



What is the direction of the outsourcing initiative?

Context

The discussion on outsourcing in the country has been on the national agenda since 2012; but with greater intensity since the arrival of the current administration, even part of the National Development Plan, this led the authorities of the Secretariat of Labour and Social Security to carry out an in-depth analysis - for a year - to present a reform initiative that was intended to: end tax evasion and comply with labour rights.

The proposal

On October 24th, the President, Andrés Manuel López Obrador, declared that outsourcing reform envisaged its elimination and should be implemented quickly.

On 12 November 2020, the initiative was presented to the Chamber of Deputies, which includes amendments to the Federal Labour Act; the Social Security Act; the Tax Code; ISR Law, and the VAT Act.

Subsequently, a series of meetings with entrepreneurs are held at the National Palace (November 23 and December 2) to learn more about the proposal.

The proposal consists of regulating three figures: outsourcing of staff, specialized services and specialized works and placement agencies.

Open Parliament

As work in the Chamber of Deputies progresses in the Committee on Labour and Social Security and an Open Parliament is held, the private sector with concrete proposals is mostly attended.

- Not the ban, but regulation.
- Allow internal and external outsourcing.
- Carry out a greater inspection to ensure compliance with the employers' obligations.
- Instead of reforming the LFT, they suggested modifying the Workers' Participation in Utilities (PTU) scheme.

- Extend the implementation period of the reform, seeking not to be immediate.

The Agreement

On December 9, the Executive signed with some business chambers, as well as various trade unions, an agreement to expand the discussion on outsourcing in the country and include a review of the new PTU scheme.

The signatories to that agreement undertook to resolve the abuse of staff outsourcing, as well as to expand the discussion to have a fair and equitable utility-sharing system.

Similarly, they respectfully requested the Legislative Branch to postpone the parliamentary discussion on this issue by February 2021.

Similarly, participants called on companies that handle payroll illegally to immediately stop developing such practices.

They also announced that the reform initiative would be Preferred for discussion in the Chamber of Deputies, i.e. during February 2021.

New PTU Forum

At the request of employers, STPS organized, on 20 January 2021, a forum for 5 days to learn about distortions that have high-impact sectors when they cover the payment of profits.

01. The STPS position was that the amount will not be changed (10%) which is currently paid, nor will it cease to be a workers' right enshrined in the Constitution.
02. Employers proposed:
 - Top it up for a month's salary.
 - Link it to productivity schemes.
 - Differentiated payment for those who receive the least wage.
 - Eliminate from payment of profits to executive positions (with higher salaries).

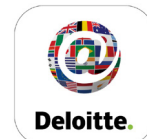
Current context

In recent days, a number of members of both the chamber of Deputies and Senators have stated that it is very likely that the discussion of this initiative will take place after the electoral process that will take place next June this year, including some political actors linked to the issue, have openly stated that this discussion is likely to be moved until next September this year.

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