

Decree 0581 of 2026

Illegal Labor Outsourcing & Labor Brokerage — Key Provisions

Purpose

Establishes criteria for labor authorities to identify illegal outsourcing and brokerage. Does **not** prohibit lawful outsourcing, union contracts, or temporary staffing agencies operating within the law.

Core Definitions

Labor Outsourcing

Entrusting a third party with parts of one's production process at their own risk, with full managerial and financial autonomy.

Illegal Outsourcing

Provider lacks freedom to define working conditions, lacks technical/managerial autonomy, or workers are subordinate to the contracting company.

Simple Intermediary

Contracts services for a single employer's benefit. Failure to declare this status triggers joint and several liability.



Reinforced Presumption of Employment: Ongoing activities provided through third parties trigger a presumption of a direct employment contract, rebuttable by demonstrating absence of subordination, technical/administrative autonomy, and legitimate business reasons such as market adaptation or technological change.

Temporary Staffing, Sanctions & Corrective Measures

Authorized Uses of Temporary Staffing Agencies

Occasional Work
Incidental or temporary work as defined in Article 6 of the Substantive Labor Code.

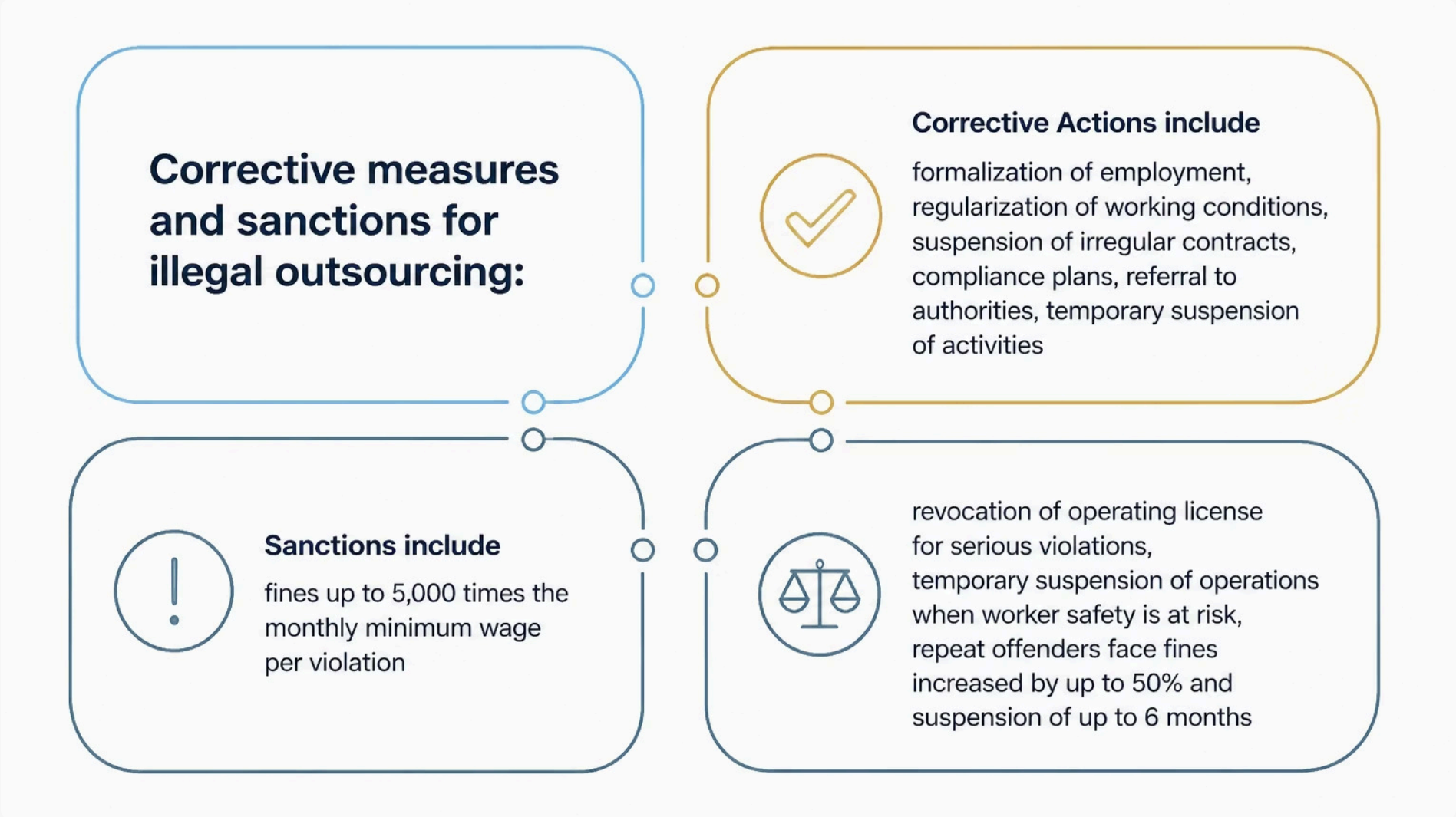
Staff Replacement
Covering vacations, leaves, sick leave, or maternity leave for the duration of the event.

Production Peaks
Increases in production, sales, or seasonal harvests — maximum **6 months**, extendable once for up to 6 additional months.

 Successive rotation of different agencies to provide the same service is prohibited and constitutes illegal labor intermediation.

Illegal Intermediation
Any company supplying personnel without authorization, or exceeding time limits, engages in illegal labor intermediation. The **user company** benefiting from such services is equally liable.

Joint & Several Liability
User companies are jointly and severally liable with the temporary staffing agency for all labor, benefits, and social security obligations when illegal intermediation is verified.



Penalties must be **dissuasive, proportionate, and effective**. Contracting companies may request employment formalization agreements to establish a direct employment relationship from the start of a preliminary investigation until before notification of the administrative sanction.