

Reform on human trafficking: Focus on labor exploitation

On June 7, 2024, the Decree amending and adding various provisions of the General Law to Prevent, Punish and Eradicate Crimes of Human Trafficking and for the Protection and Assistance of Victims of these Crimes (the “Decree”) was published in the Official Gazette of the Federation, a reform that came into force as of June 8, 2024.

Since 2012, this law defined labor exploitation as obtaining an unjustifiable benefit, economic or otherwise, illegally, through the work of others, subjecting the person to practices that violate their dignity, including the following cases:

1. Working in dangerous or unhealthy conditions, without adequate protections under applicable labor laws or regulations.
2. Disproportion between the work done and the payment received in return.
3. Salary below the legally established.

Now, as a result of the Decree, a new case for labor exploitation is included, which is **workdays exceeding what is stipulated by law**.

It is important to note that this Decree imposes penalties of 3 to 10 years in prison and fines between 5,000 and 50,000 UMAs (Unit of Measurement and Indexing known as “UMA” for its initials in Spanish) (equivalent to MX\$542,850 to MX\$5,428,500.00) on those who exploit one or more people for labor. In the case of indigenous and Afro-Mexican peoples and communities, the penalties established will be from 4 to 12 years in prison and from 7,000 to 70,000 UMAs (equivalent to MX\$759,990.00 to MX\$7,599,900.00). The current value of the UMA is \$108.57 pesos. It should be noted that this law does not aim to criminalize labor relations in Mexico, but to protect and eradicate other types of illegal practices in the country.

For this reason, and considering that this law establishes significant sanctions, it will be crucial to take into account the interpretations that the authorities, especially the labor authority, may make known. This is relevant, considering that, although the Federal Labor Law establishes the legal workday maximums, it also contemplates overtime and its payment, as well as special workdays.

For more information, we share the link to the publication in the Official Gazette of the Federation, [here](#).

We would be glad to resolve any doubts you may have in this regard and support you in reviewing and implementing new work structures in compliance with Mexican legislation.

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S I N C E R E L Y

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