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The New Minimum Working Age for Agricultural Labor in Mexico

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Abstract

Mexico in 2015 barred persons under 18 from working for wages in agriculture. One result was only workers 18 or older on export farms, but not on farms that produce for the domestic market. A reform approved in 2022 allows workers who are 15 to 17 to work for wages in farm jobs deemed appropriate by the Ministry of Labor. Allowing some of the 2.6 million 15 to 17 year olds in counties with fewer than 15,000 residents to work for wages in agriculture can enable youth to earn wages and reduce labor shortages, but could also reduce school attendance: 73 percent of 15 year olds were in school in 2020 in counties with fewer than 15,000 residents, 65 percent of 16 year olds, and 59 percent of 17 year olds. Additionally, teenage girls are often the main caregivers in poor rural households, since most child care centers and full-time schools have been closed. If these teens start full time work, the social protection system for smaller children must be strengthened.

Until a few years ago, child labor was widespread in the Mexican countryside. Children's participation in family labor has been a fundamental part of the rural economy, but there was also child labor outside the family economy, in highly precarious conditions. In 2005, 13% of the hired or wage labor force in Mexican agriculture was under 18 years of age. Children can be exposed to workplace and sexual abuse in agricultural work, and they also tend to drop out of school.¹²

In 2015, Mexico ratified the International Labour Organization's (ILO) Convention 138, which establishes a minimum working age of 15 years, and 18 years for dangerous occupations. A reform to the Federal Labor Law (Ley Federal del Trabajo, LFT) in 2015 classified all agricultural and livestock employment as dangerous, thus raising the minimum age for this type of work to 18 years.³ It should be kept in mind that "the Constitution establishes a minimum age for hiring of 15 years, but the Federal Labor Law establishes no distinction among different activities in agriculture, assuming that all are harmful to the development of minors under 18" (Piña, Senado de la República, 2022). Since 2015, most

1 See: <https://www.jornada.com.mx/2017/07/16/cam-trabajo.html>

2 For an international overview of child labor, see the report "2020 List of Goods Produced by Child Labor or Forced Labor" (2020).

3 The International Labour Organization acknowledges that children's participation in agricultural activity can have positive dimensions, as it favors the passing from generation to generation of knowledge, practices, and customs, and it can contribute to children's food security, especially on family farms, in small-scale fishing, and the raising of livestock (Senado de la República, 2022).



agricultural export companies have reduced or eliminated child labor, but not farms producing for the domestic market. Among the government policies that seek to eliminate child labor is the Certification of Agricultural Enterprise Free of Child Labor (Distintivo de Empresa Agrícola Libre de Trabajo Infantil, DEALTI). Although the prevalence of agricultural child labor has fallen, the problem persists.

The prohibition of child labor in agriculture has forced many children to look for unregulated employment options in agriculture and in other sectors. In our fieldwork,⁴ farm workers have pointed out that wages earned doing agricultural labor can finance a high school or college education. There are also many young people who need to provide for their households, or who have children. Farm workers and their organizations note that, given the lack of employment options, many young people are driven to seek other income sources, including illicit ones. As Secretary of the Economy Tatiana Clouthier explains, “our legislation has fallen short in reconciling the conditions [of young people in Mexico] with reality” (Foro Virtual, 2022).

The problems pointed out by farm workers and the labor shortage in Mexican agriculture led to a debate over changing Article 176 of the Federal Labor Law to allow young people aged 15-17 to work in agriculture.⁵ This reform was approved by the Chamber of Deputies in 2018,⁶ but it was not until February 23, 2022 that the Senate approved it, unanimously. Article 176, Section II, Paragraph 8 of the law now allows 15-17-year-olds to work in agriculture, forestry, logging, hunting, and fishing, no longer classifying such work as risky or dangerous. “This reform is accompanied by a transitional provision granting a period of 180 days following enactment of the legislation for the Secretary of Labor and Social Protection to draft and publish the corresponding bylaws” (Paredes, Senado de la República, 2022). These bylaws should select the occupations that are considered safe, and list others closed to minors. With this action, the Senate affirmed that it sought to “eliminate child labor” and create “greater and better opportunities for our children and adolescents in Mexico” (Núñez, Senado de la República, 2022), as well as provide an employment opportunity for more than 700,000 young people in rural Mexico.

It is important to keep in mind the following:

In the fields in Mexico there are various modes of production that operate simultaneously, especially with the modern economic methods used in large or medium fields, in agribusiness and with waged labor, and at the same time the family economy, where farming families grow food in the traditional way for their own consumption and for regional markets. And herein lies the complexity in the legislation. The legislator must separate these types of labor and organization of work, and not confuse agriculture, forestry, and livestock in the framework of capitalist market relations with labor that is part of the family unit and the rural economy (Paredes, Senado de la República, 2022).

4 “Farm Labor and Mexico’s Produce Industry,” research project directed by Dr. Agustín Escobar Latapí, in collaboration with the Centro de Investigaciones y Estudios Superiores en Antropología Social (CIESAS), Unidad Occidente, and the Wilson Center.

5 One of the final debates on the reform was the virtual forum, “*Foro Virtual: Oportunidades Laborales para Jóvenes en el Sector Agropecuario*,” with the participation of Secretary of the Economy Tatiana Clouthier Carrillo and Senators Nancy Sánchez, Ricardo Monreal, Dante Delgado, and Mario Zamora. Also present were representatives of various organizations, including the Alianza Hortifrutícola Internacional para el Fomento de la Responsabilidad Social, A.C. (AHIFORES), the International Labour Organization (ILO), the Mexican Department of Labor, and Save the Children. Different perspectives were presented from the public and private sectors, and from academic researchers, including reports and statistics concerning child labor in Mexico and around the world.

6 The initiative was first presented in the Cámara de Diputados in December 2017 by Diputada Nancy Sánchez Arredondo (now a Morena Party senator).

Table 1. Population of Rural 15-17-Year-Olds in Mexico by Size of Locality

	Localities with Fewer Than 2500 Inhabitants	Localities with Fewer Than 15,000 Inhabitants
15 years	525,377	873,656
16 years	494,679	825,395
17 years	520,177	869,610
TOTAL	1,540,233	2,568,661

Source: Authors' elaboration with data from the 2020 Census of Population and Housing, Instituto Nacional de Estadística y Geografía (INEGI).

There are important unresolved issues: When will this reform take effect? What will be the regulations for the implementation of the new policy? Who will be in charge of enforcing compliance with the law so that young people can work safely? Will it be contractors, external supervisors, institutions, or government agencies? Who will enforce their labor rights in agriculture, and how? How will the reform be evaluated?

There is a sense in which this reform is a positive one for many young people who need to enter the labor market and alleviate the labor shortage in Mexican agriculture. Households with teenagers will probably increase their income. But there are also problems. First, the early parenthood that drives many young people to seek employment is a problem that should be addressed at its root. This reform should thus be accompanied by a policy that guarantees their sexual and reproductive rights, so that maternity and paternity are a matter of choice, preferably once they are adults.

Another problem is that young women often have the responsibility of caring for the family's youngest due to the almost complete absence of childcare services in Mexican agriculture. The lack of care institutions, combined with the probable entry of young people into field work, could lead to neglect or mistreatment of younger children. This situation has been worsened with the recent elimination of full-time schools, which was one of the ways in which farm workers could ensure that their children were cared for during work hours that are longer than the usual school day. In other words, if the reform means that adolescent caretakers go to work, who will take care of the smallest children?

Table 2. School Attendance Among 15-17 Year Olds, by Size of Locality, 2010 – 2020 (%)

	2010		2020	
	Localities with Fewer Than 2500 Inhabitants	Localities with Fewer Than 15,000 Inhabitants	Localities with Fewer Than 2500 Inhabitants	Localities with Fewer Than 15,000 Inhabitants
15 years	71	73	70	73
16 years	53	57	60	65
17 years	42	47	55	59

Source: Authors' elaboration with data from the 2010 and 2020 Censuses of Population and Housing, Instituto Nacional de Estadística y Geografía (INEGI).



A third problem is that many young people find themselves driven to enter the labor force because they have no opportunity to stay in school. The lack of educational institutions, both in their places of origin and the places where they work, or the impossibility of covering school expenses, are factors that lead to dropping out. Although the dropout rate has declined over the years, there is still a clear educational gap, especially in the regions with fewer social resources that tend to send their population away to work in agriculture. It is thus necessary that companies offer these adolescents flexible hours so that they can continue their studies, and it is necessary to expand this level of educational services (*bachillerato*) in rural areas.

This reform should therefore be accompanied by development of public policy and social programs focused on narrowing inequality among rural youths and guaranteeing their rights. Their incorporation into farm labor should be accompanied by the development of educational infrastructure, the improvement of scholarships for high school and college, access to information about sex, reproduction, and contraception, access to health care, the creation of sufficient child care and other facilities for fathers and mothers who are farm workers, the regulation of agriculture, compliance with labor rights and decent working conditions for the farm worker population, and equal conditions for female farm workers. It will require a joint effort between government and the agricultural sector for this law to have a truly positive and comprehensive effect. The incorporation of young people into agricultural labor is a complex situation that goes beyond a reform that prohibits or allows their participation; it must be accompanied by public and social policies.

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