New Protocol in Place for Unions to Legitimize Collective Bargaining Agreements

What it means for you

Companies with existing CBAs should take the following steps:

- Anticipate receiving a notice from the union relating to the consultation process.
- Provide hard copies of the CBA to employees at least 3 business days before the voting date.
- Publish the union’s notice of the consultation process in the workplace.
- Facilitate the consultation process.
- Cooperate with the process, as required by law, while making best efforts to carry on the company’s business in the normal course.

Action steps

Companies with existing CBAs should take the following steps:

- Determine an action and communication plan to ensure that employees are made aware of the CBA and its terms.
- Minimize business disruption, proactively communicate with the union in an effort to agree on the time and place of the vote.
- Review and revise the CBA as needed, to reflect the positions and job categories actually covered by the CBA and the labor benefits granted to the covered employees.
- Comply with all obligations under the protocol, including posting the notice of consultation in the workplace and providing copies of the CBA to employees.
- In consultation with the union, review and revise the CBA as needed, to reflect the positions and job categories actually covered by the CBA and the labor benefits granted to the covered employees.
- Determine whether the certification process is necessary, in light of applicable and applicable circumstances.
- Provide a report to the Labor Ministry at any time, to verify the accuracy of the notices provided by the union.
- When the Labor Ministry issues a certificate, the protocol is in force from August 1, 2019 and remains in effect until the Federal Conciliation and Labor Registry Center takes office.

Background

For more information, please click our Client Alert 14 and the protocol published by the Labor Ministry in the Official Gazette.

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