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**LABOR LEGISLATION  
OF MEXICO**



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### **Acknowledgment**

**This translation of the labor law of Mexico was made under the direction of Ethel Y. Larson, of the Bureau of Labor Statistics.**

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# BULLETIN OF THE U. S. BUREAU OF LABOR STATISTICS

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## LABOR LEGISLATION OF MEXICO

### Introduction and Summary

The new labor law of Mexico which, after being passed by substantial majorities in the Senate and the Chamber of Deputies, was signed by President P. Ortiz Rubio on August 18, 1931, became effective on the date of its publication in the *Diario Oficial*, namely, August 28, 1931. At the same time the existing State labor laws were repealed, so that the new Federal legislation became applicable to the whole country.

In giving a summary of the law it is first necessary to call attention to article 123 of the Mexican Constitution of 1917, which provided that Congress and the State legislatures should enact labor laws based on the general principles laid down therein. Mexico is a federation of 28 States, 3 Territories, and a Federal District, and the National Congress was empowered to enact labor legislation only for the Federal District and Territories and concerning certain enterprises, such as mines and railways.

A decree creating boards of conciliation and arbitration and one establishing a weekly rest day were among the few passed by the National Congress. Of the 28 States, 19 enacted comprehensive labor laws, while the others passed very incomplete legislation on labor, if any.

Many disputes arose as to the interpretation of the labor laws, and it was urged that labor legislation be placed under Federal jurisdiction. A special session of the Mexican Congress was held from July 25 to August 22, 1929, to act on constitutional amendments authorizing the federalization of labor legislation, which were necessary before the proposed Federal labor law, which was prepared under the provisional Government of Portes Gil, could be considered. A translation of the amended articles, as adopted, is as follows:

ART. 73. Congress has the power: \* \* \*

X. To legislate for the entire Republic concerning mining, commerce, and credit institutions; to establish a sole bank of issue in accordance with article 28 of the constitution, and to enact labor laws regulating article 123 of the constitution. The application of the labor laws corresponds to the State authorities, in their respective jurisdictions, except in cases which refer to the railways and other transportation enterprises operating under Federal concession, to mining, and to petroleum, and finally to labor performed on the sea and in the maritime zones, in the manner and terms which regulatory provisions shall fix. \* \* \*

ART. 123. Without violating the following bases, Congress shall enact labor laws which shall regulate the labor of manual laborers, day laborers, office employees, household servants, and artisans, and generally all labor contracts. \* \* \*

XXIX. The enactment of a social insurance law is considered of public utility, and said law shall include insurance against sickness, death, involuntary unemployment, invalidity, accident, and for other analogous purposes.

A translation of article 123 of the Mexican Constitution of 1917, of which the new law is an amplification, is given below.

FEDERAL CONSTITUTION OF 1917 AS MODIFIED BY CONSTITUTIONAL AMENDMENT OF 1929

PART 6.—*Labor and social welfare*

ARTICLE 123. The Congress of the Union, without violating the following bases, shall enact labor laws which shall regulate the work of manual workers, day laborers, office employees, domestic servants, and artisans and, in general, all labor contracts.

I. Eight hours shall be the maximum limit of a day's work.

II. The maximum limit of night work shall be seven hours. Unhealthful and dangerous occupations are forbidden to all women and to children under 16 years of age. Night work in factories is likewise forbidden to women and to children under 16 years of age; nor shall they be employed in commercial establishments after 10 o'clock at night.

III. The maximum limit of a day's work for children over 12 and under 16 years of age shall be six hours. The work of children under 12 years of age can not be made the object of a contract.

IV. Every workman shall enjoy at least one day's rest for every six days' work.

V. Women shall not perform any physical work requiring considerable physical effort during the three months immediately preceding parturition; during the month following parturition they shall necessarily enjoy a period of rest and shall receive their salaries or wages in full and retain their employment and the rights they may have acquired under their contracts. During the period of lactation they shall enjoy two extra daily periods of rest of one-half hour each in order to nurse their children.

VI. The minimum wage to be received by a workman shall be that considered sufficient, according to the conditions prevailing in the respective region of the country, to satisfy the normal needs of the life of the workman, his education, and his lawful pleasures, considering him as the head of a family. In all agricultural, commercial, manufacturing, or mining enterprises the workmen shall have the right to participate in the profits in the manner fixed in Clause IX of this article.

VII. The same compensation shall be paid for the same work without regard to sex or nationality.

VIII. The minimum wage shall be exempt from attachment, set-off, or discount.

IX. The determination of the minimum wage and of the rate of profit sharing described in Clause VI shall be made by special commissions to be appointed in each municipality and to be subordinated to the central board of conciliation to be established in each State.

X. All wages shall be paid in legal currency and shall not be paid in merchandise, orders, counters, or any other representative token with which it is sought to substitute money.

XI. When owing to special circumstances it becomes necessary to increase the working hours there shall be paid as wages for the overtime 100 per cent more than those fixed for regular time. In no case shall the overtime exceed three hours nor continue for more than three consecutive days; and no women of whatever age nor boys under 16 years of age may engage in overtime work.

XII. In every agricultural, industrial, mining, or similar class of work employers are bound to furnish their workmen comfortable and sanitary dwelling places, for which they may charge rents not exceeding one-half of 1 per cent per month of the assessed value of the properties. They shall likewise establish schools, dispensaries, and other services necessary to the community. If the factories are located within inhabited places and more than 100 persons are employed therein, the first of the above-mentioned conditions shall be complied with.

XIII. Furthermore, there shall be set aside in these labor centers, whenever their population exceeds 200 inhabitants, a space of land not less than 5,000 square meters for the establishment of public markets, and the construction of buildings designed for municipal services and places of amusement. No saloons nor gambling houses shall be permitted in such labor centers.

XIV. Employers shall be liable for industrial accidents and occupational diseases arising from work; therefore, employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent.

XV. Employers shall be bound to observe in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adopt adequate measures to prevent accidents due to the use of machinery, tools, and working materials, as well as to organize work in such a manner as to assure the greatest guaranties possible for the health and lives of workmen compatible with the nature of the work, under penalties which the law shall determine.

XVI. Workmen and employers shall have the right to unite for the defense of their respective interests by forming unions, associations, etc.

XVII. The law shall recognize the right of workmen and employers to strike and to suspend work.

XVIII. Strikes shall be lawful when by the employment of peaceful means they shall aim to bring about a balance between the various factors of production, and to harmonize the rights of capital and labor. In public services, the workmen shall be obliged to give notice 10 days in advance to the board of conciliation and arbitration of the date set for the suspension of work. Strikes shall be considered unlawful only when the majority of the strikers shall resort to acts of violence against persons or property, or in case of war when the strikers belong to establishments and services dependent on the Government. Employees of military manufacturing establishments of the Federal Government shall not be included in the provisions of this clause, inasmuch as they are a dependency of the national army.

XIX. Lockouts shall be lawful only when the excess of production shall render it necessary to shut down in order to maintain prices reasonably above the cost of production, subject to the approval of the board of conciliation and arbitration.

XX. Differences or disputes between capital and labor shall be submitted for settlement to a board of conciliation and arbitration to consist of an equal number of representatives of the workmen and of the employers and of one representative of the Government.

XXI. If the employer shall refuse to submit his differences to arbitration or to accept the award rendered by the board, the labor contract shall be considered as terminated, and the employer shall be bound to indemnify the workman by the payment to him of three months' wages, in addition to the liability which he may have incurred by reason of the dispute. If the workman rejects the award, the contract will be held to have terminated.

XXII. An employer who discharges a workman without proper cause or for having joined a union or for having taken part in a lawful strike shall be bound, at the option of the workman, either to perform the contract or to indemnify him by the payment of three months' wages. He shall incur the same liability if the workman shall leave his service on account of the lack of good faith on the part of the employer or of maltreatment either as to his own person or that of his wife, parents, children, or brothers or sisters. The employer can not evade this liability when the maltreatment is inflicted by subordinates or agents acting with his consent or knowledge.

XXIII. Claims of workmen for salaries or wages which have accrued during the past year and other indemnity claims shall be preferred over any other claims in cases of bankruptcy or execution proceedings.

XXIV. Debts contracted by workmen in favor of their employers or their employers' associates, subordinates, or agents, may be charged only against the workmen themselves, and in no case and for no reason collected from the members of his family. Nor shall such debts be paid by the taking of more than the entire wages of the workman for any one month.

XXV. No fee shall be charged for finding work for workmen by municipal offices, employment bureaus, or other public or private agencies.

XXVI. Every contract between a Mexican citizen and a foreign principal shall be legalized before the competent municipal authority and viséed by the consul of the nation to which the workman is undertaking to go, on the understanding that in addition to the usual clauses special and clear provisions shall be inserted for the payment by the foreign principal making the contract of the cost to the laborer of repatriation.

XXVII. The following stipulations shall be null and void and shall not bind the contracting parties, even though embodied in the contract:

(a) Stipulations providing for an inhuman day's work on account of its notorious excessiveness, in view of the nature of the work.

(b) Stipulations providing for a wage rate which in the judgment of the board of conciliation and arbitration is not remunerative.

(c) Stipulations providing for a term of more than one week before the payment of wages.

(d) Stipulations providing for the assigning of places of amusement, eating places, cafés, taverns, saloons, or shops for the payment of wages, when employees of such establishments are not involved.

(e) Stipulations involving a direct or indirect obligation to purchase articles of consumption in specified shops or places.

(f) Stipulations permitting the retention of wages by way of fines.

(g) Stipulations constituting a waiver on the part of the workman of the indemnities to which he may become entitled by reason of industrial accidents or occupational diseases, damages for nonperformance of the contract, or for discharge from work.

(h) All other stipulations implying the waiver of some right vested in the workman by labor laws.

XXVIII. The law shall decide what property constitutes the family estate. These goods shall be inalienable and may not be mortgaged, garnisheed, or attached, and may be bequeathed and inherited with simplified formalities in the succession proceedings.

XXIX. The enactment of a social insurance law is considered of public utility, and said law shall include insurance against sickness, death, involuntary unemployment, invalidity, accidents, and for other analogous purposes.

XXX. Cooperative associations for the construction of inexpensive and sanitary dwelling houses for workmen shall likewise be considered of social utility whenever these properties are designed to be acquired in ownership by the workmen within specified periods.

## The Federal Labor Law

### General Provisions

Under the general provisions of the law, the terms used throughout the law are defined; the right of the individual to engage in the occupation, industry, or business of his choice, if it be lawful, is formally recognized; and regulations are promulgated requiring the employment of Mexican citizens in 90 per cent of the positions in both the skilled and unskilled classes of every enterprise, and the use of the Spanish language in the issuance of orders and instructions to employees. The sale of intoxicating liquors and the maintenance of gambling houses or houses of prostitution are prohibited in any labor center, or within a radius of 4 kilometers<sup>1</sup> if the center is located outside a city.

### Contracts

Six chapters of the new law deal with contracts, both individual and collective, and with their revision, suspension, cancellation, and termination.

An individual contract is defined as one by virtue of which one person binds himself to render personal services to another, under

<sup>1</sup> Kilometer = 0.62 mile.

his direction and charge, in return for an agreed remuneration. Minors of either sex over 16 years of age are competent to enter into a labor contract. A married woman does not need her husband's consent to enter into a contract.

Contracts for agricultural work, for domestic service, for temporary work not exceeding 60 days, and for services whose value does not exceed 100 pesos,<sup>2</sup> may be oral. All other contracts must be in writing.

A collective contract is defined as any agreement entered into between one or several labor unions and one or several employers or employers' associations, for the purpose of establishing the conditions under which the work is to be performed. The collective contract shall fix the amount of the wages, the working hours, the nature of the work, the rest days and vacation periods, and any other necessary points.

#### Hours of Labor and of Rest

Eight hours shall be the maximum length of a day's work, and seven hours shall be the maximum for night work. The maximum duration of a working-day which includes both day and night work shall be seven and one-half hours.

Children over 12 and under 16 years of age shall not work over six hours a day.

When due to unusual circumstances the working hours must be increased, this work shall be considered as overtime and in no case shall it exceed three hours a day nor occur more than three times within any one week.

The law does not permit women, nor children over 12 and under 16 years of age, to work overtime nor to perform dangerous or unhealthful work.

The worker is entitled to one day of rest for each six days of work.

The law specifies that May 1, September 16, and December 25 are compulsory rest days.

Workers who have rendered more than one year's service shall have an annual vacation of at least four working-days. After two years' service the vacation shall consist of at least six working-days.

#### Wages

According to the new law equal wages must be paid for equal work, taking into consideration the quantity and quality of the work regardless of the age, sex, or nationality of the worker.

Wages must not be paid in places of recreation, restaurants, cafés, taverns, saloons, or stores except to workers in said establishments.

The law states that wages must be paid in legal currency, merchandise, vouchers, counters, or other substitutes not being permitted.

Overtime work shall be paid for at the rate of 100 per cent more than that fixed for normal working hours.

The worker's wage can not be attached nor is it subject to set-off or discount except in the following cases. The employer can deduct that part of the wage that the worker agrees upon for union dues and for the establishment of cooperative and savings funds, and

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<sup>2</sup> Peso at par=49.85 cents.

for debts contracted by the worker with the employer through wage advancements, overpayments, errors, losses, or the purchase of articles produced by the same enterprise.

The minimum wage in any industry in a given territory will be fixed by a special commission on which the workers and employers of that locality shall be equally represented. The labor law defines the minimum wage as that which is sufficient to satisfy the normal needs of life of the worker, his education and honest pleasures, considering him as the head of a family.

#### Work Rules

According to the labor law work rules shall be made in the various enterprises in accordance with the provisions of the collective contract or by a commission composed of employers' and workers' representatives. In addition to the provisions deemed advisable, the rules shall contain the following: (1) Hours of beginning and of stopping work, and time allotted for rest periods and for noonday meal; (2) time and place of beginning and of ending the working-day; (3) days and hours for the cleaning of machinery, apparatus, and workshops; (4) warnings to avoid occupational hazards and instructions in the rendering of first aid in case of accidents; (5) dangerous and unhealthful work not to be performed by women and by children under 16 years of age; (6) work of a temporary nature; (7) time and place of payment; (8) conditions under which the workers must submit to medical examinations; (9) disciplinary measures; and (10) any other regulations necessary for the better functioning of the enterprise.

#### Employment of Women and Children

The law enumerates in considerable detail the dangerous and unhealthful occupations that are forbidden for women and for children under 16 years of age.

Women are not allowed to perform work requiring considerable physical exertion during the three months before childbirth. They shall have eight days of rest with pay before the approximate date set for childbirth and one month thereafter. If after the month's rest they are unable to resume their work, they shall have leave without pay until their recovery, retaining their positions and contractual rights.

When more than 50 women are employed in an establishment, special quarters must be provided where they may nurse their children.

#### Obligations of the Employers

The labor law enumerates 24 specific obligations of employers to the workers, several of the more important ones being as follows: (1) To give preference, under similar circumstances, to Mexicans over foreigners, to those who have worked satisfactorily over those who have not, and to organized workers over those unorganized; (2) to provide the workers with sanitary and comfortable living quarters, for which they may charge rent not to exceed one-half of 1 per cent a month on the assessed value of the property, if the enterprises are located within towns and employ more than 100

workers; (3) to provide and maintain elementary schools for the workers' children when the work place is a rural center more than 3 kilometers from a town and if the number of children of school age is over 20; (4) when the permanent population of a rural labor center exceeds 200, the employer must reserve a tract of land, not less than 5,000 square meters,<sup>3</sup> for the establishment of public markets, the construction of municipal buildings, and recreation centers, if the labor center is located at least 5 kilometers from a town; (5) to pay the worker for lost time when he is unable to work through the fault of the employer; and (6) when an employer has in his service between 400 and 2,000 workers, he must pay the expenses necessary adequately to provide for the technical, practical, or industrial studies in a special center (either national or foreign) of an employee or the child of a worker chosen because of ability by workers and employer. Should there be more than 2,000 workers employed, the employer shall establish three such scholarships. The beneficiaries upon their return will be required to work for at least two years for the employer who provided for their education.

#### Obligations of the Workers

Of the obligations of workers to employers which are listed in the labor law the following are among the outstanding. Workers are required to render assistance whenever needed in cases of imminent danger, either to the employer's person or his interests or those of his fellow workers; to unite in the organizations provided for by this law; and to submit differences which they have with their employers to said organizations. The law forbids the workers to reveal technical, commercial, or trade secrets. Upon the termination of the labor contract workers are to vacate the houses provided by the employers within 15 days, or within one month in the case of agricultural workers and miners.

#### Domestic Labor

The labor law defines a domestic servant as a worker of either sex who habitually performs the work of cleaning, cooking, and other services inside a house or other place of residence. Employers are required by the law to provide board and lodging, to pay for medical attention, to defray funeral expenses in case of death, and to give the workers time off to attend night schools.

#### Maritime Workers

Forty-two articles of the labor law deal with work performed on board Mexican ships and other craft, and treat of such matters as contracts, wages, vacations, and weekly rest days, accident prevention and reporting, strikes, justifiable causes for the dismissal of a member of a crew, etc.

#### Railway Labor

According to the provisions of the labor law railway companies shall employ Mexican workers. Foreigners may fill technical or

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<sup>3</sup> Square meter=10.76 square feet.

administrative positions only when Mexican employees are not available. Other provisions deal with contracts, working hours, wages, strikes, etc., of the railway workers.

### Agricultural Labor

The labor law defines agricultural workers as those persons of either sex who perform by the day or by the job the proper and customary work in any agricultural, stock, or forestry enterprise.

Compensation for industrial accidents and occupational diseases suffered by agricultural workers of a lessee or share tenant shall be paid by the lessee or tenant and by the owner in the same proportion as the distribution made of the crop, in the case of a tenant, and according to the relation of the amount of the rental to the probable profit of the lessee, in the case of a lease.

Among the obligations of employers to agricultural workers are the following: To furnish free dwellings and the land necessary to raise hogs and domestic fowls; to provide medical attention and medicines and to give half pay in cases of accidents, tropical diseases, tetanus, bites of venomous animals, and other illnesses common to the region; to grant each permanent worker a tract of land to be cultivated on his own account if the farm consists of 50 hectares\* or more; to furnish firewood and water for domestic uses; and to allow grazing privileges for as many as 3 head of cattle and 10 head of sheep if the extent of the property permits.

### Small Industries, Family Industries, and Home Work

Small industries are defined in the law as those that employ up to 10 workers when power-driven machinery is used and up to 20 when such machinery is not used. Family industries are defined as those whose only workers are the wife and children of the owner.

Owners of small industries shall have the same obligations which this law prescribes for employers in general, except as regards compensation for industrial accidents and occupational diseases, which shall be fixed by the board of conciliation and arbitration, taking into consideration the injury suffered and the means of the small manufacturer.

Family workshops, small industries, and home work are under the supervision of labor inspectors and shall observe all regulations pertaining to health and hygiene.

The powers and duties of inspectors are given in considerable detail.

### Apprenticeship Contracts

The law defines an apprenticeship contract as one in which one of the parties thereto agrees to render personal services to the other, receiving in exchange the compensation agreed upon and training in an art or trade.

The law makes it compulsory for employers and workers to admit in each enterprise a number of apprentices equal to at least 5 per cent of the total number of workers in each trade or occupation.

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\*1 hectare=2.471 acres.

Apprentices may be discharged without liability to the employer for serious lack of consideration and respect to him or his family and for inability to learn the trade. The apprentice may resign if the employer fails to comply with his obligations as prescribed in this law.

Apprentices are entitled to one and one-half months' pay as compensation if they are unjustly discharged or resign for a justifiable cause.

#### Unions

The labor law recognizes the rights of workers to form labor unions and of employers to form employers' associations for the study, improvement, or defense of their common interests.

Labor unions have the right to demand of employers the discharge of any member who resigns or is expelled from a labor union whenever the collective contract contains an exclusion clause.

The minimum membership of labor unions is 20 and that of employers' associations is 3.

No foreigner can hold office on the board of directors in a union.

Married women engaged in a trade or occupation may join a union and participate in the administration and direction thereof without their husbands' authorization.

Unions are prohibited from intervening in religious or political matters, from carrying on business for profit, from using violence to compel workers to organize, and from instigating acts injurious to persons or property.

#### Coalitions, Strikes, and Lockouts

A coalition is defined in the labor law as an agreement made by a group of workers or employers for the defense of their common interests. A strike is defined as the temporary suspension of work as a result of a workers' coalition.

A strike may be called for the following purposes: To obtain a balance among the various factors of production, harmonizing the rights of labor with those of capital; to obtain the making or the enforcement of a collective contract; to demand a revision of the collective contract; and to aid a strike the object of which is any of those above mentioned.

The law declares a strike unlawful when a majority of the strikers commit acts of violence against persons or property, and in case of war when the workers belong to governmental establishments or services.

A lockout is defined as a temporary partial or total suspension of work as a result of a coalition of employers. Lockouts shall be considered lawful only when an excess of production makes it necessary to suspend work in order to maintain prices at a profitable level after approval of the board of conciliation and arbitration has been obtained.

#### Workmen's Compensation

Employers, even though they may have made contracts through intermediaries, are liable for the industrial accidents and occupational diseases suffered by their workers.

The law defines an industrial accident as any injury requiring medical or surgical treatment, or any mental or functional disturbance, of a permanent or temporary nature, taking place immediately or at a later time, or death, caused by the sudden action of an external force which may have occurred during the work, arising out of or as a consequence thereof, and any internal injury caused by a violent exertion brought about under similar circumstances.

An occupational disease is any pathological condition which occurs from a cause repeated for a long period of time as a necessary consequence of the kind of work performed by the worker, or from the environment in which he is compelled to work which causes in the organism an injury or permanent or temporary functional disturbance.

*Compensation benefits.*—In fatal cases the employer must pay one month's wages for funeral expenses and compensation to the family of the deceased equal to 612 days' wages. For the purposes of this law the deceased employee's "family" includes:

(1) The wife and legitimate or illegitimate children who are under 16 years of age and the ascendants unless it is proved that they are not economically dependent upon the worker. The compensation shall be distributed equally among said persons; and

(2) If there are no children, spouse, and ascendants within the terms of the preceding paragraph, the compensation shall be divided among the persons who are partially or totally dependent upon the worker and in the proportion in which they are dependent upon him, according to the judgment of the board of conciliation and arbitration in view of the proofs rendered.

The law provides that a worker who is totally and permanently disabled shall receive compensation equivalent to 918 days' wages.

In cases of permanent partial disability resulting from accident the compensation shall amount to the percentage fixed in the schedule of disability valuations, calculated on the amount which would have been paid if the disability had been permanent total. A percentage shall be taken between the established maximum and minimum, taking into consideration the age of the worker, the importance of his disability, and if it is total as regards his occupation or if it has simply diminished his ability for the performance of his work.

When the occupational hazard has resulted in the worker's temporary disability, the compensation shall consist of the payment of 75 per cent of the wages which he fails to receive while unable to work. This payment shall be made from the first day of the same.

When a worker is unable to return to the service after three months' disability, he himself or the employer may request that, in view of the medical certificates, the reports submitted, and the proofs shown, it be decided whether the injured worker ought to continue to receive the same medical treatment and the same compensation or to have his disability declared permanent, with the compensation to which he is entitled. These examinations may be repeated every three months. In either case, the time during which the worker is to receive 75 per cent of his wages shall not exceed one year.

*Insurance.*—Employers may comply with the obligations imposed upon them in this part by insuring at their own expense the worker who is to receive the compensation on the condition that the amount

of insurance be not less than the compensation. The insurance policy must be taken out with a national company.

#### Statute of Limitations

Rights of action under this law, in general, lapse in one year, but there are several exceptions enumerated in the law which lapse either in one month or two years.

#### Conciliation and Arbitration Boards

The law describes in considerable detail the composition and the powers and duties of the various agencies intrusted with the administration of this law; namely, the municipal boards of conciliation, the central boards of conciliation and arbitration, the Federal boards of conciliation, the Federal Board of Conciliation and Arbitration, the labor inspectors, and the special minimum wage commissions.

The municipal boards of conciliation are composed of one representative of the Government, one of the workers, and one of the employers, and have jurisdiction, for the purposes of conciliation, of all differences and disputes arising out of labor contracts.

The central boards of conciliation and arbitration function permanently in the capitals of the States and Federal Territories and in the Federal District, and settle by either conciliation or arbitration disputes which are not under the jurisdiction of the Federal boards.

Federal boards of conciliation have jurisdiction, for the purpose of mediation, over labor disputes involving industries operating under Federal concessions or carried on in Federal zones.

The Federal Board of Conciliation and Arbitration is established in Mexico City, and has jurisdiction for purposes of both conciliation and arbitration over labor disputes involving industries operating under Federal concessions or whose activities are carried on in Federal zones and over disputes arising under a collective contract which is in force in more than one State.

The procedure before the boards is described in the minutest detail.

#### Penalties

Fines ranging from 5 to 5,000 pesos are imposed for violating the provisions of this law.

# Text of Legislation

## Federal Labor Law

### Part 1.—General Provisions

**ARTICLE 1.** This law is for general observance throughout the Republic, and the Federal and local authorities shall administer it in the cases and according to the terms provided herein.

**ART. 2.** The relations between the State and its servants shall be governed by the civil service laws.

**ART. 3.** A worker is any person who renders manual or intellectual services, or both, to another by virtue of a labor contract.

**ART. 4.** An employer is an individual or corporate body employing the services of another by virtue of a labor contract.

Directors, managers, administrators, shipmasters, etc., and in general all people who in the name of their principal exercise the functions of management or administration will be considered the representatives of the employers and as such will bind the latter in their relations with the other workers.

**ART. 5.** An intermediary is any person who contracts for the services of workers to perform work for an employer. Established enterprises contracting for work which they execute with their own equipment shall be considered not as intermediaries but as employers.

**ART. 6.** No one may prevent others from working or engaging in any profession, industry, or business they desire, providing it is lawful. Only when the interests of third parties or those of society are jeopardized can work be stopped, by a decision of the proper authorities, given in accordance with the law.

**ART. 7.** The rights of third parties are affected in the cases specified in other laws and in the following instances: (1) When an attempt is made to replace a worker who has been discharged, or such a worker has been definitely replaced, without the proper board of conciliation and arbitration having decided the case; and (2) when a worker who has been away from his job because of illness or force majeure, or with permission, on returning to his work is denied the right to the same position.

**ART. 8.** The rights of society are affected in the cases specified in other laws and in the following instances: When, after a strike is declared according to the terms of this law, an attempt is made to replace the strikers, or they have been replaced in the work which they were performing, without the reason for the strike having been decided, except in the case provided for in article 275 of this law, and (2) when a strike has been declared by the majority of the workers of an enterprise and the minority resume their work or continue working.

**ART. 9.** In any enterprise, regardless of its nature, the employer may not employ less than 90 per cent Mexican workers in each of the skilled and unskilled classes, unless, in the case of skilled workers, the proper board of conciliation and arbitration authorizes a temporary reduction of this percentage.

The preceding prohibition is applicable only when the total number of workers exceeds 5; when it does not, the percentage of Mexican workmen shall be 80.

The requirement in this article does not apply to managers, directors, administrators, superintendents, and general heads of enterprises.

**ART. 10.** In all enterprises, regardless of their nature, orders, instructions, and in general all directions given to the workers therein must be in the Spanish language.

The positions of manager and foreman shall be filled by individuals who speak and understand the Spanish language. Company physicians must be Mexicans.

ART. 11. The right to carry on trade in any labor center shall not be denied to anyone, nor shall there be assessed therefor other fees or taxes than those fixed in the laws. The exercise of this liberty shall be subject to the provisions of the regulations issued by the authorities.

ART. 12. Establishments dispensing alcoholic beverages, gambling houses, and disorderly houses are not allowed in any labor center. This prohibition shall be effective within a radius of 4 kilometers of labor centers situated outside of towns.

For the purposes of this law, all liquors containing more than 5 per cent of alcohol are considered to be alcoholic.

ART. 13. No one shall be denied free passage on highways or roads which lead to labor centers nor kept from transporting merchandise to be sold in such places. Travel over roads for which the law authorizes a charge shall be allowed only on payment thereof.

ART. 14. The Executive Authority, the governors of the States and Territories, and the head of the Department of the Federal District, must establish at all the places they deem necessary within their respective jurisdictions, free employment agencies, which shall operate in accordance with regulations to be issued.

ART. 15. Provisions of this law which favor the workers shall not be waived in any case.

ART. 16. Cases not provided for in this law or its regulations shall be decided in accordance with custom and usage or, in default thereof, by the principles fixed by this law, by those of the civil law in so far as they are not contrary thereto, and by equity.

## Part 2.—The Labor Contract

### CHAPTER 1.—*The individual labor contract*

ART. 17. An individual labor contract is one by virtue of which one person binds himself to render personal services to another, under his direction and charge, in return for an agreed remuneration.

ART. 18. The existence of a labor contract between one who renders a personal service and the one receiving it is presumed. If the express stipulations of this contract are lacking the rendering of the services shall be understood to be governed by this law and by the rules supplementary thereto.

ART. 19. Minors of either sex who are over 16 years of age are competent to enter into a labor contract, to receive the agreed remuneration, and to perform the actions arising out of the contract or the law.

The fact that young persons over 16 years of age are competent to enter into labor contracts does not signify their emancipation.

ART. 20. Contracts for the employment of young persons over 12 and under 16 years of age must be made with the father or legal representative of the said minors. Should the minor have no father or legal representative, the contract shall be made by the minor, with the approval of the union to which he belongs, or in default thereof, of the board of conciliation and arbitration of the place or, if there is none, of the proper political authority.

ART. 21. A married woman does not need her husband's consent to enter into a labor contract nor to exercise her rights derived therefrom.

ART. 22. The following stipulations will be null and have no binding effect on the contracting parties, even if expressed in the contract:

(1) Those which stipulate a longer working-day than that permitted by this law;

(2) Those that require dangerous and unhealthful work for women and children under 16 years of age, or industrial night work for either, or work in commercial establishments after 10 p. m.;

(3) Those that provide for work for children under 12 years of age;

(4) Those constituting a waiver on the part of the worker of any of the rights or prerogatives authorized by this law;

(5) Those which, because of age, sex, or nationality, fix a smaller salary than that paid to other workers in the same business for work of equal efficiency, of the same nature, and for a working-day of the same length;

(6) Those which provide for overtime work for women and for children under 16 years of age;

(7) Those providing for a working-day that is inhuman because it is manifestly excessive or hazardous to the safety of the life of the worker in the judgment of the proper authority;

(8) Those providing for a wage less than the minimum;

(9) Those providing for a time longer than one week for the payment of wages to the workers;

(10) Those specifying places of amusement, inns, saloons, cafés, taverns, or stores for the payment of wages, when employees of such establishments are not involved;

(11) Those involving a direct or an indirect obligation to purchase articles of consumption in specified shops or places; and

(12) Those permitting the employer to retain the wage on the pretext of a fine.

In all these cases it shall be understood that the law or supplementary rules shall govern in place of the clauses that are null and void.

ART. 23. All labor contracts must be stated precisely in writing, except those referred to in article 26 of this law, and at least two copies shall be made, each party retaining a copy thereof.

ART. 24. The written labor contract shall contain:

(1) The name, nationality, age, sex, civil status, and domicile of the contracting parties;

(2) The service or services that are to be rendered, which shall be stated as precisely as possible;

(3) The duration of the contract or the statement that it is to be for an indefinite time, for a definite piece of work, or for a fixed price. The labor contract may be drawn for a definite time only in those cases in which it is made as the result of the nature of the service that is to be rendered;

(4) The duration of the working-day, in accordance with that established in this law;

(5) The salary, wage, or share in the profits that the worker is to receive; if it is to be calculated by unit of time, by unit of work, or in any other manner, and the manner and place of payment; and

(6) The place or places where the work is to be performed.

ART. 25. In piecework contracts, in addition to stipulating the nature of the work, it will also be necessary to state the quantity and quality of the material, the condition of the tools which the employer furnishes for the performance of the work, and the time during which he will place them at the disposal of the worker, as well as the corresponding remuneration. The employer may not charge the worker for the natural wear and tear on the tools as a result of the work.

ART. 26. The labor contract may be oral when it refers:

(1) To agricultural work, except that of the peons referred to in section 6 of article 14 of the law of March 21, 1929, on the settlement and restitution of lands and waters, contracts for which must be in writing;

(2) To domestic service;

(3) To occasional or temporary work which does not exceed 60 days; and

(4) To the rendering of services for a fixed job, provided that the value thereof does not exceed 100 pesos, even though the time consumed therein exceeds the period fixed in the preceding paragraph.

ART. 27. The written contract shall be proved by the document itself and, in case of misplacement thereof, by the usual means of proof; the oral contract shall be proved by the testimony of two witnesses who may be workers in the service of the employer.

ART. 28. The employer who engages workers temporarily and by means of an oral contract must issue every 15 days, at the request of the worker, a written instrument showing the number of days worked and the wage or remuneration received by the worker.

ART. 29. Every labor contract entered into by Mexican workers for services outside the country must be in writing and must be authorized by the municipal authority of the place where it is made and viséed by the consul of the country where the services are to be rendered. The following stipulations are also necessary for its validity, without which it may not be authorized:

(1) The expenses of transportation and food of the worker and his family, if he has one, and any other expenses that are incurred when leaving the

country and in complying with the provisions on migration and any others of a similar nature, shall be paid exclusively by the employer or contractor;

(2) The worker shall receive the wage agreed on in full and no deduction therein may be made for the expenses referred to in the preceding paragraph; and

(3) The manager or contractor shall give a bond or place on deposit in the Labor Bank [*Banco del Trabajo*], or, in default thereof, in the Bank of Mexico [*Banco de Mexico*], a sum equal to all the expenses of repatriation of the worker and his family and of transportation to the place where the contract was drawn. The amount must satisfy the labor authority.

When the contractor proves that he has paid said expenses or that the worker refuses to return to the country, and that he does not owe the worker any sum for wages or compensation to which he may be entitled, the labor authority shall order the return of the deposit or cancel the bond.

ART. 30. When the object of the labor contract is to render services within the Republic, but in a place distant not less than 100 kilometers from the usual place of residence of the worker, the regulations established in the preceding article shall be observed in so far as they are applicable.

ART. 31. The absence of a written contract, when such is required by law, or of any of the requirements prescribed therefor in article 24, does not deprive the worker of any of the rights granted by this law or the contract, since the absence of such formality will be imputed to the employer.

If either of the parties refuses to sign a labor contract already agreed upon, the other party may demand before the board of conciliation and arbitration that he comply with this formality, proving the existence of the agreement by the ordinary means of proof.

ART. 32. Labor contracts and other documents which must be executed as a result of the application of this law will be exempt from any tax.

ART. 33. The labor contract is binding as to its express agreements and as to the consequences thereof in accordance with good faith, usage, or the law.

If the services to be rendered are not stipulated in the contract, the worker is required to perform only those that are compatible with his strength, ability, state, or condition, and work of the same nature as that of the business or industry operated by the employer.

ART. 34. Debts contracted by the worker with the employer, his associates, family, or subordinates can be demanded only up to an amount equivalent to one month's wages.

ART. 35. A change of employer does not affect existing labor contracts. The former employer will be jointly responsible with the new employer for the obligations arising from the contract or imposed by law, and originating before the change, for a period of six months, after which period the new employer alone will be responsible.

ART. 36. In the event of bankruptcy, liquidation, attachment, or inheritance, whether or not the worker continues to render his services, the receiver, liquidator, trustee, executor, or auditor shall be required, within one month from the time of the occurrence of such event, to pay the wages earned and recognized by the labor authority.

ART. 37. The labor contract is binding only for the period of time previously stipulated, but not to exceed one year to the prejudice of the worker.

ART. 38. For failure to fulfill a labor contract the defaulting worker incurs only the corresponding civil liability; under no circumstances may coercion be resorted to.

ART. 39. The labor contract may be made for an indefinite time, for a definite time, or for a definite piece of work. If, when the contract terminates, the work contracted for is unfinished and the materials are on hand, the contract may be extended for the length of time said circumstances exist.

ART. 40. A labor contract for the operation of mines without profitable mineral reserves, or for the restoration of mines that have been abandoned or in which work has stopped, may be made for a definite period, for a definite piece of work, or for the investment of a fixed capital.

ART. 41. The labor contract of domestics, agricultural workers, railroad workers, seamen, and workers in small enterprises, shall be regulated by the special provisions in the chapters pertaining thereto and by the general provisions of this law in so far as they are not contrary thereto.

CHAPTER 2.—*The collective labor contract*

ART. 42. A collective labor contract is any agreement entered into between one or several labor unions and one or several employers, or one or several employers' associations, for the purpose of establishing the conditions under which the work is to be performed.

ART. 43. Any employer who engages workers belonging to a union shall be required to enter into a collective contract with them if they request it.

If there are several unions in the same enterprise, the collective contract must be made with the one having the largest number of workers in the business, with the understanding that said contract may not specify conditions less favorable to the workers than those contained in contracts in force in the enterprise.

When an enterprise is involved which, by the nature of its activities, employs workers belonging to various trades, the collective contract must be drawn jointly with the unions which represent each of the trades, provided they agree among themselves. In case they do not agree, each trade-union shall draw up a collective contract to determine the conditions relative to said trade within the enterprise.

ART. 44. Representatives of the union shall prove their legal capacity to execute a collective contract by means of the by-laws or the minutes of the meeting which authorized it. Unorganized employers shall prove their authority in accordance with the civil law.

ART. 45. The collective labor contract must be executed in writing and in triplicate, under penalty of being void. A copy shall be kept by each one of the parties and another deposited with the proper board of conciliation and arbitration, or, in the absence thereof, with the municipal authority. The contract becomes effective only from the date and hour a copy is deposited with the board or municipal authority by either of the parties.

ART. 46. The collective contract shall specify the enterprise or enterprises, and the establishments or branches included, as well as the territorial region to which the contract is applicable.

ART. 47. The collective contract shall fix:

- (1) The amount of the wages;
- (2) The working hours;
- (3) The extent and nature of the work;
- (4) The rest days and vacations; and
- (5) Any other stipulations which the parties deem necessary.

ART. 48. The provisions of the collective contract extend to all persons who work in the enterprise, even when they are not members of the union which has made it. Persons holding positions of management and inspection, as well as confidential employees doing personal work for the employer within the enterprise, may be excepted from this provision.

ART. 49. A clause in collective labor contracts by virtue of which an employer is required to engage only union men is lawful. This clause and any others which establish privileges for organized workers may not be applied to the prejudice of unorganized workers who are parties to the contract and who were working in the enterprise when the contract was made.

ART. 50. If an employer who signed a collective contract withdraws from the employers' association which executed the contract, the latter shall nevertheless govern the relations of that employer with the union or unions of his workers.

ART. 51. In case of the dissolution of a trade-union which has been a party to a collective contract, the members shall continue to work under the conditions fixed in said contract.

ART. 52. Unions which are contracting parties to a collective contract may bring actions arising out of the contract, to demand its fulfillment and the payment of damages, as the case may be, against: (1) Other unions which are parties to the contract; (2) members of the unions which are parties to the contract; (3) its own members; and (4) any other person bound by the contract.

ART. 53. Individuals bound by a collective contract may bring actions arising thereunder, in order to demand compliance therewith and damages, as the case may be, against other individuals or unions bound by the contract, provided their failure to perform the contract caused personal damages.

**ART. 54.** When an action arising out of a collective contract has been brought by an individual or by a union, the other unions affected by the contract may intervene in the litigation by reason of the collective interest which its settlement may have for its members.

**ART. 55.** The collective contract may be executed (1) for an indefinite time; (2) for a definite time; and (3) for a definite piece of work.

**ART. 56.** Every collective contract, whether for an indefinite time, for a definite time, or for a definite piece of work, may be revised entirely or partially every two years, at the request of either of the parties thereto, under the following conditions: If the trade-union requests the revision it shall be made, providing those requesting it represent at least 51 per cent of the entire membership of the union which has made the contract. If the employers request the revision it shall be made, providing those requesting it employ at least 51 per cent of the total number of workers affected by the contract. The request for the revision, whichever of the parties asks for it, must be made at least 60 days before the contract expires. If during such period the parties do not come to any agreement or do not allow said period to be extended, the matter shall be submitted to the proper board of conciliation and arbitration so that it may hear and decide the case; it being understood that during the proceedings before the board the contract, the revision of which is being considered, shall remain in force.

**ART. 57.** The collective labor contract shall terminate (1) upon mutual consent of the parties; (2) for the reasons clearly stipulated in the contract; (3) on the bankruptcy or judicial liquidation of the business if the receiver, acting in accordance with legal procedure, decides that the business must be suspended; if it is continued, the receiver may request the modification of the contract in case the circumstances require it; (4) upon the termination of the job for which labor has been contracted, when it concerns a definite piece of work or enterprise; (5) when the raw material which was the object of an extractive industry is exhausted; (6) upon the general closing down of an enterprise; (7) upon physical or mental incapacity of the employer which makes it impossible to perform the contract or to continue the enterprise; and (8) on account of an unforeseen event or force majeure.

When the collective contract includes several enterprises and terminates in respect to some of them, it shall still be effective for the others.

As regards the judicial liquidation of a business, those who have been working therein must be compensated with one month's wages in case the business is suspended. In the cases in clauses 5, 6, and 7 the workers must be compensated with one month's wages. In case of the general closing down of the enterprise, if the employer establishes another similar business within one year, either personally or through an intermediary, he shall be required to engage the same workers who had worked for him, or to pay them three months' wages, whichever the workers prefer.

When an unforeseen event or force majeure occurs and the business is insured, as soon as the insurance is paid the workers must be compensated with three months' wages.

**ART. 58.** When a collective contract has been entered into by two-thirds of the employers and union workers in a specified branch of industry and in a specified district, it will be binding on all employers and workers in the same branch of the industry in the said district, if so provided by a decree to that effect issued by the Federal Executive. When the contract affects only the work that is being performed in a Federal entity, the Federal Executive and the local executive shall decide the matter.

**ART. 59.** Petitions that a collective labor contract be declared binding in a specified industry and district shall be sent to the Secretary of Industry, Commerce, and Labor, who, having assured himself that the petitioners constitute the majority in the occupation, within the terms of the preceding article, shall publish the petition in the *Diario Oficial* of the Federation.

**ART. 60.** Within 15 days after the publication of the petition, any manager, worker, or group of managers or of workers belonging to the occupation in the district concerned, may present reasons for their opposition to the compulsory application of the contract.

**ART. 61.** The period of 15 days having expired without the employers or workers having stated any opposition thereto, the collective contract may be declared binding, as regards all that does not conflict with the laws of public

interest, by means of a decree to that effect promulgated by the Federal Executive.

ART. 62. If within the specified period the employers or workers in the said district oppose [the petition], the Secretary of Industry, Commerce, and Labor, at a hearing of the opponents and those representing the signers of the collective contracts, shall render an opinion on the opposition and, if the case warrants it, shall propose to the Federal Executive that he issue a decree declaring the contract binding. In this case and in that provided for in the preceding article, the provision in the last part of article 58 shall be taken into consideration.

ART. 63. The contract declared binding shall apply, notwithstanding any provision to the contrary contained in the collective labor contract that the enterprise has made, except on those points on which the provisions of the latter are more favorable to the worker.

ART. 64. The Federal Executive shall fix the period during which the contract is to be in force, which shall not exceed two years. The periods specified shall be extended for equal periods of time if, within three months of the expiration of the period, the majority of the workers or employers mentioned in article 58 does not express a desire to terminate the contract.

ART. 65. The binding contract may be revised upon the petition of the employers and workers who represent the majority referred to in article 58, during the period of three months specified in the preceding article, and at any other time, provided economic conditions exist which justify it.

ART. 66. Failure to make a new agreement by the majority referred to in the preceding article terminates the binding collective contract, and the interested workers and employers are left free to agree in each enterprise on new working conditions applicable to each one of them.

ART. 67. Failure to comply with the stipulations of a collective contract of a binding nature gives rise to an action for damages, which may be brought by trade associations as well as by workers or employers against the unions which are parties to the contract, against members of such unions, and in general, against any other body bound by such contract.

#### CHAPTER 3.—*Working hours and legal rest days*

ART. 68. Day work is that which is performed between 6 a. m. and 8 p. m. Night work is that performed between 8 p. m. and 6 a. m.

ART. 69. The maximum duration of the daily working hours for each worker of either sex, may not exceed eight hours. This provision is not applicable to persons performing domestic services. It is applicable to domestics who work in hotels, restaurants, hospitals, or other similar commercial establishments.

On agreement with the employer, the workers in an enterprise may divide the working hours in the 48-hour week so as to permit the worker to rest on Saturday afternoon, or any other equivalent arrangement. On agreement, they may also distribute the eight working hours over a longer period of time.

ART. 70. The maximum duration of night work shall be seven hours.

ART. 71. A mixed working-day is that which includes periods of day work and night work, provided the latter comprises less than three and one-half hours; if the period of night work consists of three and one-half hours or more, the whole period shall be considered night work. The maximum duration of the mixed working-day will be seven and one-half hours.

ART. 72. Children over 12 and under 16 years of age shall not work over six hours a day.

ART. 73. When the worker can not leave the work place during rest hours or at meal time, the time consumed at such intervals shall be considered a part of the normal working hours.

ART. 74. When working hours have to be increased because of special circumstances, such work shall be considered overtime and may in no case exceed three hours a day nor occur oftener than three times a week.

ART. 75. In case of danger or imminent hazard which endangers the life of the worker, the lives of his fellow workers, or of his employers, or the existence of the enterprise itself, the worker shall be obligated to work for a period of time longer than that specified as the maximum working-day, without receiving double pay.

ART. 76. Under no circumstances may women, and children over 12 and under 16 years of age, be allowed to work overtime.

**ART. 77.** Neither women, nor children over 12 and under 16 years of age, may perform industrial work at night nor unhealthful or dangerous work.

**ART. 78.** For each six days of work the worker is entitled to at least one day of rest.

The governors of the States and of the Territories, and the head of the Department of the Federal District, shall make regulations on this article, fixing the weekly rest day on Sunday. In those industries which are administered by the Federal authorities, the regulation shall be made by the Executive of the Union.

**ART. 79.** Women shall have 8 days of rest, with pay, before the approximate date set for childbirth and one month thereafter.

During the period of lactation they shall have two extra rest periods a day, of one-half hour each, to nurse their children.

**ART. 80.** Obligatory rest days shall be (1) May 1, (2) September 16, and (3) December 25.

**ART. 81.** In businesses that require continuous work it must be so arranged that the workers will have the same number of days that this law considers obligatory weekly rest days.

For this purpose the parties shall fix by common agreement the days on which the workers must rest after six consecutive days of work or in substitution for those of the obligatory rest.

**ART. 82.** Workers who have more than one year's service shall have an annual vacation, which shall be fixed by the parties in the labor contract, but under no circumstances may it be less than four working-days. After two years' service, the annual vacation shall consist of at least six working-days. If the worker is absent from work without a justifiable cause, the employer may deduct such time from the vacation period.

**ART. 83.** The Executive of the Union and the executives of the federated entities, as the case may be, shall issue the regulations that are necessary to make the requirements of this chapter adaptable to the special necessities of any industries or works, after having heard the labor unions and employers' associations affected.

#### CHAPTER 4.—Wages

**ART. 84.** By "wage" is understood the remuneration that the employer must pay the worker by virtue of the labor contract.

**ART. 85.** The amount of the wage may be freely agreed upon, but under no circumstances may it be less than that fixed as the minimum in accordance with the provisions of this law.

**ART. 86.** In order to fix the amount of the wages for each class of work, the quantity and quality of the work shall be taken into consideration, it being understood that for equal work, performed in similar employment, with a similar working-day, and under similar conditions of efficiency, equal wages must be paid, understanding by this both the daily wage and the tips, fees, lodging, and any other amount that is given the worker in exchange for his ordinary labor. Discriminations may not be made because of age, sex, or nationality.

**ART. 87.** The parties may fix the time for the payment of wages, but it can never exceed one week for manual workers and 15 days for domestic servants and other workers.

**ART. 88.** Payment will be made in the place where the workers render their services, unless expressly agreed to the contrary. Wages shall not be paid in places of recreation, restaurants, cafés, taverns, saloons, or stores, except to workers in said establishments.

**ART. 89.** The wage must be paid in legal currency only, merchandise, vouchers, counters, or any other substitute for money not being permitted. Violation of this provision shall incur the penalty established therefor in the Penal Code in force in the Federal District and Territories.

**ART. 90.** The wage shall be paid directly to the worker or to a person whom he designates as his agent by means of a power of attorney, authorized by him and signed by two witnesses.

**ART. 91.** Wages must not be retained in whole or in part on the pretext of a fine.

When the worker contracts debts with the employer through wage advancements, overpayments to the worker, errors, losses, damages, purchase of articles produced by such enterprise, or income of any nature, the employer can deduct

the part of the wage that the worker agrees upon for this purpose. It may never exceed 30 per cent of that part of the wage exceeding the minimum.

Wages must not be retained, discounted, nor reduced in any way, nor for any amount, except in the cases referred to above, for union dues, and for the establishment of cooperative associations and savings funds, which the workers expressly agree to.

Advances made by the employer from the workers' wages shall not bear interest under any circumstances.

ART. 92. Overtime work shall be paid at the rate of 100 per cent more than that fixed for normal working hours.

ART. 93. Workers shall receive their full pay for the obligatory rest days and vacation periods referred to in articles 80 and 82. When the wage is paid by a unit of work the average of the previous month's wages shall be taken.

ART. 94. Women shall receive full pay in cases under article 79.

ART. 95. The wage is the basis of the estate of the worker, and as such can not be attached, judicially or administratively, nor is it subject to set-off or discount except in the cases referred to in article 91.

Employers shall not be required to comply with judicial or administrative orders relative to attachment or sequestration of their workers' wages, deductions for such purpose being strictly prohibited.

ART. 96. The assignment of wages to a third person, whether by means of receipts for their payment or in any other form, except as provided for in articles 90 and 91, is null.

ART. 97. Workers do not have to attend creditors' meetings or bankruptcy or succession proceedings in order to be paid their credits for wages or salaries earned during the preceding year and for compensation. Their claims shall be presented before the proper labor authorities and, in compliance with the order made by them, the property necessary to pay these credits in preference to any others shall be transferred immediately.

ART. 98. Any act of compensation, liquidation, settlement, or agreement between the worker and the employer must be executed before the proper labor authorities in order to be valid.

#### CHAPTER 5.—*Minimum wage*

ART. 99. A minimum wage is one which, taking into consideration the conditions in each district, will be sufficient to satisfy the normal needs of life of the worker, his education and reasonable pleasures, considering him as the head of a family. The fact that he should have sufficient resources for his subsistence during the weekly rest days on which no pay is received, must also be considered.

In fixing the minimum wage for agricultural workers there shall be taken into consideration the facilities provided by the employer for his workers as regards lodging, farming privileges, cutting of firewood, and similar facilities which reduce the cost of living.

ART. 100. The minimum wage may not be the object of set-off or discount.

#### CHAPTER 6.—*Work rules*

ART. 101. Work rules are the collective regulations obligatory on workers and employers in the execution of the work of a business.

The rules shall be made in accordance with the provisions of the collective contracts or, in lieu thereof, by a commission composed of employers' and workers' representatives. For the purposes of this chapter, the technical or administrative rules formulated directly by the enterprises themselves for the execution of the work shall not be considered as work rules.

ART. 102. The rules shall contain the following stipulations in addition to the provisions which are deemed advisable:

- (1) The hours for the workers to enter and leave, and the hours allotted for meals and for rest periods during the day;
- (2) Place and time of beginning and of ending the working-day;
- (3) Days and hours fixed for cleaning the machinery, the apparatus, the premises, and the workshops;
- (4) Warnings to avoid occupational hazards, and instructions in the rendering of first aid in case of accidents;

(5) Dangerous or unhealthful work which must not be performed by women or by children under 16 years of age;

(6) Work of a temporary or transitory nature;

(7) Time and place of payment;

(8) Time and manner in which workers must submit to medical examinations, prior to employment or periodically, as well as the prophylactic measures ordered by the authorities;

(9) Disciplinary provisions and the manner of their application. When enterprises lay off workers as a disciplinary measure, this must not exceed 8 days, and in no case shall unfavorable notations be entered in the record of the workman until after proof is given of the faults committed; the union delegate, or, in lieu thereof, a representative of the workers, must intervene in both cases; and

(10) Other regulations or provisions which, according to the nature of each enterprise, are necessary to obtain the greatest regularity and security in the development of the work.

ART. 103. The work rules shall not contain any provision which is contrary to the laws of public order, the labor law, police, safety, or health regulations, or the labor contract.

ART. 104. The work rules shall be printed or legibly written and must be posted in the most conspicuous places in the establishment.

ART. 105. In order that the work rules may be obligatory in the establishment or business concerned, the employer must deposit within eight days following their issuance, a copy of the same in the office of the secretary of the proper board of conciliation and arbitration. If the regulations presented do not satisfy the requirements specified in article 102 of this law or violate any other precept of the same, the labor union or unions of the enterprise concerned or the employer may request its review by the board, which, upon receiving testimony of the interested parties at a hearing which shall be held within eight days, shall decide within the same period whether or not the rules are to be approved. The review may be requested at any time.

As regards work at sea or on navigable waters, the work rules shall be registered in the office of the port captain.

#### CHAPTER 7.—*Work of women and children*

ART. 106. Children under 16 years of age are prohibited from:

(1) Working in places where alcoholic beverages are sold for immediate consumption and in houses of prostitution; and

(2) Dangerous or unhealthful work.

ART. 107. Women are prohibited from:

(1) Working in places where alcoholic beverages are sold for immediate consumption; and

(2) Performing dangerous or unhealthful work, except where, in the opinion of the competent authority, all measures have been taken and necessary apparatus installed for their protection.

ART. 108. The following is dangerous work:

(1) Oiling, cleaning, inspecting, and repairing machinery or mechanisms while in motion;

(2) Any work with automatic, circular, or band saws, shears, sharp knives, drop hammers, and similar mechanical apparatus the manipulation of which requires special precaution and knowledge;

(3) Work underground and undersea;

(4) The manufacture of explosives, percussion caps, inflammable substances, alkali metals, and the like; and

(5) Other dangerous work specified in the laws and their regulations, in contracts, and in work rules.

ART. 109. The following are unhealthful occupations:

(1) Those which involve the danger of poisoning, as the handling of toxic substances or of the materials from which they are developed;

(2) Any industrial operation in which poisonous gases or vapors or noxious emanations are liberated;

(3) Any operation during which dangerous or injurious dust is given off;

(4) Any operation which for any reason produces continuous dampness; and

(5) Any other unhealthful work specified in the laws, their regulations, the contracts, and the work rules.

**ART. 110.** Women shall not perform work requiring considerable physical exertion during the three months before childbirth. If after the month's rest [after childbirth] referred to in article 79, they are not able to resume their work, they shall have leave, which unless agreed to the contrary shall be without pay, for the time necessary for their recovery, retaining their positions and rights under the contract.

In establishments where more than 50 women are employed, the employers must provide special quarters where the women may nurse their children.

#### CHAPTER 8.—*Obligations of employers*

**ART. 111.** The obligations of employers are as follows:

(1) To give preference, under similar circumstances, to Mexicans over foreigners, to those who have worked satisfactorily in the past over those who have not, and to organized workers over those who are not; by "organized" is meant any worker who is a member of any legally constituted union;

(2) To pay the amounts due each worker in accordance with the terms of the contract and subject to this law; and

(3) To provide the workers with sanitary and comfortable houses, for which they may charge rent not to exceed one-half of 1 per cent a month on the assessed value of the property. If the enterprises are located within towns and employ more than 100 workers, the employers must comply with the obligation imposed on them by this section.

The Federal Executive and executives of the federated entities, as the case may be, shall fix the conditions and time within which employers must comply with the obligations referred to in this section, taking into consideration the needs of the workers, the kind and duration of work, the place where it is performed, and the economic means of the employer;

(4) To install, in accordance with hygienic principles, factories, workshops, offices, and other places in which the work must be performed. In the installation and handling of mining machinery, drainage systems, unhealthy plantations and other labor centers, adequate methods shall be adopted to avoid injury to the worker, endeavoring, as far as possible, to prevent the development of epidemic or infectious diseases and organizing the work in such a way as to give the greatest possible guaranty for the health and life of the worker compatible with the nature of the work;

(5) To adopt adequate measures and also those specified in the laws in order to prevent accidents in the use of machinery, tools, or work materials, and to have available at all times the medicines and appliances necessary, in the judgment of the health authorities of the place or, in lieu thereof, in the judgment of the company's doctor, for the treatment of any case of sickness occurring among the workers during the performance of their work, in order that timely and efficacious first aid may be rendered. Notice must be given immediately to the competent authority of each accident that occurs in the enterprise;

(6) To compensate the workers for accidents suffered while at work or as a consequence thereof and for occupational diseases contracted in the course of their employment;

(7) To provide the workers with the tools, instruments, and materials necessary for the execution of the work agreed upon, provided they did not promise to use their own tools; these should be of good quality and should be replaced as soon as they become unfit for efficient work;

(8) To provide and maintain elementary schools for the workers' children, when the work places are rural centers situated more than three kilometers from towns and provided the number of children of school age is over 20.

The instruction given in these schools shall be subject to the official programs of the jurisdiction in which they are located. In the States, the teachers shall be appointed by the school authorities in accordance with the respective laws, and in the Federal District and Territories, by the Executive of the Union. The salaries shall not be less than those earned by the teachers in schools of a similar class maintained by the Government;

(9) When the permanent population in a rural labor center exceeds 200 inhabitants, the employer must reserve a tract of land, not less than 5,000 square meters, for the establishment of public markets, the construction of municipal buildings, and recreation centers, provided said labor center is located at a distance of not less than 5 kilometers from the nearest town;

(10) To allow workers sufficient time to exercise their right to vote at the public elections;

(11) To permit workers to be absent from their work to discharge an occasional or permanent mission of their union or of the State, provided due notice is given to the employer, and the number of workers on the mission is not such as to impair the proper running of the establishment. In such case, as well as in the case specified in the preceding section, the lost time will be deducted from the worker's wages, unless he makes it up by working an equivalent length of time.

When the mission is of a permanent character or when public duties at elections are to be performed, the worker or workers may return to their positions, the rights derived from their contracts being retained if they return to their work within four years. The substitutes shall have the character of temporary workers in these cases, being considered as permanent after four years;

(12) To comply with the provisions of the work rules;

(13) To treat the workers with due consideration, refraining from ill-treating them by word or deed;

(14) To issue without charge to the worker, should the latter request it, and when he leaves the enterprise, a written reference in regard to his services;

(15) To prepare a safe place for the keeping of the instruments and work tools belonging to the worker, provided such tools have to remain in the place where the work is being done; it will not be lawful for the employer to retain such tools or instruments under the pretext of compensation, guaranty, or for any other reason.

A record of the work tools must be kept if the worker requests it.

(16) To pay to the worker wages for lost time when he is unable to work through the fault of the employer;

(17) To permit the labor authorities to inspect their establishments in order to ascertain whether the provisions of this law have been complied with and to give them the information necessary for this purpose when asked to do so. The employers may demand that the inspectors or commissioners show their respective credentials and give proof of the orders given them;

(18) To provide unions in the rural labor centers, if they request it, with unoccupied quarters which they may use for their offices, for which a reasonable rent may be charged. If there are no such quarters, the union may use any of the buildings assigned for the lodging of workers for such purpose;

(19) To make the deductions which the unions request for union dues. Unions must prove that the amounts which they ask to be deducted are those fixed in their by-laws;

(20) To make the deductions for the contributions for the establishment and development of cooperative societies and savings funds formed by the organized workers. In both cases proof must be given that the amounts which they ask to be deducted are those fixed in their by-laws.

In this case and in that of the preceding section the enterprise is empowered to demand compensation of the union, cooperative society, or savings fund for the extra expenses involved in making the deductions.

(21) Those who employ more than 400 and less than 2,000 workers must pay the necessary expenses of providing adequately for the technical, industrial, or practical studies in a special center, either national or foreign, of one of their workers or one of their workers' children, chosen because of his ability, qualifications, and diligence by the workers and the employer.

When more than 2,000 workers are employed, he shall support three beneficiaries under the conditions indicated above. The employer may cancel the allowance only if the beneficiary fails in his examinations in the course of one year or if he has conducted himself improperly, but in these cases he shall be replaced by another. Beneficiaries who have completed their studies must work for at least two years for the employer who has paid their expenses;

(22) To make readjustments in accordance with the stipulations of the collective contract. If there are no such stipulations, the rights of seniority shall be observed and under equal conditions organized workers shall have preference over those not organized;

(23) In places where there are tropical and endemic diseases, to furnish their workers with prophylactic medicines prescribed by the health authority of the place; and

(24) In stonecutting yards, quarries, sand pits, lime kilns, gravel pits, and cement works, the police and safety regulations on work in mines issued by the Secretary of Industry, Commerce, and Labor shall be observed. Such regulations shall be posted in conspicuous places in the mines, galleries, or levels for the instruction of the workers.

ART. 112. Employers are prohibited from:

- (1) Requiring their workers to buy articles of consumption at specified stores or places;
- (2) Demanding or accepting money from workers as a gratuity for giving the latter employment, or for any other reason which refers to the conditions of the work;
- (3) Requiring the workers, by coercion or by any other means, to withdraw from the union or organization to which they belong or to require them to vote for a certain candidate;
- (4) Making collections or soliciting subscriptions in the labor centers;
- (5) Committing any act which restricts the rights granted to the workers by law;
- (6) Conducting political or religious propaganda in the establishment;
- (7) Using the "blacklisting" system as to workers who leave or are discharged from the service, in order that they may not be able to secure employment again;
- (8) Carrying arms inside factories, workshops, or establishments located in towns, unless they have secured permission from the proper authority; and
- (9) Appearing in the factory, workshop, or establishment in a state of intoxication or under the influence of a narcotic or enervating drug.

#### CHAPTER 9.—*Obligations of workers*

ART. 113. Workers are required:

- (1) To perform the work contracted for under the direction of the employer or of his agent, to whose authority they are subject as regards everything concerning the work;
- (2) To work diligently, carefully, and with proper attention in the manner, time, and place agreed upon;
- (3) To return to the employer in good condition unused materials, tools, and implements which had been given them for the work, not being responsible, however, for the natural wear and tear of such objects nor damage caused by accident or force majeure or the result of poor quality or defective construction;
- (4) To have good habits while at work;
- (5) To render assistance whenever needed, in cases of imminent danger or peril either to the employer's person, his interests, or those of their fellow workers;
- (6) To observe the provisions of the work rules registered with the board of conciliation and arbitration;
- (7) To unite in the organizations provided for by this law;
- (8) To submit differences which they have with the employers regarding the work to said organizations;
- (9) To submit, in accordance with the contracts and regulations, to a medical examination upon entering the service or thereafter if the employer requires it, to prove that they are not suffering from any disability or contagious or incurable occupational disease;
- (10) To inform the employer or his representative of any observations they may have made in order to avoid damage to the interests and lives of their fellow workers and employers;
- (11) To guard scrupulously technical, commercial, and trade secrets, knowledge of which has been gained by reason of the work performed; as well as confidential administrative matters, disclosure of which might cause damage to the enterprise;
- (12) To observe the sanitary and preventive measures agreed upon by competent authorities and those which the employers specify for the personal safety and protection of the workers;
- (13) To vacate, within 15 days from the date on which the labor contracts terminate, the houses provided for them by the employers. This period may be extended to one month in the case of agricultural workers and miners; and

(14) To comply with any other obligations imposed by this law and the contract.

ART. 114. Workers are prohibited from:

(1) Committing any act which might endanger their own safety, that of their fellow workers, or that of third persons, as well as that of the establishments and workshops or places in which the work is performed;

(2) Remaining away from work without a good excuse or without permission from the employer;

(3) Removing from the factory, workshop, or establishment, work tools or raw or manufactured materials without the permission of the employer;

(4) Appearing at work in a state of intoxication or under the influence of any narcotic or enervating drug;

(5) Carrying arms of any kind during working hours. Exceptions to this provision are sharp or pointed tools which form a part of the working equipment and arms carried by watchmen;

(6) Stopping their work, even if they remain at their posts, provided this is not the result of a strike which was declared and notice thereof given in accordance with the law, in which case they must leave the work place;

(7) Making collections in the work place during working hours, without the employer's permission;

(8) Using the tools and equipment supplied by the employer for any work other than that for which they were given; and

(9) Spreading any kind of propaganda during working hours in the establishment.

#### CHAPTER 10.—*Modification of labor contracts*

ART. 115. The bases of a labor contract may be revised upon the petition of either of the parties, provided it is done in accordance with the procedure established in this law.

#### CHAPTER 11.—*Suspension of labor contracts*

ART. 116. The following are causes for a temporary suspension of labor contracts for which the employer is not liable:

(1) Lack of raw materials in the business, provided it can not be imputed to the employer;

(2) Lack of funds and the impossibility of obtaining them for the normal prosecution of the work, if fully proved by the employer;

(3) Overproduction with relation to the economic conditions and the state of the market, in a specified enterprise;

(4) When the operation of a certain enterprise is well known to be unprofitable;

(5) Force majeure or a fortuitous event not imputable to the employer, when a suspension of the work is a necessary, immediate, and direct consequence thereof;

(6) Failure on the part of the State to furnish the sums of money which it may have obligated itself to pay to companies with whom it has contracted for work or services, provided sums are indispensable;

(7) Circumstances under which the worker contracts any contagious disease; (8) The death or disability of the employer when, as a necessary, immediate, or direct consequence thereof, the work is temporarily suspended; and

(9) Failure on the part of the worker to comply with the labor contract because of temporary imprisonment followed by a verdict of acquittal, or arrest imposed by judicial or administrative authorities, unless, in the case of arrest, the proper board of conciliation and arbitration decides that the contract should be rescinded.

ART. 117. The suspension may affect the whole or a part of an enterprise.

ART. 118. In the cases specified in sections 5, 7, and 8 of article 116, the employers, their representatives or assigns, shall give notice of the suspension of work to the respective board of conciliation and arbitration, so that this body upon proof of the fact alleged, may or may not approve such suspension.

In the cases in sections 1, 2, 3, 4, 6, and 9 the employers interested, prior to the suspension of the work, shall solicit authorization from the proper board of conciliation and arbitration for the purpose of carrying it into effect, submitting all the evidence tending to prove the grounds of their petition.

ART. 119. The suspension of work does not signify the termination of labor contracts.

ART. 120. On the resumption, partial or total, of operations, the employer shall give due notice of the date thereof; he shall, by means deemed adequate by the proper board of conciliation and arbitration, recall the workers who were in the concern's employ when the suspension was decreed, and shall be required to give them back their former positions, provided they present themselves within the time set by the employer, which shall be not less than 30 days from the date of resumption of operations.

CHAPTER 12.—*Rescission of labor contracts*

ART. 121. The employer may rescind a labor contract:

(1) For having been deceived by the worker or, as the case may be, by the union that proposed or recommended him at the time of executing the contract, through false testimonials or references in which ability, skill, or faculties which he does not possess are attributed to the worker. This cause of rescission shall not be effective after the workman has been employed 30 days;

(2) When the worker has been guilty, while in the service, of lack of honesty or integrity, of acts of violence, threats, injuries, or ill-treatment of the employer, his relatives, or the heads of the office, workshop, or concern;

(3) When the worker commits against any of his coworkers any of the acts specified in the preceding paragraph, if as a consequence thereof the discipline of the place in which the work is performed is disturbed;

(4) If the worker commits, outside of the employment, against the employer, his relatives, or the heads of workshops, any of the acts specified in paragraph 2, if they are of such a grave nature as to make compliance with the labor contract impossible;

(5) If the worker intentionally causes material damages during the performance of his work, or by reason of the latter, to the buildings, works, machinery, instruments, raw materials, and other objects connected with the work;

(6) If the worker commits the damages referred to in the preceding paragraph, when they are of a grave nature, unintentionally but with such negligence that this is the sole cause of the damage;

(7) If the worker commits immoral acts in the workshop, establishment, or work place;

(8) If the worker reveals trade secrets, or gives information of a confidential nature, to the injury of the concern;

(9) If the worker, through inexcusable imprudence or carelessness, endangers the safety of the workshop, office, or business or of the persons therein;

(10) For absence of the worker from his work more than three times during one month, without the permission of the employer or without justifiable cause;

(11) If the worker disobeys the employer or his representatives without a just cause, provided this is in connection with the work contracted for;

(12) If the worker refuses openly to adopt preventive measures or to follow the methods prescribed to prevent accidents or diseases;

(13) If the worker presents himself for work in a state of intoxication or under the influence of a narcotic or enervating drug;

(14) For failure of the worker to comply with the labor contract because of imprisonment, as a result of final sentence;

(15) By declaration of the board of conciliation and arbitration under the conditions specified in paragraph 9 of article 116; and

(16) For causes analogous to those established in the preceding paragraphs, of an equal seriousness and with similar consequences in connection with the work.

ART. 122. The employer who discharges a worker for one or more of the causes to which the preceding article refers, shall incur no liability.

If, subsequently, the reason for dismissal is not proven, the worker shall have the right to receive the wages due him from the date on which he files his claim, up to the expiration of the time limit which this law grants to the board of conciliation and arbitration for the rendering of its final decision, without prejudice to the other actions open to him for having been dismissed without justifiable cause.

In case the decision may not have been rendered within the legal period of time and there may be need for additional time, in accordance with the provision of article 542, the worker shall have a right to wages for the additional days referred to in the said article.

ART. 123. The worker may rescind the contract:

(1) For not having received his proper wages on the date and at the agreed-upon or customary place;

(2) For having been deceived by the employer or, as the case may be, by the employers' association, offering him the work, at the time of entering into the contract, with respect to the conditions of the same. This cause for rescission shall cease to be effective after 30 days' employment;

(3) If the employer, or his relatives or subordinates acting with the consent or tolerance of the former, is during the work guilty of lack of honesty or integrity, of acts of violence, of threats, injuries, ill-treatment, or analogous acts against the worker, his wife, parents, children, brothers, or sisters;

(4) When the employer, his relatives or subordinates authorized or tolerated by him, and outside of the employment, commits the offenses set forth in the preceding paragraph, if they are of such a serious nature as to render compliance with the labor contract impossible;

(5) By damage to the worker's work implements or tools, deliberately caused by the employer;

(6) If there exists grave danger to the safety or health of the worker or his family, whether on account of the lack of hygienic conditions at the work place, or because the preventive and safety measures prescribed by the law are not complied with;

(7) If the employer, because of his imprudence or inexcusable carelessness, endangers the safety of the workshop, office, or business, or of the persons therein;

(8) If the employer reduces the wages of the worker without his consent, unless as a result of a decision by the competent board of conciliation and arbitration; and

(9) For causes similar to those specified in the preceding paragraphs, of an equally serious nature and with similar consequences as regards the work.

ART. 124. For any of the causes specified in the preceding article the worker may leave his employment and shall have the right to compensation by the employer in the amount of three months' wages, without prejudice to any other advantages derived from his contract or the law.

ART. 125. The worker who leaves his employment for reasons other than those specified in article 123 shall be subject to the corresponding civil liability.

#### CHAPTER 13.—*Termination of labor contracts*

ART. 126. A labor contract shall terminate:

(1) By mutual consent of the parties;

(2) For the reasons expressly stipulated therein;

(3) By the death of the worker;

(4) By completion of the work for which the labor was contracted;

(5) By exhaustion of the substance which is the object of an extractive industry;

(6) By rescission of the contract pursuant to the provisions of chapter 12 of this part;

(7) Because of bankruptcy or judicial liquidation of the concern, if the receiver in bankruptcy, in accordance with the legal provisions relating thereto, decides that the work should be discontinued. If the work continues, the receiver may, if circumstances require it, request the modification of the contract. The rehabilitated concern must contract with the same workers or unions;

(8) By total shutdown of the enterprise or by definite reduction of work;

(9) On account of physical or mental incapacity of either of the parties or the manifest inability of the worker, making it impossible to comply with the contract or to continue with the concern;

(10) By the worker who serves in a managerial, fiscal, or supervisory position having lost the confidence of the employer; but if he has been promoted by right of seniority from a position, where this seniority right exists in the enterprise, he shall be returned to his former position unless there is a justifiable cause for his dismissal. The same procedure shall be observed when a worker

who serves in a confidential position requests to be returned to his former employment;

(11) By decision of the proper board of conciliation and arbitration, rendered in accordance with the law; and

(12) Because of a fortuitous event or force majeure. If the employer was insured when the disaster occurred, upon collecting the insurance policy he shall be required to restore the business in proportion to the insurance collected; and if this is not done, the workers shall be paid the compensation specified therefor.

In the case of judicial liquidation, those rendering services to the enterprise shall be compensated with a month's salary in case the business is suspended. In the cases referred to in paragraphs 5, 7, and 9, the workers shall be compensated with one month's salary. In case the enterprise is entirely closed, if the employer establishes within one year a similar business, either directly or through third parties, he shall be required to employ the same workers who served him before or to pay them three months' wages, at the option of the workers.

In the case of a fortuitous event or force majeure, if the business is insured, when the policy is collected the workers shall be immediately compensated with three months' salary.

ART. 127. The death of the employer shall not cause the termination of the contract, unless as an unavoidable consequence the business is terminated.

ART. 128. When due to the installation of new machinery or new working processes, the employer has to reduce personnel, the labor contract may be terminated as to the surplus workers, paying them as compensation the amount stipulated in the respective contracts, and in the absence of agreement, an amount equivalent to three months' salary.

#### CHAPTER 14.—*Domestic labor*

ART. 129. A domestic servant is a worker of either sex who habitually performs the work of cleaning, cooking, and other services inside a house or other place of residence or habitation. The special provisions of this chapter shall not apply to domestics working in hotels, restaurants, hospitals, or other similar commercial establishments, but they shall come under the provisions of the labor contract in general.

ART. 130. The obligations of the employer with respect to domestic workers are:

(1) To treat them with due consideration, abstaining from ill-treatment either by word or action;

(2) To provide them with board and lodging unless otherwise expressly agreed;

(3) In the event of illness which is not of a chronic nature, to pay them up to a month's wages, even though they do not work, and to provide them with medical attention until they are cured or put in charge of some public or private beneficent institution;

(4) To afford them the opportunity to attend night schools; and

(5) In the case of their death, to defray their funeral expenses.

ART. 131. Except when otherwise agreed, the remuneration of a domestic servant includes, besides the cash payment, board and lodging. For the purposes of this law, board and lodging provided a domestic shall be estimated as being equivalent to 50 per cent of the wages received in cash.

#### CHAPTER 15.—*Work on the sea and in navigable waters*

ART. 132. The provisions of this chapter shall apply to the work performed on board Mexican ships and other craft.

ART. 133. Masters, deck, and engine-room officers, as well as supercargoes and pursers, shall be considered as members of the crew in their relations with ship owners or charterers. Radio operators, boatswains, dredgers, sailors, stokers, workmen, doctors, nurses, cabin and dining-room stewards, and, in general, all those on board who perform any work for the ship owner shall be considered members of the crew. Those who use a vessel for their transportation are considered passengers.

ART. 134. Masters, who for the purposes of this law are those having direct command of a vessel, shall have with respect to the other members of the crew

the character of representatives of the owners or employers. The rights and obligations of the masters do not affect their character of authority conferred upon them by the various legal provisions which are in force or may be enacted.

ART. 135. An agreement entered into on board by the master of a Mexican merchant vessel with stowaways, which has for its object the earning of their passage by means of personal services, shall not be considered a labor contract.

ART. 136. Contracts relating to the employment of minors under 16 years of age, residing or traveling abroad, and who have neither parents nor guardians, shall be attested by the Mexican consul, without prejudice to their ratification at any time by their legal representatives.

ART. 137. The labor contract with the members of the ship's crew shall be made in quadruplicate; one copy thereof shall remain in the possession of each party, another shall be forwarded to the office of the port captain or to the consulate, as the case may require, and the remaining one to the proper board of conciliation and arbitration.

ART. 138. The labor contract with the members of the ship's crew may be executed for a definite time, for an indefinite time, or for the voyage.

A contract for the voyage shall cover the time from the embarkation of the member of the crew until the cargo is discharged and the vessel has returned to its home port. Nevertheless, a different port may be expressly stipulated in the contract as the point of termination of contract. By "home port" is to be understood that stated in the contract; in default of this designation, the home port shall be considered as the port where the main office of the owner or employer in the coastal region where the ship navigates is located, and in case of doubt, the port of [the ship's] registry.

In contracts for a definite time or for an indefinite time, the port where the member of the crew is to be returned shall be specified; in case this is not done, this shall be considered as the port of embarkation.

In contracts for an indefinite time, a temporary tie-up of the ship shall not terminate the contract, but shall only suspend the effects thereof until the ship is returned to service. The period during which a ship is undergoing repairs shall not be considered as a temporary tie-up.

ART. 139. Crews contracted for a voyage are entitled to a proportionate increase in wages when the voyage is prolonged or delayed, unless this is due to force majeure.

No reduction of wages shall be made in case the voyage is shortened for any reason.

ART. 140. The owner of one or several ships shall, as an employer, sign a contract with the crew or with the union to which the majority of the crew belongs, stating therein the name of the ship or ships to which it refers.

ART. 141. All labor contracts entered into by members of crews of Mexican nationality for service on board foreign ships must be executed in accordance with the provisions of article 29.

ART. 142. The making of contracts whereby different wages for like service are stipulated shall not be considered as violating paragraph 5 of article 22, if such services are rendered on vessels of different classes.

ART. 143. The change of nationality of a Mexican vessel is cause for the termination of the labor contracts of the crew and those of individuals directly connected with the administration of the vessel; but there shall remain in force the obligation to repatriate the members of the crew to the home port of the vessel, provided nothing to the contrary is stipulated in the contract with respect to the national port to which they shall be returned, and to pay the emoluments earned up to the time of disembarking, plus three months' wages.

ART. 144. When 10 days or less are lacking for the expiration of a contract and a new voyage exceeding this term is contemplated the members of the crew may request the rescission of their contracts, giving notice to the employer three days in advance of departure of the vessel, in order that they may be released from the obligation to render services on the new voyage.

ART. 145. The labor contracts of the members of the crew are not rescindable when the vessel is at sea; neither can they be rescinded when in port, if rescission is attempted within 24 hours prior to sailing, unless in the latter case the master or the vessel's destination is changed.

ART. 146. The labor contracts of the members of the crew can not be rescinded while the vessel is in foreign waters, in uninhabited places, or in port, whenever

in the latter case the ship is exposed to any risk as a result of bad weather or other circumstances.

**ART. 147.** When a vessel is a total loss by reason of seizure or disaster, the labor contracts shall be considered as terminated, with the exception of the employer's obligation to repatriate the members of the crew and to pay them the amount of the wages earned.

When the vessel is insured and the owner collects the insurance, the crew shall, in addition, receive full payment of the wages earned up to their return to the port of embarkation or to the port specified in the contract.

**ART. 148.** If, in view of the accident, the crew agrees to perform the work of salvaging the vessel or its cargo, they shall be entitled to payment of wages for the days worked up to the point where the salvage exceeds the wages earned. If the salvage exceeds the total amount of the wages and there is a surplus, the crew shall have the right, in addition, to a bonus proportionate to their efforts and the hazards incurred in the salvaging, which shall be fixed by mutual agreement of the parties, or in lieu thereof, by the proper board of conciliation and arbitration after hearing the opinion of the port captain's office.

**ART. 149.** The master shall grant weekly rest days to the personnel, in port or at sea, when such rest does not affect the service on the vessel. However, the personnel on watch or for whom because of the nature of the work rendered it is not possible to arrange the weekly rest shall be compensated for it as overtime work.

**ART. 150.** Vacation periods shall be computed from the moment of debarkation, but if the vessel is due to sail before the expiration of such vacation, a member of the crew may waive the time remaining to complete same, on condition that the unexpired period be granted when the vessel returns to port. If the member of the crew does not waive the remainder of his vacation, he shall be considered as enjoying leave without pay from the date his vacation terminates to the moment that he reembarks.

**ART. 151.** At the election of the members of the crew, wages may be paid in foreign money, in amounts equivalent to those stipulated, when the vessel is in a foreign port, or in foreign waters, or on the point of arrival therein.

**ART. 152.** The ship with its engines, tackle and rigging, stores, and cargo shall be charged with a liability for the wages earned by the crew on a salary or voyage contract, the liquidation and payment of which shall be made during the interval occurring between voyages.

Once a new voyage is begun, the aforesaid credits derived from a prior voyage shall lose preference.

**ART. 153.** The powers of the delegates on board ship shall be limited to settling difficulties that may arise, in agreement with the master, reporting in every case to the labor inspector or to the respective authority.

**ART. 154.** Instructions and drills to avoid hazards at sea shall be carried out in accordance with the marine regulations, without it being necessary to pay overtime in connection with such work. Masters and mates, in such cases, shall act as the representatives of the authorities and not as representatives of the employer.

**ART. 155.** Supplying intoxicating liquors to the members of the crew by the canteen on board ship without the permission of the master is prohibited; likewise the crew is prohibited from taking on the ship intoxicating liquors or enervating drugs.

**ART. 156.** Violations of the work rules of a vessel by the members of the crew, the employers, or their representatives shall be reported to the labor inspector who, after due investigation, shall report them to the proper authority, together with the opinion of the respective port captain.

**ART. 157.** Shipowners shall not be required to provide the members of the crew with the dwellings referred to in paragraph 3 of article 111, but shall comply with the legal provisions in force in this respect by supplying comfortable and hygienic quarters on board ship.

**ART. 158.** The Federal Executive shall in due course determine the best manner of establishing a "Seamen's Home," fixing the amounts to be contributed by shipowners.

**ART. 159.** The owners are required to provide meals in all cases to the crews of vessels engaged in service on the high seas or in coastwise service or dredging, and to the crews of vessels engaged in domestic river traffic, but only when such service exceeds six hours.

ART. 160. The quantity, quality, and manner of furnishing meals to the crew shall be governed by the provisions contained in the contracts, and in default thereof, shall conform with the provisions issued by the Department of Communications and Public Works in its marine division.

ART. 161. In all contracts entered into with the members of crews, it shall be understood as stipulated, even though not expressed, that the expense of remitting funds to the crew's families, when the vessel is in foreign waters, shall be paid by the employer.

ART. 162. When an industrial accident occurs on board, the master shall inform the office of the port captain at the next port of arrival within 24 hours after the vessel has been given pratique.

If the ship arrives at a foreign port, the master shall make this report to the Mexican consul, or if there is none, to the port captain at the first national port touched, without prejudice to the other obligations in this respect that this law prescribes.

ART. 163. The masters of Mexican merchant vessels shall grant the members of their crews the time necessary to vote in popular elections, provided that in their opinion the safety of the vessel permits it, and its departure on the date and hour fixed is not delayed.

ART. 164. With the same conditions as those contained in the preceding article and the requirements established by this law, the members of the crew must be permitted to be absent from work for the purpose of performing commissions of their unions or of the State.

ART. 165. Inspection of merchant vessels in reference to safety conditions is to be done exclusively by the marine inspectors, the labor inspectors being limited to inspection in their branch, when ships are in port and complying with the marine regulations.

ART. 166. Masters of vessels, as the representatives of the authorities, are authorized to carry weapons on board ships under their command, and to permit their crews to carry them when it is deemed necessary.

ART. 167. The following are justifiable causes for the discharge of a member of a crew on a Mexican merchant vessel: Failure to report on board ship at the time set for sailing; or reporting and then disembarking, without making the trip; being in an intoxicated condition at the time of the sailing of the vessel or while at sea; and other causes specified in the legal provisions on this subject, in so far as they are not contrary to this law.

ART. 168. Workmen who render services on any vessel or floating craft but are not members of the crew are nevertheless subject to the provisions of this chapter in so far as they are applicable.

ART. 169. When for any reason vessels put to sea without the workers referred to in the preceding article having been able to return to shore, they shall be considered members of the crew contracted for a round-trip voyage, and shall have all the rights and obligations set forth in this chapter.

ART. 170. The provisions of this law regarding strikes are applicable to the members of crews, with the exception that under no circumstances can a strike be declared when the vessel is navigating or anchored outside the port. If one should be declared when anchored in port, the crew shall leave the vessel, with the exception of the personnel in charge of the custody of the ship, which shall continue to render its services, in accordance with the provisions of article 275.

ART. 171. With reference to vessels employed in domestic or river traffic, the provisions of this chapter, with the following modifications, shall govern in so far as they are applicable:

(1) The labor contract shall not be considered as terminated if, having complied with the other requirements, the interested members of the crew do not advise the master or employer, 24 hours in advance, of the time of termination;

(2) If the discharging of cargo at the place where the contract terminates requires more than 24 hours, the contract shall be considered concluded on the expiration of that time, counting from the moment when the ship casts anchor;

(3) Feeding of the crew, to be paid for by the owners or employers, is obligatory, even when not stipulated in the contract, if food is being supplied to the passengers on board; and in all cases where the trips of vessels are for six or more hours or where they are for less than this time but end in uninhabited places where it is impossible for the crew to secure food; and

(4) In domestic and river traffic, presence on board, when obligatory, shall be considered as work, unless the rest period is of four hours or more, when it is physically impossible for the crew to leave the ship, or when going ashore

would be useless because in uninhabited places. The weekly rest day must be granted on shore.

ART. 172. When a vessel puts into a foreign port for repairs and its condition does not permit the crew to remain on board, the owner shall furnish food and lodging. This obligation will also exist when in national ports other than the port where the contract was executed. In either case, such food and lodging shall be furnished the crew free of charge.

ART. 173. In labor contracts the percentage that the crew shall receive for salvaging another craft shall be stipulated.

#### CHAPTER 16.—*Railway labor*

ART. 174. For the purposes of this chapter, there shall be considered as confidential positions those that are determined to be of this nature in the collective contracts made by the companies with their workers.

ART. 175. Railway companies shall employ only Mexican workers. In managerial positions they may employ the necessary foreign personnel, and in technical or administrative positions they may employ foreign personnel exclusively when no Mexican personnel is available.

ART. 176. Transit over highways or roads, and the transportation of merchandise to which article 13 of this law refers, shall be subject to the railroad law and its regulations with respect to the observance of safety measures.

ART. 177. The promotion of workmen who do not hold confidential positions shall be made under the terms fixed in the labor contracts, taking into consideration physical capacity, efficiency, and seniority.

ART. 178. If agreeable to the parties to the collective contract, railroad companies may contract with train crews on the basis of single or round trips.

ART. 179. Workmen shall not be discharged nor shall they lose their rights when, due to force majeure, they are isolated from their respective chiefs and continue at their posts.

If under the same conditions the workers abandon their posts, they shall return to them on disappearance of the causes impelling their abandonment.

In the cases to which this article refers, investigation shall be made, under the supervision of the representatives of the unions and of the company, and if liability on the part of the workmen affected is shown therein, or if it is proven that they voluntarily neglected or injured the interests of the company, they shall lose their positions and shall be subject to the legal provisions applicable thereto.

The workmen who filled the abandoned positions shall be considered temporary workmen, and when the permanent workmen are reinstated, the former may continue working only in their previous positions or in the vacancies left by those who do not return to their positions.

ART. 180. The working-day of the workers shall be governed by the needs of the service and may begin at any time of the day or night. By prior agreement between the parties it may be agreed:

(1) As overtime work, that which exceeds the 48-hour week in daywork, that which exceeds 45 hours in mixed day and night work, and that which exceeds 42 hours in nightwork.

(2) That said working-day may be divided twice, with intervals of not more than two hours nor less than one hour, or only once, with an interval of not more than four hours nor less than one hour.

ART. 181. Contracts stipulating for different salaries for similar services shall not be considered as violating paragraph 5 of article 22 of this law, if the work is done on lines or branches of different importance.

ART. 182. Railroad workers are required to report, in accordance with the respective regulations, as soon as possible when they are not able to report for the performance of their work; unjustifiable failure to make this report shall be cause for applying the disciplinary measures, pertaining thereto, without prejudice to the provisions of paragraph 10 of article 121 of this law.

ART. 183. In case of strikes, the provisions of article 275 of this law shall be observed; therefore the execution of the necessary work to maintain hospital service and the security and maintenance of trains, shops, and tracks shall be continued. The workers must also continue work on relief trains and trains in the service of the State. In every case they will take trains to the terminal station of their run.

ART. 184. When railroad enterprises contract services for the State, they shall be considered as intermediaries in case of war or serious disturbance of public order.

ART. 185. When a worker has served approximately the time prescribed in the collective contract to merit retirement, and commits an offense not considered approbrious nor a crime, his seniority and good services shall be taken into account in applying the proper disciplinary measures, without affecting his retirement rights.

ART. 186. Workers laid off because of reduction of personnel or of positions, even though they receive the compensation to which they are entitled therefor, will continue to have the rights acquired prior to their separation, in order that they may return to their positions if these are again created, and also that they may be reemployed in the branch of work which they left, if they continue members of the unions that executed the collective contracts.

ART. 187. The members of the crew are prohibited, while on duty, from using or transporting intoxicating liquors and enervating drugs, for parties other than the company.

ART. 188. The members of the crew are prohibited from receiving freight or passengers at points other than those specified by the companies for these purposes. Violation of this article shall be cause for rescission of the labor contract.

ART. 189. The fact that a member of the crew refuses to make a trip contracted for, or interrupts the trip without justifiable cause, shall be sufficient cause for rescission of the labor contract.

#### CHAPTER 17.—*Agricultural labor*

ART. 190. The provisions of this chapter shall govern labor contracts with agricultural workers, persons of either sex performing, by the day or by the job, the proper and customary work in any agricultural, stock or forestry enterprise being considered as such.

ART. 191. Contracts of share tenancy and lease shall be governed by local laws.

ART. 192. Any lessee or share tenant contracting for the services of agricultural workers shall be considered, with relation to them, as the employer and their relations shall be governed by the provisions of this chapter.

Compensation for industrial accidents and occupational diseases suffered by the agricultural workers of the lessee or the share tenant shall be paid by the lessee or tenant and by the agricultural owner in the same proportion as the distribution made of the crop, in the case of the tenant, and according to the relation of the amount of the rental to the probable profit of the lessee, in the case of lease.

ART. 193. Agricultural workers may be permanent or temporary. For the purposes of this law, permanent workers are those who live rent free in houses built within the boundaries of the farm and, through prior contract determining their condition, customarily depend for their subsistence on the wage or salary they receive for work in connection with the cultivation of the land. One who, under the conditions mentioned, remains on the farm continuously for more than three months is understood to be a permanent worker.

A temporary worker is one who does not fulfill the requirements of the permanent worker.

ART. 194. The contract of any worker serving on a farm who is not an agricultural worker shall be governed by the general provisions of this law.

ART. 195. If the agricultural labor contract is in writing, the character of the agricultural worker and the services he must render shall be determined therein. If a written contract or an express stipulation is lacking, the agricultural labor contract shall be understood as covering the work which the agricultural worker has usually performed.

ART. 196. On termination of the contract the employer is required to permit temporary agricultural workers to remain on the farm only for the time necessary to move therefrom, which shall not be longer than one month.

ART. 197. The special obligations of an employer with respect to agricultural workers are as follows:

(1) To furnish free dwellings which meet the necessary sanitary conditions for the protection of the life and health of the workers, and the land necessary to raise the animals referred to in article 205 of this law;

(2) To provide all agricultural workers with medical attention, medicines, and medical supplies in places where it is possible to do so, and where it is not, the medicines indispensable in the treatment of accidents, tropical diseases, tetanus, bites of venomous animals, and other illnesses common to the region, shall be given gratuitously. In these cases also one-half the wage must be paid. In other illnesses the employer is required only to furnish medicines and a physician when this is possible;

(3) To furnish each permanent worker gratuitously, when the farm consists of more than 50 hectares under cultivation, a tract to be cultivated for his own account, the area of which shall be determined, if there is no express agreement, by the size of the farm, class of tillable soil, and number of workers, in accordance with the customs of the place. On this tract the permanent worker shall have the right to employ the animals, equipment, and other agricultural implements of the employer, without prejudice to the cultivation of the farm;

(4) To permit both permanent and temporary workers to cut, free of charge, from the nearest woods of the farm, the firewood necessary for their domestic use, respecting the provisions of the laws relative thereto as well as the orders of the employer, and to permit water for their domestic use and for their stock to be taken from flumes, tanks, fountains, and springs;

(5) To permit permanent workers to take wood from the woodland on the farm to repair and enlarge their dwellings under the conditions set forth in the preceding paragraph;

(6) To give preference to permanent workers over temporary workers in contracting for ordinary or extra work. The permanent worker whose contract has terminated and who has not given cause for dismissal, by decision of the board of conciliation and arbitration, shall have the same preference;

(7) To permit the agricultural worker to take for his own use game and fish, in conformity with the provisions of the laws relative thereto and the orders of the employer;

(8) To allow the agricultural worker grazing rights up to 3 head of cattle and up to 10 head of sheep, if the condition and extent of the property permit; and

(9) To permit the permanent and temporary workers the free use of roads and paths on the farm.

ART. 198. Wages must be paid on the farm where the worker is employed and at intervals not exceeding one week.

ART. 199. Agricultural workers are forbidden to construct buildings and to plant crops on the farm without the employer's consent.

ART. 200. The provisions of article 80 of this law are applicable to the permanent agricultural worker. As regards vacations the provisions contained in the labor contract shall govern.

ART. 201. The employer shall allow a market one day a week on his farm, permitting all traders to enter the premises without the exaction of fees, provided they have a license from the proper authority.

The employer shall designate an adequate and easily accessible place for the marketing to be carried on.

ART. 202. Employers can not prohibit the workers from celebrating their regional festivals in the accustomed places.

ART. 203. No landowner, administrator, or caretaker of a rural farm shall impede free access thereto, except in places designated for dwellings or offices, of political propagandists, representatives of labor unions or agricultural and other workers' societies, provided they do not assume a hostile attitude, nor present themselves in a state of intoxication, nor interrupt the regular work of the farm.

ART. 204. The number of stock which the permanent workers had when they were hired shall not be reduced.

ART. 205. Workers shall not be prohibited from raising hogs and domestic fowls within the inclosure allotted to them as dwelling places.

#### CHAPTER 18.—*Small industries, family industries, and home work*

ART. 206. Small industries are those that employ up to 10 workers when power-driven machinery is used, and up to 20 when such machinery is not used.

**ART. 207.** Home work is that performed by any person to whom goods or raw materials are delivered to be manufactured either at home or in any other place not under the control or immediate direction of the person furnishing the material.

**ART. 208.** Family workshops are those whose only workers are the wife, descendants, or wards of the owner.

**ART. 209.** Small manufacturers shall have the same obligations that this law prescribes for employers in general; but as regards liability for occupational hazards, the board of conciliation and arbitration having jurisdiction is authorized to fix the amount of the compensation, which shall never be less than 20 per cent of that fixed in Part 6, and the period it shall cover, taking into account the injury suffered and the economic condition of the small manufacturer.

**ART. 210.** The provisions of article 82 are not applicable to small industries.

**ART. 211.** The provisions of this law shall not be applicable to family workshops, except those included under the following article.

**ART. 212.** Family workshops, small industries, and home work are under the supervision of labor inspectors and shall observe all the regulations relating to health and hygiene.

**ART. 213.** Inspectors shall be under the strictest obligation to watch especially that the remuneration received by home workers is in no case less than that which would be received for equal service performed in the workshop.

Workers shall be entitled to demand from employers, as far as three months back, the difference between the amount paid and that corresponding to the work done.

**ART. 214.** When an inspector finds that any home worker does not receive due remuneration, he shall draw up a report thereof, which shall be signed by the worker, and by the employer if he so desires, and forward it to the proper board of conciliation and arbitration, which shall proceed to demand payment of the difference in accordance with the provisions of the preceding article.

**ART. 215.** Any small manufacturer or employer who supplies home work shall report monthly to the proper labor inspector the name, sex, age, and wage of each one of the workers he employs, as well as the place where the work is performed.

**ART. 216.** The powers and duties of the inspectors shall be:

(1) To keep a register in triplicate of the small industries and places of home work existing in each municipality. One copy shall remain in his possession, another shall be sent to the proper board of conciliation and arbitration, and the third to the office of the Secretary of Industry, Commerce, and Labor;

(2) To prepare a list of workers who work in small industries, family work shops, and at home, corresponding to the monthly data submitted by employers or gathered by themselves; and

(3) To visit the workshops periodically and to demand compliance with the provisions of this law, reporting all cases of violation.

**ART. 217.** If the work contracted by the owners of small industries and home work is distributed among workers outside the workshop, the employers shall be required to keep a record of the names, domicile, work delivered and the price per piece of the work. The workers shall be entitled to ask that the inspectors check said records.

### Part 3.—Apprenticeship Contract

**ART. 218.** An apprenticeship contract is one by virtue of which one of the parties agrees to render personal services to the other, receiving in exchange training in an art or trade and the compensation agreed upon.

**ART. 219.** The apprenticeship contract in which any minor participates shall be executed according to the terms prescribed by article 20 for the individual labor contract.

**ART. 220.** The apprenticeship contract must contain the scale and time of training in the art, trade, or occupation which is the object of the contract, and the compensation to be paid the apprentice for his services in each one of the periods of apprenticeship.

**ART. 221.** It is compulsory for employers and workers to admit in each enterprise apprentices in a number not less than 5 per cent of the total number of

workers of each occupation or trade in which they render services. If there should be fewer than 20 workers in the trade concerned, there may be, notwithstanding, one apprentice. Said apprentices shall enjoy all the rights and obligations, without exception, which this chapter provides for the rest of their class. The sons of organized workers of the enterprise shall have preference for employment as apprentices.

ART. 222. The working-day of the apprentice shall be subject to the provisions relative to labor in general and, in the case of minors, to the provisions relative thereto.

ART. 223. The obligations of the apprentice are as follows:

(1) To do the work agreed upon personally, with due care and application, in accordance with the instructions of the teacher or employer;

(2) To obey the orders of the teacher or employer in the performance of the work which he may be learning;

(3) To maintain good habits and have respect and consideration for the employer, teacher, and their families;

(4) To take care of the materials and tools of the employer or teacher, avoiding any damage to which they may be exposed;

(5) To maintain absolute secrecy as regards the private life of his employer or teacher or their families; and

(6) To procure the greatest economy for the employer or teacher in the performance of the work.

ART. 224. The obligations of the teacher or employer toward the apprentice are as follows:

(1) To give him instruction in the trade or art which he wishes to learn;

(2) To pay him a pecuniary remuneration or give him food, clothing, or both;

(3) To show him due consideration, abstaining from abusing him by word or deed;

(4) At the end of the apprenticeship, in unskilled labor (*oficios no calificados*), to give him a written certificate as to his skill and ability; and

(5) At the end of the apprenticeship, to prefer him for any vacancies which may occur.

ART. 225. The employer or teacher may discharge the apprentice, without liability:

(1) For serious lack of consideration and respect to him or his family; and

(2) For manifest incapacity of the apprentice for the art or trade concerned.

ART. 226. The apprentice may quit the work justifiably for violation of the obligations imposed on the employer or teacher by article 224.

In this event, and in that of unjustifiable discharge, the apprentice has the right to receive one and one-half months' compensation.

ART. 227. Apprentices of skilled trades will be examined each year, or at any time they may request it, by a mixed jury of expert workers and employers, presided over by a representative designated by the labor inspector. In the case of maritime apprenticeship, the captain of the port will preside.

The jury shall decide by a majority vote, and in the event the jury so decides, will certify in writing that the apprentice examined has the necessary skill to work in the branch of his apprenticeship.

ART. 228. In maritime work, apprentices shall have the right to receive board and lodging on board, if this is given to the remainder of the crew.

ART. 229. The period of instruction of sailor apprentices will be that fixed by the marine regulations.

ART. 230. Apprentices on ships will not be subject to a specified person on board but rather, in general, to their superior officers, and in the distribution of the work will perform the duties which by their nature belong to them.

ART. 231. Apprentices under 16 years of age will not be taken in maritime and railroad work.

#### Part 4.—Unions

ART. 232. A union is an association of workers or employers of the same occupation, trade, or specialty, or of similar or connected occupations, trades, or specialties, organized for the study, improvement, and defense of their common interests.

ART. 233. The unions are:

(1) Trade-unions, formed by individuals of the same occupation, trade, or specialty;

(2) Company unions, formed by individuals of various occupations, trades, or specialties who work for a single concern;

(3) Industrial unions, formed by individuals of various occupations, trades, or specialties who work for two or more industrial concerns; and

(4) Unions of various trades, formed by workers of different trades. These unions may be formed only when in the particular municipality the number of workers of the same trade is less than 20.

ART. 234. Employers and workers are entitled to form unions without any previous authorization. No one may be forced to join or not to join a union.

ART. 235. Any stipulation which sets a specified fine in the event of separation from a union, or which violates in any way the provision set forth in the preceding article, will be considered void.

ART. 236. Workers' unions have the right to request and obtain from the employer the discharge of members who resign or are expelled from the union, whenever there is an exclusion clause in the contract.

ART. 237. Those persons forbidden by law to organize or those subject to special regulations can not form unions.

For the purposes of the collective contract, the representatives of the employer mentioned in the second part of article 4 will not be admitted to unions of other workers of an enterprise.

ART. 238. Unions shall be composed of at least 20 workers when it is a labor union, and of three employers of the same industrial branch when it is an employers' association.

ART. 239. Those who are 12 years of age or over may join a union; but only those over 16 may participate in the administration and direction of the union.

ART. 240. No foreigner who is a member of a union can hold office on the board of directors of the organization.

ART. 241. Married women engaged in a trade or occupation may, without authorization of their husbands, join a union and participate in the administration and direction thereof.

ART. 242. In order that unions may be considered legally constituted, they shall be registered before the proper board of conciliation and arbitration, and in cases of Federal jurisdiction, before the labor department of the office of the Secretary of Industry, Commerce, and Labor. For this purpose, they shall remit in duplicate to said authorities:

(1) The minutes of the constituent assembly or a copy thereof authorized by the board of directors of the same body;

(2) The by-laws;

(3) The minutes of the meeting in which the board was elected or an authorized copy thereof; and

(4) The number of members composing it.

The labor department of the office of the Secretary of Industry, Commerce, and Labor, when it has registered a union, shall send a copy of the documents to the Federal Board of Conciliation and Arbitration.

ART. 243. When the requisites set forth in the preceding article have been complied with, none of the authorities may refuse the registration of a union.

ART. 244. The registration will be canceled:

(1) In the event of dissolution of the union; and

(2) For failing to have the requisites specified by law.

The proper board of conciliation and arbitration shall decide with regard to the cancellation of the registration of unions.

ART. 245. Acts executed by the union which do not conform to the requisites specified in this law will be considered null; the authority registering a union under such conditions will incur the penalty prescribed by article 683.

ART. 246. The by-laws of unions shall state:

(1) The name of the union, distinguishing it from others;

(2) Its domicile;

(3) Its object;

(4) The obligations and rights of the members;

(5) The method of nominating the board of directors;

(6) The conditions of admission of members;

(7) The reasons for and procedure in expulsion and disciplinary measures.

Members of the union may be expelled only with the approval of two-thirds of the members;

(8) The manner of payment of dues, their amount, and the method of administering such dues;

(9) The time of general meetings;

(10) The time for presentation of accounts; and

(11) Rules for liquidation of the union.

ART. 247. Unions legally registered have legal personality, and legal capacity to acquire goods. In regard to property they may acquire only the buildings immediately and directly intended for the object of their institution.

ART. 248. The obligations of unions are:

(1) To furnish the reports requested by the labor authorities, when these refer exclusively to their actions as such unions; and

(2) To communicate to the authority before whom they may be registered, within 10 days following each election, changes in the board of directors, executive committee, or members thereof, as well as modifications of the by-laws, accompanied by a copy of the minutes relating thereto. Failure to comply with this provision shall be punished administratively.

ART. 249. Unions are prohibited from:

(1) Intervening in religious or political matters;

(2) Exercising the trade of merchants for lucrative purposes;

(3) Using violence toward unorganized workers to compel them to organize; and

(4) Fomenting criminal acts against persons or properties.

ART. 250. The board of directors of the union should render to the general meeting of its members, at least every six months, a complete and detailed account of the administration of funds of the union. This obligation can not be dispensed with.

ART. 251. The board will be responsible toward the union and third parties in the same terms as agents are under the general law.

ART. 252. Obligations contracted by the board of directors of a union bind the latter civilly, provided the board acts within its powers.

ART. 253. Unions may dissolve:

(1) At the end of the term fixed in the constitution or by-laws;

(2) On the realization of the object for which they were formed; and

(3) By a two-thirds vote of the members composing the union.

ART. 254. In the event of dissolution of the union, the assets will be applied in the manner set forth in its by-laws, and in case there is no statement to this effect, they will go to the federation to which the union belongs. In case no such federation exists, the assets will go to the State.

ART. 255. Unions may form federations and confederations which will be governed by the provisions relative thereto. The manner in which their members may be represented on the board of directors and general assemblies shall be determined in their by-laws.

Federations and confederations shall remit, in duplicate, to the labor department in the office of the Secretary of Industry, Commerce, and Labor:

(1) The by-laws;

(2) The conditions of adherence;

(3) A complete list of the names and domiciles of each and every one of the adhering unions; and

(4) The names of the persons forming the board of directors.

ART. 256. Any adhering union may withdraw from its federation or confederation at any time, even though an agreement to the contrary exists.

ART. 257. The registry of federations and confederations of unions shall be in charge of the labor department in the office of the Secretary of Industry, Commerce, and Labor.

### Part 5.—Coalitions, Strikes, and Lockouts

ART. 258. A coalition is an agreement made by a group of workers or employers for the purpose of defending their common interests.

ART. 259. A strike is the temporary suspension of work as a result of a workers' coalition.

ART. 260. A strike may be called for the following purposes:

(1) To obtain a balance among the various factors of production, harmonizing the rights of labor with those of capital;

(2) To obtain from the employer the making or the enforcement of a collective labor contract;

(3) To demand a revision of a collective contract, on the termination of the period thereof, in the terms and cases provided for by this law; and

(4) To aid a strike which has as its object any of those specified in the preceding paragraphs, provided the said strike has not been declared unlawful.

**ART. 261.** A strike shall suspend a labor contract only for the time of its duration, and without terminating or extinguishing the rights and obligations thereof.

**ART. 262.** A strike shall be limited to the mere act of suspension of work; violent acts of strikers against properties and persons shall subject said strikers to penal and civil liability.

**ART. 263.** A strike shall be unlawful:

(1) When the majority of the strikers commit acts of violence against persons or property; and

(2) In case of war, when the workers belong to governmental establishments or services.

**ART. 264.** To declare a strike the following is required:

(1) That it have as its exclusive object any of the purposes specified in article 260 of this law; and

(2) That it be declared by the majority of the workers of the enterprise or company concerned.

**ART. 265.** Before declaring a strike workers shall:

(1) Make their demands in writing directed to the employer, in which a time shall be fixed for the carrying out of the strike, which shall be not less than six days thereafter, except in the case of public services, in which case notice shall be served 10 days in advance, stating the day and hour on which the strike begins;

(2) Send a copy of the written petition which is presented to the employer to the board of conciliation and arbitration; and

(3) Wait till a negative answer to the petition of the workers is received from the employer or his representatives, or if no answer is received, to the end of the time fixed.

**ART. 266.** For the purposes of the preceding article, the following services shall be understood to be public services: Communication and transportation; gas; light and electric power; city water supply and distribution; sanitary and hospital services; food, in the cases of articles of prime necessity, provided a complete branch of this service is affected.

**ART. 267.** Conferences between employers and workers for the purpose of arriving at a settlement do not suspend the effects of the notices required by article 265.

**ART. 268.** Should the board of conciliation and arbitration decide that a strike is unlawful, it shall declare the labor contracts terminated. The employer will be free to make new labor contracts, without prejudice to the penal or civil liability which may have been incurred by the strikers.

**ART. 269.** If a strike is declared by a number of workers fewer than the number fixed by paragraph 2 of article 264 of this law; if the requisites prescribed in paragraphs 1 and 3 of article 265 are not complied with; if the strike is declared contrary to the provisions of a collective labor contract; or if the object of the said strike is other than those specified in article 260—within 48 hours from the time work is suspended the board of conciliation and arbitration shall declare that a strike does not exist in the enterprise concerned, and consequently:

(1) The workers who abandoned their work shall be given a period of 24 hours in which to return thereto;

(2) They shall be warned that, by the mere fact of not having heeded such declaration on the expiration of the said time, the labor contracts shall be terminated, except in case of force majeure;

(3) The board shall declare that the employer has not incurred liability and that he is free to contract with new workers and is in a position to resort to civil proceedings under the terms of article 5 of the constitution against those who refuse to return to their work; and

(4) It shall prescribe those measures which in its judgment are pertinent in order that the workers who have not abandoned their work may continue therein.

**ART. 270.** Employers, workers, or third parties have the right to ask boards of conciliation and arbitration to make the declarations referred to in articles 268 and 269, based on the proofs which they present.

**ART. 271.** If the board of conciliation and arbitration declares lawful a strike which has for its object any of the purposes specified in article 260 of this law and the causes of which are imputable to the employer, and the workers have complied with the requisites prescribed in this part, the employer in such cases shall be liable for payment of the wages for the days on which the workers were on strike.

The employer shall in no case be liable for payment of wages to workers who have declared a strike under the conditions stated in paragraph 4 of article 260.

**ART. 272.** When a strike is not declared to be unlawful, the board of conciliation and arbitration and the civil authorities concerned shall respect the rights of the workers, giving them the necessary guaranties and rendering them the help which they may ask in order to suspend work in the establishments of the business or employer affected, in order to avoid violation of articles 8 and 274.

**ART. 273.** A strike shall be terminated:

- (1) By a settlement between employers and workers;
- (2) By an arbitral award of the person, commission, or court freely chosen by the two parties; and
- (3) By decision of the proper board of conciliation and arbitration.

**ART. 274.** Until a strike is ended through any of the means prescribed by the previous article, neither the employer nor his representatives can make new contracts with the strikers or with any other class of workers, whether individual or collective, to continue the work suspended, except in cases especially provided for by this law.

**ART. 275.** Strikers, through their representatives, will be required to maintain, and the employer and his representatives are required to accept, the number of workers necessary in the judgment of the board of conciliation and arbitration in order to continue work suspension of which would seriously jeopardize the resumption of operations or the safety and maintenance of the workshops or the enterprises concerned. If it is necessary, the board of conciliation and arbitration shall ask for the aid of public force in order that other workers may render such services if the strikers refuse to do so.

**ART. 276.** Strikers shall not suspend work in concerns which are not controlled by the union to which they belong.

**ART. 277.** A lockout is a temporary partial or total suspension of work as a result of a coalition of employers.

**ART. 278.** Lockouts shall be considered lawful only when an excess of production makes it necessary to suspend work in order to maintain prices at a profitable level, approval for which has been previously secured from the board of conciliation and arbitration.

**ART. 279.** A lockout declared in accordance with the provisions of this part shall cease when the board of conciliation and arbitration, having heard the interested parties, decides that the causes for such lockout no longer exist.

**ART. 280.** On partial or total resumption of work, the employer shall be required to accept those workers who rendered services in the establishment when the lockout was declared.

In this case the employer and the board of conciliation and arbitration shall make known the date for the resumption of work through three notices in the newspaper having the largest circulation, and shall grant to the workers who were in the service when the lockout was declared a period of 30 days in which to report for duty in their positions.

**ART. 281.** Lockouts declared outside of the cases and without the requisites specified in the previous articles, through misrepresentation of facts or by intentional creation of the circumstances mentioned in such articles, shall cause employers or their legitimate representatives who declared the lockout to become liable and they shall be subject to the penalties of this law and of the Penal Code for said acts or omissions.

**ART. 282.** The penalties imposed according to the preceding article shall not exempt the employers from:

- (1) Their obligation for resuming the work which was unlawfully suspended; and
- (2) Paying the workers the wages which they would have received during the time of the suspension.

**ART. 283.** In all cases of lawful lockouts declared in conformity with the provisions of this part, the employer is not required to pay wages or compensation to the workers.

## Part 6.—Occupational Hazards

ART. 284. Occupational risks are the accidents or diseases to which the workers are exposed arising out of or in the course of their employment.

ART. 285. An industrial accident is any injury requiring medical or surgical treatment, or any mental or functional disturbance, of a permanent or temporary nature, taking place immediately or at a later time, or death, caused by the sudden action of an external force which may have occurred during the work, arising out of or as a consequence thereof, and any internal injury caused by a violent exertion brought about under similar circumstances.

ART. 286. An occupational disease is any pathological condition which occurs from a cause repeated for a long period of time as a necessary consequence of the kind of work performed by the worker, or from the environment in which he is compelled to work and which causes an injury or permanent or temporary functional disturbance in the body. This occupational disease may have been caused by physical, chemical, or biological agents.

In addition to the diseases that are covered by this article, those referred to in the schedule in article 326 shall be considered as occupational diseases.

ART. 287. When accidents and occupational diseases occur they may cause: (1) Death, (2) permanent total disability, (3) permanent partial disability, and (4) temporary disability.

ART. 288. Permanent total disability is the total loss of the faculties or abilities which make it impossible for an individual to perform any kind of work during the remainder of his life.

ART. 289. Permanent partial disability is the diminution of the faculties of an individual on account of the loss or paralysis of any limb, organ, or function of the body.

ART. 290. Temporary disability is the loss of faculties or abilities which make it totally or partially impossible for an individual to be able to work for a period of time.

ART. 291. Employers, even though they may have contracted through intermediaries, are liable for the occupational hazards suffered by their workers.

ART. 292. The provisions of this part are applicable to apprentices.

ART. 293. The daily wage which the worker is receiving at the time of the accident shall be taken as the base in calculating compensation referred to in this part.

As regards workers whose wage is calculated on a piecework basis, the average daily wage for the month preceding the accident shall be taken as the base.

The lowest wage that a worker receives in the same occupational class shall be taken as the base in fixing the compensation for apprentices.

In no case may an amount less than the minimum wage be taken as the base for compensation.

ART. 294. When the wage exceeds 12 pesos a day only this amount shall be taken into consideration in fixing the compensation, since for the purposes of this chapter this sum is considered as the maximum wage.

ART. 295. Workers who suffer from an occupational hazard shall be entitled to (1) medical assistance, (2) medicines and supplies necessary for recovery, and (3) the compensation fixed in this part.

ART. 296. When the hazard results in the death of the worker the compensation shall include (1) one month's wage for funeral expenses, and (2) payment of the amounts specified in article 298 to the persons who were economically dependent upon the deceased, in accordance with the following article.

ART. 297. The following shall be entitled to receive the compensation in cases of death:

(1) The wife and legitimate or illegitimate children who are under 16 years of age and the ascendants unless it is proved that they are not economically dependent upon the worker. The compensation shall be distributed equally among said persons; and

(2) If there are no children, spouse, and ascendants within the terms of the preceding paragraph, the compensation shall be divided among the persons who are partially or totally dependent upon the worker and in the proportion in which they are dependent upon him, according to the judgment of the board of conciliation and arbitration in view of the proofs rendered.

ART. 298. In case of the worker's death the compensation to be paid to the persons referred to in the preceding article shall be an amount equivalent to 612 days' wages, without deducting the compensation which the worker may have received during the time he was incapacitated.

ART. 299. The payment for compensation in case of death must be approved by the proper board of conciliation and arbitration, which shall accept the statement made by the wife and children without subjecting them to the legal proofs which are required under the civil law for verification of the relationship, but it shall not ignore the records of the civil court in this connection if they are presented. The decision of the board ordering payment of the compensation has no other legal effects.

ART. 300. If an accident or occupational disease results in the worker's permanent or temporary, total or partial, disability, only the injured worker shall be entitled to the compensation fixed in the following articles. If a worker, through an occupational hazard is totally or permanently incapacitated by mental derangement, the compensation shall be paid only to the person who in accordance with the law represents him.

ART. 301. When the industrial accident or occupational disease leaves the worker permanently and totally incapacitated, the compensation shall consist of an amount equivalent to 918 days' wages.

ART. 302. In case of permanent partial disability resulting from accident the compensation shall amount to the percentage fixed in the schedule of disability valuations, calculated on the amount which would have been paid if the disability had been permanent total. A percentage shall be taken between the established maximum and minimum, taking into consideration the age of the worker, the importance of his disability and if it is total as regards his occupation, even though he is qualified to do other work, or if it has simply diminished his ability for the performance of his work. If the employer has provided occupational reeducation and has furnished artificial arms or legs, this shall be taken into consideration.

ART. 303. When the occupational hazard has resulted in the worker's temporary disability, the compensation shall consist of the payment of 75 per cent of the wages which he fails to receive while unable to work. This payment shall be made from the first day of the same.

When a worker is unable to return to the service after three months' disability, he himself or the employer may request that, in view of the medical certificates, the reports submitted, and the proofs shown, it be decided whether the injured worker ought to continue to receive the same medical treatment and receive the same compensation or to have his disability declared permanent, with the compensation to which he is entitled. These examinations may be repeated every three months. In either case, the time during which the worker is to receive 75 per cent of his wages shall not exceed one year.

ART. 304. Compensation which the worker receives in cases of permanent total or permanent partial disability shall be paid in full, and no deductions may be made for the wages which he may have received during the healing period.

ART. 305. Employers may comply with the obligations imposed upon them in this part by insuring at their own expense the worker who is to receive the compensation, on the condition that the amount of insurance be not less than the compensation.

The insurance policy must be taken out with a national company.

Shipowners are required to carry the insurance referred to in this article, whenever the contract is drawn for an indefinite period of time.

If it is the fault of the employer that insurance benefits are not obtained, he shall be required to compensate [the worker] according to the terms of the law.

ART. 306. The employer may enter into an agreement with the person or persons who are entitled to compensation, by which he substitutes a temporary or life annuity which is equivalent to the compensation referred to in this part, if in the judgment of the proper board of conciliation and arbitration the necessary guaranties have been given.

ART. 307. Within a year following the date on which the compensation referred to in this part has been fixed by an agreement or by an award of the board, the interested party may request a revision of the agreement or award in the event that after the date thereof an aggravation or a diminution of the disability caused by the hazard has been proved.

ART. 308. In case of accidents from occupational hazards, employers are required to furnish immediately the necessary medicines and supplies and medical assistance. For this purpose:

(1) All employers must have in their factories or workshops the necessary medicines for urgent cases;

(2) All employers who have from 100 to 300 workers in their service must establish a first-aid station equipped with medicines and supplies necessary for urgent medical and surgical attention. This station shall be attended by a competent personnel under the direction of a surgeon-physician and if in his judgment it is not possible to give the required medical attention in the work place, the injured worker shall be transported to the nearest town, hospital, or place where he can receive the proper attention. The employer is liable for the cost involved;

(3) All employers who have more than 300 workers in their service must have at least an infirmary or hospital under the care of a physician; and

(4) In industries which are situated in places where there are hospitals or sanatoriums or where there are such institutions, within a distance of two hours or less, using the ordinary means of transportation available at any time, the employers may comply with the obligation established by this article by having contracts with such hospitals or sanatoriums so that their workers may be attended in case of industrial accidents or occupational diseases.

ART. 309. Transportation companies are required to carry in their vehicles first-aid supplies for any accident. They, as well as mining companies, are required to train a part of their personnel so that they may render aid at any accident, and the personnel in turn are required to render assistance.

ART. 310. Only surgeon-physicians who are legally authorized to practice their profession may be called to attend the workers.

ART. 311. If the injured or sick worker refuses to receive the medical attention provided by the employer, with a justifiable reason, he shall not lose the rights granted him in this part.

ART. 312. Employers are required to report accidents which occur to the proper board of conciliation and arbitration, and if there is no board, to the municipal executive or to the Federal labor inspector, as the case may be, within 72 hours. Within this time or later he shall furnish such data and particulars as he is able to obtain, in order to fix the cause of each accident.

ART. 313. For the purposes of the preceding article the employer shall furnish the following data: (1) Name; (2) occupation; (3) time and place; (4) those who witnessed the accident; (5) residence of the injured worker; (6) place where he was taken; (7) wage; (8) names of persons to whom compensation is to be paid in case of death, if any; and (9) firm name or name of the company.

ART. 314. In case of immediate death, the employer shall notify the authorities referred to in article 312 as soon as he has knowledge of the accident.

ART. 315. Employers' physicians are required (1) upon the occurrence of the accident, to certify whether the worker is able or unable to perform his work; (2) upon terminating the medical attention, to certify whether the worker is in a condition to resume his work; (3) to determine the disability resulting therefrom; and (4) in case of death, to issue a death certificate and any data obtained at the autopsy.

ART. 316. The employer shall be exempt from the obligations imposed upon him by this part as regards compensation, medical attention, and the furnishing of medicines and supplies for his cure:

(1) When the accident occurs when the worker is intoxicated or under the influence of some narcotic or enervating drug. In this case he shall only be required to furnish first-aid treatment;

(2) When the accident is deliberately caused by the worker himself or by agreement with another person. In this case the obligation shall cease the moment the guilt of the worker is shown;

(3) When the accident is due to force majeure foreign to the nature of the work.

Force majeure foreign to the nature of the work is any natural force which has no relation to the exercise of the said occupation and which does not aggravate the hazards inherent in the work; and

(4) When the disability is the result of some quarrel or suicidal intent.

ART. 317. Employers are not exempt from the obligations imposed upon them by this part:

(1) When the worker explicitly or implicitly has assumed the risks of his occupation;

(2) When the accident has been caused by carelessness or negligence of any fellow worker of the injured worker; and

(3) When the accident has occurred through the negligence or stupidity of the injured worker, provided there was no premeditation on his part.

In the cases in paragraphs (2) and (3) the worker who has violated the labor or safety regulations shall be subject to the penalties established in this law, in the work rules, and in the contracts.

ART. 318. Every employer is required to reinstate any worker who has had to give up his work on account of having suffered an industrial accident or occupational disease, as soon as he is able to return, provided he has not received compensation for permanent total disability and that not more than one year has elapsed from the date when he was incapacitated.

ART. 319. If the worker is unable to fill his former position but can do other work, the employer is required to furnish it, if possible, and for this purpose he is authorized to make any changes in the personnel that may be necessary.

ART. 320. When the employer, in accordance with article 318, is required to reinstate a worker in his original position, he may dismiss the substitute worker without the latter having any right to demand compensation.

ART. 321. The existence of a previous condition (idiosyncrasies, cacochymia, poisonings, chronic diseases, etc.) is no cause to decrease the compensation.

ART. 322. In no case, even if there are more than two disabilities, shall the employer be required to pay a larger amount than that for permanent total disability.

ART. 323. The Secretary of Industry, Commerce, and Labor shall issue the regulations for accident prevention measures in cooperation with the department of public health, without prejudice to the provisions contained in other laws on this subject.

In like manner, the proper secretary is authorized to amplify the schedule of occupational diseases and that of disability valuations as the progress of science requires it.

ART. 324. In each enterprise there shall be established the safety committees which are deemed necessary, composed of an equal number of representatives of employers and of workers, to investigate the causes of accidents, to propose measures to prevent them, and to see that they are complied with. These commissions shall be performed gratuitously within the working hours.

ART. 325. In all cases of death by accident or occupational disease an autopsy must be performed to determine the cause of said death.

ART. 326. For the purpose of this chapter, the law adopts the following:

#### SCHEDULE OF OCCUPATIONAL DISEASES

##### *Infectious and parasitic diseases*

(1) Anthrax: Tanners, rag handlers, wool combers, shepherds and furriers, handlers of horsehair, bristles, horns, flesh, and bones of cattle.

(2) Glanders: Grooms, stable boys, stockmen.

(3) Ankylostomiasis: Miners, brickmakers, pottery makers, earth workers, gardeners, and sand workers.

(4) Actinomycosis: Bakers, millers of wheat, barley, oats, rye; rural workers.

(5) Leishmaniosis: Chicle workers, rubber gatherers, vanilla workers, and woodcutters in tropical districts.

(6) Syphilis: Glass blowers (first attack: mouth chancre), physicians, nurses, operating-room attendants (in the hands).

(7) Anthracosis: Miners (in coal mines), charcoal workers, firemen using coal, chimney sweepers.

(8) Tetanus: Grooms, butchers, stableboys, and cattle tenders.

(9) Silicosis: Miners (in mineral and metal mines), stonecutters, lime workers, workers in cement works, grinders and masons, sand workers, porcelain factory workers.

(10) Tuberculosis: Physicians, nurses, operating-room attendants, butchers, and miners, when silicosis has preceded it.

(11) Siderosis: Ironworkers (filers, lathe operators, and those handling iron oxide).

(12) Tabacosis: Workers in the tobacco industry.

(13) Other konioses: Carpenters, workers in the cotton, wool, jute, silk, hair, and feather industries, blowers, painters and cleaners using compressed air (air guns).

(14) Dermatitis: Sugar-cane harvesters, vanilla workers, linen spinners, gardeners.

(15) Dermatitis caused by physical agents: Heat: Blacksmiths, smelters, glassworkers, chauffeurs. Cold: Workers in cold-storage rooms. Solar radiation: Outdoor workers. Electric radiation: X-ray workers. Mineral radiation: Radium workers.

(16) Other dermatitis: Workers handling paints made of vegetable coloring matter having a base of metallic salts or aniline dyes; cooks, dishwashers, laundresses, miners, bleachers of cloth, workers in spices, photographers, masons, stonemasons, cement workers, cabinetmakers, varnishers, rag cleaners, fullers, bleachers of fabrics by means of sulphur fumes, tanners (tawers), spinners and gatherers of wool, makers of chlorine by electrical decomposition of sodium chloride, workers handling petroleum and gasoline.

(17) Influences of other physical agents in causing diseases:

Dampness: Individuals who work in places where there is much water, as for example, rice planters.

Compressed air and air in inclosed places: Divers, miners, workers in poorly ventilated places, other than those places where injurious gases are produced.

#### *Diseases of sight and hearing*

(18) Electric ophthalmia: Autogenic solderers, and electricians.

(19) Other ophthalmias: Workers in high temperatures; glaziers, tinsmiths, blacksmiths, etc.

(20) Sclerosis of the middle ear: Copper plate rollers, mineral crushers.

#### *Other affections*

(21) Hygroma on the knee: Workers who usually work in a kneeling position.

(22) Occupational cramps: Writers, pianists, violinists, and telegraphers.

(23) Occupational deformities: Shoemakers, carpenters, masons.

(24) Ammonia: Workers in the distillation of bituminous coal, in the preparation of fertilizers for agricultural lands, cleaners of latrines and sewers, miners, makers of ice, and stampers.

(25) Hydrofluoric acid: Glaziers, engravers.

(26) Chlorous vapors: Preparation of calcium chloride, whitewashers, preparation of hydrochloric acid, chloride, or soda.

(27) Sulphur dioxide: Makers of sulphuric acid, dyers, colored-paper workers, and stampers.

(28) Carbon monoxide: Boiler makers, smelters of minerals and metals (blast furnaces), and miners.

(29) Carbonic acid: The same workers listed under carbon monoxide, and in addition, sewer and latrine cleaners.

(30) Arsenic: Arsenic poisoning, workers in arsenic plants, in mineral and metal smelting, dyers, and others handling arsenic.

(31) Lead, lead poisoning: Workers in mineral and metal smelting, painters using white lead, printers, makers of receptacles for storing and handling of lead and its derivatives.

(32) Mercury, chronic mercurial poisoning: Miners in mercury mines and others handling the same metal.

(33) Sulphureted hydrogen: Miners, cleaners of cisterns, sewers, furnaces, industrial pipe lines, retorts, and gas meters, workers in illuminating gas plants and wine shops.

(34) Nitrous vapors: Workers in nitric-acid factories, and stampers.

(35) Carbon sulphide: Workers employed in the manufacture of this product, in vulcanizing rubber, and in extraction of greases and oils.

(36) Hydrocyanic acid: Miners, smelters of minerals and metals, photographers, dyers using blue dyes, and workers in soda works.

(37) Coloring essences, hydrocarbons: Workers in perfume plants.

(38) Hydrocarbons, coal and oil distillation, preparation of varnishes and all uses of petroleum and its derivatives: Coal miners, workers in the petroleum industry, chauffeurs, etc.

(39) Alkaline chromates and bichromates: Workers in chromium paint plants; makers of colored paper; workers in colored-pencil factories, in ink and dye factories, in the preparation of chromium and of its components, in the manufacture of fuses, explosives, powder, smokeless powder, Swedish matches; in the textile industry for waterproofing materials.

(40) Epithelial cancer caused by paraffin, tar, and analogous substances.

ART. 327. For the purposes of this part the law adopts the following:

SCHEDULE OF VALUATIONS OF DISABILITIES

*Upper extremities—Losses*

	Per cent
(1) Amputation at the shoulder.....	65-80
(2) Loss of an arm between the elbow and the shoulder.....	60-75
(3) Amputation at the elbow.....	55-70
(4) Loss of forearm, between the wrist and the elbow.....	50-65
(5) Total loss of hand.....	50-65
(6) Loss of four fingers of the hand, including the thumb and the corresponding metacarpus, even though the loss thereof is not complete.....	50-60
(7) Loss of four fingers of a hand, leaving the thumb.....	40-50
(8) Loss of thumb with its metacarpus.....	20-30
(9) Loss of a thumb only.....	15-20
(10) Loss of a distal phalange of the thumb.....	10
(11) Loss of the index finger with its metacarpus or a part thereof.....	10-15
(12) Loss of index finger.....	8-12
(13) Loss of distal phalange, with mutilation or loss of the middle phalange of the index finger.....	6
(14) Loss of middle finger, with mutilation or loss of its metacarpus or part thereof.....	8
(15) Loss of a middle finger.....	6
(16) Loss of distal phalange, with mutilation of the middle phalange of the middle finger.....	4
(17) Loss of distal phalange only of the middle finger.....	1
(18) Loss of a ring finger or a little finger, with mutilation or loss of its metacarpus or a part thereof.....	7
(19) Loss of a ring finger or a little finger.....	5
(20) Loss of the distal phalange, with mutilation of the middle phalange of the ring finger or little finger.....	3
(21) Loss of the distal phalange of the ring finger or little finger.....	1

If the injured member is the less useful of the two, the compensation computed in accordance with this schedule shall be reduced 15 per cent.

*Lower extremities—Losses*

(22) Complete loss of a lower extremity, when an artificial member can not be used.....	65-80
(23) Loss of a thigh, when an artificial member can be used.....	50-70
(24) Amputation at the knee.....	50-65
(25) Mutilation of a leg between the knee and the ankle.....	45-60
(26) Complete loss of a foot (amputation at the ankle).....	30-50
(27) Mutilation of a foot, the heel remaining.....	20-35
(28) Loss of the big toe, with mutilation of its metatarsus.....	10-25
(29) Loss of the little toe, with mutilation of its metatarsus.....	10-25
(30) Loss of the big toe.....	3
(31) Loss of the second phalange of the big toe.....	2
(32) Loss of a toe other than the big toe.....	1
(33) Loss of the second phalange of any toe other than the big toe.....	1

*Ankylosis of an upper extremity*

(34) Ankylosis of the shoulder, affecting propulsion and abduction.....	8-30
(35) Complete ankylosis of the shoulder, with mobility of the shoulder blade.....	20-30
(36) Complete ankylosis of the shoulder, with immobility of the shoulder blade.....	25-40
(37) Complete ankylosis of the elbow, including all the joints of the same, in position of flexion (favorable) between 75° and 110°.....	15-25
(38) Complete ankylosis of the elbow, including all the joints of the same, in position of extension (unfavorable) between 110° and 180°.....	30-40
(39) Ankylosis of the wrist, affecting its movements and according to the degree of mobility of the fingers.....	15-40

## THUMB

	Per cent
(40) Ankylosis of the carpometacarpal joint.....	5- 8
(41) Ankylosis of the metacarpophalangeal joint.....	5-10
(42) Ankylosis of the interphalangeal joint.....	2- 5

## INDEX FINGER

(43) Ankylosis of the metacarpophalangeal joint.....	2- 5
(44) Ankylosis of the joint between the first and second phalanges.....	4- 8
(45) Ankylosis of the joint between the second and third phalanges.....	1- 2
(46) Ankylosis of the last two joints.....	5-10
(47) Ankylosis of three joints.....	8-12

## MIDDLE FINGER

(48) Ankylosis of the metacarpophalangeal joint.....	3
(49) Ankylosis of the joints between the first and second phalanges.....	1
(50) Ankylosis of the last two joints.....	6
(51) Ankylosis of three joints.....	8

## RING AND LITTLE FINGER

(52) Ankylosis of the metacarpophalangeal joint.....	2
(53) Ankylosis of the joint between the first and second phalanges.....	3
(54) Ankylosis of the joint between the second and third phalanges.....	1
(55) Ankylosis of the last two joints.....	4
(56) Ankylosis of the three joints.....	5

*Ankylosis of a lower extremity*

(57) Ankylosis of the hip and thigh joint.....	10-40
(58) Ankylosis of the hip and thigh joint, in bad position (flexion, abduction, rotation).....	15-55
(59) Ankylosis of both hip and thigh joints.....	40-90
(60) Ankylosis of the knee in a favorable position, in complete or nearly complete extension, up to 135°.....	5-15
(61) Ankylosis of the knee in an unfavorable position, with flexion from 135° up to 30°.....	10-50
(62) Ankylosis of the knee, bow-legged or knock-kneed.....	10-35
(63) Ankylosis of the foot at right angle, without deformity thereof, with sufficient movement of the toes.....	5-10
(64) Ankylosis of the foot at right angle, with deformity or atrophy which interferes with the movement of the toes.....	15-30
(65) Ankylosis of the foot in an unnatural position.....	20-45
(66) Ankylosis of the toe joints.....	1

*Pseudarthrosis—Upper extremity*

(67) Pseudarthrosis of the shoulder (following extensive resections or considerable losses of bony substance).....	8-35
(68) Pseudarthrosis of the humerus, compressed.....	5-25
(69) Pseudarthrosis of the humerus, loose.....	10-45
(70) Pseudarthrosis of the elbow.....	5-25
(71) Pseudarthrosis of the forearm in one bone only, compressed.....	5
(72) Pseudarthrosis of the forearm in two bones, compressed.....	10-15
(73) Pseudarthrosis of the forearm in one bone, loose.....	10-30
(74) Pseudarthrosis of the forearm in two bones, loose.....	10-45
(75) Pseudarthrosis of the wrist (following extensive resections or considerable losses of bony substance).....	10-20
(76) Pseudarthrosis of all the metacarpal bones.....	10-20
(77) Pseudarthrosis of one metacarpal bone.....	1- 5

## PSEUDARTHEROSIS OF UNGUAL PHALANX

(78) Of the thumb.....	4
(79) Of the other fingers.....	1

## PSEUDARTHROSIS OF OTHER PHALANGES

	Per cent
(80) Of the thumb.....	8
(81) Of the index finger.....	5
(82) Of any other finger.....	2

*Pseudarthrosis—Lower extremity*

(83) Pseudarthrosis of the hip (following extensive resections with considerable losses of bony substance).....	20-60
(84) Pseudarthrosis of the femur.....	10-40
(85) Pseudarthrosis of the knee with leg hanging loose (following a resection of the knee).....	10-40
(86) Pseudarthrosis of the kneepan, with a long fibrous callus.....	10-20
(87) Pseudarthrosis of the kneepan, with a short bony or fibrous callus.....	5-10
(88) Pseudarthrosis of the tibia and of the fibula.....	10-30
(89) Pseudarthrosis of the tibia only.....	5-15
(90) Pseudarthrosis of the fibula only.....	4-10
(91) Pseudarthrosis of the first or last metatarsal bone.....	3- 5

*Retractile cicatrices*

(92) Of the armpit, when there is complete abduction of the arm.....	20-40
(93) In the bend of the elbow when flexion can take place between 110° and 75°.....	15-25
(94) In acute flexion between 45° and 75°.....	20-40
(95) Of the aponeurosis of the palm of the hand with rigidity in extension or flexion.....	5- 8
(96) Of the aponeurosis of the palm of the hand with rigidity in pronation or supination.....	5-10
(97) Of the aponeurosis of the palm of the hand with rigidity in both pronation and supination.....	10-20
(98) Cicatrices in the space back of the knee-joint in extension from 135° to 180°.....	10-25
(99) Cicatrices in the space back of the knee-joint in flexion between 135° and 30°.....	10-50

*Functional difficulties of the fingers as result of injuries not to joints but to sections or loss of substance in the extensor or flexor tendons, adhesions, or scars*

## PERMANENT FLEXION OF A FINGER

(100) Thumb.....	5-10
(101) Any other finger.....	3- 5

## PERMANENT EXTENSION OF A FINGER

(102) Thumb.....	8-12
(103) Index finger.....	5- 8
(104) Any other finger.....	3- 5

*Extensive calluses or poor consolidations*

(105) Of the humerus, when deformity and muscular atrophy is produced.....	5-20
(106) Of the olecranon, when short bony and fibrous callus is produced.....	1- 5
(107) Of the olecranon, when long fibrous callus is produced.....	5-15
(108) Of the olecranon, when a noticeable atrophy of the triceps is produced by very long fibrous callus.....	10-20
(109) Of the bones of the forearm when interference in the movements of the hand is produced.....	5-15
(110) Of the bones of the forearm when these produce a limitation of pronation or supination.....	5-15
(111) Of the clavicle, when this produces rigidity of the shoulder.....	5-15
(112) Of the hip, when the lower extremity is left stiff.....	10-40
(113) Of the femur, with shortening of from 1 to 4 centimeters, without injuries to the joints or muscular atrophy.....	5-10

	Per cent
(114) Of the femur, with shortening of from 3 to 6 centimeters with muscular atrophy, without rigidity of the joints.....	10-20
(115) Of the femur, with shortening of from 3 to 6 centimeters, with permanent rigidity of the joints.....	15-30
(116) Of the femur, with shortening of from 6 to 12 centimeters, with muscular atrophy and rigidity of the joints.....	20-40
(117) Of the femur, with shortening of from 6 to 12 centimeters, with external angular deviation, permanent muscular atrophy, and flexion of the knee not exceeding 135°.....	40-60
(118) Of the neck of the femur, surgical or anatomical, with shortening of more than 10 centimeters, external angular deviation and rigidity of the joints.....	50-75

## OF THE TIBIA AND FIBULA

(119) With shortening of from 3 to 4 centimeters with a large and protruding callus.....	10-20
(120) Angular consolidation with deviation of the leg, either toward the outside or inside, secondary deviation of the foot with shortening of more than 4 centimeters, if walking is possible.....	30-40
(121) Angular consolidation or considerable shortening and inability to walk.....	45-60

## MALLEOLAR

(122) With the foot turned inward.....	15-35
(123) With the foot turned outward.....	15-35

*Complete paralysis due to injuries to the peripheral nerves*

(124) Total paralysis of an upper extremity.....	50-70
(125) Injury to the subscapular nerve.....	5-10
(126) Of the circumflex nerve.....	10-20
(127) Of the musculocutaneous nerve.....	20-30
(128) Of the median nerve.....	20-40
(129) Of the median nerve with causalgia.....	40-70
(130) Of the cubital, if the injury is to the elbow.....	20-30
(131) Of the cubital, if the injury is in the hand.....	10-20
(132) Of the radial, if the injury is above the branch of the triceps.....	30-40
(133) Of the radial, if the injury is below the branch of the triceps.....	20-40
(134) Total paralysis of a lower extremity.....	30-50
(135) Injury of the external popliteal nerve.....	15-25
(136) Injury of the internal popliteal nerve.....	15-25
(137) Of the internal popliteal nerve with causalgia.....	30-50
(138) Combined in both extremities.....	20-40
(139) Of the crural.....	30-40
(140) If the injured member is the less useful of the two, the compensation computed in accordance with this table shall be reduced 15 per cent.	
(141) In case the injured member was not whole before the accident, either physiologically or anatomically, the compensation shall be reduced proportionately.	
(142) In the loss, ankylosis, pseudarthrosis, paralysis, cicatricial retraction, and rigidity of the middle, ring, and little fingers of musicians, typists, and linotypists, as well as in cases of retractions of the aponeurosis of the palm of the hand which affects such fingers, compensation shall be increased up to 200 per cent.	

*Head*

## SKULL

- (143) Injuries of the skull which do not leave mental derangement or physical or functional disabilities shall be given medical attention and medicines only. Injuries causing fracture of the skull shall be compensated according to the disability resulting

	Per cent
(144) When causing complete monoplegia of an upper extremity.....	50-70
(145) When causing complete monoplegia of a lower extremity.....	30-50
(146) For complete paraplegia of a lower extremity without sphincteral complications.....	60-80
(147) With sphincteral complications.....	60-90
(148) For complete hemiplegia.....	60-80
(149) When aphasia and agraphia result.....	10-50
(150) For traumatic epilepsy not curable by an operation and when, in spite of the attacks, it is fully proven that he is still capable of doing some work.....	40-60
(151) For traumatic epilepsy, when the frequency of the attacks and other phenomena permanently and totally incapacitate him, not permitting him to perform any work.....	100
(152) For injuries of the common oculomotor nerve or of the external oculomotor nerve when any disability is produced.....	10-20
(153) For injuries of the facial or of the trigeminus nerves.....	5-20
(154) For injuries of the pneumogastric nerve (according to the degree of the functional disorder proved).....	0-40
(155) Of the hypoglossal nerve, when it is unilateral.....	5-10
(156) When it is bilateral.....	30-50
(157) For diabetes, mellitus or insipidus.....	5-30
(158) For chronic dementia.....	100

## FACE

(159) For extensive mutilations, when embracing the 2 superior maxillaries and the nose, according to the loss of substance of the soft parts.....	80-90
(160) Pseudarthrosis of superior maxillary, making mastication impossible.....	40-50
(161) With mastication possible but limited.....	10-20
(162) In case of prosthesis improving mastication.....	0-10
(163) Losses of palatal substance, according to the location and the extent and, in case of prosthesis, functional improvement.....	5-25
(164) Inferior maxillary, pseudarthrosis with or without loss of substance, after surgical operations have failed, when the pseudarthrosis is so loose as to impair mastication or render it very defective, or completely prevent it.....	40-50
(165) When the ramus ascendens is compressed.....	1- 5
(166) When the ramus ascendens is loose.....	10-15
(167) When it is pressed down on the ramus horizontalis.....	5-10
(168) When it is loose on the ramus horizontalis.....	15-25
(169) When it is compressed at the symphysis.....	10-15
(170) When it is loose at the symphysis.....	15-25
(171) In case of prosthesis resulting in functional improvement, 10 per cent less.....	
(172) Defective consolidations, when the teeth or molars do not articulate, restricting mastication.....	10-20
(173) When articulation is partial.....	0-10
(174) When mastication is corrected by prosthetic apparatus.....	0- 5
(175) Loss of 1 tooth, replacement.....	
(176) Complete loss of teeth.....	10-20
(177) When bridle cicatrices restrict the opening of the mouth, impairing mouth hygiene, pronunciation, or mastication, or permit the escape of saliva.....	10-20
(178) Irreducible dislocation of the temporomaxillary joint, according to the degree of functional obstruction.....	10-25
(179) More or less extensive amputations of the tongue, with adhesions according to the degree of interference with speech and swallowing.....	10-30

## EYES

(180) Complete loss of sight of both eyes.....	100
(181) Extraction of one eye.....	45

	Per cent
(182) Concentric narrowing of the field of vision of one eye, with 30° remaining-----	0
(183) Of both eyes-----	10-20
(184) Concentric narrowing of the field of vision of one eye, with vision of only 10° or less-----	10-15
(185) Of both eyes-----	50-60

**PERMANENT DIMINUTION OF VISUAL ACUITY (WHEN IT CAN NOT BE IMPROVED WITH GLASSES)**

[When one normal eye is the unit]

When one affected eye has—	Per cent of incapacity in occupation—	
	Not requiring specified visual acuity	Requiring specified visual acuity
(186) No vision-----	25	35
(187) 0.05 of normal vision-----	20-25	30
(188) 0.1 of normal vision-----	20	25-30
(189) 0.2 of normal vision-----	15	20
(190) 0.3 of normal vision-----	10	15
(191) 0.5 of normal vision-----	5	10
(192) 0.6 of normal vision-----	0	15
(193) 0.7 of normal vision-----	0	0

(194) In cases where there is a bilateral diminution of visual acuity, there shall be added the percentage of incapacity for each eye, which shall be calculated as if the other eye had vision equal to the unit [normal vision].

(195) In accepting employees into the service it shall be considered, for future claims for loss of vision, that they have the unit [normal vision] even when they have seven-tenths of normal in each eye.

**VERTICAL HEMIANOPSIA**

(196) Homonymous hemianopsia, right or left-----	10-20
(197) Heteronymous nasal hemianopsia-----	5-10
(198) Heteronymous temporal hemianopsia-----	20-40

**HORIZONTAL HEMIANOPSIA**

(199) Superior-----	5-10
(200) Inferior-----	40-50
(201) Quarter (of the field of vision)-----	5-10
(202) Diplopia-----	10-20
(203) Ophthalmoplegia, internal, unilateral-----	5-10
(204) Ophthalmoplegia, internal, bilateral-----	10-20
(205) Deviation of the edges of the eyelids (entropion, ectropion, symblepharon)-----	0-10
(206) Epiphora-----	0-10
(207) Lachrymal fistulas-----	10-20

**NOSE**

(208) Mutilations of the nose without nasal stenosis-----	0- 8
(209) With nasal stenosis-----	5-10
(210) When the nose is reduced to a cicatricial stump, with severe nasal stenosis-----	10-40

**EARS**

(211) Complete unilateral deafness-----	20
(212) Complete bilateral deafness-----	60
(213) Partial unilateral deafness-----	5-10

	Per cent
(214) Partial bilateral deafness.....	15-30
(215) Complete deafness in 1 ear and partial in the other.....	20-40
(216) Traumatic labyrinthine vertigo, duly proved.....	20-40
(217) Loss or excessive deformity of the external ear, unilateral.....	0-5
(218) Bilateral.....	3-10

*Spinal column—Disabilities due to traumatism without medullar injuries*

(219) Persistent deviations of the head and the trunk, with severe interference with movements.....	10-25
(220) With permanent rigidity of the spinal column.....	10-25
(221) Traumatism with medullar injury, when it makes walking impossible and sphincter disorders exist.....	100
(222) When walking is possible with crutches.....	70-80

*Larynx and trachea*

(223) Cicatricial strictures which cause dysphonia.....	5-15
(224) When dyspnea is produced.....	5-10
(225) When because of dyspnea it is necessary to use a cannula permanently in the trachea.....	40-60
(226) When both dysphonia and dyspnea exist.....	15-40

*Thorax*

(227) For disability which results from injuries of the sternum. When a deformity or functional obstruction is produced in the thoracic or abdominal organs.....	1-20
(228) Fracture of the ribs when some functional obstruction in the thoracic or abdominal organs results.....	1-60

*Abdomen*

(229) When the occupational hazards produce in the organs contained in the abdomen injuries which cause some disability as a consequence, these shall be compensated for after proof of the disability.....	20-60
(230) Irreducible dislocation of the pubic bone or internal rupture of the symphysis pubis.....	15-30
(231) Fracture of the ischopubic or the horizontal sections of the pubic bone when some disability is left or vesical disorder or [difficulty in] walking.....	30-50
(232) For vicious cicatrices of the walls of the abdomen when any disability results.....	1-15
(233) For fistulas in the digestive tube or its connections, which can not be operated upon, and when any disability results.....	10-50

*Genitourinary system*

(234) For stricture of the urethra after an injury, which is incurable and which necessitates urination through a perineal or hypogastric meatus.....	50-80
(235) Total loss of the penis, which necessitates urination through an artificial meatus.....	50-90
(236) For the loss of both testicles, by persons under 20 years of age....	90
(237) By persons over 20 years of age.....	20-60
(238) For prolapse of the uterus due to an industrial accident, duly proved, and impossible of cure through an operation.....	40-60
(239) Loss of a breast.....	10-20

*Various classifications*

(240) For mental derangement resulting from an accident, and when it appears within six months, counting from the date of the occupational hazard.....	100
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	Per cent
(241) Loss of both eyes, both arms above the elbow, amputation of both legs at the hip, or of one arm above the elbow and one leg above the knee on the same side, medullar injury from any traumatism which causes complete paralysis of the lower extremities with sphincter disorders, and incurable insanity shall be considered as permanent total disability-----	100
(242) Purely æsthetic disfigurements shall be compensated according to their nature, in the judgment of the proper board of conciliation and arbitration, but only in the event that they reduce in any way the working capacity of the injured person, taking into consideration the occupation in which he or she is engaged.	

### Part 7.—Statute of Limitations

**ART. 328.** Actions arising out of this law or out of the labor contract, whether individual or collective, must be brought within one year, with the exception of the cases specified in the following articles.

**ART. 329.** The following must be brought within one month:

- (1) Actions for the nullification of the contract because of error, fraud, or intimidation;
- (2) Actions by workers for reemployment in jobs which they had to give up because of accidents or diseases;
- (3) Actions concerning rights granted the workers in paragraph 22 of article 123 of the Federal Constitution;
- (4) Actions by employers to dismiss workers justifiably or to discipline them for their offenses; and
- (5) Actions by employers to make deductions in wages of workers for errors committed.

In the case of paragraph 1, when intimidation is alleged, the time shall run from the moment in which the intimidation ceases.

In the case of paragraph 2, the period shall run from the time the worker is able properly to carry on the work of his position.

In the case of paragraph 3, the period shall run from the moment of discharge. In cases covered by paragraph 4, the period shall begin to run from the time cause is given for discharge or the faults become known.

Where deductions from salary are concerned, the period shall run from the moment the errors committed by the worker are sufficiently proved, in accordance with the terms of the contract.

**ART. 330.** The following actions must be brought within two years:

- (1) Actions by workers claiming compensation for disability caused by an accident or occupational disease;
- (2) Actions by persons who are economically dependent upon workers killed in industrial accidents claiming compensation therefor; and
- (3) Actions for the execution of the decisions of the boards.

The time in the cases covered by the preceding paragraphs shall run respectively:

From the moment the nature of the disability or of the illness contracted is determined; from the date of death of the worker; or from the date on which the board rendered a final decision.

**ART. 331.** The statute of limitations shall not begin nor run:

- (1) Against those mentally incapacitated, except when guardians have been appointed in accordance with the law, unless the time has begun to run against the person from whom the right is derived; and
- (2) Against workers in military service in time of war and who, for any of the reasons contained in this law, shall have acquired rights to compensation.

**ART. 332.** The statute of limitations shall be interrupted:

1. By summons, legally served upon the debtor, to any conciliation and arbitration proceeding before the proper board; and
2. If the person in whose favor the statute of limitations runs acknowledges orally, in writing, or by indisputable acts, the right of the party against whom the statute runs.

**ART. 333.** For the purposes of the statute of limitations, the months shall be figured by the number of days which they contain; the first day shall be reckoned as a full day, even though this is not the case; but the last day must be a full day, and in case it is a holiday, the statute of limitations shall not become effective until the end of the following working-day.

## Part 8.—Labor Authorities and Their Jurisdiction

CHAPTER 1.—*Authorities in general*

ART. 334. The following are competent to apply the provisions of this law:

- (1) Municipal boards of conciliation;
- (2) Central boards of conciliation and arbitration;
- (3) Federal boards of conciliation;
- (4) A Federal Board of Conciliation and Arbitration;
- (5) Labor inspectors;
- (6) Special minimum wage commissions.

ART. 335. Employers and workers, by mutual agreement, may provide in collective contracts for the formation of mixed commissions having such economic and social functions as they may consider proper to assign to them.

The boards of conciliation shall carry out the decisions of the mixed commissions in cases where the parties declare such decisions obligatory.

CHAPTER 2.—*Municipal boards of conciliation*

ART. 336. Conciliation is a function of the municipal boards of conciliation, composed of a representative of the Government, who shall be appointed by the city council, one representative of the workers and another of the employers affected.

The Government representative shall be chairman of the board and in no case shall the municipal executive, members of the city council, or employees of the municipal administration be appointed to such position.

ART. 337. Municipal boards shall be formed and shall function, whenever necessary, in the manner provided for in this law; but this provision shall not prevent governors of the States and Territories or the chief of the Department of the Federal District from establishing them permanently in those regions where the development and progress of industry require them. Such boards shall be formed as provided in chapter 6 of this part.

ART. 338. The following can not be representatives of the workers or the employers:

- (1) The directors, managers, or administrators of the concern affected;
- (2) The presidents or general secretaries of the unions affected; and
- (3) Those who may have been convicted of infamous crimes.

ART. 339. The chairman of the board shall have the following qualifications:

- (1) He must be a Mexican in full exercise of his civil rights;
- (2) He must be of age;
- (3) He must be able to read and write;
- (4) He must not be related to the representatives who may have to hear the dispute or difference;
- (5) He must not belong to a religious order;
- (6) He must not have been convicted of an infamous crime;
- (7) He must not belong to an organization of either workers or employers;
- (8) He must not be a stockholder in any business located within the jurisdiction of the board; and
- (9) He must not be economically dependent upon the employer affected nor upon any other employer.

ART. 340. The powers and duties of municipal boards of conciliation are:

(1) To hear for purposes of conciliation, within their territorial jurisdiction, all differences and disputes that may arise between workers and employers, between workers only or between employers only, out of the labor contract or acts intimately related thereto, whether such contracts are individual or collective, provided the same do not come under the jurisdiction of the Federal boards;

(2) To report to the proper central board controversies which may come under its exclusive jurisdiction, and disputes in which an agreement between the parties could not be reached;

(3) To sanction, in such case, agreements which the parties have executed before them;

(4) In the case of permanent municipal boards, to carry out the procedure ordered by the central board with which they are connected, and to comply with the instructions of the latter for the better dispatch of the business; and

(5) Others conferred upon them by the laws and regulations.

**ART. 341.** The boards shall function with a secretary appointed by the municipal executive, and in lieu thereof, in the presence of two witnesses.

**CHAPTER 3.—Central boards of conciliation and arbitration**

**ART. 342.** Central boards of conciliation and arbitration are to hear and decide differences and disputes between capital and labor which arise in their jurisdiction and which are not within the jurisdiction of the Federal boards.

**ART. 343.** Central boards of conciliation and arbitration shall be organized and function permanently in the capitals of the States and Federal Territories and in the Federal District. In those States in which, due to the needs of the industries, it may be necessary to create several boards of conciliation and arbitration, the governors of the States may constitute as many as may be necessary, fixing the jurisdiction of each.

**ART. 344.** The central boards of conciliation and arbitration shall be composed of one representative of the governor of the State or Territory or of the chief of the Department of the Federal District, who shall function as chairman of the board, with a representative of the workers and another of the employers for each branch of industry or group of diverse labor.

**ART. 345.** When the matter affects only one branch of industry or group of diverse labor the board shall be composed of one representative each of the workers and of the employers, respectively, and one representative of the Government.

**ART. 346.** If the dispute includes two or more industries or groups of diverse labor, the board shall be composed of the chairman of the central board and the respective representatives of the workers and the employers of these groups.

**ART. 347.** For the purpose of designating representatives of the workers and of the employers, the governor of the State or Territory or the chief of the Department of the Federal District shall publish on the 10th day of October of that year a list of the branches of industry and of the diverse groups of labor which should be represented on said board in accordance with the classification made by the Secretary of Industry, Commerce, and Labor with respect to the Federal District, the Territories, and divisions of the Federal jurisdiction, or by the governors of the States with respect to the States, taking into account any petitions for this purpose by the groups of workers and of employers in each region.

**ART. 348.** If the executives of the States consider that the development of industry in general does not warrant representation of each one of the separate branches thereof, the central boards shall be composed of one representative of the Government, who shall be chairman of the board, and not more than three representatives of the workers and three of the employers.

**ART. 349.** The following are the powers and duties of a central board of conciliation and arbitration in full:

(1) To hear, for purposes of conciliation, all collective differences or disputes which may arise between workers and employers, between workers only or between employers only, provided such disputes arise out of the labor contracts or of acts intimately related thereto, and affect all the industries of the State represented on the board;

(2) To hear and arbitrate the differences or disputes referred to in the preceding paragraph, when an agreement between the parties has not been obtained;

(3) To declare lockouts lawful or unlawful when they affect all the industries of the Federal District or the State or Territory in question, after hearing the case in the manner provided in this law;

(4) To render final decisions on the questions of competency referred to in paragraph 1 of article 438 of this law;

(5) To review the acts of the special minimum wage commissions within the terms of chapter 9 of this part;

(6) To see that municipal boards of conciliation are formed and function properly;

(7) To give orders and instructions to the members of said boards for the better performance of their duties;

(8) To inform the proper executive of omissions or negligence on the part of members of the boards in the performance of their duties;

(9) To approve or disapprove work rules, as the case may be, under the terms of article 105; and

(10) Others that may be conferred upon them by the laws and regulations.

ART. 350. When the dispute does not include all the industries mentioned in the preceding article, hearings thereon shall be by the special boards of the branches affected by the dispute, which shall deal with it by conciliation and arbitration.

ART. 351. The powers and duties of the special groups of the board, in everything regarding their branch, are as follows:

(1) To hear, for purposes of conciliation, individual or collective disputes which may arise in the municipality of their residence;

(2) To hear, for purposes of arbitration, the disputes to which the preceding paragraph refers, when the parties have not reached an agreement;

(3) Likewise to hear, for purposes of conciliation, the disputes or differences referred to in the preceding paragraph, when the same affect or include two or more jurisdictional territories of the municipal boards;

(4) To hear, for purposes of arbitration, the disputes or differences referred to in the preceding paragraph;

(5) To hear, for purposes of arbitration, disputes which the municipal boards may forward for decision;

(6) To receive as depository and to register work rules within the terms of chapter 6 of Part 2; and

(7) Others that may be conferred upon them by the laws and regulations.

#### CHAPTER 4.—*Federal boards of conciliation*

ART. 352. The Federal boards of conciliation shall function solely for the purpose of mediation, and their intervention in matters properly coming before them shall be limited to endeavoring to bring the parties to an agreement.

ART. 353. The jurisdiction of the Federal boards of conciliation shall be exercised within the same territorial limits as those specified for the Federal Board of Conciliation and Arbitration. Federal boards of conciliation shall be formed whenever it may be necessary.

ART. 354. Federal boards of conciliation shall be formed in the same manner as municipal boards of conciliation and shall be presided over by the labor inspector named by the appropriate department of the office of the Secretary of Industry, Commerce, and Labor.

ART. 355. The office of the Secretary of Industry, Commerce, and Labor may create permanent Federal boards of conciliation, according to the needs of a certain region, the designation of representatives of workers and of employers being subject to the provisions governing the designation of representatives on the central and Federal boards.

ART. 356. Labor inspectors and representatives of workers and of employers on the Federal boards of conciliation must have the qualifications specified in the regulations of the department and those required for chairman and representatives of workers, respectively, on municipal boards.

ART. 357. The powers and duties of the Federal boards of conciliation in disputes under Federal jurisdiction are the same as those fixed by this law for municipal boards of conciliation.

#### CHAPTER 5.—*Federal Board of Conciliation and Arbitration*

ART. 358. A Federal Board of Conciliation and Arbitration shall be established in Mexico City to hear and decide differences or disputes between workers and employers arising out of the labor contract or acts intimately related thereto, as well as those of a similar nature between workers or between employers in the case of enterprises or industries operating under Federal concession or whose activities are carried on totally or partially within the Federal zones.

ART. 359. By reason of their nature the Federal board shall hear disputes referring to:

(1) Transportation companies in general which operate under a Federal contract or concession (land, maritime, river, and air transportation and communication, and telephone and telegraph communication);

(2) Enterprises dedicated to the extraction of mineral substances under the direct dominion of the Nation in accordance with article 27 of the Constitution and its regulatory laws, and the industries connected therewith;

(3) Enterprises which, operating under Federal concession, import or export electric energy or any other physical power;

(4) The generation and transmission of physical power by companies which are under Federal jurisdiction or operate under a Federal concession, when their operations extend over two or more Federal entities;

(5) Industries under Federal or local jurisdiction, when the dispute affects two or more Federal entities; and

(6) A collective contract which has been declared binding within the terms of article 58, when it has to be in force in more than one Federal entity.

ART. 360. The class of allied industries shall be determined by the office of the Secretary of Industry, Commerce, and Labor.

ART. 361. Enterprises or industries established entirely or in part within Federal zones are under Federal jurisdiction by reason of their location.

ART. 362. The Federal Board of Conciliation and Arbitration shall be composed of one workers' representative and one employers' representative for each industry or group of various allied works or industries, based on the classification to be made by the office of the Secretary of Industry, Commerce, and Labor, and by a representative of such office, who will act as its chairman.

ART. 363. The Federal Board of Conciliation and Arbitration shall function in banc or in part.

ART. 364. Should the matter dealt with affect only one of the branches of the industry or groups of diverse labor, or two or more industries or groups of diverse labor, the board shall be formed in the manner stipulated in articles 344 and 345.

ART. 365. The Federal board in banc shall have the following powers and duties:

(1) To hear, for purposes of conciliation, the differences or disputes to which article 358 refers, whether they are of an individual or a collective nature, and which in a general way affect industries or groups of diverse labor under Federal jurisdiction;

(2) To hear and arbitrate such disputes, when the parties have failed to reach an agreement;

(3) To hear in conciliation and arbitration proceedings collective disputes, whether or not of Federal jurisdiction, arising between employers and workers, between the former only, or between the latter only, when two or more Federal entities are affected;

(4) To hear in conciliation and arbitration proceedings disputes that arise in connection with a collective contract which has been declared binding within the terms of article 58, when it has to be in force in more than one Federal entity;

(5) To see that the Federal boards of conciliation are duly constituted and function properly;

(6) To render final decisions on the questions of competency referred to in paragraph 2 of article 438 of this law;

(7) To issue instructions to the members of said board for the better performance of their duties;

(8) To notify the office of the Secretary of Industry, Commerce, and Labor of any deficiencies in the functioning of the board, suggesting measures that should be prescribed to correct them;

(9) To issue the internal regulations of the board;

(10) To approve or disapprove, as the case may be, work rules within the terms of article 105; and

(11) Others fixed by the laws and regulations.

ART. 366. The powers and duties of the special groups that make up the Federal board are:

(1) To hear, for the purpose of conciliation, the differences or disputes referred to in article 358, provided such disputes affect only one industry or branch of work;

(2) To hear and arbitrate the disputes or differences treated of in the preceding paragraph, as well as those which are forwarded for this purpose by the Federal boards of conciliation by reason of the parties not having arrived at a solution by conciliation;

(3) To receive as depository and to register work rules within the terms of chapter 6 of Part 2; and

(4) Others that may be conferred upon them by the laws and regulations.

CHAPTER 6.—*Election of representatives of workers and of employers on central and Federal boards of conciliation and arbitration*

ART. 367. The workers' and the employers' representatives on the central boards of conciliation and arbitration shall be elected at conventions which shall be organized and shall function subject to the provisions of this chapter.

ART. 368. There shall be as many conventions of workers and of employers as there are special groups constituting the board in question based on the classification of industries or groups of diverse labor made by the corresponding executives or the office of the Secretary of Industry, Commerce, and Labor.

ART. 369. Only the following may participate in the election:

(1) Labor organizations whose members are actually in the service of an employer or group of employers under labor contracts;

(2) Organized workers who, even though not coming within the conditions specified in the preceding paragraph because of special circumstances, may have been employed for a period longer than six months during the year prior to the date of the election; and

(3) Unorganized workers in places where there are no organized workers.

ART. 370. As regards employers, only those who have wage earners in their service within the terms of paragraph 1 of the preceding article shall be able to designate representatives. This applies to both organized and independent employers.

ART. 371. On the 1st day of October of the year of the election, State and Territorial governors or the chief of the Department of the Federal District shall summon the workers and employers for the establishment of central boards of conciliation and arbitration. These notices shall state the day, hour, and place where the delegates are to meet.

ART. 372. The duly registered employers' or workers' organizations shall accredit their respective delegates before the executive not later than November 15. Each organization shall name one delegate.

ART. 373. The credentials of delegates shall be issued by the committees or boards of directors of the organizations which appointed them. The proper authority shall certify having verified the number of workers, for the purpose of computing the votes.

ART. 374. The delegates of the workers' organizations shall have in the election a number of votes equal to the number of individuals they represent; those of the employers' organizations shall have as many votes as there are workers employed.

ART. 375. Unorganized workers employed by any given enterprise, in the case of paragraph 3 of article 369, shall agree among themselves on the appointment of a common delegate, whom they shall accredit on the date stipulated in article 372. If by this date they have not made the appointment, it shall be made by the governors of States and Territories, the chief of the Department of the Federal District, or in case of enterprises or industries under Federal jurisdiction, by the office of the Secretary of Industry, Commerce, and Labor.

Delegates of unorganized workers shall have the right to a number of votes equal to the number of workers that participate in their election.

ART. 376. Independent employers shall have 1 vote for every worker in their service.

ART. 377. Appointment of delegates who do not represent organized employers can be made by means of a power of attorney signed by the representatives before two witnesses and attested by the labor authority. Should the person executing the power of attorney be unable to write, the same may be signed by another person at his request.

ART. 378. For the purposes of the preceding articles, the labor authorities shall draw up the following:

(1) A list of the labor unions, with the full name, nationality, age, address, occupation, and civil status of the individuals belonging thereto;

(2) A list of the employers' associations, giving the full name, nationality, age, address, civil status, and kind of industry or work of the individuals belonging thereto as well as the number and names of the workers employed by each of them;

(3) A list of independent employers, containing the same data as that stipulated in the preceding paragraph; and

(4) A list of unorganized workers, containing the same data as that stipulated in paragraph 1.

The correctness of these lists shall be certified by special inspectors appointed at the time by the State or Territorial governors, by the chief of the Department of the Federal District, or by the Secretary of Industry, Commerce, and Labor.

**ART. 379.** The data in the possession of the central boards of conciliation and arbitration and those referred to in article 242 shall be taken into consideration in enrolling employers' associations and labor unions in the respective lists.

**ART. 380.** On the 1st of December of even years conventions shall be held in the capitals of the States, Federal District, and Federal Territories for the election of representatives of workers and of employers to serve on the central boards of conciliation and arbitration, in accordance with the notices referred to in article 371.

**ART. 381.** The delegates of workers and of employers having assembled in the place and at the hour previously fixed, under the chairmanship of the governor of the State or Territory or that of the chief of the department of the Federal District, or of the person designated by him, their credentials shall be registered, after which a board of directors of the convention, consisting of a chairman, two secretaries, and two directors shall be elected by a majority of the delegates present. Votes shall be counted by two of the delegates present, specially elected by a majority vote.

**ART. 382.** When the board of directors of the convention has been installed, the credentials of the delegates shall be passed on, being read aloud. Credentials can be rejected by the convention only when they fail to meet the requirements of article 373 or when it is proved that the electors do not belong to the group of workers which is empowered to elect delegates.

**ART. 383.** The credentials having been approved, the representatives of the branch of industry or the group of diverse labor who are to serve on the central board of conciliation and arbitration shall be elected. Votes shall be computed in the manner provided for in articles 373 and 376.

**ART. 384.** For each regular representative an alternate shall be elected.

**ART. 385.** When the election of representatives has been completed, minutes of the proceedings shall be drawn up, the necessary number of certified copies being made for distribution as follows: One copy to be filed in the archives of the board, and another to be sent to the governor of the State or Territory or to the chief of the Department of the Federal District. The remainder shall be distributed among the representatives elected, both regular and alternates, to serve as their credentials.

**ART. 386.** The persons elected and provided with credentials shall immediately present themselves to the governor of the State or Territory, or to the chief of the Department of the Federal District and present their credentials for the purpose of review thereof and as a means of identification.

**ART. 387.** On the first working-day of the following January, the executive, or his appointee, shall preside at the session at which the central board of conciliation and arbitration is organized, the persons who make up said body having previously taken the oath of office before said official.

**ART. 388.** Should a majority of the workers' and employers' delegates fail to assemble prior to December 1, or should no such delegates have been elected, the election shall be made by the minority which is present. Should no delegates appear, it shall be taken for granted that the interested parties delegate their powers to the governors of the States or Territories or to the chief of the Department of the Federal District.

**ART. 389.** A similar procedure shall be followed for the organization of the Federal Board of Conciliation and Arbitration, with the following modifications:

- (1) The conventions shall be held in the capital of the Republic;
- (2) They shall be organized by the Secretary of Industry, Commerce, and Labor or by the person to whom he may delegate this duty;
- (3) The delegates acting as examiners shall be elected by a majority vote of the delegates present;
- (4) The data for the list of employers' and workers' organizations shall be obtained from information in the possession of the Department of Labor;
- (5) The credentials issued to representatives by the conventions must be presented to the chief of the Department of Labor for the purposes of article 386;
- (6) The delegation of powers conferred by article 388 shall devolve on the Secretary of Industry, Commerce, and Labor;
- (7) Copies of the minutes referred to in article 385 shall be sent to the Federal board and to the Department of Labor, respectively; and

(8) The representatives shall take the oath of office before the Secretary of Industry, Commerce, and Labor or before the person designated by him for that purpose.

ART. 390. Workers' or employers' representatives on the central boards as well as on the Federal Board of Conciliation and Arbitration shall serve a term of two years, except in the case of resignation, removal, or revocation of appointment. They may be reelected except in case of removal for justifiable cause.

ART. 391. The position of a representative is revocable when the revocation is requested by two-thirds of the total number of workers or employers belonging to the group he represents. Petitions for such revocation must be forwarded to the State or Territorial governors, to the chief of the Department of the Federal District, or to the Secretary of Industry, Commerce, and Labor, who after verification of the above facts shall issue a statement to that effect and call upon the alternate. Should the latter be unable to act, or in case the revocation should affect him, on making the petition for revocation the appointment of another alternate shall be proposed.

ART. 392. Resignations of representatives of workers or of employers must be reported to the State or Territorial governors, the chief of the Department of the Federal District, or the Secretary of Industry, Commerce and Labor, as the case may be. The reason therefor having been investigated, said resignations shall be accepted or refused as may be deemed advisable.

ART. 393. During temporary or permanent absences of representatives serving on the central boards or the Federal Board of Conciliation and Arbitration, such absences not being due to removal or revocation of their appointment, their respective alternates shall serve in their places. Should these alternates fail to appear within 10 days after summons by the chairman of the board, the State or Territorial governors, the chief of the Department of the Federal District, or the office of the Secretary of Industry, Commerce, and Labor, in the case of the Federal board, shall appoint other alternates.

ART. 394. In the absence of the chairman of the board, his place shall be taken by the secretary general, should there be one; if there is none, or in the absence of both the chairman and the secretary general, these positions shall be occupied by the secretaries of the special groups in their numerical order.

ART. 395. When any of the workers' or employers' representatives is unable to participate in the hearing of a case, due to challenge, excuse, etc., his alternate shall be called. If his alternate is in a similar position, the State or Territorial governors, the chief of the Department of the Federal District, or the Secretary of Industry, Commerce, and Labor, as the case may be, shall appoint a representative to serve in his place.

ART. 396. A representative of the workers or the employers must have the following qualifications:

- (1) He must be a Mexican, must have reached his majority, and be in full enjoyment of his civil rights;
- (2) He must be able to read and write;
- (3) He must not belong to any religious order; and
- (4) He must not have been convicted of any infamous crime.

ART. 397. The chairman of a central or Federal board of conciliation and arbitration must have the following qualifications:

- (1) He must be a Mexican in full enjoyment of his civil rights;
- (2) He must be over 25 years of age;
- (3) He must be a lawyer with a degree issued by a competent authority or a specialist in industrial law;
- (4) He must not belong to any religious order; and
- (5) He must not have been convicted of any infamous crime.

Similar qualifications are necessary for assistant chairmen of the various special groups, with the exception of the one specified in paragraph 3.

ART. 398. The chairman and the employers' and workers' representatives shall receive the remuneration fixed for them in the local or Federal budgets of expenditure, as the case may be. The employees of each board shall be comprised of the personnel authorized in the annual budget for the current year.

ART. 399. The secretaries of the central boards or of the Federal Board of Conciliation and Arbitration must be attorneys or licentiates in economics, having a legal degree, preference being given to those who have specialized in the study of labor legislation,

**ART. 400.** The chairmen, secretaries, and other employees of the boards shall be appointed by the executive of the particular board.

**ART. 401.** The central boards and the Federal Board of Conciliation and Arbitration shall function in accordance with the internal regulations drawn up by the board in banc. The regulations of the municipal boards and of the Federal boards of conciliation shall be drawn up in like manner.

#### CHAPTER 7.—*Labor inspectors*

**ART. 402.** Labor inspectors shall be local or Federal. The former shall be appointed by the governors of the Federal entities and by the chief of the Department of the Federal District, and the latter by the office of the Secretary of Industry, Commerce, and Labor.

**ART. 403.** Inspectors shall see that in all labor centers the provisions of this law and its regulations regarding hygiene and safety in workshops are duly observed as well as those provisions which specify the rights and obligations of workers and employers, with a view to applying the penalties contained in the respective chapter. They shall also pay attention to all those precepts compliance with which guarantees harmonious relations between employers and workers. They shall likewise see that the prohibition against minors and women doing night work is complied with, all nonobservances noted being reported to the proper authorities for punishment. Finally, they must obey instructions from their superiors in rank with reference to the performance of their duties.

**ART. 404.** For the purposes of the preceding article, labor inspectors shall be authorized, on presentation of their credentials, to visit the premises of companies at any hour of the day or night; whenever this may be necessary they shall likewise be authorized to question the personnel of such establishments, without the presence of witnesses, and to call for such documents and files as this law requires. The inspectors shall make a written report thereof, stating whether they have discovered any irregularities in the company inspected. These reports must be forwarded to the authorities under whose jurisdiction they are, who, in view thereof, will impose the proper penalties and issue orders for the enforcement of such measures as are prescribed by the law.

Labor inspectors shall be required to make the investigations referred to in this article on receipt by them of verbal or written complaints from any of the parties that the law or the work rules are being violated on the premises of the company in question.

Labor inspectors shall be held liable if they divulge secrets of manufacture or operation with which they may become acquainted in the course of their duties.

**ART. 405.** When labor inspectors preside at meetings of the Federal boards of conciliation they shall be directly responsible to the Federal Board of Conciliation and Arbitration. Any act of disobedience shall be punished in accordance with the provisions of article 670 of this law.

**ART. 406.** The Federal Executive and the local executives shall issue the regulations to which the inspectors under their jurisdiction are subject in the discharge of their duties.

#### CHAPTER 8.—*Office of the attorney for the defense of labor*

**ART. 407.** The Federal Executive and the State governors shall appoint the number of labor attorneys which they may deem necessary for the defense of the interests of wage earners.

**ART. 408.** The object of the office of the attorney for the defense of labor shall be:

(1) To represent or advise the workers or their unions, whenever requested by them, before the competent authorities, in differences and disputes which may arise between them and their employers by reason of the labor contract.

(2) To present all the ordinary and special recourses that may be available for the defense of the worker.

(3) To see that prompt and expeditious justice is administered by the labor courts, taking all the steps necessary under the terms of this law to insure agreements and decisions being made within the proper legal time limits.

**ART. 409.** The authorities of the Republic shall be required to furnish the office of the attorney for the defense of labor with all the data and information

requested to enable it to perform its duties more efficiently, and for this purpose shall grant it all the facilities necessary.

ART. 410. The office of the attorney for the defense of labor, through the office of the Secretary of Industry, Commerce, and Labor or the State governors, as the case may be, is authorized to make use of the means of compulsion provided by this law, to secure compliance with the agreements it makes in the exercise of its duties.

ART. 411. The office of the attorney for the defense of labor, in the discharge of the mission conferred on it, is empowered to propose amicable solutions to the interested parties for the settlement of their differences or disputes, a written record of the results obtained, attested by the proper official, being made in all cases.

ART. 412. The personnel of the office of the attorney for the defense of labor shall render their services gratuitously.

ART. 413. The Federal Executive and the State and Territorial governors and the chief of the Department of the Federal District are authorized to issue, according to their jurisdiction, regulations relative to this chapter.

CHAPTER 9.—*Special minimum wage commissions and manner of fixing minimum wage*

ART. 414. The minimum wage shall be fixed by special commissions, which shall be formed in each municipality, composed of an equal number of representatives of workers and of employers, which number must in no case be less than two for each of the parties, and one representative of the municipal authority, who shall act as chairman.

ART. 415. The central board of conciliation and arbitration, on the 1st day of November of the even years, shall call upon employers and workers in each municipality under their jurisdiction to designate their representatives to serve on the special commissions, which must assemble not later than the 20th of November and notify the central board of conciliation and arbitration of their organization. Should any of the special commissions not have been formed or have failed to assemble prior to December 1, the central board of conciliation and arbitration shall, within a period of five days, appoint the members who are lacking.

ART. 416. The commissions having been organized in accordance with the instructions received from the central board of conciliation and arbitration, they shall, within a period not exceeding 30 days, study the economic situation of the district for which it is proposed to fix the minimum wage and the different classes of work. With this end in view they shall collect all kinds of data regarding:

- (1) Cost of living;
- (2) The amount necessary to meet the minimum necessities of the worker;
- (3) The economic conditions of the consumers' markets; and
- (4) Any further data that may be considered necessary for better discharge of their duties.

ART. 417. For the purposes of the preceding article the authorities and all enterprises, businesses, industries, chambers of commerce, mining, agricultural, and industrial bureaus, etc., shall be required to furnish any information in connection with the determination of the minimum wage that may be requested by the special commissions, within the limitations imposed by the general laws.

ART. 418. Employers and workers may, within the time limit specified in article 416, present their points of view to the commissions, together with the proof which they may deem pertinent, and make observations and suggestions tending to facilitate the work of the commissions.

ART. 419. At the termination of the period specified in article 416 the commission shall issue its decision fixing the minimum wage in that municipality. This decision shall be published and reported to the central board of conciliation and arbitration prior to December 31.

ART. 420. The special commissions shall keep minutes in which shall be stated substantially all the matters dealt with at all the meetings up to the conclusion of their task. Such minutes, together with the documents and reports forwarded by them, shall constitute the papers in the case, which shall be at their disposal for consultation in case difficulties should arise out of the decision fixing the minimum wage.

**ART. 421.** The decisions of the special commissions shall be made in triplicate; one copy to remain in the hands of the municipal authority, another to be sent to the central board of conciliation and arbitration, and the third to be forwarded to the office of the Secretary of Industry, Commerce, and Labor. The special minimum wage commissions shall be subordinate to the central board of conciliation and arbitration of the corresponding Federal entity.

**ART. 422.** The employers' and workers' representatives shall:

- (1) Be Mexicans and of age;
- (2) Be able to read and write; and
- (3) Not have been convicted of infamous crimes.

**ART. 423.** At any time, upon petition of the majority of the employers or workers of a municipality, and provided conditions therein justify it, the special commission may modify the minimum wage fixed. The majority shall be computed in the terms of article 56.

**ART. 424.** In case a special minimum wage commission is not formed, the majority requesting same shall address the central board of conciliation and arbitration, which shall at once proceed to form said commission in conformity with the procedure indicated in article 415 and within a period equal in duration to that fixed in the said article.

**ART. 425.** Decisions rendered by the special minimum wage commissions may be appealed to the central boards of conciliation and arbitration within a period of 15 days from the date of publication in the *Periodico Oficial*. When the period of 15 days has elapsed, the decision rendered shall be considered as accepted.

**ART. 426.** Upon receipt of the papers in the case by the central board, the latter shall so advise the representatives of the employers and of the workers affected and shall grant them a period of 15 days to furnish the board with any data and arguments they may deem pertinent. When this period has elapsed, and taking into consideration what has been done by the minimum wage commission, the board sitting in banc shall render its final decision.

**ART. 427.** The minimum wage for work which by its nature can not be considered as performed in a definite municipality shall be the highest of those fixed by the respective special commissions in the district in which the work is performed.

**ART. 428.** The remuneration for piecework shall be such that normal work for an 8-hour working-day results at least in the amount of the minimum wage.

#### CHAPTER 10.—*Competency*

**ART. 429.** The board competent to hear labor disputes is:

- (1) That of the place where the work is performed;
- (2) That of the domicile of the defendant, if there are several places designated for the performance of the work or if the worker is temporarily employed at a place other than his domicile;
- (3) That of the place where the contract is made, in cases under the preceding paragraph, if the defendant has no fixed domicile or has several domiciles;
- (4) That of the last domicile of the defendant in case of absence legally proved; and
- (5) That of the domicile of the defendant, in cases of disputes of employers or of workers among themselves, arising out of the work.

**ART. 430.** The board competent to decide the cancellation of a registration, when the dispute is limited to this question, will be that of the place where the registration was made.

**ART. 431.** Questions of competency may be raised by writ of prohibition (*inhibitorio*) or by dilatory plea (*declinatorio*). When the question of competency has been raised by one of these methods, it may not be abandoned to try the other one. Neither may both methods be initiated simultaneously nor successively.

**ART. 432.** When a dilatory plea has been made, the board shall, within a period of 24 hours, decide summarily, showing good reasons, whether or not it considers itself competent. In the first case, the proceedings in the case shall continue; in the second case, the board shall forward the papers in the case to the central or Federal board, as the case may be, for final decision.

**ART. 433.** When a board, at any stage of the proceedings, finds that it is not competent to hear the dispute, it shall proceed as stipulated in the preceding article.

**ART. 434.** The writ of prohibition shall be requested of the board considered competent, asking that it direct the one deemed incompetent to discontinue hearing the case and to forward the papers in the case. The dilatory plea shall be made before the board considered incompetent, at the time of answering the complaint, requesting that it abstain from hearing the dispute.

**ART. 435.** When a writ of prohibition has been requested, the board shall, within a period of 24 hours, dismiss the request or decide if it sustains its own competency. If it sustains its own competency, it shall, within a like period, notify the board deemed incompetent, directing that it abstain from hearing the case and that it forward the papers thereof.

**ART. 436.** The board notified under the terms of the preceding article shall decide within 24 hours if it does or does not sustain its own competency, and within a similar period it shall communicate its decision to the notifying board. If it sustains its own competency, the proceedings shall be suspended and it shall at once forward the papers in the case to the court that must decide on the competency, with the grounds for its decision. If it does not sustain it, it shall forward the papers in the case without delay to the board requesting them.

**ART. 437.** When the papers have been received by the court which must decide on the competency, it shall notify the interested parties, granting them three working-days and more if necessary because of distance, in accordance with the law, in which to set forth in writing their claims as to their rights, and within this period it may consent to the introduction of any paper in the case or document it may consider proper, or make any investigations it may consider necessary in order to render, within the following 72 hours, a decision on such competency, which must be based on express law. It may levy a fine of from 5 to 100 pesos on the party who may have questioned or attacked the competency without reasonable cause.

**ART. 438.** Competency shall be decided:

1. By the central board in banc—
  - (a) When concerning municipal boards of the same Federal entity; and
  - (b) When concerning various groups of central boards.
2. By the Federal board in banc when concerning Federal boards of conciliation among themselves or the various groups that constitute it.
3. By the superior court of justice of the Federal entity concerned in the case of local boards of conciliation or of conciliation and arbitration and any other judicial authority of the State or entity.
4. By the Supreme Court of Justice of the Nation, in the case of—
  - (a) Boards of various Federal entities;
  - (b) Municipal or central boards and Federal boards of conciliation or of conciliation and arbitration;
  - (c) Boards and judicial authorities whenever they are of different entities; and
  - (d) Judicial authorities and Federal boards.

**ART. 439.** All proceedings of boards which have been declared incompetent shall be null.

## Part 9.—Procedure Before the Boards

### CHAPTER 1.—General provisions

**ART. 440.** No fixed form will be required for briefs, petitions, or pleadings that may be made to the boards. The parties must set forth the points of their petitions and the reasons therefor.

**ART. 441.** The litigants must, in their first brief or at the first appearance or proceeding, designate a house located within the place of residence of the board so that notices may be made to them and the proceedings held in which they must participate.

Likewise, for the first notice to the person or persons against whom the action is brought, they must designate with exactness the house or any of the places to which article 444 refers.

**ART. 442.** Notices shall be made by the secretary or clerk, as the case may be, by reading the award in full to the person to whom they are made, if he is present, or by leaving him a copy or extract thereof if he is not.

**ART. 443.** Notices of the awards of the boards shall be given personally to the parties, if they appear before the board, on the same day on which the awards have been made. If they do not appear on the said day, and it is not a question of the first notice, which in all cases shall be personal, the notices

will take effect at the end of the usual office hours on the day following that on which they were made. The secretary will make a notation in the files of the case and will post in the board room lists of the awards then in effect.

**ART. 444.** For the purposes of the preceding article and with regard to the first notice, the notifying officer shall go to the place designated by the plaintiff. He shall ascertain if the place designated is the residence, office, commercial, or industrial establishment, or workshop of the person to whom the notice should be made. After the notifying officer has assured himself that the place designated is any one of those indicated, he shall notify the interested party if he is present; if not, he shall leave the notice with the person in charge or the representative; if neither is present, he shall leave a note that he may be expected at a fixed hour on the following day; if neither the employer, the person in charge, nor a representative is present at that hour, he shall leave the notice with anyone he finds there, and if no one is present or the establishment or residence is closed, he shall leave it with a neighbor, and, as a last resort, with the nearest police officer on duty. These facts will be noted in the files. The notices should be made at least one day before the date set for the judicial proceeding specified therein.

**ART. 445.** The notice which must be made by the Federal board or the central boards of the States, the Federal District, or the Federal Territories relative to the first award rendered by these boards, in cases sent to them by the municipal boards or the Federal boards of conciliation, shall also be made personally.

**ART. 446.** Notices and summons which are not served in accordance with the provisions of this chapter shall be null. When a question of nullity is raised, the boards shall decide it summarily without trying the point at issue.

However, when the party notified or summoned has admitted that he is acquainted with the award, the award will take effect from that time as if the notice had been made in accordance with the provisions of the law.

This does not relieve the notifying officer from the disciplinary measures specified in article 654.

**ART. 447.** When a judicial proceeding is to be carried out at a place other than the residence of the board, the latter shall, by means of letters rogatory, intrust its performance to the proper judge or board therein. No authority shall make any charge in case of attestation of signatures.

**ART. 448.** The provision in the preceding article shall be understood to be without prejudice to the authority of the board to hold sessions at any place or town within its jurisdiction, in order to carry out the proceedings, whenever it may deem it desirable.

**ART. 449.** The board that receives or to whom letters rogatory are presented in due form shall comply with the request therein, provided its own jurisdiction is not prejudiced thereby, giving the necessary orders to carry out the proceedings requested, within the time limit set forth in said letters rogatory, or as soon as possible if no time limit is specified therein.

When the board has complied with the letters rogatory it shall return them immediately to the requesting board through the same channels as they were received.

**ART. 450.** When compliance with the letters rogatory is delayed, a reminder shall be sent by the requesting officer on his own initiative or at the request of an interested party.

If, notwithstanding the reminder, the delay continues, the requesting officer shall report it to the immediate superior of the officer of whom the request was made.

**ART. 451.** When a summons or other proceeding is to be carried out in a foreign country, the letters rogatory shall be forwarded through diplomatic channels.

**ART. 452.** The time limit shall begin to run from the day following that on which the summons or notice is made and the day of expiration shall be included.

**ART. 453.** In no period fixed by days shall those in which the board can not function be considered, nor shall vacation days be included.

**ART. 454.** All days in the year are working-days, except Sundays and those declared by law to be holidays or days of mourning. Working hours are those included between 7 a. m. and 7 p. m.

**ART. 455.** The chairman or the boards can declare as working days and hours those not so considered, in order that judicial proceedings may be carried out in the event an urgent cause demands it, stating such cause and the proceedings to take place.

ART. 456. The proceedings before the boards must take place on working-days and hours, under penalty of nullity, except as provided in the preceding article.

ART. 457. As long as an attorney continues in a case, summons and notices of all kinds made to him shall have the same force and effect as if made to his client.

ART. 458. When a person unknown to the members of the board or the secretaries appears as a plaintiff or defendant, he shall be identified by means of an oral declaration or a statement of acquaintance made by a reputable person living there, by means of a written statement, or by any other means which in the opinion of the board may be sufficient.

Identification of unknown persons will not be necessary when, on account of the nature or circumstances of the case, there is no danger of impersonation.

ART. 459. Excluding the cases referred to in the last part of this article, identity shall be proved by the interested parties as provided by the civil law. The interested parties may grant a power of attorney before the board of conciliation and arbitration in their place of residence so as to be represented in cases, regardless of the amount involved. When the interested party resides in a place other than that in which the case must be heard, he may grant the power of attorney before the board of conciliation and arbitration of the place of his residence and prove his identity before the proper board with certified and duly authorized copies of official records. The board, however, may consider the identity of a party as proved, without submitting it to the civil law, if and when it is evident from the documents presented that he actually represents the interested party.

ART. 460. Employers' associations and workers' unions can appear before the boards as plaintiffs or defendants, in defense of their collective rights and of the individual rights of their members, in the capacity of associates, without prejudice to their right to act directly or to intervene in the controversy, participation by the union ceasing from that time. Except as specially provided for in the by-laws, the union shall be represented by the president of its board of directors or committee, or by a person designated by either.

ART. 461. Hearings of cases shall be public. Nevertheless, the board on its own initiative or at the request of a party to the suit, may order the trial of certain cases to be private when the better dispatch thereof, morality, or decency require it.

When such a claim is alleged at the time the proceedings are begun, and the parties have been previously heard at a private hearing, the board shall decide at once what may be advisable.

ART. 462. The representatives shall receive all depositions and shall be present at the submission of all evidence, any official violating this provision being liable. The absence of one of the representatives shall not be a just cause to suspend the hearings; the proceedings in this event shall be in charge of the majority present.

ART. 463. Those who interrupt the hearings or other solemn acts of the boards by manifest expressions of approval or disapproval, failing to give due respect or consideration to them, or disturbing the order in any way, provided the act does not constitute a crime, shall be immediately admonished by the chairman or his assistant and shall be expelled from the premises occupied by the board if they do not obey the first warning, without prejudice to the right to apply the penalties prescribed by article 471 if the chairman or his assistant consider it necessary.

ART. 464. Those who refuse to obey the order of expulsion shall be arrested or punished, without the right of appeal, by a fine not to exceed 50 pesos, and the imprisonment will not end until they have paid the fine or, in lieu thereof, have been imprisoned for as many days as may be necessary to pay off the fine at the rate of 5 pesos per day.

ART. 465. All the proceedings at the hearings held by the board shall be recorded by whoever presides at them, in the form of a summary and in minutes kept for the purpose.

ART. 466. During the period of conciliation, intervention by the parties' legal advisers at the hearings shall not be allowed. The parties shall appear personally, except when the board allows them to be represented, in cases where in its judgment it is justified.

ART. 467. A person who postpones the performance of the duties prescribed for him in this chapter, or fails to comply with any of the established formalities, shall be punished by the chairman with a fine of from 5 to 20 pesos.

He shall furthermore be liable for all damages, expenses, and costs that may have been caused by his fault.

ART. 468. The chairman may correct by disciplinary measure:

(1) Individuals who fail to observe order and due respect at the boards' hearings; and

(2) Employees who interfere in the transaction of the business by faults which they commit.

ART. 469. The representatives of the boards shall also be disciplined for faults which they may commit and for omissions which they may incur in connection with the performance of their respective duties.

The same shall apply as respects assistants and subordinates of the board for faults which they may commit in complying with the orders of the board.

ART. 470. Punishment of the representatives shall be imposed by the administrative authority supervising the board it forms. For this purpose the chairman of the board shall be required to report.

The punishments of the assistants and subordinates of the boards shall be imposed by the chairman thereof.

ART. 471. The disciplinary measures which may be imposed according to the provisions of the preceding articles shall be:

(1) Admonition;

(2) Fine which shall not exceed 100 pesos; and

(3) Suspension from employment, without pay, which shall not exceed eight days.

ART. 472. The disciplinary measures shall be imposed summarily, taking into consideration what may be the result of the proceedings on the offense committed and, in such a case, of what is stated in the memoranda or in the affidavit made by the secretary or clerk at the time the offenses were committed, not only what may be considered deserving of punishment, but also the explanations given by the interested party.

ART. 473. Disciplinary measures which may be imposed on the representatives of capital and of labor shall, moreover, be reported by the authority imposing them to the occupational groups who appointed them.

ART. 474. The chairman of the board may employ the means of compulsion enumerated below in order that persons whose presence he may deem necessary may attend the hearings in due time, as well as to insure the prompt carrying out of the decisions of the special groups or of the chairman himself:

(1) Assistance of the police;

(2) Fine up to 1,000 pesos, or imprisonment up to 15 days; and

(3) Imprisonment for 36 hours.

ART. 475. All administrative and judicial authorities are required to furnish to boards of conciliation and boards of conciliation and arbitration the assistance of their jurisdiction, in cases where they request it, in accordance with the powers granted to them by this law.

ART. 476. If any one of the representatives should refuse to decide any of the questions raised or to participate in the final vote, after his refusal has been proved the other representatives shall decide by a majority vote.

The board shall decide daily the cases brought before it and shall not delay a decision for more than 24 hours.

ART. 477. Incidental questions that may be raised shall be decided jointly with the main question, unless, due to their nature, it shall be necessary to decide them before, or they are raised after the final award; in no case shall they be given a special hearing, but, with the exception of those referring to the competency of the board, they shall be decided at once.

ART. 478. Joint hearing of cases may be decreed on the request of a party or officially. When a petition is made therefor, it will be decided immediately without the necessity of a special hearing or other proceeding. In the matter of granting or denying a joint hearing of cases, there shall be applied, supplementarily, the relative provisions of the Federal Code of Civil Procedure.

ART. 479. Any person not making a motion during a period of three months will be considered as having abandoned the case brought by him, provided said motion be necessary for the continuation of the proceeding. When this time has expired, the board, officially, shall render such a decision.

ART. 480. Whenever two or more persons bring the same action or present the same exception, they may proceed jointly and under the same representation.

ART. 481. The employers as well as the workers may bring suit against persons who are affected by the award rendered in the controversy existing between them.

The board may summon to trial the persons referred to in the preceding paragraph, whenever the situation above referred to results from the proceedings.

In a like manner, persons who may be affected by the award rendered in a dispute shall be authorized to intervene in the same by proving their interest therein.

ART. 482. Where there are several actions against the same person pertaining to the same subject, all those against him should be presented in a single claim, and by the exercise of one or more the others are extinguished.

ART. 483. The board of conciliation and arbitration receiving the notice referred to in article 314 shall, within the following 24 hours, order an investigation for the purpose of ascertaining the persons economically dependent upon the deceased.

ART. 484. If the worker has resided for less than six months in the place, the board shall address letters rogatory to the board in the place of his last residence, in order that the latter board may start an investigation for the purpose referred to in the preceding article. All the data obtained by said board shall be forwarded to the board requesting them.

ART. 485. The board shall file the documents gathered for that purpose, and shall summon the parties who have a right to the compensation in order that they may appear and allege it.

The duties specified in articles 483 and 484 shall devolve on the heads of municipalities and labor inspectors in places where there are no permanent boards of conciliation.

#### CHAPTER 2.—*Challenges*

ART. 486. Representatives of capital, of labor, and of the Government may be challenged only for a legitimate cause.

ART. 487. Legitimate causes for challenges are:

(1) Relationship by consanguinity or affinity to the fourth degree with any of the parties in the case;

(2) The same relationship to the second degree with the lawyer or attorney of any of the parties intervening in the proceedings;

(3) To be or have been accused by any of the parties as the author, accomplice, or concealer of a crime or as the perpetrator of an offense;

(4) To be or have been a secret informer or accuser of any of the parties;

(5) To have a suit pending against any of the parties;

(6) To be attorney or defense counsel for any of the parties or to have stated an opinion on the case as a lawyer or intervened in it as an attorney, an expert, or a witness;

(7) To be a partner, a lessee, or an employee of any of the parties or economically dependent upon any of them;

(8) To be or have been a guardian or administrator or to have been under the guardianship or administration of any of the parties to the proceedings; and

(9) To be a debtor, a creditor, an heir, or a legatee of any of the parties.

ART. 488. The workers and the employers may also challenge their respective representative on the board whenever he may belong to an antagonistic union. The antagonism shall be understood to be only that of the workers among themselves or of the employers among themselves.

ART. 489. The representative to whom any of the causes stated in the preceding articles may apply shall refrain from taking part in the case.

ART. 490. Only those may challenge who are legitimate parties in the case to which the challenge refers.

ART. 491. The challenge shall be made at the termination of the hearing of the complaint and the exceptions thereto, when the cause on which it is founded is prior to the proceedings and there has been knowledge of it.

When the knowledge of the cause of challenge or of the cause itself has been subsequent to the hearing of the complaint and the exceptions thereto, it shall be brought to the attention of the board by the interested party as soon as it becomes known to him.

If this is not proved, the challenge shall be refused.

ART. 492. In no case shall the challenge be made after the case has been closed.

ART. 493. If the board considers the challenge to have been made in time and according to law, it shall issue an order advising the proper party of said chal-

lenge. Otherwise it shall dismiss it summarily and the party challenged shall continue to hear the case.

ART. 494. Challenges shall be heard and decided by:

(1) The chairman, when the challenged party is a representative of the employers or of the workers; and

(2) The governor of the State or Territory, the chief of the Department of the Federal District, or the Secretary of Industry, Commerce, and Labor, as the case may be, when the challenged party is the chairman of the board.

ART. 495. After notice of the challenge has been given to the official who must try the case, the challenged representative and the party who made the challenge shall be summoned by said official to appear before him on the following day. At said appearance he shall hear the parties and at the same time shall receive any evidence which may be offered as to the cause for the challenge, when the matter is one of fact.

ART. 496. After evidence has been received, the official hearing the challenge shall during the same proceedings decide as to whether it should be considered, making a record of his decision in the minutes that shall be taken.

ART. 497. When the challenge is denied, a fine of from 5 to 50 pesos shall be imposed on the challenger, according to his circumstances, in the judgment of the official who heard the challenge, or if the fine can not be collected, he shall be imprisoned for a period not to exceed 36 hours.

ART. 498. If the challenge is declared to be proved, the official who decided it shall appoint the person who has substituted for the challenged party, unless he is a representative of the workers or employers, in which case the provisions of article 395 shall be followed.

ART. 499. When the chairman or the employers' or workers' representatives voluntarily absent themselves from the hearing of a case, they shall notify the chairman and he shall notify the Governor, chief of the Department of the Federal District, or the Secretary of Industry, Commerce, and Labor, as the case may be.

If the officials to which it is referred, with the exception of the chairman of the board, consider the excuse not founded, they may impose a disciplinary measure on the one named, provided there is sufficient cause for so doing, under the provisions of the first part of article 469.

### CHAPTER 3.—*Conciliation before municipal and Federal boards of conciliation*

ART. 500. In any case of dispute or difference which should be heard by a municipal or Federal board of conciliation the employer or the worker concerned shall apply to the office of the head of the municipality, or to the Federal labor inspector, as the case may be, either personally or in writing.

ART. 501. The head of the municipality or the Federal labor inspector shall notify each of the parties in the dispute to designate within 24 hours a person to represent him and in the same notice shall state the name of the person designated by the city council to function as a representative of the government. If the dispute is within Federal jurisdiction, the Federal labor inspector shall represent the Government.

ART. 502. The parties, within the time specified in the preceding article, shall designate their representatives. If either or both fail to comply with the preceding obligation, the head of the municipality or the Federal labor inspector, as the case may be, shall designate the persons who are to function as the representatives of capital and labor, one of whom must be an employer and the other a worker in the locality.

ART. 503. When the board is organized in accordance with the terms of the preceding articles, it shall set a day and an hour for a conciliation meeting.

ART. 504. Upon the day and at the hour set the employer and the worker shall personally appear before the board and present orally everything pertaining to their rights. The board shall endeavor to bring the interested parties to an agreement, in accordance with the provisions of article 512. If they reach an agreement, the dispute shall be considered ended and the parties shall be required to comply with the agreement executed.

ART. 505. If they do not reach an agreement, the board shall summon the parties to appear before it on the third day thereafter, with the object that one party shall formulate its complaint and the other present its exceptions and also submit such evidence as they may desire.

Upon receipt of the evidence the board, in view of the same, shall on the third day thereafter, formulate its opinion as to what would constitute a friendly compromise, together with the reasons on which it is based.

This opinion shall be communicated to the parties so that they may immediately, if they are present, or otherwise within 24 hours, manifest their acceptance or nonacceptance of it, with the warning that if they do not exercise this right within the time fixed, at the conclusion thereof it shall be considered that they accept the opinion together with all of its legal effects.

**ART. 506.** The agreement arrived at by the parties or that which results from the express or tacit acceptance by the parties of the opinion of the board shall be approved by the board. Its execution shall be in charge of the chairman of the board of conciliation and arbitration and carried out by the authority whom he designates.

**ART. 507.** If both or either of the parties do not accept the opinion of the board, notice thereof shall be given the board in order that it may at once transmit the papers in the case to the proper central or Federal board of conciliation and arbitration.

The order directing the transmission of the papers shall advise the parties that, within 24 hours and taking into account the distances involved, under the terms of article 511 they must designate the place to which all manner of notices may be sent them, whether in the place where the proceedings were initiated, the place where the proper central board is, or the city of Mexico if the dispute is within Federal jurisdiction. Should both or one of the parties fail to comply with this requirement, the notices shall be made by posting on the bulletin board of the board.

**ART. 508.** Should either of the parties fail to be present at the hearing referred to in article 504, the board, after hearing the one that is present, shall issue a summons for the hearing referred to in article 505.

Should neither of the parties appear, the papers in the case shall be filed for future action.

**ART. 509.** Should any of the parties fail to present himself at the hearing referred to in article 505, the party who attends may plead his rights and submit evidence. If the absentee has appeared at the hearing mentioned in article 504, the evidence submitted at that time by him shall be introduced.

**ART. 510.** If neither of the parties presents himself at the hearing referred to in article 505 the board shall proceed according to the terms of the last part of article 508.

#### **CHAPTER 4.—*Procedure before the central and Federal boards of conciliation and arbitration***

**ART. 511.** When a claim is presented to a central or Federal board of conciliation and arbitration the chairman of the board shall refer it to the proper special committee, which shall fix a day and an hour for a hearing, in conciliation proceedings, of the complaint and exceptions, which shall be held within three days at the latest, with a warning to the defendant that if he fails to appear it shall be understood that he is unwilling to come to a settlement. Notice to the defendant of the hearing shall be accompanied by a copy of the complaint. When for any reason it is impossible to serve notice upon the defendant at the place where the board is located, the time within which the hearing must take place shall be extended a day for every 50 kilometers or fraction thereof.

**ART. 512.** On the day and at the hour set for the hearing the interested employer and worker shall appear before the board, personally or through their legally authorized representatives. The conciliation proceedings shall be held immediately in the following manner:

(1) The plaintiff shall begin by stating his claim, that is, what he requests and the reason or basis which he has for it. This may be done by a reading of his original complaint. Legal reasons in its support may be offered;

(2) The defendant may reply in defense of his interests and also may present the grounds for his exceptions to the complaint;

(3) Replies and counter-replies may be made by both parties if they so desire;

(4) If the parties do not come to an agreement the board shall endeavor to arrange a settlement, and to this end the chairman or his assistant shall consult the other members of the board and propose the solution which in his judgment seems proper as a means of terminating the dispute, showing the

parties the justice and equity of the proposition which he has made in view of their respective allegations; and

(5) If the parties reach an agreement, the dispute shall be terminated thereby.

ART. 513. If the parties can not or will not agree, the board shall terminate the conciliation proceedings and give notice immediately that it will proceed to arbitrate the dispute, cautioning them to formulate their complaint and answer.

ART. 514. Should the plaintiff not appear or be inadequately represented, when an agreement can not be reached the board shall consider the original complaint in the proceedings and the answer thereto by the defendant.

ART. 515. Should the defendant not put in an appearance, a day and hour shall be set for holding a hearing on the complaint and exceptions, with a warning that should he also fail to be present at the latter it shall be understood that he admits the allegations of the complaint.

Should the plaintiff not appear at the hearing his initial complaint or brief shall be introduced.

ART. 516. Copies of the agreement arrived at shall be delivered to the parties and the agreement, when approved by the board, shall have all the juridical effects inherent in an award and, by order of the chairman of the board, steps shall be taken to execute it.

ART. 517. Should the defendant not appear or be inadequately represented it shall be understood that he admits the allegations of the complaint, unless there is proof to the contrary.

ART. 518. If both parties appear at the arbitration hearing, the plaintiff shall explain his complaint and the defendant shall make his answer or defense.

In all cases the defendant shall reply to each and all of the statements included in the complaint, either affirming, denying, or stating his ignorance thereof when they do not concern his own acts, or stating the facts as he believes them to have taken place. He may add to his statement such facts as he may deem pertinent. In the same manner the plaintiff shall answer any charge made, stating whatever may be of value in such proceeding.

Previous to the answer to the charge, a compromise between the parties shall be sought in a short period devoted to conciliation.

ART. 519. Should the parties agree upon the facts and no others have been alleged contrary thereto, the question shall be reduced to a point of law and the board shall immediately proceed to reach a decision, after hearing the parties, their attorneys or representatives at the same hearing, if it is deemed necessary.

ART. 520. Should the parties agree that an award may be made without the necessity of submitting evidence, the board shall proceed to make said award, unless it should decide of its own motion to hold further proceedings.

ART. 521. Should the parties not agree on the facts, or allege others contrary thereto, the board shall receive evidence thereon. It shall also do this if the parties request it, or if the allegations of the complaint have been tacitly admitted by the defendant. For this purpose a hearing shall be held for the reception of evidence.

ART. 522. At this hearing the parties shall submit the evidence which they desire to submit to the board. The evidence must be limited to the statements contained in the complaint and in the answer thereto which have not been clearly admitted by the party to whose injury they have been made.

When the time is closed for offering evidence the board or the special group, as the case may be, shall by a majority vote decide which evidence is accepted and which is rejected because it is deemed inequitable or worthless.

When the time is closed for offering evidence and the board has passed on the reception of such evidence, no additional evidence shall be admitted unless it refers to supervening facts or for the purpose of proving the merit of challenges against the witnesses.

ART. 523. Evidence which because of its nature can not be presented immediately or which requires a previous judicial proceeding must be proposed by the parties at the hearing of evidence. The same applies to reports and certified copies of documents issued by any authority, providing there is no possibility of obtaining them immediately.

ART. 524. Each party shall exhibit immediately the documents or objects which he offers for his defense and present the witnesses or experts whom he wishes to be heard. The parties, in interrogating the witnesses or experts, may question them freely and in general may present all the evidence which has been admitted.

The board or the special group, as the case may be, may by a majority vote disallow questions which have no relation to the subject of discussion.

ART. 525. If, on account of illness or for any other reason which the board deems just, a witness is unable to appear, his testimony may be received at his home in the presence of the parties and their lawyers, unless because of the circumstances of the case the board decides that it is prudent not to permit them to be present.

ART. 526. Members of the board may freely put the questions they deem opportune to such persons as take part in the hearing, confront the parties one with the other or with the witnesses and one witness with another, examine documents, objects, and places, and have them examined by experts, and, in general, take such steps as, in their judgment, may be necessary to establish the truth.

The chairman of the board or his assistant shall have, with respect to the representatives of capital and of labor, the same rights which are granted the parties by article 524.

ART. 527. When one of the parties requests it, the other must appear personally at the hearing and answer the questions asked him, unless the board excuses him because of illness, absence, or other well-founded reason, or because the reason for requesting his appearance is deemed trivial and impertinent. If, after being summoned a party fails to appear the board may construe as answered in the affirmative questions against him, providing the answers thereto are not contradictory of any other evidence or authenticated fact of record in the proceedings.

The parties may ask that an agent, administrator, or any person who acts as a manager in the name of a principal be summoned, when the acts which caused the dispute were committed by him in such capacity.

When any question is asked which refers to acts not personally committed by the person questioned, he may refuse to answer if he does not know about the matter. Nevertheless, he must answer when the acts, although not his own, must be known to him because of the nature of the relations existing between the parties who committed the acts.

ART. 528. Witnesses must speak for themselves, and not through their attorneys or employers.

They can not make use of prepared statements in testifying, but when in the judgment of the board it is necessary, they may aid their memories by consulting notes or memoranda.

ART. 529. Answers must be in the affirmative or negative, with the addition of such explanations as may be deemed pertinent or the board may ask.

If a witness refuses to answer, the board shall warn him that it will consider the act as a confession if he persists in his refusal.

If answers are evasive the board, of its own motion or at the instance of the opposing party, shall likewise warn him that it will regard them as confessions as to the acts respecting which he refuses to give categorical answers.

ART. 530. The board may meet with its secretary in the residence of any of the interested parties to take testimony, if, because of illness or other special circumstances, the party in question is unable to appear. If said authority deems it prudent, it may prohibit the presence of the opposing party and require him to formulate his questions in writing.

ART. 531. Arguments may be made by the parties or their attorneys solely and exclusively on the evidence submitted and on their appraisal of acts concerning which they are not in agreement.

These arguments may be presented orally or in writing to the board within the period of 48 hours. In case they are oral neither party shall consume more than 30 minutes therefor, and they shall not be entered in the record of the hearing.

ART. 532. After the arguments are made the chairman or his assistant shall, within 24 hours, ask the other representatives if they desire to develop further information for their guidance. Should they answer affirmatively, they may decide by a majority vote to hold any proceedings that are deemed necessary for the better elucidation of the truth.

These proceedings shall be held in the same manner as those requested by the parties, and it shall be understood that the hearing shall be continued for this purpose exclusively, but that the board may not agree later to receive any other evidence.

ART. 533. Upon the termination of the arguments, if the board does not decide to obtain further information or to hold any special proceedings, the hearing shall be closed by the chairman or his assistant, who shall declare the case

submitted for its decision and at the same time give notice to the parties to present written briefs to the board within 24 hours.

ART. 534. In making the decision referred to in the preceding article, the special group of the central or Federal boards functioning under this system shall proceed in the manner provided in the following articles.

ART. 535. The assistant to the chairman of each special group shall, within 72 hours after written briefs have or should have been filed, formulate a decision which shall contain a summary of the complaint and the answer thereto, appraising in succession the disputed facts and such facts as are indubitably in accordance with the requirements of the rules, followed by the evidence offered by each of the parties, with a conscientious appraisal thereof, and a statement as to which of the facts are considered as proved, and formulating, in separate paragraphs, the conclusions which, in the judgment of the assistant who signs the decision, should contain the basic points of the award.

ART. 536. The decision referred to in the preceding article shall be made in triplicate. A copy shall be given to the representative of capital and the representative of labor and the third copy shall be included in the record. If the representatives agree with the opinion expressed by the assistant in the said decision, they shall each sign it, and if they choose to do so may add other reasons which in their judgment support it. If they do not agree with the opinion of the assistant, they shall express themselves to that effect within three days from the day on which the decision was submitted to them, on the same or on separate sheets but in writing, in order that it may be filed with the papers in the case for the purposes of the discussion to which the following articles refer. The decision of the assistant referred to in the preceding article shall be delivered to the representatives within 72 hours after the written briefs have been or should have been filed. In case the representatives are not present at the board, their copies of the decision shall be put at their disposal in the secretary's office of the respective special group, with the same effects as if they had been delivered to them. In every decision formulated by the assistant of the special group, the secretary shall certify the date and hour when copies were delivered to each representative, the latter signing a receipt therefor, or, if it is not received for, the date when it was placed at his disposal in the secretary's office.

ART. 537. Should any of the representatives fail to express his opinion in writing, as provided for in the preceding article, it shall be considered, for the purposes of this law, that he has declined to vote, and, in case he has not voted at the hearing, the decision of the majority shall be regarded as the decision of the board.

ART. 538. For the purposes of definitely deciding matters before the various special groups, the chairman of the board shall fix a day and an hour in the week for each one of the special groups to discuss and decide the matters pending and for that purpose, on the day and hour fixed for each group, the representatives of capital and labor shall meet at the headquarters of the board in company with the assistant of the respective group. The latter shall bring all the papers relating to the matters pending. Each matter upon which there is a discrepancy of opinion, whether it be between the representatives of capital and representatives of labor, or between them and the assistant, shall be discussed singly. When, due to special circumstances, it is not possible for some of the groups to meet upon the designated days, the chairman shall notify the representatives of the hour at which the meeting shall take place on the following day.

ART. 539. The board will begin with a reading of the decision of the assistant and of the written opinions of the representatives, and an exposition of the reasons on which each one formulated his opinion. The secretary of the special group, who shall also be present, shall then take a vote and the papers in the case shall be delivered to him, in order that he may engross the award, after a notation of the day and hour when it was delivered. The votes in a hearing of this nature can not in any case or for any reason be changed.

ART. 540. In case one or both representatives have not voted with the chairman but have formulated their opinions in writing under the provisions of article 536, said opinions shall be read at the hearing and shall be taken into consideration as votes.

ART. 541. The record, showing the votes submitted in accordance with the preceding provisions, shall be delivered to the secretary of the respective special groups who, within the period of five days, shall engross the award. For this purpose there shall be put in the record, certified by the chairman of the

board, the day and hour on which it was delivered. The secretary shall engross the award reducing it strictly to the result of the vote, whether it be unanimous or a majority vote, and adding the individual vote of any of the representatives.

ART. 542. In special cases the chairman of the board may in writing grant to members, assistants, and secretaries an additional period of time in which to perform their respective functions, but in no case shall the entire period exceed double the limit fixed for each one in the preceding articles; and he may withhold his vote for eight days.

ART. 543. If, when an award is engrossed in accordance with the preceding provisions, any of the representatives, either of the Government, of labor, or of capital, refuses to sign it, and it is signed by the other two representatives, a demand that he do so shall be made upon him by the secretary of the special group if he is a representative of capital or labor, and by the secretary general if he is a Government representative. If such representative fails to meet with the board it shall be taken that he is unwilling to sign the award and it shall become effective without his signature after certification by the secretary general that he can not obtain it. When the demand is made and it is established that he refused to sign, the award shall become effective as though it had been signed by the representative.

ART. 544. The determination of matters before the boards functioning in banc shall be regulated by the following articles.

ART. 545. The secretary of the board shall formulate a decision according to the terms of article 535, which must be consistent with the regulation which governs its provisions, making as many copies as the board has representatives and delivering one copy to each of them within a period of three days.

ART. 546. The chairman of the board shall fix at least one day in the week for the board to meet in banc, for the purpose of voting on matters which are submitted for final decision and at this session the secretary shall report on all those matters in which delivery of a copy of the decision to the representatives has been made submitting them to a vote.

ART. 547. The vote shall be taken at the same meeting, after discussion, by the secretary, who shall include with the papers in the case a certificate of the result of such vote.

ART. 548. Within six days after the date on which the board has met in banc the secretary thereof shall engross the awards, noting whether they were adopted by a majority or a unanimous vote.

ART. 549. When an award is engrossed the secretary shall obtain the signatures of the representatives, who must sign it even if they voted against the decision which said award contains, with the understanding that if a few or several representatives refuse to sign, it shall become effective as if it had been signed, after certification by the secretary of this fact.

ART. 550. The awards shall be made according to the truth as it is known, without the necessity of subjecting it to the rules of evidence, but as the result of an appraisal of the facts as the members of the board conscientiously believe them to be.

ART. 551. Awards must be clear, precise, and in keeping with the complaint and with the other claims alleged in the case; in them shall be made the declarations which said claims demand, convicting or acquitting the defendant, and they shall decide all the disputed points which have been debated.

ART. 552. When the penalty is wages, compensation, damages, etc., the actual amount shall be fixed or at least there shall be established the bases on which the settlement must be made.

Only in case neither is possible shall the board defer fixing the amount of the penalty, and make it effective on the execution of the award.

ART. 553. The awards shall state:

(1) The place, date, and board that renders them, the names, domiciles, and occupations of the contending parties and the nature of the case, the names of their lawyers and attorneys, and the object of the proceedings, expressing clearly and concisely the claims of the parties;

(2) In separate paragraphs the points of law urged by the parties shall be appraised, giving the reasons and principles of law or of equity which are deemed to be in support of the award, and the laws and doctrines which are considered applicable in the case shall be cited; and

(3) Finally, the analytical points of the award shall be stated.

ART. 554. If the board considers that either of the parties or both acted in specified circumstances in bad faith or with manifest recklessness, it may in the award impose on them a fine of from 5 to 100 pesos.

A similar fine shall be imposed on the attorneys or legal advisers who represent or accompany the parties before the board.

ART. 555. No recourse lies against the awards made by the boards in banc or by the groups thereof. However, the parties may hold their members liable for any liabilities they may incur.

ART. 556. If the matter before the central or Federal boards has been heard in conciliation proceedings by the municipal boards or Federal conciliation boards, the proper central board or Federal board of conciliation and arbitration, as the case may be, upon receiving the record transmitted to it officially, shall fix a day and an hour for a hearing of the complaint and exceptions, which shall be held within three days at the latest.

ART. 557. If either or both parties do not appear at the hearing specified in the preceding article, the proceedings before the municipal or Federal board will be introduced. This provision shall apply in every case when the plaintiff fails to appear. If it is the defendant who is absent and who does not appear at the hearings provided for in articles 504 and 505, he will be understood to have admitted the allegations of the complaint unless proofs to the contrary are submitted.

ART. 558. Upon the holding of the hearing referred to in the preceding articles, the board shall, upon the petition of the parties or officially, fix a day and an hour for holding a hearing on the evidence, at which the parties may amend the evidence which they submitted to the municipal board or Federal conciliation board and may present new evidence if they consider it desirable.

If either of them does not appear and if they have submitted evidence before the municipal or Federal board, such evidence shall be submitted at the hearing. The same procedure shall be observed when neither of the parties appears and when they have submitted evidence to the conciliation board.

ART. 559. The provisions of this chapter are applicable to the boards or special groups, as the case may be.

#### CHAPTER 5.—*Precautionary measures*

ART. 560. The chairmen of the central and Federal boards, upon petition of the party, may order cautionary attachment to be made when the party demanding it swears that he will present his complaint within 24 hours thereafter, if he submits sufficient evidence to demonstrate the necessity of attaching the property of the person or persons against whom he makes his complaint. The chairman may, if he deems it necessary, demand security, the amount of which shall be fixed by him, to guarantee compensation for damages which may be occasioned to the other party. The owner of the property attached shall be the legal custodian thereof, without the necessity of accepting said obligation or swearing that he will discharge it.

ART. 561. When the claimant considers that the person against whom he proposes to present his complaint may depart, he may ask the board to place him under bond.

ART. 562. For the purposes of the preceding article, the one who demands the bond must present two witnesses who shall state with certainty the fact upon which he bases his application, and he shall swear that he will present his complaint within 24 hours thereafter.

ART. 563. If the statements of the witnesses appear to prove the action which inspired the request for a bond, in the judgment of the board, the request shall be granted.

ART. 564. When a bond is asked on the bringing of the complaint, it shall be granted without further legal procedure.

ART. 565. The bond shall guarantee that the defendant will not absent himself from the place of the controversy without leaving an attorney with the authority and the necessary funds to answer for the result of the same.

#### CHAPTER 6.—*Third parties*

ART. 566. If an attachment is made without regard to the ownership by a third party of the goods attached, the chairman of the board or the officer executing the attachment who receives the claim of the third party shall order that the proceedings be immediately suspended.

ART. 567. When the proceedings are suspended, the third party shall be summoned to appear, at a fixed time within the following 24 hours, at a hearing of the interested parties, to furnish such evidence as he may deem necessary.

ART. 568. At the conclusion of the hearing and without further proceedings the board shall decide whether the attachment upon the goods, the ownership of which is disputed, shall be raised. If the attachment has been made by a delegated authority, he shall transmit the result of the proceedings to the chairman of the proper board.

ART. 569. If the board considers that the evidence offered by the third party is insufficient, it shall order the proceedings for the execution of the award to continue.

#### CHAPTER 7.—*Disputes of economic nature*

ART. 570. Collective disputes due to economic causes, which are related to the establishment of new working conditions, suspensions of work, or shutdowns and which because of their special nature can not be settled in accordance with the terms established in chapter 4 of this part, shall be subject to the provisions of this chapter.

ART. 571. The board, immediately upon hearing the dispute, shall endeavor to maintain conditions as they were before the dispute arose, recommending that no strike or lockout be declared or that work be resumed if either has been declared, meanwhile making an investigation of the determining causes of the dispute, the conditions of the industry affected, etc., with the understanding that the resuming of work does not imply agreement by the parties concerned to such conditions of work.

ART. 572. After hearing the parties, the board shall order an investigation by three experts whom it shall designate, who shall be assisted by two commissions, one representing the workers and one the employers, each commission having the same number of members.

ART. 573. The experts, exercising the greatest freedom, shall make a complete study of the dispute, its causes, and its attendant circumstances, being able to make every kind of inspection permitted by law in establishments of the industry in question, and to gather from all the authorities, technical commissions, institutions, and persons such information as may be necessary; they shall ask the parties, authorities, etc., such questions as they believe to be necessary to clarify the dispute, the persons questioned being required to answer them.

ART. 574. The time within which these investigations must be made shall be fixed by the board, according to the seriousness and other circumstances of the dispute, but it shall not exceed 30 days.

ART. 575. Upon the termination of their investigation, the experts shall immediately prepare a report in which they shall state the result obtained and an opinion relative to the manner in which, according to their judgment, the dispute can be settled and its repetition prevented.

The report and the opinion of the experts shall be submitted to the parties within 72 hours, in order that they may formulate any objections they may have, and if they make any, a day and an hour shall be set for the hearing of evidence. The object of this hearing shall be to obtain new information, or to destroy the value assigned by the experts to some of that stated in their report.

ART. 576. If the parties make no objection, or after holding the hearing referred to in the preceding article, the board shall deliver a decision to end the dispute, basing it on the report and opinion rendered by the experts and on the objections and evidence presented by the parties. The decision rendered in accordance with these terms shall have the same character and the same legal effects as an award. The boards in their decisions may increase or reduce the personnel or the daily or weekly hours of work, modify wages, and in general change working conditions in accordance with the results which they arrive at in the proceedings without in any case violating the provisions of this law.

ART. 577. If the parties object to the opinion of the experts and offer in evidence other experts, the employers shall be required to submit to the experts designated by the parties such books and documents as may be requested by them and which concern the economic condition of the business.

ART. 578. These books and documents shall be submitted on the day of the hearing, together with the opinions of the experts, who, in the presence of the board, shall discuss them between themselves. The board shall require the

experts on both sides to state their points of view clearly and may ask them such questions as they deem proper.

ART. 579. Disputes which arise by reason of the provisions in article 116, paragraphs 1 to 6 and 8, article 126, paragraphs 4, 5, 8, and 12, and articles 128 and 278 shall be subject in every case to the procedure described in the preceding articles.

ART. 580. Briefs or personal appearances of employers under the provisions of article 118 shall be accompanied by:

(1) All public or private documents tending to disclose the condition of the business or the necessity of suspending it;

(2) A list of their workers, together with their names, length of service, occupation, wage, and persons dependent upon them;

(3) A statement showing the taxes paid, the original and actual capital of the business, losses suffered, properties, disbursements, receipts, inventories; and

(4) An opinion by an expert accountant relative to the condition of the business.

ART. 581. In urgent cases and in view of the accompanying documents, the board, under the strictest liability, may, when requested by the parties, decree the suspension of work or the closing of the business concerned, a readjustment of hours and wages, a modification of working hours, etc., security being given sufficient to cover the wages of the personnel affected for a period of at least three months.

Such authorization is understood to be provisional pending decision of the board making it final, and with the understanding that if the sense of the decision of the board is not to authorize the suspension or the closing solicited, the employers shall be required to pay the wages during the time the provisional suspension decreed by the board was in effect.

ART. 582. The board, on deciding this matter and taking into account the condition of the business, may take the provisional measures referred to in article 581.

ART. 583. The hearing of this matter shall be without prejudice to the procedure established in this chapter for this kind of disputes.

#### CHAPTER 8.—*Execution of awards*

ART. 584. Chairmen of the central and Federal boards are required to provide for the efficient and immediate execution of awards, and to that end shall take the necessary steps in the manner and terms which in their judgment may be proper without violating the rules established in this chapter.

ART. 585. All the provisions contained in this chapter concerning the execution of awards are applicable to settlements relating to the work, provided they are executed in proceedings before the boards or in agreements ratified before the same by the interested parties, in accordance with the provision in article 98.

ART. 586. If when an award is rendered the parties are present, the chairman shall question them concerning the manner which each one proposes for its execution and shall endeavor, within a period not to exceed 72 hours, to bring about an agreement concerning compliance with the same, after which time, if no agreement is reached, the execution proceedings shall be continued in their entirety.

ART. 587. The losing party may offer the bond of a reliable person to guarantee the payment. The chairman, after hearing the party in whose favor the award was rendered, shall pass on the bond according to his own good judgment, and, if it is acceptable, may grant a period not to exceed eight days for compliance with said award and even a longer period if the creditor agrees thereto. If the said period expires without the losing party having complied with the award, summary action may be brought at the election of the winning party against the said debtor, or against his bondsman, who shall not enjoy any benefit.

ART. 588. When the execution of an award is requested, the attaching officer, together with the party in whose favor the award was rendered, and [in compliance] with the writ of attachment, shall demand payment from the debtor, and if payment is not made immediately, shall attach enough property to cover the amount claimed and expenses, placing the same under legal custody.

ART. 589. The attachment may be on any kind of property, with the following exceptions:

- (1) That belonging to the homestead if its use is indispensable;
- (2) Instruments, tools, and draft animals, as well as the proper objects for the development of the industrial business, in so far as they may be necessary for its service and operation;
- (3) Family inheritance;
- (4) Arms and horses of soldiers in the service, provided they are necessary for this service, under the laws relative thereto;
- (5) Crops before the harvest;
- (6) The right of usufruct; but not the products of the same;
- (7) Rights of use and habitation; and
- (8) Servitudes, unless the property in whose favor they may be created is attached; but the servitudes of waters can be attached when they are actually on the dominant property.

ART. 590. The selection of the property to be attached shall be made by the executor, that being preferred which is the most easily salable and taking into account the statements of the parties.

ART. 591. Attachment shall be made even in case the losing party is not present. The proceedings in that case shall be concluded with whoever is found at the house, office, workshop, factory, establishment, or place indicated for notifying him, and if no one is found therein, with a neighbor and the nearest policeman. In case of violent opposition, use shall be made of the police. In a duly proved case of necessity and after a special and written order from the chairman, the locks of the house or premises where the execution is to be carried into effect may be broken. The attaching officer, under his liability, can attach only sufficient property to cover the amount claimed and expenses.

ART. 592. All expenses incurred in connection with the execution of the award shall be borne by the losing party.

ART. 593. The chairman of the board who receives letters rogatory or official communications with the necessary insertions, according to law, for the execution of an award or other decision, shall comply with the instructions of the requesting board or authority, provided the execution thereof is not contrary to the law and regulations in force.

ART. 594. The chairman making the attachment shall not hear nor take cognizance of exceptions when they are opposed by one of the parties in the case before the requesting board or authority.

ART. 595. When, on executing the award inserted in the letters rogatory, a third party not previously heard by the requesting board presents a claim on his own behalf, if the said third party gives a bond guaranteeing the amount fixed in the award, the execution shall not be carried into effect, and the letters rogatory shall be returned with the insertion of the judicial decree so providing.

ART. 596. When the award rendered by a board is to be executed by that of another State or Territory, letters rogatory or an official communication, with the necessary insertions, shall be forwarded thereto.

ART. 597. When the attachment is to be levied on property which is not to be found in the locality where the proceedings are being carried on, the attaching officer shall go to the place where the party who obtained the award says it is to be found, and after its proper identification, attachment may be levied on the same.

ART. 598. Attached properties shall be placed under the custody of the person designated by the party in whose favor the award was rendered, under his liability with the exception contained in the following article. The custodian shall be required to inform the chairman of the board regarding the place where the attached property will remain under his custody.

ART. 599. The execution can not be decreed except where the payment of a liquidated amount has been awarded, it being understood that such exists when the amount of the liquidation may be derived from the award itself, even though the amount may not be set forth numerically.

ART. 600. In case the award requires a certain thing to be done, if the party so required does not comply therewith, for the execution of the award, within the period designated for that purpose, either the required act shall be done at his expense, if that be possible, or he shall be compelled to compensate for the damages resulting from the nonexecution of the award, at the election of the creditor.

ART. 601. If the employer refuses to submit his differences to arbitration or to accept the award handed down by the board, the latter shall:

1. Terminate the labor contract;

2. Decree that the worker be compensated with three months' wages;

3. Proceed to determine the employers' liability as a result of the dispute.

ART. 602. The liability, as a result of the dispute, shall be as follows: When the contract is for a definite period of time not exceeding one year, an amount equal to the wages earned during one-half of the time during which services have been rendered; if the contract is for a definite period of time exceeding one year, an amount equal to the sum of six months' wages during the first year and 20 days' wages during each of the following years during which services may have been rendered. If the contract is for an indefinite period of time, the liability shall consist of 20 days' wages for each of the years of service.

In fixing the wages of the worker, the bonuses, shares in the profits, and economic advantages stipulated in his favor shall be computed.

The compensation shall not exceed, in any of the cases set forth in this article, that to which the worker would be entitled in case of death due to an industrial accident.

ART. 603. If the award decrees that a certain thing shall not be done and the party violates it, the creditor shall have his option of requesting either that he restore the things to their original state, if that be possible, at the expense of the debtor, or that he be compensated for the losses suffered.

ART. 604. When the award orders that an agreement or public instrument be signed, on the expiration of the time granted for this purpose, if either of the parties refused to sign it, the chairman of the board shall proceed to sign the agreement or to authorize the public instrument.

ART. 605. When the award imposes the obligation of surrendering something, the proper order shall be issued for the purpose of dispossessing the obligated party of the same, and in case this can not be done, he shall be compelled to pay its value, after an appraisal has been made, together with any damages which may have been caused.

ART. 606. In cases where the attachment is to be levied on wages, the provisions of article 95 shall be observed.

ART. 607. If the property subject to attachment consists of currency or credits which are immediately realizable, payment shall be made at once to the creditor in pursuance of the terms of the award.

ART. 608. If the attached property is chattels, when the sale thereof at public auction has been ordered, an appraisal thereof shall be made by the person designated by the chairman of the board who ordered the execution.

ART. 609. After its appraisal, the property shall be auctioned, the price to be the appraised value, and the sale to take place at the location of the proper board.

ART. 610. For the purposes of the preceding article, a day and hour shall be set for the auction, which shall be conducted in accordance with the provisions of article 633. The said sale shall be announced on the bulletin board of the board and on that of the municipal building of the town where the board has its domicile.

ART. 611. If there are no purchasers, the creditor may request that further auctions be held, with a deduction of 20 per cent at each new auction, or else that the attached properties be adjudicated to him at the price which served as the base at the last auction held.

ART. 612. Adjudication shall be carried out in the following manner:

(1) If the appraised value is less than the amount of the credit, the property shall be adjudicated, the creditor being left free to request the extension of the attachment to cover the unpaid amount; and

(2) If it is greater, the creditor is required to present in cash, at the time of the proceedings, the amount of the surplus which remains in favor of the debtor. The presenting of the surplus is an indispensable prerequisite in order that the adjudication may be decreed.

ART. 613. When the execution concerns rentals and credits that have not yet become due, the debtor or whoever must pay them shall be notified not to make payment of same but to deliver the amount to the board, with the warning that double payment shall be exacted in case of disobedience.

Any fraud or malicious act tending to prevent the effectiveness of the attachment, such as making payment in advance, shall make the person notified personally and directly responsible, and consequently he shall be required to

pay the amount fixed by the award, with the understanding that he may in turn exact it from the defendant.

ART. 614. If attachment is made of the said certificate of credit, a custodian shall be appointed to keep said document in his custody; the custodian shall be required to do everything necessary in order that the right which the certificate represents may not be altered nor impaired, and to institute all actions and recourses granted by law for the collection of the credit, and shall, moreover, be subject to the provisions of the general laws.

ART. 615. If the credit to which the preceding articles refer is in litigation, the authorities in the said litigation shall be duly notified through the legal channels, of the decree ordering the attachment and informed of the custodian appointed, in order that the latter may perform, without any hindrances, all the duties imposed upon him in the latter part of the preceding article.

ART. 616. He who attaches a credit may either act in accordance with the provisions of article 613, or request its sale at auction, which shall be conducted in accordance with the terms established for the auction of chattels.

ART. 617. If the attached properties are livestock, they shall be auctioned according to the terms provided for the sale of chattels.

ART. 618. If the attachment concerns real property, its recording in the public registry of real property shall be sufficient. For this purpose the said attachment shall be officially communicated within the following 24 hours to the director of the proper registry. The registration to which this article refers shall be free of charge.

ART. 619. If the attachment is levied upon urban property and its rentals, or on the latter alone, the custodian shall have the character of an administrator, with the following powers and duties:

(1) He may contract for leases, on the basis of rentals not smaller than those which the property, or the section thereof which may have been rented yielded at the time of the attachment; and for this purpose, if he is unaware of what the rental was at that time, he shall communicate with the chairman of the board, in order that he may secure the necessary information from the tax office. In order to secure the lease, he shall, on his own responsibility require the usual guaranties; if he does not want to assume liability, he shall secure judicial authorization;

(2) He shall collect the rentals which the property yields on account of leases, according to their terms and dates of payment; and, if the case so require, may proceed against delinquent tenants in accordance with the law;

(3) He shall pay, without previous authorization, the ordinary expenses of the property, such as the payment of taxes and those payments necessary for its bare upkeep, service, and cleanliness, when the amount of same is not excessive; such expenses shall be included by him in the monthly account hereafter mentioned;

(4) He shall submit, in due time, to the tax office the statements for which the law on the subject provides, and in case of failure on his part to do so, he shall be responsible for the damages which may be occasioned through his omission;

(5) For the purpose of making disbursements for repairs or for construction, he shall apply to the board for the necessary permission, and for that purpose shall attach the estimate therefor; and

(6) He shall pay after authorization of the board, the interest and acknowledged encumbrances on the property.

ART. 620. After the authorization referred to in paragraph 5 of the preceding article has been applied for, the chairman of the board shall order a hearing, to be held within 3 days, so that the parties, in view of the documents submitted, may agree whether or not the expense should be authorized. If no agreement is reached, on the request of the custodian or of one of the parties the matter shall be heard.

ART. 621. If the attachment concerns rural property or a commercial or industrial business, the custodian shall be a mere auditor in charge of the funds, intrusted with the inspection of books and accounts; he shall inspect the management of the said business or rural property, as the case may be, and the operations being carried on in them, in order that they may yield the greatest possible income; he shall likewise supervise the sale of its products and the collection of the proceeds, furnishing the funds in connection with the necessary and ordinary expenses of the business or rural property, as the case may be, in which the personal expenses of the debtor with the exception

of food supplies granted him by judicial decree, shall never be included, and the custodian shall see that the funds administered are appropriately invested.

ART. 622. The custodian designated in the case of the preceding article shall give bond to the board for his management in the sum specified by the latter, and shall periodically render an account of his management on the dates and according to the terms fixed by the board.

ART. 623. If, in the discharge of the duties which the preceding article imposes upon him, the auditor should discover that the administration is not being conducted properly or that it may be detrimental to the rights of the party who applied for and obtained the attachment, he shall report it to the knowledge of the chairman of the board, in order that the latter, after hearing the parties and the auditor, may determine what is most suitable.

ART. 624. When the proceedings mentioned in the preceding articles have been complied with, the board shall order that the attached properties be auctioned and set a date for the sale.

ART. 625. For the auction sale of real property, the fiscal appraisal of the same for the payment of taxes shall serve as a sufficient valuation.

ART. 626. The chairman of the board shall secure, at the expense of the interested party, a certificate from the public registry of real property regarding the encumbrances on the attached properties, with the understanding that the said certificate must cover the last 20 years; but if there should be another certificate in the record, the registry shall only be asked relative to the period from the date of that certificate up to the date on which the sale is decreed.

ART. 627. The auction of real property shall be announced on the bulletin board of the board in question and in two newspapers, one of which shall be the official paper of the respective entity and the other one that of the locality wherein the properties are situated, for one time only; in case there are no newspapers published in the locality, the same shall be made in any of those having the largest circulation in the State or Territory in the judgment of the chairman, it being compulsory in this case, moreover, to announce the auction in the places designated for official publications in the locality wherein the property is found.

In auctions conducted by the central board of the Federal District, one of the publications shall be in the Boletín Judicial.

ART. 628. On the day set for the auction, the bidders present on the occasion shall be listed.

ART. 629. A legal bid is that which covers two-thirds of the appraised value. When due to the amount of the appraised value, the cash part is not sufficient to cover the credit and expenses, two-thirds of the appraised value in cash shall be considered a legal bid.

ART. 630. Bids shall be in writing and shall contain:

- (1) The name, age, legal capacity, civil status, occupation, nationality, and residence of the bidder and of the surety;
- (2) The amount offered for the real property; and
- (3) The amount to be paid in cash and the manner of payment of the balance.

ART. 631. The bids shall be guaranteed by sureties who, in the opinion of the board, are solvent or their amounts shall be presented in cash at the time of the auction. If the bidder whose bid at the auction is accepted presents the amount of the bid in cash before the close of the proceedings, the chairman shall order that it be deposited and that the deposit slip be attached to the record.

ART. 632. When the creditor desires to make a bid, the certificate of guaranty or the presenting of cash, as the case may be, shall be limited to the amount of the bid in excess of that of the credit on the date of the auction.

ART. 633. After an examination of the bids, the chairman of the board shall, with the hammer, open the auction sale. The sale shall be made to the highest bidder.

ART. 634. The chairman of the board shall decide any question that may arise in connection with the auction.

ART. 635. When a sale of the property or properties auctioned has been declared, the purchaser shall be given possession of same within three days and deed thereof shall be executed in his favor.

ART. 636. If the debtor refuses to execute the deed, on his default the chairman of the board shall execute it.

ART. 637. When the deed has been executed and the price deposited, the board shall designate the person who is to place the purchaser in possession of the property auctioned and shall also give judicial notice to the owners of contiguous properties, lessees, and other interested parties.

ART. 638. With the price obtained, up to where it balances, the creditor shall be paid and also the expenses which have been approved, the amount estimated as necessary to cover them being kept on deposit in the meantime.

ART. 639. If the price deposited is notoriously less than the amount of the principal sum and the expenses of the execution, it shall be delivered to the claimant on the day on which the deposit is made.

ART. 640. If the cash price is in excess of the amount of the principal and the expenses, after settlement of the same the balance shall be turned over to the debtor.

ART. 641. If during the first auction proceedings there is no legal bid, a second and further ones if necessary shall be called within 5 days until the auction sale can be legally held. At each one of the auctions the price which served as the base in the preceding sale shall be reduced 20 per cent.

ART. 642. The creditor in whose favor the matter has been adjudicated shall acknowledge to other mortgagees their credits in order to pay them when they become due, and shall pay to the debtor, in cash, whatever remains in excess of the price, after the said payments have been made.

ART. 643. At any time after the holding of the auction, provided there have been no bidders, the creditor may request the adjudication of the attached properties at their appraised value as of that date, paying in cash the excess over his credit and the expenses if there are any.

ART. 644. A reattachment affects the balance left from the price received at the auction after payment has been made to the one who had the first attachment levied, except in the case of preferential rights.

ART. 645. He who has reattached can continue the execution of the award or agreement; but when the property has been auctioned, the one benefiting from a first attachment shall preferentially be paid the amount of his claim.

ART. 646. The creditor may request the extension of the attachment:

(1) When, in the opinion of the board, the attached property is not sufficient to cover the indebtedness and the expenses;

(2) When sufficient properties are not attached because the debtor does not possess them and afterwards they appear or are acquired; and

(3) In cases of third-party suits.

ART. 647. All the acts of the executor shall be reviewable officially or at the request of one of the parties by the board, which may revoke or alter them, as it sees fit.

ART. 648. A third party who considers that his rights are prejudiced by the execution of the award may come before the board and present any evidence he may have, and the said body, in an immediate hearing of the parties, shall decide whether the attachment is to remain or not, or if the alleged rights are preferential. In the latter instance, they shall proceed in accordance with article 644.

#### Part 10.—Liabilities

ART. 649. The central boards, the Federal Board of Conciliation and Arbitration, and the chief of the department of labor under the Secretary of Industry, Commerce, and Labor become liable when they refuse, without justifiable cause, to receive a collective contract [executed in accordance with the] provisions of article 45, or to register work rules of any union. In these cases a fine of from 100 to 500 pesos shall be imposed on each one of those responsible. In case of repetition, the responsible party shall be dismissed from office.

ART. 650. The chairman of the board incurs liability:

(1) When he hears a case for which he is disqualified under the law;

(2) When he favors directly or indirectly any of the parties in a case before the board, drawing up their petitions or briefs or advises them;

(3) When he renders a decision that is notoriously unjust;

(4) When he does not decide on the execution of the awards in due time;

(5) When, after a writ of prohibition [*inhibitorio*] has been filed, he pays no attention to same and continues the proceeding;

(6) When he improperly retains in his possession the papers in the case, or delays the execution or issuance of the award; and

(7) When he receives directly or indirectly any gift from the parties in a dispute.

**ART. 651. The representatives of capital and of labor incur liability :**

(1) When they assist, favor, or advise a person having a dispute pending before a special group other than the one of which they are members;

(2) When they prosecute a case before another special board, unless it is on behalf of themselves or their wives or children;

(3) When they fail to appear, without justifiable cause, at the hearings held by the board of which they form a part;

(4) When they refuse to vote in connection with any decree or decision in the case pending;

(5) When they refuse to sign a ruling or award which has been already voted;

(6) When they take out of the office the papers in a case without giving a receipt for same to the secretary;

(7) When after the time granted to them for the study of the papers in a case has elapsed, they refuse to return them when requested to do so by the secretary of the board;

(8) When they take from the file of papers in a case some record that is therein or alter the contents of the record of the proceedings after it has been signed by the parties, or delete or destroy wholly or in part the pages of a record on file; and

(9) Whenever they are included in any of the cases mentioned in the preceding article, with the exception of the one set forth in paragraph 4.

**ART. 652. The assistants of the chairman incur liability :**

(1) When they do not in due time inform the chairman of the irregular or criminal conduct of any of the representatives of capital and of labor on the board to which they are attached;

(2) When without any grounds they refuse to accept any evidence submitted by the parties, provided it is proved that the said evidence was necessary for the clearing up of the facts;

(3) When in writing up the records of the proceedings they substantially and deceitfully alter the declarations of the parties, the statements of the witnesses, experts, and other persons who appear before the board;

(4) Whenever they incur any of the liabilities mentioned in paragraphs 1, 2, 3, 5, and 7 [of article 650] relating to the chairman of the board; and

(5) When they do not comply with the obligations to which reference is made in articles 535 and 536.

**ART. 653. The secretaries incur liability :**

(1) When they do not engross the awards within the period of time specified in this law for such purpose;

(2) When they do not inform the chairman of the board in due time of the refusal of the representatives to sign an agreement or an award;

(3) When they deliver the papers in a case to any representative of capital or of labor for its study without obtaining the proper receipt;

(4) When they certify to false statements;

(5) When they engross awards in terms other than those agreed upon at the time of the voting;

(6) When they incur the liabilities referred to in paragraphs 2, 6, and 7 of the article relating to the liability of the chairman of the board; and

(7) When they do not comply with the obligations imposed upon them in articles 541, 543, 545, 547, 548, and 549.

**ART. 654. The notifiers incur liability :**

(1) When they do not make sure that the place where the notice or notices are to be served is one of the places designated by law;

(2) When they do not notify the parties in due time, unless they have a justifiable cause;

(3) When they record false statements in the records drawn up in the exercise of their functions; and

(4) When they incur any of the liabilities mentioned in paragraphs 2 and 7 of the article relating to the liabilities of the chairman.

**ART. 655. Members of the minimum wage commissions incur liability :**

(1) When they do not within the period of time stipulated in this law fix the amount of the minimum wage; and

(2) When the decision that fixes the amount of the minimum wage is notoriously unjust.

**ART. 656. Labor inspectors incur liability :**

(1) When they insert false statements in the reports made by them;

(2) When they do not note in the report the irregularities they have observed in the work places visited;

(3) When they accept gifts from the employers or from the workers in the zone under their supervision;

(4) When they divulge secrets of manufacture or operation acquired by them through the performance of their duties;

(5) When they do not forward within five days the reports of the visits of inspection made by them to the authority over them or to the board of conciliation and arbitration in the case of article 216;

(6) When they overstep their authority in the performance of their duties; and

(7) When they do not visit regularly and in accordance with the terms of the regulations the work places in the zone under their supervision.

ART. 657. The alternate of a representative of capital or labor will not be allowed to prosecute a case before any of the groups of the board in which the latter is acting. Neither will the representative when absent with permission be able to do so when his alternate is acting.

ART. 658. The representatives of capital, labor, or the Government will necessarily be prevented from hearing cases in which their associates or employees in their private offices intervene if they are engaged in the practice of the law or act as business agents.

ART. 659. The cases of liability to which reference is made in paragraphs 1, 2, 3, 5, 6, and 7 of article 650 shall constitute cause for dismissal of the chairman of the board. In other cases to which reference is made in the same article a fine not in excess of 500 pesos will be imposed upon him, according to the circumstances involved.

ART. 660. The penalty imposed upon the representatives of capital or labor may be either that of suspension from office up to one month's time without pay, or dismissal, with the understanding that any representative who may have twice suffered the penalty of suspension shall be discharged from office when the third accusation presented against him has been declared well founded.

ART. 661. The fact of the representative or his alternate prosecuting a case before the board when the alternate or the representative, respectively, is acting, shall be a cause for dismissal.

ART. 662. When a representative is suspended or discharged, his alternate shall at once be called.

ART. 663. If the penalty of dismissal is imposed on an acting alternate, the governor of the State or Territory or the chief of the Department of the Federal District, or the Secretary of Industry, Commerce, and Labor, as the case may be, shall designate a substitute representative pending the designation of the new representative and alternate by the groups which must elect them. The same procedure shall be followed in case the dismissal is decreed when the alternate has not been appointed and when the penalty imposed is that of suspension and there is no alternate or representative designated.

ART. 664. Assistants shall be dismissed in the cases specified in article 659 and secretaries shall be dismissed when they incur the liabilities referred to in paragraphs 2 and 7 of article 650, paragraph 3 of article 652, and paragraph 4 of article 653. All other liabilities shall be punished with a fine not to exceed the sum of 15 days' wages. Notifiers may be dismissed only in the cases specified in paragraph 7 of article 650 and paragraph 3 of article 654. In the cases to which reference is made in paragraph 2 of article 650 and paragraphs 1 and 2 of article 654 a fine shall be imposed upon them according to the terms fixed for secretaries and assistants.

ART. 665. A fine not to exceed 500 pesos shall be imposed on the members of the special minimum wage commissions in cases of liability.

ART. 666. Inspectors who incur liability shall be punished, according to the seriousness of the offense, with dismissal, with a fine not to exceed 100 pesos, or a suspension without pay of not more than one month.

ART. 667. A jury on liabilities shall hear all complaints which may be presented against the acts of the representatives of capital or labor in the exercise of their functions, the said jury to be constituted in the following manner:

(1) For hearing cases of liabilities which may be incurred by representatives of capital and labor on the central boards of conciliation and arbitration, the jury shall be composed of a representative of the executive of the correspond-

ing Federal entity or of the chief of the Department of the Federal District and one representative of capital and one of labor.

(2) For hearing cases of liabilities which may be incurred by representatives of capital or labor on the Federal Board of Conciliation and Arbitration, the jury shall be composed of one representative of the Secretary of Industry, Commerce, and Labor, and one representative of capital and another of labor.

Each representative of capital or labor referred to in this article shall have an alternate. Both shall be appointed at the conventions referred to in article 367.

ART. 668. Complaints against representatives of capital or labor shall be addressed to the chairman of the proper Federal or central board.

ART. 669. Upon receipt of a complaint a hearing of the jury shall at once be called and the said jury, assisted by a secretary, shall hear the accused, who may name legal counsel, and after receiving the evidence which the jury may deem proper and that which the accused may submit, shall render a verdict, by a majority vote, imposing the proper penalty or disciplinary action. The jury may impose a fine not to exceed 500 pesos on the accuser or plaintiff who submits a notoriously unjust or impertinent accusation.

ART. 670. The penalties which may be imposed on chairmen of the central and Federal boards of conciliation and arbitration, on members of the minimum wage commission, and on labor inspectors, shall be applied by the executives of the States or Territories, by the chief of the Department of the Federal District, or by the Secretary of Industry, Commerce, and Labor, as the case may be. The penalties which may be imposed on assistants of the chairman, on secretaries and other employees and inferior officers of the boards, shall be applied by the chairmen of the said boards.

ART. 671. Any person who considers that the officers or employees referred to in the preceding article have incurred liability shall apply to the authority who under the said article is competent to impose the proper penalty, reporting the facts and submitting evidence thereon. The case shall be decided on the complaint and the evidence, after hearing the officer or employee involved.

ART. 672. The penalties referred to in this part shall be imposed without prejudice to the penal liability which may be incurred by the said officer or employee.

### Part 11.—Penalties

ART. 673. Penalties fixed in this part shall apply without prejudice to other liabilities which this law establishes in cases of failure to comply with its provisions.

ART. 674. Failure to comply with the regulations pertaining to remuneration for labor, duration of the hours of work and rest, contained in a collective labor contract, the observance of which is declared compulsory in a certain region, shall be punished by a fine of from 50 to 5,000 pesos, taking into account the economic benefit which the employer may derive from the violation. The penalty shall be imposed for failure to comply with the said regulations, committed at any time within one week.

In the case of offenses committed in two or more weeks, the respective fines shall be cumulated. Repetition of offenses shall be punished with the same fine, plus one-fourth of its amount. For the purposes of the present article members of the administrative council shall be considered as partners and the administrators or managers of mercantile corporations as employers.

ART. 675. The employer who does not observe the legal regulations concerning hygiene in the installation of his establishment or does not adopt adequate measures for the prevention of accidents in the use of machines, tools, and work materials as provided by the laws, regulations, and governmental requirements, shall be fined up to 1,000 pesos, to be increased up to 2,000 pesos in case said provisions are not complied with within the time granted the employer by the proper labor authority.

ART. 676. The employer shall be fined up to the sum of 500 pesos:

(1) When he compels women, during the three months before childbirth, to perform certain tasks that require considerable physical force or refuses to grant them the rest period granted them by article 79;

(2) When he requires women and minors under 16 years of age to perform unhealthful tasks or industrial night work;

(3) When he violates the prohibition in article 12;

(4) When on being requested to furnish data on home work, in cases where he utilizes said system of service, he gives false data; and

(5) When, in agricultural work, he does not comply with the obligations imposed upon him by paragraphs 1 and 2 of article 197.

ART. 677. A fine of from 20 to 100 pesos shall be imposed upon an employer when he compels workers to work a longer working-day than that authorized by this law. The same penalty shall be imposed on an employer who does not allow his workers the compulsory weekly rest days and vacations; to one who employs children under 12 years of age; and to the employer who does not obey the prohibitions contained in paragraph 7 of article 112 or comply with the obligations imposed upon him by articles 9, 111, paragraphs 1, 8, 10, and 17, articles 159, 175, 197, paragraphs 4 and 5, and articles 201, 202, 203, and 204.

ART. 678. A fine of from 10 to 50 pesos shall be imposed on an employer who fails to comply with the obligations imposed upon him by paragraphs 11, 15, 18, 19, 20, and 21 of article 111 or violates the prohibition contained in paragraphs 3, 4, and 6 of article 112. The same penalty shall be imposed upon him when he does not issue the certificates or references referred to in articles 28 and 111, paragraph 14, or when he does not grant his domestic servants an opportunity to attend night schools, or when he fails to comply with articles 215 and 217.

ART. 679. The penalty specified in the preceding article shall be imposed on unions and federations of unions which do not comply with the obligations imposed upon them, respectively, in articles 248 and 249, paragraphs 2 and 3, and the last part of article 255.

ART. 680. A fine of up to 2,000 pesos shall be imposed upon an employer who puts into effect a lockout under the conditions specified in article 281.

ART. 681. A fine of 50 pesos, which may be increased up to 200 pesos, shall be imposed on the employer who violates the work rules.

ART. 682. A fine of from 20 to 50 pesos shall be imposed on the employer who refuses to sign a labor contract already agreed upon, in the cases referred to in article 31.

ART. 683. Violations that are not specified in this chapter and to which no special penalty is attached shall be punished with fines of from 5 to 100 pesos, according to the seriousness of the offense. The amount of the fines shall be collected by the general treasuries of the States, the Territories, and the Federal District; fines which are imposed by the office of the Secretary of Industry, Commerce and Labor shall be collected by the General Treasury of the Nation.

ART. 684. Penalties referred to in the preceding articles shall be imposed by the governors of the States or Territories, the chief of the Department of the Federal District, or the Secretary of Industry, Commerce, and Labor, within their respective jurisdictions.

ART. 685. No penalty can be imposed without sufficient information having been previously gathered and without hearing the interested party, to whom every facility for the presentation of his defense shall be given.

### Transitory

ARTICLE 1. This law shall be in force from the date of its promulgation.

ART. 2. A period of six months from the date of promulgation of this law shall be granted to enterprises so that they can comply with the provisions contained in articles 9, 10, and the last part of 175.

ART. 3. A period of six months from the date of the promulgation of this law is granted to the parties interested in labor contracts previously entered into, in order that they may make them in writing in accordance with the terms of article 23.

ART. 4. Collective labor contracts entered into prior to the enforcement of this law will be revised on the petition of any of the contracting parties, provided the revision is requested within 60 days after the date of the promulgation of this law. The provisions of article 56 shall be observed in the revision proceedings. When the period of 60 days referred to in this article has elapsed, the contract may be revised only upon the termination of the contract if it was made for a definite time, or after it has been in force for two years if it was for an indefinite time.

ART. 5. The period of one and two years established in article 82 as a prerequisite to the right of workers to enjoy vacations shall be computed from the date on which they began to render their services.

**ART. 6.** The provisions of this law concerning the organization and registration of labor unions and employers' associations shall become effective immediately; but unions which are already in existence shall be given a period of six months, computed from the date of the promulgation of this law, to comply with the provisions relating thereto.

**ART. 7.** Prescription periods shall begin to run from the day following the date of the promulgation of this law.

**ART. 8.** Claims, differences, or disputes which are awaiting decisions shall be settled in accordance with the provisions of this law.

**ART. 9.** Authorities who may be hearing matters relating to the labor law and those who are not competent to render a decision in connection therewith, in conformity with the provisions of this law, shall suspend their proceedings summarily and forward the record to the authority who is competent to hear the case, who shall decide it, applying the laws that were in effect at the time the complaint was filed, with the exception of that relating to procedure, regarding which the provisions of this law shall be observed.

**ART. 10.** Jurisdictional questions which may arise regarding the application of the preceding article shall be decided in accordance with the provisions of this law.

**ART. 11.** The governors of the States wherein boards of conciliation and arbitration are not already organized shall proceed to establish them in accordance with this law, in order that they may start functioning within the period of four months from the date of its promulgation.

**ART. 12.** The Federal Board of Conciliation and Arbitration that may be functioning at the present time and the boards that may be organized according to the terms of the preceding article shall continue to function until those which may be elected in the year 1932, in conformity with the provisions of this law, may be duly organized. The central boards of conciliation and arbitration functioning at the present time shall be replaced within the period provided by their regulations in force at the time this law goes into effect, and those newly constituted shall function until those that will be elected in the year 1932 in accordance with this law are organized.

**ART. 13.** The regulations, individual and collective labor contracts, and any other agreements which may establish rights, benefits, or privileges in favor of the workers less than those granted them by this law shall not have any legal effect, and shall be understood to be superseded by those established by this law.

Regulations, individual and collective labor contracts, and any other existing agreements which may establish greater rights, benefits, or privileges for the workers than those established by this law shall, however, remain in full force, and the clauses establishing them may not be modified except by means of revision of the contracts containing them, whether it be by mutual agreement of the parties or by decision of the competent labor authorities, in the case of dispute, rendered in the terms of article 576.

**ART. 14.** All laws and decrees previously issued by the State legislatures on labor matters and those issued by the Congress of the Union in so far as they are contrary to this law, are hereby repealed.