

# Guide to Labor Relations Law

## in Mexico

**M**exican labor relations law protects workers' rights to join and form unions, bargain collectively and engage in collective action.

Labor relations law promotes healthy relationships between workers, unions and employers.

Foreign workers, including those without valid work permits, are entitled to the same protection under labor relations law as other workers, with one exception: foreign workers cannot be union officers.

### Workers have the right to:

- form or join a union;
- support unions;
- bargain as a group for wages, hours and working conditions;
- elect union leaders;
- elect bargaining representatives;
- help other employees influence wages, hours, or working conditions;
- strike, under certain conditions.



### Is it my constitutional right to be a union member?

The Mexican Constitution protects your right to:

- freedom of assembly;
- freedom of association;
- freedom of speech.

The Mexican Constitution was the first in the world to protect workers' and employers' rights to be members of a union. It also contains provisions protecting workers' rights to a minimum wage and equal pay for men and women. For more information about minimum labor standards, see [Guide to Minimum Employment Standards, Pay Deductions and Severance Pay for Unjustified Firing in Mexico](#).

### What is a union and what can it do for me?

A union is an association of employees created for the assessment, improvement and defense of their best interests, which include: better wages, benefits, and working conditions.

#### Unions:

- represent you with your employer;
- negotiate agreements on wages, benefits, and working conditions called "collective contracts";
- ensure that collective contracts are put into effect.

### What are the advantages of joining a union?

Joining a union can have many benefits, including better wages, benefits, and working conditions.

Joining a union also has costs, like paying union dues and striking when needed.



No worker is required by law to join or not to join a union.

### What is a collective contract?

A collective labor contract is a pact or agreement reached between unions and employers in order to establish working conditions such as wages and hours.

Only unions can negotiate collective contracts with employers.

Collective contracts cover all workers in the company, including managers and employees without contracts, unless the collective contract itself states the contrary.

If the employer refuses to sign a collective contract, workers can go on strike to gain leverage.

Also, the union and employer can put an “exclusion clause” in the collective contract.

If the collective contract has an “exclusion clause,” any worker who quits or is expelled from the union can be fired.

### How to register a union

Unions must register with the Secretariat of Labor and Social Services (Secretaría del Trabajo y Previsión Social, STPS) in federal jurisdictions, and with Conciliation and Arbitration Boards (Juntas de Conciliación y Arbitraje, JCA) in those states with local jurisdiction, in order to receive recognition and negotiate with employers.

To register, a union must have at least 20 members.

Workers must give the JCA or the STPS:

- 1) two authorized copies of the minutes of a members’ meeting;
- 2) two lists of the names, addresses, and employers of all members;
- 3) two copies of the union bylaws;
- 4) two authorized copies of the minutes of the meeting where the board of directors was elected.

In municipalities where the number of workers in a given profession is fewer than 20, a combined trade union can be formed by workers of different professions.

Unions can be dissolved if two-thirds of the members vote in favor, or when the term stipulated in the bylaws has passed.

### What rights do I have as a union member?

You have a right to learn about union financial information at a general meeting once every six months.

### Can I be expelled by the union?

Your union can expel you only at a meeting with all members present during which you have the opportunity to defend yourself.

## What can I do if I am a union member and my rights are violated?

If your rights are violated, you can:

- tell the union;
- go to the Public Labor Defender Office (Profedet) to receive free advice;
- file a claim with the JCA;
- go on strike with other union members;
- picket with other union members.

### An employer cannot retaliate against you for exercising your labor rights.

“Retaliation” is defined as changing your job, wages or hours or firing you for exercising your rights.

Employers cannot retaliate against you for:

- availing yourself of legal safeguards;
- joining or forming a union;
- striking lawfully.

If any of these things happens, inform your union or the corresponding Conciliation and Arbitration Board.

### The JCA

Conciliation and Arbitration Boards (JCA) help workers and employers solve labor disputes.

If your employer violates any of your rights, you can file a claim with the local or federal JCA.

If an employer fails to comply with the collective contract, the union can file a claim with the local JCA.

For more information on Conciliation and Arbitration Boards, see [Guide to Resolving Labor Disputes in Mexico](#).

### Free legal assistance

Workers are entitled to free legal assistance from:

- the Federal Public Labor Defender’s Office (Procuraduría Federal de la Defensa del Trabajo, PROFEDET) under the Secretariat of Labor and Social Services (STPS), if the dispute falls under federal jurisdiction;
- similar state agencies for local issues.

For more information, see [Resolving Labor Disputes in Mexico](#).

### Workers have the right to strike.

A strike occurs when employees stop working.

- Strikes must have the support of more than 50 percent of the workers.
- The union can strike if the employer violates an existing contract. The union can strike to seek a new contract or to enforce the existing contract.
- A union may strike to show support for another union that is on strike. This is called a “solidarity strike.”
- The union must inform the employer through the JCA what day and time the strike will begin.
- This report must be given at least six days before work is to be suspended (10 days in advance for public services.)

Slowdowns and similar tactics are not regulated under Mexican labor law.

