
***NOM-035-STPS-2018, psychosocial risk factors at work;
identification, analysis and prevention***

As you may be aware, on October 23, 2019, the Official Mexican Standard NOM-035-STPS-2018 issued by the Ministry of Labor and Social Welfare will come into force, which indicates guidelines with respect to psychosocial risk factors at work, their identification, analysis and prevention, and for promoting a favorable organizational environment in the workplace (hereinafter NOM).

Under the NOM, the obligations imposed on employers, and the degree of application, will depend on the number of workers in each workplace (from 1 to 15 workers; from 16 to 50 workers; or more than 50 workers).

The obligations that apply for all workplaces are the following:

- I. Establish a psychosocial risks prevention policy.
- II. Adopt the measures to prevent and control the factors of psychosocial risks, promote a favorable organizational environment, and address the practices contrary to a favorable organizational environment and the acts of workplace violence.
- III. Identify workers that have been subject to severe traumatic events, during or as a result of work, and channel them to social security or private institutions, or the doctor of the workplace or of the company.
- IV. Disseminate and provide information to workers on:
 - a) The psychosocial risks prevention policy;
 - b) The measures adopted to combat practices contrary to a favorable organizational environment and acts of workplace violence;
 - c) The measures and actions for prevention of the psychosocial risk factors;
 - d) The mechanisms to present complaints for practices contrary to a favorable organizational environment and to denounce acts of workplace violence; and
 - e) The possible alterations to health from exposure to psychological risk factors.

Some additional obligations that may be required depending on the number of workers include the following:

- I. Medical exams and psychological evaluations of workers exposed to workplace violence and/or psychosocial risk factors.
- II. Keep records on:
 - a) Results of the identification and analysis of psychosocial risk factors;
 - b) The evaluations of the organizational environment;
 - c) The control measures adopted when the results of the identification and analysis of the psychosocial risk factors and evaluation of organizational environment indicate this;
 - d) The names of the workers who were given the exams or clinical evaluations and that showed exposure to psychosocial risk factors, acts of workplace violence or severe traumatic events.

Compliance with this NOM may be verified in the safety and hygiene inspections by the Ministry of Labor and Social Welfare and its breach could result in fines.

Please feel free to contact us if you have any questions regarding the NOM and its implementation.

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Sincerely,

Von Wobeser & Sierra, S.C.

Mexico City, October 9, 2019.