

The Assault on Labor in Cananea, Mexico



BY ANNE FISCHEL AND LIN NELSON

The actions taken in collusion between Grupo México and the Mexican government are an outrage. And if they can crush this very effective, independent union ... all independent unions in Mexico are at risk. And then other countries that are watching can say, "Well, if they can do it there, we can do it here too." And so I think that ... a union that is fighting for safe working conditions, fighting for decent treatment of the ... workers in those mines, if we can't stand behind that as a global labor movement, we're in trouble.

—Leo Gerard, president, United Steelworkers Union

ON THE NIGHT OF JUNE 6, 2010, MORE THAN 3,000 FEDERAL and 500 state police descended on the city of Cananea, Mexico (population 32,000), 30 miles south of the Arizona-Mexico border, where Section 65 of the Union of Miners and Metallurgical Workers (the *Mineros*) has been on strike for three years. They drove workers out of the mine, pursued them to the union hall, and gassed all who took refuge inside, including women and children. Several people were injured in the melee and at least five miners were arrested.

The attack on the workers of Cananea was a bitter turn in the prolonged David-and-Goliath struggle between a proud union and a powerful transnational copper mining company, Grupo México, backed by a neoliberal Mexican government. The miners are striking to restore health and safety protections guaranteed by their union contract and to mitigate environmental damage to their region and community. More fundamentally, they are fighting for the survival of independent Mexican unions—for the power to organize, and protect workers and their communities from corporate abuse. >>



Looking out over the mine in Cananea, Mexico, from a bluff near the house of Rosa Guayante, President of the Women's Front.

All photos are by Anne Fischel.

Fighting for the Right to Health and the Right to Strike

Grupo México doesn't respect the lives or the dignity of workers. It doesn't invest in safety or in reducing pollution. It is not interested in the hygiene of its worksites and it is not interested in rights or collective agreements.

—Napoleón Gómez Urrutia, general secretary, Union of Miners and Metallurgical Workers

The Mineros union is at the forefront of an international movement defending workers and communities against neoliberal incursions. Although the U.S. media has largely ignored the Mineros' struggle, the strike has drawn global support from

and called for an investigation. Gómez was already well known for his opposition to neoliberal labor reforms and his focus on international labor solidarity. Under his leadership the Mineros forged alliances with the Steelworkers (United States and Canada) and with Grupo's key union at its Peruvian mines, the Federation of Metal Workers of Peru.

After Gómez Urrutia denounced the state's complicity in the Pasta de Conchos explosion, Calderón's government removed him from his leadership post. Gómez was charged with mishandling union funds and forced to flee to Canada, where he now lives as a guest of the Steelworkers. After an independent audit by a Swiss accounting firm exonerated Gómez and the union, Mexican courts threw out the charges and Gómez was officially reinstated as general secretary. Despite this, the government continued to seek his extradition, but Canada repeatedly refused. The Mineros refused to accept government control of their union and have re-elected Gómez Urrutia six



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Teenagers at a basketball court built by Grupo México. White dust from mine tailings is blowing in the background.

unions, including the United Steelworkers, the main union at Grupo México's U.S. plants. Steelworkers president, Leo Gerard, was quick to denounce the Mexican government's action, calling it "a reign of terror for the workers."

Grupo México became notorious in 2006 for its role in the Pasta de Conchos mining disaster in Coahuila, Mexico, in which 65 members of the Mineros union were killed. In the months leading up to the massive explosion in the mine, workers repeatedly warned of dangerous conditions, including a build-up of explosive methane gas. They were ignored by the company and by regulating agencies charged with overseeing mine safety in Mexico. On February 19, 2006, the mine blew up. Napoleón Gómez Urrutia, general secretary of the Mineros, accused Grupo México of "industrial homicide,"

times. In the United States, the AFL-CIO denounced Gómez' ouster as part of "the continuing suppression of the independent labor movement ... by the Mexican government."

In Cananea the Mineros have been on strike since July 2007, when 1,300 workers walked off their jobs citing dangerous health and safety conditions and contract violations that threaten the health and safety of the community. The violations were thoroughly documented by the Maquila Health and Safety Support Network (MHSSN), a bi-national group of occupational health experts who toured the mine in fall 2007. Among their findings: piles of silica dust, which can cause silicosis and lung cancer; dismantled dust collectors; and inadequate ventilation systems, respirators, and auditory equipment. MHSSN's report documents "a workplace being deliberately run

into the ground” where workers are “exposed to high levels of toxic dusts and acid mists, operate malfunctioning and poorly maintained equipment, and work in ... dangerous surroundings.”

Since then Grupo México and the union have waged a prolonged legal battle, as the company sought repeatedly to have the strike declared invalid. Under Mexican constitutional law, strikes must be honored unless invalidated by the courts; as long as union workers are striking, companies cannot hire replacement workers or resume production. In January 2008, the courts briefly sided with the company, and police ousted the workers from the mine. Helicopters bombed strikers with tear gas; police beat them with clubs; 20 miners were injured. The next day the court reversed its position and upheld the strike, forcing Grupo México to withdraw from the mine.

In February 2010, two and a half years into the struggle, the Supreme Court again declared the strike invalid, and terminated the union’s contract. Mexico’s Political Coordination Board, a governing body of the National Chamber of Deputies, urged the government to “avoid the use of public force against the strike movement” and instead consider revoking Grupo México’s ownership of the Cananea mine concession “given their persistent refusal to resolve, by means of dialogue and negotiation, the strike that this mine’s workers maintain.” The Board called for a 30-day cooling-off period followed by negotiations. Looking broadly at the struggles against Grupo México at all its mining sites in Mexico, it called for a “legal, comprehensive and fair solution to the Cananea, Sonora, Sombrerete, Zacatecas, and Taxco, Guerrero miners’ striking conflicts, within a frame of respect to the rights of unions’ autonomy, strike, collective hiring, safety and hygiene and all other labor rights.” Hoping that the Political Coordination Board’s recommendations would win out, the workers continued to press their demands.

Imposing a Company Union on a Community

In May 2010, we traveled to Cananea with a delegation of labor educators and activists to meet union members and the Women’s Front (the Frente) that works in solidarity with them. We stayed in the homes of mining families, met with union and Frente leaders, and were taken on a tour of the vast open pit mine. During the tour we saw for ourselves

some of the conditions that impelled the miners to strike. We talked with Cananea’s mayor about the state of the city’s economy and with the head of the local hospital about Grupo México’s problematic health and safety record. We returned to the United States prepared to support the growing movement of global solidarity that has coalesced around the *Mineros*. Two weeks later the government sent in the police, rupturing the constitutional protections that undergird Mexican labor law.

In a 2008 report the International Metalworkers Federation wrote, “The line between the Mexican government and Grupo México has remained blurry since Calderón took office ... and the two have worked in concert to plan and execute the assault on los *Mineros*.” In fact, Mexico’s ruling party, the Partido del Acción Nacional (PAN), has long pursued an openly neoliberal agenda. One of President Calderón’s legislative priorities was to fundamentally restructure the relationships between labor, capital, and the state. Since winning the presidency for the first time in 2000, the PAN has championed the dismantling of contractual protections for workers. In Mexico, the process is known as “flexibilization,” which allows companies to hire temporary and part-time workers without benefits or job security, and subcontract out jobs previously held by unionized workers. Grupo México has played a leading role in implementing flexibilization; as the *Mineros* explained to us, all of the union locals at Grupo’s mines have been under assault, and several have been replaced by a *sindicato blanco*, a company union. In the days following the police incursion at Cananea, Grupo announced that all the strikers were welcome to return to work, as long as they agreed to join the *sindicato blanco*. With the mine secured, Grupo México, Minister of Labor Javier Lozano, and Sonora Governor Guillermo Padres quickly unveiled a new partnership: Grupo México will invest \$120 million to rebuild and expand the mine, while the state will invest almost \$440 million in new infrastructure and aid for economic development in Cananea.

Cananea’s Place in Mexican History

The struggle for workers’ rights is not new to Cananea. The city holds a special place in Mexican history. In June 1906, Mexican miners walked off the job, demanding equal pay with their U.S. co-workers. Their U.S. employer sent for Arizona vigilantes who fired into a crowd of striking miners, killing 23. The massacre in Cananea created outrage >>

throughout Mexico and helped start the Revolution of 1910. The city is proud of its revolutionary and working-class history. Visitors are welcomed by a sign, “Cananea: the Proletarian City,” and in one of the older neighborhoods, the “Neighborhood of the Martyrs of Cananea,” streets are named for miners who died in the 1906 struggle. To millions of Mexicans, Cananea symbolizes their nation’s long and incomplete struggle for political and economic independence, while the union is a standard-bearer in the battle for workers’ rights.

The rights to organize and strike were written into the Constitution of 1917 and codified into labor law in 1931. The Mexican Constitution also charges the government with safeguarding resources essential to national development. Mining is high

on the list, as are railroads and oil. In the 1960s, the government purchased the Cananea mine from its U.S. owner in accordance with Constitutional law. But in 1988, facing a debt crisis and a rapidly devaluing currency, then-President Salinas agreed to privatize state-owned industry. The concession to operate Cananea was auctioned off to a group of wealthy cronies, who created what is now Grupo México. While Grupo México is a relatively young company, its origins lie with one of the oldest U.S. miners, the American Smelting and Refining Company, or ASARCO (see sidebar).

Undermining Health, Wasting the Environment

Environment is the last thing that Grupo Mexico cares about. We see the destroyed mountains; we

Grupo México and ASARCO

A Case Study in Corporate Shape-Shifting

Grupo México began as ASARCO Mexicana. From its 1880s beginnings ASARCO operated mines in Mexico. ASARCO helped open Mexico to U.S. investment and economic control. ASARCO’s mines produced fabulous wealth for its U.S. owners, while ASARCO’s railroads trekked Mexico’s ore across the border to ASARCO’s smelters and refineries. At one time ASARCO had over 95 U.S. mines, smelters, and refineries, as well as holdings in Mexico, Chile, Peru, Australia, the Philippines, and the Congo.

In 1998, plagued by aging plants, contaminated sites, and the plunging price of copper, ASARCO put itself on the market and was purchased by its former Mexican affiliate. In 2002 ASARCO sold its lucrative Peruvian subsidiary, Southern Peru Copper, to its new owner, shifting its most potent assets across the border to Mexico. In 2005, ASARCO filed for Chapter 11 bankruptcy, citing lack of assets and environmental liabilities as the primary causes. The most prolonged and complex environmental bankruptcy in U.S. history was finally concluded in late 2009, when the company settled its claims and Grupo México regained control, over the strenuous objections of the Steelworkers. This closely watched bankruptcy left many communities struggling to complete remediation projects with modest funds; Texas State Senator Eliot Shapleigh called it an environmental test case for corporate polluters, while the Government Accounting Office warned of a precedent that could encourage corporations to use bankruptcy to evade the public trust. (See “Bankruptcy as Corporate Makeover,” *Dollars & Sense*, May/June 2010.)

After ASARCO was sold to Grupo México, workers at the Hayden, Arizona, plant complained about inadequate training for employees working with industrial chemicals and hazardous equipment. Workers reported that stocks of safety equipment were consistently low, and even gloves and toilet paper were often unavailable. In interviews conducted in summer 2006, workers told of accidents caused by inadequate training, fingers lost because of poor lockout procedures, broken limbs, and a co-worker who was electrocuted when the power was improperly shut down. The local union’s president, Tony Mesa, told us, “You’re like a number; you can be replaced. That’s not part of the agreement when you hired on that I’m going to leave part of my fingers here or I’m going to leave my arm or my leg or my life.”

Grupo México now proposes to consolidate ASARCO and Southern Copper Corporation into a single entity. This Mexican-U.S.-Peruvian conglomerate is well-engineered for today’s global economic landscape, able to shift assets and investments across borders, dedicated to eliminating obstacles to profits, and relying on international financial instruments and compliant governments for backup. It is this corporate shape-shifter, and the threat it represents to workers and communities, that the *Mineros* are fighting in Cananea.

see the contamination; the acids in the atmosphere, the dust which is toxic to the people. [But] all GrupoMexico wants is the metal.

To destroy, take the profits and leave the city in ruins, that is what they want.

—Dr. Luis Calderón, medical director,
El Ronquillo Hospital, Cananea

When Grupo acquired the Cananea mine in 1989, it immediately began to dismantle the historic social contract with the workers and the community. It closed the Workers Clinic, a well-equipped hospital run by the union and subsidized by the company, where miners and their families received treatment, including maternity and pediatric care. This left only the Ronquillo Hospital, a tiny, aging medical center owned and administered by the company. In 2008, in the midst of the strike, company officials summoned hospital personnel and announced the closure of the hospital. The company refused to pay for gasoline to transport dialysis patients to Hermosillo, four hours away; instead, hospital employees had to ask passersby for donations to buy gasoline. The community was left without access to health care. Dr. Calderón, the hospital's medical director, said, "They are stingy. They are exploiting a very rich mineral and there are positive things they could do to support the people. Instead Grupo Mexico has taken away all the benefits we used to receive in Cananea." The state of Sonora has since reopened the hospital, though at a very basic level of service.

During our visit the *Mineros* warned of the dangers that mine wastes pose to Cananea's air and water supply and to the region's watershed. The town is bordered on the northwest by the ever-expanding mine and on the east by a valley filling up with mine waste. Cananea maps show the valley area as a leachate lake, or reservoir, into which chemicals used to separate copper from its impurities are drained. Mountains of mine wastes, known as "halis" or tailings, loom on the outskirts of the city. When the winds blow, the top layers of the tailings drift through town, often ending up as a fine powder inside residents' homes. We were told that on windy days the sky is grey and thick, and waste materials blow as far north as the Arizona border. Local historian Arturo Rodriguez Aguero says, "On a bad day, you can't see the mountains at all." Increasingly the town is being swallowed up as the mine and the leachate lake continue to expand.



When Grupo took over the mine it promised to provide electricity and water to the community as the government and previous corporate owners had done. Instead, the company refused to pay the town's electrical bills and demanded exclusive use of the majority of town wells. This left the city with an inadequate water supply and distribution system. The city is building new wells, but this will take time; for now, the majority of residents use the Sonora River, which is contaminated by mine wastes, for their household needs, including drinking water—or purchase purified water, if they can afford it.

There is growing concern about the movement of mine wastes through the San Pedro River watershed, which begins in Cananea and flows 140 miles north to its confluence at Winkleman, Arizona, site of an ASARCO smelter. The San Pedro has one of the most diverse bird populations in the United States, including 100 species of breeding birds and 300 species of migrating birds. Agustín Gómez-Álvarez reports, "Acid mining drainage from mine tailings is currently reaching a tributary of the San Pedro River with heavy metals and sulfates in water and sediments." Cadmium, copper, iron, manganese, lead and zinc have become fluid parts of the regional ecosystem.

"With the Support of Our Friends"

The *Minero's* strike has been broken, at least temporarily, but the struggle continues. The attack in Cananea is only the first wave in the corporate/state onslaught against workers' rights and unions in Mexico. Eleven days after the government sent in the police, Gammon Gold, a Canadian company, fired 397 union workers at its Mexican mine, citing the "relentless distractions of union labor disruptions." According to the *Financial Post*, the company said the Labor Ministry's support of >>

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The *Mineros* Section 65 union hall, with the mine in the background. The banner reads, "You are not alone!"

Grupo México has “emboldened other miners to take decisive action against the union.”

As Grupo’s profits mount (\$337 million in the last quarter), the Mineros continue to fight. They rely on the support of a growing international movement. The Steelworkers union has a steady presence in Cananea and is working with the Mineros to create an international alliance to strengthen workers’ rights. The International Federation of Chemical, Energy and Mine Workers has sent delegations to Cananea. The International Metal Workers Foundation has published two white paper reports about the Mineros’ struggle; the IMF supports the findings of the independent International Tribunal on Trade Union Rights, which met for over a year to consider the growing crisis of labor in Mexico. In its May 2010 report, the Tribunal questioned “the illegal sentence that has terminated the employment relationship ... between workers and the company.” The Tribunal condemned the “partiality” of the Mexican government “which appeared “as if acting on behalf of employers” and expressed concern about “the continuing use of force to end labor disputes.” It concluded, “Repeated use of force and abuse of the law could lead to social upheaval and social unrest, and to the closure of legal avenues to resolve labor problems.”

On July 9, the Superior Court of Justice of the Federal District of Mexico dismissed the arrest warrant against Napoleon Gómez Urrutia, removing any legal base for a case against him. And amidst the frenzy of the World Cup in South Africa, the National Congress of Mineworkers and the Coalition of South African Trade Unions mobilized an international demonstration of support for the Cananea miners. These signals of support give hope to the Mineros in their ongoing struggle. Sergio Lozano, secretary of the Cananea local told us, “You help us overcome the barrier of the border. In the past this didn’t happen so much. It makes a big difference.”

Just as in 1906, the miners of Cananea are standing against the abuses of unregulated corporate power backed by a compliant state. As a recent email from a union member stated, “We have lost a battle, but our struggle continues. We remain hopeful that with the international support of our friends and allies, we can persist and win.” **D&S**

Postscript

On August 11th, two months after the federal police seized the mine, the Ninth District Judge in Sonora ruled that the Mineros’ strike was still in existence and once again legally recognized. The judge found that the federal Attorney General and Secretary of Public Security had the authority to send police to inspect mine installations, but not to remove the strikers. The judge has granted a temporary injunction barring Grupo Mexico’s replacement workers and the police from the mine until a permanent court ruling can be made. At least one replacement worker died in a mining accident and an estimated 25 have been injured on the job. As this article goes to press 800 miners and their supporters are waiting outside the gates to once again take control of the mine.

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SOURCES: Judy Ancel, “Mexican Government Threatens to Open Mine by Force,” *The Cross Border Network*, June 2010; Barr, Heather et. al., “Workplace Health and Safety Survey and Medical Screening of Miners at Grupo México’s Copper Mine, Cananea, Sonora, Mexico,” *Maquiladora Health and Safety Support Network*, www.igc.org/mhssn, October 5–8, 2007; Garrett Brown, “Genuine Worker Participation—An Indispensable Key to Effective Global OHS,” *New Solutions: A Journal of Occupational and Environmental Health*, 2009; Garrett Brown, “International OHS Through the Looking Glass of the Global Economy,” *EHS Today*, January 2008; Gómez-Álvarez, Agustín, et al. “Estimation of potential pollution from mine tailings in the San Pedro River (1993-2005), Mexico-U.S. border,” *Environmental Geology*, vol. 57, #7, 2009; “Hasta La Victoria: Napoleon Gómez Speaks,” speech to ITUC, June 29, 2010, www.mua.org.au; International Metalworkers’ Federation, “Report of IMF Fact Finding Mission to Mexico,” July 2006, www.solidaritycenter.org; International Metalworkers’ Federation, “An Injury to One: The Mexican Miners’ Struggle for Union Independence,” March 2008, www.imfmetal.org; International Metalworkers’ Federation, “International Tribunal on Freedom of Association condemns Mexican government policies,” www.imfmetal.org; Interview with Dr. Calderón, El Ronquillo Hospital, Cananea, Mexico, May 2010; Interview with Tony Mesa, Phoenix, Arizona, July 2006; Mara Kardas-Nelson, Lin Nelson, and Anne Fischer, “Bankruptcy as Corporate Makeover: ASARCO demonstrates how to evade environmental responsibility,” *Dollars & Sense*, May/June 2010; Gerald Markowitz and David Rosner, “Deceit and Denial: The Deadly Politics of Industrial Pollution,” UC Press, 2002; Ingrid Zubieta, “Cananea Copper Mine: Is it Safe for Workers?” NIEHS presentation, 2009; Ingrid Zubieta et al., “Cananea Copper Mine: An International Effort to Improve Working Conditions in Mexico,” *International Journal of Occupational and Environmental Health*, 2009.