

# COMPARISONS of MEXICO'S OBLIGATIONS UNDER T-MEC/USMCA and THE REFORM OF THE FEDERAL LABOUR LAW

MAQUILA SOLIDARITY NETWORK | JUNE 2019

The reform of Mexico's Federal Labour Law (Ley Federal del Trabajo, LFT) was enacted into law on April 29, 2019, and published in the *Diario Oficial de la Federación* on May 1, 2019. The new law largely includes language that meets the requirements placed on Mexico in Annex 23-A of the renegotiated North American Free Trade Agreement (T-MEC/USMCA), but a few omissions remain, as discussed below.

## I. RIGHTS TO ASSOCIATION AND COLLECTIVE BARGAINING, FREE OF INTERFERENCE

The Annex of T-MEC/USMCA obligates Mexico to pass legislation that promotes and protects the right to freedom of association and the right to bargain collectively, without employer interference, or reprisals for union activity.

TMEC/USMCA TEXT	Reformed Federal Labour Law	English Translation of Bill
<p><b>1.</b> (Mexico must) Provide in its labor laws the right of workers to engage in concerted activities for collective bargaining or protection and to organize, form, and join the union of their choice...</p>	<p><b>Artículo 357, p 14:</b> Los trabajadores y los patrones, sin ninguna distinción y sin autorización previa, tienen el derecho de constituir las organizaciones que estimen convenientes, así como el de afiliarse a éstas, con la sola condición de observar los estatutos de las mismas.</p>	<p><b>Article 357, p 14:</b> Workers and employers equally have the right to constitute organizations as they see fit, without previous authorization, or to affiliate to them, as long as they respect the statutes of such organizations.</p>

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<p>... and <i>prohibit employer domination or interference in union activities...</i></p> <p>...discrimination or <i>coercion against workers for union activity</i> or support...</p> <p>...and <i>refusal to bargain collectively</i> with the duly recognized union.</p>	<p><b>Artículo 357, p 14:</b> Las organizaciones de trabajadores y de patrones deberán gozar de adecuada protección contra todo acto de injerencia de unas respecto de las otras, ya se realice directamente o por medio de sus representantes en su constitución, funcionamiento o administración.</p> <p>Se consideran actos de injerencia las acciones o medidas tendientes a fomentar la constitución de organizaciones de trabajadores dominadas por un patrón o una organización de patrones, o a apoyar de cualquier forma a organizaciones de trabajadores con objeto de colocarlas bajo su control. Las prestaciones pactadas en la contratación colectiva no serán consideradas como actos de injerencia.</p> <p><b>Artículo 133 IV, p 10:</b> [Queda prohibido a los patrones y sus representantes] Obligar a los trabajadores por coacción o por cualquier otro medio, a afiliarse o retirarse del sindicato o agrupación a que pertenezcan, o a que voten por determinada candidatura, así como cualquier acto u omisión que atente contra su derecho a decidir quién debe representarlos en la negociación colectiva.</p> <p><b>Artículo 387, p 19:</b> El patrón que emplee trabajadores miembros de un sindicato tendrá obligación de celebrar con éste, cuando lo solicite, un contrato colectivo; para dar cumplimiento a los principios de representatividad en las organizaciones sindicales y de certeza en la firma, registro y depósito de los contratos colectivos de trabajo, el sindicato solicitante deberá contar previamente con la Constancia de Representatividad expedida por el Centro Federal de Conciliación y Registro Laboral, a que hace referencia el Artículo 390 BIS.</p>	<p><b>Article 357, p 14:</b> Worker and employer organizations shall have adequate protection against any act of interference from one group against the other, whether directly or through representatives, in its formation, function or administration. Acts of interference are considered those actions and measures that tend to encourage the constitution of workers' organizations dominated by an employer or employer's association, or that support in any form worker organizations with the intent to subject them to control. Benefits as stated in the collective bargaining agreement will not be considered acts of interference.</p> <p><b>Article 133 IV, p 10:</b> It is prohibited to force workers by coercion or by any other means to join or withdraw from the union or group to which they belong, or to vote for a certain slate, or any other act or omission that violates their right to decide who should represent them in collective bargaining.</p> <p><b>Article 387, p 19:</b> The employer is obligated to conclude a collective agreement with the union of their workplace upon request; In order to comply with the principles of representivity in the signing, registration and deposit of collective bargaining agreements, the union must previously have obtained the Certificate of Representivity issued by the Federal Centre for Conciliation and Labour Registry, referred to in Article 390 BIS.</p>

## II. CREATION OF INDEPENDENT INSTITUTES

The reform of the Federal Labour Law establishes the new Federal Centre for Conciliation and Labour Registry, and the new Labour Tribunals.

2. [Mexico must] Establish and maintain independent and impartial bodies to register union elections and resolve disputes relating to collective bargaining agreements and the recognition of unions, through legislation establishing (i) an independent entity for conciliation and union collective bargaining agreement registration and...

### CAPITULO IX BIS

**Artículo 590-B, p 33.-** El Centro Federal de Conciliación y Registro Laboral se constituirá y funcionará de conformidad con los siguientes lineamientos:

Será un Organismo Público Descentralizado del Gobierno Federal, con domicilio en la Ciudad de México y contará con oficinas regionales conforme a los lineamientos que establezca el Órgano de Gobierno. Tendrá personalidad jurídica y patrimonio propios, plena autonomía técnica, operativa, presupuestaria, de decisión y de gestión. Se regirá por los principios de certeza, independencia, legalidad, imparcialidad, igualdad, confiabilidad, eficacia, objetividad, profesionalismo, transparencia y publicidad.

Será competente para substanciar el procedimiento de la conciliación que deberán agotar los trabajadores y patronos, antes de acudir a los Tribunales, conforme lo establece el párrafo quinto de la fracción XX del Artículo 123, apartado A, de la Constitución Política de los Estados Unidos Mexicanos.

Además, será competente para operar el registro de todos los contratos colectivos de trabajo, reglamentos interiores de trabajo y las organizaciones sindicales, así como todos los procesos administrativos relacionados.

### CHAPTER IX BIS

**Article 590-B, p 33:** the Federal Centre for Conciliation and Labour Registry will be established and will function according to the following guidelines:

It shall be a Public Decentralized Institution of the Federal Government, headquartered in Mexico City, with regional offices, in accordance with the guidelines established by the Governing Body. It will have judicial standing and its own resources, and full autonomy on technical, operative, budgeting, decision-making and management issues. It will be governed by the principles of certainty, independence, legality, impartiality, equality, reliability, effectiveness, objectivity, professionalism, transparency and publicity.

It will be the competent body to document the conciliation procedure that workers and employers must use prior to appealing to the Tribunals, as established in fraction XX of Article 123, Section A of the Political Constitution of the United Mexican States.

Also, it will be the competent body for the registry of all collective bargaining agreements, regulations for workplaces, and union organization documents, as well as all of the associated administrative processes.

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<p>... (ii) independent Labor Courts for the adjudication of labor disputes.</p>	<p>El titular del organismo será su Director General. El nombramiento deberá recaer en una persona que tenga capacidad y experiencia en las materias de la competencia del organismo descentralizado, quien además de lo previsto en el Artículo 123, apartado A, fracción XX de la Constitución, deberá cumplir con los requisitos que establezca la Ley de la materia.</p> <p><b>CAPITULO XII</b></p> <p><b>Artículo 604, p 35:</b> Corresponden a los Tribunales del Poder Judicial de la Federación o de los Tribunales de las entidades federativas, el conocimiento y la resolución de los conflictos de Trabajo que se susciten entre trabajadores y patrones, sólo entre aquellos o sólo entre éstos, derivado de las relaciones de trabajo o de hechos relacionados con ellas. En su actuación, los jueces y secretarios instructores deberán observar los principios de legalidad, imparcialidad, transparencia, autonomía e independencia.</p> <p><b>Artículo 605, p. 35:</b> Los Tribunales federales, de las entidades federativas y de la Ciudad de México, estarán a cargo cada uno, de un juez y contarán con los secretarios, funcionarios y empleados que se juzgue conveniente, determinados y designados de conformidad con la Ley Orgánica del Poder Judicial de la Federación o de la Ley Orgánica del Poder Judicial Local según corresponda.</p>	<p>The Director General will be the titular head of the organization. The designation of this person will be based on his or her capacity and experience in the areas of competence related to the decentralized body, and beyond what is stipulated in Article 123, Section A, fraction XX of the Constitution, shall also meet the requirements established by labour law.</p> <p><b>CHAPTER XII</b></p> <p><b>Article 604, p 35:</b> The Tribunals of the Judicial Branch of the Federation, or the Tribunals of the states are responsible for being knowledgeable about and the resolution of workplace conflicts that emerge between workers and employers, or among them, derived from the work relationship or events related to it.</p> <p>In its operations, judges and secretaries shall observe the principles of legality, impartiality, transparency, autonomy and independence.</p> <p><b>Article 605, p. 35:</b> The federal Tribunals, the state level entities and the City of Mexico, will each have a judge in charge, and will have the secretaries, officials and employees deemed necessary, as determined and appointed in accordance with the Organic Law of the Judiciary of the Federation or of the Organic Law of the Local Judicial Body, as appropriate.</p>

### III. RIGHT TO APPEAL CENTRE DECISIONS, INTERFERENCE BY CENTRE WORKERS IN PROCEDURES

The reformed law includes measures to protect workers from interference by Centre administrators. Additional laws that establish the Centre as an administrative body will expressly state the right of appeal and injunction in cases of decisions made by the Centre.

2. The legislation also shall provide that all decisions of the independent entity are *subject to appeal* to independent Courts...

...and that officials of the independent entity who delay, obstruct, or influence the outcome of any registration process in favor or against a party involved will be subject to sanctions under Article 48 of the Federal Labor Law and Articles 49, 52, 57, 58, 61, 62 and other applicable provisions of the General Law of Administrative Responsibilities.

**Artículo 48, p 7:** A los Servidores Públicos del Centro Federal de Conciliación y Registro Laboral cuando retrasen, obstruyan o influyan en el procedimiento de registros sindicales y de contratos colectivos y de reglamentos interiores de trabajo a favor o en contra de una de las partes, así como en el otorgamiento de la constancia de representatividad sin causa justificada se les impondrá una multa de 100 a 1000 veces la Unidad de Medida y Actualización. Por lo que se refiere a los Servidores Públicos de los Centros de Conciliación locales se les sancionará en los mismos términos, cuando en el desempeño de su función conciliatoria incurran en estas conductas.

*Though not explicitly mentioned in the law, there is no part of the reformed LFT that limits either judicial review or recourse to the right of amparo to challenge decisions made by the Centre.*

*These procedures should be specified in the Organic Law of the Centre, which establishes the administrative rules and procedures of the functioning of the Centre, and which is yet to be written, within 6 months of the passing of the reformed LFT.*

**Article 48, p 7:** Public Servants of the Federal Centre for Conciliation and Labour Registry and state level officials that delay, obstruct or influence the procedure for registrations of unions, collective agreements or workplace regulations, for or against one of the parties, or grant the Certificate of Representivity [without regard for the prior processes] will be fined 100 to 1,000 times the Unidad de Medida y Actualización (UMA). Public Servants of the local Conciliation Centres will be sanctioned in the same terms when these acts occur in the course of their duties.

#### IV. THE USE OF SECRET BALLOT VOTES IN UNION LEADERSHIP ELECTIONS AND IN CHALLENGES FOR THE RIGHT TO NEGOTIATE COLLECTIVE BARGAINING AGREEMENTS

Voting procedures for the election of union executives are carried out by secret ballot.

The system for verification of the voting process is not automatic, but by petition of either the union leadership or by 30% of affiliated workers. The law meets the Annex on paper, but introduces potential issues of voting simulation, as it does not require verification of all election processes.

3. Provide in its labor laws, through legislation in accordance with Mexico's Constitution for an effective system to **verify** that elections of union leaders are carried out **through a personal, free, and secret vote** of union members.

*Use of secret ballot for leadership elections:*

**Artículo 358 II, p 16:** Los procedimientos de elección de sus directivas deberán salvaguardar el pleno ejercicio del voto personal, libre, directo y secreto de los miembros, así como ajustarse a reglas democráticas y de igualdad de género, en términos del Artículo 371 de esta Ley.

*Verification of voting procedures by the Centre:*

**Artículo 371-Bis, p 18:** Las elecciones de las directivas de los sindicatos estarán sujetas a un sistema de verificación del cumplimiento de los requisitos previstos en la fracción IX del Artículo 371 de esta Ley, conforme a lo siguiente:

I. Los sindicatos podrán solicitar el auxilio del Centro Federal de Conciliación y Registro Laboral o de la Inspección Federal del Trabajo de la Secretaría del Trabajo y Previsión Social, a efecto que certifiquen el cumplimiento de los requisitos antes mencionados. Al concluir la elección, la autoridad que acuda a la verificación deberá formular un acta en la que conste el resultado de la elección y de la forma en que ésta se llevó a cabo, de la que se entregará copia al sindicato solicitante;

**Article 358 II, p 16:** The procedures for union executive elections must safeguard the free exercise of a personal, free, direct and secret ballot vote of the members, and shall comply with democratic rules and gender equality as per Article 317 of this law.

**Article 371-Bis, p 18:** The procedures for *union executive elections* will be subject to a system of verification for the fulfillment of the requirements set out in fraction IX of Article 371 of this law, according to the following:

- I. Unions will be able to solicit the assistance of the Federal Centre for Conciliation and Labour Registry or of the Federal Labour Inspectorate of the Secretary of Labour and Social Welfare, to certify compliance with the requirements mentioned previously. At the conclusion of the election, the authority that attends the verification shall formulate a record consisting of the results of the election and the manner by which it was held, and provide a copy to the union requesting the certification.

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<p>4. Union representation challenges are carried out by the Labor Courts through a <b>secret ballot vote...</b></p>	<p>II. La solicitud será realizada por los directivos sindicales o por lo menos por el treinta por ciento de los afiliados al sindicato, y</p> <p>III. El Centro Federal de Conciliación y Registro Laboral podrá desahogar este sistema de verificación de la elección de las directivas sindicales para que se cumpla con los principios constitucionales de certeza, confiabilidad y legalidad, y los señalados en el Artículo 364 Bis de esta Ley. En caso de duda razonable sobre la veracidad de la documentación presentada, el Centro podrá convocar y organizar un recuento para consultar mediante voto personal, libre, directo y secreto de los trabajadores el sentido de su decisión.</p> <p><i>Voting in union representation challenges:</i></p>	<p>II. The request will be made by union leadership, or by at least 30% of the union affiliates</p> <p>III. The Federal Centre for Conciliation and Labour Registry will be able to review this system of verification to see that they meet the constitutional principles of certainty, reliability and legality, and those indicated in Article 364 Bis of this law. In the case of reasonable doubt of the veracity of the presented documents, the Centre can call and organize a <i>recuento</i> (union representation election) to consult workers about their decision, through a personal, free, direct and secret ballot vote.</p> <p><b>Voting procedures are presented in Article 390 Bis, p 21.</b></p> <p><i>The Registry Certificate is the document issued by the Federal Centre that confirms that unions seeking to negotiate a collective bargaining agreement are supported by workers at that workplace, as explained below.</i></p> <p><i>There are separate rules for awarding union representation depending on whether one union in a workplace is applying for the Registry Certificate, or more than one union is applying for the certificate, as established below.</i></p> <p><i>There is no voting procedure established to attain the Certificate in the case of a single union seeking to establish representivity, which is inconsistent with the terms of the Annex.</i></p>

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	<p><b>Artículo 390 BIS, III, pp 21:</b></p> <p><b>Single union:</b></p> <p>El Centro Federal de Conciliación y Registro Laboral resolverá sobre la procedencia de la solicitud de la Constancia de Representatividad; de resultar procedente, emitirá la constancia correspondiente. Si sólo un sindicato solicita la constancia, se tendrá por acreditada su representatividad cuando cuente con el respaldo de por lo menos el treinta por ciento de los trabajadores cubiertos por el contrato colectivo. En este caso, el Centro recabará ante las autoridades e instancias pertinentes la información necesaria para verificar que los trabajadores contemplados en el listado que presente el sindicato solicitante representen al menos el treinta por ciento de los trabajadores al servicio del patrón del que se solicita la firma del contrato colectivo de trabajo.</p> <p><b>More than one union:</b></p> <p>De haber contendido más de un sindicato, el derecho a negociar y celebrar el contrato colectivo corresponderá al que obtenga el mayor número de votos conforme a las reglas contempladas en el Artículo 388 de esta Ley. En todo caso, el número de trabajadores votantes deberá de ser de por lo menos del treinta por ciento de los trabajadores cubiertos por el contrato colectivo del que se solicita la firma.</p>	<p><b>Article 390 BIS, III, pp 21:</b></p> <p><b>Single union:</b></p> <p>The Federal Centre for Conciliation and Labour Registry will determine the legitimacy of the request for the Registry Certificate. If the Centre determines its legitimacy, the Certificate will be awarded. In the case that a single union requests the Certificate, its representivity will be accredited when it has the support of thirty percent of the workers covered by the collective agreement. In this case, the Centre will collect all the information necessary to verify that the workers included on the list presented by the requesting union represent at least thirty percent of workers at the service of the employer with whom they are requesting signing the collective bargaining agreement.</p> <p><b>More than one union:</b></p> <p>In the case of an election with more than one union, the right to negotiate and enact the collective bargaining agreement corresponds to the union that obtains the greatest number of votes, according to the rules set out in Article 388 of this Law.</p> <p>In each case, the number of voting workers must be at least thirty percent of the workers covered by the collective bargaining agreement that they wish to sign.</p>



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<p>... and are not subject to delays due to <i>procedural challenges or objections</i>, including by establishing clear time limits and procedures, consistent with Mexico's obligations under Article 23.10.3(c) and Article 23.10.10(c) of this Chapter.</p>	<p><b>Use of secret ballot:</b></p> <p><b>Artículo 390 BIS, III, section d, p 22:</b> El voto de los trabajadores se hará en forma personal, libre, directa y secreta.</p> <p><i>Procedural rules for union representation elections at Article 388, p 20, and at the Labor Tribunals in Article 897-F, p 74.</i></p>	<p><b>Use of secret ballot:</b></p> <p><b>Article 390 BIS, III, section d, p 22:</b> Elections will take place by personal, free, direct and secret ballot vote.</p> <p><b>Articles 390 BIS and 897-F include timeframes for each step of the procedure for voting in a union representation election.</b></p>

## V. VERIFYING UNION SUPPORT IN THE REGISTRATION OF INITIAL CBAS

The reformed Federal Labour Law establishes a secret ballot voting procedure for demonstrating majority support for an initial collective bargaining agreement by workers prior to its registry at the Federal Centre.

Voting procedures, including vote counts, are carried out by the union leadership alone. The verification of elections to approve the collective bargaining agreement are made by the Centre, only in cases of irregularities in the process, not automatically, and not by petition by workers or union leaders.

Procedures in Art. 390 TER do not establish verification that the workplace is operational. This omission means that the Law is inconsistent with the terms of the Annex on this point. Without this verification, the deposit of the initial collective bargaining agreement could potentially take place at a new workplace before all workers are hired, or before operations have begun.

<p><b>5 (a).</b> Verification by the independent entity that collective bargaining agreements <b>meet legal requirements related to worker support</b> in order for them to be registered and take legal effect...</p>	<p><b>Artículo 390 BIS, p 20:</b> Para solicitar la celebración del contrato colectivo de trabajo inicial <i>será indispensable que el sindicato obtenga del Centro Federal de Conciliación y Registro Laboral la Constancia de Representatividad</i>, a fin de garantizar los principios de representatividad en las organizaciones sindicales y certeza en la firma, registro y depósito de los contratos colectivos de trabajo. Esta constancia será expedida conforme a lo siguiente:...</p>	<p><b>Article 390 BIS, p 20:</b> For the registration of an <i>initial</i> collective bargaining agreement, the union must first obtain the Certificate of Representivity from the Centre, in order to guarantee the principle of representivity in union organizations and certainty in the signing, registration and deposit of Collective Bargaining Agreements</p>
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<p>(b) for the registration of an <i>initial</i> collective bargaining agreement, <b>majority support</b>, through exercise of a <b>personal, free, and secret vote, of workers covered by the agreement ...</b></p> <p>..and <b>effective verification by the independent entity</b> through (as justified under the circumstances) documentary evidence (physical or electronic), direct consultations with workers, or on-site inspections, that (i) the <b>worksite is operational...</b></p> <p><b>5 (b) ii</b> ...a copy of the collective bargaining agreement was made readily accessible to individual workers prior to the vote, and ...</p>	<p><b>Artículo 390 TER, p 23:</b> Para el registro de un contrato colectivo <i>inicial</i> o un convenio de revisión, el Centro Federal de Conciliación y Registro Laboral verificará que su contenido sea aprobado por <b>la mayoría de los trabajadores cubiertos por el mismo a través del voto personal, libre y secreto.</b></p> <p><b>Artículo 390 TER II, h, p 24:</b> El Centro Federal de Conciliación y Registro Laboral podrá verificar que el procedimiento de consulta se realice conforme a los requisitos antes señalados.</p> <p><b>Artículo 390 TER II, p 23:</b> El procedimiento de consulta que se realice a los trabajadores deberá cubrir los siguientes requisitos:</p> <p>a) El sindicato deberá poner oportunamente a disposición de los trabajadores un ejemplar impreso o electrónico del contrato colectivo inicial o del convenio de revisión que se someterá a consulta;</p>	<p><b>Article 390 TER, p 23:</b> for the registration of the initial collective bargaining agreement or the revision of that agreement, the Federal Centre for Conciliation and Labour Registry will verify that its content is approved by the <b>majority of workers covered by the agreement, though personal, free and secret ballot vote.</b></p> <p><i>Procedures listed in Article 390 TER do not establish verification that the worksite is operational, which is inconsistent with the terms of the Annex on this point.</i></p> <p><i>Without this verification, the registration of the union or the deposit of the collective bargaining agreement could potentially take place at a new workplace in a period when only a fraction of the workers have been hired. This could render those elections meaningless, as the percentages and majority needed to approve both the unions and the CBAs would be based on the vote of a small portion of the eventual workforce, instead of the full workforce at a fully operational workplace.</i></p> <p><b>Article 390 TER II, p 23:</b> The procedure for consulting workers is according to the following requirements:</p> <p>a) The union must provide workers a printed or electronic copy of the initial or revised collective bargaining agreement to be consulted in a timely manner.</p>

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<p><b>5(b)iii</b> a majority of workers covered by the agreement demonstrated support for the agreement through a <b>personal, free, and secret vote</b>.</p>	<p><b>Artículo 390 TER, p 23:</b> Para el registro de un <i>contrato colectivo inicial</i> o un convenio de revisión, el Centro Federal de Conciliación y Registro Laboral verificará que su contenido sea aprobado por <i>la mayoría de los trabajadores cubiertos por el mismo</i> a través del voto personal, libre y secreto.</p>	<p><b>Article 390 TER, p 23:</b> For the registration of an initial or revised collective bargaining agreement, the Federal Centre for Conciliation and Labour Registry will verify that its content has been approved by a <b>majority of workers covered by the agreement</b>, through <b>personal, free and secret ballot vote</b>.</p>

## VI. APPROVAL OF CBAS BY WORKERS AT TIME OF RENEGOTIATION

The reformed Federal Labour Law establishes a secret ballot voting procedure for demonstrating majority support for a revised collective bargaining agreement by workers prior to its registry by the Federal Centre.

Voting procedures, including vote counts, are carried out by the union leadership alone, and the verification of elections to approve the collective bargaining agreement are made by the Centre only in case of irregularities in the process, not automatically, and not by petition.

<p><b>6.</b> All <i>existing collective bargaining agreements</i> shall include a requirement for <b>majority support</b>... ...through the exercise of <b>personal, free, and secret vote</b> of the workers covered by those collective bargaining agreements.</p>	<p><b>Artículo 390 TER, p 23:</b> Para el registro de un contrato colectivo inicial o un convenio de revisión, el Centro Federal de Conciliación y Registro Laboral verificará que su contenido sea aprobado por la mayoría de los trabajadores cubiertos por el mismo a través del <i>voto personal, libre y secreto</i>.</p>	<p><b>Article 390 TER, p 23:</b> for the registration of the initial collective bargaining agreement or a revision of the agreement, the Federal Centre for Conciliation and Labour Registry will verify that its content is approved by the majority of workers covered by the agreement, through a personal, free and secret ballot vote.</p>
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<p><b>6.</b> In order to deposit the future revisions, the independent entity shall effectively verify, through (as justified under the circumstances) documentary evidence (physical or electronic), direct consultation with workers, or on-site inspections, that (i) a copy of the revised collective bargaining agreement was made readily accessible to the workers covered by the collective bargaining agreement prior to the vote and...</p> <p><b>(ii)</b> a majority of workers covered by the revised agreement demonstrated support for such agreement through a <b>personal, free, and secret vote.</b></p>	<p><b>Artículo 390 TER II, p 23:</b> El procedimiento de consulta que se realice a los trabajadores deberá cubrir los siguientes requisitos:</p> <p>a) El sindicato deberá poner oportunamente a disposición de los trabajadores un ejemplar impreso o electrónico del contrato colectivo inicial o del convenio de revisión que se someterá a consulta</p> <p><b>Artículo 390 TER, p 23:</b> Para el registro de un contrato colectivo inicial o un <i>convenio de revisión</i>, el Centro Federal de Conciliación y Registro Laboral verificará que su contenido sea aprobado <i>por la mayoría de los trabajadores cubiertos por el mismo</i> a través del voto personal, libre y secreto.</p>	<p><b>Article 390 TER II, p 23:</b> The procedure for consulting workers is according to the following requirements:</p> <p>a) The union is obligated to provide workers a printed or electronic copy of the initial or revised collective bargaining agreement to be consulted in a timely manner.</p> <p><b>Article 390 TER, p 23:</b> In the registration of the initial collective bargaining agreement or a revision to the agreement, the Federal Centre for Conciliation and Labour Registry will verify that its content is approved by the majority of workers covered by the agreement, though a personal, free and secret ballot vote.</p>

## VII. REVIEW OF ALL EXISTING CBAS WITHIN 4 YEARS

The reformed Law establishes that all existing collective bargaining agreements must be revised at least once within 4 years of the law coming into effect.

6. Ensure that all existing collective bargaining agreements shall be revised *at least once during the four years after the legislation goes into effect.*

**TRANSITORIOS, Decimo Primero, pp 92:** Con el fin de cumplir el mandato del Artículo 123 apartado "A", fracción XVIII, segundo párrafo y XX Bis de la Constitución y los compromisos internacionales asumidos por el Estado mexicano, se establece que los Contratos Colectivos de Trabajo existentes deberán revisarse al menos una vez durante los cuatro años posteriores a la entrada en vigor de esta Decreto.

**TRANSITORY STATUTES, Section 11, pp 92:** In order to fulfill the mandate of article 123 section "A", fraction XVIII, second paragraph, and XX Bis of the Constitution and international commitments assumed by the Mexican State, *existing collective bargaining agreements must be revised at least once during the four years following the date of entry into force of the Law.*

## VIII. WORKER ACCESS TO CBAS AND UNION REGISTRATION DOCUMENTS

The reformed Federal Labour Law includes new requirements that union registration documents such as the registry file for unions or federations and confederations, the paperwork on union statutes and on union executive positions, must be made available to the public on a new Centre website.

The legislation mentions that it is preferable, but not required, that collective bargaining agreements be made available to the public on the website as well, which may be inconsistent with the terms of the Annex.

7. Provide in its labor laws that a **collective bargaining agreement** negotiated by the union ...and the **union governing documents** are made **available in a readily accessible form** to all workers covered by the collective bargaining agreement...

**Artículo 365 BIS, p 16:** El Centro Federal de Conciliación y Registro Laboral hará pública, para consulta de cualquier persona, debidamente actualizada, la información de los **registros de los sindicatos**. Asimismo, deberá expedir copias de los documentos que obren en los expedientes de registros que se les soliciten, en términos del Artículo 8o. Constitucional y de lo dispuesto por la Ley General de Transparencia y Acceso a la Información Pública. *El texto íntegro de los documentos del registro de los sindicatos, las tomas de nota, el estatuto, las actas de asambleas y todos los documentos contenidos en el expediente de registro sindical* deberán estar disponibles en los sitios de Internet del Centro Federal de Conciliación y Registro Laboral.

**Artículo 391 BIS, p 24:** La Autoridad Registral hará pública, para consulta de cualquier persona, la información de los contratos colectivos de trabajo que se encuentren depositados ante la misma. Asimismo, deberá expedir copias de dichos documentos, en términos de lo dispuesto por la Ley General de Transparencia y Acceso a la Información Pública....

**Article 365 BIS, p 16:** The Federal Centre for Conciliation and Labour Registry will provide to any person the most recent version of information on union registration. At the same time, the Centre will provide copies of the documents that are included in the files of the registries as requested, under the terms of Article 8 of the Constitution, and that established by the General Law on Transparency and Access to Public Information. The complete texts of all union registration documents, such as *tomas de nota*, statutes, assembly registries, and **all documents included in the union registration file** shall be made available on the websites of the Centre.

**Article 391 BIS, p 24:** The Registration Authority will make public, for consultation of any person, information on the collective bargaining agreements that are deposited with it. Also, it must issue copies of said documents, under the terms of the provisions of the General Law of Transparency and Access to Public Information.

TMEC/USMCA TEXT	Reformed Federal Labour Law	English Translation of Bill
<p>...as well as legislation that establishes a <b>centralized website</b> that provides public access to all collective bargaining agreements in force, and is operated by an independent entity that is charged with the registration of collective bargaining agreements.</p>	<p>...De preferencia, el texto íntegro de las versiones públicas de los contratos colectivos de trabajo deberá estar disponible en forma gratuita en el sitio de Internet de la Autoridad Registral.</p>	<p>It is preferred that the full text of the public version of the collective bargaining agreements be made available without charge on the Registry Authority's website.</p>