



Newsletter

Labor, Social Security and Immigration Practice Group

Assessment of Labor Activities Involving Minors in the Agricultural and Forestry Sectors (NOM-038-STPS-2024)

The **Official Mexican Standard NOM-038-STPS-2024** has recently been published, establishing key guidelines for classifying labor activities in the agricultural and forestry sectors. This standard aims to protect minors by ensuring that they only engage in lower-risk tasks. To facilitate compliance with these requirements, it is essential to understand the procedure for conformity assessment, which ensures that workplaces adhere to the new regulations.

We must remember that, according to the Federal Labor Law, minors are workers who are over 15 and under 18 years of age. They must obtain a medical certificate proving their fitness for work and undergo periodic medical examinations.

The assessment process begins with preparation for the inspection. Before the visit, employers must prepare all necessary documentation demonstrating compliance with the standard. This includes detailed records and evidence of the activities carried out by minors in the workplace. Proper planning for the inspection ensures that critical aspects are thoroughly reviewed.

During the inspection visit, labor authorities will conduct a comprehensive review that includes two main components: documentary inspection and physical inspection. The documentary inspection involves reviewing documents provided by the employer to ensure that minors are not engaged in hazardous activities. Simultaneously, the physical inspection consists of a walkthrough of the workplace to directly observe the conditions and activities being carried out.

Regarding the aspects to be verified, the standard differentiates between hazardous or unhealthy activities

and lower-risk activities. Hazardous activities, such as handling chemicals, machinery, or heavy vehicles, must be documented and observed to ensure that minors are not involved. In contrast, lower-risk activities, such as administrative tasks, must be verified to confirm that minors are only performing tasks that do not expose their health to risks.

Once the inspection is completed, a detailed report with findings is prepared. If irregularities are detected, the employer must implement corrective measures. Subsequently, the labor authority will conduct follow-up to ensure that the corrections have been effectively made.

Compliance with NOM-038-STPS-2024 is an ongoing process. The Ministry of Labor and Social Welfare will perform additional monitoring to ensure that workplaces maintain adherence to the standard over time.

For employers, implementing this standard requires adjustments to current practices in the workplace. It is crucial to review and adapt procedures to ensure that all activities involving minors meet the established safety requirements. It is recommended to thoroughly review activities, maintain clear documentation, and provide appropriate training to minors and supervisors to comply with safety and health standards.

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.

This bulletin was jointly prepared by Alfredo Kupfer-Domínguez (akupfer@sanchezdevanny.com), and María José Coronel-López (mjcoronel@sanchezdevanny.com).

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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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