

17. Acts of a civil nature done in accordance with the laws of one State shall have validity in the others;
18. Professional degrees issued by the authorities of one State, subject to its laws, shall be respected in the others.

**Article 122.** The powers of the Union have the duty of protecting the States against all foreign invasion or violence. In any case of internal uprising or disturbance, they shall give equal protection, provided it is requested by the legislature of the State or by its Executive if the former is not assembled.

## TITLE VI

### Labor and Social Security

**Article 123.**<sup>(50)</sup> The Congress of the Union, without contravening the following basic principles, shall formulate labor laws which shall apply to:

19. Workers, day laborers, domestic servants, artisans (obreros, jornaleros, empleados domésticos, artesanos) and in a general way to all labor contracts:
  - a. The maximum duration of work for one day shall be eight hours.
  - b. <sup>(51)</sup> The maximum duration of nightwork shall be seven hours. The following are prohibited: unhealthful or dangerous work by women and by minors under sixteen years of age; industrial nightwork by either of these classes; work by women in commercial establishments after ten o'clock at night and work (of any kind) by persons under sixteen after ten o'clock at night.
  - c. The use of labor of minors under fourteen years of age is prohibited. Persons above that age and less than sixteen shall have a maximum work day of six hours.
  - d. For every six days of work a worker must have at least one day of rest.
  - e. During the three months prior to childbirth, women shall not perform physical labor that requires excessive material effort. In the month following childbirth they shall necessarily enjoy the benefit of rest and shall receive their full wages and retain their employment and the rights acquired under their labor contract. During the nursing period they shall have two special rest periods each day, of a half hour each, for nursing their infants.
  - f. The minimum wage to be received by a worker shall be general or according to occupation. The former shall govern in one or more economic zones; the latter shall be applicable to specified branches of industry or commerce or to special occupations, trades, or labor.

The general minimum wage must be sufficient to satisfy the normal material, social, and cultural needs of the head of a family and to provide for the compulsory education of his children. The occupational minimum wage shall be fixed by also taking into consideration the conditions of different industrial and commercial activities

Farm workers shall be entitled to a minimum wage adequate to their needs.

The minimum wage is to be fixed by regional committees, composed of representatives of the workers, employers, and the Government, and will be subject to approval by a national committee, organized in the same manner as the regional committees.

- g. Equal wages shall be paid for equal work, regardless of sex or nationality.
- h. The minimum wage shall be exempt from attachment, compensation, or deduction.
- i. <sup>(52)</sup> Workers shall be entitled to a participation in the profits of enterprises, regulated in conformity with the following rules:
  - a. A national committee, composed of representatives of workers, employers, and the Government, shall fix the percentage of profits to be distributed among workers.
  - b. The national committee shall undertake research and make necessary and appropriate studies in order to become acquainted with the general conditions of the national economy. It shall also take into consideration the need to promote the industrial development of the country, the reasonable return that should be obtained by capital, and the necessary reinvestment of capital.
  - c. The committee may revise the fixed percentage whenever new studies and research so justify.
  - d. The law may exempt newly established enterprises from the obligation of sharing profits for a specified and limited number of years for exploration work and other activities so justified by their nature or peculiar conditions.
  - e. To determine the amount of the profits of each enterprise the basis to be taken is the taxable income according to the provisions of the income tax law. Workers may submit to the appropriate office of the Secretariat of Finance and Public Credit any objections they may deem pertinent, in accordance with procedure indicated in the law.
  - f. The right of workers to participate in profits does not imply the power to intervene in the direction or administration of an enterprise.
- j. Wages must necessarily be paid in money of legal tender and cannot be paid in goods, promissory notes, or any other token intended as a substitute for money.
- k. Whenever, due to extraordinary circumstances, the regular working hours of a day must be increased, one hundred percent shall be added to the amount for normal hours of work as remuneration for the overtime. Overtime work may never exceed three hours a day nor three times consecutively. Persons under sixteen years of age and women of any age may not be admitted to this kind of labor.
- l. In any agricultural, industrial, or mining enterprise or in any other kind of work, employers shall be obliged to furnish workmen comfortable and hygienic living quarters for which they may collect

rent that shall not exceed one half percent monthly of the assessed valuation of the property. They also must establish schools, hospitals, and any other services necessary to the community. If the enterprise is situated within a town and employs more than one hundred workers, it shall be responsible for the first of the above obligations.

- m. In addition, in these same work centers, when the population exceeds 200 inhabitants, a tract of land of not less than five thousand square meters must be reserved for the establishment of public markets, the erection of buildings destined for municipal services, and recreation centers. Establishments for the sale of intoxicating liquors and houses for games of chance are prohibited in all work centers.
- n. Employers shall be responsible for labor accidents and for occupational diseases of workers, contracted because of or in the performance of their work or occupation; therefore, employers shall pay the corresponding indemnification whether death or only temporary or permanent incapacity to work has resulted, in accordance with what the law prescribes. This responsibility shall exist even if the employer contracts for the work through an intermediary.
- o. An employer shall be required to observe, in the installation of his establishments, the legal regulations on hygiene and health, and to adopt adequate measures for the prevention of accidents in the use of machines, instruments, and materials of labor, as well as to organize the same in such a way as to ensure the greatest possible guarantee for the health and safety of workers as is compatible with the nature of the work, under the penalties established by law in this respect.
- p. Both employers and workers shall have the right to organize for the defense of their respective interests, by forming unions, professional associations, etc.
- q. The laws shall recognize strikes and lockouts as rights of workmen and employers.
- r. Strikes shall be legal when they have as their purpose the attaining of an equilibrium among the various factors of production, by harmonizing the rights of labor with those of capital. In public services it shall be obligatory for workers to give notice ten days in advance to the Board of Conciliation and Arbitration as to the date agreed upon for the suspension of work. Strikes shall be considered illegal only when the majority of strikers engage in acts of violence against persons or property, or in the event of war, when the workers belong to establishments or services of the Government.
- s. Lockout shall be legal only when an excess of production makes it necessary to suspend work to maintain prices at a level with costs, and with prior approval of the Board of Conciliation and Arbitration.
- t. Differences or disputes between capital and labor shall be subject to the decisions of a Board of Conciliation and Arbitration, consisting of an equal number of workmen and employers, with one from the Government.

- u. <sup>(53)</sup> If an employer refuses to submit his differences to arbitration or to accept the decision rendered by the Board, the labor contract shall be considered terminated and he shall be obliged to indemnify the worker to the amount of three months' wages and shall incur any liability resulting from the dispute. This provision shall not be applicable in the case of actions covered in the following section. If the refusal is made by workers, the labor contract shall be considered terminated.
- v. <sup>(54)</sup> An employer who dismisses a worker without justifiable cause or because he has entered an association or union, or for having taken part in a lawful strike, shall be required, at the election of the worker, either to fulfill the contract or to indemnify him to the amount of three months' wages. The law shall specify those cases in which the employer may be exempted from the obligation of fulfilling the contract by payment of an indemnity. He shall also have the obligation to indemnify a worker to the amount of three months' wages, if the worker leaves his employment due to lack of honesty on the part of the employer or because of ill treatment from him, either to himself or to his wife, parents, children, or brothers and sisters. An employer may not relieve himself of this responsibility when the ill treatment is attributable to his subordinates or members of his family acting with his consent or tolerance.
- w. Credits in favor of workers for wages or salary earned within the last year, and for indemnity compensation, shall have priority over all other obligations in the event of receivership or bankruptcy.
- x. A worker alone shall be responsible for debts contracted by himself and payable to his employer, his associates, members of his family, or dependents, and in no case and for no purpose may payment be exacted from members of the worker's family, nor are these debts demandable for an amount exceeding the wages of the worker for one month.
- y. Services of employment placement for workers shall be gratuitous, whether such service is performed by a municipal office, labor exchange, or any other official or private institution.
- z. Every labor contract made between a Mexican and a foreign employer must be notarized by a competent municipal authority and countersigned by the consul of the nation to which the worker intends to go, because, in addition to the ordinary stipulations, it shall be clearly specified that the expenses of repatriation shall be borne by the contracting employer.
- aa. The following conditions shall be considered null and void and not binding on the contracting parties, even if expressed in the contract:
  - a. Those that stipulate a day's work that is inhuman because it is obviously excessive, considering the kind of work;
  - b. Those that fix wages that are not remunerative, in the judgment of Boards of Conciliation and Arbitration;
  - c. Those stipulating a period of more than one week before payment of a day's wages;
  - d. Those indicating as the place of payment of wages a place of recreation, an inn, café, tavern, bar, or store, except for the payment of employees of such establishments;

- e. Those that include the direct or indirect obligation of acquiring consumer goods in specified stores or places;
  - f. Those that permit the retention of wages as a fine;
  - g. Those that constitute a waiver by the worker of indemnification to which he is entitled due to labor accidents or occupational diseases, damages occasioned by the nonfulfillment of the contract, or by being discharged;
  - h. All other stipulations that imply waiver of any right designed to favor the worker in the laws of protection and assistance for workmen;
- bb. The laws shall determine what property constitutes the family patrimony, property that shall be inalienable, not subject to encumbrances of attachment, and that shall be transmissible by inheritance with simplification of the formalities of succession.
  - cc. Enactment of a social security law shall be considered of public interest and it shall include insurance against disability, on life, against involuntary work stoppage, against sickness and accidents, and other forms for similar purposes;
  - dd. Likewise, cooperative societies established for the construction of low-cost and hygienic houses to be purchased on installments by workers, shall be considered of social utility;
  - ee. <sup>(55)</sup> Enforcement of the labor laws belongs to the authorities of the States, in their respective jurisdictions, but it is the exclusive jurisdiction of the federal authorities in matters relating to the textile, electrical, motion picture, rubber, sugar, mining, petrochemical, metallurgical, and steel industries, including the exploitation of basic minerals, their processing and smelting, as well as the production of iron and steel in all their forms and alloys and rolled products, hydrocarbons, cement, railroads, and enterprises that are administered directly or in decentralized form by the federal Government; enterprises that operate by virtue of a federal contract or concession, and connected industries; enterprises that carry on work in federal zones and territorial waters; disputes that affect two or more federal entities; collective contracts that have been declared obligatory in more than one federal entity, and finally, obligations that in educational matters belong to employers in the manner and form fixed by the respective law.
- <sup>(56)</sup> The branches of the Union, the governments of the Federal District and of the federal Territories and their workers:
    - a. The maximum working day for day and nightwork shall be eight and seven hours respectively. Those in excess will be overtime and will be paid by a one hundred percent addition to the remuneration fixed for regular service. In no case may overtime exceed three hours a day or three consecutive times.
    - b. For every six days of work a worker shall be entitled to one day of rest, at least, with full wages.
    - c. Workers shall be entitled to vacations of not less than twenty days a year.
    - d. <sup>(57)</sup> Wages shall be fixed in the respective budgets, and their amount may not be decreased while a given budget is in effect.

In no case may wages be lower than the minimum for workers in general in the Federal District and in agencies of the Republic.

- e. Equal wages shall be paid for equal work, without regard to sex.
- f. Withholdings, discounts, deductions, or attachments from wages may be made only in those cases provided by law.
- g. The appointment of personnel shall be made by systems which permit a determination of the skills and aptitudes of applicants. The State shall organize schools of public administration.
- h. Workers shall be entitled to the rights of a classification scale so that promotions may be made on the basis of skills, aptitudes, and seniority.
- i. Workers may be suspended or discharged only on justifiable grounds, for reasons prescribed by law.

In the event of unjustifiable discharge, a worker has the right to choose between reinstatement in his work or to appropriate indemnity, determined by legal proceedings. In case of abolishment of positions, the affected workers shall have the right to another position equivalent to the one abolished or to an indemnity.

- j. Workers shall have the right to associate together for the protection of their common interests. They may also make use of the right to strike after first complying with requirements prescribed by law, with respect to one or more offices of the public powers, whenever the rights affirmed by this article are generally and systematically violated.
- k. Social security shall be organized on the following minimum bases:
  - a. It shall cover work accidents and occupational diseases, nonoccupational illness and maternity; and retirement, disability, old age, and death.
  - b. In case of accident or illness, the right to work shall be retained for the time specified by law.
  - c. Women shall be entitled to one month's leave prior to the approximate date indicated for childbirth and to two months' leave after such date. During the nursing period, they shall have two extra rest periods a day, of a half hour each, for nursing their children. In addition, they are entitled to medical and obstetrical attention' medicines, nursing aid, and infant care services.
  - d. Members of a worker's family shall be entitled to medical attention and medicines, in those cases and in the proportions specified by law.
  - e. Centers are to be established for vacations and convalescence, as well as economy stores for the benefit of workers and their families.
  - f. Workers will be allotted low-cost housing for rent or sale, in accordance with previously approved programs.
- l. Individual, collective, and interunion disputes shall be submitted to a federal tribunal of conciliation and arbitration to be organized as provided in the regulatory law.

Disputes between the federal judicial branch and its employees shall be settled by the plenary Supreme Court of Justice of the Nation.

- m. Military and naval personnel and members of the public security corps, and personnel of the foreign service, shall be governed by their own laws.
- n. The law shall determine what positions are to be regarded as those of personal trust (de confianza). Persons who hold such positions shall be entitled to the benefits of measures for the protection of wages and social security. (Note: A transitory article of the amendment states that until the respective regulatory law is enacted, the Statute for Workers in the Service of the Powers of the Union shall remain in effect insofar as it is not contrary to the present amendment.)

## TITLE VII

### General Considerations

**Article 124.** The powers not expressly granted by this Constitution to federal officials are understood to be reserved to the States.

**Article 125.** No individual may fill two popularly elected federal offices at the same time, nor one federal and one state office, also by popular election; but an elected candidate may choose which of the two he desires to hold.

**Article 126.** No payment may be made that is not included in the budget or provided for by a subsequent law.

**Article 127.** The President of the Republic, the members of the Supreme Court of Justice, the deputies and senators, and other elective public officials of the Federation shall receive a compensation for their services that shall be specified by law and paid by the federal Treasury. This compensation cannot be refused and any law that increases or decreases it shall not take effect during the term in which an official holds office.

**Article 128.** Every public official, without exception of any kind, before taking possession of his office, shall take an affirmation to uphold the Constitution and the laws emanating therefrom.

**Article 129.** No military authority may, in time of peace, perform any functions other than those that are directly connected with military affairs. There shall be fixed and permanent military commands only in the castles, forts, and warehouses immediately subordinate to the Government of the Union; or in encampments, barracks, or arsenals established for the quartering of troops outside towns.

**Article 130.**<sup>(58)</sup> The federal powers shall exercise the supervision required by law in matters relating to religious worship and outward ecclesiastical forms. Other authorities shall act as auxiliaries of the Federation.