



## Crime of labor exploitation for working days that exceed the legal limit

On June 7, 2024, a Decree was published amending and adding several provisions of the General Law to Prevent, Punish and Eradicate Crimes in the Matter of Trafficking in Persons and for the Protection and Assistance to the Victims of these Crimes. The modifications were published in the Official Journal of the Federation.

Prior to this reform, the Law already criminalized labor exploitation,

establishing that anyone who exploits one or more people will be punished with a prison sentence of 3 to 10 years and a fine of 5,000 to 50,000 days.

Likewise, labor exploitation exists when a person obtains, directly or indirectly, unjustifiable benefit, economic or otherwise, in an unlawful manner, through the work of others, subjecting the person to practices that violate his or her dignity, such as:

I. Dangerous or unhealthy conditions, without the necessary protections in accordance with labor legislation or existing standards for the development of an activity or industry.

II. Existence of a manifest disproportion between the amount of work performed and the payment made for it.

III. Salary below what is legally established.

With this reform, section IV of article 21 of the Law is added, adding as a case of labor exploitation the subjection of a person to working hours in excess of those established by Law.

It is also established that, if victims are people belonging to indigenous and Afro-Mexican peoples and communities, the penalties will be from 4 to 12 years in prison and from 7 thousand to 70 thousand days of fine.

It should be mentioned that the consent given by the victim, regardless of his or her age, does not constitute a ground for exclusion of criminal liability for the person who commits the crime of labor exploitation.

The reform came into force the day after its publication in the Official Journal of the Federation, so this penalty can be applied since June 8, 2024.

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