

MEXICAN LABOR LAW REFORM. 12 POINTS FOR EMPLOYERS

1. The amendment came into force fully from December 1, 2012, and contains no grace periods, except in very specific topics such as the adequacy of facilities for people with disabilities (36 months) and the registration to Infonacot – National Institute for employees credit- (12 months).
2. - The new provisions also regulate actual labor relationships, are subject only to the provisions abrogate those that were already on trial on November 30, 2012.
3. - The penalties for the breach of duty were increased significantly, with the maximum of 5000 times the general minimum wage (about 300 thousand pesos), also penalize by each act and worker concerned, which of fact could elevate exponentially the fines by the total number of employees (e.g. in case of defaults training issues) further provides that repetition of the offense can carry fines doubled.
4. – It is important to review the corporate structure and Outsourcing hired cause by the wording of Article 15-A to 15-D, that seeks to eliminate the use of cooperatives and others (that were used in order to avoid taxation) the regulation also includes to contractors, service providers and others. Drafting the articles, mainly of 15-A indicates the State's interest in the field of social insurance premiums.
5. - It is essential to review the new provisions relating to the regulation of training and instruction, because the new provision includes many new obligations as: creating joint committees for productivity, education and training (in companies with more than 50 employees); obligation to formally establish training and productivity programs and that these programs also must be available in case of revision and implementation of which may even be sued by workers.
6. Training plans and training, have to refer to periods of not more than two years, including all existing positions and levels, precise stages of application, selection procedure in order that the workers have to take them and based on technical standards occupational competency, if any.
7. - It regulates and sets the ladder in order to be promoted to the workers, even given rise to an action by the employee to sue if that provision is not met, can claim to be of that job or be compensated, as if he had run (arts 992-1006)
8. - Although limiting back pay to 12 months, it is contemplated that after that date will be paid plus compound interest at 2 % per month on 15 months' salary. Further sanctions are provided for all parties and even for members of the board for the event that applications are made or carried out acts that tend to unnecessarily prolong the proceedings. This limitation does not apply to previously (before Nov 30, 2012) initiated lawsuits.

9. - The hourly hiring was poorly regulated, it is stated that in any case the agreed payment may be less than a day instead of minimum salary, this can be the subject of lawsuits.

10. - The probationary contracts and training, can not take place with the same person more than once, or with workers who already have a permanent contract or otherwise, even if it's a promotion.

11. - The law also punishes the employer for allowing the acts of harassment or bullying in the workplace.

12. - You should review hiring policies and even posting notices texts because the much stronger provisions to prevent discrimination for any reason.