

# NEWSFLASH

## **Mexico publishes new rules for teleworking and health & safety in the workplace**

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On January 21, 2021, Chapter XII Bis was added to Mexico's Federal Labor Law ("LFT" for its acronym in Spanish) regarding the performance of work activities from a remote location to the workplace, now called teleworking (Teletrabajo in Spanish).

Although it is true that this type of work offers considerable benefits, it also generates new challenges for employers since it increases the locations where the employees' obligations are carried out, and its obligations of care for the safety and health of employees.

The amendment to the LFT created new obligations for employers in connection with remote or teleworking, which will be established by the implementation of an Official Mexican Standard ("NOM" for its acronym in Spanish). On July 15, 2022, the "Draft of the Official Mexican Standard PROY-NOM-037-STPS-2022, Remote Working – Safety and Health Conditions at Work" (the "Draft") was published in the Official Journal of the Federation. You can read the complete Draft in Spanish by [clicking here](#).

From a review of the Draft, it should be noted that, if approved, the NOM will apply only to employees working more than 40% of their shift in the remote work modality. It also establishes that the employer, with prior authorization from the employee, must inspect the place where remote work is carried out to verify health and safety conditions and to confirm an adequate workspace exists.

The process of creating a NOM begins with its inclusion in the Annual National Quality Infrastructure Program published by Mexico's Department of Economy. Then, following the subsequent stages of proposal presentation, analysis, review, draft, assembly of working groups for the NOM's study, deliberation, as well as the publication of the draft NOM in the Official Journal of the Federation requesting comments or suggestions for changes, which interested parties must make within the following 60 days.



Once the comment period has concluded, such comments are considered in the assembled working groups, regarding which it is important to keep track of the development of proposals and final terms in which NOM 037 may be established so that employers may properly implement the new rules as applicable to them.

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