

**Canadian Mining and Labour Struggles in Mexico:
The Challenges of Union Organizing
and the Weaknesses of Corporate Social Responsibility**

In partial fulfillment of the requirements for the Degree of Master of Arts

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Supervised by Donald Wells
MA in Work and Society
September 2012

Index of Acronyms

AFL-CIO	American Federation of Labour-Congress of Industrial Organizations
CAT	Workers' Support Centre
CAW	Canadian Auto Workers union
CGT	General Confederation of Labour
CIDA	Canadian International Development Agency
CJM	Coalition for Justice in the Maquiladoras
CROM	Regional Confederation of Mexican Workers
CSR	Corporate Social Responsibility
CTM	Mexican Confederation of Workers
DFAIT	Department of Foreign Affairs and International Trade (Canada)
FAT	Authentic Labour Front
ILO	International Labour Organization
Local 142	Union Local of the <i>Mineros</i> (SNTMMSSRM) at the El Cubo mine
Local 309	Union Local of the <i>Mineros</i> (SNTMMSSRM) at La Platosa mine
<i>Mineros</i> Union	National Union of Mine Workers of the Mexican Republic (SNTMMSSRM)
NAFTA	North American Free Trade Agreement
NCP	National Contact Point
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
PAN	National Action Party
PBI	Peace Brigades International
PDAC	Prospectors and Developers Association of Canada
PRD	Party of the Democratic Revolution
PRI	Institutional Revolutionary Party
PRODESC	Economic, Social and Cultural Rights Project
SE	Secretary of the Economy (Mexico)
SNMMDNGS	Napoleon Gomez Sada Pavon Union (company union split from SNTMMSSRM)
SNTMMSSRM	National Union of Mine Workers of the Mexican Republic (the <i>Mineros</i>)
SME	Mexican Electricians Union
STPS	Secretary of Labour and Social Services (Mexico)
USW	United Steel Workers

Canadian Mining and Labour Struggles in Mexico: The Challenges of Union Organizing and the Weaknesses of Corporate Social Responsibility

Paul Bocking

ABSTRACT: Focusing on a case study of a union organizing effort at the La Platosa mine from 2009-2012, this paper studies the challenges facing labour activism at Canadian mining companies in Mexico within the context of the North American Free Trade Agreement. The positions of the Mexican and the Canadian governments in relation to contemporary workers' struggles in Mexico's mining sector are considered, particularly the latter's adoption of a 'corporate social responsibility' approach to addressing the activities of Canadian extractive firms abroad. By studying the outcome of the request for mediation filed by La Platosa miners with the Canadian government's Extractive Sector CSR office in 2011 and evaluating the evolution of this government's policy approach to extractive companies abroad since 2009, we find that CSR as practiced by the Canadian government has been ineffective at mitigating abusive practices by Canadian mining companies in Mexico and that an alternate outcome is not to be expected under existing policy structures. The relative strengths and weaknesses exhibited during labour organizing at the La Platosa mine are evaluated to find both locally specific and more broadly applicable strategies which could be applied to union renewal, both by workers employed under NAFTA's transnational sector, and by the general labour movement.

Introduction

This paper is concerned with the experiences of worker organizing at Canadian mining companies in Mexico, focusing on a contemporary struggle at the La Platosa mine operated by Excellon Resources adjacent to the La Sierrita ejido¹ in the northern state of Durango. Mexican miners striving to unionize at Canadian firms or maintain collective

¹ An ejido is a an agricultural community in Mexico established during the land reform initiatives following the Mexican Revolution, in which land is communally owned and cultivated. Neoliberal reforms in 1992 permitted the privatization of ejidos by private sales of individual cultivators, resulting in the breakup of many communities particularly in the north of the country, where much of their land was ultimately acquired by large agri-businesses, maquiladoras and resource extraction companies like Excellon.

bargaining at companies taken over by Canadian owners confront a substantial array of challenges from fervently anti-union employers. Anxious to ensure a climate favourable to foreign investment, the Mexican government has consistently sided with the mining companies, subverting labour laws and deploying physical force to do so. By studying key instances in contemporary miners' labour struggles, including a union election at the Excellon mine in July 2012, this paper evaluates the strengths and weaknesses of miners' resistance to Canadian transnationals where they have been able to draw on a combination of self-organization, grassroots connections to community-based mining struggles and international allies in the US and Canada. We will also assess challenges that stem from labour repression by the Mexican government and internal divisions within the national *Mineros* union, which is closely related to support given by Excellon Resources and other mining corporations for a resurgent company unionism. I examine two key strategies used by miners in union struggles at Excellon and other Canadian mining firms: the rooting of labour mobilization within community-led conflicts with the mine; and the cultivation of broader awareness of the struggle in order to generate external pressure (national and international) on the mining company and the Mexican government.

A second focus of this paper is evaluating the effectiveness of the Canadian federal government's *corporate social responsibility* (CSR) strategy, in which companies are encouraged voluntarily to adhere to guidelines on labour and human rights developed by the Organization for Economic Cooperation and Development (OECD). The

centerpiece of this approach is the Office of the Extractive Sector CSR Office, a branch of the Minister of International Trade established in 2010, in which impacted groups in Mexico and elsewhere can request mediation with the offending company, should it agree to participate. As part of my analysis of Canada's CSR strategy as it relates to the labour struggle at the La Platos mine, I will also assess whether CSR policies motivated by the threat or presence of community/labour conflicts, as has arguably been the case of recent history in Mexico, is actually CSR in the sense of strictly *voluntary* corporate 'good governance'. For this task I draw on Davis (2011) for her empirical research on costs accruing to multinational extractive sector firms from community/labour conflicts and their motivation for company adoption of CSR policy. As this paper will argue, the existence of the OECD guidelines and the CSR Office have been wholly inadequate in reducing the propensity of Canadian mining companies to commit abuses, as demonstrated by the experience of the case submitted by the workers of Excellon against the company. The non-existence of binding Canadian government regulations on corporate activities abroad and the generally complicit role of the Mexican state is evidence of the overwhelming imbalance between labour and capitalist class power, in Mexico, but also in Canada. In the absence of state support, workers in Mexico must rely on their own workplace organizing to shift the balance of power under NAFTA.

It is hoped that this study evaluating the challenges and successes of worker organizing in Canadian mines in Mexico and the effectiveness of the Canadian government's CSR strategy, will reveal an important instance of how labour markets and

worker organizing has been transformed under NAFTA. The rise of the Canadian mining sector in Mexico since NAFTA, an important example of its growth globally during this time, has received little academic attention as this free trade agreement is increasingly taken for granted and shifted into the background of political economy. Attention devoted to its impact on workers and affected communities in Mexico is even less evident. A critical evaluation of the evolution of the Canadian government's international extractive sector CSR strategy since its release in 2009 is also needed. Beyond addressing these under-examined areas, this paper also intends to contribute to broader conclusions on the conditions under which we may see a reinvention of unions and the labour movement in an era of fierce state opposition and empowered transnational capital.

The local context of Excellon's mining operations in the La Sierrita community and the broader evolution of the labour market in the Mexican mining industry before and following NAFTA will be introduced in chapters 1 and 2. In chapter 3, we will study specific challenges for effective organization among mineworkers and evaluate the relative successes of strategies employed by miners and their allies. The effectiveness of the Canadian government's CSR voluntary guidelines approach to Canadian transnationals abroad will be analyzed in Chapter 4.

Research for this paper is drawn heavily from interviews conducted by the author with miners, NGO activists and an academic specialist involved in the case. The author was present at the mine site during the union election in July 2012. Public documents released by the Canadian government's Extractive Sector CSR Office on the La Platosa

mine case are also extensively cited. More information on research methods can be found in the Methodological Appendix following the conclusion of this paper.

Chapter 1: Canadian mining capital comes to La Sierrita

Resource extraction, foreign investment and miners' struggles have a long history in Mexico dating back to Spanish colonization in the 16th Century and the resistance of Indigenous forced labour. From the mid-late 19th Century, Mexico's mineral deposits attracted a wave of international finance. US and British capital established mines with the support of the modernist dictatorship of Porfirio Diaz. The dramatic strike of Mexican miners in 1906 at the US-owned Cananea copper mine and its repression was a crucial precursor to the Mexican Revolution four years later.

Though on a much smaller scale and under-reported, the labour and community struggles which have existed nearly from the outset of Excellon's La Platosa mine in 2004, have over the past two years emerged to provide an important case study for resistance against a transnational extraction company under NAFTA and the limits of voluntary corporate self-regulation. Formed by presidential decree in 1980 encompassing 6,436 hectares of arid, hilly land, 40 kilometres from the regional hub of Torreón/Gomez Palacio in the northern state of Durango, La Sierrita de Galeana was part of the last wave of land reform in Mexico, prior to the amendment of the Mexican Constitution in 1992 which permitted the privatization of ejidal land. The land of this ejido devoted to family cultivation is divided between 127 landowners, mostly older men, and their families. In

accordance with Mexican law and established communal practice, decision-making in respect to land issues in the ejido are made democratically at monthly general assemblies of the constituent landowners (OECD Excellon Complaint 2012: 2-3).

Toronto-based Excellon Resources was a junior exploration company from its formation in 1987 until the start of production at La Platosa, following extensive drilling operations and entry of ejidal lands without prior authorization, drawing early opposition from the ejido. The Economic, Social and Cultural Rights Project (PRODESC), a Mexico City-based Non Governmental Organization (NGO), which provides organizing assistance and legal counsel for communities and workers in conflict with transnational corporations, was invited by the ejido soon after the organization's founding in 2005 to help them confront Excellon. Community demands were pressed over two rounds of unsuccessful negotiations in December 2007, in which PRODESC acted as legal counsel, ending with Excellon's refusal to continue participating, citing the demands as unaffordable. The ejido subsequently alternated between road blockades- shutting down the mine completely for days at a time and limited negotiations with the company. Following four years of organizing and protests by its members, a contract was officially negotiated in 2008, setting a rental rate for the company's use of 1 100 hectares of ejido land, as part of 41 000 hectares of land claimed by Excellon (PRODESC 2007; PRODESC 2008; PRODESC July 26, 2012; OECD Excellon Complaint 2012: 6).

Since 2008, conflicts between La Sierrita and the company have centered around Excellon's refusal to honour other elements of its agreement with the company centered

around preferential local hiring and procurement clauses, and the installation of a water filtration plant enabling salinized water pumped out of the mine to be used for farming in the drought-ridden area. The community also charges that Excellon has consistently explored and appropriated additional ejidal lands beyond those specified in the agreement. Significantly, it is believed that a large proportion, perhaps the majority of the most valuable silver deposits are located within ejidal territory either rented by Excellon or used without the community's permission. As a result, the ejido holds a degree of leverage over the company, at least on paper, should it choose to exercise its right to revoke the rental agreement (OECD Excellon Complaint 2012: 6-8).

Soon after establishing operations, in 2005 Excellon contracted a pro-company union, the "Vicente Guerrero Union" to officially represent its workforce, without their knowledge. Company unionism is widespread in Mexico (CSR Office Final Report 2011: 12-13). Within this labour relations structure, an employer pays an organization to legally represent its employees as a union. As a dependent agency of the employer, the company union serves to mitigate labour unrest and make the formation of a genuine independent union more legally complex. During the 70 year rule of the Institutional Revolutionary Party (PRI) over Mexico beginning in the late 1920s, the PRI established the institution of 'corporatist' unions- in which labour organizations were incorporated (subordinated) to this party, which in turn controlled the national state. The most important national labour organization under this system is the Mexican Confederation of Workers (CTM), which brings together numerous local PRI unions. With the loss of national power in 2000,

many former PRI-led unions like the Vicente Guerrero Union subsequently found new patrons in the form of private sector employers. Although this specific labour organization disappeared from sight during the ensuing labour struggle at the La Platosa mine, company unionism has emerged as one of the key challenges facing genuine worker organizing at Excellon Resources, as will be discussed further in chapter 3.

The national miners' union (SNTMMSSRM), referred throughout this paper by its common name in Mexico, the *Mineros*, is the principal labour union of the mining and metal manufacturing sectors of Mexico. Pro-union workers with support from PRODESC organizers formed Local 309 of the *Mineros* at La Platosa, which claims the membership of roughly 100 of the 129 workers eligible to join the bargaining unit at the mine (approximately 70 additional employees at the mine are considered by the Durango Secretary of Labour to be ineligible due to managerial status or access to confidential data). Founded in the late 1930s with official support during the nationalist government of Lazaro Cardenas, the national union grew powerful first through its propensity for militant strike action and strong industrial unionism, and after its takeover by the PRI in the mid 1950s, as the labour organization privileged by the state in Mexico's burgeoning industrial economy (Wise 2005: 68). As will be described in chapter 2, unlike the CTM which remains a staunch ally of the PRI and employers, the *Mineros* increasingly gained their independence in the late 1990s and 2000s, emerging as arguably the most important contemporary private sector union in Mexico.

Many of Excellon's over 200 employees are from the adjacent ejido. During meetings facilitated by PRODESC to organize against Excellon's non-compliance of the land use agreement with the ejido, concerns from workers employed by the company naturally emerged, particularly relating to safety issues in the mine. Meetings dedicated to union organizing began in 2009 (OECD Excellon Complaint 2012: 16; Interview with PRODESC Organizer 1, July 5 2012, Gomez Palacio, Mexico). The evolution of the workers' struggle, and some of the crucial challenges it has confronted, as well as its successes, not least of which is its continued close relationship with the community-based conflict from which it emerged, will be analyzed in chapter 3. The next chapter will first establish the national and international context of labour market changes, free trade and neoliberal governments, in which the La Platosa conflict is located.

Chapter 2: Evolution of state/labour policy in the Mexican mining sector under neoliberalism & NAFTA

Transformation of the Mining Sector: from Mexicanization to Privatization and NAFTA

Despite the nationalization of the foreign-controlled oil industry in 1936, ownership of Mexico's mining sector remained largely unchanged until 1961.² Motivated by a desire to spur investment in a stagnant industry and enable Mexico's growing manufacturing sector to source its basic metals domestically, the Mexicanization of Mining Law decreed that mining could only be undertaken by the state and private

² As late as the early 1930s, 98 percent of all mines in Mexico were owned by foreign investors (Wise 2005: 67).

companies financed with a majority of national capital. An oligopoly soon emerged dominated by state-run firms and Grupo Mexico and Grupo Peñoles, in 2012 the second and third largest mining firms in Latin America, after Brazil's privatized firm, Vale (Wise 2005: 69).

The onset of neoliberalism witnessed changes to the Mining Law in 1992 in preparation for the passing of the North American Free Trade Agreement (NAFTA), which allowed foreign companies to return to Mexico's mining sector. The first foreign exploration firms appeared in the late 1990s, the vast majority of which were Canadian. Driven by profitable new domestic investments and the opening of new operations abroad, Canada's resource extraction sector entered a boom. It quickly became (along with the financial sector) Canada's industry with the "strongest external investment presence" (Natural Resources Canada 2012). Fueled by finance raised through the Toronto Stock Exchange, the world centre for mining capital, the Canadian mining industry has become the largest by assets in the world, with over 1000 companies holding at total of \$129 billion in investments abroad in 100 countries (the sector is highly concentrated with the largest 70 companies accounting for 90 percent of these assets) (Natural Resources Canada 2012). Canada moved from the fifth largest investor in Mexico in 2007 to the second after the US in 2011, driven by the rapid rise of Canadian mining companies over the past ten years. Of 269 foreign mining companies operating in Mexico in 2010, 204 were Canadian (the vast majority conducting exploration activities

with only 25 companies operating 40 functional mines) (CSR Office Final Report 2011: 5).

Neoliberalism and shifts in state labour market policy in the mining sector

While NAFTA, related pro-investor laws in Mexico and a supportive government back home bolster the confidence of Canadian mining firms, equally important as contributing factors are significant contemporary changes in the political structures of Mexico. Prior to the mid 1980s, national political-economic strategy centered on Import Substitute Industrialization and a limited degree of demand-side driven growth, under which a role existed for corporativist relations between the state and industrial unions like *Los Mineros*. In return for the union's responsibility for managing labour peace and collecting votes for the governing party among the ranks of hundreds of thousands of workers concentrated in massive mills and mines, their members would enjoy stable employment conditions and an extensive 'social wage' (Levy 2006: 73-74, 158).³

The onset of the global profit squeeze of the mid 1970s and Mexico's debt crisis in the early 1980s contributed to the subsequent austerity-driven erosion of this social safety net as characterized by social programs and institutionally determined employment conditions (Levy 2006: 76). An important component of the subsequent plan of the neoliberal administrations of Miguel de la Madrid and Carlos Salinas to maximize profit

³ Key components of the social wage in Mexico available to permanent, formal private or public sector employees include employer contributions towards the purchase of a home and access to basic health services. As of the late 2000s, a state-administered defined benefit pension plan is now being replaced with an enforced savings scheme (defined contribution plan) for future retirees. Up until its decline in the 1990s, all workers benefited from subsidized consumer prices for food staples and fuel.

through foreign investment and state deregulation involved slashing the ranks of permanent workers through closing or privatizing major state-run steel firms and mining companies. The neoliberal project entered the mining and mineral processing sector in 1985 with the shut down of the nation's oldest steel foundry in Monterrey, resulting in the loss of over 10 000 jobs unionized with the *Mineros* (Ramirez 1995: 97-98). Four years later 9 000 more *Mineros* members lost their jobs through restructuring following the privatization of Mexico's largest steel mill, Altos Hornos de México (Ramirez 1995: 100). According to figures of the corporativist CTM (to which the *Mineros* was then affiliated), corroborated by the Mexican government's Treasury Secretariat of Privatizations, 40 000 jobs were lost in the *Minero*'s core jurisdictions of the steel industry and 15 000 to 20 000 in mining during the privatization drive of 1983-1989 (Ramirez 1995: 97-101).

Alongside substantial losses of unionized *Minero* jobs, came worsened conditions for those who retained employment. To make the iconic Cananea mine attractive for its eventual private buyer Grupo Mexico, the Salinas administration placed the nationalized firm under bankruptcy proceedings, allowing the government to legally void the standing collective agreement, fire 2 800 miners (23% of the workforce) and rehire the remaining workforce under new conditions including 24 hour shift work and lower wages. Salinas dispatched 3 400 troops to occupy the mine and head off potential labour militancy during the enactment of these policies and the sale of the mine in 1989 (Ramirez 1995: 100-101). Conditions steadily worsened for miners as Grupo Mexico saw no reason to respond to the demands of their union. Citing serious health and safety concerns including deadly

levels of dust below ground and in the processing mill due to the company's reluctance to invest and maintain proper ventilation equipment, workers initiated a strike in 2007 that lasted three years. Despite losing billions from no production at its biggest copper mine, with its diversified, multinational operations, Grupo Mexico strove to outlast the workers until the Mexican Supreme Court declared the strike illegal and deployed thousands of soldiers to evict the occupying miners and restore production under scab labour (Ramirez 1995: 97-101).

The *Mineros* union leaves the corporatist fold

While newly established Canadian mining companies are particularly known for their aggressive disregard for the interests of local communities and the well being of their labour force, it should be recognized that this behaviour is not unique to foreign or Canadian companies, but is increasingly the standard policy for the major Mexican mining firms in the era of neoliberalism. It is also within this context that the national *Mineros* union transitioned from leadership under Napoleón Gómez Sada to his son Napoleón Gómez Urrutia. Despite a dynastic succession resembling the Teamsters under the Hoffas, in which a son who had never worked as a miner picked up the torch of his deceased father who had ruled with an iron grip, the union surprised many as it left the corporatist fold of Mexican labour and began actively challenging the mining corporations through collective bargaining, militant strikes and new organizing.

The victory of the National Action Party (PAN) over the Institutional Revolutionary Party (PRI) at the national level in Mexico in 2000, saw significant shuffles in policy and personnel in key ministries including the Secretary of Labour and Social Services (STPS) and the Secretary of the Economy (SE). State bureaucrats and politicians who to some degree recognized the *Mineros* on an institutional level, and to an extent continued to ply its senior leaders with political patronage (even as actual PRI economic and labour policy was in direct conflict with the interests of the miner's union since the onset of privatization and mass layoffs), were replaced with appointees even more closely aligned to the interests of domestic and foreign mining firms. This trend appeared to have intensified with the reelection of the PAN in 2006, which had received generous campaign donations from Mexico's biggest mining conglomerate, Grupo Mexico. Under the Calderon government, the Labour, Economy and Energy Secretaries are resolutely hostile to the miner's union (and independent unions generally), given its traditional support for the PRI, but increasingly for its newfound militancy (Interview with US Anthropologist, Toronto, June 14, 2012; Levy 2006: 77-78).⁴ With the *Minero's* national executive endorsement of Party of the Democratic Revolution (PRD) 2012

⁴ The degree of animosity between the Mexican Secretary of Labour and the *Mineros* union is symbolized by the ministry's refusal for over six years to legally recognize Napoleón Gómez Urrutia as the president of the miner's union. Shortly after Urrutia declared a 2006 mining disaster in which 65 miners died at the Pasta de Conchas facility owned by Grupo Mexico to be a case of "industrial homicide" due to the company's reckless disregard of health and safety standards, the Secretary of Labour charged Urrutia with fraud and the misappropriation of millions of pesos in union funds. Urrutia subsequently fled to Vancouver, Canada where he has since claimed refugee status. Despite several rulings by the Mexican Supreme Court overturning the charges of the Secretary of Labour, the ministry did not officially recognize Urrutia until June 2012. He has since announced his imminent return to Mexico (Muñoz Rios 2012).

presidential candidate Andres Manuel Lopez Obrador and denouncement of both the PRI (“who have forgotten us while we faced intense persecution,”) and the PAN, it appears that the possibility of a return to corporatist relations following the PRI’s 2012 presidential victory have been foreclosed for the foreseeable future. The result will likely be a continued emphasis on the part of the union on independent mobilization and struggle directly with employers, and less likelihood of a return to reliance on established state-labour mediation structures (La Jornada 2012).

Confronted by both fervently anti-union Canadian and domestic mining companies as well as an aggressively antagonistic federal government, since 2000 the national leadership of the miner’s union has increased its support for its far flung locals including those with histories of unionization as at Grupo Mexico, as well as at firms bought out by Canadian investors like AuRico’s El Cubo, and to unionize new mines opened by Canadian companies including Excellon and Goldcorp (Interview with US Anthropologist, Toronto, June 14, 2012). In 2011, over 300 000 workers were employed directly by Mexico’s mining sector (CSR Office Final Report 2011: 5). Estimates of the *Mineros* membership (much of which is employed in the steel industry, auto parts and metals manufacturing) range from 75 000 (those locals firmly aligned with the exiled Napoleon Gomez Urrutia leadership) to 260 000 (including dissident-led locals- this number may include the 10 000 members claimed by the SNMMDNGS union fraction controlled by Grupo Peñoles) (Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 4, 2012; CSR Office Final Report 2011: 9). The quickly expanding,

unorganized Canadian-led mining sector is a primary sector for growth for the *Mineros* union. Goldcorp, with its five facilities- all unionized, represents a major exception. In June 2012, the annual national assembly of the *Mineros* declared its intent to organize 10 000 more members over the following year (La Jornada 2012).

Corporativism's legacy: state power and the weakness of the Mexican labour movement

Statistics on Mexican unionization rates are notoriously difficult to interpret. Even the carefully documented work of perhaps Mexico's preeminent labour academic, Javier Aguilar (2001), is difficult to interpret for the crucial reason that in charting unionization rates, he does not distinguish between membership in corporativist pro-employer unions and genuine independent unions. A widely cited English-language study (Fairris 2004) of unionization rates between 1984 and 2000 has the same problem, however its conclusions are still useful to broadly illustrate that a decline from coverage of 30% to 20% of the formal working population occurred. Within the mining sector, unionization shrank from 61% to 47% of the workforce (Fairris 2004: 10-11). Drawing on the contemporary figures above on *Mineros* membership levels and the total size of the mining workforce, it can be extrapolated that sectoral union density declined at a even more substantial rate during the 2000s, coinciding with the rapid entry of nonunion Canadian firms and effective strategies utilized by employers and governments to thwart organizing efforts. The conclusions of Fairris and Levine's study support this belief as they found that across sectors, only one quarter of the decline could be attributed to

demographic changes, such as falling employment in heavily unionized sectors.

Meanwhile three quarters of the decline in unionization rates in Mexico can be attributed to “systemic institutional changes,” which they describe principally as increased hostility towards (independent, authentic) union organizing on the part of PRI governments and employer resistance, which manifest themselves in interference with union elections, firings of supporters and the shutdown of unionized facilities (Fairris 2004: 14). The particular antipathy described above of the Federal Secretary of Labour under the PANista Calderon government to the *Mineros* union fits into this pattern.

The state of non-unionization in most of the mining sector, as in the Mexican labour market as a whole, renders sector wide negotiations a distant possibility for the immediate future for the *Mineros* union (Interview with PRODESC Organizer 2, Gomez Palacio, Mexico, July 4, 2012). The absence of strong national sectoral agreements is both an important cause and symptom of the historic weakness of the Mexican labour movement.⁵ Unions established and maintained pattern agreements which set uniform conditions in the steel and automotive industries across Canada and the United States from the late 1930s into the late 1980s. While removing the ability of powerful transnational employers to whipsaw wages or relocate production during a work

⁵ A historical exception would be the interwar era national textile collective agreement, the product of the early post-revolution era, in which the government-backed CROM union federation won important concessions including job security and the eight hour day from foreign mill owners as part of its effort to win the loyalty of workers influenced by contemporary anarcho-syndicalist unions. The decline of the CGT and the Mexican branch of the Industrial Workers of the World in the late 1920s soon led to the weakening of these agreements. As has been the tradition to the present day, the economic objectives of corporatist unions have been determined by the government’s desire to maintain a low-wage environment attractive for multinational employers (Caulfield 2004: 452).

stoppage, the gains unions were able to leverage through these agreements set the standard for negotiations across manufacturing and other sectors at the height of private sector unionism in North America. Pattern bargaining effectively used industrial unionist strategies to trump local geographical isolation. The rise of Neoliberalism saw many large employers prioritize anti-union strategies and the winning of government legislation (such as deregulation, allowing firms to legally subcontract to arms-length non-union firms), to weaken this form of negotiation, to the extent that it is now very limited (Camfield 2011: 16; Middlebrook 1991: 276).

Corporatist labour relations, in which the CTM was established with government support as the principal private sector union centre in the late 1930s, prevented comparable union structures from ever developing in Mexico. Although independent unions did emerge within specific major manufacturers in Mexico- notably Volkswagen, and at individual long-established General Motors, Ford and Nissan assembly plants, they were never able to successfully coordinate bargaining or the pressing of demands on a meaningful industry-wide level. Wage gains even at the height of the independent auto union movement in the 1970s were limited as a result of the inability of individual locals to shut down an entire production chain, as was done in the heyday of North American autoworkers. Established workers' groups at the latter were eliminated in the late 1980s and early 1990s when these American and Japanese firms transferred production to new maquiladora operations (Middlebrook 1991: 275-278).

On the basis of its industry-wide presence in the mining and steel sectors, the *Mineros* union was a powerful force from its founding in the late 1930s till the early 1950s, when the PRI installed new leaders to control the union (Caulfield 2004: 445). Again reflecting the harmful legacy of corporativism, the *Mineros* union lost the power with which it could have facilitated national bargaining, up to the transformation of these sectors in the mid 1980s. The breakup of state firms in the late eighties, the entry of nonunion Canadian firms since NAFTA and emergence of company unions in the early 2000s have since shifted the composition of these sectors so that the *Mineros* currently represents a minority of the mining workforce.

Workers' self-organization and the union movement in Mexico have been in a state of crisis long before the implementation of NAFTA in 1994. The period since can be defined by challenges emerging from the rising power of transnational corporations in relation to their workforces. Few other sectors of the Mexican economy have been transformed to the extent of Mexico's mining industries by foreign investment since NAFTA.⁶ The size, diversification and geographical dispersal of the operations of transnationals⁷ serves to greatly curtail worker power when strikes and collective bargaining are limited to a single, or a small number of the company's worksites affiliated with a local union, as is typically the case not only in Mexico, but in both other NAFTA partners, Canada and the United States as well (Caulfield 2004: 445). These

⁶ Others would be the retail sector with the dramatic rise of Wal-Mart and the continuing eclipse of longstanding national manufacturers with foreign-dominated maquiladoras.

⁷ Including of course, not only foreign-based transnationals, but also Mexican corporations with extensive operations at home and abroad including Grupo Mexico and Grupo Penoles.

characteristics have served to mitigate a major advantage of resource extraction workers in relation to manufacturing workers, as the workplaces of the former cannot be relocated.

Many labour strategies which could challenge the power of multi-site transnationals, especially sympathy strikes and walkouts, are illegal in all three countries insofar as they disrupt collective agreements currently in place. However the degree of state intervention and control of unions historically and to the present day has been much more profound in Mexico, contributing to a very large extent to the movement's precariousness in relation to those of Canada and even the United States. In Canada and the US a postwar compromise resulted in institutional security for unions and a share of the wealth of the proverbial 'Golden Age' for their members in exchange for curbs on economic militancy and political radicalism (literature on this topic is vast, for example, Fletcher et al 2008: 18-31; Camfield 2011: 69-73). A similar deal was struck in Mexico, the real value of Mexican wages reached their peak in the early 1970s, at which point, wages were one quarter of those of US workers doing similar work (by the early 2000s, the gap had increased to between one eighth and one tenth (Bacon 2004). Responding to massive national railroad workers and teachers strikes in 1958 and 1959, the Mexican Federal government in the early 1960s substantially increased the 'social wage' for many formal sector workers, including housing grants, transportation subsidies, social insurance and price controls on food staples (Caulfield 2004: 452-453). However the Mexican state proved to be more aggressive in controlling the national labour movement, with both more extensive corporatist institutional control and a greater recourse to violence than

either of the governments of its northern neighbours, which were subject to substantively more democratic limitations (Caulfield 2004: 452). It could also be argued that as more substantive political democracy in Canada and the United States enabled the shift of a larger share of the national income to worker's wages than was achieved by Mexico's labour movement, that this consequently blunted the aspirations of workers for systemic change now that a substantial number had risen above poverty-level material conditions. The same did not occur in Mexico, in which large minorities continue to live in conditions of extreme poverty and political exclusion, making governments rely more on corporativism and state violence to safeguard against radical popular movements.⁸

With the weakening of the former hegemony of the PRI over Mexican civil society and unions since the 1970s and particularly since its first defeat at the presidential level in 2000, the consequent rise of independent unionism has been substantially limited by the degree to which state-employer collaboration as demonstrated during the union election at Excellon's La Platosa mine, makes the legal recognition of a new independent union in the workplace extraordinarily difficult.⁹ Some public sector workers have succeeded in democratizing and increasing the independence of their unions in relation to their employers, notably sections of the national education workers' union heavily

⁸ Of course even if wealth was radically redistributed within Mexico, the systemic macroeconomic problems of relative underdevelopment within the global economy would continue to greatly limit living standards for Mexican workers.

⁹ And since the mass firing of all 44 000 unionized employees of the Central Light and Power electrical utility with the liquidation of their employer by the Federal government in 2009, and the breakup of Mexicana Airlines the same year, this has become increasingly difficult even for long unionized workers.

influenced by the democratic teachers' movement as well as some university, municipal and health employees. However the struggle has been far less successful in the transnational dominated private sector. Organizing efforts have been limited since attempts in the 1990s by the Authentic Labour Front (FAT) and the Coalition for Justice in the Maquiladoras (CJM) to formally unionize maquiladoras. Particularly in light of both the consistent denial of impartially conducted union elections and negotiations, and the dramatic turnover of the maquiladora sector in the early 2000s with the departure of numerous garment and textiles firms to east Asia (Bacon 2004; Williams 2003: 526-529; Caulfield 2004: 455), the former has concentrated on the maintenance of workers' support centers and the latter to cultivating grassroots workers' groups which organize around issues in the factories but for the most part do not press for status as legal unions.

Chapter 3: The Workers Organize: analyzing the experience of labour struggles at Canadian-owned mines

Organizing at Excellon's La Platosa Mine

The emergence of workplace organizing at the La Platosa mine from existing community struggles has a crucial antecedent in a similar community and labour conflict with Goldcorp in the southern state of Guerrero. Goldcorp began production at the Filos-Bermejil mine in 2005, gaining access to the land through Federally granted permits and the collusion of a former community leader. The open pit operation became the company's most productive gold mine in Mexico by 2010. Three years earlier, resistance

in the adjacent community led to the formation of a local organization with the assistance of PRODESC which after a series of protests, won concessions from the company resulting in increased payments to the community for usage of the land and investments in local infrastructure (PBI 2011: 13-14).

The presence of community organizers with prior connections to the *Mineros* union (PRODESC) was the crucial connection to initiating worker organizing. Labour demands were also put forward, as most miners were also local residents, and thereby connected to the community struggle. With PRODESC's assistance, the approximately 500 workers at the mine unionized with the *Mineros* later that year. According to PRODESC, through a successful strike and subsequent negotiations with Goldcorp, the workers obtained one of the most favourable contracts in the mining industry (PBI 2011: 13-14; Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 5, 2012). It appears probable that this struggle would not have resulted in the unionization of the miners had it not been for PRODESC's involvement. During this period, the national *Minero's* leadership was itself preoccupied with the Cananea strike, the Secretary of Labour's refusal to recognize the union president and his defense against subsequent corruption charges, as well as internal union dissension. In this case, as at La Platosa, it did not appear to take the initial initiative of organizing at the mine.

The publicized victories of the Filos-Bermejil residents and workforce against a Canadian mine in the Mexican media and the prominent role of PRODESC, led La Sierrita to invite the NGO to assist it in organizing against Excellon soon afterwards.

Labour issues at the La Platosa mine came to the forefront in a similar manner as they did during community organizing at Filos-Bermejil. Many of Excellon's workers were also ejido residents and so their employment grievances were heard during ejidal gatherings. Meetings facilitated by PRODESC dedicated to worker organizing began in 2009.

Amidst poor pay and working conditions, two events occurred the following year which galvanized a majority of workers to pursue unionization. Three workers suspected of theft of company property were detained overnight at the mine and tortured by Excellon security guards in pursuit of a confession. The workers were subsequently freed with no charges laid and a letter of apology from the general manager of the mine, Pablo Garrola. Secondly, a worker was killed in a rockfall while working underground.¹⁰ From these instances, workers' concerns with the impunity by which the company violated their human rights as well as the lack of workplace safety, in discussion with PRODESC and local community leaders, led a majority to join the *Mineros* union, founding Local 309 at a mass meeting of the miners in November 2010. They approached the company to begin collective bargaining immediately afterwards (OECD Excellon Complaint 2012: 16; Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 4, 2012).

¹⁰ Excellon management disputes the story of abuse, claiming it handed over the workers directly to state police, that it was satisfied with how the incident was addressed, and that "Excellon has an exemplary trained contracted security service which is respectful of human rights." (CSR Office Final Report 2011: 12) The apology letter from the general manager to the detained workers was not explained. On the company's health and safety record, the former CEO stated, "There were . . . claims that we didn't issue safety equipment," a frustrated Wyeth seethes. "We've got signatures from every bit of safety equipment people receive. It's standard operation." (Allan 2011). The death of the worker was not challenged. When visiting the mine as an international observer on July 5, 2012, the author observed a large sign at the mine gate stating in Spanish, "Five days since the last accident", while another read, "21 days since the last serious injury."

**Anatomy of a Union Recognition Election:
Excellon Resources, La Platosa Mine July 5, 2012**

Negotiations with Excellon management proved challenging for Local 309 over the course of 2011. Following the public declaration of the union and prior to the start of the year, the company had already fired the elected secretary-general of the new *Mineros* local under false pretenses, contracted a new protection union (the “Adolfo Lopez Mateos Union”, a CTM affiliate which would not become visible until prior to the union election in July 2012), and begun holding meetings on work time during which the general manager and other supervisors pressured workers to disavow the union. Anti-union efforts intensified over the subsequent summer, when management strategy shifted to actively backing an additional protection union, the 'Napoleon Gomez Sada Pavon' union (also known by its initials SNMMDNGS, a split from the *Mineros* union in 2009)¹¹, by holding staff parties under the latter’s name, providing payment to aligned workers and allowing it to freely organize on company property while preventing the *Mineros* from doing the same. Excellon Resources was racking up a series of violations of freedom of association provisions under Federal Labour Law and ILO statutes (OECD Excellon Complaint 2012: 17-18).

After several months with no negotiations and escalating anti-union activity, *Mineros* members held a work stoppage at the mine in August 2011. Three days off work

¹¹ According to several separate labour activists, SNMMDNGS (Napoleon Gomez Sada Pavon Union), is a company union, supported in its foundation and heavily financed by Grupo Penoles, the second largest Mexican mining company after Grupo Mexico (Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 4, 2012; Interview with PRODESC Organizer 2, Gomez Palacio, Mexico, July 5, 2012).

lead to the first round of negotiations, mediated by the Durango state government and PRODESC. Excellon ceased participation in talks a month later, instead orchestrating a blockade of the mine for several days with the SNMMDNGS union¹², subsequently declaring in a media statement that the mine was the subject of a “power struggle between competing labour unions,” and that the company, “continues to respect its employees’ right to organize and will continue to work with the Mexican Labour Authorities to facilitate resolution of the current situation in compliance with Mexican law.” (Excellon 2011; OECD Excellon Complaint 2012: 18-22).

After having overcome numerous obstacles since beginning to organize with PRODESC in 2009, workers participated in a union election at Excellon's La Platosa facility. I was a first hand observer thanks to an invitation by PRODESC to attend the election as part of an international observation team comprised of US and European academics and trade unionists, to discourage the intimidation of workers which is common during union elections in Mexico. My first hand observations of the day's events, upon which much of the following analysis is based can be found in Appendix 2. The *Mineros* lost the election by one vote. Of the 123 votes cast, the SNMMDNGS received 46, the *Mineros* 45 and the CTM aligned 'Adolfo Lopez Mateos Union' 32. The actual voting process itself complied with many of the norms of both Mexican labour law and ILO statutes on freedom of association, with a significant exception that will be

¹² Eyewitness accounts and audio recordings submitted as part of PRODESC and the *Mineros* complaint to the OECD National Contact Point on Multinational Extraction Enterprises Code of Conduct, present mine general manager Pablo Gurrola on the barricades in front of the mine with the SNMMDNGS, turning workers back from entering the facility (OECD Excellon Complaint 2012: 19).

described below. Workers interviewed after the vote as well as lawyers and representatives of the *Mineros* union present at the voting area affirm that potential voters had to present government identification before receiving a ballot, that the ballot was marked by voters in secret and that the ballots were counted in a transparent process without any interference, in front of representatives of all three contesting unions, the company and the Durango Secretary of Labour.

However it was the unanimous conclusion of the observation team (including the author), that the integrity of the election was undermined by the two company unions as well as Excellon Resources, and that this was done with the complicity of Mexican state authorities. In their press release following the election, PRODESC charged that six management employees who should have been excluded from the election based upon the previously established voter's list, were inexplicably permitted to vote by representatives of the state secretary of labour staffing the ballot table. In addition, despite the protection of confidentiality around the actual act of ballot marking, on the days prior to the election, and most significantly on the day of the election itself, miners were subject to a significant degree of implied economic threats from the employer and direct physical intimidation from the SNMMDNGS company union sponsored by Excellon management (PRODESC July 10, 2012). These findings support the conclusion that Mexican unionists face substantial obstacles to organization from both private actors as well as the state, and that these are among the primary barriers facing labour activists in Mexico today.

I will next analyze two of the principal challenges confronting Excellon workers striving to organize with the *Mineros*: the internal weaknesses of the national union and the related rise of company unions, and the pro-employer bias on the part of the Mexican government at critical moments in worker organizing, particularly the union election. Subsequently, my evaluation of the effectiveness of workers' organizing at Excellon will center on the existence of a strong alliance between the miners and the community of La Sierrita as an essential component of the relative success of workers' organizing and secondly, on the ability of international allies present in this struggle to raise broader awareness, generating external pressure which has served to limit the repressive capacities of both the Mexican government and the employer.

Weaknesses in the *Mineros* and the rise of company unionism

As was recounted in chapters 1 and 2, the national *Mineros* union formerly dominated the mining sector and the downstream metal manufacturing industries. The union's turn to militancy and independence since the nineties earned it the growing antagonism of both the Mexican government and the national mining industry. The parallel rise of Mexico-based transnationals Grupo Mexico and Peñoles, the arrival of major Canadian multinationals like Goldcorp, and mining's position in 2010 as the third most important earner of foreign income for Mexico after petroleum and tourism (CSR Office Final Report 2011: 5), makes the mining industry one of the most politically powerful employer groups in Mexico. The *Mineros* have acquired more powerful

enemies than they have ever confronted in the past.

The exile of national *Mineros* leader Napoleon Urrutia to Canada following his public accusation of ‘industrial homicide’ against Grupo Mexico in 2006 increased the centralized union’s vulnerability, subsequently exploited by Grupo Peñoles in its sponsorship of the competing SNMMDNGS union. Without the previous six years of leadership vacuum caused by the official persecution of the national *Mineros* executive, it is probable that a particularly powerful company union like SNMMDNGS would not have emerged to contest the election at La Platosa. Excellon would have been limited to using much weaker groups like the CTM’s ‘Adolph Lopez Mateo’ and the ‘Vicente Guerrero’ unions, which demonstrated an ineffectiveness at creating a strong presence in the mine before the election or on the day of the vote itself (the latter union was likely dropped by the company as it did not appear on the ballot and did not conduct any campaigning, despite holding the pre-existing union recognition agreement).

The evening before the election, *Mineros* organizers told observers that of the 129 eligible production workers at the mine, 102 had joined the union, and that every miner had been visited at home at least twice over the previous months, assuring them to a fair degree of the worker's convictions, as a much more substantive discussion was possible off the worksite. Meanwhile the SNMMDNGS union was estimated at having around 20 committed supporters. The CTM union, visible in the mine for barely a week, was thought to have had less than half a dozen. Local 309 had been active for over two years and had successfully conducted previous collective actions with the participation of a

majority of the workforce- including the walkout and blockade in August 2011, which demonstrated the existence of a certain level of unity, without which these actions would not have been successful. What were the factors which led to drastically different results on election day? While the CTM threatened workers with the loss of a valuable benefit if they were defeated, according to one worker, the SNMMDNGS union promised workers they would obtain an extraordinary profit share of over 50 000 pesos a year per worker, which the union claimed it had bargained for its members at another company (Interview with *Mineros* Local 309 Leader, Gomez Palacio, Mexico, July 5, 2012). The company had already favoured workers friendly to the SNMMDNGS union with barbeques and work parties, perhaps Excellon would actually improve benefits if workers voted favourably. Were these promises and threats influential? How about the men outside the mine with the sticks? Was their threat of violent reprisals if the *Mineros* won credible enough for workers to vote for the 'safe' option? According to PRODESC organizers, the answer was certainly yes (PRODESC July 10, 2012). On the other hand, did many workers never really support the *Mineros* in the first place and just told the organizers what they wanted to hear to get them out of their homes?

A dynamic which likely did have a role in the unsuccessful outcome of the election was what appeared through the author's observations from interviews with PRODESC and local *Mineros* organizers as the minimal presence of the national *Minero*'s leadership. Departing from previous practice as during the August 2011 strike, Local 309 leaders deliberately decided not to bring large numbers of *Mineros* members from other

locals in the region to rally outside the mine, predicting correctly that the SNMMDNGS and/or the CTM unions would also bring crowds of supporters, that a violent confrontation could quickly ensue, which they calculated would have resulted in the Secretary of Labour annulling the election. The result was a very minimal visible presence of external *Mineros* organizers on the day of the election, coinciding with the SNMMDNGS supporters appearing more intimidating than had likely been predicted. It could be argued that the ensuing voting fraud and intimidation resulted in an annulled election perhaps being desirable, a major battle in front of the mine, likely resulting in some form of intervention by the large police force present, would have led to a more militarized, tense environment that could have discouraged subsequent collective action by the miners themselves (Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 5, 2012; Interview with PRODESC Organizer 2, Gomez Palacio, Mexico, July 5, 2012).

However from meetings in which the author participated the night prior to the election in Gomez Palacio with local *Mineros* leaders and PRODESC organizers, the national union appeared to be scarcely represented, if at all, to shape strategy during this crucial moment in organizing at Excellon. A possible explanation for the absence could be the strained resources of the national *Mineros* office. Additionally, the crucial role played by international observers, coordinated by the Mexico City AFL-CIO International Solidarity Centre and the United Steel Workers, one of the key successes of worker organizing at Excellon which will be analyzed next, appeared to have been the principal

responsibility of PRODESC, despite the *Mineros* union itself having direct official ties to both international labour organizations. The apparent lack of resources or internal weaknesses at the national level of the *Mineros* presents a major challenge for union organizing at Excellon and at other Mexican mines.

State repression and complicity with Excellon's anti-union strategy

What conclusions on the challenges of union organizing and the obtaining of official recognition in Mexico can be drawn from the July 5 union election at La Platosa? One is the dubious impartiality of the Mexican state in the form of law enforcement and the influence this may have on elections in a context in which the threat of force is constantly present (see Appendix 2). What was the purpose of the overwhelming police presence? While it was claimed by police authorities that Federal police were responsible for the removal of threatening *golpeadores*, why did they wait for four hours to do so? Was this even the reason that the *golpeadores* left, ie. since most workers had already voted, perhaps they felt their job was done? It was also evident that Excellon was attempting to buy the favour of the police, who were more than happy to fill their stomachs. Would they be as willing to uphold the impartiality of the electoral process if this meant intervening against the company unions which Excellon made clear it wanted one of to win?

The case of *Mineros* organizing at Excellon effectively demonstrates the extent to which the Mexican government- from the state level Secretary of Labour (the partiality of

the national Secretary has already been established), through law enforcement agencies- consistently assist employers and routinely break established labour laws to do so, resulting in a major challenge which independent unionists must confront (Interview with Mining Watch Representative, Toronto, June 19 2012). The six management employees who managed to vote in the election could have only done so with the assistance of the Durango Secretary of Labour, which oversaw the ballot table and would have allowed them to vote, overriding a previous voting list which it had established with the unions and Excellon. These votes were likely decisive in determining the outcome of the election (Interview with PRODESC Organizer 1, Gomez Palacio, Mexico, July 5 2012; Interview with PRODESC Organizer 2, Gomez Palacio, Mexico, July 5, 2012).

The miner-community alliance

In countless separate circumstances, Canadian mining companies have been found to operate with the utmost disregard for the well being of the rural communities whose lands they have appropriated. These firms typically gain access to lands thought to contain mineral deposits, conduct exploration, and if successful, begin extraction operations through permits issued by the Mexican Federal Government, usually the Secretary of Energy based in Mexico City. At no point are these companies obligated to negotiate directly with the local communities whose lands they are entering (although some contact with local municipal officials usually occurs, with payoffs a frequent outcome). The result is a practice in which conflict between the companies and

communities are virtually inevitable and from which several high profile struggles have emerged in recent years which pit Canadian companies and Mexican authorities (usually at the state and federal level) against affected communities comprised of small farmers on communal ejidal lands, many of whom are indigenous people. What are the dynamics in which these struggles evolve to incorporate a labour dimension (PBI 2011: 4-14)?

From evaluating six community/mine company struggles (of which five involve Canadian firms) spanning the start of extraction activities in 1996 to the summer of 2012 drawn from a well-researched report issued by international human rights NGO Peace Brigades International (2011), several key dynamics frequently appear. The first and perhaps the most pivotal determining factor is the degree to which the local community is opposed to the mining development. Situations in which the principal demands of the community are oriented around extracting concessions from the company, including increased compensation for land use, mitigation of environmental degradation or economic development are considerably more likely to lead to labour organizing efforts at the mine. These were the principal demands raised both by the La Sierrita ejido in Durango to Excellon Resources, and the Filos-Bermejil community in Guerrero to Goldcorp. In both cases, union organizing emerged ‘organically’, as discussion of local grievances began to include job conditions of workers at the mine, since many were also active residents of the community (PBI 2011: 13-14).

Alternately, in cases where the definitive objective of the community is the closing of the mine, as at the Cerro San Pedro (operated by Canadian New Gold) in San Luis

Potosi, the San José del Progreso Mine (operated by Canadian Fortuna Silver) in Oaxaca or the Wirikuta mine in Jalisco (where in 2012 the community succeeded in its goal in removing Canadian First Majestic Silver), worker organizing has not emerged for fairly evident reasons. Attempting to organize the mine's workforce would be perceived as implying that the mine should remain. Frequently, the community determines which course of action to take in relation to the presence of the mining company in proportion to the environmental damage inflicted by the company on the land, and the extent to which this degradation affects local residents. Another factor determining environmental impact is whether the mining development is underground or open pit, with the latter generally resulting in the destruction of a greater land area and a stronger likelihood of chemical pollution (though activity in underground mines also regularly contaminate or at least deplete ground water supplies). The three mines above which inspired movements for their closure are all open pit operations. Excellon's La Platosa mine is underground, however its effect in the arid Durango climate on the water supply for local farmers was a key factor in galvanizing resistance from the ejido. Additionally, developments near relatively high population areas are obviously more likely to generate resistance to their very presence (as was the case with all the mines listed above, in which adjacent communities have demanded its closure). Mining developments in regions accustomed to resource extraction as in Durango and Guanajuato also make it more likely communities will orient their demands around concessions rather than outright closure, except in cases of particularly egregious corporate conduct, as practiced by Fortuna Silver in Oaxaca in

which two local leaders opposed to the development were murdered and others forced into hiding (PBI 2011: 13-14; Ferry 2011).

Fletcher argues that with important and remarkable exceptions, in the postwar era most community-labour alliances in the US context have been relatively shallow, both in the level of actual involvement of local residents alongside rank and file unionists and the degree of decision-making power given to either, as distinct from top union directors and a handful of community leaders (Fletcher 2008: 170). I argue that union organizing at mining companies including Excellon and Goldcorp in Guerrero, have been successful to the extent that each local community embraced unionization, evidenced by how it was community members who identified workplace issues of concern to PRODESC, with the tightly knit ejidos providing the support for miners to meet and discuss common grievances. The *Mineros* union became involved and chartered Local 309 for La Platosa workers, but the trajectory of organizing here strongly suggests that the leadership of the campaign remained firmly entrenched in the local community, of which the miners were a part. Ejido members were present as witnesses at the mine gate during the union election. Following the unsuccessful complaint filed by the *Mineros* Local 309 and PRODESC with the Canadian Office of the Corporate Social Responsibility Counsellor which focused on labour issues, as described in chapter four, the subsequent complaint filed with the Canadian representative of the OECD denounces equally the violation of community and labour rights. Local *Mineros* and ejido leaders picketed together on the day the complaint was submitted to the OECD, on May 29, 2012 at the Annual General Meeting

of Excellon shareholders in Toronto (PRODESC May 30, 2012). All of these instances speak to the significance of the miner's struggle for the local community and vice versa.

The accounts of Filo-Bermejil and La Platosa demonstrate the close relationship the identifying of worker issues and the resolution to pursue collective action though unionization had with pre-existing community-based grassroots organization.

Unionization would not have occurred in either of these cases had it not sprung from the context of a community mobilized to demand reforms from the mining company. In both circumstances, geographically isolated, tight-knit communities of less than a thousand residents were able to unify themselves with the workers against the area's single most important employer. Had the primary goal of the community been to force out the mining company, workplace organizing would have likely been divisive. In these cases, they were seen as complementary avenues for applying pressure. Within these small, defined, homogenous communities, strategies of making common cause between labour and the local residents were probably more effective and easier than within any equivalent community or neighbourhood in a major city. Importantly, both La Sierrita and Filo-Bermejil preceded the arrival of mining companies. Though both were in economically depressed areas with high levels of unemployment, leading to demands in the Excellon case for additional job opportunities for local residents (OECD Excellon Complaint 2012: 10), both had previously survived from subsistence farming, and could do so again (though in conditions of hardship).

Led by members of the La Sierrita ejido angry at Excellon's cancellation of a meeting on July 6 to discuss its compliance with a prior agreement with the community, local campesinos and miners blockaded the road to the mine the following day, shutting down production for the rest of the month and into August (Perez 2012). In response to a threat by Excellon management on July 25, 2012 three weeks into the blockade, to close La Platosa and return the land to the ejido rather than make concessions to the local community, an ejido member was quoted in a PRODESC press statement, "If they return fifty percent of our land tomorrow, we would be happy... because we know that another company will arrive that understands that they cannot run over our rights as landowners." (PRODESC July 26, 2012). Unlike with the maquiladoras, a fixed economic asset (silver, zinc and lead deposits) is present which cannot be relocated.

This confidence is based on the organized community's knowledge that in the absence of violent state or company repression, ejido members have the power to shut down the mine. Many of these farmers are also miners, but in circumstances like the La Platosa mine struggle, they may actually have more power in their former role than in the latter. They are better able to survive a long mine shut down through subsistence agriculture. At least in this context, the longer standing ejido organization in La Sierrita has proven to hold greater internal unity than Local 309 at La Platosa. Traditionally in these circumstances in Mexico, the blockade would be broken with brute force. The absence of repression usually pushes the company to negotiate. I argue next that this vital

space which allows the exertion of community and labour power, is the biggest contribution made in this case so far by international solidarity.

Creating external pressure on the state and employer, the role of international solidarity

As will be discussed fully in chapter 4, Excellon management is rather unsophisticated in its approach to CSR, having little use for it beyond statements in annual reports, once it was seen as conflicting with profit maximization (or as stated in the 2011 annual corporate report, ‘value generation’) (CSR Office Final Report 2011: 10). Combined with the dozens of heavily armed police present during the union election and fed by Excellon, and many more *golpeadores* brought in by a company union, the management was likely prepared to resort to actual violence against *Mineros* supporters. The presence of the international observers were crucial in preventing repression during the election.

Despite the serious violations of freedom of association which occurred in the months prior and during the vote, some veteran Mexican labour organizers viewed the election as a relative success.¹³ The narrow margin of the defeat of the *Mineros* by the SNMMDNGS company union demonstrates the real strength of the union at La Platosa in the face of substantial obstacles. Conducted again, the election could have easily turned

¹³ Organizers consulted include a local leader of the Coalition for Justice in the Maquiladoras in northeastern Mexico, longtime staffers with the AFL-CIO Solidarity Centre in Mexico City, a Mexican-born representative of the United Auto Workers who has supported Mexican union-led campaigns in the automotive and cleaning services sectors for the past six years and a local leader of *Mineros* Local 309 at La Platosa.

out in the *Minero*'s favour. Compared with some contemporary labour struggles, such as the violent attacks by CTM members on organizers at Puebla auto parts plants affiliated with the Centro de Apoyo a los Trabajadores- CAT (Worker's Support Centre), resulting in the closing of the workers' centre, the relocation of its staff and the halt of this campaign as of May 2012, the atmosphere of employer, state and company union repression around Excellon is relatively mild (PRODESC May 31, 2012).¹⁴ Repression before and during the election could have moved beyond intimidation and to outright violence against *Mineros* supporters by the police or Pavon union *golpeadores*. Or perhaps a blatant rigging of the ballot box resulting in a company union winning a demoralizing landslide victory. Both acts are more regular than extraordinary in Mexican union elections and would have resulted in a much more damaging defeat (Williams 2003).

All of the organizers consulted agreed that the visible presence of the international observers was decisive in discouraging violence on the part of police or the *golpeadores*, which could otherwise have easily occurred. The observation team would not have been assembled had it not been for the strong relationship between Local 309 and PRODESC, which recruited the participants. While it didn't succeed in creating an intimidation-free atmosphere during the election, the real probability that the situation could have been far worse demonstrates the importance of effective international solidarity in supporting the

¹⁴ See Williams 2003 account of the FAT's organizing drive at the Han Young maquiladora in 1997-1999 for a more typical case of state violence against pro-union workers and even more outrageous state-employer collusion.

Mexican labour movement, acting to mitigate the impunity with which state agencies routinely repress independent unions.

However since the election, the struggle has only escalated at the mine with the ejido-led blockade. The success of PRODESC and its key allies in Canada- Mining Watch and the United Steel Workers (USW) has been in the latter two organizations getting PRODESC's press statements into the Canadian media, coordinating the Excellon shareholders meeting protest on May 30, 2012 and providing additional credibility to complaints submitted to the CSR Office and the OECD as organizational signatories. USW is a formal ally of the *Mineros* union, but demonstrating the crucial role of the Mexican NGO in broadening this struggle, as well as the relatively top-down nature of the *Mineros*-USW strategic alliance, it appears probable to the author that USW would not have been involved in this case had it not been recruited by PRODESC. Together with members of Local 309 and the ejiditarios, PRODESC has exercised a leadership in this struggle not seen from the national *Mineros* office. While it was a strong alliance between ejiditarios concerned about economic development and water resources and their neighbours, miners concerned about job conditions, that has enabled *Mineros* Local 309 to credibly challenge Excellon, the background support provided by PRODESC's mobilization of Canadian allies has to date greatly assisted in neutralizing the violent capacities of contemporary Mexican labour relations.

A comparative study: the El Cubo strike

To provide a regional comparison to the Excellon struggle, we will briefly consider the 2010-2011 strike at the El Cubo mine in Guanajuato. Beginning in the late 1990s and continuing through the 2000s, the majority of the mines in the traditional mining region around Guanajuato in central Mexico, some dating back to the Spanish Colonial era, were bought from their Mexican private owners by Canadian firms including Great Panther Silver, Goldcorp (by 2011 asset value, the largest Canadian firm operating in Mexico) and AuRico Gold (formerly Gammon Gold) (Export Development Canada 2012; Ferry 2011).¹⁵ Commenting on the transition from Mexican ownership to overwhelming Canadian control in the traditional mining region in central Mexico, Ferry writes, “Many miners and observers in Guanajuato see Canadian companies as more exploitative and their jobs as more unsafe and unfairly remunerated than in the previous thirty years, when Mexican companies and a cooperative largely ran the district's mines.” (Ferry 2011).

The strike by *Mineros* Local 142 at the El Cubo mine provides an illustrative example of a contemporary labour conflict involving a Canadian corporation. Originally domestically owned by the Villagómez family for over thirty years, the mine was acquired by Canadian firm Gammon Gold in 2004. During the three prior decades

¹⁵ Goldcorp's Mexican mining operations are unusual in that all five of its Mexican facilities are unionized with the *Mineros* union. Goldcorp decertified the United Steel Workers union at its major mine at Red Lake in northern Ontario following a four year strike that ended in 2000. Elsewhere in Latin America, Goldcorp is infamous for its operation of the Marlin Mine in Guatemala and its connection to human rights violations against community activists who opposed the mine's presence on their land (Gordon 2010: 222-224).

described as an era of labour peace¹⁶, miners received a share of the profits (a legal requirement for corporations under the Mexican constitution but seldom upheld in practice) which burgeoned with the rise of gold in the late seventies and early eighties. The family-owned company was viewed positively in the community for its sponsorship of reforestation projects and donations of construction supplies for schools and churches. This philanthropy largely ended following Canadian acquisition of the mine and labour relations became markedly adversarial; a previous 48 hour strike was conducted in 2009. Miners at El Cubo struck in 2010 over the new owner's refusal to distribute 10% of the profits to the workers, a change from three eight hour shifts to two ten hour shifts and health and safety concerns. The death of eight workers since the Canadian acquisition was largely attributed by the union to worker fatigue at the end of the ten hour shift. Despite the firing of all 397 unionized miners early into the strike, the workers were able to place substantial pressure on the company by occupying the mine to prevent both the entry of scabs or the removal of equipment. By the conclusion of the strike, the company had lost eight months of production at a time of rapidly rising gold prices. The company agreed to reinstate all workers, who were paid their regular wages for time on strike, plus 90 extra days. However the new shift system remained in place and no profit sharing occurred (Interview with US Anthropologist, Toronto, June 14, 2012; Ferry 2011).

¹⁶ Ferry cites a Guanajuato senator quoted in the *Milenio* newspaper in 2011, "to end the labor conflict, the Secretary of Labor should return the concession to the Villagómez family, since when they had the company, there was never any conflict with local 142," (Ferry 2011).

In addition to the militancy of the workers, the strategy of effectively blockading production succeeded because of a lack of unity between local, regional and national levels of the Secretary of Labour. Whereas Canadian and US labour laws regulate picket lines to limit their ability to effectively impact operations at a struck facility, in Mexico the key legal challenge for conducting a successful strike without drawing state repression is obtaining recognition of its legality under federal labour law. Once recognized by the state, a strike can completely shut down the workplace through effective blockades and the prohibition of scab labour. Workplace occupations, as most frequently carried out by the *Mineros*, may stretch these legal provisions. However, while potentially very empowering for Mexican workers, labour law regulating the strike has historically been very open to subjective interpretation by state and federal secretaries of labour. Since 2006, the consistency with which strikes conducted by the *Mineros* have been declared illegitimate (as with the Cananea strike in 2010), with these rulings occasionally overturned by the national supreme court, have demonstrated a systemic bias of the federal government against the union (Interview with Mining Watch member, Toronto, June 19, 2012). However in the case of the El Cubo conflict, a ruling by the local Labour Arbitration and Conciliation Board declaring the strike illegal was overturned by a regional labour board through a successful appeal launched by the *Mineros*. Had the legitimacy of the strike been counter-appealed by the company to the national level, based on past practice the board would have likely sided with the employer. Fortunately for the

miners, for reasons not entirely clear this did not occur (Interview with US Anthropologist, Toronto, June 14, 2012; Ferry 2011).

This case does demonstrate the ambiguities of Mexican labour secretaries and the gaps which can sometimes be exploited by unions. Unlike in the case above at Excellon's La Platosa mine, the union at El Cubo is well-established, with no diversionary threat present from competing company unions. Workers also benefited from striking at a time of high metal prices, giving the company more impetus to settle, though the strike still dragged out for eight months. The dynamics of this strike were different from the La Platosa struggle in other ways as well- it was more old fashioned. Replace the Canadian company with a US or Mexican firm and it could have occurred sixty years ago. Local 142 put nearly all of its efforts into effectively shutting down the mine and preventing scabs from entering and restarting production. This would have been insufficient had they also not succeeded at the labour board so that the federal police or the military were not deployed to break the occupation.

However there appeared to be little priority on the union local's part to building a broader group of allies. A US-based researcher on mining in the region reportedly attempted to put the local into contact with PRODESC, but there was little interest on the part of the El Cubo miners. The office of the *Mineros* local also appeared to lack a computer. Minimal media reporting occurred on the eight month strike of over 400 workers at a major gold mine, aside from releases by the company to mining publications. As a result, no other avenues of pressure appeared to have been applied to the company

aside from the most critical one: the shut down of production. In the absence of additional levels of local or international support upon which the La Platosa workers were able to draw, the El Cubo miners may have been more vulnerable to violent state intervention which could have defeated the strike. Additionally, while the union defeated the firings, the company was successful in gaining its two key concessions: no profit share and longer shifts (Interview with US Anthropologist, Toronto, June 14, 2012; Ferry 2011; Reuters 2011).

Chapter 4: Corporate Social Responsibility and Workers' Rights- The Excellon Resources Case

Voluntary Mediation Process of the Office of the Extractive Sector CSR Counsellor

A 'request for review' was submitted to the Canadian Extractive Sector Corporate Social Responsibility Counsellor in April 2011, providing the office with its first attempt at facilitating voluntary mediation between a Canadian company and an aggrieved community abroad. The request followed several months of fruitless efforts by *Mineros* Local 309 to engage Excellon management in negotiations amid allegations of increasing illegal anti-union activity and the growing prominence of company unions. The request submitted by PRODESC and the *Mineros* centered on three specific complaints: that Excellon had violated the OECD's Voluntary Principles on Security, Human Rights and Industrial Relations in the incident where three workers were accused of theft and tortured on company property, the dangerous health and safety conditions in the mine and

the company's anti-union activities (CSR Office Final Report 2011: 11). The request was deemed eligible for review following the CSR Office's formal procedures, at which point the Office began meeting separately with PRODESC and the miners, and Excellon management, from late April to mid July 2011 in an informal mediation stage intended to facilitate 'trust building' between the participating parties and the Office (CSR Office Field Report #1 2011; CSR Office Field Report #2 2011).¹⁷

However the CSR Office's attempt to move to the next stage of its mediation approach, facilitating structured dialogue between the two parties, was blocked by Excellon's subsequent refusal to continue its participation. According to the final report by the CSR Office (2011), the counsellor attempted over two dozen times to reach an agreement with the company on an acceptable timeline to begin formal discussions, receiving a couple of emails in September from Excellon in return stating "time constraints as a barrier to its participation." (CSR Office Final Report 2011: 19). Finally on October 3, Excellon informed the CSR Office of its formal withdrawal, stating that, "it did not consider the dialogue process facilitated by the Office to provide value to the company or the company's shareholders." (CSR Office Final Report 2011: 19). By this time, Excellon had already aborted its initial steps towards negotiations directly with Local 309 and had instead initiated its new strategy of building support in the mine for the SNMMDNGS company union with a view to a future union election (Excellon 2011).

¹⁷ This stage of "trust building" informal mediation included two trips by the CSR Counsellor and staff to Mexico City and the La Platosa Mine in May and July 2011 to meet directly with the parties (CSR Office Field Report #1 2011; CSR Office Field Report #2 2011).

Both the CSR Office and the requesters- PRODESC and the miners, who had emphasized their support for participation in the dialogue process, expressed their disappointment with Excellon's withdrawal (CSR Office Final Report 2011: 19).

Reactions quickly unfolded in Canada in response to the outcome of the CSR Office's first request for mediation and the release of its final report in October 2011.¹⁸ In an interview with the industry journal, *Northern Miner*, Excellon reiterated its earlier justification for ending dialogue, with then CEO Jeremy Wyeth stating, "I don't think it can add value to us or any other Canadian company." (Allan 2011). He continues to comment, in a manner which surely would put into question a previously made claim to entering the CSR mediation process in good faith:

It's costing a huge amount of money and taking up a huge amount of time... What's being pushed is that we need to get into structured dialogue with a disgruntled, previously dismissed employee [the secretary-general of Local 309], an NGO and a non-representative union . . . if we'd have known up front what we know now, we wouldn't have gone into the process. We would just have said, 'You're actually not able to help us.' (Alan 2011)

It's unclear what the company's initial expectations were of the mediation process, but it appears that Excellon was never interested in entering voluntarily into dialogue with the *Mineros* and PRODESC given that it evidently did not view them as legitimate actors.

Attempting to manipulate the CSR Counsellor, Excellon had claimed to the CSR

¹⁸ Faithful to the stated role of the Office, the CSR Counsellor's report was entirely descriptive, with a restating of the Office's mandate and a chronology of events relating to the case, with little analysis, except to restate the office's belief that "all the parties... would have benefitted significantly from participation in the structured dialogue" (CSR Office Final Report 2011: 20). The CSR Office refused to grant a request for an interview from the author, but stated in an email that "the request did not pertain to issues of unionization." What then, was the case about? (CSR Office Correspondence with Author, June 19, 2012).

Counsellor during the ‘trust building phase’ that its primary interest was in “an excellent long term relationship with the community” and that it had a “strong interest in expanding opportunities for dialogue directly with workers,” in regards to health and safety issues, while portraying PRODESC as unrepresentative of the ejido members and the *Mineros* as an “illegal” union (CSR Office Final Report 2011: 14-15). The Counsellor reports a subsequent investigation into the status of both groups, from which she claims no evidence was found of illegitimacy- legally or as a representative organization (CSR Office Final Report 2011: 15).

Excellon entered the mediation process in bad faith, rendering the CSR Office’s attempts at ‘trust building’ and ‘structured dialogue’ destined to failure. However in a responding letter published in *Northern Miner*, CSR Counsellor Marketa Evans writes that, “I can only imagine that Excellon Resources’ CEO was misinterpreted in his statements.” She continues, emphasizing the purely voluntary nature of the mediation process (Evans 2011). Evans suggests that Excellon’s withdrawal from the mediation process was the result of a misunderstanding on the company’s part. This appears only possible if as the company suggests, it claims it made a mistake in entering the process in the first place. Excellon management makes evident in its comments that it left fully aware of the character of the process, and that it decided to refuse to continue participating because it knew it was not required to do so, given that it did not appear to contribute anything to company profitability.

Could the company have been convinced otherwise? Both representatives of Mining Watch Canada and PRODESC described Excellon as a “particularly stubborn” company, suggesting that more experienced management at larger companies may have engaged in more sophisticated strategies rather than withdrawing from the mediation process outright (Interview with PRODESC Organizer 2, Gomez Palacio, Mexico, July 4, 2012; Interview with Mining Watch Organizer, Toronto, June 14, 2012). Davis and Franks present data arguing that mining sector engagement in CSR practices can serve to reduce the frequency and intensity of confrontations with local communities and workforces which could become very costly in terms of lost production time, property destruction and damage to the company’s reputation in the country in which it is operating. Certainly Excellon has lost substantial revenue as a result of two separate blockades by the La Sierrita community in January 2008 and July-August 2012 over the company’s refusal to enter into meaningful dialogue, and the *Minero*’s strike in August 2011 again over a lack of negotiations (not including the company’s orchestrated work stoppage with the SNMMDNGS union in September 2011).

Davis and Franks studied 25 resource extraction related conflicts around the world (10 in Latin America and nearly half involving gold mining), through confidential interviews with 40 industry executives. They found that expenses related to “non-technical risks” had increased dramatically in the last several years. The greatest and most frequent related costs were from production delays and lost opportunities to develop new projects due to local community resistance. Environmental degradation from mining

activities was the most common reason communities opposed mines, with a close second being lack of compensation for land use. Communities responded with demonstrations in 22, and blockades in 14 of the 25 conflicts. Although health and safety of workers is mentioned as another important contention point, the study does not focus directly on labour conflicts, however the issue remains the same on whether companies can be appealed to voluntarily make some concessions if it meant avoiding costly disruptions (Davis 2011: 6-7).

Davis and Franks conclude that the best way to justify social responsibility initiatives within a company is to present clearly quantified data on the costs that would be accrued otherwise, or have already been incurred because of conflict. The authors write:

The findings from the case analysis run counter to literature that describes local communities as ‘powerless’ in their relationships or interactions with large business enterprises. While power imbalances are often stark, this aspect of the research suggests that mobilisation by social groups in opposition to extractive sector activities, when those groups perceive that their interests and values have not been addressed or otherwise taken adequately into account, can generate a wide array of costs to industry actors. (Davis 2011: 8-9)

However as the authors themselves report from their interviews, many executives found that a substantive commitment to social responsibility initiatives to the extent that would placate local communities, are often found to be in conflict with strict annual or quarterly production targets, as mandated by the company’s leading shareholders, which the executive board is then obliged to direct their managers to obtain. Social responsibility confronts the neoliberal imperatives of maximizing short-term profit and shareholder

value. The prospects for a company preemptively sidestepping potential conflicts by reducing productivity or increasing operating expenses thus become unlikely.

As in the case of a company acquiescing in the face of an effective strike, the most powerful corporations do make concessions to labour and communities that detract from the rigid pursuit of this objective. However, can this still be considered voluntary social responsibility if the company does so on the basis of substantial penalties occurring if it refuses? In some respects this process more reflects a managing of traditional power politics from the company's perspective. To the extent that this line of persuasion can be considered conventional CSR is that "voluntary" corporate responsibility initiatives are usually defined as such on the basis that they are not mandated by a government (Husted 2005: 176). This definition of CSR negates the political role of non-state actors including labour, which in neoliberal developing countries like Mexico, are much more likely to potentially limit the activities of mining companies than any state institution.

Davis and Franks are realistic when they conclude that companies will stop activities which aggravate communities only when they are presented with evidence that not doing so will incur substantial costs. There are no cries for corporate altruism here. However to what extent does the cost of concessions to communities and labour outweigh actual or potential costs of disruption? Transnational resource extraction firms with diversified operations (in that they extract more than one mineral or have significant operations in other industries) may calculate it is worth taking the equivalent of the 'Walmart road': sacrificing the potential profits of a facility by closing it to avoid a precedent-

setting unionization. Major mining companies like Vale have recently triggered lengthy strikes in Canada, losing hundreds of millions of dollars in lost production at a time of high minerals prices, in order to wrest concessions from its workforce which can then be applied across its vast chain of operations. As was noted earlier, the power of a transnational corporation is in its ability to weather short-term unprofitability at individual operations due to strikes and blockades and still meet quarterly profitability targets for the firm as a whole. However Davis and Franks' study asserts that disruptions at a transnational's local mine can force unsustainable costs onto the parent company when they are unpredictable and far-reaching in their impact to the extent that they necessitate the frequent crisis intervention of senior executives, withdrawing them from other responsibilities. Vale could reasonably predict the course of events during the year-long conventional strike in 2010 at its Sudbury nickel mines, making allowances for the length of time necessary for the company to outlast the workers. Results can be different for dramatic conflicts which through spectacular, unpredictable instances of disruption, destruction, or local resistance, the reputation of the company as a whole is threatened (Neigh 2010; Davis 2011: 4, 6).

In the case of Excellon Resources, it could be argued that from a profit-oriented perspective, the company made a poor choice in openly dismissing workers and the community by refusing to enter into meaningful negotiations and thus provoking both groups into exercising their ability to shut down the mine. As La Platosa is currently Excellon's only producing mine, there are no buffers for the impact of lost production on

the company's spreadsheets. However here it seems the company's motivation for spurning the voluntary mediation offered by the CSR Office, sprang from its confidence that a solidly supportive Mexican government which had permitted Excellon to begin operations without community negotiations, as well as demonstrating its tacit support for company unionism and the use of police forces to intimidate workers, would support it in fighting on against the *Mineros*. Long term concessions like recognition of the *Mineros* were unnecessary, at least judging from the results of the union election in July 2012. For resource extraction firms like Excellon to claim in the Canadian media that it, "respect[s] its employees' right to organize..." (Excellon 2011) is essentially meaningless when the company has the confidence that it has the unconditional support of both the Mexican and Canadian governments.¹⁹ The latter has demonstrated its indifference to corporate activities abroad that violate labour and human rights by its refusal to implement any form of binding regulation on their conduct.

¹⁹ The AFL-CIO operated Center for Labor Solidarity, based in Mexico City reported that prior to the union election at the Excellon La Platosa Mine on July 5, 2012, it informed both the US and Canadian embassies of the presence of international observers at the mine, requesting that the embassy take steps to assist in safeguarding their presence. The US Embassy responded that it would monitor the situation and be available to provide assistance if necessary. The Canadian embassy refused to provide support or acknowledgement of any kind for the international observation team which included at least one Canadian citizen (Interview with PRODESC Organizer 2, Gomez Palacio, July 5, 2012). As is briefly mentioned in the conclusion, the bias of Canadian authorities is further confirmed with their suspected involvement in the Mexican government's sudden intervention against the ejido blockade at La Platosa on August 29, 2012, after having previously pursued a negotiated settlement.

The OECD Guidelines for Multinational Enterprises & the Evolution of Canadian Government CSR Policy

In 2000, the Organization for Economic Cooperation and Development (OECD), the association bringing together the governments of many of the world's wealthiest countries, and Mexico, released its 'Guidelines for Multinational Enterprises.' The guidelines set forth various recommendations for how businesses should operate abroad from their home countries, but as one of the earliest manifestations of the corporate social responsibility movement, one of its most important aspects is that observance is entirely voluntary. Like the Canadian Government's CSR Office, modeled in many respects explicitly on the OECD Guidelines, it has no power to compel unwilling parties to participate in mediation, let alone impose any sanctions for non-compliance with its guidelines. The Guidelines are administered through National Contact Points (NCP)- typically senior government ministries responsible for trade issues, who are responsible for promoting the Guidelines and serving as a mediator for cases involving a multinational corporation based in their country (OECD 2000: 5-6; DFAIT 2009: 10-11).

Following the *Mineros* and PRODESC's unsuccessful attempt at obtaining mediation with Excellon through the Canadian Extractive Sector CSR Office, both groups filed a complaint under the OECD Guidelines on May 29, 2012, the same day representatives of the *Mineros* and La Sierrita ejido picketed Excellon's Annual General Meeting in Toronto. Unlike the CSR Office request for review, this complaint included both community and labour grievances. Community issues centered on the company's non-compliance with a previously negotiated agreement with the ejido in which it agreed

to not conduct further exploration on ejidal land without its express authorization, construct a water treatment plant allowing water pumped from the mine to be used for agricultural purposes, hiring preferences for local residents and the granting of concessions to the local ejido for operation of the cafeteria and transportation services (OECD Excellon Complaint 2012: 7-10). Labour issues centered on those previously brought forward to the CSR Office. According to Mining Watch Canada, another party to the complaint, cases frequently take as long as a year before a final report is released. The complaint was submitted to the Canadian NCP, operated by the Federal Department of Foreign Affairs of International Trade, with a strongly worded message as to why assistance was not requested from the Mexican NCP:

The Mexican NCP... is advised by government agencies that have instigated hostile attacks on the SNTMMSSRM over the last six years. This posture makes the NCP unfit to take the lead on an investigation or mediation of this conflict. Mexico's Labor and Social Welfare Ministry is part of the NCP structure. For six years, this Ministry has vehemently attacked the SNTMMSSRM. The Ministry has used its resources to deny official recognition of the SNTMMSSRM leader, Napoleón Gómez Urrutia. (OECD Excellon Complaint 2012: 4)

The complaint notes that, "several international bodies have found that Mexico's application of labor laws violates human rights norms." (OECD Excellon Complaint 2012: 4). Examples of which have been documented throughout this paper. The fact that the Mexican Secretary of Labour is able to continue within the role of Mexico's NCP, apparently without censure, puts into greater uncertainty the capacity of the Guidelines system to even conduct its voluntary mediation and make its non-binding resolutions

impartially.²⁰ Nevertheless, according to a Mining Watch Canada member involved in the complaint, the OECD Guidelines process offers more tools for pressuring Excellon than did the Canadian CSR Office. She states that unlike the CSR Counsellor, NCPs do have the mandate and resources to carry out independent investigations and make clear policy recommendations on the practices of corporations should they choose to do so, as the NCPs of Norway and the Netherlands have done. The activity of a NCP appears to depend substantially on the political orientation of the national government (Interview with Mining Watch Canada member, Toronto, June 14, 2012).

However as The Guidelines are by their name, merely recommendations, given Excellon's demonstrated disinterest in voluntarily participating in mediation, the most favourable outcome from the complaint to the OECD would be a report condemning the behaviour of the company in stronger terms than that issued by the CSR Office (which strenuously avoided comment on the accusations against Excellon, limiting itself to presenting the company's refusal to engage in the mediation process in good faith). This could be used by PRODESC and the *Mineros* to add further public pressure on Excellon. The company does care about its reputation to some extent, as evidenced by statements in its 2009 Annual Report:

We have a responsibility to protect the environment, to conduct our business based on the highest safety and ethical standards, and to contribute to the welfare of our local communities... at Excellon, corporate social responsibility is not an add-on,

²⁰ The capacity for the Canadian NCP to act with impartiality also waits to be seen, given the clearly stated mandate of DFAIT for 'strengthening the Canadian advantage'. In other words, its first goal is to promote the interests of Canadian multinational corporations abroad. Can it called upon to simultaneously issue a potentially adverse report?

it is fundamental to our business strategy and how we wish to be viewed in the market and the regions in which we operate. (CSR Office Final Report 2011: 10)

Excellon is a member of the Prospectors and Developers Association of Canada (PDAC), which has publicly endorsed the CSR Office and issued its own CSR statement calling on its members to work with affected communities “on the basis of respect, inclusion and meaningful participation.” (CSR Office Final Report 2011: 10). However even if Excellon is judged by the NCP to have been in contravention of these general principles, is the company likely to experience censure from an organization with many members that as described above, have engaged in similar or worse violations of labour and human rights in Mexico, Canada and many other regions of the world? Excellon has demonstrated from past incidents that it takes a direct threat to its profitability to push it to make concessions.

Given the evident powerlessness of CSR principles and voluntary self-regulation over companies which see them as unnecessary hinderances on profit-making, and the history of labour and human rights violations committed by Canadian resource extraction firms at home and abroad, civil society groups like Mining Watch have long pushed for legally binding regulations. In 2005 under the Paul Martin Liberal government, the Canadian Parliament’s Standing Committee on Foreign Affairs and International Trade presented recommendations to the House of Commons calling for legislation which would substantially strengthen the mandate of the NCP. Observance of the OECD Guidelines would be mandatory for Canadian corporations operating abroad and the condition for receiving financial support from Export Development Canada and

investments from the Canadian Pension Plan (Foreign Affairs Standing Committee 2005: 2-3). In 2008, a Liberal private member's bill to implement these recommendations in the form of legislation that would regulate Canadian corporate activities abroad was narrowly defeated by Conservatives and some Liberals in the then minority parliament (Heartfield 2011).

Passages of a subsequent 2009 Department of Foreign Affairs and International Trade document which sets out the rationale for creating the CSR Office demonstrate a marked change of tone from the earlier Foreign Affairs parliamentary report. Whereas the latter cites hearings with representatives from communities around the world who testified as to the abusive activities of Canadian extraction companies to explain its call for mandatory regulations, there are scarce allusions to negative activity in the later Conservative authored report. Titled *Building the Canadian Advantage: A CSR Strategy for the International Extractive Sector*, the report explains its purpose:

Building the Canadian Advantage will improve the competitive advantage of Canadian international extractive sector companies by enhancing their ability to manage social and environmental risks. It recognizes that, while most Canadian companies are committed to the highest ethical, environmental and social standards, those that lack this commitment can cause harm to communities abroad and undermine the competitive position of other Canadian companies. (DFAIT 2009: 4)

This extract contains the only suggestion in the 15 page document that Canadian companies have operated poorly abroad, or that they have the capacity to do so. Even when Canadian companies are found to have committed abuses, this principally is a problem insofar as it could create problems for other firms. As the title suggests, the

focus is clearly on supporting Canadian companies in ‘managing risk’ so as to ensure their profitability while operating abroad. A clear example of this orientation is found in the report’s description of the Canadian Government’s Canada Fund for Africa, which allocated \$100 million in tied aid to support the entry of Canadian companies into Africa, of which 24% went towards subsidizing six mining projects, four of which were Canadian owned (DFAIT 2009: 12). The report states that the Canadian International Development Agency (CIDA) will ensure corporate social responsibility principles will be followed by the participating Canadian firms through, “...quarterly meetings, conference calls and field visits to projects.” (DFAIT 2009: 12) Barring the possibility of a company security guard shooting a protestor in front of a CIDA official visiting a mine complex, it is difficult to see how any cases of malfeasance would ever be exposed under this system. Of course were this somehow to happen, the sanctions which would be applied are even less evident.

The absence of meaningful enforcement mechanisms in CSR principles promoted by the Government of Canada in the CSR Office, through its administration of the OECD Guidelines and through overseas development schemes administered by CIDA,²¹ are not accidental. Abundant documentation has been accumulated demonstrating the propensity of resource extraction companies like Excellon Resources which pledge fealty to CSR to in fact deliberately commit abuses in the pursuit of profit maximization. Voluntary self-

²¹ Gordon (2011) builds a substantial case for how the role of CIDA abroad has evolved through successive neoliberal governments to be expressively and principally interested in the promotion of Canadian firms through tied aid, and advocating for structural adjustment policies which would privatize public assets.

regulation and the consensual ‘structured dialogue’ of the CSR Office have been proven to be inadequate by definition:

...CSR also reinforces the retreat of the state by arguing that companies can manage their own affairs, and implicit within this concept is the notion not only that corporate and community interests are compatible but also that the differences between them are strictly quantitative (that is, a question of dollars and cents) rather than qualitative (that is, based on completely different visions of development). MSN [Multi-stakeholder negotiations] provides the complement to CSR by reinforcing the perception of compatible interests - where each member has a “stake” in the supposedly common interests represented by the venture - and of mineral ventures as the outcomes of fair negotiations among individual “stakeholders.” Questions about who is and how one becomes a stakeholder, and the rights of various communities to reject mineral investment, represent the dramatic power imbalances that are hardly considered within the MSN concept. (North 2006: 8)

The lack of a policy response from the Canadian Government to sanction the companies that commit labour and human rights abuses when they do not get their way through the above process is due to a deliberate political decision to favour these companies. In the absence of support from the state, it falls to labour and community organizations to struggle directly with these companies to ensure workers’ rights are respected.

Conclusion

The entry of Canadian mining capital into Mexico since NAFTA has transformed the Mexican resource extraction sector, generating substantial profits for the companies involved and frequently severe consequences for workers and their local communities. Mexican miners organizing for improved working conditions have made some of their greatest successes where they have emerged from strong community-based movements

against the mining companies, overcoming isolation in an increasingly non-union industry. In the case of the La Platosa mine, the role of PRODESC as outside organizers was crucial in animating the community. Connecting with grassroots social movements has assisted miners in overcoming the Mexican labour movement's historic weakness from the legacy of corporativism. In this context, the Mexican government at the federal, state and local level has maintained its long standing fealty to foreign investment at any cost, by colluding with employers and undermining labour legislation, as has occurred in the case of Excellon Resources' La Platosa mine, the center of this study.

The Canadian government has also demonstrated that facilitating the expansion of the foreign operations of its national mining companies supersedes any concerns regarding human or labour rights. This orientation is evident from the government's reliance on voluntary corporate social responsibility initiatives, particularly the Extractive Sector CSR Office, which have been demonstrated in this study to be ineffectual in mitigating harmful corporate practices abroad. It appears improbable that the CSR model can be reformed to make it more effective while preserving its essential aspect of industry self-regulation. Only mandatory, enforced regulations with sufficiently strong penalties to act as a deterrent have any likelihood of effectiveness. Were such regulations to be passed into law in Canada or Mexico, it would represent a major political departure from the contemporary course of neoliberalism in both countries.

In light of the demonstrated political disinterest of both the Canadian and Mexican governments in meaningfully curbing abuses conducted by resource extraction firms

through the passing of strong, enforceable regulations, mine workers and their communities must depend on their own self-organization to confront corporate power. Many commentators on the challenge of the North American labour movement seeking to reinvent itself and reverse its precipitous decline in membership and power since the onset of neoliberalism argue for the centrality of closely tying labour struggles with local community movements. By doing so in a manner in which the former authentically represents the interests of the latter and solicits their active engagement and leadership, it is argued that unions can overcome their isolation created by years of numerical decline, counter conservative messaging that unions are merely a 'special interest' and greatly augment their political weight (Camfield 2011; Fletcher 2008; Clawson 2003).

Through strategies such as forming community/labour coalitions, unions incorporate significant local issues into their collective bargaining strategy- such as negotiating higher levels of nurse or teacher staffing per patient or student. At the height of its power in the late 1940s and early 1950s, the United Auto Workers in the US attempted to negotiate controls on increases in the consumer price of cars. More recently, the Canadian Auto Workers have campaigned (though not as seriously) for a 'disassembly' operation, in which CAW members took apart old cars and recycled the materials into the production of new vehicles. Some Toronto-area building trades locals have prioritized their apprenticeship programs to focus on recruiting youth from racialized, low income immigrant communities. Prior to the dissolution of its employer by the Federal government in 2009, the Mexican Electricians Union (SME) always linked

its collective bargaining to the defense of lower priced, reliable publicly-owned electrical utilities. A strategy which paid off with the defeat of three prior privatization attempts, politically possible only with strong community pressure. After the mass firing of SME members, the union appealed to working class communities in central Mexico to boycott their utilities payments on the basis of the shoddy, brownout prone service provided by the scab electricians.

Overall, the tendency towards ‘community collective bargaining’ declined substantially in North America with the establishment of the postwar labour relations system, in which both clearly demarcated rights and limitations were introduced for union collective bargaining (Camfield 2011: 69-70). In Mexico, these conceptions of union activity were suffocated for decades by corporatist control of unions like the *Mineros*. In the contemporary context in which rights like legally protected strikes, union security and dues collection laws are being undermined by governments across the continent, labour has found itself isolated due to a dependence on legalistic frameworks while neglecting the cultivation of active solidarity with a broader base within civil society. I argue that a deliberate strategy of rebuilding union-community alliances is critical for the Mexican labour movement, as it is for unions across North America. The case of the workers’ struggle at the La Platosa mine owes much of its relative success to its recognition of this dynamic. However, while PRODESC and Local 309 were very successful in developing firm local support for the union struggle which has proven critical for overcoming numerous obstacles, particular circumstances which delineate this

case must be reiterated which made this strategy particularly effective. Mines can be vulnerable to strong local resistance unlike most branches of the manufacturing sector that can be moved abroad.²² Contemporary rising metal prices makes lost production costly, particularly so for a firm like Excellon with only one productive facility. Considering the relatively stationary extractive sector, effective organizing at transnational Canadian mining giants including Goldcorp and Barrick Gold, would require an impressively coordinated network of local workers and communities which were equally firmly organized across multiple unions and bargaining units, languages and cultures. Obviously this latter scenario is vastly more complex.

Alongside the demonstrated value of community-based organization is the importance of international solidarity. From the union election at La Platosa and media awareness efforts in Canada conducted by PRODESC and Mining Watch aided by the United Steel Workers union, which has contributed substantial logistical and financial resources to both, the primary contribution of these efforts was reducing the ability of the company, its company unions and Mexican law enforcement to engage in coercion against the workers and the ejiditarios. This space where civil rights are at least nominally protected is critical in allowing workers and the community to conduct non-violent civil disobedience, exemplified by the blockade that shut down production from July 8 to August 29, 2012, when it was broken by a large force of Mexican police and

²² Though the theory that Mexico is the final stop for the North American auto industry has spurred renewed organizing at parts plants since the late 2000s, despite state repression and company union initiated violence similar or more severe than described in this paper.

military personnel, allegedly following extensive lobbying by Excellon of the Canadian government.²³ With the complicity of the official labour relations system and the firm support of the Canadian state behind Canada's mining companies in Mexico, Mexican workers and their allies draw their greatest strength in resistance from self-organization and direct action.

Methodological Appendix

This paper draws heavily from my academic and personal experience with the broader subject of the impact of the North American Free Trade Agreement on labour markets and workers' organizing in the NAFTA countries. I participated in a year-long study abroad program at the National Autonomous University of Mexico (UNAM) in 2005-2006 towards the completion of my Honour's Bachelors degree in History and Politics. My undergraduate honour's thesis completed in May 2007, studied rank and file workers' organizations in the NAFTA countries and their usage of community alliances and international solidarity as strategies to mitigate their vulnerability in the face of neoliberal governments and transnational corporations. In April 2012, the I completed a feature length documentary film, *2 Revolución: Mexico, Free Trade and North America*,

²³ News of the breaking of the blockade became public as the final revisions were being made to this paper. Citing public records of the Office of the Commissioner of Lobbying of Canada, PRODESC comments that the Mexican government moved against the blockade six days after Will Stewart, a professional lobbyist and former chief of staff of Canadian foreign affairs minister John Baird, was hired by Excellon Resources to meet with the Foreign Affairs and International Trade Canada (DFAITC), House of Commons, Natural Resources Canada and the Prime Minister's Office, "[s]eeking government support for Excellon Resources operations in Mexico." (Commissioner of Lobbying 2012; PRODESC August 31 2012).

on these topics. As an exchange student, and while working on the film and the undergraduate paper, I have travelled extensively within Mexico, becoming familiar with a range of Mexican labour leaders, human rights activists and academics concentrated on labour studies and political economy.

Through these connections, I was invited by the Economic, Social and Cultural Rights Project (PRODESC) to attend the union election at the La Platosa mine site which was conducted on July 5, 2012 as an international legal observer. My notes as a participant observer can be found in Appendix 2. They form an important basis for much of the analysis of this paper. Additionally, I draw heavily on material from five interviews. No names were used in this paper in order to protect the confidentiality of the participants, particularly in the case of the Mexico-based interviewees. “Interview with US Anthropologist” references a conversation over Skype on June 14 2012 with a professor of anthropology and Latin American studies at a major east coast American university. The professor’s research centers on the history of mining in Mexico and in particular the transition to Canadian ownership under NAFTA. “Interview with Mining Watch Representative” references an interview conducted over Skype on June 19, 2012 with a senior coordinator of this NGO based in Ottawa. “Interviews with PRODESC Organizers 1 & 2” cite research from in-person interviews with two long-time PRODESC members, conducted in Gomez Palacio, the nearest adjacent city to the mine site on the day prior to the election and after the event on July 5, 2012. “Interview with *Mineros*

Local 309 Leader” refers to an interview conducted after the election was held on July 5, 2012 in Gomez Palacio.

The Canadian government’s CSR Counsellor refused my request for an interview. However, it has published useful and accessible reports online on the process and outcome of its first request for mediation, the conflict between the community of La Sierrita and the local union of the *Mineros* with Excellon Resources. These reports have been utilized to understand the narrative of events which unfolded in this conflict, the main case study of this paper and to evaluate the role of the CSR office itself. Policy papers from the Canadian Department of Foreign Affairs and International Trade since 2000 which mark the shift to a focus on CSR are also assessed. An authoritative, well-researched report issued in 2011 by the UK-based human rights NGO, Peace Brigades International (PBI) is also utilized extensively in this paper for its coverage of the Filos-Bermejil conflict which immediately preceded the La Platosa struggle, and other contemporary conflicts involving Canadian mining companies and Mexican communities. Reports by human rights organizations like PBI and company issued releases to industry journals are the principal easily accessible sources on these struggles. The Mexico City-based daily newspaper *La Jornada*, the best Spanish-language source for labour news in Mexico, is also an important source of information for the assessment of worker resistance to these Canadian companies.

The first analytical focus of this paper is on the challenges facing Mexican workers organizing at transnational firms in the context of NAFTA, with the second

evaluating the role and effectiveness of corporate social responsibility, specifically as practiced by the Canadian government, as a means to address the ensuing corporate abuses of labour rights. There is a shortage of academic analysis on the challenges and opportunities for contemporary worker organizing and the Mexican labour movement, however Levy (2006), Caulfield (2004), Williams (2003), Ramirez (1995) and Middlebrook (1991) offer insights which are drawn upon in this paper. As is the case with scholarly research related in general to NAFTA, far fewer works have been published since 2006, resulting in the subsequent rise of Canadian mining in Mexico over the past ten years as a result of NAFTA, and the ensuing labour and community conflicts going unstudied. This paper is partially intended to remedy this deficiency.

The rise of the Canadian resource extraction sector and the extent of its global ambitions is studied critically in Gordon's *Imperialist Canada* (2011) and North's *Community Rights and Corporate Responsibility: Canadian Mining and Oil Companies in Latin America* (2006). Yet while both recognize Canadian mining capital's focus on Latin America (34% of all Canadian-owned mining assets are in Latin America, compared with 31% in Canada itself, 14% in Africa and 12% in the US), neither have anything to say about mining investment in Mexico, which accounts for the second highest site of Canadian mining capital abroad (13%) after Chile (14%) (Natural Resources Canada 2012). A note by Ferry, an American anthropology professor studying Mexican mining, published by Mining Watch Canada, on the El Cubo strike of 2010-2011 is relied on heavily here for the discussion of that particular struggle.

Appendix 2

Firsthand Observations of Excellon La Platosa Union Election Vote, July 5 2012

The observation team arrived in darkness in a small parking lot at the entrance to the Excellon mine facilities at 5:45am, following a dirt road that wound through scrub and trees for about a kilometer from the adjacent highway. Two Durango state police pickup trucks are present adjacent to the gate, each with about a half dozen heavily armed officers. A few security guards staff the gate and several representatives of the *Mineros* are also present. At 6:10am, approximately two dozen members of the SNMMDNGS arrive in SUVs. The observers line the roadway leading to the gate. The SNMMDNGS members (described as *golpeadores*- goons, by other observers) stand behind the observers and take photos. Ten minutes later two large coach buses appear about 500 metres down the road, a large crowd, of approximately 100 SNMMDNGS supporters, emerges and can be seen standing around the buses, now parked on the edge of a bend in the road, partially within the line of sight of the observers at the gate. At 6:30 workers on the first shift arrive, a few in old cars, most in a bus. Before passing by the observers and finally entering the mine property, they have passed by the crowd of SNMMDNGS members down the road. Shortly after 7am, workers from the night shift begin to trickle out.

Efforts by observers to interview departing workers on the circumstances of the vote were initially thwarted by the *golpeadores*. While otherwise keeping a distance from the observers, when we attempted to speak with the miners, the *golpeadores* would stand

within hearing range, often attempting to record the exchange with a camera. Workers unanimously claimed that "everything went normally," "the laws were followed," "the vote was secret," etc. Later in the early afternoon, after most of the golpeadores occupying the parking lot had left, we had the opportunity to conduct interviews without eavesdroppers. A more problematic situation was described by the miners. Several workers described how in the three weeks prior to the election, Excellon Resources stepped up their prior efforts to make clear their preference for how workers would vote. The SNMMDNGS was given additional resources by the company, while a letter urging workers to vote for the CTM's Adolfo Lopez Mateos Union, stating that if workers did not, they would risk losing a savings fund, was put up by the time clock at the mine gate. Pablo Garrola- the plant manager, was present at the vote registration table, which he was permitted to be, along with representatives of the union, but by two accounts, he attempted to quietly speak to workers waiting to vote.

Meanwhile, a more alarming development occurred on the road leading to the mine gate. Observers driving past the large encampment of golpeadores down the road shortly after the arrival of the first shift photographed several men near the road carrying large sticks. Two state police officers informed observers that the golpeadores were at some moments completely blocking the roadway to the mine. By 7:30am the state police presence doubled in front of the mine, with over 40 officers present, carrying automatic rifles and wearing balaclavas and helmets. A worker commented on the preponderance of police present. Around 10am a representative of the state Secretary of Labour arrived. He

assured observers that all laws were being followed in relation to the election process. By this point he claimed, about 60% of the eligible employees had voted. Around 11am, the large crowd of golpeadores departed. According to two of their state-level colleagues, they were dispersed by Federal police. However, by this time most of the workers had already arrived and voted. Two trucks of Federal police armed with a machine gun on each vehicle drove through the parking lot twice in the late morning. Two army trucks were also seen on the road around this time, though they turned around before reaching the parking lot. Meanwhile over the course of the morning, Excellon employees were observed delivering take-out meals twice to the state police. A couple of the golpeadores later did the rounds collecting and disposing the trash. The large crowd of golpeadores down the road later reappeared for about an hour in the early afternoon. An hour after the arrival of the final small afternoon shift, the results were announced. Mineros officials outside the gate pored over the voters' list they had received. Six supervisors- previously deemed not part of the bargaining unit, had somehow voted, despite not being on the previously approved list of 129 eligible members of the bargaining unit. Around 4:30pm on the other side of the parking lot, a crowd of two dozen golpeadores from the SNMMDNGS union, and one active worker from the mine, cheered their victory.

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