



Business & Human Rights  
Resource Centre

A photograph of a man wearing a brown jacket, blue jeans, and a straw hat, working in a cornfield. He is bent over, tending to the plants. The field is filled with tall corn stalks, and the background shows a dense forest under a dark sky.

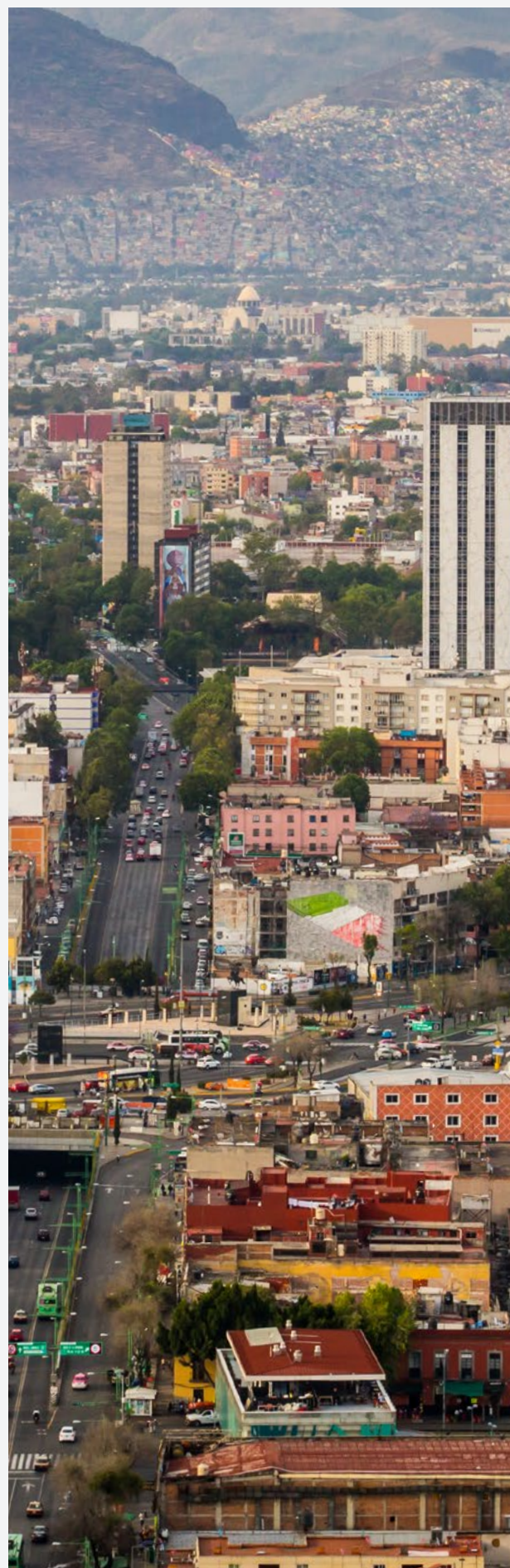
# Economies of care or abuse?

COMPANY BEHAVIOUR IN MEXICO DURING COVID-19

OCTOBER 2020

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# Executive summary

The COVID-19 pandemic has exacerbated existing inequalities and human rights abuses in Mexico. The response of federal and local governments as well as business have been widely discussed in the media, at government press conferences, by international agencies and business associations, but no one understands the human rights impact of these actions more clearly than workers, communities and their families. This report presents key findings which highlight prevalent forms of abuse in the country, their drivers and company reactions to allegations.

“ My innocence is not up for negotiation...  
The workers’ movement in the maquila industry  
in the North of Mexico will grow every day.  
Don’t be silenced and do not take any steps back!”<sup>1</sup>

Susana Prieto Terrazas, arrested  
for defending workers’ rights

From 23 March to 30 May 2020, the Mexican Government implemented a series of social distancing measures and decreed the cessation of “non-essential” activities within the Mexican economy. However, during this period a large number of human rights abuses were committed by companies that continued their operations without official “essential” recognition, and many of those authorised to continue their activities often did so without sufficient health measures in place. In both cases, companies committed labour rights abuses, such as unjustified dismissals, reduction of salaries, forced leave without pay and even reprisals against workers who demanded the protection of their rights. After the economy reopened on 1 June 2020, the situation did not improve much; abuses and cases of deaths from infection in the workplace continued to be reported.



Reports of abuse by large business groups such as [Alsea](#) (which manages Mexican operations of brands such as **Starbucks**, **Burger King**, and **Domino's Pizza**), [Grupo Salinas](#) (which includes **TV Azteca**, **Elektra**, and **Coppel**), and [Grupo Carso and its subsidiaries](#), are emblematic cases of the widespread labour code violations which undermined workers' security and terms of employment during the six-month health emergency in Mexico. The National Council for the Prevention of Discrimination (CONAPRED) registered 417 complaints from 19 March to 14 August, half of which were lodged by workers. More than two in five of the complaints were against private entities and public companies. Over three-quarters (76%) of allegations were related to illegal or unfair labour practices and lack of protection against the risk of infection.<sup>2</sup>

The findings of this report reflect wider corporate behaviour in Mexico, in response to the pandemic, and its impact on human rights in the maquiladora industry, agribusiness, mining and energy sectors. These sectors are central to the Mexican economy and reported the highest levels of abuse in the country; according to our analysis of 229 allegations raised against domestic and foreign companies by the media, civil society and other public information sources. From all abuses documented, two in five related to the violation of the right to health of workers and over a third (35%) involved unjustified, arbitrary, or mass dismissals.

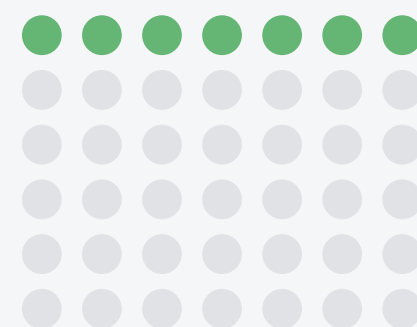
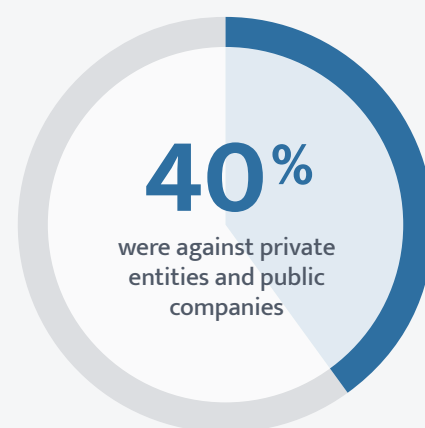
From our case analysis, we selected 42 companies across the four business sectors to provide more detailed examples and invited these companies directly to respond to the allegations. Only seven responded to us. This is a low response rate compared to our global standard. It is disappointing and may reflect either companies' embarrassment at their lack of action, or a disregard for accountability and responsibility in their operations or supply chains, at a time of greater vulnerability for their workers or communities.<sup>3</sup>

### Some short- and long-term recommendations for companies are offered in this report, which include:

- ② Hiring back of workers and restoring their labour rights and benefits to match those held before the pandemic;
- ② Taking urgent measures to implement human rights due diligence in companies' operations, including tracking their supply chain and investing in the protection of their workforce.

## 417 COMPLAINTS

were registered by the National Council for the Prevention of Discrimination from 19 March to 14 August



42 companies were invited to respond to the allegations  
7 responded to us

# Key findings

The most common allegations of human rights abuse by companies were: violations of the right to health (40%) which included lack of implementation of adequate health measures, exposure to or a lack of support for workers in high-risk situations, either in the workplace or in transport to and from their homes; unjustified, arbitrary or mass dismissals (35%); and the rest comprised reduction of wages, “forced vacation” without pay and drops in social benefits, among others.

In the states of Baja California, Chihuahua, Mexico City, State of Mexico, Tamaulipas, Sonora and Sinaloa, many companies, and often entire sectors – like maquiladora and commercial businesses – refused to shut down operations despite government regulation. These states are among those where most of the abuses were reported.

The sectors with the strongest links to international production chains – maquiladora industry and agribusiness – were found to fail at protecting workers against the virus. Almost two-thirds (65%) of all health-related allegations were attributed to maquiladora companies, and thousands of agricultural workers were reported at high risk of contagion, which is evidenced by registered collective infections and deaths in the fields.

The maquiladora industry did not suspend operations and failed to implement health and safety measures to adequately protect their workers. Protests and strikes by workers in several states resulted in dismissals (comprising 40% of all abuses) and arrests. The case of [FrontRunner Technologies](#) exemplifies the extreme situation workers endured, where staff reported they were not only left without a salary, but that the company had disappeared without notice.

In the agribusiness sector, migrant workers were exposed to unsafe transport to fields and factories, overcrowding in the workplace and poor health protections. With a few exceptions like [SM Invernaderos](#) and [Rancho Los Pinos](#), public allegations against companies in the sector have been scarce and it is difficult to hold companies to account due to the lack of transparency, including formal or clear labour contracts. Workers are unable to track companies which purchase agricultural products, making it difficult to seek remedy and hold brands accountable.

Three in five companies in the mining sector were accused of putting the health of workers, their families, and communities at risk. Some companies, such as [Ocampo Mining](#) (part of Frisco Group), disregarded the ‘declaration of contingency’ by continuing operations, despite being considered a “non-essential” business. Indigenous and farming communities considered mining projects to be a source of contagion.

In the energy sector, the two most important state-owned companies in Mexico, [Petróleos Mexicanos](#) (PEMEX) and the [Federal Electricity Commission](#) (CFE), were criticised for the exposure of workers to contagion, as well as for failing to ensure access to medical care and adequate living standards in the context of a pandemic. According to [Bloomberg](#), **PEMEX** is the company with the highest death toll of workers due to COVID-19 in the world.

Many companies reported positive actions during the pandemic consisting of donations of food and medical supplies, as well as repurposing of their facilities or supply chains to respond to COVID-19’s demands. While some have been welcomed by distressed workers and communities, these actions lie within a corporate social responsibility approach. Companies need to adopt a systematic approach by ensuring respect to human rights in their operations and supply chains.

# Introduction

The COVID-19 pandemic has highlighted existing structural problems and prevalent human rights abuses in Mexico. The country has been greatly affected by the fluctuations in international economic activity during the pandemic, due to its role within global supply chains and the diversity of its economic activities. The country's reliance on foreign investment, international markets and multinational companies explains why the resumption of "non-essential" activities occurred at the peak of its sustained infection rate. Following the economic reopening of European and Asian countries, as well as [pressure from governments and companies](#) in countries with which Mexico has the greatest economic integration - Canada and the United States – the Mexican Government agreed to the gradual resumption of all economic activities on 1 June 2020.

An analysis of 229 public allegations of abuse recorded from March to August 2020 accounts for the higher levels of publicly reported human rights violations in the maquiladora industry, agribusiness, mining and energy sectors. The following sections of the report explain this trend in more detail, while providing examples of 42 companies across these sectors. As mentioned, all 42 companies were contacted to respond to these allegations and only seven did (see [annex](#)).<sup>4</sup>

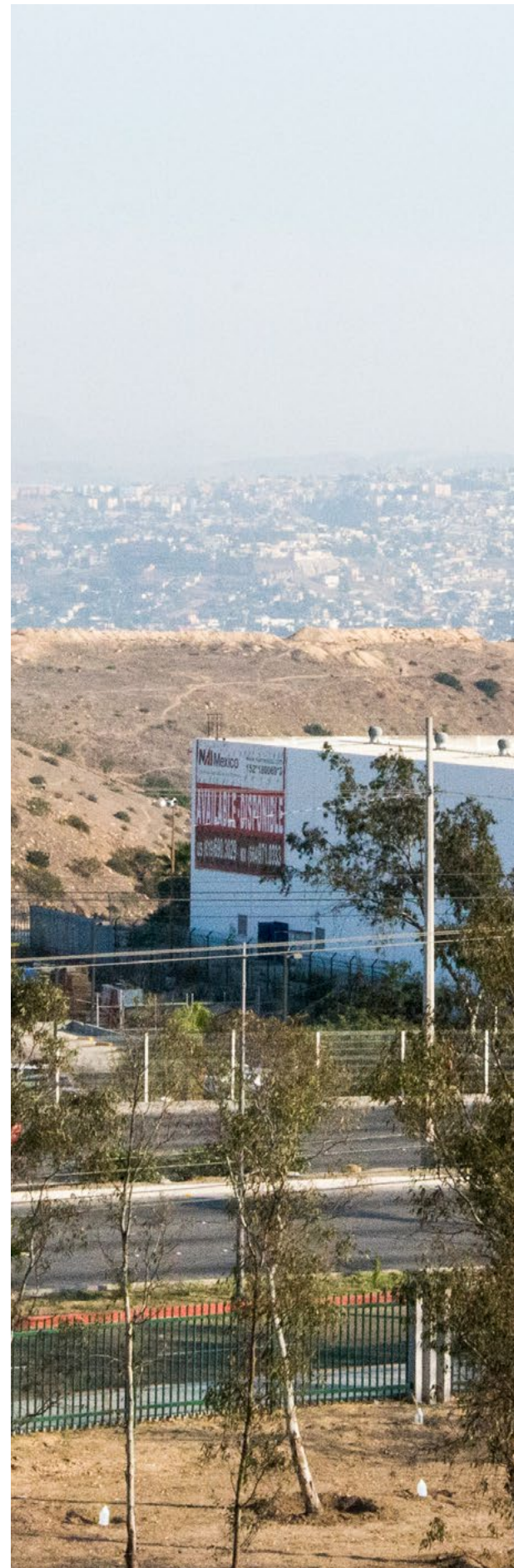


# Maquiladora industry

**Maquiladoras** are characterised as companies whose function it is to manufacture products in large quantities which are destined to be integrated into the supply chains of large multinationals in different sectors; such as the automotive, electronics and textile industries, among others. Maquiladora companies tend to have a large workforce in closed spaces, so the impact on workers is also often large. The main human rights abuses in the maquiladora industry during the pandemic were massive job losses, widespread wage reductions, continued work under unsanitary conditions and consequent deaths from the virus.

In 2018, the Manufacturing, Maquiladora and Export Services Industry Program (IMMEX) reported that this industry generates around 3 million direct jobs and more than 7 million indirect jobs nationwide.<sup>5</sup> The development of the maquiladora industry in the Mexican border states responds to decades of economic promotion of the comparative advantage of its close proximity to the United States, as well as its low wages, and flexible labour conditions and prices.

Of more than 100 cases of abuse reported against maquiladora companies for violations of labour and health rights, most were in the border states of Baja California, Chihuahua, Coahuila and Tamaulipas, as well as Mexico City. The common denominator among many of the maquiladora companies in these states was their refusal to suspend operations and insufficient or non-existent health measure. According to abuses publicly reported within the sector, three in five account for violations to workers' right to health. These factors explain why COVID-19 infections continued to increase among companies in the sector.



At [Plamex \(Plantronics\)](#), a maquiladora company that manufactures communication devices, located in Tijuana, Baja California, workers said they were not provided with personal protective equipment such as gloves and facemasks, nor instructed to maintain a healthy distance from one another. According to the workers, the company refused to close even after two employees died from the infection and another had contracted the virus.<sup>6</sup> Similarly, protests were reported against other companies such as [Amphenol](#), [Foxconn](#), [Lear](#), [Hubbell](#), [Syncreon](#), [Johnson Controls and Electrocomponents](#).<sup>7</sup> Among the dissatisfied workers at [Electrocomponentes](#), in Ciudad Juárez, was a woman who was seven months pregnant, forced to continue working despite the company's activities being declared "non-essential". 400 workers joined her in demanding that the company stop operations.<sup>8</sup>

“ Let them give us the quarantine like all the companies are doing, because we all have families and we don't want anything to happen to them. Besides, pregnant women shouldn't be here.”

**Electrocomponents worker**, seven months pregnant

At the end of April 2020 in the state of Chihuahua, a petition was filed against the maquiladora sector for failing to comply with state orders to close factories involved in non-essential production. On 9 April, a district judge issued a ruling in which she urged the Ministry of Labour to take the steps necessary to ensure compliance with health measures by companies authorised to continue operating; this included the reduction of staff.<sup>9</sup> In May, at least one company, [Benotto](#), which manufactures bicycles, reportedly evaded such efforts by hiding around 350 workers during a labour inspection.<sup>10</sup>

A high number of deaths were observed in the maquiladora companies. Some companies continued their operations despite having identified cases of workers with symptoms of COVID-19, confirmed infection and deaths. Many demonstrations took place in various states in protest of the situation.

Staff deaths and infections following the resumption of operations in [Lear Corporation](#), [Plantronics](#), [TPI Planta 3](#) and [Electrolux](#) were reported by the media. [Lear Corporation](#), in Ciudad Juárez, was one of the first maquiladora companies to report deaths; of the 16 people who died in Chihuahua as of 13 April, 13 were employees of Lear. In their response to us, Lear said it closed the factory according to the guidelines of the Federal Government.<sup>11</sup> About 400 employees protested against [TPI Planta 3](#), also located in Ciudad Juárez, for not suspending operations after a worker died.

“ We continue working and they have not given us anything, one worker has already died and more than 40 colleagues from the area to which he belonged are in quarantine. We don't want to work like this.”

**TPI worker Plant 3**<sup>12</sup>

Similarly, in May, after the progressive economic reopening decreed in the country, some maquiladora companies restarted their operations despite multiple cases of COVID-19 infection and deaths among workers at the factories. In Tijuana, Baja California, more than 400 positive cases were reported on company premises, as well as 83 deaths. In Matamoros, Tamaulipas, a municipality that reported 24 deaths and 240 infections, hundreds of workers protested after the resumption of maquiladora activities.<sup>13</sup>

After the reopening of its plant in Puebla, [Volkswagen](#) recorded around 100 infections from COVID-19 until June.<sup>14</sup> The company also announced that after the resumption of its activities, 10 people had lost their lives because of COVID-19.<sup>15</sup> Government authorities urged both **Volkswagen** and [Audi](#) to continue the suspension of their operations:

“ We are going to have a dialogue with Volkswagen and with any company so that they recognise that these are not conditions to restart activities. It is a very complicated situation, we recognise it, we know that the economy is being damaged [...] it is a difficult moment we are going through, and I don't mean this regarding Mexico nor the world, but Puebla. [...] It is about them [the companies] making a decision in the face of a notorious fact, which are the conditions in which we are with respect to the pandemic, that is what they have to do.”

**Miguel Barbosa**, Governor of Puebla<sup>16</sup>

On the other hand, it was reported that the maquiladora industry - notorious for its low pay, often below the legal minimum wage - informed workers that they could go home either without any pay, with an extreme reduction in pay, or in exchange for their vacation days. This effectively meant that workers already living hand to mouth because of low pay were forced to work in often dangerous conditions. In Ciudad Juárez, there were reports of maquiladora companies forcing employees to work under threat of dismissal. A “death bonus” became the colloquial phrase for any figure paid on top of workers' wages during this period.<sup>17</sup>

In Coahuila, following the contingency wage reduction, workers in multiple maquiladoras received almost half of the minimum wage for the northern border area:

“ 600 pesos I earned this week, now I have to try to survive. My husband is a bricklayer, but now his work is also in low demand.”

**Maquiladora worker** from Piedras Negras, Coahuila<sup>18</sup>

The maquiladora [Flex](#),<sup>19</sup> located in Jalisco, was accused by its workers of suspending work without pay and being deprived of their savings funds. Similarly they alleged that those who were allowed by government decree to take shelter at home because they belonged to a group vulnerable to infection, were asked to resume their work. Reportedly, if they refused, they could continue in isolation on a 60 per cent salary without receiving bonuses or benefits. Flex's response to these allegations included sanitary measures and a statement of its commitment to workers' safe employment.

On 25 April, in Aguascalientes, employees from [FrontRunner Technologies](#)<sup>20</sup> maquiladora reported that they stopped receiving wages for more than a month. Workers from **FrontRunner Technologies** met with members of the maquiladora steering committee on 23 March and were informed of the one-month suspension of work. At the end of March, staff were informed that they would not receive any payment due to economic insolvency, but not informed that the plant would close, which it subsequently did, without wages paid or redundancy pay. During that time, staff payroll accounts were deactivated, blocked, and eliminated. The company denied any responsibility and disappeared.

“ We arrived and saw that the place was vacant, it was empty, it didn’t say it was FrontRunner anymore. We tried to contact the manager and he told us that he doesn’t have any instructions from the Florida directors, that they just haven’t sent the deposit and that’s why they couldn’t pay us.”

**FrontRunner worker**

Another recurring trend of abuse were mass layoffs. Corporations such as [Tridonex](#) and [Modine](#) were reported for this practice. In Aguascalientes, [Nissan](#) terminated the employment of about 300 workers.<sup>21</sup> [Lear Corporation](#), at its plant in Ciudad Juárez, planned to lay off about 500 people.<sup>22</sup> In the same city, [Electrolux](#), following protests to suspend activities due to the death of two workers and an undetermined number of infections, allegedly made arbitrary dismissals:

“ I heard that the comrades who protested were all fired. They [Electrolux] did not recognize their acquired rights as workers either. This worried everyone and forced us to keep quiet, even though we all knew that we were working with the risk of contagion.”

**Electrolux worker<sup>23</sup>**

# Agribusiness

Historically, agricultural workers have been plagued by structures of exclusion, discrimination and lack of protection, leaving them more exposed and at greater risk of contagion during COVID-19 than other sectors. Since the Mexican Government considered agribusiness to be an “essential sector” of the economy, the recorded cases of human rights abuse against agricultural workers have raised concerns about whether infections within the sector were caused by failure to implement occupational safety protocols, or potentially ineffective surveillance measures by states.

“ The problem is not that I’m staying or going to Oaxaca. No, that’s not the problem. My concern is that if I stay and there is no work, how I will survive here? And if I leave, there’s a risk of catching it [coronavirus] on the way. I really don’t know what to do.”

**Martin Ponce**, agricultural migrant worker<sup>24</sup>

In the last 30 years, the demand for fruit and vegetable exports to the United States has increased, and with it, the population of agricultural workers.<sup>25</sup> There are an estimated 3 million people working in agricultural fields in Mexico.<sup>26</sup> About a quarter (24%) of them speak a native language, and one in five are indigenous.<sup>27</sup> Nearly all (93.4%) do not have a formal work contract and nine in 10 (90.9%) work without healthcare provided by their employer, while the majority (85.3%) have no employment benefits and only about one in 13 (7.5%) have social security.<sup>28</sup> Conditions of informality in contracting and the consequent lack of guaranteed social security services have placed workers in this sector in a situation of greater vulnerability in the context of COVID-19.

“ Agricultural workers constitute a highly vulnerable population due to two sources of risk coming from the agro-export production model: travelling from their places of residence and housing at the workplace, both characterized by overcrowding.”

**Colegio de la Frontera Norte**<sup>29</sup>



Health authorities in workers' states of origin, such as Guerrero, agreed with the Council of Agricultural Workers of the Mountain and Tlachinollan Human Rights Centre, that the numbers of agricultural workers increased by 50% this year. According to civil society organisations, this increase could be due to the increase in child and adolescent migration following the suspension of classes, as well as the perception that economic conditions would worsen and the production from their farms would not be sufficient to survive the year.<sup>30</sup>

Transparency is a major obstacle. When trying to contact the companies responsible for work in the agricultural fields, it was extremely difficult to identify them through public information. This was also true for the companies buying Mexican produce. The lack of access to this information not only reflects a clear lack of understanding of the value chains in this sector, but also implies the companies involved are not easily identifiable, even for agricultural workers.

In some states production units or agricultural enterprises belong to people who constantly change their name or just lease the land they use to plant their crops. However, the owners are individuals or sub-leasers, and the employer relationship is usually mediated, which makes it impossible for the agricultural worker to know the name of the company for whom they work. Therefore, public complaints against such companies are few and far between, and it is more difficult to hold them accountable for abuses and to demand they exercise due diligence in human rights in the context of COVID-19.

Trends referring to corporate abuse, lack of state protection and cases of neglect of migrant workers in the agribusiness sector during the pandemic were obtained through 32 national and local news stories. The states where most abuse was reported were Baja California, Chihuahua, Guanajuato, San Luis Potosí, Zacatecas, Sinaloa, Michoacán, Guerrero, Sonora, Baja California Sur and Durango. These states recorded a sustained increase in the number of people infected from the beginning of the pandemic, according to Mexican Government figures.<sup>31</sup>

“ Since inspections are random and only in large companies, it is very difficult for the farmer to provide himself with the necessary measures: running water, soap and gel. In the vast majority of areas where we have been investigating there are very few places where measures have been taken. Others have been left to be resolved by the agricultural workers themselves or by their families.”

**Margarita Nemecio**, of National Network of Agricultural Workers<sup>32</sup>

Outbreaks of infection and probable deaths due to COVID-19 reported in the sector occurred in the states of Baja California, Chihuahua, Michoacán and Sonora. In San Quintín Valley area of Baja California, by mid-April 2020, workers of the agricultural company [SM Invernaderos](#) denounced the lack of state-sanctioned health standards implemented by the company, given it employed more than 1,500 people.<sup>33</sup> On 31 May, workers from the agricultural company [Rancho Los Pinos](#) voiced their concerns about an apparent outbreak of COVID-19 in the company's packing area, where about 10 workers presented symptoms associated with the disease. As of 14 August, after two and a half months, the company had not shared updated health and safety information or measures with workers.<sup>34</sup>

By the beginning of May, farm workers reported that at least 70 farms in the area had not taken any sanitary measures to stop the spread of the disease.<sup>35</sup> Transportation continued to be overcrowded, and pregnant women and elderly people continued to work in the fields. In response to the complaints, the local authorities reported that they had dealt with the situation after the end of the quarantine and that the agricultural companies could be administratively sanctioned.<sup>36</sup> By June, the local media reported that the agricultural area of Baja California was recording a significant and rising number of the infections.<sup>37</sup> In the region of Vizcaíno in Baja California Sur, in early June, outbreaks were recorded on three agricultural ranches with approximately 35 cases.<sup>38</sup>

Other outbreaks occurred in agricultural fields in Meoqui and Delicias, Chihuahua. By the second week of June, the municipality of Meoqui had confirmed 40 positive patients and seven deaths, making it the fifth most contagious municipality in the state.<sup>39</sup> Between June and July, after multiple outbreaks in Delicias, a farm worker died.<sup>40</sup>

In Sonora, by 5 June, the Agricultural Workers Working Group in Sonora (GT-JAS), the National Agricultural Workers Network, and the Binational Workgroup for the Health and Well-being of Sonoran and Arizona Farmworkers reported multiple outbreaks in agricultural fields and 11 probable deaths from coronavirus.<sup>41</sup>

In the municipality of Fresnillo, Zacatecas, a female agricultural worker died. Due to the overcrowding (groups of between 40 and 60 people live in warehouses) there was fear of further contagion when 3,000 workers from Guerrero, Michoacán, Nayarit and Sinaloa arrived in the area.<sup>42</sup>

In the region of Zamora, Michoacán, the local media reported that up until July the transnational vegetable companies did not comply with the health measures decreed by health authorities. María del Carmen Ventura of the Centre for Rural Studies at the Colegio de Michoacán reports on the companies in the sector:

“ They don’t provide conditions that really protect the health of farm workers. If you get infected you are discharged and left to fend for yourself, they have no health services, insurance or benefits.”<sup>43</sup>

According to the National Network of Agricultural Workers, some agribusiness companies modified their policies and hiring mechanisms during the pandemic. In the case of a worker from Veracruz, the Centre for Studies in International Cooperation and Public Management (CECIG) reported that two agricultural companies located in Baja California Sur had modified their hiring practices, requiring personal documents that people in rural communities do not always have and establishing age restrictions for workers over 40.<sup>44</sup>

It is likely that the return of migrant agricultural workers to their places of origin at the end of the season will represent a potential risk to their health, given companies have not taken appropriate measures to ensure workers are not infected before returning home. According to Tlachinollan Human Rights Centre, a migrant agricultural worker from Guerrero died on 31 May while returning from a camp in Guasave, Sinaloa. Passengers claim he had symptoms of COVID-19 during the trip. The Health Ministry confirmed the diagnosis. However, there was no information about the company’s actions to support its worker.<sup>45</sup> In other states, various civil society organisations belonging to the National Network of Agricultural Workers have reported that the companies did not comply with the salary and transportation payments agreed for migrant workers.

# Mining & energy

The mining and energy sectors are a fundamental part of the Mexican economy. In Mexico, the mining-metallurgical sector contributes 4% of the national Gross Domestic Product (GDP), while the energy sector represents 2% of GDP.<sup>46</sup> According to the Mexican Social Security Institute (IMSS), in 2015 the mining sector generated around 350,000 direct jobs and more than 1.6 million indirect jobs.<sup>47</sup> The country is the number one destination for investment in mining exploration in Latin America and the fourth worldwide.<sup>48</sup> In 2019, oil revenues accounted for 17.7% of total public sector income.

The mining and energy sectors are the source of many social conflicts in Mexico, involved in a variety of complaints of human rights abuses. This includes the lack of effective respect of the rights of indigenous peoples, such as the right to free, prior and informed consent, as well as responsibility for environmental disasters, and violation of workers' rights due to accidents during operations.

A total of 27 news stories in the period analysed reported abuses by companies in the mining and energy sector. The greatest number of reports of abuse by companies in these sectors occurred in: Zacatecas, Campeche, Baja California Sur, Oaxaca, Guerrero, Coahuila and Tamaulipas.



## Mining

In many parts of the world, mining has continued to operate despite the pandemic and the health standards set by governments. Globally, the mining sector has been singled out for benefiting in different ways from the pandemic. Mining companies have reportedly pushed legislation or regulation that favours the sector, such as the relaxation of environmental standards in Honduras<sup>49</sup> and Colombia.<sup>50</sup> On the other hand, they have also offered food and hygiene products to communities affected by their operations. According to complaints, this has deepened distrust and tensions within communities, amid a difficult context for the defence of land, territory, and the environment.

The company [Minera Gorrión](#) (part of **Almaden Minerals**) continued its operations, despite community opposition and allegations of bribery. The response we received from the company affirmed it only seeks to contribute to the social development of the community. In another article, it was reported that **Minera Gorrión** delivered support to health units, hospitals and towns in Ixtacamaxtitlán, Puebla,<sup>51</sup> which the indigenous community does not trust:

“ The distribution of gifts by the company does not speak to us of a responsibility and solidarity for our community, since these actions continue to divide it and, above all, to buy goodwill. The companies take advantage of the circumstances, because we are vulnerable. Instead of giving away food and personal hygiene products, the mining companies should stop the activities that are being disputed by the communities, since they are spaces and places of contagion.”

**Alejandro Marreros Lobato**, member of the Unión of Ejidos and Communities in Defense of Land, Water and Life “Atcolhuac”

Mining has also been singled out as leaving workers in a situation of high vulnerability and risk of contagion; three in five of the documented allegations against the sector are related to this. Initially, some mining companies disregarded the declaration of the health contingency, refusing to cease activities. The sector was not considered “essential” by the Ministry of Health, so it had to suspend activities from 30 March to 30 April 2020, a deadline that was later extended to 30 May.<sup>52</sup> By not complying with the health standards, some companies incurred risks to workers, including the violation of their labour rights and their right to health. According to our analysis of the cases, many mines stayed open, often with high infection rates due to neglect of adequate health and safety for their workers. Mines that did close were often accused of abuse such as forced leave without pay and massive layoffs without compensation.

Large mining companies such as [Fresnillo](#), [Grupo Frisco](#) and [Industria Peñoles](#) were accused of such actions,<sup>53</sup> while the rating company S&P Global Ratings reported in mid-April that the credit quality of two of these companies could withstand up to three months of closure.<sup>54</sup> In some cases, such as that of [Don David Gold](#) in Oaxaca, there were reports of hidden outbreaks of infection within workplaces, without giving notice to the health authorities and without taking preventive measures to avoid further contagion.<sup>55</sup>

**Ocampo Mining (part of Grupo Frisco)** was denounced by workers for preferring to incur a fine before suspending activities at the mine. On 13 April, the local representative of Zacatecas, Alma Davila, together with members of the federal legislature, academia, social organisations such as the National Union of Agricultural Workers (UNTA Zacatecas) and the general public, sent a letter to the President of Mexico saying:

“...[We] see the need to denounce the fact that the mining company Ocampo Mining, S.A. de C.V., a subsidiary of Frisco-Tayahua, S.A. de C.V... is flagrantly disregarding the Declaration of Sanitary Emergency, as well as the Agreement through which the extraordinary actions to comply with said declaration were established... The facts that we denounce are the following: The mining company continues to work every day - three shifts per day - thus exposing the hundreds of workers, and therefore their families, to the possible contagion of COVID-19...”

**UNTA Zacatecas and others**<sup>56</sup>

Canadian mining company **Equinox Gold** reported an outbreak of infection among its workers at the Los Filos complex in Guerrero, after calling for about 200 workers from other states to be hired. The company stated it had received authorisation to restart operations on 24 May (after having ceased operations because mining was not considered an “essential activity”). According to reports, approx. 500 workers from nearby municipalities, with the support of the National Union of Mine, Metal, Steel and Similar Workers of the Mexican Republic, refused to return to work until they were sure there would be no risk to their health. Equinox Gold responded:

“All workers at the Los Filos site were tested for COVID-19 using the PCR test, including individuals who had been isolated since their return to the mine in early May.”<sup>57</sup>

However, according to the Tlachinollan Human Rights Centre, Los Filos was not prepared for the arrival of their workers from the mine:

“The mining company summoned the hired workers, who came from other regions and entities, without adequate facilities for their stay and shelter, while they were being tested by PCR. Their call was unreasonably hastened, to the extent that around 500 people attended the first call, without having places to stay.”

**Tlachinollan Human Rights Centre**<sup>58</sup>

The company announced it had detected 51 positive cases of the virus and returned the workers to self-isolation. However, the Tlachinollan noted that the health protection of workers and their families was not ensured, as the company had not guaranteed the conditions for them to adequately comply with the confinement, especially for those who are migrants.

## Energy

The domestic energy sector represents about 2% of the national GDP,<sup>59</sup> according to the Energy Commission of the Mexican Employers' Confederation (Coparmex).<sup>60</sup> Similarly, the income of the Mexican state oil company **Petróleos Mexicanos (PEMEX)**, with more than 125,000 workers, is equivalent to 6.6% of GDP.<sup>61</sup>

**PEMEX** and the **Federal Electricity Commission (CFE)** are the two most important state companies in the energy sector. The modernisation and renewed efficiency of these companies are at the top of the current Mexican administration's priorities. However, both companies have reported worker deaths due to outbreaks of contagion in their facilities. **PEMEX** and **CFE** have been highly criticised by both national and international press, including *El Financiero* and *Bloomberg*: **PEMEX** for a lack of foresight and sanitary measures, which made it the company with the highest number of deaths due to COVID-19 worldwide;<sup>62</sup> and the **CFE** for unfair practices in a context of health emergency. Both **PEMEX** and the **CFE** were both deemed "essential" companies by the federal government and, therefore, did not cease activities.

On 14 July, **PEMEX** reported 14,151 suspected cases, for which 7,020 diagnostic tests were performed. The results indicated 4,119 cases of infected persons and 202 deaths.<sup>63</sup> Questionable health screening and a lack of health measures and protocols to prevent contagion are part of the accusations against the state-owned company. During the transportation of workers to the oil platforms located in the states of Tamaulipas and Campeche, it was reported that no social distancing measures were taken.

“Tampico's people go by bus; it's usually full, there's risk there too. We arrive in Ciudad del Carmen and they give us different schedules. In a boat, there's 50 to 70 people. There are thousands of platform workers in the area; we are afraid, uncertain.”

**PEMEX worker**<sup>64</sup>

Once on the platforms, despite some workers claiming symptoms of COVID-19, they were not given medical attention on land. In addition, the company was reportedly negligent as workers with co-morbidities, such as hypertension and chronic degenerative diseases, continued to work among co-workers who tested positive for COVID-19.<sup>65</sup>

In July, the largest company in the electricity sector in Latin America, the **CFE** reported 763 positive cases of COVID-19 and 55 deaths among its staff, and a series of health measures that included keeping over a quarter (27.3%) of its workforce working remotely.<sup>66</sup> The **CFE** suspended electricity to thousands of Mexican homes for lack of payment in the context of the pandemic, a fact that was reported to violate the right to an adequate standard of living of thousands of people during a health crisis. The number of affected households reached 412,675 in March.<sup>67</sup> The states with the highest number of cases were the State of Mexico, Mexico City, Colima, Guerrero and Sonora. Approx. 1.3 million people were affected and had to pay an additional fee to be reconnected to the electricity grid. In June in a meeting with a group of federal representatives, the **CFE** assured there would no longer be power cuts during the health emergency.<sup>68</sup>

# Reported contributions from companies

Some companies have taken responsible action in their communities. This included basic steps such as respecting the health contingency by ceasing activities when their sectors were declared non-essential, and following protocols and health measures recommended by the authorities when they returned to work. Micro- and small enterprises set a key example for their larger peers by being the ones that most protected employment and wage integrity for the longest period possible.

Several companies in multiple sectors made cash and in-kind donations of medical supplies and equipment (masks, inhalers, antibacterial gel)<sup>69</sup> to prevent the spread of the virus in local communities. Other companies decided to modify their activities by adapting their production lines to produce equipment needed to fight the pandemic.<sup>70</sup> To contribute to a sufficient supply of hygiene and sanitation products, some companies manufactured alcohol gel to be donated to public health clinics;<sup>71</sup> others created joint supply chains for the production of ventilators,<sup>72</sup> as well as the creation of prototypes for short-term, low-cost manufacturing.<sup>73</sup>

Examples were also found of business sectors devoting their own resources to support other sectors within their supply chains to ensure they remained unaffected by declining consumption and cessation of activities. The financial sector, for example, developed applications for telephones to enable small food businesses to make home sales.<sup>74</sup>

Most importantly, in alliance with the Mexican Government several companies sought to strengthen the sanitary infrastructure and generate more space for treating COVID-19 patients. In Mexico City, the investment of approximately \$30 million to build a temporary hospital for the care of non-severe patients of COVID-19 provided more than 800 hospital beds in the state with the highest number of infections nationally.<sup>75</sup>

These actions and others responded to the initial stage of the health crisis. The business sector must now adjust its activities and understand that responsible business conduct implies efforts that must address not only labour rights, but all rights and particularly the rights to health and to a dignified life. In this regard, the UN Guiding Principles on Business and Human Rights<sup>76</sup> highlight the need to review company operations considering the context in which they operate. Therefore, the business sector should review how the national and international context of COVID-19 could lead them to modify their operations and prevent greater impacts on human rights.

In the face of millions of job losses<sup>77</sup> and increasing informal working conditions, positive actions and operations by companies, within a framework of the respect for human rights, are more crucial than ever. While government plays a fundamental role in the face of this crisis, companies must be a primary actor in the respect for human rights and the generation of creative and innovative formulas to build a more just economic system.

# Recommendations

Companies have an obligation to ensure the health and safety of their workers within their facilities to ensure the maximum reduction of infections at work and, consequently, in families and the community. The cases of abuse presented in this report demonstrate companies must better protect workers' rights, including in particular those relating to labour and health, both during a pandemic and beyond. The research uncovers the need for companies to take steps to improve operations and supply chains on an ongoing basis to aid the country's health and economic recovery, as well as to prevent human rights violations in a future pandemic scenario or other crisis.

## DURING RECOVERY FROM THE PANDEMIC, COMPANIES SHOULD:

- Keep workers informed about the prevention and adaptation measures implemented by the company and authorities as a response to COVID-19, taking into account the diversity of workers; including their gender, age and ethnicity.
- Ensure close coordination with local authorities in places where workers and their families are more isolated and where health and housing services are precarious or non-existent, so they are supported with immediate access to medical care when needed.
- Take measures to ensure the continued protection of workers' rights to prevent employers from making decisions based on age, ethnicity, gender or other forms of discrimination.
- Ensure the protection of workers with fair and comprehensive contracts to avoid greater flexibility of work and a regression in the protection of labour rights.
- Hire back laid-off workers and correct any measure taken against labour rights, such as increasing workers' salaries to pre-pandemic levels and restoring vacation days.
- Continuously review and adapt the health measures implemented to protect workers against the risk of contagion.
- Stop advocating lower health and safety standards, and cooperate to enhance regulation to create a level playing field for business.
- Consider suspension of economic activities until resolution of legal or social dispute, especially during the pandemic where discussion with communities around consultation and consent is restricted and partial, to avoid inequality in the defence of rights.
- Publicly support the defence of human rights, including the rights to territory, to a healthy environment and to a decent salary and social security.
- Refrain from carrying out reprisals against dissident voices to silence critics, and instead open dialogue.
- Comply with obligations under the United Nations Guiding Principles on Business and Human Rights to respect human rights, including by incorporating or improving processes that integrate human rights due diligence into operations.

## TO PREVENT HUMAN RIGHTS VIOLATIONS IN THE CASE OF A FUTURE CRISIS, COMPANIES SHOULD:

- ⑤ Have a plan for implementing rigorous due diligence processes to identify salient human rights risks in the company's operations and its supply chains, and develop a due diligence plan to remove or mitigate those risks. This should include reform of purchasing practices and collaboration across supply chain actors, including trade unions, regarding price points and lead times, to guarantee decent work, living wage and greater job security.
- ⑤ End precarious employment models and move to fair contracts that guarantee the rights of workers.
- ⑤ Improve the protection of workers' rights in the short and long term (and especially during periods of crisis) including through the adoption of paid sick leave and insurance against economic and health crises.
- ⑤ Respect fundamental labour rights such as freedom of association, collective bargaining, safe working conditions and the eradication of discrimination.
- ⑤ Implement living wage policies for all workers in company operations and supply chains, including the elimination of the gender wage gap.

While cases of COVID-19 persist in Mexico, companies have a fundamental role to play in the protection of workers and their families from the virus. The changes implemented by companies during recovery will have a fundamental impact on the construction of a more just and sustainable future, where people and their rights are at the centre of decision-making. The inequalities shown so clearly during this period and the lessons learned must be the basis for this paradigm shift in our economic system.









































# Annex: company responses

## Maquiladora industry

▼ Did company respond? Yes No

Hyperlink ▼

	<b>Amphenol</b>	24 JULY 2020	
	Failure to comply with health and safety contingency measures; activities were suspended for only one week		
	<b>Audi</b>	25 AUGUST 2020	
	Not taking sufficient measures to protect workers throughout the pandemic		
	<b>BCS ASI</b>	13 JULY 2020	
	Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas		
	<b>Benotto</b>	24 JULY 2020	
	Failure to comply with health and safety measures. Failure to comply with health and safety contingency measures		
	<b>BVI Medical</b>	13 JULY 2020	
	Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas		
	<b>Electrocomponentes</b>	24 JULY 2020	
	Forced 50 workers to quit		
	<b>Electrolux</b>	13 JULY 2020	
	Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas		
	<b>Electrolux</b>	18 SEPTEMBER 2020	
	Worker deaths. Mass dismissals of protesters		
	<b>Flex</b>	29 JUNE 2020	
	Pay cuts; forced leave without pay; deprivation of worker savings fund		
	<b>Foxconn</b>	24 JULY 2020	
	Refusal to close		
	<b>FrontRunner Technologies</b>	24 JULY 2020	
	The company disappeared after 1 month without paying its workers, dropped their payroll and claims financial insolvency in order to not pay them their compensation		
	<b>Honeywell</b>	26 MAY 2020	
	Death of worker provoking protest		
	<b>Hubbell</b>	24 JULY 2020	
	Deaths of workers.		
	<b>Industria Maquiladora y Manufacturera de Exportación (Index)</b>	24 JULY 2020	
	Call workers to resume activities despite government decree of maquiladora industry as a 'non-essential' activity		
	<b>Joerns Healthcare</b>	24 JULY 2020	
	5 positive cases of Covid before suspending operations		

 <b>Johnson Controls</b>	24 JULY 2020 
Workers protest for sanitary measures to be followed	
 <b>Komatsu</b>	24 JULY 2020 
Mass layoffs	
 <b>Kongsberg</b>	13 JULY 2020 
Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas	
 <b>Lear Corporations</b>	19 MAY 2020 
Deaths of 13 workers	
 <b>Lexmark</b>	13 JULY 2020 
Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas	
 <b>LG Electronics</b>	28 MAY 2020 
Not closing down after declaration that their activities were not essential	
 <b>Merit Maquiladora</b>	13 JULY 2020 
Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas	
 <b>Modine</b>	24 JULY 2020 
Mass layoffs	
 <b>Nissan</b>	26 AUGUST 2020 
Mass layoff of 300 workers	
 <b>Plamex S.A. de C.V. (Plantronics)</b>	24 JULY 2020 
No security measures were taken; refusal to close; deaths of two workers	
 <b>Skyworks</b>	29 JULY 2020 
Not closing down after declaration that their activities were not essential	
 <b>Syncreon</b>	24 JULY 2020 
Deaths of 6 workers	
 <b>TPI</b>	13 JULY 2020 
Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas	
 <b>TPI Planta 3</b>	18 SEPTEMBER 2020 
Failure to comply with health and safety contingency measures. Death of a worker and activities were not suspended	
 <b>Tridonex</b>	6 JUNE 2020 
Detention of Susana Prieto Terrazas, lawyer, defender of labour rights in the maquiladoras in Tamaulipas	
 <b>Tridonex</b>	29 JUNE 2020 
Failure to comply with health and safety contingency measures; mass layoffs	
 <b>Valeo</b>	24 JULY 2020 
Mass layoffs	
 <b>Volkswagen</b>	24 AUGUST 2020 
100 infected after plant reopening; 10 workers died	
 <b>Zahorí</b>	24 JULY 2020 
Not closing down after declaration that their activities were not essential	

## Mining & energy

- |  |  |                   |   |
|--|--|-------------------|---|
| ✗  | <b>Comisión Federal de Electricidad (CFE)</b>    | 24 JULY 2020      | ➔ |
| Power cuts to thousands of Mexican homes, violating the right to adequate housing, especially during a pandemic  |  |                   |   |
| ✗  | <b>Don David Gold</b>                            | 24 JULY 2020      | ➔ |
| Violation of employee health and labor rights by hiding an outbreak of infection   |  |                   |   |
| ✓  | <b>Equinox Gold</b>                              | 5 JULY 2020       | ➔ |
| Violation of employee health and labour rights by not taking adequate sanitary measures to resume activities, resulting in 51 infected workers   |  |                   |   |
| ✗  | <b>Fresnillo</b>                                 | 18 SEPTEMBER 2020 | ➔ |
| Failure to comply with health and safety contingency measures  |  |                   |   |
| ✗  | <b>Grupo Frisco (Ocampo Mining)</b>              | 23 JUNE 2020      | ➔ |
| Failure to comply with health and safety contingency measures  |  |                   |   |
| ✗  | <b>Industria Peñoles</b>                         | 18 SEPTEMBER 2020 | ➔ |
| Failure to comply with health and safety contingency measures  |  |                   |   |
| ✓  | <b>Minera Gorrión (part of Almaden Minerals)</b> | 15 APRIL 2020     | ➔ |
| Attempting to bribe community within the context of the pandemic   |  |                   |   |
| ✗  | <b>Petróleos Mexicanos (PEMEX)</b>               | 12 MAY 2020       | ➔ |
| Violation of employee health and labour rights. Poor sanitary measures; lack of adequate health and safety protections for vulnerable workers; company with the highest number of deaths worldwide |  |                   |   |

## Agribusiness

- |   |                         |            |   |
|---|-------------------------|------------|---|
| ✗   | <b>Rancho Los Pinos</b> | 22 JULY 20 | ➔ |
| Outbreak of infection without notifying workers. Sanitary measures were not implemented |                         |            |   |
| ✗   | <b>SM Invernaderos</b>  | 22 JULY 20 | ➔ |
| Sanitary measures were not implemented  |                         |            |   |

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