

Newsletter

Labor, Social Security and Immigration Practice Group

Reform Regarding Labor Rights of Agricultural Workers

On January 24, 2024, the Official Gazette of the Federation published the Decree amending, adding, and repealing various provisions of the Federal Labor Law and the Social Security Law concerning the labor rights of agricultural workers.

Among the key changes outlined in the decree is the exclusion of rural workers employed by companies acquiring rural products for packing, repacking, display, sale, or transformation through processes altering their natural state.

Furthermore, certain obligations for employers have been established, including providing healthy, sufficient, and varied meals to agricultural workers during working hours. Additionally, employers are obligated to transport agricultural workers to medical services provided by the Mexican Social Security Institute.

The decree also mandates inspectors to conduct inspections at least once a year and during production seasons.

On January 25, 2024, the Official Gazette of the Federation published the Mexican Official Standard NOM-003_STPS-2023 for agricultural activities.

The standard lays out safety and health conditions to prevent risks faced by workers engaged in agricultural activities throughout the national territory. It applies to workplaces conducting agricultural activities.

Among the obligations specified in the standard, employers must identify and document in writing the hazards associated with agricultural activities, implement safety and health procedures, adhere to agrochemical handling protocols, and provide appropriate personal protective equipment, among other detailed responsibilities. Workers, on the other hand, must comply with established safety measures and follow instructions for agrochemical handling, among other responsibilities.

The standard outlines safety measures for agricultural facilities, fire protection, electrical installations, agricultural product storage, general safety measures, fall prevention, ergonomic risks, noise exposure, vibrations, and extreme thermal conditions.

The new provisions in the Federal Labor Law and NOM-003 regarding agricultural workers necessitate a review of the current hiring structure, compensation, social security regimen, and workplace safety and health measures to mitigate potential impacts on costs and productivity.

The professionals at Sánchez Devanny's Labor and Social Security Practice Group possess the knowledge and experience for the analysis, review, and implementation of the new regulations.

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Labor, Social Security and Immigration Practice Group

This practice advises clients on compliance with labor and social security laws, and in the design and implementation of labor structures to avoid risk. We assist in processing immigration documentation for top-level executives and their families, with employment agreements, terminations, and fringe benefit planning, and represent clients in employment litigation.

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