

MEXICO: KEY ELEMENTS OF FOA POLICY AND MODEL POLICY

AMERICAS GROUP: MEXICO COMMITTEE

June 2024

Key Elements of a Freedom of Association (FOA) Policy and the Model FOA Policy below were adopted by the Mexico Committee of the Americas Group in June 2024, as part of the Committee's updated FOA Guidance tool for employers.¹ An employer can either adopt the Model FOA Policy or use the Key Elements of an FOA Policy to develop their own company policy. In either case, the company's FOA Policy should be effectively communicated to all workers and management personnel, including all new employees.

Key Elements of an FOA Policy

An FOA Policy should include the following commitments:

- Respect the right of workers to freedom of association, including the right to form or join a union of their free choice, and the right to bargain collectively.
- Refrain from and not tolerate any acts of discrimination, intimidation, reprisal, or threats of reprisal against workers for exercising their associational and collective bargaining rights.
- Negotiate in good faith for a collective bargaining agreement (CBA), as well as revisions to the CBA, with a union that has received a certificate of representativity.
- Refrain from interfering in the internal affairs of a union or in worker votes on a negotiated CBA or revisions to the CBA.
- Provide all workers printed copies of the employer's FOA policy and the collective bargaining agreement, where one exists.
- Respect the right of worker representatives, including union representatives not employed by the company, to freely carry out their legitimate union functions.
- Remain neutral and refrain from any actions that favour one union over another in cases where there is more than one union or union in formation in the workplace, as well as in union representation elections on which union will hold title to the CBA.
- Investigate and take disciplinary action commensurate with the violation in response to worker complaints of violations of the company's FOA Policy.



¹ The complete Mexico Committee FOA Guidance is available at:

https://www.maquilasolidarity.org/en/employer-guidance-freedom-association_mexico.

Model FOA Policy

[Name of Company] supports the right of workers employed by the company to freedom of association and collective bargaining, including their right to join or form a union of their free choice.

We do not tolerate acts of discrimination, intimidation, reprisal, or threats of reprisal against workers for exercising their associational and collective bargaining rights.

If a union has received a certificate of representativity, we commit to negotiating in good faith with that union for an initial collective bargaining agreement (CBA), as well as revisions to the CBA. We will not interfere in ratification votes by workers on a negotiated CBA or revisions to the CBA and will respect the results of such votes.

Our company will not interfere in the internal affairs of any union that has affiliates in our workplace. If there is more than one union established or in the process of formation, we will remain neutral and will not promote or favour one union over another, including in union representation elections on which union will hold title to the CBA.

We respect the right of worker representatives, including union representatives not employed by the company, to freely conduct their legitimate union activities.

We will ensure that all workers receive printed copies of this FOA Policy and the CBA, if one exists.

If there are violations of this policy, workers have the right to use the company's grievance procedure to file anonymous complaints without fear of retaliation.

The company commits to investigate such complaints of anti-union actions or threats by any employee, regardless of their position, and to impose sanctions commensurate with the violation, up to and including dismissal, if those allegations are verified.

The Americas Group (AG) is a multi-stakeholder forum composed of international brands and manufacturers and labour rights organizations working together to promote and support socially responsible apparel and footwear industries and decent work in the Americas.

As of June 2024, the AG Mexico Committee included: adidas, Carhartt, C&A, Dick's Sporting Goods, Fanatics, Fruit of the Loom, Gap Inc., Gildan, LS&Co., New Balance, Nike, Patagonia, PopSockets, Puma, PVH Corporation, Under Armour, VF Corporation, the Fair Labor Association (FLA) and the Maquila Solidarity Network (MSN).