

## client alert

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Mexico City; on November 22nd, 2023

# Entry Into Force of Official Mexican Standard NOM-037-STPS-2023 Teleworking – Health and Safety Work Conditions

On June 8<sup>th</sup>, 2023; the Ministry of Labor and Social Welfare published in the Federal Official Gazette (the “**DOF**”, for its acronym in Spanish), the official version of the Official Mexican Standard NOM-037-STPS-2023, Teleworking – Health and Safety Work Conditions (the “**NOM**”, for its acronym in Spanish”) which, pursuant its first transitory article, will enter into force within one hundred and eighty (180) days after its publication in the DOF, that is to say, on **December 5<sup>th</sup>, 2023**.

In view of its imminent entry into force, it is important for employers that employs employees under Teleworking<sup>1</sup> modality, to comply with the obligations that it imposes prior to its entry into force, among which the following are noteworthy:

- Implement and maintain a Teleworking policy.
- Have an updated and confidential list of the employees that render their services under Teleworking modality.
- Have a list of the computer and ergonomic equipment provided to the employee for render its services under Teleworking modality.
- Have a health and safety conditions under Teleworking modality verification list, as well as to perform such verification periodically.
- Register the switch from on-site modality to Teleworking and vice versa.
- Establish reversibility mechanisms from Teleworking modality to on-site modality.
- Implement mechanisms for addressing domestic violence cases.
- Perform medical examinations to employees under Teleworking modality and follow-up to work-related accidents notices.

The labor authority may review the fulfillment by the employers of the obligations set forth by the NOM with respect to the employees that provide their services under Teleworking modality and, in the event of a breach to one or several obligations, it will be allowed to impose the corresponding economic sanctions.

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## Labor and Employment Practice of ECIJA México

socios.mexico@ecija.com

(+52 55) 56 62 68 40

www.ecija.com

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<sup>1</sup> It is understood as teleworking to the employment subordinated organization form that consist in the perform of remunerated activities in more than 40% of the work shift in a location other than the employer's facilities.