

Guide to Resolving Labor Disputes

in Mexico

In Mexico, all workers have the right to receive free legal assistance from the Federal Public Labor Defender's Office (Procuraduría Federal de la Defensa del Trabajo, PROFEDET), including foreign workers and workers without valid permits.

In Mexico, all individual and collective labor disputes are resolved by Conciliation and Arbitration Boards (Juntas de Conciliación y Arbitraje, JCA). There are Conciliation and Arbitration Boards in every Mexican state.

This guide talks about the services provided by the Public Labor Defender and about how Conciliation and Arbitration Boards work.

Public Labor Defender

The Public Labor Defender's Office is responsible for advising and representing workers, their beneficiaries, and unions upon request before any authorities involved in the application of labor regulations.

If I have problems at work, where can I get advice?

You can go to the Federal Public Labor Defender or your local State Public Labor Defender.

- Whether you should go to the federal or state Public Labor Defender's Office depends on the type of work you do.
- Whether you should go to the federal or state Public Labor Defender's Office also depends on what industry the company you work for belongs to.



- The industrial sectors under federal jurisdiction, which are covered by the Federal Public Labor Defender's Office, are:
 - textiles;
 - electricity;
 - cinematography;
 - rubber;
 - sugar;
 - mining;
 - metalwork and steel;
 - hydrocarbons;
 - petrochemicals;
 - cement;
 - limestone quarries;
 - automotive;
 - chemicals;
 - cellulose and paper;

- oils and vegetable shortenings;
 - producers or packers of foods canned or bottled or destined as such;
 - preparers of drinks that are canned or bottled or destined as such;
 - railroads;
 - lumber;
 - glassworks of smooth or engraved panes, or glass bottles;
 - tobacco.
- For example, if you work at a sugar mill or tobacco plantation, you should go to the Federal Public Labor Defender's Office (PROFEDET).
 - You are also under federal jurisdiction if the company you work for is directly or indirectly managed by the federal government; if it is under federal contract or concession; or if it performs work in federal zones or areas under federal jurisdiction, including territorial waters or those forming part of the nation's exclusive economic zone.
 - If you work in the countryside, but not at a sugar mill or tobacco plantation, you should go to your local State Public Labor Defenders' Office.

When should I go to the Public Labor Defender's Office?

You should go to the Public Labor Defender's Office when you need help to solve labor disputes caused by:

1. dismissal;
2. retirement;
3. appointment of beneficiaries;
4. pensions based on labor hazards or general illness;
5. termination of labor relations;
6. legal benefits (minimum standards granted by law);
7. contractual benefits (those written in your employment contract);
8. respect for your general working conditions;



9. preferential rights (when you are entitled to a promotion because of your time on the job or your experience);
10. on-the-job discrimination based on ethnic or national origin, sex, social status, health, religion, political opinions or affiliation, sexual preference, or marital status.

What do these offices do?

- Public Labor Defenders are the officers responsible for advising you and seeking amiable solutions to your labor problems.
- If you wish, the Public Labor Defender can represent you before the Conciliation and Arbitration Board (JCA).

Will the services of the Public Labor Defender cost me anything?

No. The services given to people seeking advice on labor problems are absolutely free.

What do I need to bring to the Public Labor Defender to get help?

You need to come in person with the following information.

1. If possible, you should bring your IMSS registration form.
2. Your first and last wage slips.
3. The date when the events affecting you took place.
4. Finally, your employer's name and address.

PROFEDET telephone numbers

In Mexico City: (55) 5134-9800.

Toll free: 01-800-717-2942

Information on State Offices: (55) 5588-0268.

LOCATEL: (55) 5658-1111

Outside Mexico City: For State Auxiliary Public Defender's Offices, consult your local telephone directory.

What are Conciliation and Arbitration Boards?

Conciliation and Arbitration Boards (Juntas de Conciliación y Arbitraje, JCA) are responsible for solving labor disputes between workers and their employers.

If I have a problem at work, how long do I have to file a complaint with the board?

You generally have up to a year to go to the board.

In some cases, you have less time.

- You have one month to file a complaint with the appropriate JCA if your employer was wholly responsible for the termination of your labor relationship.
- You have two months if you were fired.
- You have two years if you wish to claim:
 1. payment of compensation; or
 2. enforcement of a board ruling.

If you die on the job, your family has two years to file a claim for benefits with the Conciliation and Arbitration Board.

Do I have to explain what I want in writing?

Yes. The document you need to write is called a claim, and must include:

1. your full name;
2. your address;
3. the name and address of your lawyer if you have one;
4. the name of your employer or, if you do not know the name, the address of the company where you worked and the kind of work you performed;
5. what you want (your claims), such as: back pay, seniority payment, or redress for unjust dismissal;
6. an explanation of what happened; for example, if you were fired, when it happened, what your employer said, why you were fired, etc.

Finally, you need to include the legal provisions that protect you. To do this, you will need the help of a lawyer or the Public Labor Defender.

Federal Conciliation and Arbitration Board

Dr. Andrade No. 45

Col. Doctores, Deleg. Cuauhtémoc

Mexico, D.F.

C.P. 06720

Switchboard: (55) 5722-8700

In your state: See your local telephone directory.

What do I have to do when I go to the JCA? How does it work?

- You have to file your written claim with the Documentation Office (the board office responsible for receiving lawsuits).
- Within one day (24 hours) a date will be set for you and your employer to meet at the JCA.
- The meeting will be within 15 days following the day you filed your claim.
- If the board finds any problems with your claim, it will give you three days to correct them.
- The board must inform you of this meeting 10 days in advance. This meeting is called a hearing.

What will happen at the hearing?

The hearing has three stages.

1. **Conciliation.** Without lawyers, you and your employer will try to reach an agreement (conciliation) to resolve your complaint.
 - If you reach an agreement, the JCA procedure ends.
 - If you do not reach an agreement, the second stage begins.
2. **The claim and exceptions.** You can now have your lawyer with you. During this stage, you will have to explain your claim and say whether you wish it to stand as it is, or if you want to change it. However, you must always clearly explain what you want.
 - If the board believes that your claim still contains errors, it will ask you to change it.

- When you finish correcting your claim, your employer will respond to your demands. This response can be either spoken or written. If it is written, you will be given a copy.

3. **Admission of evidence.** During this stage, you must give proof that your account of what happened is true.
- Your employer will also present evidence.
 - You can prove your case with witnesses or experts, like your doctor in the case of an on-the-job injury.
 - After presenting your evidence, you must say how you wish the board to solve your problem. This is called a final argument or summation.
 - When the summations have been presented, the board auxiliary will declare the proceeding closed.
 - A draft ruling will be prepared over the next 10 days.

What happens after the JCA issues a draft ruling?

- The board members will then meet to discuss the draft ruling. Two things may now happen:
1. A board member can ask for more evidence. In this case, eight days are permitted for presenting new evidence; ten days later, the case is resolved, or
 2. All the board members agree with the draft ruling and the case is resolved within 10 days.

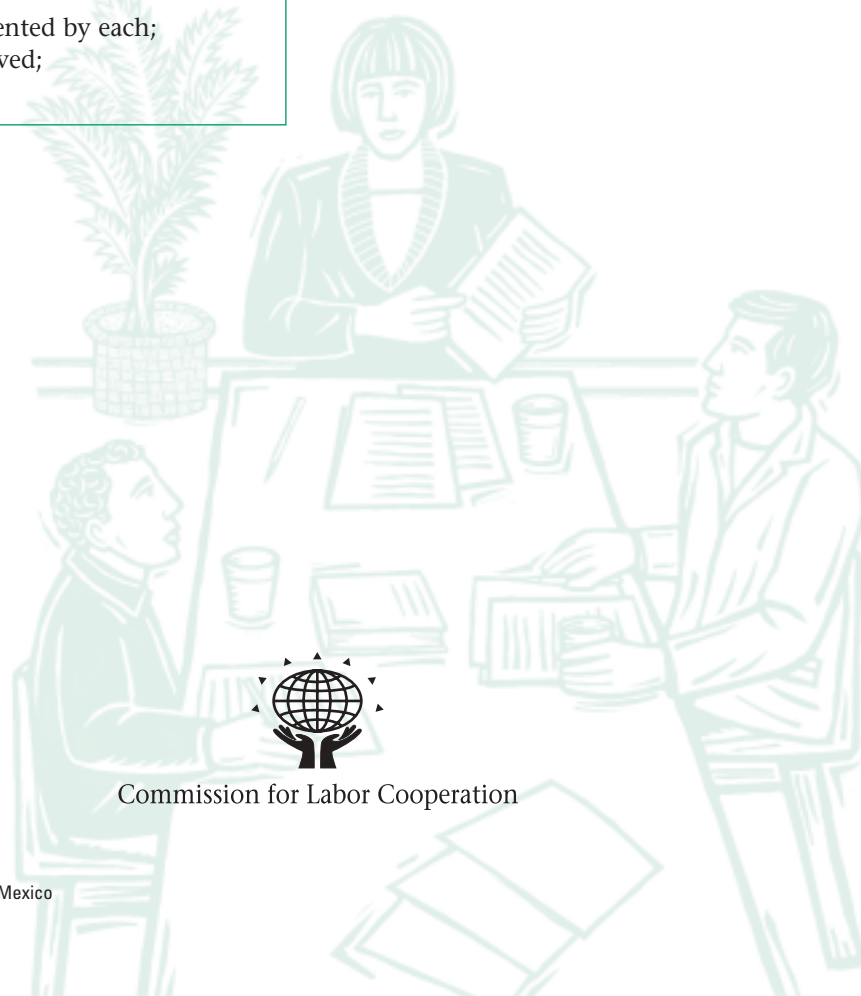
The ruling (*laudo*) is the JCA's final decision.



What does the draft ruling include?

This draft ruling will include:

- a summary of the claim and response;
- the facts that you and your employer disagree upon;
- a list of evidence presented by each;
- what was actually proved;
- the ruling.



Commission for Labor Cooperation