



UNION DUES: EMPLOYER OBLIGATIONS

FACT SHEET 4

When workers pay dues to the union with which they are affiliated, the employer is responsible for deducting the union dues from union members' pay and transferring the dues to the union. A basic principle of freedom of association is that employers must not interfere in the internal affairs of unions, including with union dues payments. (See ILO Convention 98, Art. 2.)

When an employer chooses to transfer monies directly to a union rather than deducting union dues from union members' pay, that action could be considered extortion by an unrepresentative union, or bribery by the employer to put the union under its control, and therefore to be an act of employer interference in the operations of the union.

Under the Federal Labor Law (LFT), any deduction of union dues, and its amount, must be established in the union bylaws, or in an agreement approved by the members in accordance with those bylaws. Employers are legally obligated to deduct the amount of ordinary union dues from the workers' pay that is established in these agreements (LFT Articles 110.VI and 132.XXII) and to cooperate to establish a system for transferring such funds to the union treasury.

The employer must also respect and abide by worker requests to stop deducting union dues from their pay (LFT Article 110. VI). To stop payment of union dues, the worker must make a written request to the employer to cease deducting dues. The LFT does not specify the form these requests must take, except that they are in writing, handwritten or typed. Individual requests by workers are therefore equally valid as requests submitted by a group of workers.

Employers can establish a process to receive written requests to cease union dues deductions so that they can be processed in a timely manner, but any process established should not be unduly onerous for workers.

Once the request is received, the employer must stop deducting dues within a reasonable time frame.

With respect to the payment of union dues, recent court rulings require that:

- Unions must provide the employer a list of workers who are members;
- Employers must deduct dues from workers who are affiliates of that union, unless workers have requested that the employer cease deducting union dues; and
- The employer must promptly and efficiently process requests from workers to stop deducting union dues.

This fact sheet is part of the MSN's Resource Kit on Freedom of Association in Mexico available at: maquilasolidarity.org/en/resources-foa-mexico.