

Mexico Labor Alert: New Standards Regarding Remote Work in Mexico

June 15, 2023 Alberto de la Peña, Alejandro González, César Ramirez del Angel

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On June 8, 2023, the Secretariat of Labor and Social Welfare (“STPS”) published NOM-037-STPS-2023 (“NOM”) in the Official Gazette of the Federation (“DOF”). This regulation is specifically designed to standardize the safety and health conditions of the remote work environment.

Significant requirements of the NOM include:

- Obligations are mandated for the employer related to health and safety standards in the remote workplace, internal company policies, inspection visits, equipment (including maintenance), and procedures to address risk factors.
- Remote workers must comply with internal company policies, report any change in health and safety conditions, and safeguard the equipment provided by the employer.
- Certain specific requirements and characteristics related to the remote workplace are mandated. Additionally, the employer must train remote workers.
- The Secretariat may verify compliance with this NOM, or the employer may hire certified inspection agencies.
- Informative addendums are attached to the NOM, exemplifying and facilitating compliance.

Any employee who renders their services outside of the employer's establishment for more than 40 percent of time worked will be considered a remote worker.

The NOM will enter into force 180 days after its publication in the DOF on December 5, 2023. These regulations will be applicable to all companies that have workers under a remote work arrangement.

In summary, the NOM’s purpose is that companies apply good practices and standardized criteria on safety and health conditions for all workers who provide their services under a remote work arrangement, requiring adjustments to internal policies by affected companies.

For more information, please don't hesitate to contact any of the lawyers listed below.

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