



Labor reform on employment in digital platforms

On December 24, 2024, the Executive Branch of the Government make amendments to various provisions to the Federal Labor Law regarding Digital Platforms. The reform was published in the Official Gazette of the Federation.

In this regard, Chapter IX Bis was added to the Federal Labor Law, which establishes that work on digital platforms will be a subordinate employment relationship consisting of the performance of remunerated activities that require the employee to provide the service, which are

managed by an individual or legal entity in favor of third parties through a digital platform, using information and communication technologies to exercise command and supervision over the employee.

Furthermore, the legal definition of digital platforms is established, as well as that of digital platform employees, highlighting in the latter case that only those who generate net monthly income equivalent to a monthly minimum salary in Mexico City, regardless of the actual time worked, will be considered employees.

If employees do not reach such earnings, they will be considered independent. However, their labor rights will be extended, with the exception of the withholding and payment of social security contributions. In all cases, the companies that manage digital platforms will be responsible for paying for insurance under the social security regime if a work-related risk occurs during the actual time worked.

Regarding the type of employment relationship, the Law clarifies that it will be primarily flexible

and discontinuous and that it will be understood that there is an employment relationship during the actual time worked, which is from the time the employee accepts a task, service, work, or job on the platform until the moment such provision is definitively finished.

In terms of working conditions, it is established that employees will have the authority to define their working time and determine their working hours. The salary will be set per task, service, work, or job performed, and the payment of legal benefits such as weekly rest day payment, vacations, vacation premium, Christmas bonus, and overtime will be based on the flexible nature of these jobs. These conditions must be established in individual employment agreements that may be signed digitally and must comply with the special legal requirements set forth in the chapter.

Article 127 of the FLL was also amended to establish that digital platform employees will only have the right to participate in the company's profits when the actual time worked exceeds 288 hours annually.

Moreover, the reform establishes a series of special obligations for companies that manage or operate digital platforms, such as developing a Policy for Algorithmic Work Management that explains the rules for assigning tasks, services, works, or jobs; paying wages weekly; establishing mechanisms for recording hours worked and waiting time; issuing payment receipts to employees; and observing a gender perspective that protects employees from acts of discrimination, labor

and sexual violence, harassment, or bullying and allows for balancing work with personal and family life, among others.

Special causes for the termination of the employment relationship without liability for the employer are also added, as well as special rules for notifying termination notices and for the payment of indemnities, and special rules for the termination of the employment relationship.

Finally, prohibitions for digital platform companies are established, such as charging employees for registration, use, separation, or other concepts related to the employment relationship; employing minors; establishing connection restrictions and manipulating employees' income to avoid the applicability of the reform, among others. It is also prohibited to transfer employees subject to a traditional employment relationship to a digital platform work scheme.

Non-compliance with the provisions of this chapter may be sanctioned with fines related to the Units of Measure and Update.

It is important to mention that the reform will come into force 180 calendar days after its publication in the Official Gazette of the Federation.

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