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Report Name: Decree Expands Agricultural Labor Rights

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Report Highlights:

On January 25, 2024, the Government of Mexico implemented a decree modifying provisions of the Federal Labor Law and the Social Security Law related to agricultural labor rights. The decree requires written contracts; improved living conditions; access to healthcare, education, and childcare; and stricter occupational safety measures. This report provides an overview of the decree's main provisions and an unofficial translation of the decree.

Summary

On January 24, 2024, the Government of Mexico issued the “Decree by which Various Provisions of the Federal Labor Law and the Social Security Law are Reformed, Added and Repealed, Regarding the Labor Rights of Field Workers,” making significant changes to rural labor rights. The decree, which entered into force on January 25, 2024, requires written contracts; improved living conditions; and access to healthcare, education, and childcare. In addition, the decree prioritizes worker safety, including training, equipment, and stricter enforcement of related regulations. The new provisions may raise agricultural production costs in Mexico, in particular for high-value, export-oriented products that require relatively more labor. This report provides an overview of the decree’s main provisions and an unofficial translation of the decree.

Overview

- **Expanded definition of field worker:** The revised definition of field worker now encompasses permanent and temporary workers in traditional agriculture, forestry, aquaculture, poultry farming, and beekeeping.
- **Stronger emphasis on written contracts:** All field workers, irrespective of their employment contract type, must be provided with a written contract specifying their working conditions and outlining clear mechanisms for reporting any violations of their rights.
- **Improved living conditions:** Employers must provide free and habitable rooms, nutritious food, water, sanitation facilities, and access to medical care for field workers and their families.
- **Medical care:** Employers must provide workers and their accompanying family members with access to medical services, either through the Mexican Social Security Institute (IMSS) or by offering free medical assistance if IMSS is not available.
- **Education and childcare:** Employers must promote education for field workers and their children and provide daycare services for all workers regardless of employment status. If a workplace is located outside a town, the employer must either establish and maintain schools compliant with the General Education Law or enter agreements with educational authorities to ensure compliance.
- **Safety and health protections:** Employers must provide training and safety equipment, protect workers from exposure to hazardous materials, and respect limitations on work hours. The decree emphasizes the need to prevent discrimination and violence against field workers.
- **Government responsibilities:** Labor inspectors will have increased power to enforce regulations and report violations. Higher fines are established for failure to comply with protective provisions for fieldwork. The National Minimum Wages Commission will set the minimum professional wage for rural workers.
- **Social security:** All field workers, permanent and temporary, are entitled to social security benefits.
- **Maternity benefits:** Temporary field workers who are pregnant have the right to maternity benefits.
- **Respect for cultural identity:** Employers must provide training in the workers' language, including indigenous languages. The decree encourages employers to engage with indigenous and Afro-Mexican communities.

BEGIN UNOFFICIAL TRANSLATION

January 24, 2024

[DECREE by which various provisions of the Federal Labor Law and the Social Security Law are reformed, added and repealed, regarding the labor rights of rural workers.](#)

**In the margin a seal with the National Coat of Arms, which says: United Mexican States.-
Presidency of the Republic.**

ANDRÉS MANUEL LÓPEZ OBRADOR, President of the United Mexican States, to its inhabitants know:

That the Honorable Congress of the Union has kindly addressed me the following.

DECREE

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES, DECREES:

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES, DECREES:

VARIOUS PROVISIONS OF THE FEDERAL LABOR LAW AND THE SOCIAL SECURITY LAW ARE REFORMED, ADDED AND REPEALED, REGARDING THE LABOR RIGHTS OF FIELD WORKERS

Article First.- The name of Chapter VIII of Title Six, articles 279, are reformed; 279 Bis; 279 Ter; 279 Quater; 280; 280 Bis, first paragraph and sections I and III; 282; 283, first paragraph and sections II, III, IV, VI, VII, X, XIII and XIV; 284, first paragraph and sections I, II and III; 542, first and second paragraphs; 547, first paragraph and section VI; 997; 1003, second paragraph; and 1004, first paragraph; a fourth paragraph is added to article 279; a second and third paragraph to article 280 Bis; a second, third and fourth paragraphs to article 282; a third, fourth, fifth and sixth paragraphs to section X, a second paragraph to section XI, a second and third paragraphs to section XIII, a second paragraph to section XIV, fractions XIX to article 283; an article 283 Bis; an article 283 Ter; sections IV, V, VI and VII to article 284, an article 284 Bis and an article 997-A, and section VIII of article 283 of the Federal Labor Law is repealed, to read as follows:

CHAPTER VIII

Field Workers

Article 279. Field workers are natural persons who carry out work aimed at obtaining food or primary products through the performance of various agricultural, horticultural, livestock, forestry, aquaculture, poultry, beekeeping, or other similar tasks, provided that these are not subjected to some type of industrial process and as long as they are developed in rural areas.

Those who work in agricultural, horticultural, livestock, forestry, aquaculture, poultry, beekeeping, or other similar companies that acquire rural products to carry out packaging, repackaging, exhibition, sale or for their transformation activities through some process that modifies its natural state will not be considered rural workers.

Field workers may be permanent or temporary.

All rural workers, regardless of the type of contract, have the right to access social security.

Article 279 Bis.- A field worker is one hired for an indefinite period, or the provision of their services is continuous.

Article 279 Ter.- The temporary field worker is the person hired for work, a specific time or season, in accordance with the nature or needs of the activities included within this Chapter.

This work scheme includes field workers called seasonal, casual, day laborers and migrant day laborers.

Article 279 Quater.- The employer must keep a special register of temporary field workers to record the accumulation of contracted time, in order to establish seniority in the job and, based on this addition, calculate benefits and rights derived from the total time of work.

Article 280.- The temporary field worker who works continuously for a period of more than twenty-seven weeks for one or more employers has in his or her favor the presumption of being a permanent field worker.

The employer must keep a special record of the temporary field workers that he/she hires each year and present it before the labor authorities when required to do so.

At the end of the work, the specified time or the season, the employer must pay the field worker the corresponding proportional parts for vacation, vacation bonus, bonus and any other benefit to which he or she is entitled, and must deliver a certificate to each field worker indicating the days worked and the total wages earned, the seniority accumulated up to that date, as well as withholdings and contributions for social security.

Article 280 Bis.- The National Minimum Wages Commission will set the minimum professional wages for rural workers, and must take into consideration, among others, the following circumstances:

I. The essential nature of the work for the country's food security and sovereignty, as well as their quantity and quality;

II. ...

III. The salaries and benefits received by field workers from establishments and companies dedicated to the production of products in the activities referred to in this Chapter, where field workers are sufficiently organized.

The employer may agree with the field worker on a remuneration higher than the minimum professional wage as long as the maximum legal working day is not exceeded.

When the salary is determined per unit of work, the employer will be obliged to guarantee the provision of work in an adequate quantity and to respond for the suppression or reduction of work, in these cases the employer will guarantee the payment of at least the minimum professional wage.

Article 282.- Field work must be established by written contract, provided that one person is obliged to another person to perform acts, execute works or provide services in the activities referred to in this Chapter, in a subordinate manner and through the payment of a salary.

The working conditions must be stated in the above-mentioned contract, observing the provisions of article 25 and what is indicated in this Chapter. In addition, working conditions will establish the agreed mechanisms to inform field workers about the labor authorities and social services to which they can turn when the field worker considers that their rights have been undermined, in order to exercise appropriate legal action.

All field workers must have a copy of the employment contract. The lack of a written employment contract does not deprive field workers of the rights derived from the services provided, and the lack of this formality will be attributable to the employer.

Employers of specialized services who intervene in the staff hiring process through recruitment and selection will not be considered employers; this character is held by those who benefit from the services.

Article 283.- In matters of safety and health, employers have the following special obligations:

...

II. Provide free rooms to field workers and, where appropriate, their family or economic dependents who accompany them. These rooms must meet the minimum construction, safety and hygiene requirements that guarantee an adequate standard of habitability in decent conditions. In all cases, the rooms must have a solid floor, drinking water, bathrooms, showers, laundry rooms and dining rooms. Where appropriate, provide an individual or collective property for raising barnyard animals.

III. Keep the rooms in decent and habitable conditions, making, where appropriate, necessary and convenient repairs;

IV. Provide farm workers with healthy, sufficient and varied food during the workday; water suitable for human consumption and use, in sufficient quantity and adequate and independent sanitary services for each sex, in sufficient quantity and proportional to the number of people;

V. ...

VI. Transfer field workers and their accompanying family members to the medical services of the Mexican Social Security Institute. In places where the Institute does not have facilities, the employer

must provide free medical assistance. They will also have the obligations referred to in article 504, section II;

VII. Provide free of charge to the field worker, their family members or economic dependents who accompany them, medicines, and healing materials in cases of tropical, endemic, and regional diseases and pay the field workers who become incapacitated, seventy five percent of salaries for up to ninety days. Temporary field workers will enjoy this benefit for the duration of the employment relationship.

Field workers who are migrant day laborers must also have life insurance for their trips from their homes of origin to the work centers and subsequently upon their return;

VIII. Repealed

IX. ...

X. Promote education among farm workers and their families. In the case of rural workers, education with cultural and linguistic relevance for adults should be promoted through the various types and modalities of study to eradicate educational lag and illiteracy. In the case of children of farm workers, compulsory education should be encouraged.

When the activities referred to in this Chapter are located outside of towns, the employer must establish and maintain schools in accordance with the provisions of Article 82 of the General Education Law.

The educational authorities of the federal entities may enter into agreements with employers to comply with such obligation.

When the activities referred to in this Chapter are located near or in towns, the State will guarantee, always, access to compulsory education for the sons and daughters of migrant farmworkers in schools with physical conditions and equipment, as well as with teaching staff with the appropriate professional profile that allows providing education with equity, inclusion, cultural and linguistic relevance.

The educational authorities will recognize the studies that, in the same school year, the sons and daughters of rural workers carry out both in their places of origin and in their workplaces. Likewise, educational authorities will define monitoring mechanisms that ensure the continuity of studies in their communities of origin and in workplaces.

In any case, the education provided will respond to the linguistic, regional and sociocultural diversity of the country, in addition to the characteristics and needs of this sector of the population, so it must be intercultural and plurilingual in nature;

XI. ...

If the field worker is hired to temporarily reside at the workplace, in a place other than where he or she has his or her usual residence, the employer will be responsible for the safe and comfortable transportation of the worker, his or her family group, and their belongings, from the place of contracting to the place of execution of the contract when the relationship begins until it ends;

XII. ...

XIII. Provide daycare services to the sons and daughters of farm workers, throughout the duration of the workday, regardless of the hiring scheme.

In those places where the Mexican Social Security Institute does not have facilities, the employer must enable spaces with safe and hygienic facilities and furniture, as well as have trained personnel authorized by the competent authorities.

This service must serve boys and girls who have not yet reached school age and also, in turn, those who attend school until they cover the working day of the field workers in whose charge they are;

XIV. Train and instruct on the correct use of personal protective equipment when the field worker must perform tasks that are dangerous to their health. The referred training must be carried out in the indigenous language or in the language of the worker.

The above will also be applicable when the work involves carrying out processes or handling agrochemicals, toxic, irritating or aggressive substances in any of their forms;

XV. Provide safety and personal protective equipment when due to the operation of the work, its use is necessary and when the field worker performs tasks outdoors, in case of rain, flooded land or other similar situations.

In the case of activities that involve the handling of agrochemicals or any other dangerous chemical substance, including the washing of equipment, containers and work clothing, the personal protective equipment indicated on the label or safety sheet must be provided, in addition to supervise its correct use, and maintain the equipment in safe operating condition;

XVI. Ensure rest, breaks and limitations on the length of the day are observed and adopt the measures that, depending on the type of work, experience and technique, are necessary to protect the physical integrity and dignity of field workers, and must avoid the harmful effects of risky tasks or those that lead to old age or premature exhaustion;

XVII. In the handling of dangerous chemical or biological substances, their waste or containers that contain them:

- a) Only apply agrochemicals with a current, non-expired Sanitary Registry of Pesticides and Plant Nutrients, in the recommended doses and without mixing incompatible products, as established on the labels;

- b) Verify that all containers containing agrochemicals have the original label, and have printed safety data sheets for each of the agrochemicals and chemical substances used;
- c) Mark the storage, handling, mixing, or filling areas of chemical or biological substances, as well as the containers that would have contained said substances, and
- d) Observe the other provisions in accordance with the applicable legal provisions;

XVIII. Fully identify in writing the possible dangers derived from the activities and places where they are carried out; to do so, at least the following aspects must be considered:

- a) Exposure to agrochemicals or any other dangerous chemical substance;
- b) The operation, handling, inspection, transportation or maintenance of tractors, agricultural machinery, equipment, vehicles and tools;
- c) Work at heights and confined spaces, including silos and storage tanks for agricultural products;
- d) Manual handling of loads and other ergonomic risk factors;
- e) Exposure to noise, vibrations and solar radiation;
- f) Exposure to dust generated in activities such as plowing the land, the production of various grains, legumes and other agricultural products; packaging and transporting crops;
- g) Biological hazards, such as harmful flora and fauna, as well as the risk of contracting diseases through the bite or sting of insects or animals that transmit them;
- h) Extreme environmental conditions, as well as exposure to atmospheric electrical discharges;
- i) The generation of static electricity and the risk of fire and/or explosion in silos and storage tanks for agricultural products; and
- j) Psychosocial risk factors that could affect farm workers;

XIX Observe the applicable provisions of the official Mexican standards on safety and health at work, especially in the case of women, pregnant or breastfeeding women, and the prohibition of exposing minors to health risks.

The worker may refuse to provide work, without causing loss or reduction of salary, when there is an imminent danger of harm to his or her safety and health.

The Mexican Social Security Institute may enter into an agreement with employers to comply with the obligations indicated in sections VI, VII, first paragraph, and XIII of this article, in accordance with the applicable provisions of the Social Security Law.

Article 283 Bis.- Field workers have the right to be trained in the programs that are implemented for the development of their skills and knowledge and whose purpose is a progressive improvement of working conditions in the productive activity in which they work.

The employer must guarantee field workers equal access to the training or certification schemes for work skills that it implements, regardless of their gender, indigenous language, category, or any other parameter. The actions derived from these schemes will be carried out within or outside of working hours, depending on their characteristics and implementation. If it is within working hours, the time during which field workers attend activities will be considered work time for all purposes.

The employer will recognize the specialty of the field workers.

Article 283 Ter.- The employer shall promote a work environment free of discrimination and violence, favoring substantive equality through the promotion and strengthening of the recognition of indigenous and Afro-Mexican cultural diversity, enjoyment or exercise of human rights and fundamental freedoms in the work environment of farm workers.

The employer must respect the pre- and post-natal breaks of pregnant workers. Adequate guarantees and conditions must be established within the workspace for the exercise of infant breastfeeding through the installation of breastfeeding rooms in terms of this Law.

The temporary field worker will have job stability during gestation and until the end of the puerperium.

Article 284.- Employers are prohibited from:

- I. Establishing or allowing stores of intoxicating beverages and gambling houses in the workplace or in the area where farm workers live;
- II. Preventing merchandise sellers from entering or charging them a fee;
- III. Preventing workers from raising barnyard animals on the individual or collective property designated for this purpose, unless it damages crops or any other activity carried out in the workplace facilities;
- IV. Using the services of persons under eighteen years of age in the terms provided for in this Law;
- V. Paying lower wages to women, with the exception of corresponding reductions due to the length of the day;
- VI. Obliging or allowing field workers to bring their minor sons and daughters to work with them, and
- VII. Paying the salary with merchandise, vouchers, tokens, any other representative sign other than the legal currency in the country or with intoxicating beverages.

Article 284 Bis.- Labor Inspectors have the power and duty to carry out inspection visits at least once a year and during the production season or season to verify due compliance with the obligations established in this Chapter, and in particular, compliance with the following:

- I. Verify that field work is carried out under adequate conditions in terms of training and health and safety;
- II. Ensure that salaries are not lower than those determined in accordance with this Law;
- III. Verify that the services of underage girls and boys are not used;
- IV. Verify that rural workers are provided with rooms, transportation and education for their sons and daughters;
- V. Verify that employment contracts are recorded in writing and that mechanisms are established to inform field workers about the labor authorities and social services that they can contact when the field worker considers that their rights have been impaired, in order to exercise the appropriate legal action, and

VI. Verify compliance with any other protective provisions for field work.

Article 542.- Labor Inspectors have the following obligations:

I. to V. ...

The inspection will be carried out with special attention in the case of domestic workers, rural workers, migrants, indigenous and Afro-Mexican workers, people who belong to a vulnerable group, as well as domestic workers under eighteen years of age.

Article 547.- The following are special causes of responsibility of the Labor Inspectors:

I. to V. ...

Do not report to the Prosecutor's Office the employer of an industrial, field work, mining, commercial or service negotiation that omits payment or has stopped paying the general minimum wage to a field worker in their service.

Article 997.- The employer who violates the protective regulations for home-based work will be fined the equivalent of 250 to 2,500 times the Measurement and Update Unit.

Article 997-A.- The employer who violates the protective regulations for field work will be fined the equivalent of:

- I. From 250 to 2,500 times the Measurement and Update Unit, when the employment contract is not stated in writing and/or does not establish the mechanisms referred to in article 282; and does not keep or is deficient in the special registry of temporary workers referred to in article 280, and
- II. From 250 to 5000 times the Measurement and Update Unit, when it does not provide rooms or they do not have the minimum required conditions; do not provide food, water and toilets; do not provide education; do not provide safe and comfortable transportation; does not provide daycare services referred to in sections II, IV, X, XI and XIII of article 283; and does not observe the protective provisions for workers referred to in article 283 Ter.

Article 1003.- ...

The Court, the Labor Inspectors, have the obligation to report to the Prosecutor's Office the employer of an industrial, field work, mining, commercial or service negotiation that has stopped paying or paying its workers of the field amounts lower than those indicated as the general minimum wage.

Article 1004.- To the employer in any industrial negotiation, field work, agricultural, mining, commercial or services that pays to one or more of its field workers amounts lower than the salary set as a general minimum or has delivered payment vouchers that cover sums of money greater than those actually delivered, will be punished with the following penalties:

I to III...

Second Article.- Section XIX of article 5 A is reformed; section IX of article 15; article 237; the first and second paragraphs of article 237-A; the second and third paragraphs of article 237-D, and article 237-E of the Social Security Law is added, to read as follows:

Article 5 A. For the purposes of this Law, it is understood as:

I. to XVIII. ...

Temporary field worker: is a natural person who carries out work aimed at obtaining food or primary products through the performance of various agricultural, horticultural, livestock, forestry, aquaculture, poultry, beekeeping or other similar tasks, provided that they are not subjected to some type of industrial process and as long as they are developed in rural areas. They are hired by work, for a specific period or by season according to the nature or needs of the activities. If you work continuously for a period of more than twenty-seven weeks for one or more employers, you will be considered a permanent worker. To calculate the weeks worked and determine the form of contribution, the provisions of the law and the respective regulations will be followed;

XX. to XXII. ...

Article 15. Employers are obliged to:

I. to VIII. ...

IX. Issue and deliver, in the case of temporary or casual workers from the city or the countryside, proof of the days worked in accordance with what the respective regulations establish.

...

Article 237. Salaried workers, permanent and temporary in rural activities, are included in article 12, section I, of this Law and will have access to social security in the terms and forms established by it, in accordance with the modalities that for this purpose, establish the corresponding regulations.

Article 237-A.- In those places where the Institute does not have facilities, in the opinion of the Institute itself, to provide the health services entrusted to it, it may enter into agreements with the employers of the countryside, so that they grant the field workers the benefits in kind corresponding to the Illness and Maternity Insurance referred to in the Second Section, Chapter IV, of the Second Title of this Law, relating to medical and hospital services, and it may be agreed on the reversal of a part of the employer-worker quota in proportion to the nature and amount of the services provided, through a scheduled reimbursement scheme, in the terms established by the general rules issued for this purpose by the Technical Council.

Likewise, in those places where the Institute does not have facilities, in the opinion of the Institute itself, to provide the daycare services entrusted to it, it may enter into agreements with rural employers and organizations of temporary rural workers for subrogation. of the services contemplated by the Daycare

Branch referred to in Section One, Chapter VII, of the Second Title, of this Law, in the terms established by the general rules issued for this purpose by the Technical Council.

...

Article 237-D.- ...

For these purposes, without prejudice to the exercise of the verification powers that correspond to the Institute in its capacity as an autonomous fiscal body, the Secretariat of Agriculture and Rural Development must provide the Institute every six months with the list of rural employers who are subject to the provisions contained in this Chapter, corresponding to the agricultural, horticultural, livestock, forestry, aquaculture, beekeeping or other similar sectors, identifying those subject to receiving subsidies, support or benefits derived from the Expenditure Budget of the Federation.

At the request of the Institute, and in accordance with the agreement that it signs with the Ministry of Agriculture and Rural Development for this purpose, the latter will suspend the delivery of subsidies, supports, or benefits that, charged to its budget, come from the Expenditure Budget of the Federation to rural employers who do not comply with the social security provisions established in this Law.

Article 237-E.- Temporary field workers who are pregnant during the time of effective provision of services have the right to the benefits corresponding to the Illness and Maternity Insurance referred to in the Second and Third Sections of Chapter IV, of the Second Title of this Law, relating to medical and hospital services.

Transient

Sole.- This Decree will come into force the day after its publication in the Official Gazette of the Federation.

Mexico City, December 13, 2023.- Sen. **Ana Lilia Rivera Rivera**, President.- Dip. **Marcela Guerra Castillo**, President.- Sen. **Verónica Noemí Camino Farjat**, Secretary.- Dip. **Pedro Vázquez González**, Secretary.- Rubrics."

In compliance with the provisions of section I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I issue this Decree at the Residence of the Federal Executive Branch, in Mexico City, at 17 January 2024.- **Andrés Manuel López Obrador.-** Heading.- The Secretary of the Interior, **Luisa María Alcalde Luján.-** Heading.

END UNOFFICIAL TRANSLATION

Attachments:

No Attachments.