



STANDARD  
**DEAR**  
Responsible Agricultural Company  
**USMCA**

June 26, 2020

## AHIFORES founding organizations

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## 1. Reference

During the **United States-Mexico-Canada Agreement (USMCA)** negotiations, major issues that posed significant challenges for the country's government and business sector were identified. Canada insisted Mexico should improve working conditions and salaries for workers and comply with ILO's Conventions 87 and 98 regarding the right to organize and collective bargaining.

The US raised the urgent need to establish parallel agreements to address labour and environmental issues, in addition to a dispute settlement mechanism regarding trade processes, where Chapter 23, Labour, and Chapter 31, Dispute Settlement, play a key role for purposes of this Standard.

Article 23.3 in Chapter 23, Labour, of the USMCA, states that **"Each Party (the Mexico, United States and Canada governments) shall adopt and maintain in its statutes and regulations, and practices thereunder, the following rights:**

- 1** freedom of association and the effective recognition of the right to collective bargaining;
- 2** The elimination of all forms of forced or compulsory labour;
- 3** the effective abolition of child labour;
- 4** The elimination of discrimination in respect of employment and occupation;
- 5** maintain acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health."

We acknowledge agricultural producers exporting their products have made significant progress in terms of compliance with labour standards. However, there is always room for improvement and also for expanding those efforts to their whole supply chain. Thus, AHIFORES is introducing this tool, which will guide you on the path of continuous improvement, considering this is an important aspect that cannot wait.





## 2. What is the DEAR-USMCA Standard?

The **DEAR-USMCA Standard** is a tool developed by AHIFORES to help the agriculture sector fulfill the labour commitments Mexico subscribed in the context of the negotiation of the new USMCA Trade Agreement, which will become effective on **July 1<sup>st</sup>, 2020**.

It consists of four components that will allow producers and companies to conduct a self-assessment in a simple manner and, thus, identify their level of compliance with the key labour aspects of the USMCA. These components are the following:

### 1 DEAR-USMCA Verification Metric

This metric consists of a series of indicators classified in three groups: **The right to organize and collective bargaining, forced labour and child labour**. This Metric provides evidence of compliance, and each indicator in it is assigned a value depending on the level of risk represented by the company's failure to comply with it.

### 2 DEAR-USMCA Checklist

This checklist, which is based on the Verification Metric, is the tool the Company can use to conduct its **self-assessment** or **internal audit**.

### 3 DEAR-USMCA Glossary

This document contains the definitions of **the most important terms to know, including legal references**. It helps users better interpret the indicator to comply with.


### 4 DEAR-USMCA Information System

This is an online platform where the company **can enter its Checklist results**. The system then generates a report that provides a score and identifies any non-conformities, which the company can then use to prepare its corrective actions implementation plan. The information on actions carried out under that plan can also be entered into the system to assess the company's levels of progress during implementation.


The indicators included in the Standard were designed to comply with Mexico's 2019 Labour Reform and the labour standards and instruments of the International Labour Organization (ILO). It is worth noting that the characteristics of the agriculture sector's practices in our country were taken into account for the design of this tool.



### 3. DEAR-USMCA Verification Metric


		DEAR-USMCA Standard				
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		Version 1.0				
Code	Reference	Indicator/Compliance criteria	Evidence of compliance	May not Apply (MNA)	Type of indicator	Value
1. Right to Organize and Collective Bargaining						
1.1	Policy	The company has a policy in place to ensure respect for workers' collective rights, such as freedom of association, autonomy, the right to strike and collective bargaining. It also commits not to promote or participate in the creation, operation, administration or funding of workers' unions. In other words, it does not engage in activities that undermine the workers' right to organize and collective bargaining.	Verify the company has a policy in writing, disseminated and implemented, that respects workers' collective rights and does not interfere with the life of workers' unions.	MNA	Zero Tolerance	3.2573
1.2	Validation of existing Collective Bargaining Agreement	Companies that entered into a Collective Bargaining Agreement with a trade union prior to May 1 <sup>st</sup> 2019 must register such agreement following the protocol established by Mexican labour authorities, published on the Federal Official Daily Gazette on July 31 <sup>st</sup> 2019.	Verify the existing Collective Bargaining Agreement has been registered following the guidelines and rules of the protocol to register existing Collective Bargaining Agreements.	MNA	Critical	1.6287
1.3	Unionized workers	The union must provide the company with a copy of the list of those workers who are members of the union and work in the company's worksite. That list should include the following information: the worker's name, unique population registry code (CURP), hiring date and signature, as well as the signature of the union representative validating such list. There must be one list for each of the unions existing in the company. This requirement applies to both initial and existing Collective Bargaining Agreements in the company.	Verify the existence of a list of the company's unionized workers.	MNA	Lower	0.3257

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1. Right to Organize and Collective Bargaining						
1.4	Request of certificate of employee representativeness	In case a union requests the issuance of a certificate of employee representativeness ( <i>constancia de representatividad</i> ) in order to be able to sign an initial collective bargaining agreement with the company, the Federal Labour Conciliation and Registry Center (CFCyRL) will issue a notice that must be made public by the company by posting it in the main locations where workers typically gather to inform them, and any other union interested in obtaining a certificate of employee representativeness, of such process.	Verify the company has the actual notice issued by the CFCyRL, as well as photos of the different locations where the notice was posted.	MNA	Lower	0.3257
1.5.a	Consultation procedure	The company must assist in the dissemination of the call for participation and any other documents required by the CFCyRL to hold the consultations necessary.	Verify there is evidence that calls for participation in workers' consultations were disseminated.	MNA	Higher	0.6515
1.5.b	Consultation procedure	The company must help the Union with the dissemination of calls for participation in workers' consultations regarding the contents of the initial Collective Bargaining Agreement or Revision Agreement.	Verify the company actually helps the Union disseminate calls for participation in consultations.	MNA	Higher	0.6515
1.5.c	Consultation procedure	Neither the employer nor its non-unionized workers should intervene in any of the activities of the CFCyRL consultations or any other consultation organized by the Union. The employer can only provide logistical support to ensure the voting process is personal, free, secret, direct, peaceful, expedite and safe.	Verify the list of participants in consultations does not indicate the participation of the company's non-unionized workers, and conduct interviews with workers to confirm the employer did not intervene in the consultation process.	MNA	Zero Tolerance	3.2573




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1. Right to Organize and Collective Bargaining						
1.6	Copy of contract or agreement for workers	The company is entitled to verify the Union provides workers with a printed or electronic copy of the Initial Collective Bargaining Agreement or Revision Agreement to be subjected to consultation for approval by the company's workers, at least 15 days prior to the voting process.	Verify workers have timely received a copy of the Contract or Agreement to be subjected to consultation.	MNA	Lower	0.3257
1.7	Publication of voting results	The company allows the Union to publicize the results of the consultation to approve the contents of the agreement in visible and easy-to-access locations in the worksite. This must be done within two days of the date of consultation.	There is evidence showing the results of the workers' consultation were disseminated in the workplace.	MNA	Higher	0.6515
1.8.a	Contents of Collective Bargaining Agreement	The Collective Bargaining Agreement must contain all the information established in the Federal Labour Law, and it should not contravene any of the workers' human, labour and social rights.	Verify the Collective Bargaining Agreement includes the information required by the Federal Labour Law.	MNA	Zero Tolerance	3.2573
1.8.b	Contents of Collective Bargaining Agreement	The Collective Bargaining Agreement cannot include an "exclusion due to separation" clause that states that workers leaving the Union, either due to resignation or being expelled from it, can be terminated from their job without any liability for the employer.	Verify the Collective Bargaining Agreement does not include an "exclusion by separation clause", and conduct interviews with workers to confirm that is the case.	MNA	Higher	0.6515


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1. Right to Organize and Collective Bargaining						
1.9	Copy of Initial Collective Bargaining Agreement or Revision Agreement for workers	Within 15 days of submission of the Initial Collective Bargaining Agreement or Revision Agreement with the CFCyRL, the company must deliver, free of charge, a hard copy thereof to its workers, who must sign acknowledgement of receipt of such document.	Verify there is a list of the workers who received a printed copy of the Initial Collective Bargaining Agreement, and also that they acknowledged receipt thereof.	MNA	Higher	0.6515
1.10	Publication of Collective Bargaining Agreement	The company must disseminate and post copies of the Collective Bargaining Agreement in visible locations where workers typically gather to inform them of its contents.	Verify there is a report that includes photos of the locations where the Collective Bargaining Agreement was posted.	MNA	Higher	0.6515
1.11	Collective Bargaining Agreement Certificate of Registration	The company has a Collective Bargaining Agreement approved by its workers, as well as a Certificate of Registration of such Agreement issued by the CFCyRL, which must be issued within three days of its submission with the CFCyRL by the Union.	Verify the company has a copy of the Collective Bargaining Agreement and its certificate of registration, and also that both are still valid.	MNA	Critical	1.6287
1.12	Salary review	Together with the Union, the company must conduct an annual review of its workers' salary scale.	Verify the workers' salary scale included in the Collective Bargaining Agreement is valid.	MNA	Critical	1.6287
1.13	Agreement revision	Undetermined and fixed-term Collective Bargaining Agreements must be reviewed every two years, as established in article 399 of the Federal Labour Law. Agreement revisions must also be subjected to the approval of the majority of the workers covered by them by means of personal, free, secret, direct, peaceful, expedite and safe voting processes.	Verify bargaining agreement revisions take place every two years, are subjected to the approval of workers, and are submitted to the CFCyRL.	MNA	Critical	1.6287

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<b>1. Right to Organize and Collective Bargaining</b>						
1.14	Vacant positions	The company must notify the union holding the Collective Bargaining Agreement, as well as those workers in the immediate lower category, of definitive and temporary vacant positions to fill.	Verify the company has notified both the union and its workers of vacant positions to fill.	MNA	Higher	0.6515
1.15	Union dues	Workers can express their decision in writing not to have union dues deducted from their salaries, in which case the employer should not deduct any such dues from their salaries.	Conduct interviews with workers to confirm they are paying union dues willingly.	MNA	Critical	1.6287

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2. Forced labour						
2.1	Policy	The company must indicate, in writing, its commitment to prohibit human trafficking and any associated offenses: forced labour, slavery, servitude, labour exploitation, discrimination, sexual harassment and bullying in the workplace, in all the operations it performs directly and those performed through intermediaries or service subcontractors.	Verify the company has a written policy, publicized and implemented, that prohibits human trafficking, human trafficking-related offenses, discrimination, sexual harassment and bullying in the workplace.		Higher	0.6515
2.2	Procedure	The company must have a procedure, duly documented and implemented, that guarantees decent work, with respect for the human dignity of all its workers, and allows for the detection and prevention of practices such as human trafficking, forced labour, discrimination, sexual harassment and bullying in the workplace.	Verify the company has a procedure, duly documented and implemented, to guarantee decent work and the prohibition of human trafficking and forced labour.		Zero Tolerance	3.2573
2.3.a	Labour recruiter or contractor	The company must formalize, by means of a written agreement, any relationship it has established with a labour recruiter or contractor, even if such recruiter is not legally incorporated. That agreement must state the prohibition of engaging in acts of human trafficking and related offenses, as well as the obligation to respect workers' human, labour and social rights.	Verify there is a duly signed agreement between the company and the labour recruiter or contractor, which should meet, as a minimum, the requirements described in the indicator. The recruiter must receive a copy of the agreement.	MNA	Critical	1.6287




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2. Forced labour						
2.3.b	Labour recruiter or contractor	Any intermediaries participating in the recruitment, hiring and transportation of agricultural workers must receive training on human trafficking-related offenses, particularly those related to employment, as well as fair, ethical and equal opportunity hiring.	Verify the existence of materials on human trafficking used to train recruiters, including photos and lists of attendance duly signed both by the instructor and the person supervising such training.	MNA	Critical	1.6287
2.4	Subcontracting	In case the company resorts to subcontracting of workers, it must make sure the agency involved meets the applicable legal requirements and pays full salaries and benefits to those workers. The relationship with the subcontractor must be formalized by means of a written agreement, which should establish the prohibition of engaging in acts of human trafficking and related offenses, as well as the obligation to respect workers' human, labour and social rights.	Verify the existence of a duly signed agreement between the company and the subcontractor. The subcontractor must receive a copy of the agreement.	MNA	Critical	1.6287
2.5	Publication of vacant positions	The company's job offers to fill vacant positions must be publicized, be clear and accurate, and follow the principle of substantive equality, including a description of job profiles and requirements, salaries offered, benefits and hiring conditions. In case migrant workers are hired, the company must provide a detailed description and photos of the housing conditions and services provided in its shelters. The worker must sign to express his or her acknowledgement and acceptance of the job offer.	Verify job offers to fill vacant positions meet, as a minimum, the requirements described in the indicator, and also that workers have acknowledged receipt of such information and accepted the offer.		Critical	1.6287

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2. Forced labour						
2.6	Hiring costs	All costs related to the hiring and transportation of permanent, temporary and seasonal workers, or day labourers, must be covered by the employer, and no deductions can be made from workers' salaries for such costs.	Verify the company has covered the costs for the hiring and transportation of agricultural workers.	MNA	Zero tolerance	3.2573
2.7	Formal hiring processes	The company has a formal process to hire workers through an individual or collective bargaining agreement. The company puts together a file that includes copies of identification documents (birth certificate, unique population registry code (CURP), voter's ID and social security number). Original documents should not be withheld for any reason whatsoever. The worker must receive a copy of the agreement. In case the worker does not know how to read or write, a person he or she trusts must be present to read the employment contract for them. Workers must put their fingerprint or signature on the document if they agree with the hiring conditions, and the person reading the contract must sign as a witness.	Verify the company has an individual file for each worker that includes the employment contract and copies of his or her identification documents, as well as evidence the worker was informed of the contents of the agreement and received a copy thereof.		Zero tolerance	3.2573
2.8	Social Security	The company's workers are affiliated with the social security system and are informed of the benefits available to them and their families.	Verify the company's workers have social security benefits and are informed of the corresponding benefits.		Zero tolerance	3.2573

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2. Forced labour						
2.9	Benefits	The company must give its workers the following benefits: weekly paid day of rest, vacations, vacation bonus, Christmas bonus and profit sharing. Temporary and seasonal agricultural workers must be paid a proportional part of those benefits. The payment of those benefits must be clearly identified in their pay stubs.	Verify accounting records show workers' benefits were covered.		Zero tolerance	3.2573
2.10	Minimum salary	In the case of workers hired by shift, piecework, output or task, their salary should not be lower than the minimum daily wage for the region where they are working, even if they fail to perform the tasks assigned.	Verify, through a paperwork review and interviews, that the workers' daily wages paid are not below the general minimum wage for the region.		Zero tolerance	3.2573
2.11	Salary protection	Salaries must be paid directly to workers, either weekly or every fifteen days, depending on their category. Workers should be able to freely dispose of their salary, which should be paid at the workplace, on business days, and only deductions permitted by law can be made. Pay stubs can be provided either in print or in the form of Internet digital tax receipts (CFDIs). In case pay stubs are printed, they should bear the worker's original signature to be considered valid. In case salaries are paid via debit card, workers' debit cards should not be delivered to any third parties associated with the company for their management. They should be held and managed directly by workers.	Verify electronic or paper payrolls comply with the legal requirements regarding the payment of salaries. Conduct interviews with workers to verify the company complies with general salary conditions and they are receiving the corresponding pay stubs.		Zero tolerance	3.2573

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2. Forced labour						
2.12.a	Work shift	Employment contracts must clearly specify work shifts, which should meet the following requirements: daytime shift (between 6 am and 8 pm, for a maximum of 8 hours a day), night shift (between 8 pm and 6 am, for a maximum of 7 hours a day) and mixed shift (daytime-nighttime, with the nighttime shift not exceeding 3.5 hours, for a maximum of 7.5 hours a day).	Verify the individual or collective bargaining agreement clearly specifies the shifts workers have agreed to work. Also, the company must keep attendance records specifying the start and end times of work shifts.		Critical	1.6287
2.12.b	Work shift	The company prohibits and makes sure workers are not subjected to notoriously excessive and inhumane work shifts, even if the worker wants to earn more money through piecework or overtime.	Verify attendance records specify time limits for workers to punch in and out so they do not exceed the number of hours specified for work shifts and the number of extra hours agreed.		Zero tolerance	3.2573
2.12.c	Work shift	The company must give workers working a full shift a break of at least 30 minutes.	Verify the existence of attendance records that specify workers' break times, including break start and end times.		Higher	0.6515
2.12.d	Work shift	A work shift refers to the time period from the moment the worker arrives in the company's facilities to the moment he or she leaves its premises. Downtime is considered part of the work shift, and it should be considered in the calculation and payment of salaries, even if the worker is hired by piecework, task or output.	Verify downtime records are kept and workers are paid downtime.		Critical	1.6287




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<b>2. Forced labour</b>						
2.13.a	Overtime	The worker's voluntary decision to work overtime must be documented.	Verify the existence of paperwork signed by the worker specifying his or her willingness to work overtime.	MNA	Lower	0.3257
2.13.b	Overtime	Overtime should not exceed three hours a day, three times a week, with the corresponding payment calculated based on an additional one hundred percent of the salary that corresponds to the regular work shift (double salary).	Verify the existence of attendance records that indicate the number of hours worked and the corresponding payments made for the first 9 hours of weekly overtime.	MNA	Critical	1.6287
2.13.c	Overtime	Overtime in excess of 9 hours a week should be paid at a rate of two hundred percent of the salary that corresponds to the regular work shift (triple salary), and it should not exceed 12 hours a week.	Verify the existence of attendance records that indicate the number of hours worked and the corresponding payments made for any work in excess of 9 hours of weekly overtime.	MNA	Critical	1.6287
2.14.a	Days off	The company pays the worker a weekly day of rest for every six days worked, and the worker takes that day off.	Verify workers' pay stubs specify the weekly paid day of rest, and conduct interviews with workers to confirm they are actually taking those days off.		Higher	0.6515
2.14.b	Days off	In the case of temporary or seasonal agricultural workers, the payment of the weekly day off must be proportional to the number of days worked.	Verify the pay stubs of temporary or seasonal workers specify the weekly day off proportional payment.	MNA	Higher	0.6515
2.14.c	Days off	In case a worker decides to work his or her weekly day off or a mandatory day off, he or she should be paid the salary that corresponds to such day off plus a double salary for services rendered (triple salary).	Verify the corresponding salaries are paid to workers working days off.	MNA	Higher	0.6515


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2. Forced labour						
2.15	High temperature conditions	The company must make sure that, in the case outdoor agricultural activities, as well as any activities performed in greenhouses, shade cloth greenhouses, indoor areas, warehouses and others, the maximum daily exposure of workers to high temperature conditions does not exceed a wet bulb globe temperature index of 26.7 °C; otherwise, control measures must be put in place to limit workers' exposure and non-exposure time.	Verify the existence of records indicating measures taken to control high temperature conditions (heat) workers are exposed to, exposure time and actions implemented, in accordance with Table 1 of Standard NOM-015-STPS-2001.		Critical	1.6287
2.16	Low temperature conditions	The company must make sure that, in the case of activities performed in cold rooms, outdoor farm activities, greenhouses, warehouses, shade cloth greenhouses, workshops, storage areas and others, when the thermometer temperature reading is equal or less than 10 °C, the exposure time for a person wearing proper PPE does not exceed one hour; otherwise, control measures must be put in place to limit workers' exposure and non-exposure time.	Verify the existence of records indicating measures taken to control low temperature conditions (cold) workers are exposed to, exposure times, actions implemented and personal protection equipment provided, in accordance with Table 2 and Table A.2 of Standard NOM-015-STPS-2001.		Critical	1.6287
2.17	Manual handling of loads for persons older than 45	The company should not allow female workers older than 45 to lift and/or carry loads in excess of 15 kg, and male workers older than 45 to lift and/or carry loads in excess of 20 kg. Workers must receive training on manual handling of loads. Only workers with authorization from a physician should be allowed to handle loads in excess of 20 kg for women and 25 kg for men.	Verify the maximum weight to be lifted or carried by a worker older than 45 does not exceed the authorized limits, and also that the weight of full buckets or containers is properly documented, or these have marks indicating their maximum capacity, in accordance with Standard NOM-036-1-STPS-2018.		Lower	0.3257

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2. Forced labour						
2.18	Manual handling of loads for persons ages 18 to 45	The company should not allow female workers between the ages of 18 and 45 to lift and/or carry loads in excess of 20 kg, and male workers between the ages of 18 and 45 to lift and/or carry loads in excess of 25 kg. Workers must receive training on manual handling of loads.	Verify the maximum weight to be lifted or carried by a worker between the ages of 18 and 45 does not exceed the authorized limits, in accordance with Standard NOM-036-1-STPS-2018.		Lower	0.3257
2.19	Manual handling of loads for pregnant women	The company must prohibit pregnant women or women in the first 10-week period following childbirth from manually handling materials with a weight in excess of 10 kg, or performing tasks that involve forced body postures or repetitive motion for prolonged periods of time that require abdominal efforts or the movement of lower limbs. Female workers must be informed of such risks and receive proper training.	Verify pregnant workers are not manually handling loads in excess of 10 kg, as well as the existence of records and controls to relocate pregnant women, in accordance with Standard NOM-036-1-STPS-2018.		Critical	1.6287
2.20	Body posture restrictions	In the case of manual work activities, the company has an ergonomic risk assessment, including body posture restrictions, that identifies the level of risk for workers adopting uncomfortable or forced body postures as a result of having to crouch for long periods of time, or lifting or carrying loads, due to space limitations.	Verify the company has an ergonomic risk assessment and measures in place to mitigate the risk of exposure, as well as an occupational health surveillance program, in accordance with Standard NOM-036-1-STPS-2018.		Critical	1.6287

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2. Forced labour						
2.21	Psychosocial risk factors	The company has identified and analyzed psychosocial risk factors for workers, and documents preventive or corrective measures taken as a result of the risk factor analysis. The company has mechanisms in place for workers to file complaints and reports regarding threats, physical coercion, mistreatment and systematic and persistent acts of intimidation, such as slandering, insults, humiliation, demeaning attitudes, marginalization, indifference, ill-intended comparisons and rejection, that may lead workers to situations of depression, isolation or loss of self-esteem. Workers are informed about such complaint filing mechanisms.	Verify actions are taken to identify and analyze psychosocial risk factors, in addition to the existence of records of prevention and control actions, complaint or report filing mechanisms, how complaints are handled, the results of follow-up actions, and how workers are informed of mechanisms to file complaints for violence in the workplace, in accordance with Standard NOM-035-STPS-2018.		Higher	0.6515
2.22	Work in confined spaces	The company has safety measures in place regarding work in confined spaces, including prohibiting access to unfit workers, exceeding the maximum authorized time, performing tasks individually, introducing internal combustion equipment into them; prohibiting work if safety procedures are not followed or in case of failure to use the personal protection equipment required, the lack of materials, tools or equipment necessary to perform the activity, or any other anomaly that jeopardizes its workers' lives and safety, in addition to training for authorized workers.	Verify the existence of safety procedures and measures regarding work in confined spaces, and also that hazardous jobs are only performed by authorized and duly trained personnel, personal protection equipment is provided, safety measures are followed up, and records of training courses held are kept, in accordance with Standard NOM-033-STPS-2015.		Higher	0.6515




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<b>2. Forced labour</b>						
2.23	Handling of agrochemicals	The company provides personnel using and handling agrochemicals with training and the personal protection equipment indicated on the corresponding safety data sheet or label. Personal protection equipment must be used and removed correctly, and be kept in safe operating conditions, including washing it at the end of each shift in the workplace. The company provides spaces for workers to store their clothes, wash their hands and bathe (with soap and clean water). The company has antidotes and medications available to handle the effects of agrochemicals used in the workplace, and workers are informed of their health and environmental risks.	Verify the company meets specifications regarding the safe use and handling of agrochemicals, in accordance with Standard NOM-003-STPS-1999.		Zero tolerance	3.2573
2.24	Health surveillance for personnel handling agrochemicals.	The company has a health surveillance program for occupationally exposed workers using and handling agrochemicals to protect their health, including early detection of organic health problems, and identification of workers most at risk. The program must consider the application of entry, periodic and specific medical exams, clinical evaluations, measures to follow in case medical exams show alterations or confirm a health impact, and procedures to reassign workers to tasks that do not involve exposure to the risk factor in question. The person in charge of the program must be a physician with experience in the field of occupational health.	Verify the existence of a health surveillance program for workers occupationally exposed to agrochemicals, including follow-up actions to protect the health and lives of workers.		Critical	1.6287


### 3. DEAR-USMCA Verification Metric

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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	May not Apply (MNA)	Type of indicator	Value
2. Forced labour						
2.25	Handling of emergencies	The company has a plan to handle emergencies that considers dealing, as a minimum, with the following: cases of intoxication due to severe exposure to agrochemicals or other hazardous chemical substances; agrochemical leaks or spills; materials used to contain spills, personal protection equipment to handle emergencies, training for personnel exposed during containment efforts, and any other condition that jeopardizes the lives or integrity of its workers, based on risks identified.	Verify the existence of a plan to handle emergencies in cases of severe exposure or intoxication, agrochemical spills or leaks, as well as the existence of training records and certificates for the personnel in charge of handling emergencies; dissemination and publication of plans in work areas where emergencies may occur; and availability of materials to eliminate and contain spills or leaks.		Critical	1.6287


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		Version 1.0				
Code	Reference	Indicator/Compliance criteria	Evidence of compliance	May not Apply (MNA)	Type of indicator	Value
3. Child labour						
3.1	Policy	The company has a written policy that reflects its commitment to abide by current legislation in the country and not to hire persons under the age of 18 for agricultural activities, which are considered hazardous and unsanitary.	Verify the company has a policy that prohibits child labour and forced child labour, and also that workers know about it and such policy is actually being followed.		Higher	0.6515
3.2	Procedure	The company designs and implements a procedure to ensure no minors are hired for agricultural activities. That procedure should include the following: controlling access of minors to the company's facilities, detection of minors helping their parents (delegation of agricultural activities from parents to children), a mechanism to remove minors if found performing agricultural activities and restitution for working minors identified.	Verify there is a procedure in place to prohibit child labour and forced child labour, duly documented and implemented, in the company's operations. That procedure should meet, as a minimum, the requirements specified in the indicator.		Zero tolerance	3.2573
3.3	Dissemination of policy and procedure	The policy and the procedure to prevent the hiring of child labour must be disseminated among the company's concerned parties.	Verify the existence of attendance records, photos and materials that show the policy and the procedure to prevent the hiring of child labour were disseminated among the company's concerned parties.		Higher	0.6515
3.4	Records of access	Records must be kept of minors accessing the company's facilities. These records should include, as a minimum, the following information: name, age, date and reason for the visit.	Verify the existence of up-to-date records of access of minors to the company.		Lower	0.3257


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3. Child labour						
3.5	Removing minors from agricultural activities	Minors found working (either because they were hired or they are helping their parents or family members), must be removed from those activities, making sure their human rights are respected, and they must be handed over to their parents or guardians, who must sign a letter of commitment to prevent the minor from repeating that behavior.	The company must have a letter of commitment signed by the parents or guardians of the minor found working.	MNA	Critical	1.6287
3.6	Restitution for minors	In case a minor is found working, the company must investigate the reasons that led him/her to work and, together with his/her parents or guardians, efforts must be made to address the reasons for such action.	Verify a report was made indicating the reasons that led the child to work and any actions taken by the company to support that minor.	MNA	Higher	0.6515
3.7.a	Child protection system	The company promotes the integration and permanence of children of migrant workers in school, and provides support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of the children of its migrant workers in school.	MNA	Higher	0.6515
3.7.b	Child protection system	The company promotes the integration and permanence of children of local workers in school, providing support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of children of its local workers in school.		Critical	1.6287
3.7.c	Child protection system	The company promotes the integration and permanence of children and youths from the community in school, and provides support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of children and youths from the community in school.	MNA	Lower	0.3257

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3. Child labour						
3.7.d	Child protection system	The company grants scholarships to the children of its workers and/or children and youths from the community to promote their integration and permanence in school.	Submit a detailed report and paperwork that show education scholarships were actually granted.	MNA	Higher	0.6515
3.7.e	Child protection system	The company provides childcare services in appropriate spaces, with the security systems required to protect the children of migrant workers.	Verify those services are actually being provided, and also that they guarantee the safety of children of migrant workers. Also, verify there is a list of attendance with the names of the beneficiaries of childcare services.	MNA	Higher	0.6515
3.7.f	Child protection system	The company provides childcare services in appropriate spaces, with the security systems required to protect the children of local workers.	Verify such services are actually being provided, and also that they guarantee the safety of children of local workers. Also, there must be a list of attendance showing the names the beneficiaries of the childcare services.	MNA	Higher	0.6515
3.7.g	Child protection system	Free meals are provided to the children of migrant and/or local workers cared for in the childcare facility operating in the company's worksites and/or shelters.	Submit paperwork to verify meals provided to the beneficiaries of childcare facilities are paid by the company.	MNA	Higher	0.6515
3.7.h	Child protection system	The company promotes and organizes artistic, cultural and sports activities for the children of workers and/or children and youths from the community.	Verify the existence of a program of activities, as well as photos and testimonies of the activities performed.		Critical	1.6287

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3. Child labour						
3.8	Inspections by labour authorities	In case an inspection by labour authorities finds minors working in the company, the company must submit evidence of the corrective actions taken in response to such inspection.	Verify the contents of the labour authorities' inspection report and corrective actions taken.	MNA	Critical	1.6287
3.9	Restitution for working minors	In case labour authorities determine the minor found working has not received the salary that corresponds to his or her services, compared to other workers in the company, the employer must pay those differences in salary.	Verify if the labour authorities' inspection report states the minor did not receive the corresponding salary, in which case the company must produce payroll records to calculate the differences in salary not paid to the minor found working.	MNA	Critical	1.6287
3.10	Public claims	In case public claims are made regarding the hiring of minors by the company to perform agricultural activities, the company must remove those minors immediately by following the corresponding procedure, and minors must be paid restitution.	Verify the company has documented the removal of minors found working and restitution has been paid.	MNA	Critical	1.6287
Calification						100.00




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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
<b>1. Right to Organize and Collective Bargaining</b>					
1.1	Policy	The company has a policy in place to ensure respect for workers' collective rights, such as freedom of association, autonomy, the right to strike and collective bargaining. It also commits not to promote or participate in the creation, operation, administration or funding of workers' unions. In other words, it does not engage in activities that undermine the workers' right to organize and collective bargaining.	Verify the company has a policy in writing, disseminated and implemented, that respects workers' collective rights and does not interfere with the life of unions.		
1.2	Validation of existing Collective Bargaining Agreement	Companies that entered into a Collective Bargaining Agreement with a trade union prior to May 1 <sup>st</sup> 2019 must register such agreement following the protocol established by Mexican labour authorities, published on the Federal Official Daily Gazette on July 31 <sup>st</sup> 2019.	Verify the existing Collective Bargaining Agreement has been registered following the guidelines and rules of the protocol to register existing Collective Bargaining Agreements.		
1.3	Unionized workers	The union must provide the company with a copy of the list of those workers who are members of the union and work in the company's worksite. That list should include the following information: the worker's name, unique population registry code (CURP), hiring date and signature, as well as the signature of the union representative validating such list. There must be one list for each of the unions existing in the company. This requirement applies to both initial and existing Collective Bargaining Agreements in the company.	Verify the existence of a list of the company's unionized workers.		


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1. Right to Organize and Collective Bargaining					
1.4	Request of certificate of employee representativeness	In case a union requests the issuance of a certificate of employee representativeness ( <i>constancia de representatividad</i> ) in order to be able to sign an initial collective bargaining agreement with the company, the Federal Labour Conciliation and Registry Center (CFCyRL) will issue a notice that must be made public by the company by posting it in the main locations where workers typically gather to inform them, and any other union interested in obtaining a certificate of employee representativeness, of such process.	Verify the company has the actual notice issued by the CFCyRL, as well as photos of the different locations where the notice was posted.		
1.5.a	Consultation procedure	The company must assist in the dissemination of the call for participation and any other documents required by the CFCyRL to hold the consultations necessary.	Verify there is evidence that calls for participation in workers' consultations were disseminated.		
1.5.b	Consultation procedure	The company must help the Union disseminate the calls for participation of employees in consultations regarding the contents of the initial Collective Bargaining Agreement or Revision Agreement.	Verify the company actually helps the Union disseminate calls for participation in consultations.		
1.5.c	Consultation procedure	Neither the employer nor its non-unionized workers should intervene in any of the activities of the CFCyRL consultations or any other consultation organized by the Union. The employer can only provide logistical support to ensure the voting process is personal, free, secret, direct, peaceful, expedite and safe.	Verify the list of participants in consultations does not indicate the participation of the company's non-unionized workers, and conduct interviews with workers to confirm the employer did not intervene in the consultation process.		


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<b>1. Right to Organize and Collective Bargaining</b>					
1.6	Copy of contract or agreement for workers	The company is entitled to verify the Union provides workers with a printed or electronic copy of the Initial Collective Bargaining Agreement or Revision Agreement to be subjected to consultation for approval by the company's workers, at least 15 days prior to the voting process.	Verify workers have timely received a copy of the Contract or Agreement to be subjected to consultation.		
1.7	Publication of voting results	The company allows the Union to publicize the results of the consultation to approve the contents of the agreement in visible and easy-to-access locations in the worksite. This must be done within two days of the date of consultation.	There is evidence showing the results of the workers' consultation were disseminated in the workplace.		
1.8.a	Contents of Collective Bargaining Agreement	The Collective Bargaining Agreement must contain all the information established in the Federal Labour Law, and it should not contravene any of the workers' human, labour and social rights.	Verify the Collective Bargaining Agreement includes the information required by the Federal Labour Law.		
1.8.b	Contents of Collective Bargaining Agreement	The Collective Bargaining Agreement cannot include an "exclusion due to separation" clause that states that workers leaving the Union, either due to resignation or being expelled from it, can be terminated from their job without any liability for the employer.	Verify the Collective Bargaining Agreement does not include an "exclusion by separation clause", and conduct interviews with workers to confirm that is the case.		


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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
<b>1. Right to Organize and Collective Bargaining</b>					
1.9	Copy of Initial Collective Bargaining Agreement or Revision Agreement for workers	Within 15 days of submission of the Initial Collective Bargaining Agreement or Revision Agreement with the CFCyRL, the company must deliver, free of charge, a hard copy thereof to its workers, who must sign acknowledgement of receipt of such document.	Verify there is a list of the workers who received a printed copy of the Initial Collective Bargaining Agreement, and also that they acknowledged receipt thereof.		
1.10	Publication of Collective Bargaining Agreement	The company must disseminate and post copies of the Collective Bargaining Agreement in visible locations where workers typically gather to inform them of its contents.	Verify there is a report that includes photos of the locations where the Collective Bargaining Agreement was posted.		
1.11	Collective Bargaining Agreement Certificate of Registration	The company has a Collective Bargaining Agreement approved by its workers, as well as a Certificate of Registration of such Agreement issued by the CFCyRL, which must be issued within three days of its submission with the CFCyRL by the Union.	Verify the company has a copy of the Collective Bargaining Agreement and its certificate of registration, and also that both are still valid.		
1.12	Salary review	Together with the Union, the company must conduct an annual review of its workers' salary scale.	Verify the workers' salary scale included in the Collective Bargaining Agreement is valid.		
1.13	Agreement revision	Undetermined and fixed-term Collective Bargaining Agreements must be reviewed every two years, as established in article 399 of the Federal Labour Law. Agreement revisions must also be subjected to the approval of the majority of the workers covered by them by means of personal, free, secret, direct, peaceful, expedite and safe voting processes.	Verify bargaining agreement revisions take place every two years, are subjected to the approval of workers, and are submitted to the CFCyRL.		

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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
<b>1. Right to Organize and Collective Bargaining</b>					
1.14	Vacant positions	The company must notify the union holding the Collective Bargaining Agreement, as well as those workers in the immediate lower category, of definitive and temporary vacant positions to fill.	Verify the company has notified both the union and its workers of vacant positions to fill.		
1.15	Union dues	Workers can express their decision in writing not to have union dues deducted from their salaries, in which case the employer should not deduct any such dues from their salaries.	Conduct interviews with workers to confirm they are paying union dues willingly.		

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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
2. Forced labour					
2.1	Policy	The company must indicate, in writing, its commitment to prohibit human trafficking and any associated offenses: forced labour, slavery, servitude, labour exploitation, discrimination, sexual harassment and bullying in the workplace, in all the operations it performs directly and those performed through intermediaries or service subcontractors.	Verify the company has a written policy, publicized and implemented, that prohibits human trafficking, human trafficking-related offenses, discrimination, sexual harassment and bullying in the workplace		
2.2	Procedure	The company must have a procedure, duly documented and implemented, that guarantees decent work, with respect for the human dignity of all its workers, and allows for the detection and prevention of practices such as human trafficking, forced labour, discrimination, sexual harassment and bullying in the workplace.	Verify the company has a procedure, duly documented and implemented, to guarantee decent work and the prohibition of human trafficking and forced labour.		
2.3.a	Labour recruiter or contractor	The company must formalize, by means of a written agreement, any relationship it has established with a labour recruiter or contractor, even if such recruiter is not legally incorporated. That agreement must state the prohibition of engaging in acts of human trafficking and related offenses, as well as the obligation to respect workers' human, labour and social rights.	Verify there is a duly signed agreement between the company and the labour recruiter or contractor, which should meet, as a minimum, the requirements described in the indicator. The recruiter must receive a copy of the agreement.		




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2. Forced labour					
2.3.b	Labour recruiter or contractor	Any intermediaries participating in the recruitment, hiring and transportation of agricultural workers must receive training on human trafficking-related offenses, particularly those related to employment, as well as fair, ethical and equal opportunity hiring.	Verify the existence of materials on human trafficking used to train recruiters, including photos and lists of attendance duly signed both by the instructor and the person supervising such training.		
2.4	Subcontracting	In case the company resorts to subcontracting of workers, it must make sure the agency involved meets the applicable legal requirements and pays full salaries and benefits to those workers. The relationship with the subcontractor must be formalized by means of a written agreement, which should establish the prohibition of engaging in acts of human trafficking and related offenses, as well as the obligation to respect workers' human, labour and social rights.	Verify the existence of a duly signed agreement between the company and the subcontractor. The subcontractor must receive a copy of the agreement.		
2.5	Publication of vacant positions	The company's job offers to fill vacant positions must be publicized, be clear and accurate, and follow the principle of substantive equality, including a description of job profiles and requirements, salaries offered, benefits and hiring conditions. In case migrant workers are hired, it is important to describe in detail and show images of housing conditions and welfare services provided at shelters. The worker must sign to express his or her acknowledgement and acceptance of the job offer.	Verify job offers to fill vacant positions meet, as a minimum, the requirements described in the indicator, and also that workers have acknowledged receipt of such information and accepted the offer.		


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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
2. Forced labour					
2.6	Hiring costs	All costs related to the hiring and transportation of permanent, temporary and seasonal workers, or day labourers, must be covered by the employer, and no deductions can be made from workers' salaries for such costs.	Verify the company has covered the costs for the hiring and transportation of agricultural workers.		
2.7	Formal hiring processes	The company has a formal process to hire workers through an individual or collective bargaining agreement. The company puts together a file that includes copies of identification documents (birth certificate, unique population registry code (CURP), voter's ID and social security number). Original documents should not be withheld for any reason whatsoever. The worker must receive a copy of the agreement. In case the worker does not know how to read or write, a person he or she trusts must be present to read the employment contract for them. Workers must put their fingerprint or signature on the document if they agree with the hiring conditions, and the person reading the contract must sign as a witness.	Verify the company has an individual file for each worker that includes the employment contract and copies of his or her identification documents, as well as evidence the worker was informed of the contents of the agreement and received a copy thereof.		
2.8	Social Security	The company's workers are affiliated with the social security system and are informed of the benefits available to them and their families.	Verify the company's workers have social security benefits and are informed of the corresponding benefits.		


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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
2. Forced labour					
2.9	Benefits	The company must give its workers the following benefits: weekly paid day of rest, vacations, vacation bonus, Christmas bonus and profit sharing. Temporary and seasonal agricultural workers must be paid a proportional part of those benefits. The payment of those benefits must be clearly identified in their pay stubs.	Verify accounting records show workers' benefits were covered.		
2.10	Minimum salary	In the case of workers hired by shift, piecework, output or task, their salary should not be lower than the minimum daily wage for the region where they are working, even if they fail to perform the tasks assigned.	Verify, through a paperwork review and interviews, that the workers' daily wages paid are not below the general minimum wage for the region.		
2.11	Salary protection	Salaries must be paid directly to workers, either weekly or every fifteen days, depending on their category. Workers should be able to freely dispose of their salary, which should be paid at the workplace, on business days, and only deductions permitted by law can be made. Pay stubs can be provided either in print or in the form of Internet digital tax receipts (CFDIs). In case pay stubs are printed, they should bear the worker's original signature to be considered valid. In case salaries are paid via debit card, workers' debit cards should not be delivered to any third parties associated with the company for their management. They should be held and managed directly by workers.	Verify electronic or paper payrolls comply with the legal requirements regarding the payment of salaries. Conduct interviews with workers to verify the company complies with general salary conditions and they are receiving the corresponding pay stubs.		


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2. Forced labour					
2.12.a	Work shift	Employment contracts must clearly specify work shifts, which should meet the following requirements: daytime shift (between 6 am and 8 pm, for a maximum of 8 hours a day), night shift (between 8 pm and 6 am, for a maximum of 7 hours a day) and mixed shift (daytime-nighttime, with the nighttime shift not exceeding 3.5 hours, for a maximum of 7.5 hours a day).	Verify the individual or collective bargaining agreement clearly specifies the shifts workers have agreed to work. Also, the company must keep attendance records specifying the start and end times of work shifts.		
2.12.b	Work shift	The company prohibits and makes sure workers are not subjected to notoriously excessive and inhumane work shifts, even if the worker wants to earn more money through piecework or overtime.	Verify attendance records specify time limits for workers to punch in and out so they do not exceed the number of hours specified for work shifts and the number of extra hours agreed.		
2.12.c	Work shift	The company must give workers working a full shift a break of at least 30 minutes.	Verify the existence of attendance records that specify workers' break times, including break start and end times.		
2.12.d	Work shift	A work shift refers to the time period from the moment the worker arrives in the company's facilities to the moment he or she leaves its premises. Downtime is considered part of the work shift, and it should be considered in the calculation and payment of salaries, even if the worker is hired by piecework, task or output.	Verify downtime records are kept and workers are paid downtime.		

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2. Forced labour					
2.13.a	Overtime	The worker's voluntary decision to work overtime must be documented.	Verify the existence of paperwork signed by the worker specifying his or her willingness to work overtime.		
2.13.b	Overtime	Overtime should not exceed three hours a day, three times a week, with the corresponding payment calculated based on an additional one hundred percent of the salary that corresponds to the regular work shift (double salary).	Verify the existence of attendance records that indicate the number of hours worked and the corresponding payments made for the first 9 hours of weekly overtime.		
2.13.c	Overtime	Overtime in excess of 9 hours a week should be paid at a rate of two hundred percent of the salary that corresponds to the regular work shift (triple salary), and it should not exceed 12 hours a week.	Verify the existence of attendance records that indicate the number of hours worked and the corresponding payments made for any work in excess of 9 hours of weekly overtime.		
2.14.a	Days off	The company pays the worker a weekly day of rest for every six days worked, and the worker takes that day off.	Verify workers' pay stubs specify the weekly paid day of rest, and conduct interviews with workers to confirm they are actually taking those days off.		
2.14.b	Days off	In the case of temporary or seasonal agricultural workers, the payment of the weekly day off must be proportional to the number of days worked.	Verify the pay stubs of temporary or seasonal workers specify the weekly day off proportional payment.		
2.14.c	Days off	In case a worker decides to work his or her weekly day off or a mandatory day off, he or she should be paid the salary that corresponds to such day off plus a double salary for services rendered (triple salary).	Verify the corresponding salaries are paid to workers working days off.		

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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
2. Forced labour					
2.15	High temperature conditions	The company must make sure that, in the case outdoor agricultural activities, as well as any activities performed in greenhouses, shade cloth greenhouses, indoor areas, warehouses and others, the maximum daily exposure of workers to high temperature conditions does not exceed a wet bulb globe temperature index of 26.7 °C; otherwise, control measures must be put in place to limit workers' exposure and non-exposure time.	Verify the existence of records indicating measures taken to control high temperature conditions (heat) workers are exposed to, exposure time and actions implemented, in accordance with Table 1 of Standard NOM-015-STPS-2001.		
2.16	Low temperature conditions	The company must make sure that, in the case of activities performed in cold rooms, outdoor farm activities, greenhouses, warehouses, shade cloth greenhouses, workshops, storage areas and others, when the thermometer temperature reading is equal or less than 10 °C, the exposure time for a person wearing proper PPE does not exceed one hour; otherwise, control measures must be put in place to limit workers' exposure and non-exposure time.	Verify the existence of records indicating measures taken to control low temperature conditions (cold) workers are exposed to, exposure times, actions implemented and personal protection equipment provided, in accordance with Table 2 and Table A.2 of Standard NOM-015-STPS-2001.		
2.17	Manual handling of loads for persons older than 45	The company should not allow female workers older than 45 to lift and/or carry loads in excess of 15 kg, and male workers older than 45 to lift and/or carry loads in excess of 20 kg. Workers must receive training on manual handling of loads. Only workers with authorization from a physician should be allowed to handle loads in excess of 20 kg for women and 25 kg for men.	Verify the maximum weight to be lifted or carried by a worker older than 45 does not exceed the authorized limits, and also that the weight of full buckets or containers is properly documented, or these have marks indicating their maximum capacity, in accordance with Standard NOM-036-1-STPS-2018.		




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2. Forced labour					
2.18	Manual handling of loads for persons ages 18 to 45	The company should not allow female workers between the ages of 18 and 45 to lift and/or carry loads in excess of 20 kg, and male workers between the ages of 18 and 45 to lift and/or carry loads in excess of 25 kg. Workers must receive training on manual handling of loads.	Verify the maximum weight to be lifted or carried by a worker between the ages of 18 and 45 does not exceed the authorized limits, in accordance with Standard NOM-036-1-STPS-2018.		
2.19	Manual handling of loads for pregnant women	The company must prohibit pregnant women or women in the first 10-week period following childbirth from manually handling materials with a weight in excess of 10 kg, or performing tasks that involve forced body postures or repetitive motion for prolonged periods of time that require abdominal efforts or the movement of lower limbs. Female workers must be informed of such risks and receive proper training.	Verify pregnant workers are not manually handling loads in excess of 10 kg, as well as the existence of records and controls to relocate pregnant women, in accordance with Standard NOM-036-1-STPS-2018.		
2.20	Body posture restrictions	In the case of manual work activities, the company has an ergonomic risk assessment, including body posture restrictions, that identifies the level of risk for workers adopting uncomfortable or forced body postures as a result of having to crouch for long periods of time, or lifting or carrying loads, due to space limitations.	Verify the company has an ergonomic risk assessment and measures in place to mitigate the risk of exposure, as well as an occupational health surveillance program, in accordance with Standard NOM-036-1-STPS-2018.		


## 4. DEAR-USMCA Checklist

		DEAR-USMCA Standard			
		DEAR-USMCA Checklist			
		Version 1.0			
Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
2. Forced labour					
2.21	Psychosocial risk factors	The company has identified and analyzed psychosocial risk factors for workers, and documents preventive or corrective measures taken as a result of the risk factor analysis. The company has mechanisms in place for workers to file complaints and reports regarding threats, physical coercion, mistreatment and systematic and persistent acts of intimidation, such as slandering, insults, humiliation, demeaning attitudes, marginalization, indifference, ill-intended comparisons and rejection, that may lead workers to situations of depression, isolation or loss of self-esteem. Workers are informed about such complaint filing mechanisms.	Verify actions are taken to identify and analyze psychosocial risk factors, in addition to the existence of records of prevention and control actions, complaint or report filing mechanisms, how complaints are handled, the results of follow-up actions, and how workers are informed of mechanisms to file complaints for violence in the workplace, in accordance with Standard NOM-035-STPS-2018.		
2.22	Work in confined spaces	The company has safety measures in place regarding work in confined spaces, including prohibiting access to unfit workers, exceeding the maximum authorized time, performing tasks individually, introducing internal combustion equipment into them; prohibiting work if safety procedures are not followed or in case of failure to use the personal protection equipment required, the lack of materials, tools or equipment necessary to perform the activity, or any other anomaly that jeopardizes its workers' lives and safety, in addition to training for authorized workers.	Verify the existence of safety procedures and measures regarding work in confined spaces, and also that hazardous jobs are only performed by authorized and duly trained personnel, personal protection equipment is provided, safety measures are followed up, and records of training courses held are kept, in accordance with Standard NOM-033-STPS-2015.		


## 4. DEAR-USMCA Checklist

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2. Forced labour					
2.23	Handling of agrochemicals	The company provides personnel using and handling agrochemicals with training and the personal protection equipment indicated on the safety data sheet or label. Personal protection equipment must be used and removed correctly, and be kept in safe operating conditions, including washing it at the end of each shift in the workplace. The company provides spaces for workers to store their clothes, wash their hands and bathe (with soap and clean water). The company has antidotes and medications available to handle the effects of agrochemicals used in the workplace, and workers are informed of their health and environmental risks.	Verify the company meets specifications regarding the safe use and handling of agrochemicals, in accordance with Standard NOM-003-STPS-1999.		
2.24	Health surveillance for personnel handling agrochemicals.	The company has a health surveillance program for occupationally exposed workers using and handling agrochemicals to protect their health, including early detection of organic health problems, and identification of workers most at risk. The program must consider the application of entry, periodic and specific medical exams, clinical evaluations, measures to follow in case medical exams show alterations or confirm a health impact, and procedures to reassign workers to tasks that do not involve exposure to the risk factor in question. The person in charge of the program must be a physician with experience in the field of occupational health.	Verify the existence of a health surveillance program for workers occupationally exposed to agrochemicals, including follow-up actions to protect the health and lives of workers.		


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2. Forced labour					
2.25	Handling of emergencies	The company has a plan to handle emergencies that considers dealing, as a minimum, with the following: cases of intoxication due to severe exposure to agrochemicals or other hazardous chemical substances; agrochemical leaks or spills; materials used to contain spills, personal protection equipment to handle emergencies, training for personnel exposed during containment efforts, and any other condition that jeopardizes the lives or integrity of its workers, based on risks identified.	Verify the existence of a plan to handle emergencies in cases of severe exposure or intoxication, agrochemical spills or leaks, as well as the existence of training records and certificates for the personnel in charge of handling emergencies; dissemination and publication of plans in work areas where emergencies may occur; and availability of materials to eliminate and contain spills or leaks.		

## 4. DEAR-USMCA Checklist


		DEAR-USMCA Standard			
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		Version 1.0			
Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
3. Child labour					
3.1	Policy	The company has a written policy that reflects its commitment to abide by current legislation in the country and not to hire persons under the age of 18 for agricultural activities, which are considered hazardous and unsanitary.	Verify the company has a policy that prohibits child labour and forced child labour, and also that workers know about it and such policy is actually being followed.		
3.2	Procedure	The company designs and implements a procedure to ensure no minors are hired for agricultural activities. That procedure should include the following: controlling access of minors to the company's facilities, detection of minors helping their parents (delegation of agricultural activities from parents to children), a mechanism to remove minors if found performing agricultural activities and restitution for working minors identified.	Verify there is a procedure in place to prohibit child labour and forced child labour, duly documented and implemented, in the company's operations. That procedure should meet, as a minimum, the requirements specified in the indicator.		
3.3	Dissemination of policy and procedure	The policy and the procedure to prevent the hiring of child labour must be disseminated among the company's concerned parties.	Verify the existence of attendance records, photos and materials that show the policy and the procedure to prevent the hiring of child labour were disseminated among the company's concerned parties.		
3.4	Records of access	Records must be kept of minors accessing the company's facilities. These records should include, as a minimum, the following information: name, age, date and reason for the visit.	Verify the existence of up-to-date records of access of minors to the company.		

## 4. DEAR-USMCA Checklist


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		Version 1.0			
Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
3. Child labour					
3.5	Removing minors from agricultural activities	Minors found working (either because they were hired or they are helping their parents or family members), must be removed from those activities, making sure their human rights are respected, and they must be handed over to their parents or guardians, who must sign a letter of commitment to prevent the minor from repeating that behavior.	The company must have a letter of commitment signed by the parents or guardians of the minor found working.		
3.6	Restitution for minors	In case a minor is found working, the company must investigate the reasons that led him/her to work and, together with his/her parents or guardians, efforts must be made to address the reasons for such action.	Verify a report was made indicating the reasons that led the child to work and any actions taken by the company to support that minor.		
3.7.a	Child protection system	The company promotes the integration and permanence of children of migrant workers in school, and provides support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of the children of its migrant workers in school.		
3.7.b	Child protection system	The company promotes the integration and permanence of children of local workers in school, and provides support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of children of its local workers in school.		
3.7.c	Child protection system	The company promotes the integration and permanence of children and youths from the community in school, and provides support in the form of school supplies and/or school transport.	Submit a detailed report of the actions implemented by the company for the integration and permanence of children and youths from the community in school.		



## 4. DEAR-USMCA Checklist

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3. Child labour					
3.7.d	Child protection system	The company grants scholarships to the children of its workers and/or children and youths from the community to promote their integration and permanence in school.	Submit a detailed report and paperwork that show education scholarships were actually granted.		
3.7.e	Child protection system	The company provides childcare services in appropriate spaces, with the security systems required to protect the children of migrant workers.	Verify those services are actually being provided, and also that they guarantee the safety of children of migrant workers. Also, there must be a list of attendance showing the names the beneficiaries of the childcare services.		
3.7.f	Child protection system	The company provides childcare services in appropriate spaces, with the security systems required to protect the children of local workers.	Verify such services are actually being provided, and also that they guarantee the safety of children of local workers. Also, there must be a list of attendance showing the names the beneficiaries of the childcare services.		
3.7.g	Child protection system	Free meals are provided to the children of migrant and/or local workers cared for in the childcare facility operating in the company's worksites and/or shelters.	Submit paperwork to verify meals provided to the beneficiaries of childcare facilities are paid by the company.		
3.7.h	Child protection system	The company promotes and organizes artistic, cultural and sports activities for the children of workers and/or children and youths from the community.	Verify the existence of a program of activities, as well as photos and testimonies of the activities performed.		

## 4. DEAR-USMCA Checklist

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Code	Reference	Indicator/Compliance criteria	Evidence of compliance	Complies Yes/No/NA	Auditor's comment
3. Child labour					
3.8	Inspections by labour authorities	In case an inspection by labour authorities finds minors working in the company, the company must submit evidence of the corrective actions taken in response to such inspection.	Verify the contents of the labour authorities' inspection report and corrective actions taken.		
3.9	Restitution for working minors	In case labour authorities determine the minor found working has not received the salary that corresponds to his or her services, compared to other workers in the company, the employer must pay those differences in salary.	Verify if the labour authorities' inspection report states the minor did not receive the corresponding salary, in which case the company must produce payroll records to calculate the differences in salary not paid to the minor found working.		
3.10	Public claims	In case public claims are made regarding the hiring of minors by the company to perform agricultural activities, the company must remove those minors immediately by following the corresponding procedure, and minors must be paid restitution.	Verify the company has documented the removal of minors found working and restitution has been paid.		

## 5. DEAR-USMCA

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To facilitate the comprehension of the indicators included in the Metric and Checklist, we have included the definitions of the main concepts involved, as well as the supporting legal standards.

### Legislation

The following are the simplified names of the legal instruments of reference.

- 1 **Political Constitution of the Mexican United States**, hereinafter referred to as the “Constitution”.
- 2 **International Labour Organization**, hereinafter referred to as “ILO”.
- 3 **Federal Labour Law**, hereinafter referred to as “FLL”.
- 4 **Federal Labour Conciliation and Registry Center**, hereinafter referred to as “CFCyRL”.
- 5 **General Law for the Prevention, Punishment and Eradication of Human Trafficking Crimes and for the Protection and Assistance to the Victims of these Crimes**, hereinafter referred to as the “Law on Human Trafficking”.
- 6 **Mexican Official Standard**, hereinafter referred to as “NOM”.
- 7 **Minister of Labour and Social Welfare**, hereinafter referred to as “STPS”.



## 5. DEAR-USMCA

### Right to Organize and Collective Bargaining

Code	Term	Concept	Legal reference
1.1	<b>Union</b>	An association of workers or employees created for the study, improvement and defense of their respective interests.	Article 356, FLL
1.1	<b>Act of interference</b>	An action or measure designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, with the object of placing such organizations under their control. Benefits agreed under the collective bargaining process shall not be considered acts of interference	Article 356, FLL
1.2	<b>Collective Bargaining Agreement</b>	The agreement entered into between one or several workers' unions and one or several employers, or one or several employers' unions, with the object of establishing working conditions in one or more companies or facilities.	Article 386, FLL
1.4	<b>Certificate of Employee Representativeness</b>	A document issued by CFCyRL that certifies a Union represents the workers of a company and can ask such company to enter into an Initial Collective Bargaining Agreement. The requesting Union must have the support of at least 30% of the workers covered by the Collective Bargaining Agreement.	Article 390 <i>bis</i> , FLL
1.8.a	<b>Contents of Collective Bargaining Agreement</b>	<p>A Collective Bargaining Agreement must contain, as a minimum, the following:</p> <ol style="list-style-type: none"> <li>The names and addresses of the parties to the agreement.</li> <li>The companies and facilities covered.</li> <li>Its duration or a statement indicating it is for an indefinite period of time or for specific work.</li> <li>Workdays.</li> <li>Days off and vacations.</li> <li>The amount of salaries to be paid.</li> <li>Clauses regarding the training to be provided to the workers of the company or facilities it covers.</li> <li>Provisions regarding the initial training to be provided to any worker returning to work in the company or facility.</li> <li>The rules for the creation and operation of the Commissions that must be created in accordance with the FLL.</li> <li>Any other stipulations agreed upon by the parties.</li> </ol>	Article 391, FLL

## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.1	<b>Forced or compulsory labour</b>	The term <b>forced or compulsory labour</b> refers to all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily.	Article 2, C029 - Convention on Forced Labour, 1930, ILO
2.1	<b>Human trafficking crimes</b>	Any action or deliberate failure to act by one or several persons in order to recruit, induce, transport, transfer, withhold, hand over, receive or house one or several persons for purposes of exploitation.  Exploitation of a person shall be understood as any act of: I. Slavery. II. Servitude. III. Labour exploitation. IV. Forced work or services.	Article 10 Law on Human Trafficking
2.1	<b>Slavery</b>	Slavery refers to the domination of one person over another, depriving him of his capacity to freely dispose of his own person or his assets, and exercising a right of ownership over them.	Article 11 Law on Human Trafficking
2.1	<b>Servitude through:</b>	I. Debt bondage: The condition of a person resulting from a commitment to render services as a means of repaying debt. II. Serfdom: A serf is: a) A person forced to live or work on land owned by someone else. b) He or she is forced to render services, paid or not, and stay permanently, on land owned by someone else.	Article 12 Law on Human Trafficking
2.1	<b>Labour exploitation</b>	Labour exploitation occurs when an individual manages to obtain, either directly or indirectly, an unjustified and unlawful benefit, financial or otherwise, through someone else's work, by subjecting an individual to practices harmful to his dignity, such as: I. Hazardous or unsanitary conditions, without the protections required by labour laws or current standards for the development of an activity or industry. II. An obvious disproportion between the amount of work done and the payment made for it. III. A salary below legal limits.	Article 21 Law on Human Trafficking
2.1	<b>Forced labour refers to work obtained through:</b>	I. The use of force, the menace of force, physical coercion, or threats of physical coercion against a particular person or another person related to him or her, or through the use of force, or the threat of force, by a criminal organization. II. Serious harm or a threat of serious harm on that person that puts him or her in a condition of vulnerability. III. Acts of abuse or the threat to report to the authorities an individual's irregular immigration status in the country or any other form of abuse of the law or a legal process, subjecting the passive individual to unjust conditions or conditions harmful to his or her dignity.	Article 22 Law on Human Trafficking

## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.1	<b>Vulnerability</b>	<p>A particular condition of a victim, resulting from one or more of the following circumstances, that may lead a passive individual to carry out an activity, service or work requested or exacted by the person with an active participation in the crime:</p> <ul style="list-style-type: none"> <li>a) His or her origin, age, sex, or precarious socioeconomic status.</li> <li>b) Level of education, lack of opportunities, pregnancy, violence or discrimination experienced prior to being the victim of human trafficking and related crimes.</li> <li>c) Immigration status, physical or mental disorder or disability.</li> <li>d) Belonging to, or having been born in, an indigenous people or community.</li> <li>e) Being older than 60.</li> <li>f) Any type of addiction.</li> <li>g) A reduced judgment capacity for being a minor.</li> <li>h) Any other characteristic targeted by the active participant in the crime.</li> </ul>	Article 4, section XVII, of the Law on Human Trafficking
2.1	<b>Human dignity</b>	The inherent interest of all persons, for the mere fact of being one, in being treated as such and not as an object, and not being humiliated, degraded, vilified or objectified.	Thesis of jurisprudence 37/2016 (10a), Supreme Court of Justice of the Nation
2.1	<b>Discrimination</b>	Conditions that involve acts of discrimination against workers for reasons of ethnicity or citizenship, gender, age, disability, social condition, health conditions, religion, immigration status, opinions, sexual preferences, marital status or any other reason harmful to human dignity are prohibited.	Article 3, FLL
2.1	<b>Sexual harassment</b>	A form of violence where, while there is no subordination, there is an abuse of power leading to a state of defenselessness and risk for the victim, regardless of the number of incidents involved.	Article 3 bis, FLL
2.1	<b>Bullying in the workplace</b>	The use of power in a real relationship of subordination of the victim with respect to the aggressor in the workplace, which is expressed through a verbal or physical behavior, or both.	Article 3 bis, FLL
2.2	<b>Decent work</b>	Decent work refers to that where there is full respect for the worker's human dignity, there is no discrimination, the worker has access to social security and receives a salary, ongoing training is provided to increase productivity with shared benefits, there are optimal safety and hygiene conditions to prevent work risks, and there is full respect for workers' collective rights such as freedom of assembly, autonomy, the right to strike and the right to collective bargaining.	Article 2, FLL

## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.3.a	<b>Labour recruiter or contractor</b>	The term labour recruiter refers to any person hiring, or participating in the hiring of, one or more persons to provide services to an employer.	Article 12, FLL
2.3.a	<b>Recruitment</b>	Recruitment includes the advertisement, information dissemination, selection, transport, placement into employment and –for migrant workers– return to their country of origin.	General principles and operational guidelines for fair recruitment, ILO
2.3.b	<b>Fair, ethical or just recruitment</b>	<p>Fair, ethical or just recruitment is that which:</p> <ul style="list-style-type: none"> <li>• Prevents human trafficking and forced labour.</li> <li>• Protects workers' rights, particularly those of migrant workers, from abusive and fraudulent practices during the recruitment process (including the rights to pre-selection, selection, transport, placement and the possibility of return).</li> <li>• Reduces the cost of labour migration, and improves the development outcomes for migrant workers and their families, and their places of origin and destination.</li> </ul>	General principles and operational guidelines for fair recruitment, ILO
2.3.b	<b>Agricultural workers</b>	<p>Agricultural workers are those performing tasks characteristic of agricultural, animal husbandry, aquaculture, forestry or mixed farms, at the service of one employer.</p> <p>Agricultural workers can be permanent, temporary or seasonal.</p> <p>a) The term temporary agricultural worker refers to that who, without being permanent or seasonal, performs temporary activities in a rural area, which can be by piecework and for a fixed period of time.</p> <p>b) Seasonal agricultural workers or day labourers are individuals recruited to work in specific times of the year in agricultural activities. They can be hired by one or more employers throughout the year, for periods that should not exceed 27 weeks for each employer.</p>	Articles 279, 279 <i>bis</i> and 279 <i>ter</i> , FLL
2.4	<b>Subcontracting</b>	Subcontracting work refers to that whereby an employer known as contractor does work or provides services, through workers under his charge, to a client, either an individual or a corporation, which specifies the tasks assigned to the subcontractor and supervises the provision of services or the completion of the work contracted out.	Article 15-A, FLL
2.5	<b>Substantive equality</b>	Substantive equality is that achieved by eliminating the forms of discrimination against women that undermine or annul the recognition, enjoyment or exercise of their human rights and fundamental freedoms in the workplace. It involves access to the same opportunities, taking into consideration the biological, social and cultural differences between men and women.	Article 2, FLL



## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.5	<b>Migrant workers</b>	<p>The term migrant worker refers to any person who migrates or has migrated to a country of which he or she is not a national with a view to being employed otherwise than on his or her own account.</p> <p>The reference to the term migrant worker in the DEAR-USMCA Standard also includes those persons changing their place of residence temporarily (within their own country) to work in agricultural activities.</p>	General principles and operational guidelines for fair recruitment, ILO
2.6	<b>Recruitment fees</b>	<p>Article 123 (Constitution). Job placement services for workers shall be free.</p> <p>Article 14, Section II (FLL). Labour recruiters cannot receive any payment or commission deducted from workers' salaries.</p>	Constitution and FLL
2.10	<b>Minimum wage</b>	The daily minimum wage for the area known as "Rest of the Country" is 123.22 Mexican pesos as of January 1 <sup>st</sup> 2020, whereas that for the so-called "Free Zone" along the Northern Border is between 176.22 and 185.56 pesos a day.	Federal Official Daily Gazette: 23/12/2019 Resolution of the Minimum Wages National Commission
2.12.a	<b>Work shift</b>	The period of time during which the worker is available to work for an employer.	Article 58, FLL
2.12.b	<b>Inhumane work shift</b>	<p>In 1917, the Mexican Constitution was amended to establish the maximum number of work days in a week, which could not exceed a total of 48 hours, and the term "humanitarian work shift" was introduced.</p> <p>Article 5 of the FLL (1970), on the other hand, establishes the prohibition of "notoriously excessive inhumane work shifts", and makes reference to the prohibition of exceeding the limits established in labour laws for individual work shifts and overtime.</p>	Article 5, FLL
2.12.d	<b>Downtime</b>	The time during which the worker is available for an employer but where, for reasons beyond his or her control, activities are interrupted due to situations such as machinery breakdowns, the lack of tools or supplies, adverse weather conditions or any other setback that prevents workers from performing their duties.	Article 58, FLL
2.13.a	<b>Overtime</b>	<p>The Mexican Constitution establishes that, without exception, overtime should not exceed a total of three hours a day, or take place more than three consecutive times". Article 66 of the FLL establishes this as a weekly rule. However, article 68 of the same law states overtime can be extended, but does not mention an overtime limit: "In case overtime is extended beyond a period of nine hours a week, the employer must pay the worker such overtime at a rate of an additional two hundred percent of the salary that corresponds to the number of hours in the regular work shift..."</p> <p>Due to this legal loophole in our legislation, we refer to the ILO's Labour Standard, specifically article 4 of Convention 30 on overtime, which states that the number of hours worked cannot exceed a total of 10.</p>	Section A, paragraph XI, article 123 of the Mexican Constitution

## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.15	<b>High temperature conditions</b>	This term refers to any environment with the potential to transmit heat to the human body or to prevent the human body from releasing heat into the environment, in such magnitude that the worker may experience a thermal imbalance that will tend to increase his or her core body temperature.	Section 4.5 of Standard NOM-015-STPS-2001
2.15	<b>Wet bulb globe temperature index</b>	The interaction between globe temperature, air temperature and relative humidity, that allows for an estimation of exposure to high temperatures.	Section 4.11 of Standard NOM-015-STPS-2001
2.16	<b>Low temperature conditions</b>	An environmental situation with the potential to produce a loss of heat in the human body, due to low temperatures, that may cause the worker to experience a thermal imbalance that will tend to reduce his or her core body temperature.	Section 4.4 of Standard NOM-015-STPS-2001
2.16	<b>Manual handling of loads</b>	The activity performed by one or more workers to lift, carry, push, pull, transport and/or stack materials, using their physical strength with or without auxiliary equipment.	Section 4.14 of Standard NOM-036-1-STPS-2018
2.17, 2.18 and 2.19.	<b>Pushing, pulling or dragging loads (traction)</b>	Those activities or tasks that involve manually pushing or dragging a load, with or without the help of auxiliary equipment, where the direction of the fundamental resulting force is horizontal. During traction, the force is directed towards the body. On the contrary, during pushing, that force moves away from the body.	Section 4.5 of Standard NOM-036-1-STPS-2018
2.17, 2.18 and 2.19.	<b>Lifting and carrying loads</b>	Those activities or tasks performed manually, without the help of machinery, that produce a momentum-force on the spinal column and/or the upper and lower limbs, regardless of the direction. During lifting, the force acts against gravity. Upon lowering the load, that force acts in the direction of gravity.	Section 4.12 of Standard NOM-036-1-STPS-2018
2.20	<b>Ergonomic risk factors</b>	Those activities that may involve excessive physical effort, repetitive motion or forced body postures while performing the job, with the ensuing fatigue, errors, accidents and occupational diseases, resulting from the design of facilities, machinery, equipment, tools or work stations.	Section 4.11 of Standard NOM-036-1-STPS-2018
2.21	<b>Psychosocial risk factors</b>	Those factors that may cause anxiety disorders, non-organic disorders of the sleep-wake cycle, or severe stress and adaptation disorders, due to the nature of the tasks inherent in a given job, the type of work shift and exposure to severe traumatic events or acts of violence in the workplace related to the work done.	Section 4.7 of Standard NOM-035-STPS-2018

## 5. DEAR-USMCA

### Forced labour

Code	Term	Concept	Legal reference
2.21	<b>Violence in the workplace</b>	Those acts of bullying, harassment or abuse against workers that can affect their integrity or health.	Section 4.12 of Standard NOM-035-STPS-2018
2.22, 2.23, 2.24 and 2.25.	<b>Personal protection equipment</b>	A combination of elements and devices specifically designed to protect workers from accidents and occupational diseases.	Section 4.10 of Standard NOM-033-STPS-2015
2.22	<b>Confined space</b>	A place without natural ventilation, or with poor natural ventilation, inside of which one or more persons can perform a given task, with limited or restricted means of access or exit, that is not designed to be occupied permanently.	Section 4.11 of Standard NOM-033-STPS-2015
2.23	<b>Handling of agrochemicals</b>	Activities that involve the storage, transfer, mixing, filling and application of agrochemicals in the workplace, as well as the washing of the corresponding equipment, personal protection equipment and triple washing of containers used for their final disposal.	Section 4.18 of Standard PROY- NOM-003-STPS-2016
2.23	<b>Agrochemicals</b>	The plant nutrients or plant nutrition supplies and pesticides used in the workplace.	Section 4.2 of Standard PROY- NOM-003-STPS-2016
2.23	<b>Phytosanitary supply; pesticide; pesticide for agricultural use</b>	Any substance or mix of substances used to prevent, repel, fight or destroy biological organisms harmful to plants, such as insecticides, fungicides, herbicides, acaricides, molluscicides, nematocides and rodenticides.	Section 4, paragraph g, of Standard NOM-003-STPS-1999
2.23	<b>Label</b>	The group of pictograms, illustrations, legends and specific indications, either engraved, printed or adhered to the containers and packaging of agrochemicals, in accordance with standards NOM-232-SSA1-2009, NOM-182-SSA1-2010 or any others replacing them in the future.	Section 4.11 of Standard PROY- NOM-003-STPS-2016
2.23	<b>Safety data sheet (SDS)</b>	The information on the inherent characteristics and properties of chemical substances or mixes, as well as the safety and hygiene conditions required for their use, that can be used to develop programs to communicate hazards and risks in the workplace.	Section 4.14 of Standard PROY- NOM-003-STPS-2016
2.24	<b>Health surveillance of occupationally exposed personnel (OEP)</b>	The activity performed by a physician to verify the health conditions of workers at the beginning of their work life, in order to determine if there is any obstacle that prevents them from doing the job, in addition to periodically monitoring the health of occupationally exposed workers, to determine if they have experienced any alterations that require a new exam for them to continue to perform their tasks.	Section 4.32 of Standard PROY- NOM-003-STPS-2016

## 5. DEAR-USMCA

### Child labour

Code	Term	Concept	Legal reference
No code	<b>Child</b>	The term child refers to any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.	Article 1 of the Convention on the Rights of the Child
	<b>Minimum working age in Mexico</b>	The use of work by minors below the age of 15 is prohibited.	Article 123, Section A, paragraph III, of the Constitution
3.1	<b>Minor</b>	"Majority is attained at the age of 18" and, therefore, a minor is any person below the age of 18.	Article 646 of the Mexican Federal Civil Code
3.1	<b>Work by Minors</b>	Work by Minors is regulated, with specific reference to workers between the ages of 15 and 18.	Articles 173 to 180, FLL
3.1	<b>Child labour</b>	<p>The term "child labour" usually refers to all work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and psychological development.</p> <p>Thus, reference is made to work that:</p> <ol style="list-style-type: none"> <li>1. Is hazardous and harmful to the physical, mental or moral wellbeing of the child.</li> <li>2. Disrupts their schooling because it: <ul style="list-style-type: none"> <li>• Deprives them of the possibility of attending school</li> <li>• Forces them to leave school prematurely</li> <li>• Requires them to combine their education with heavy work and long hours of working.</li> </ul> </li> </ol>	International Programme on the Elimination of Child Labour (IPEC) of the ILO
3.2	<b>Agricultural activities</b>	Tasks ranging from preparing land to harvesting and crop packaging, including the use and maintenance of agricultural machinery, tools and equipment.	NOM-007-STPS-2000
3.1	<b>Minimum working age in agriculture</b>	The use of work by minors below the age of 18 in hazardous or unsanitary tasks is prohibited.	Article 175, Section IV, FLL
		Agricultural activities are considered hazardous or unsanitary.	Article 176, Section II, paragraph 8, FLL.



## 5. DEAR-USMCA

### Child labour

Code	Term	Concept	Legal reference
3.1	<b>Hazardous and unsanitary tasks for minors</b>	<p>The following are the activities considered hazardous and unsanitary for workers below the age of 18. They only include those related to agriculture.</p> <p>II. Exposure to:</p> <ul style="list-style-type: none"> <li>a) Noise, vibrations, ionizing radiation, or high or low temperature conditions.</li> <li>b) Contaminating chemical agents in the workplace.</li> <li>c) Hazardous waste, biological agents or infectious diseases.</li> <li>d) Hazardous fauna or harmful flora.</li> </ul> <p>II. Tasks:</p> <ul style="list-style-type: none"> <li>a) Work after 10 pm.</li> <li>b) Rescue work and disaster brigades.</li> <li>c) Work at height or in confined spaces.</li> <li>d) Welding and cutting operations.</li> <li>e) Outdoor tasks performed in extreme weather conditions that expose them to dehydration, heat strokes, hypothermia or freezing.</li> <li>f) Agricultural tasks.</li> <li>g) Being directly responsible for the custody of assets and valuable goods.</li> <li>h) Activities with a high degree of complexity; pressed for time, demanding a high level of responsibility, or requiring sustained concentration and attention.</li> <li>i) Activities related to the operation, inspection, maintenance and testing of pressurized containers, cryogenic containers and steam generators or boilers.</li> </ul> <p>III. Moderate and intense physical effort; loads heavier than 7 kg; forced body postures or repetitive motion for long periods of time that alter their musculoskeletal system.</p> <p>IV. Handling, transportation, storage or delivery of hazardous chemical substances.</p> <p>V. Handling, operation and maintenance of mechanical, electrical, pneumatic or motor equipment or machinery that may result in amputations, fractures or severe injuries.</p> <p>VI. Driving motor vehicles, as well as their mechanical and electrical maintenance.</p> <p>VII. Use of manual sharp tools.</p>	Article 176, FLL

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