

# What's Going on in Mexico This Week? Congress Considers 40-Hour Workweek, Amendments to Federal Labor and Employment Laws

Article By:

Pietro Straulino-Rodriguez

Natalia Merino Moreno

---

Mexico's Congress has continued to make progress on several legislative items of importance to employers and employees alike, including, most especially, a proposed reduction in the maximum number of workweek hours.

The amendments, which impact the Federal Labor Law (FLL), include proposed reforms in bills that would: (i) provide work-shift flexibility for employees who are single parents with children under sixteen years of age; (ii) prohibit retaliation against employees for their union membership decisions; (iii) classify app-based couriers as employees; (iv) require employers with fifty or more employees to have at least 2 percent of their workforces composed of employees with disabilities; and (v) implement verification programs to comply with gender equality benchmarks.

## Quick Hits

- Mexico is considering a proposed transition from a forty-eight-hour workweek to a forty-hour workweek.
- Other proposed FLL amendments address unionized employee rights, as well as work shifts for single parents.
- A bill has been introduced that would classify app-based couriers as employees.
- The government is planning to implement programs to verify equal pay and inclusion for people with disabilities and comply with gender equality benchmarks.

## Proposed Amendments to the FLL and Other Employment-Related Laws

*Work shifts for single parents.* A proposed amendment to the FLL would allow single parents who have children up to sixteen years of age to plan their work shifts, so they can accommodate the necessary time to take care of their minor children. The intention of the proposed amendment is to

---

allow working parents to have a better work-life balance and provide parents with the time to take care of their children. The bill has been presented before the Chamber of Deputies and there is no date scheduled for discussion.

*Unionized employees' rights.* Legislation would expressly prohibit employers and unions from retaliating against employees based on their decisions regarding whether to be members of a union. The bill has been presented before the Chamber of Deputies and there is no date scheduled for discussion.

*Classification of app-based couriers as employees.* A proposed amendment would create a new special chapter within the FLL to regulate and classify app-based couriers as employees, and, consequently, entitle them to such things as salary-based social security rights and tips distributions. The bill has been presented before the Chamber of Deputies and there is no date scheduled for discussion.

*Inclusion at the workplace.* The initiative to modify the General Law of Inclusion for People with Disabilities would require employers that have fifty or more employees to have at least 2 percent of their workforces be composed of employees with disabilities. There is no date for this bill to be discussed by the Senate.

*Equality verification programs.* This bill would add to the General Law for Gender Equality verification programs related to working conditions and salaries at companies in order to obtain gender equality. Although this initiative was presented during the last session of the Senate, there is no specific date for discussion.

*Workweek hours reduction.* Legislation that would reduce weekly working hours from a maximum of forty-eight to forty hours was discussed in an Open Parliament and the results of what was discussed are now being sent to the Chamber of Deputies to be approved at its next session.

## **Forty-Hour Workweek Legislation: Status Update**

As noted above, Mexico's Chamber of Deputies has been working on a bill to reduce the workweek from forty-eight hours to forty hours and provide a minimum of two days off for every five worked. Even though the bill has not been approved, or formally voted on by the Chamber of Deputies, the bill could be fully approved by the end of 2023 or the first semester of 2024.

If approved, the bill has the potential to significantly affect employers, especially in their finances, as reducing work hours might result in increased costs due to the need for more employees, overtime payments, compensation for worked rest days, and increased social security quotas.

The aim of the bill is to permit employees greater rest periods and prioritize their well-being. The Labor Ministry would be in charge of verifying compliance through labor inspections, and noncompliance could result in fines.

At the moment, there is no certainty as to when or if the bill will pass. Considering the politics behind the bill, employers may want to analyze the impact that the bill's provisions could have on their operations, as well as the impact the bill could have on their specific industries, in order to prevent any adverse impact. **As starting points, employers may want to verify whether:**

- work shifts are in compliance with the limits established by the FLL;

- employees are being compensated for any overtime they have earned;
- they are in compliance with NOM-35, the Official Standard to [identify, analyze, and prevent psychosocial risk factors](#), as well as to promote a favorable organizational environment in the workplace; and
- workloads are properly distributed among employees and the workforce is adequately staffed.

© 2024, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., All Rights Reserved.

---

National Law Review, Volumess XIII, Number 341

Source URL:<https://natlawreview.com/article/whats-going-mexico-week-congress-considers-40-hour-workweek-amendments-federal>