

# OFFICIAL MEXICAN STANDARD ABOUT TELEWORKING: OCCUPATIONAL HEALTH AND SAFETY CONDITIONS

JUNE 2023

## EXECUTIVE SUMMARY:

- On June 8, 2023, the Mexican Official Standard NOM-037-STPS-2022 was published, which establishes the occupational health and safety conditions that must be respected in the Teleworking modality.
- Its objective is to prevent accidents and diseases, as well as to promote a safe and healthy environment in the work setting.
- The Standard will come into effect on December 5, 2023.



On June 8, 2023, the Mexican Official Standard NOM-037-STPS-2022 was published in the Official Gazette of the Federation, which establishes the occupational health and safety conditions that must be respected in places outside the workplace where employees will perform their activities under the Teleworking modality, in order to prevent accidents and diseases, as well as to promote a safe and healthy environment in their work setting.

The main employer obligations that will be subject to inspection and possible sanctions in case of non-compliance are:

- + Keep an updated list of teleworkers containing at least: name of the employees; gender, marital status, and activities to develop; job position and profile; percentage of the employment relationship used for teleworking; contact telephone number; address of the employees under the Teleworking modality; workplaces proposed by the employees

under the Teleworking modality and agreed with the employer; company name and workplace address; as well as the computer and ergonomic equipment given to the employee.

- + Maintain evidence that: (a) the employees have means of connectivity and that they handle Information and Communication Technologies (ICTs); (b) that the workplace or places of work that by common agreement were established are permanent and have occupational health and safety conditions, with emphasis on the proper condition of the electrical installations, lighting, ventilation and adequate ergonomic conditions; c) the change of modality from teleworking to in-person and vice versa is documented; d) training is provided at least once a year on safety and health conditions; and, d) follow-up is given to the notices of occupational accidents that, if applicable, are reported by teleworkers.

- + Keep a checklist of safety and health conditions in Teleworking, which allows certifying that there is a clean and tidy area, illuminated, with comfortable temperature and ventilation, with a noise level that does not prevent concentration, and with furniture that prevents injuries, including a desk, table or workspace where the employee can comfortably support their arms (sitting and/or standing) without accessories or obstacles below as well as an ergonomic chair appropriate to the activities to be developed.
- + Provide facilities to the Mixed Committee for Safety and Hygiene to validate the checklist, either by a personal visit to the workplace, remotely using ICTs or by means of periodic self-assessments.

Several appendices are included to support compliance with the obligations, the most relevant of which are: 1) Checklist for safety and health conditions in the workplace, 2) Teleworking Policy, and 3) Recommendations for selecting an ergonomic chair.

The Standard will come into effect 180 calendar days after its publication in the Official Gazette of the Federation, this is December 5, 2023.

The full text of NOM-037 can be consulted directly at the following link: [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5691672&fecha=08/06/2023#gsc.tab=0](https://www.dof.gob.mx/nota_detalle.php?codigo=5691672&fecha=08/06/2023#gsc.tab=0)

Should you require additional information, please contact the partner responsible for your matters or one of the attorneys listed below:



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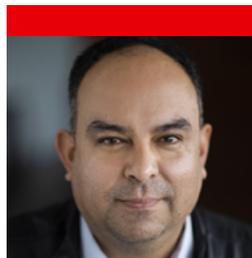
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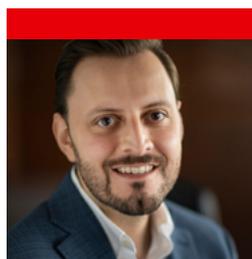
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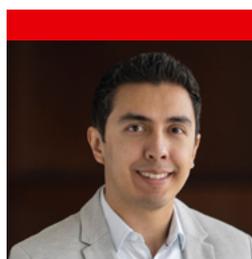
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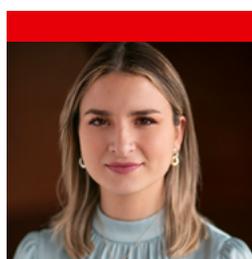
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