

# Mexico's Workplace Psychosocial Risk Prevention Standard: Highlights and Employer Considerations

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On October 23, 2018, Mexico's Ministry of Labor and Social Welfare (STPS) issued Official Standard 035, "Psychosocial Risk Factors at Work—Identification, Analysis, and Prevention" ([NOM-035-STPS-2018](#)), to "identify, analyze, and prevent psychosocial risk factors, as well as to promote a favorable organizational environment in the workplace." Implementation of NOM-035 was phased in over time, based on employer size, and the standard became effective for all workplaces on October 23, 2020. An overview of employers' compliance obligations under the standard follows below.

## Highlights of NOM-035

In order to comply with NOM-035, each employer must "[e]stablish in writing, implement, maintain and disseminate a psychosocial risk prevention policy." Specific requirements are based on employer size.

### *Small Employers (One to Fifteen Employees)*

Small employers are required to adopt measures to "prevent and control psychosocial risk factors" and "promote a favorable organizational environment," as well as address any practices contrary to a favorable organizational environment and acts of violence in the workplace. Small employers must also identify employees who were subject to severe traumatic events during or arising from work and direct them to the appropriate resources, such as "the social or private security institution, or ... the workplace or company doctor."

### *Medium-Sized Employers (Sixteen to Fifty Employees)*

In addition to complying with the requirements that apply to small employers, medium-sized employers must:

- apply questionnaires to identify psychosocial risk factors at least once *every two years*;
- conduct medical exams and psychological evaluations for employees subject to workplace violence and/or to psychosocial risk factors, when signs or symptoms arise; and

- keep records on “[t]he results of the identification and analysis of psychosocial risk factors” from the favorable organization environment; the control measures adopted; and the employees who “underwent clinical examinations or evaluations and who were found to be exposed to psychosocial risk factors, acts of workplace violence or severe traumatic events.”

### *Large Employers (Fifty-One or More Employees)*

Large employers are subject to all the requirements for small and medium employers, and they must also evaluate their organizational environments *at least every two years*.

### **What’s Next?**

NOM-035 requires employers in Mexico to continue taking steps to comply with the applicable requirements, depending on an employer’s size / number of employees. Employers may want to apply the questionnaires to identify psychosocial risks and evaluate the favorable organizational environment at least every two years, as required by NOM-035. Because full implementation of the law took effect in October 2020, and the questionnaires are required at least every two years, employers may want to prepare now for conducting the questionnaires.

Employers may want to ensure they have effective recordkeeping measures in place, such as for keeping records of the questionnaires, the control measures adopted, and the employees who have undergone medical examinations as required by NOM-035. Records or evidence may be kept in printed or electronic form.

Employers may want to note that the STPS may at any time conduct inspections at workplaces to verify that companies are complying with their NOM-035 obligations. Failures to comply with NOM-035 obligations may be sanctioned by the STPS with fines of up to approximately USD\$25,000.

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