

REFORM TO THE FEDERAL LABOR LAW AND THE SOCIAL SECURITY LAW REGARDING LABOR RIGHTS OF FARMWORKERS

JANUARY 2024

EXECUTIVE SUMMARY:

- On January 24th, 2024, the decree that reforms, adds, and eliminates various provisions of the Federal Labor Law and the Social Security Law, regarding farmworkers' labor rights, was published.
- With the changes, which will come into force on January 25th 2024, the different modalities by means of which farmworkers can be hired are recognized and various obligations were imposed on employers.
- To guarantee compliance with obligations by employers, Labor Inspectors are given the power and duty to carry out inspection visits at least once a year and in season or season of production.



On January 24th, 2024, the decree that reforms, adds, and eliminates various provisions of the Federal Labor Law and the Social Security Law, regarding farmworkers' labor rights, was published in the Official Gazette of the Federation.

This reform establishes measures to guarantee the farmworkers' rights.

With the changes, which will come into force on January 25th 2024, the different modalities by means of which farmworkers can be hired are recognized: permanent or temporary -for a specific work, a specific time or season-, establishing that everyone will have the right to social security; in addition, it is established that temporary workers who work continuously for more than twenty-seven weeks shall be presumed to be permanent.

Regardless of the modality, the parties must formalize the hiring process through a written contract, detailing the working conditions and the mechanisms to inform farmworkers about the labor authorities to whom they can turn when they consider that their rights have been undermined. The salary will be set by the National Minimum Wage Commission, without this preventing the parties from agreeing upon a remuneration higher than the minimum wage.

In that regard, the employer must keep a special registry of temporary farmworkers to record the total period of contracted time, which will be used to calculate the proportional part of vacation, vacation premium, Christmas bonus, and any other accrued benefit that they are entitled to at the end of the operation, certain time, or season.

Additionally, various obligations were imposed on employers, including the following:

- + Provide housing to workers that must meet the minimum construction, safety, and hygiene requirements. In all cases, housing must have a solid floor, drinking water, bathrooms, showers, laundry rooms, and dining rooms.
- + Provide healthy, sufficient, and varied food; water suitable for human consumption and use in sufficient quantity and adequate sanitary services.
- + Transfer farmworkers to the Mexican Social Security Institute medical services. In places where the Institute does not have facilities, employer must provide free medical assistance.
- + Provide daycare services to the sons and daughters of farmworkers for the entire duration of the working day, regardless of the hiring scheme.
- + Guarantee farmworkers equal access to the training or certification schemes for labor skills implemented by the employer.
- + Respect the pre and postnatal breaks of pregnant workers, who must have stability in their employment during pregnancy and until the end of the postpartum period. It should be noted that temporary farmworkers who are pregnant during the time of effective provision of services are entitled to the benefits corresponding to the Health and Maternity Insurance relating to medical and hospital services.

In connection to the above, to guarantee compliance with obligations by employers, Labor Inspectors are given the power and duty to carry out inspection visits at least once a year and in season or season of production, establishing potential fines for employers in the range of 250 to 2,500 times the Update and Measurement Unit for non-compliance with the corresponding standards. This fine could be applied per each affected farmworker.

In summary, this reform seeks to strengthen the labor rights of farmworkers, sanctioning those who fail to comply with the provisions, and ensuring fair, safe, and healthy conditions.

Below please find the link to the official publication of the reform in the DOF:

https://www.dof.gob.mx/nota_detalle.php?codigo=5715043&fecha=24/01/2024#gsc.tab=0



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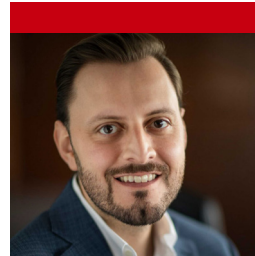
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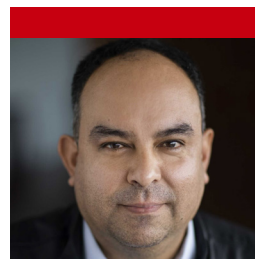
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