

Organic Law of the Federal Center for Conciliation and Labor Registry

The "Decree by which the Organic Law of the Federal Center for Conciliation and Labor Registry" (the "Decree") was published in the Official Gazette of the Federation on January 6th, 2020. The Organic Law of the Federal Center for Conciliation and Labor Registry (the "Law") establishes the provisions that regulate the operation of the Federal Center for Conciliation and Labor Registry (the "Center"), which was included in the constitutional reform of 2017¹ and in the amendment to the Federal Labor Law published on May 1st, 2019, both in compliance with the commitments assumed by Mexico after signing and ratifying the USMCA² and its Protocol of Amendment and Parallel Agreements, approved by the Senate of the Republic on December 12th, 2019, as well as when ratifying Convention 98 of the International Labor Organizations.

According to the Law, the Center is a decentralized public body, with its own legal personality and assets, with full technical, operational, budgetary, decision and management autonomy.

The Law establishes that the Center will be in charge, among other responsibilities, of:

- Under federal jurisdiction, carry out the individual⁴ and collective conciliatory function, which will be at the request of the parties or the judicial authority. Under local jurisdiction, Conciliation Centers need to be formed to fulfill the conciliatory functions;
- Keep a national registry of all Collective Bargaining Agreements, Industrial Collective Bargaining Agreement (*Contrato-Ley*) and internal labor regulations, as well as the registration of union organizations, and all related administrative procedures;
- Assist unions or workers in the procedures for choosing their union directives and verify compliance with democratic principles;
- Convene and organize voting processes at the justified request of workers or when there is doubt about the veracity of the documentation presented in the verification of the election of union directives;
- Issue the non-conciliation proof document and the Representation Certificates.
- Verify the majority support of workers in Collective Bargaining Agreements and that they have been made known to workers
- Make public information about unions and issue the copies of their Collective Bargaining Agreements;
- Impose fines for non-compliance with the provisions of the Federal Labor Law.

The Center will have a Governing Board and a General Directorate. The Governing Board will be composed with the heads of the Labor and Social Welfare Ministry, the Finance and Public Credit Ministry and the Institute of Transparency, Access to Information and Protection of Personal Data, as well as the Presidents of the National Institute of Statistics and Geography and the National Electoral Institute. The Governing Board will have purely administrative powers. The General Directorate will be in charge of the person designated in accordance with the provisions of the Mexican Political Constitution, who will be in charge for a period of 6 years and may be re-elected, for a single occasion, for a period same. The General Directorate will be responsible for the operation and direction of the Center, in accordance with the powers established in the Federal Labor Law.

¹ Published in the Official Gazette of the Federation on February 24th, 2017.

² Published in the Official Gazette of the Federation on July 29th, 2019.

³ Promulgation Decree published in the Official Gazette of the Federation on November 7th, 2019.

⁴ Which must be exhausted, with some exceptions, prior to the filing of a lawsuit before the Labor Courts. This is a prejudicial and mandatory process.

⁵ Representation Certificate will be necessary for the execution of the initial collective bargaining agreement (Article 390 of the Federal Labor Law).



The Law enters into force on January 7th, 2020 and, in accordance with the Third Transitory Article of the Decree, the procedure for the legitimization of collective bargaining agreements will be carried out by the Center until it begins its registration functions.

If you require additional information on the Decree and / or the Law and other legal services in labor, social security and immigration matters, please contact Mario Alberto Yañez Cariño, Arsenio Farell Martínez, Pilar Tortolero Damy and / or Héctor Manuel Cervantes Arteaga, in the email contacto@fyabogados.mx