

### **NOM-037-STPS-2023, Remote Work-Occupational health and safety conditions**

Mexico City, June 12, 2023

On June 8, 2023, the Labor Ministry issued the NOM-037-STPS-2023, Remote Work-Occupational Health and Safety Conditions (the "NOM"), which was published in the Official Gazette of the Federation in compliance amendments made to the Federal Labor Law regarding remote work in June 2021.

The NOM's purpose is to provide the health and safety conditions in the workplaces (fixed and private physical space, outside the employer's facilities, agreed with the employer to carry out remote work) where employees who provide services under the modality of remote work perform their activities, in order to prevent accidents and diseases, as well as to promote a safe and healthy work environment.

Remote Work is defined as the form of subordinate labor organization that consists of the performance of paid activities in places other than the employer's workplace, so that the physical presence of employees under this modality is not required in it, using information and communication technologies for contact and command between employees and the employer.

The NOM applies to all employers that have personnel who render services more than 40% of their time under a Remote Work modality imposing certain obligations, which include, among others:

- To have an updated list of employees under the Remote Work modality.
- Establish in writing, implement, maintain and disseminate a Remote Work Policy.
- Inform employees under this modality and the Health and Safety Joint Committee about the risks related to Remote Work and the possible exposure to agents and risk hazards (both ergonomic and psychosocial).
- To have a checklist of the health and safety conditions in Remote Work, as well as to comply with the safety and hygiene measures in the workplace that the Health and Safety Joint Committee provides.
- To grant the facilities for the Health and Safety Joint Committee to carry out the validation of such checklist.

- Provide employees with the necessary tools for their performance, including an ergonomic chair.
- Provide training, at least once a year, to employees under the Remote Work modality on the health and safety conditions that they must observe and maintain in their workplace.
- To establish mechanisms for the reversibility of the Remote Work modality to an on-site modality.
- To practice medical examinations in accordance with the provisions of NOM-030-STPS-2009 and to follow up on the notices of occupational accidents, due to or in the exercise of their Remote Work activities.
- To have mechanisms for attention of cases of family violence that consider, among other things, the return to an on-site modality in a temporary or permanent way.
- To cover the proportional payment of the consumption of the internet and electric energy; the computer, tablet, cellphone, printer, and the ink of these, that they could use to perform their activities.
- The NOM acknowledges the right to disconnection as a fundamental element under this modality, which means that employees must comply with their work shifts and do not participate in meetings or make use of computer equipment or similar during vacations or leaves of absence.

Finally, the NOM provides that employers will have the alternative of hiring the services of an Inspection Unit authorized and approved under the terms of the Quality Infrastructure Law and its Regulations, to evaluate compliance with the NOM, establishing the procedure for such evaluation.

The NOM will enter into force six months after its publication, that is, in December of this year. The NOM joins the other 44 occupational health and safety standards issued by the Labor Ministry.

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