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Reduction of the Workweek in Mexico – Legal Analysis of New Constitutional Reform

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On March 3, 2026, Mexico's Executive Branch published a Decree amending Sections IV and XI of Section A of Article 123 of the Constitution of the United Mexican States in the evening edition of the Official Journal of the Federation. This constitutional amendment, which entered into force on the same day as its publication, structurally redefines worktime limits and the rules applicable to overtime in Mexico.

The core principle of the reform establishes that the standard workweek will be forty hours. In addition, it reaffirms the employer's obligation to ensure that, for every six days worked, employees are entitled to at least one day of rest with full pay. To facilitate the operational and financial adjustment of workplaces across Mexico, the constitutional amendment provides for a phased transition regime set forth in its transitory provisions, establishing that the forty-hour workweek will be implemented gradually until 2030. Accordingly, the maximum weekly working time will remain forty-eight hours during 2026, decreasing progressively to forty-six hours in 2027, forty-four hours in 2028, and forty-two hours in 2029, until it is fully reduced to forty hours per week at the beginning of the next decade. It is important to emphasize that the reform includes an absolute safeguard for acquired labor rights, expressly providing that under no circumstances may the implementation of this reduction result in a decrease in employees' wages, salaries, or benefits.

The reform also introduces strict constitutional parameters governing overtime work in Mexico. The maximum limit for overtime is set at twelve hours per week. These additional hours may be distributed in blocks of up to four hours per day and may be performed during a maximum of four days within the same weekly period. From an economic standpoint, when extraordinary circumstances require the extension of the workday within the permitted limits, the employer must pay an additional 100% of the regular hourly wage for those overtime hours (i.e., double time pay). However, any overtime that exceeds the previously established limits will require the employer to pay an additional 200% of the ordinary wage (i.e., triple time pay), with a maximum cap of four triple-paid overtime hours per week. Additionally, the constitutional provision now expressly prohibits individuals under eighteen years of age from performing overtime work under any circumstances.

Finally, the practical implementation of these provisions will require the harmonization of Mexico's secondary legal and regulatory framework. To comply with this mandate, the Decree establishes that the Mexican Congress must enact the corresponding amendments to the applicable secondary laws and regulations within a non-extendable period of ninety days from the date of its publication.

For any inquiries or further clarification regarding this matter, please contact Pablo Saenz Saenz, Mayra DeLuna, and Santiago González Ojeda.