caps below the inflation rate and the use of executive power to repress strikes.

The union leaders of the CTM and other “official” unions signed on to a series of economic stabilisation pacts, accepting the government’s economic policy that wages be kept low to attract foreign investment. The labour leaders kept their access to power, their seats in Congress, and their control of labour relations through their seats on the tripartite boards that ruled on all aspects of labour disputes and union registration. However, the wage caps, the privatisation of state enterprises and the opening of closed markets meant a rapid decline in workers’ living standards as their unions lost their bargaining power to maintain, much less increase, real wages.

The labour relations regime was transformed from an instrument of state and employer control that rewarded a narrow sector of organised workers to an instrument of control without any rewards.

The labour regime became a decaying and increasingly corrupt structure maintained by the combined power of capital and the state. Union leaders adopted protection contracts as the principal form of labour relations; since they were constrained from bargaining gains for their members, they now saw a more overt alliance with capital as their best option. As Graph 3 shows, the minimum wage began to decline after 1976, with the decline accelerating after 1994.

GRAPH 3. MINIMUM WAGE IN REAL TERMS (BASE 2018)



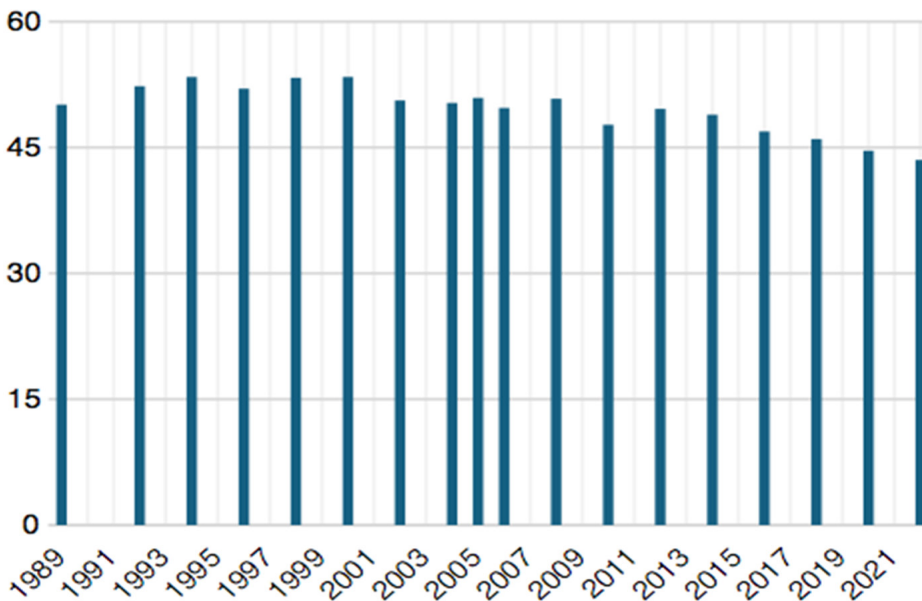
Source: *SielInternet, Banco de México*

A temporary agricultural guest worker program initiated during the Second World War (the Bracero Program) allowed US farmers to hire Mexican migrant workers. Although its magnitude diminished and it was formally closed in 1964, it established a prototype of temporary labour use to replace US workers and at the same time, reduce costs (Mandee, 2014). After it ended, a new program called the Maquiladora Program was established to allow “the temporary importation of inputs from foreign sources without the payment of import duties” to manufacturing firms in Mexico (Eaton, 1997). Maquiladoras grew in importance in the auto parts and electronics industries and were the base for the 1994 North America Free Trade Agreement (NAFTA) signed by Canada, Mexico and the United States.

The advent of NAFTA in 1994 only exacerbated and accelerated Mexico’s descent into social crisis by driving millions out of the rural economy (Scott et al., 2006) and into the poorest neighbourhoods of the cities to work in the petty commodity sector or to head north to the US as undocumented workers (Weisbrot et al., 2012), who ironically later became one of Mexico’s most important sources of foreign exchange through their remittances.

Income inequality has always been a prevalent feature of Mexico. Although we lack long-term data, estimates for 1950 by Navarrete (1960) show a Gini index of around 50. More recent data shows that inequality grew unevenly until 2013 and then diminished to a historical minimum in 2022.

GRAPH 4. GINI INDEX 1989-2022

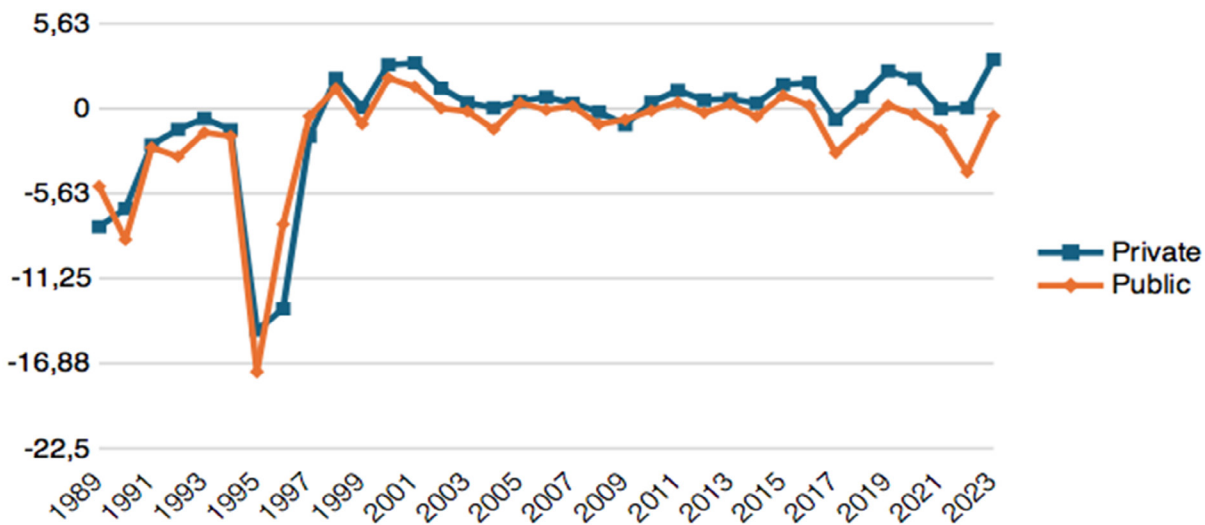


Source: *World Bank Development Indicators, World Bank*

The steady decline in wages and the growth of poverty and inequality finally led to the PRI losing the presidency to Vicente Fox of the PAN in 2000, after a campaign calling for “change” (*cambio*). However, it soon became clear that the Fox government (2000-2006) was more of the same, imposing the same wage caps, declaring strikes illegal, continuing the sale of public assets, destroying the remaining state enterprises, and looking the other way as employers and official unions enriched themselves at the expense of the workers.

immediately signed an agreement with the UNT and began working with independent unions in Mexico, supporting the independent VW union after their strike was declared illegal by the Fox administration in 2000 and supporting the successful organising campaign of an independent union at the Korean maquiladora Kukdong in 2001. The shift in the foreign policy of the AFL-CIO was one positive result of NAFTA, which caused some US trade unions to take Mexico and Mexican unions more seriously, not simply as unfair competition for jobs, but as allies in the struggle for decent jobs and wages.

GRAPH 5. GINI INDEX 1989-2022



Source: https://www.stps.gob.mx/gobmx/estadisticas/revisiones_salariales.htm

There was some hope that the 1997 formation of the National Workers Union (Union Nacional de Trabajadores, UNT) – a new national grouping of independent unions led by the *telefonistas* in the Telephone Workers Union of the Mexican Republic (STRM), the Union of Workers of the National Autonomous University of Mexico (STUNAM) and the National Union of Workers of the Mexican Institute of Social Security (SNTSS) – would revive the labour movement, but this proved to be a false hope, as the UNT unions did not establish a viable infrastructure and remained a loose coalition, with each union pursuing its objectives and interests and coming together primarily for joint political positioning.

The most significant development during this period, in which the UNT was a prominent actor, was the growth of a labour law reform movement focused on the secret ballot in union representation elections and eliminating the inefficient and corrupt tripartite labour boards.

This period also saw the increasing engagement of US, Canadian, and Mexican trade unionists in trilateral forums and organisations to promote labour law reform and international labour solidarity. The AFL-CIO, which had long maintained a relationship with the CTM, underwent a leadership change in 1995, leading to a new international policy. In 1997, the “free labour” institutes of the Cold War period, which prioritised fighting, left-led unions, were abolished, and the Solidarity Centre was established with a union solidarity agenda. The Solidarity Centre

THE ROLE OF INDEPENDENT UNIONS

In describing the broad outlines of the Mexican labour movement and the trend of corporatist unions and their protection contracts, we should not ignore the history of union insurgency and the anarchist (Ricardo Flores Magón), communist (Lombardo Toledano) and social democratic (Luis N. Morones) tendencies that have been part of the movement since the earliest worker rebellions that gave rise to the Mexican revolution.

These tendencies have played a leading role in the creation of the Mexican labour movement and at many critical junctures, such as the mass upsurge of the movement in the 1935 to 1940 period that gave birth to the large national industrial unions and the CTM, the 1950s democratic insurgencies in the electrical workers’ union and the railroad workers’ union, and in the 1970s, radical left and independent unions that gave birth to the Nissan and VW independent unions and saw bitter strikes in the industrial belt around Mexico City, and dissident democratic movements among *Los Mineros* (National Union of Mine and Metal Workers of the Mexican Republic, SNTMMSRM), in the teachers union (National Union of Education Workers, SNTE) and others. The tradition of dissent, rank-and-file rebellion, and militant and democratic unionism has been a constant source of pressure on the corporatist labour movement, and it remains a source of hope today.

As the neoliberal era has seen the degeneration and decay of the corporatist unions into corrupt protection unions serving

their corrupt leaders in collusion with the employers, and the continuing decline of the workers' living standards, the power and control of those leaders of the Mexican labour movement has increasingly been undermined. With the landslide victory of Andres Manuel Lopez Obrador and his Morena Party in 2018, the labour law reform of 1 May, 2019 and the implementation of the labour chapter of USMCA, an institutional framework had been put in place could be expected to enable upsurge of independent union organising on a scale reminiscent of the mass organising

upsurge of the 1935-1940 period. Table 1 and Graph 6 below show the evolution of unionisation in Mexico in recent years.

Before 1992, the sources for estimating unionisation rates were scarce, although some attempts to measure the number of union workers using an Income and Expenditure Survey not designed to capture this information (Zepeda, 2021) suggested very high rates (30%). More recent estimates show the post-1992 evolution:

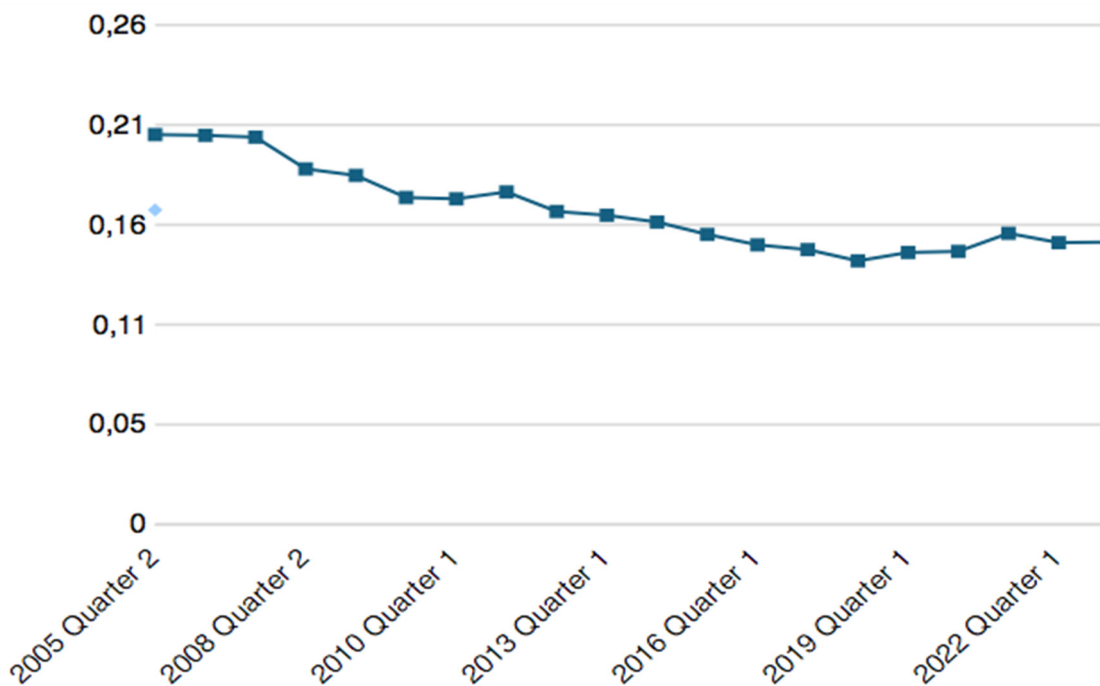
TABLE 1. UNIANIZATION RATES

NUMBER OF UNIONISED MEMBERS			
	1992	2000	2002
EAP	30 261 606	41 026 994	41 983 675
Industrial Workers*	8 119 017	10 085 329	12 542 175
Total Union workers	4 116 919	4 025 878	4 199 320
Men	2 730 809	2 320 830	2 461 890
Women	1 386 111	1 705 048	1 737 430
Unionisation rate	13.6%	9.8%	10%

*Includes manufacturing, electricity and construction workers

Source: Based on Esquinca and Melgoza (2006)

GRAPH 6. UNIANIZATION RATES. 2005-2023



Source: Siel, Secretaría del Trabajo. México 2024

TABLE 2. PRIVATE-PUBLIC COMPOSITION OF UNION MEMBERSHIP

2010	Private sector	Public sector	Total
Unionised	1 429 584	2 847 810	4 277 394
Non-unionised	16 213 018	2 467 609	18 680 627
2024	Private sector	Public sector	Total
Unionised	2 221 539	3 007 115	5 228 654
Non-unionised	23 865 524	2 907 869	26 773 393

Source: Siel, Secretaría del Trabajo. México 2024

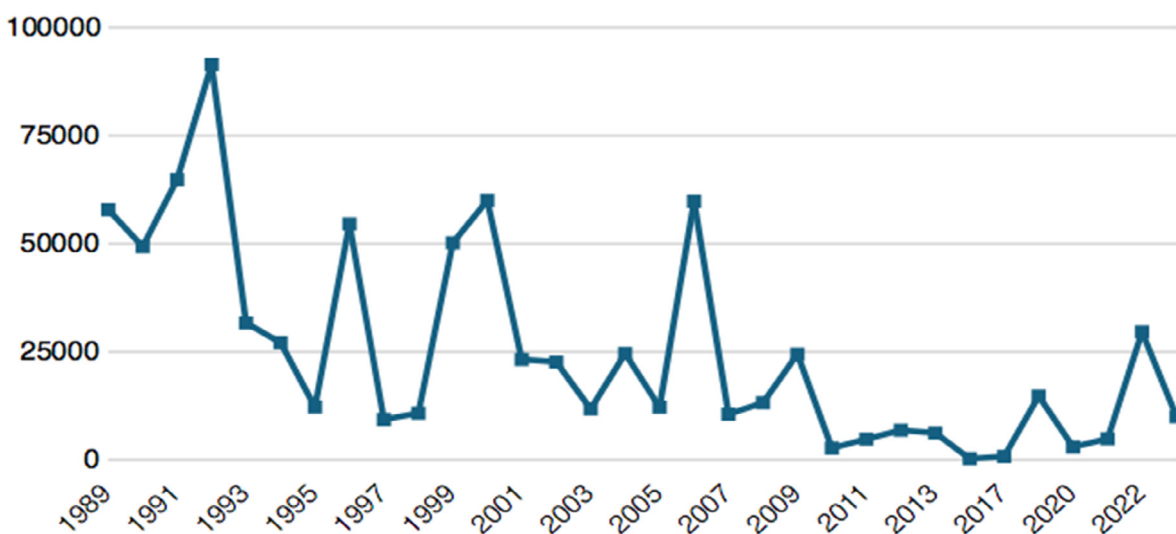
If the composition of union membership is considered, as in Table 2 the majority of unionized members belong to public sector unions, although their share has tended to decrease over time: in 2010 the ratio of affiliations in the public sector with respect to the private sector was 2 to 1. while by 2024 that same ratio was only 1.4 to 1. Another relevant feature of the structure of unionization in Mexico is that the vast majority of non-unionized workers belong to the private sector, although their weight has been slightly reduced over time: in 2010 non-unionized workers in the private sector represented 89% of the total, while by 2024 they represent 87%.

Using Labour Ministry administrative data, Graph 7 shows how the number of workers participating in strike movements also increased as unionisation rates grew with the accession of a Left government to the country's presidency.

That shows that the anti-union policies promoted by neoliberal governments for more than thirty years have been modified.

The number of workers participating in strikes (local jurisdictions) peaked in 1990 during the darkest period of the neo-liberal order in Mexico; the uptick was quickly controlled but not extinguished. Such low rates express the legal difficulties unions (official or independent) have in starting a strike.

GRAPH 7. NUMBER OF WORKERS PARTICIPATING IN STRIKES (LOCAL JURISDICTION)



Source: https://www.stps.gob.mx/gobmx/estadisticas/emplazamientos_huelgas.htm

In 2012 very regressive changes to the Federal Labour Law were introduced. They included, among the main changes, restrictions on severance payments and the total liberalisation of subcontracting (NACLA, 2014). Those changes were repealed in 2019 by the labour law reform under the Lopez Obrador government. The new labour law replaced the tripartite labour boards – instruments of corporatism through the presence of “official union” leaders – with independent labour tribunals under the judiciary. It required secret ballot votes to “legitimate” or reject all existing contracts and secret ballot votes in union representation and leadership elections. In 2021, a second reform prohibited most outsourcing. The reforms are strengthened by Mexico’s commitment to the USMCA trade agreement that replaced NAFTA, which contains a “Labour Chapter” with a Rapid Response Labour Mechanism that can entertain complaints by any Mexican or US union or worker if Mexico’s labour laws are violated in any company that exports goods or services to the USA.

These legal and institutional changes are intended to transform – “democratise” – Mexico’s labour movement and encourage an increase in real wages, goals that have been repeatedly articulated by Mexico’s president, Andres Manuel Lopez Obrador, and by his first secretary of labour and current secretary of the interior, Luisa Maria Alcalde. Of course, legal and institutional changes do not bring about profound social change when the powerful interests of influential persons and groups are at stake, as in Mexico’s economy and labour movement.

The corporatist union leaders and their allies in government and business have not gone away and are unlikely to give up their power without a fight. So, to realise the wholesale transformation of the corrupt and undemocratic labour relations regime, a social force must take advantage of the legal and institutional changes and carry out the transformation in practice in the real world.

INDEPENDENT UNIONS’ CURRENT STRUGGLES TOWARDS ORGANISING AND AGAINST CAPITAL

One of the first tests of the new labour regime came in January 2019, when the new Morena government announced a twenty percent increase in the national minimum wage, and a hundred percent increase in the minimum wage in the northern border region, where most of the *maquiladoras* (export manufacturing facilities) are concentrated. This sparked a wildcat strike by 45 000 maquiladora workers in Matamoros, Tamaulipas, who walked out to protest that the increase was not passed on to workers earning above minimum wage, even though their CTM contract mandated that it would be. The workers rebelled against the union’s inaction and demanded a twenty percent across-the-board increase and a 32,000 peso (US\$1600) bonus. After two weeks on strike, the employers and Tamaulipas state government asked the Mexican secretary of labour to intervene, as would have been normal under previous administrations. However, this time the secretary of labour directed her deputy secretary to respond; he publicly advised the employers to “sit down and negotiate” and declared that the federal government would not intervene. Shortly after this declaration, the workers won their demands. Out of this historic struggle was born the “20/32

Movement” and a new independent union, the National Union of Workers of Industry and Services (SNITIS). The new union went

on to challenge the CTM for representation rights in other plants, as mentioned below.

The next test of the new labour law and, in addition, the labour provisions of the USMCA, was a challenge to one of the most potent corporatist CTM unions and the US corporate giant General Motors, by the workers and their supporters at the 6500-worker GM assembly plant in Silao, Guanajuato.

This challenge resulted in an unprecedented and historic vote in which the workers rejected the CTM contract, which was terminated on 3 November, 2021. This victory was only possible because workers denounced the CTM’s destruction of ballots in the first attempt to hold the vote. The US trade representative and the Mexican secretary of labour intervened under the terms of the Rapid Response Labour Mechanism, and a new election was ordered.

On 10 December, 2021, a new independent union led by GM Silao workers, the National Independent Union of Workers of the Auto Industry (SINTTIA), filed a request for a certificate of representative status that would entitle them to represent the GM Silao workers and negotiate a new contract with GM. However, their right to represent the workers and bargain a new contract was challenged by two CTM unions and a CROC union, all representatives of the traditional “official unions” of Mexico’s past.

The Federal Center for Conciliation and Labour Registration conducted the vote on 1 February, 2022, with observers from the National Elections Institute (INE), the National Commission for Human Rights, and “external observers” who had applied for and received accreditation from the Federal Center.

The independent union SINTTIA surpassed all expectations with 76% of all the votes cast, 4192 votes. In contrast, the nearest rival, a CTM union from Jalisco, got 932 votes, a Guanajuato CTM union got 247 votes, and the CROC union got just 18 votes. The result of the vote sent SINTTIA supporters into loud celebration, chanting “*Si, Si, SINTTIA*” with their fists in the air. Within a few months, on 10 May, 2022, SINTTIA negotiated a first contract with General Motors, with an 8.5% wage increase, one of the best settlements in the Mexican auto industry.

Two thousand workers at Saint Gobain Sekurit, an auto glass factory in Cuautla, Morelos, voted down a protection contract held by the notoriously corrupt and violent Confederation of Workers and Peasants, or CTC, despite threats to organisers and workers by CTC thugs, and the new union, the Independent Union of Free and Democratic Workers of Saint-Gobain Mexico won an overwhelming election victory, earning the right to represent the workers and bargain a new contract.

In San Luis Potosi, 1200 workers at 3M Purification, a manufacturer of diverse consumer products including auto wax and personal protective equipment, voted down their protection contract and joined a new independent union, the Mexican Workers’ Union League (LSOM).

The LSOM went on to win an election against a CTM union at a Goodyear tyre plant in San Luis Potosi and successfully forced the company to accept the rubber industry sectoral contract (*contrato-ley*). This resulted in a multi-million dollar back-pay

settlement and a substantial wage increase for the 1200 workers. A USMCA Rapid Response Labour Mechanism complaint aided this victory.

There have been approximately twenty Rapid Response Labour Mechanism complaints to date. More than half of these complaints have been resolved favourably, resulting in independent union victories over protection unions, including at Panasonic Automotive in Reynosa, Tamaulipas, Tridonex Auto Parts in Matamoros, Tamaulipas, by the National Union of Industrial and Service Workers (SNITIS), the independent union that arose out of the Matamoros wildcat strike; Teksid Hierro Foundry in Frontera, Coahuila, by the National Mine and Metal Workers Union (Los Mineros); and at Fraenkische Industrial Pipes in Silao, Guanajuato (by SINTTIA, the independent union that was formed at General Motors).

These are all important victories, and one significant characteristic of these new independent unions – SINTTIA, SNITIS, LSOM – is that they are all national industrial unions and not enterprise unions like most of the earlier independent unions at Nissan, VW and so on.

However, these few victories in more than five years since the labour law reform and the USMCA went into effect are just the beginning of efforts to transform the labour relations regime in which the old corrupt protection unions continue to control most collective bargaining agreements.

A NEW INSTITUTIONAL SETTING

As a result of the Labour Law Reform process requiring the legitimization of all 139 000 registered collective bargaining agreements by secret ballot, 27 336 were validated, and approximately 600 were voted down. More than 100 000 contracts, about eighty percent of the total, were invalidated because they were not submitted to a vote, confirming the large number of “protection contracts”. Approximately 4.9 million workers participated in a successful legitimization vote, indicating the number of union members covered by a valid collective bargaining agreement. This is far below the number of members claimed by the 4000 or so registered unions – the CTM alone claims 4.5 million members.

The director of the Federal Center for Conciliation and Labour Registration (CFCRL), which was created by the 2019 Labour Law Reform, recently stated his surprise that, contrary to expectations, only 97 new union registrations have been issued since the reforms went into effect. In addition, he also called attention to the fact that many applications for representation certificates had to be denied because they appeared fraudulent and likely were prepared by the employers, and that a relatively small number of certificates had been issued; only one-third resulted in signing collective bargaining agreements.

Tens of thousands of collective bargaining agreements were invalidated by this process, and the relatively small number of workers involved in the legitimization vote (4.9 million out of more than 22 million workers registered with the Mexican Institute of Social Security) indicates a low union density and a vacuum of union representation.

The question arises: if there is a vacuum of union representation, and the institutional reforms in labour law and the USMCA Rapid Response Labour Mechanism are in place to guarantee respect for labour rights, why is more union organising and collective bargaining not taking place? Here are some possible answers.

First, the older independent unions are mostly enterprise unions that have shown little desire to expand their reach beyond their workplace. They are focussing on satisfying their current members and maintaining their current position in the enterprise. As a result, they have minimal infrastructure and staff, only enough to serve their members. Nonetheless, the respect they have earned as examples of successful struggles for independence from the corporatist system, and as democratic organisations achieving good contracts for their members, gives them significant prestige and status in the independent labour movement.

The new independent unions – SINTTIA, SNITIS and LSOM – are industrial unions and do have a desire to expand, as can be seen by the multiple campaigns they have undertaken. However, as new unions, they have few resources, employ no organisers, researchers or lawyers, and up to now have depended on external organisations’ funding and material support.

The US labour movement has supported Mexican workers and unions, primarily through support of the labour law reform movement and the negotiation of the labour chapter of the USMCA. Up to now, US unions have relied on the Solidarity Center, which is primarily funded by the US government, to represent their interests in Mexico. However, that has recently begun to change, as unions such as the United Steelworkers (USW) and United Auto Workers (UAW) and a few others have become more aware of the need for a stronger Mexican labour movement to confront US and multinational corporations’ race to the bottom. The USW has developed a strong relationship with *Los Mineros* (SNTMMSRM), with whom they share a common industry and major employers, and whose general secretary, Napoleon Gomez Urrutia, was persecuted by the previous administration and spent several years in exile in Canada, hosted by the USW, until he became a Morena senator in 2018 and was able to return to Mexico. The UAW, which has seen the US “Big Three” (GM, Ford, and Stellantis) open many assembly and component plants in Mexico, recently had a change in leadership leading to a more aggressive organising approach and has announced plans to extend support for independent union organising in Mexico.

Hopefully, the new independent Mexican unions will develop the resources from within their ranks, build their infrastructure, develop a targeting strategy, refine their organising approach, and increase the scale of their successes. Engagement with US unions would be especially beneficial in organising some of the corporations that operate on both sides of the border. It would also be helpful if many more new unions were formed in other sectors, especially in the commercial and service sectors, where most Mexican workers are employed.

The path forward to a more democratic and representative labour movement, with higher wages and improved working conditions, is open. However, to realise the opportunities presented by the institutional changes of the past few years, more unions, more resources, and many more struggles will be required ■

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