

LABOR COMMITMENTS FOR MEXICO UNDER THE USMCA

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Secretary of Labor and Social Welfare

SEPTEMBER 29



2020
AÑO DE
LEONA VICARIO
BENEMÉRITA MADRE DE LA PATRIA

Compliance with our national labor law means compliance with our commitments under the USMCA (Chapter 23 and its Annex 23-A)

FREEDOM OF ASOCIATION



1. Right to form a union, to join or not join a union

FLL art. 358

Annex 23-A art. 2 (a)



2. Employers and the government cannot interfere in the internal workings of the union

FLL art. 357

Annex 23-A art. 2 (a)

COLLECTIVE BARGAINING



1. Workers' election of their union officials and approval of CBAs must be via personal, free, direct and secret ballot vote

FLL art. 371 and 897

Annex 23-A art. 2 (c) and (d)



2. Collective bargaining agreements must be ratified by the majority of all represented workers – in four years-

FLL art. 390 Ter and 400 Bis

Annex 23-A art. 2 (f) and (e)

LABOR JUSTICE



1. Creation of a Federal Center of Conciliation and Labor Registration

FLL art. 590 – A to D

Annex 23-A art. 2 (b) (i)



2. Creation of labor courts –at the federal and local levels – under the Judicial Branch

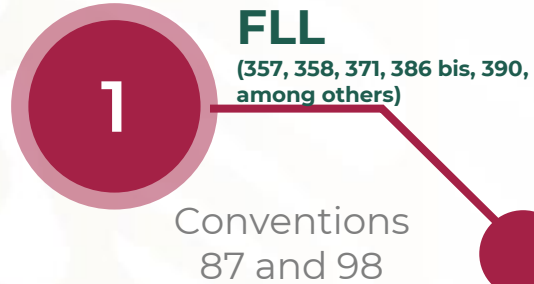
FLL art. 604 and 605

Annex 23-A art. 2 (b) (ii)

The labor legislation approved on May 1st, 2019 is in alignment with the USMCA's labor obligations

Before the USMCA's entry into force, Mexico had already ratified and brought its laws into alignment with the ILO's Fundamental Conventions

Freedom of **association** and the rights to **organize and collective bargaining**



FLL 132



Abolition of forced labor

FLL
Alignment with 1998 ILO Declaration on Fundamental Principles and Rights

This is a central circle with a grey border. Inside the circle, the text 'FLL' is written in red, and 'Alignment with 1998 ILO Declaration on Fundamental Principles and Rights' is written in black.

Conventions 29 and 105

Eliminating all forms of **employment and occupation discrimination**



FLL 132



Abolition of **child labor**, with a specific focus on its **worst forms**

Conventions 138 and 182

Pillars of the New Labor Model

RAPID AND IMPARTIAL JUSTICE

- The elimination of the **Conciliation and Arbitration Boards** under the Executive branch and the creation of **Labor Courts** under the Judicial branch to replace them
- **Mandatory conciliation** process before filing any lawsuit in the labor courts

UNION DEMOCRACY AND COLLECTIVE BARGAINING

Personal, free, direct and secret voting for:

- **Election of** union officials (Sections A and B)
- **Approval of** initial collective bargaining agreements and their related reviews
- All existing CBAs must be **ratified** (or extinguished)—four years

FEDERAL CENTER OF CONCILIATION AND LABOR REGISTRATION

Responsible for:

- **Registration** of all unions and collective bargaining agreements in Mexico
- **Conciliation** at the federal level
- **Verification** of union democracy processes
- **Certification** of a union as the exclusive bargaining agent for employees

PROGRESS

ON THE IMPLEMENTATION OF THE LABOR REFORM



Progress to date:

- **January 6, 2020:** Publication of the CFCRL´s “Organic Law” that establishes the foundation, authorities, and responsibilities of the CFCRL
- **July 29, 2020:** Appointment of the CFCRL’s Head, Alfredo Domínguez Marrufo
- **August 7, 2020:** Approval of the “Organic Statute”, which defines the body of rules of the CFCRL, its budget allocation, and organizational structure

Next steps:

- Appointment of the **substantive and conciliation staff** of the CFCRL
- The Senate will publish the Declaration that formalizes the entry into force by November 2020 of the new federal authorities in 8 states
- Transferring all CBA’s to the CFCRL

Alignment of unions' statutes with new labor law standards

With federal register:

1,779

out of

2,063

Current union statutes

= 86.2%

With local register:

1,343

Out of approximately

14,000

Current union statutes

= 9.5%



Ratification – *legitimation*- of collective bargaining agreements

188 Registered unions

177 Ratified CBA's

92,878 Workers consulted

Deadline: May 1, 2023

For more information:

<https://legitimacioncontratoscolectivos.stps.gob.mx/>



Implementation strategy in three stages



First stage, 2020

November 16, 2020 - 8 States

- Campeche
- Chiapas
- Durango
- Estado de México
- Hidalgo
- San Luis Potosí
- Tabasco
- Zacatecas

Second stage, 2021

October 1st, 2021 - 13 States

- Aguascalientes
- Baja California
- Baja California Sur
- Colima
- Guanajuato
- Guerrero
- Morelos
- Oaxaca
- Puebla
- Querétaro
- Quintana Roo
- Tlaxcala
- Veracruz

Third stage, 2022

May 1st, 2022 - 11 States

- Chihuahua
- Ciudad de México
- Coahuila
- Jalisco
- Michoacán
- Nayarit
- Nuevo León
- Sinaloa
- Sonora
- Tamaulipas
- Yucatán

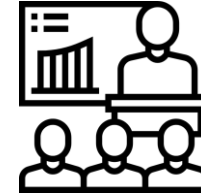
By May 2, 2021, the CFCRL will take over its registration and verification duties at a national level; meanwhile, the conciliation and jurisdictional duties will be gradually undertaken by the federal and local authorities, according to the 3 implementation stages.

Progress on training programs



90%

Completion of Training and Selection Plan for Labor Justice staff, by the Judicial Branch; with the participation of more than **6 thousand people**



100%

Completion of training of the federal and state Procurator's Office for the Defence of Workers



90%

Completion of Training and Selection Plan for the Federal Center's staff



100%

Completion of updating STPS staff on the New Labor Justice Model



13

Virtual training Modules on the Labor Reform

Materials available at: reformalaboral.stps.gob.mx

Progress on infrastructure development

TECHNOLOGICAL INFRASTRUCTURE:

100%

Progress on the development of the management platform for conciliation and registration in the CFCRL

35%

Progress on digitization of unions' registries and collective agreements for transference to the CFCRL

80%

Progress on developing the labor judicial management platform

STPS will transfer to the requesting states the conciliation management platform

PHYSICAL INFRASTRUCTURE:

Is in the process of

- Bidding
- Equipping

For the CFCRL state offices, Local Conciliation Centers, and federal and local Labor Courts from the first stage (2020)

STPS has transferred \$321,159,165.64 in federal subsidies to the states in the first stage

International Cooperation in support of the Labor Reform

Mexico is receiving international cooperation to aid in the implementation of the Labor Reform. This cooperation is focused on:

- **Development of Technological Tools**
- **Training of government officials**



Federal Ministry of Labor
Canada

Ministère fédéral du
Travail du Canada

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