

The logo features the letters 'EVD' in a large, bold, serif font. The 'V' is a dark grey color, while the 'E' and 'D' are a lighter grey. The letters are set against a white background within an orange-bordered box.

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# LABOR REFORM: A FIRST STEP

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THIS IS A SUMMARY REVIEW OF THE HIGHLIGHTS OF THE NEW LABOR LEGISLATION.

WE STRONGLY RECOMMEND THAT YOUR HR PEOPLE DO ATTEND CONFERENCES TO LEARN ABOUT THE NEW REGIME AND EVEN HAVE EXPERTS TO SPEAK ABOUT THIS NEW SCENARIO THRU SEMINARS IN YOUR PLANTS.

THIS WILL AVOID TROUBLE, LITIGATION AND UNNECESSARY EXPENSE OR PAYMENTS.

ART 3 BIS :INTRODUCES FOR THE FIRST TIME THE NOTION OF SEXUAL HARASSMENT AND ACTUALLY DEFINES WHAT IT IS. WITH OR WITHOUT SUBORDINATION.

ART 15 A : DEFINES THE OUTSOURCING REGIME. ESTABLISHES CONDITIONS

- a) IT WILL NOT COMPREHEND ALL INDUSTRIAL ACTIVITIES OF THE WORK PLACE
- b) MUST BE JUSTIFIED FOR ITS SPECIALIZED NATURE
- c) MAY NOT INCLUDE THE SAME OR SIMILAR ACTIVITIES AS DOES CARRY OUT BY THE WORKERS OF THE CONTRACTING COMPANY

IF THESE CONDITIONS ARE NOT MET THEN THE CONTRACTING PARTY WILL BE CONSIDERED THE EMPLOYER.

ART 15 B: OUTSOURCING CONTRACT MUST BE IN WRITING. CONTRACTING PARTY TO CONFIRM OUTSOURCING COMPANY IS A LEGITIMATE AND HAS THE NECESSARY ASSETS TO PERFORM THE SERVICES

ART 15 C: CONTRACTING PARTY TO CONFIRM ALL APPLICABLE RULES AND REGULATIONS AS TO SAFETY HEALTH, WORK ENVIRONMENT ARE COMPLIED WITH.

ART 15 D :PROHIBITS IT IF IT IS MADE WITH THE INTENT OF DELIBERATELY TRANSFERRING EMPLOYEES TO REDUCE LABOR RIGHTS;

ART 25: ( LABOR CONDITIONS DOCUMENT OR LABOR CONTRACT).

INTRODUCES THE CONCEPTS OF LABOR RELATIONSHIPS SUCH AS “SEASONAL” , “INITIAL TRAINING” AND, IN ITS CASE, IF THE RELATIONSHIP IS SUBJECT TO A TRIAL PERIOD.

ART 28 A AND 28 B: SET OUT NEW LABOR CONDITIONS AND REQUIREMENTS FOR EMPLOYEES HIRED IN MEXICO THAT WILL RENDER SERVICES ABROAD

**(VERY EXTENSIVE. IF YOU HAVE ANY OF THESE CASES WE NEED TO DISCUSS IN DETAIL THE NEW OBLIGATIONS)**

ART 35: DURATION OF A LABOR RELATIONSHIP.  
(NOW INCLUDES “SEASONAL” )

ART 39A: TRIAL PERIOD OF 30 DAYS IN THE CASE OF INDEFINITE CONTRACTS OR CONTRACTS WITH A DURATION BEYOND 180 DAYS.

IN THE CASE OF MANAGERIAL, ADMINISTRATIVE, PROFESSIONAL AND TECHNICAL POSITIONS THE TRIAL PERIOD MAY LAST UP TO 180 DAYS.

ART 39B: **INITIAL TRAINING. UP TO 3 MONTHS OR UP TO 6 MONTHS**, THE LATTER FOR MANAGERIAL, ADMINISTRATIVE, ETC. POSITIONS. IF EXPECTATIONS ARE NOT MET THE RELATIONSHIP IS TERMINATED WITH NO LIABILITY FOR THE EMPLOYER.

ART 39C: INITIAL TRIAL OR TRAINING RELATIONSHIPS MUST BE DOCUMENTED IN WRITING.

ART 39 D: INITIAL TRIAL OR TRAINING CAN NOT BE EXTENDED AND THESE CONTRACTS CAN NOT BE RENEWED.

ART 42 VII AND VIII: SUSPENSION OF THE WORK RELATIONS WHEN AN EMPLOYEE LACKS THE NECESSARY DOCUMENTATION OR WHEN THE SEASON, IN ITS CASE, IS OVER.

ART 42 BIS. SUSPENSION OF ACTIVITIES IN CASE OF A SANITARY CONTINGENCY.

ART 47: TERMINATION.

II. DISHONEST BEHAVIOR, VIOLENCE OR THEFTS NOW ALSO AGAINST CLIENTS OR SUPPLIERS.

VIII. SEXUAL HARASSMENT IN THE WORK PLACE.

**VERY CAREFUL: NO NOTICE TO THE EMPLOYEE, DIRECTLY OR THRU THE BOARD WILL MAKE THE TERMINATION UNJUSTIFIED.**



ART 48: BACK SALARIES. A CAP OF A MAXIMUM 12 MONTHS.

IF THE TRIAL GOES BEYOND 1 YEAR OR THE JUDGMENT HAS NOT BEING PAID, THEN INTEREST WILL HAVE TO BE PAID.

**(15 MONTHS OF SALARY AT THE RATE OF 2% PER MONTH)**

**SERIOUS PENALTIES FOR ATTORNEYS OR OFFICIALS THAT PURPOSELY DELAY TRIALS.**

ART 51: TERMINATION OF THE LABOR RELATIONSHIP BY EMPLOYEES

**II. SEXUAL HARASSMENT BY THE EMPLOYER**

**IX. DEMAND ACTIONS AGAINST THE DIGNITY OF THE EMPLOYER**

ART. 56: SAME RIGHTS FOR WOMEN AND NOT DISCRIMINATION BASED ON ETHNICITY, HEALTH, OPINIONS, SEXUAL PREFERENCES, PREGNANCY, ETC.

ART 56 BIS : (NEW). EMPLOYEES TO PERFORM RELATED OR COMPLEMENTARY TASKS IN ADDITION TO THOSE ESTABLISHED IN THERE CONTRACTS.

ART 83: ALLOWS CONTRACTING SERVICE BY THE HOUR, NOT TO EXCEED THE MAXIMUM LEGAL SHIFT WITH DUE REGARD TO LABOR AND SOCIAL SECURITY OBLIGATIONS. THE SALARY WILL NEVER BE LESS THAN THE ONE CORRESPONDING TO THE DAILY SHIFT.

ART 101: PROVIDES THAT: PRIOR CONSENT FROM THE EMPLOYEE, SALARIES MAY BE PAID THROUGH DIRECT DEPOSIT, DEBIT CARDS, BANK TRANSFERS OR ANY OTHER ELECTRONIC MEANS. THE COSTS GENERATED BY SUCH SERVICES TO BE PAID BY THE EMPLOYER.

ART 132: NEW OBLIGATIONS TO THE EMPLOYER ON SAFETY, HEALTH, ASSISTANCE TO THE EMPLOYEES WITH DISABILITIES, DISPLAY ON THE COLLECTIVE LABOR AGREEMENT AND A PATERNITY LEAVE OF 5 DAYS WITH FULL PAID IN CASE OF BIRTH OR ADOPTION.

ART 133: NEW CAUSES OF DISCRIMINATION: ETHNIC OR NATIONAL ORIGIN, DISABILITIES, SOCIAL CONDITION, HEALTH, SEXUAL PREFERENCES, RELIGION, MARITAL STATUS.

EMPLOYER NOT TO INTERVENE IN UNION MANAGEMENT OR PREVENT THE FORMATION OF A UNION.

IT IS PROHIBITED TO ASK FOR CERTIFICATES OF NO PREGNANCY WHEN RECRUITING, REMAINING OR AS A CONDITION FOR PROMOTION. NO FIRING IN CASE OF PREGNANCY, MARITAL STATUS OR MINOR CHILDREN.

ART 135: IT IS NOW PROHIBITED TO EMPLOYEES TO IMPROPERLY USE THE EMPLOYER'S TOOLS, DO PROPAGANDA WITHIN BUSINESS HOURS IN THE SHOP OR SEXUAL HARASSMENT AGAINST FELLOW EMPLOYEES.

ARTICLE 153: TRAINING OF THE EMPLOYEES. THERE ARE A LOT OF NEW OBLIGATIONS IN THIS CHAPTER THAT MUST BE CAREFULLY REVIEWED BY YOU AND YOUR HR MANAGER. TIME CONSTRAINTS.

ART 170 II: THIS ARTICLE ESTABLISH NEW RIGHTS IN FAVOR OF WORKING MOTHERS TO DISTRIBUTE THE TIME OFF OR LONGER PERIODS IN CASE OF BABIES WITH DISABILITIES OR ILLNESSES. ALSO 6 WEEKS OFF WITH PAY IN CASE OF ADOPTION.

ART 176 LISTS THE ACTIVITIES CONSIDERED HARMFUL FOR MINORS TO CARRY OUT. WATCH OUT FOR “NIGHT INDUSTRIAL WORK FOR MINORS LESS THAN 18 YEARS OF AGE”.

ART 502: ESTABLISHES AN INDEMNIFICATION OF 5000 DAYS OF SALARY IN THE EVENT OF DEATH OF AN EMPLOYEE (NOT 730 DAYS AS CURRENT LAW READS);

ART 176 LISTS THE ACTIVITIES CONSIDERED HARMFUL FOR MINORS TO CARRY OUT. WATCH OUT FOR “NIGHT INDUSTRIAL WORK FOR MINORS LESS THAN 18 YEARS OF AGE”.

ART 502: ESTABLISHES AN INDEMNIFICATION OF 5000 DAYS OF SALARY IN THE EVENT OF DEATH OF AN EMPLOYEE (NOT 730 DAYS AS CURRENT LAW READS);

Thank you !