

May 3, 2023

EY LAW Flash

Extract of the agreement to disclose the legitimated Collective Employment Agreements and the termination of those which were not legitimated or registered for consultation as of may 1, 2023



On May 2, 2023, an extract of the Agreement issued by the Federal Center for Labor Conciliation and Registration was published in the Official Gazette of the Federation, which will become effective on the date of its publication.

In the referred Agreement it was determined that the collective bargaining agreements legitimated as of May 1, 2023, and supported by the majority of its employees will continue in force and will continue to have legal effects. Also, the [link](#) where the legitimated collective bargaining agreements can be consulted was published.

Regarding the requests for the legalization of collective bargaining agreements registered up to May 1, 2023, they may be processed up to July 31 of the current year. The collective bargaining agreements that are in this case will remain in force and will be legally effective, except in the following cases:

- ▶ The interested union fails to comply with the requirements established by the applicable regulations to carry out the procedure to legitimize its collective bargaining agreement.
- ▶ Its content is rejected by the majority of the employees covered by the agreements in question.
- ▶ The scheduled consultation is not carried out due to causes attributable to the interested union.

The collective bargaining agreements whose unions obtain the certificate of legal standing after May 2, 2023, will be included in the list contained in the aforementioned link and will continue to be in force and have legal effects.

Requests for legal standing may be deferred at the substantiated and reasoned request of the interested union when there are circumstances of force majeure or collective suspension of labor relations that justify it. In no case may the date of deferral of the consultation with the employees be later than July 31, 2023.

Collective bargaining agreements that as of May 1, 2023, do not have a Certificate of Legitimacy issued by the Federal Center for Labor Conciliation and Registration, or that are not in process, are terminated as of May 2, 2023, preserving the salaries, benefits and other working conditions, for the benefit of the employees and will be of mandatory application for the employer.

Collective bargaining agreements are exempted:

- ▶ Whose tenure is pending resolution due to the existence of a recount date as of May 1, 2023, or where a recount has been carried out and there is no final award or sentence as of the indicated date.
- ▶ That they cover a work center where there is a strike broken by the incumbent union as of May 1, 2023, in the terms provided by the applicable regulations.
- ▶ That they have been legitimized and are not registered in the list contained in the aforementioned link, in which case the union may make the corresponding clarification.

Finally, it is important to mention that the consequence of not having carried out the procedure of legal standing is that the companies are free of the collective bargaining agreement and are susceptible to be called to strike by signing such agreement.

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