

Amendment decree to the Mexican Federal Labor Law on periodic breaks for work carried out standing during the working shift

2024

On February 20, 2024 it was approved in general and by unanimous vote in said Chamber (82 votes in favor) the amendment decree ("*Decree*") that aims to modify the Mexican Federal Labor Law, regarding periodic breaks for those works carried out standing during the working shift by employees engaged in activities of service, and commerce sectors and similar ones.

The goal of this Decree is to reduce the short and long-term health issues that are generated for employees by doing their work standing for eight continuous hours. Likewise, the Decree establishes the following obligations that must be complied with by employers: (i) to provide seats or chairs with sufficient backrests; (ii) that employees do not remain standing during their entire working shift; (iii) in the event that employees can only perform their duties while standing, employers may not prohibit them from periodically sitting down during their duties; and (iv) to establish mandatory rest periods within the Internal Work Regulations.

Failing to comply with such provisions, would result in the imposition of fines ranging between MXP\$27,142.50.00 and MXP\$271,425.00 in terms of the Decree. Additionally, in case of recidivism and at the discretion of the labor authority in the event of an inspection to the workplace, said situation may potentially cause the temporary suspension of activities. Furthermore, the aforementioned amendment Decree was sent to the Chamber of Deputies for its discussion and, if applicable, for approval.

If applicable, the Ministry of Labor and Social Welfare will have thirty calendar days, counted as of the day following its publication, to issue the relevant standards on work risk factors as well as the features of the furniture that employers must provide. Likewise, in the event of modifications to the legislative ruling, employers will have one hundred and eighty calendar days to comply with the relevant provisions.