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ANALYSIS OF THE CONSTITUTIONAL REFORM IN LABOR MATTERS 2017: PRELIMINARY RULING CONCILIATION

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ABSTRACT

The present investigation is carried out based on a qualitative and dogmatic approach with a constitutional characteristic, aimed at highlighting what the constitutional reform represents as a change in the labor justice system, for the sake of a prompt and expeditious justice in which the rights of workers and employers, this is precisely what the labor justice reform represents, both at the constitutional level and in the Federal Labor Law of May 1, 2019. Its content represents a historic change for the world of work in our country, given its objectives and the unanimous consensus for its approval. The study that is carried out is based on the analysis of the constitutional reform of February 24, 2017, where a new constitutional normative paradigm was established based on three fundamental axes within them, preliminary conciliation, whose main objective is that labor disputes be resolved. by this alternate means of conflict resolution, favoring conciliation between the parties in conflict, being in charge of a public body, decentralized from the Federal Government and the Federal entities, carrying out its actions under the principles established by said labor law.

Keywords: Conflict, preliminary conciliation, principles, labor justice.

II. Introduction

The particular study of a constitutional reform represents a transcendental issue in any regime of law. This exercise acquires greater relevance when this change implies a new paradigm in the rules for the settlement of labor disputes.

The current Mexican Labor Justice System responds to the constitutional reform of February 24, 2017, which reforms and adds articles 107 and 123 of the Political Constitution of the United Mexican States, in matters of labor justice. As well as the international commitments contained in Annex 23-A of the Agreement between Mexico, the United States and Canada (T-MEC) and the various conventions on the subject ratified by Mexico, specifically 87 and 98 of the International Labor Organization, since it seeks, on the one hand, to address the shortcomings and needs of the labor justice system that has been lagging behind for years, through mandatory pre-trial conciliation and, on the other, laying the foundations for a true transformation of the trade union regime, focused on the rights of freedom of association, union democracy, authentic collective bargaining, transparency, accountability, inclusion and gender equity, being the way of solving labor conflict that interests us.

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On May 1, two thousand and nineteen, the Decree amending, adding and repealing various provisions of the Federal Labor Law, the Organic Law of the Judicial Power of the Federation, the Federal Law on the Public Defender's Office, the Law on the Institute of the National Housing Fund for Workers and the Social Security Law on Labor Justice was published in the Official Gazette of the Federation. Freedom of Association and Collective Bargaining.

The reform introduces conciliation as a mandatory and expeditious pre-trial body that seeks to reduce conflicts before labor courts, since it seeks to promote the streamlining of labor disputes in two fundamental instances: the first, the Federal Center for Conciliation and Labor Registration and the local Conciliation Centers, which will now be responsible for guaranteeing the fundamental right of access to justice through pre-trial conciliation. that is, access to justice in administrative headquarters and; the second, which will take place before the specialized Labor Courts in charge of the federal and local Judicial Powers.

This alternative dispute resolution mechanism, nowadays at the time of urging carries various implications, ranging from the lack of intention of the employers not to want to solve the conflict since they still encounter old practices, to the lack of training of the conciliators and the conditions in which the conciliation procedure is carried out, What implies violation is prompt and expeditious justice.

For this article the method to be used is the deductive with a qualitative approach, which will allow me to determine if the reform in the field of labor justice in terms of pre-trial conciliation has become effective a true access to prompt and expeditious justice, studying the behavior at present of legal operators in the conciliation process, The knowledge of the mechanisms and techniques of the conciliation of the new labor process, mainly the conciliators who are the first contact that the workers and employers have at the time of going to the labor conciliation center in the scope of federal or local competence, the time in which this procedure is carried out.

III. 2012 Labor Reform

The labor reform of 2012 brought a series of changes, I would say many superficial, some of procedural approach such as:

(a) Limitation of wages due. In cases of labor lawsuits, lost wages have a limit of 1 year and from the second year the limit is practically 30%, since 2% is calculated on the basis of 15 months of wages. This substantially changed the rules of the game because one of the criticisms of the labor process was that there were very long trials. I am not convinced that this has been the solution, when the emphasis should be on the speedy resolution of trials, not so much that the burden and cost were on the one that is not a driving force that defines the process, but that it should correspond to the Conciliation and Arbitration Boards.

(b) Individual contracts. Seasonal contracts, trial contracts, training contracts were created; Three types of temporary contracts that touched on a central issue, that of job stability.

(c) Opt-out clause. There were changes in this area and the exclusion clause for separation was deleted.

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(d) Individual procedure. Perhaps the most important change is that the initial trial hearing (what was previously conciliation, demand, exceptions, offer, admission and relief) was separated, dividing the claim part and exceptions with respect to the offer of evidence. At first it was a good change, but over time it did not have very positive effects, because the intention was that in that procedural separation the litigation could be defined, the evidentiary burdens were fixed and a much more agile proof would be allowed, in such a way that those who did not have the burden did not have to prove. And not as is currently the case in labor trials, where without having the burden of proof, witnesses and documents are offered, to the extent of falling into great procedural delays.

IV. Labor Justice Reform in Mexico 2017

The Labor Reform was derived from the various international obligations and commitments assumed by the Mexican State through the ratification of labor conventions and treaties, mainly within the framework of the International Labor Organization (ILO) and the regional trade agreements to which Mexico is a party.

• Convention 98 of the International Labour Organization (ILO). With regard to the application of the principles of the right to organize and collective bargaining, which was one of the reasons behind the reform.

• Agreement between Mexico, the United States and Canada (T-MEC): Relating to Chapter 23 in Labor Matters and Annex 23-A, regarding Representation of Workers in Collective Bargaining in Mexico.

Agreement between Mexico, the United States and Canada (USMCA): Regarding Annexes 31-A and 31-B of the USMCA, which influenced this preliminary ruling procedure regarding the rapid response labor mechanism, which is the purpose of this new procedure.

The central issues that were imposed on our country in these treaties was to carry out a constitutional reform in which democracy in the unions and prior conciliation in labor disputes were guaranteed, this obligation fell of course on the Mexican Congress.

• Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TIPAT): Chapter 19 (Labor). Which influences the Fundamental Principles and Rights at Work and its Monitoring.

This led to the reform of articles 107, 123 of the Political Constitution of the United Mexican States.

Article 107. ...

I. to IV. ...

V. ... (a) to (c) ...

(d) In labour matters, when final decisions or judgments are sought to put an end to the proceedings handed down by local or federal labour courts or awards by the Federal Tribunal for Conciliation and Arbitration of Workers in the Service of the State and their counterparts in the states;

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Article 123...

To....

XX. ...

Before going to the labour courts, workers and employers must attend the corresponding conciliation instance. At the local level, the conciliatory function will be in charge of the specialized and impartial Conciliation Centers that are instituted in the federative entities. These centres shall have their own legal personality and assets. They shall have full technical, operational, budgetary, decision-making and management autonomy. They shall be governed by the principles of certainty, independence, legality, impartiality, reliability, efficiency, objectivity, professionalism, transparency and openness. Its integration and operation shall be determined by local laws.

The law shall determine the procedure to be observed in the conciliation instance. In any case, the conciliation stage will consist of a single mandatory hearing, with a date and time duly fixed expeditiously. Subsequent conciliation hearings shall only be held with the agreement of the parties to the conflict. The law shall establish the rules for the adoption of res judicata and for their execution.

At the federal level, the conciliatory function will be in charge of a decentralized agency. The decentralized body will also be responsible for registering all collective bargaining agreements and trade union organizations, as well as all related administrative processes.

The decentralized body referred to in the preceding paragraph shall have its own legal personality and assets, full technical, operational, budgetary, decision-making and management autonomy. It shall be governed by the principles of certainty, independence, legality, impartiality, reliability, efficiency, objectivity, professionalism, transparency and openness. Its integration and operation will be determined in the law of the matter.

It is very important to mention what, according to our constitution, implies the human right of access to alternative justice.

Article 17. Provided that equality between the parties, due process or other rights in trials or proceedings in the form of a trial are not affected, the authorities must privilege the resolution of the conflict over procedural formalities.

The laws shall provide for alternative dispute resolution mechanisms.

As a result of this constitutional reform, on May 1, 2019, the Decree amending various provisions of the Federal Labor Law was published; A broad, historic and profound reform based on 3 pillars.

The main axes or pillars of the constitutional reform in the area of labor law are the following:

Delivery of Justice

Transition of the jurisdictional function of the Conciliation and Arbitration Boards to Labor Courts dependent on the Judicial Power of the Federation and the Judicial Powers of the federative entities.

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Trade Union Democracy

The protection and protection of the freedoms of unionization, trade union democracy and collective bargaining are established as guiding principles to guarantee personal, free and secret voting, as well as to ensure trade union representation in the conclusion, signing and registration of collective bargaining agreements.

Conciliation and Registration Body

A mandatory preliminary ruling stage is introduced, with some exceptions, which will be discussed later.

The Federal Centre for Conciliation and Labour Registration is hereby established as a decentralized public body responsible for:

• National registration of trade union organizations, collective agreements and internal labour regulations.

• Pre-trial and mandatory conciliation instance in conflicts of federal jurisdiction.

• Verification of consultation procedures and trade union democracy.

At the local level, Conciliation Centers were created to relieve the conciliation instance.

These three axes or pillars, the one that becomes relevant and that is the reason for this article, was the creation of a conciliatory instance, prior and mandatory, before going to the Labor Courts, and that in federal matters will also be the registration of unions and collective labor agreements, that is, remove the conciliation of the labor procedure to turn it into a prejudicial figure.

This procedure is of the utmost importance, since it represents access to that prompt and expeditious justice, by which it is sought through this alternative mechanism to reach an agreement between the parties in order to avoid a trial, because it is impossible to carry out the procedure before a court without first carrying out this stage.

With the new model of labor justice, in labor disputes conciliation between the parties is privileged, so workers, unions and employers must try prior to the labor trial, labor conciliation to settle their dispute.

Very interesting were the arguments that gave rise to this reform, since it started from a need to transform the labor justice system, because one of the biggest problems affecting the delivery of labor justice is the existence of mechanisms and factors far from the reality of the country. In that sense, the initiative was emphatic in stating that any element that made labor justice slow, costly, difficult to access and questionable should be eliminated, as well as combating bias, simulation, discretion and opacity. This is due to the delays and delays of the trials before the conciliation and arbitration boards, which influence the resolution of the conflict.

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That is why the purpose of the preliminary ruling conciliation procedure has always been to ensure that individual and collective labour disputes are resolved quickly. Procedure that in the regulatory norm is regulated in the Federal Labor Law

Article 684-B.- Before going to court, workers and employers must attend the corresponding Conciliation Center to request the initiation of the conciliation procedure, with the exception of those cases that are exempt from exhausting it, in accordance with the provisions of this Law.

Article 685 ter. - They are exempt from exhausting the conciliatory instance, in the case of conflicts inherent in:

I. Discrimination in employment and occupation based on pregnancy, as well as on the basis of sex, sexual orientation, race, religion, ethnic origin, social status or sexual harassment or harassment;

II. Designation of beneficiaries for death;

III. Social security benefits for occupational hazards, maternity, sickness, disability, life, childcare and benefits in kind and accidents at work;

IV. The protection of fundamental rights and public freedoms, both of a labor nature, understood in these areas those related to:

(a) Freedom of association, freedom of association and effective recognition of collective bargaining;

(b) Labour trafficking, as well as forced and compulsory labour;

(c) Child labour.

For the updating of these exceptions, the existence of indications that generate the reasonable suspicion, appearance or presumption that any of these rights are being violated must be proven to the court;

V. The dispute of the ownership of collective agreements or contracts law, and VI. Challenging the statutes of trade unions or amending them.

Article 590-A.- The Federal Center for Conciliation and Labor Registration has the following powers: I. Perform in federal matters the conciliatory function referred to in the fourth paragraph of section XX of article 123 of the Constitution.

Article 590-F.- The Conciliation Centers of the Federal Entities and of Mexico City, responsible for conciliation prior to the jurisdictional claim at the local level, established in section A of article 123, section XX, second paragraph of the Constitution, shall be integrated and shall function in the terms determined by local laws.

The Labor Reform establishes the obligation of workers and employers to request the conciliation procedure before initiating a trial before the labor courts, conciliation is presented as one of the guiding axes of the new Labor Justice System, with the purpose that workers and employers solve

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their labor disputes in a simple and fast way, Of course, always guaranteeing their fundamental rights by the obligation that is in accordance with article 1 of the Constitution.

It is an out-of-court procedure through which the parties to the dispute (workers and employers) can reach an agreement to resolve the dispute.

The filing of the preliminary ruling conciliation procedure is mandatory (except for the exceptions established by law) in order to have access to the judicial remedy before the labour courts.

That is why the main point is that before suing, it will be mandatory to try to reach an agreement. To this end, Labor Conciliation Centers of federal and state competence are created, composed of professionals trained in alternative means of conflict resolution.

If they cannot conciliate, the parties may go to the Labor Courts dependent on the Judicial Power, with oral, agile, modern, expeditious trials and in the presence of a judge.

The Conciliation and Arbitration Boards will disappear, once they end their backlog.

It is clear that the new model of labour justice, in one way or another, obliges the parties to go to conciliation to settle their dispute, which in itself is contradictory; However, the State continues to bet on this alternative method, to privilege the solution of the conflict, in accordance with the provisions of Article 17 of the Constitution, by establishing conciliation as an alternative dispute resolution mechanism.

Fundamental Principles of the Preliminary Ruling Conciliation Procedure

In order to ensure that disputes are settled impartially, without the need to resort to a judicial procedure, the conciliation authority should carry out conciliation, applying the guiding principles of conciliation; both those indicated in article 684-H in the Federal Labor Law, and those indicated in the Labor Conciliation Manual, namely:

- Principle of impartiality

The conciliating authority must refrain from making assessments or criticisms of the positions of the parties, can identify with their interests, but must not externalize it, since at all times it must remain in a position of impartiality with the aim of achieving conciliation.

- Principle of neutrality.

The conciliating authority cannot be on one side or the other, one of these being its primary obligation. It must at all times balance the power of the parties.

- Principle of flexibility.

The conciliating authority must take all necessary measures to ensure that the procedure can be adapted to the different circumstances required by each case, as well as taking into account the concerns of the parties, without infringing the legal order.

- Principle of legality.

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The conciliating authority must be framed in the purposes established by law; That is, the action must be based on the legal norm under its strictest responsibility.

 Principle of equity.

The conciliating authority shall ensure that conditions of balance are provided for the parties during the conduct of the proceedings. So you must consider the conditions and characteristics of the particular case, so that the proposed solution is mutually beneficial.

 Principle of good faith.

The conciliating authority shall ensure that the parties conduct themselves truthfully during the proceedings and refrain from delaying the conciliation proceedings or unduly or in bad faith postponing the termination of conciliation sessions.

 Information principle.

At the time of carrying out the conciliation hearing, the conciliating authority has the obligation to protect the data provided by the parties, in the same way, it has the obligation to carry out the pertinent actions to corroborate the personality with which they are held and the veracity of the information provided, urging them to conduct themselves with the truth at all times of the process. It should always be established in simple language, to avoid any confusion of the parties.

 Principle of honesty.

This principle is that the conciliating authority, in its view, may terminate the conciliation hearing or excuse itself from participating in it, provided that its participation is against the interests of the conciliators. The early termination of the hearing should also not go against the interests of the conciliators and should be considered as the last option, since at all times the necessary techniques must be used so that they can recover the lost communication and reach an agreement.

 Principle of confidentiality.

The conciliating authority, the parties and all those involved in participating in the conciliation procedure must keep confidential the information derived from the process in question, on the understanding that this type of professional secrecy may not be disclosed, which constitutes a duty for the conciliator and a right for the parties. Especially since the specialized Labor Courts may not request this type of information as evidence in any type of controversy within their competence, since it seeks to generate a space of trust between the parties so that they can expose their needs, without any retaliation.

 Principle of speed.

The conciliation procedure should be conducted in such a way as to promote and enable the parties to resolve the dispute promptly and expeditiously.

 Principle of inalienability of rights, which is based on article 33 of the same labor law.

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It is based on the fact that the parts of the employment relationship are unequal, therefore, the worker is at a disadvantage before the employer, in such circumstances the law plans a conglomerate of minimum rights to which the worker can not even decline through its express manifestation.

It limits for the worker his autonomy of the will, which is the fundamental figure for the agreements in the common law, in labor matters an agreement that does not contemplate these minimum rights cannot be approved by the conciliating authority.

 Principle of veracity.

Conciliation is always aimed at finding what is really required by the parties. Thus, the conciliating authority shall never alter the meaning or meaning of the facts, issues, interests or agreements reached by the parties to the conciliation proceedings.

The third facilitator will urge the parties to address themselves with the truth; that is, on the veracity of the origin, causes and consequences of the conflict. The Commission must explain the conciliation procedure to the parties.

 Principle of voluntariness.

It is the free and spontaneous manifestation of the interested parties to reach an agreement with their full satisfaction and without any coercion, deception or bad faith, accepting the terms and conditions thereof.

It is the substantial difference of ADR with jurisdiction, in conciliation both parties build their agreement themselves according to their interests and needs, and make the decision of the terms and conditions of it.

In labor matters, this principle is delimited by another principle, that of inalienability of rights for the worker, since, for example, even if the worker voluntarily agreed not to be covered any benefit considered in the labor regulations as inalienable, the agreement would be illegal and could not be approved by the conciliating authority under penalty of nullity.

This principle is not violated by establishing conciliation as a preliminary ruling, since, although it is true, the parties have to attend a conciliation hearing as a prerequisite to sue, the truth is that under no circumstances is it compelled to reach an agreement. This principle is supported by article 684-E, section XIII, of the Federal Labor Law, which provides that:

"Once the agreement is concluded before the Conciliation Centers, it will acquire the status of res judicata, having the quality of a title to initiate executive actions without the need for ratification."

 Tutelary principle of work.

The conciliating authority intervenes in an asymmetrical relationship, this situation poses greater prominence in its participation, having a greater degree of intervention in the conflict, in order to monitor that the rights of the worker are not violated and to be guarantor of them, since one of the parties is in a condition of weakness and vulnerability, without this implying a loss of impartiality.

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Also, identify the different factors of power in a conciliation so that the agreement is as proportionate, equitable and not unfavorable to the disadvantaged.

This principle is supported by the special obligations contemplated in article 684-H, section VII, of the Federal Labor Law, which provides "To seek a balance between the factors of production and social justice, as well as decent and dignified work."

Based on these principles, it is sought that most labor disputes do not reach the judicial instances, in order to expedite the process, which is convenient not only for the parties involved but also for the State.

V – Conduct of the preliminary ruling conciliation procedure

The biggest change that arose with the Constitutional Labor Reform is the obligation of workers and employers to submit their dispute to a conciliation hearing before starting a trial before the Labor Courts, which must be carried out before the Conciliation Centers; This places pre-trial conciliation as a fundamental right of access to justice in administrative headquarters, which implies that access to justice will not only be under a jurisdictional aspect, but also, through an alternative procedure for the solution of labor disputes, prior to reaching the jurisdictional instance.

The body created to be aware of this procedure, within the scope of its competence are the Federal Center for Conciliation and Labor Registration (CFCRL) and the labor conciliation centers in the various states that, according to the decree amending the Fifth Transitory Article of the "Decree by which they are reformed, add and repeal various provisions of the Federal Labor Law, the Organic Law of the Judiciary of the Federation, the Federal Law on the Public Defender's Office, the Law on the Institute of the National Housing Fund for Workers and the Social Security Law, in matters of labor justice, freedom of association and collective bargaining" these will start activities no later than October 3, 2022, in terms of what is established by its own regulations and budgetary possibilities, according to what is determined by its local powers, which are a decentralized public body of the Federal Government, with legal personality and its own assets, with technical, operational, budgetary, decision-making and management autonomy.

The Federal Labor Law establishes the form and terms in which the Pre-Trial Conciliation Procedure will be carried out, which we present in a general way below:

The first step consists of the first contact session with the interested party or interested parties, in which it is explained in a clear and concrete way what conciliation consists of and, above all, in emphasizing the benefits of taking advantage of this procedure, emphasizing the benefits that this entails such as time, personal, economic and process.

In accordance with Article 684-E of the Federal Labor Law, the conciliation procedure begins with the submission of the request for conciliation in writing, electronically or in appearance before the competent conciliation center. The application can be submitted individually or jointly, and must be discharged within a maximum period of 15 working days.

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The conciliating authority shall receive the request by assigning it a unique identification number, an electronic mailbox for communications concerning the procedure, and shall designate a conciliation chamber in turn to the conciliation board. Likewise, the authority will indicate the day and time for the celebration of the conciliation hearing.

At the conciliation hearing the worker must go personally, likewise, he may go accompanied by a person of his confidence, but this person will not be recognized as a proxy. The worker may be assisted by a lawyer or a Labor Defense Attorney. As regards the employer, he must attend personally or through his legal representative with sufficient powers to bind himself on his behalf.

At the conciliation hearing, the parties must fully identify themselves before the conciliating authority and, where appropriate, the employer's legal representative must prove his personality.

Subsequently, the conciliating authority shall formulate a proposal for a settlement agreement with fair and equitable solutions that are appropriate to close the dispute.

However, if the parties do not agree with the proposed settlement, the conciliation authority shall issue a certificate that the mandatory preliminary ruling stage has been exhausted.

On the other hand, if the parties agree with the conciliation proposal, they will proceed to conclude an agreement in writing. The conciliation authority will take care and be responsible for ensuring that the agreement complies with all the requirements and benefits that apply to the specific case and that are provided for in the Federal Labor Law. The conciliating authority shall provide the parties with an authorized copy of the agreement.

Once the agreement has been concluded, it will acquire the status of res judicata and will have the character of an enforceable title. The conciliation authority shall provide a certified copy of the agreement to each party.

If the parties voluntarily comply with the agreement, the conciliation authority shall certify this circumstance and attest that the worker receives the payment agreed in the agreement in full, and personally. The conciliating authority shall provide each party with a certified copy of the minutes stating compliance with the agreement.

VI. Challenges and problems of Conciliation in Labor Matters.

We will start with one of the complexities of the moments we live in, is the stability in employment, although various mechanisms or sources of employment have been implemented, it is unlikely that this will improve in the coming years. To this we must add the problems of dismissals that occurred derived from the COVID-19 pandemic, since it resulted in several sources of employment having to close their doors, and that implied that when the labor centers and courts began to operate, a significant number of conciliation requests were received as a result of the many labor conflicts that were generated with the pandemic, which led to the centers being saturated. conciliation.

As obvious as it seems to point out, the lack of resolution of these and other conflicts is a factor that contributes to the social conflict in which we find ourselves. For this reason, it is important to remember that alternative means such as conciliation are a very good solution to dissolve them,

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although there are also other alternative means. And that even with the existence of these alternative means, formal justice is stuck and this implies that the old practices are maintained and will give rise to new ones, since the same behaviors and vices that legislative changes fail to disrupt continue to be maintained.

The approach of conciliation in the constitutional reform as a fundamental part of the labor justice system, seems limited to the new problems and paradigms that arise in this system, particularly because it is not new, as we have mentioned, the conciliation model has been present in the development of procedural labor law in Mexico, since the founding of the labor jurisdiction in Mexico, where even with the 2012 reform indicated it was included as one of the procedural principles in this matter. The novelty of this new process is the form of application and development, which departs from the jurisdictional scope.

Although conciliation is an effective mechanism for resolving disputes in labour matters, there is no national law on dispute resolution mechanisms in labour matters, as well as no constant training of conciliators, adequate spaces to carry out conciliation procedures. This implies that due access to justice in conciliation is not guaranteed in the new labor justice system. To this we must add that jurists and legal operators continue to repeat behaviors and vices of the old labor procedure, which prevents an end to the labor conflict.

The foregoing since, almost two years after the start of operations of the Labor Conciliation Center, limitations or problems have begun to be made to access that prompt, fast and expeditious justice, such as the initiation of this procedure that is the presentation of the conciliation request this is only by appearance before the competent conciliation center, although the law states that it can be done in writing before the competent authority, the conciliation centers oblige the worker and employer to ratify the pages that are given through the platform of the conciliation centers, the lack of the qualities of the conciliator, the time in which the conciliation is developed in the labor conciliation centers in Mexico, since they exceed the terms of the 45 days indicated by the Federal Labor Law in matters of labor pre-trial conciliation, and the positions taken by legal operators.

Is it necessary to create a National Law on Dispute Resolution Mechanisms in Labour Matters that would regulate in a special way the conciliation process in the new labour justice system?

Since there is no special regulation of the mechanisms of conciliation, mediation, negotiation that could be applied in the solution of labor conflict.

VII – Conclusion

There is no doubt that the great challenge of the new model of labor justice in Mexico is undoubtedly to avoid the judicialization of labor disputes and to decongest the procedures that are already carried out before the conciliation and arbitration boards, using as an alternative means of solution, the figure of conciliation without being in jurisdictional headquarters; For this purpose, budgets and human and material resources, constant training for conciliators and legal operators, and decent spaces in which the conciliation procedure is carried out, since these are very small and not adequate.

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The guidelines created for conciliation processes are of the utmost importance since they contain the rules for processing such pre-trial proceedings before the centers that were created, and that their viability must always lie in their resolution, at least in a general way, through conciliation, since otherwise the system will collapse due to the delay in the relief of conciliation hearings, and if these are not resolved in this way, it would also imply that the system in the jurisdictional route that implies the trial would also collapse, and will not allow true access to that prompt and expeditious justice mandated by the Mexican Constitution.

Therefore, not only is a Manual of Labor Conciliation or a Law of the Labor Conciliation Center of the State of Tabasco sufficient, but a National Law on Dispute Resolution Mechanisms in Labor Matters is required, which allows or contemplates not only conciliation as a means of resolving labor disputes, that leads to the progressivity of labor law in terms of the resolution of conflicts of a labor nature, as exists in criminal matters.

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