

## Mexico Approves Amendments Regarding Labor Exploitation

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On June 8, 2024, an amendment to the General Law to Prevent, Punish and Eradicate Crimes in Connection with Human Trafficking and for the Protection and Assistance to Victims of these Crimes (the “Law”) came into force. This amendment added section IV to Article 21 of the Law, establishing that working hours in excess of what is stipulated by labor laws are now considered labor exploitation.

Article 21 of the aforementioned Law defines labor exploitation as practices consisting of a person obtaining, directly or indirectly, unjustifiable economic or other benefits, illegally, through the work of others, subjecting the person to practices that violate their dignity. Among these practices are the following:

- I. Dangerous or unhealthy conditions, without the necessary protections according to labor legislation or existing standards for the development of an activity or industry.
- II. Existence of an evident disproportion between the amount of work performed and the payment for same.
- III. Salary below what is legally required.
- IV. Working more hours than what is stipulated by law.

In relation to the new section IV, it is necessary to consider the three types of work shifts that exist in accordance with Article 60 of the Federal Labor Law (“FLL”):

1. Day shift: With a maximum duration of 8 hours, between 6:00 a.m. and 8:00 p.m.;
2. Night shift: Lasting up to 7 hours, between 8:00 p.m. and 6:00 a.m.; and
3. Mixed shift: With a maximum duration of 7.5 hours, in a schedule that includes portions of day and night shifts, provided that the portion of the night shift is less than 3.5 hours, otherwise, it will be considered a night shift.

Additionally, the FLL provides that employees may work overtime without exceeding 3 hours in one day or 3 times in one week. So, a maximum of 9 overtime hours in one week. The employee's consent is always required. Under the amended Law, having employees work in excess of the limits set forth by the FLL could be deemed labor exploitation.

In summary, "working hours above those stipulated by law" can be understood as those that exceed what is established by Article 60 of the FLL, without the employee's consent to work overtime, or those that include consented overtime that exceeds 9 hours per week.

The penalties for engaging in labor exploitation are serious, consisting of 3 to 10 years in prison, and fines of 5,000 to 50,000 days in case of infringement. The amendment adds an aggravating circumstance for the case of labor exploitation of people belonging to indigenous and Afro-Mexican communities; the penalties provided in such cases are 4 to 12 years in prison, and a fine of 7,000 to 70,000 days.

If you or your company needs help in assuring that work shifts comply with the parameters allowed under the new rules in Mexico, do not hesitate to contact us.