

Home Office reform bill approved

Yesterday, the Chamber of Deputies approved the Bill reforming article 311 and adding Chapter XII Bis to the Federal Labor Act, in order to regulate home office (*hereinafter, the Bill*), imposing certain obligations on the employers that implement this form of work.

It is important to emphasize that the Bill was approved in the following terms:

- A. It establishes that home office consists of the performance of remunerated activities in places other than the establishment of the employer, using primarily information and communication technologies for contact and instructions between the worker and employer.
- B. It establishes that, to be considered home office, it will be necessary:
 - That the employees work more than 40% of the time in home office; in other words, occasional or sporadic work outside the workplace will not be considered home office.
- C. It establishes that in addition to the traditional requirements of an employment agreement, the home office agreement must consider the following, among other things:
 - The work equipment and tools that will be delivered to the worker.
 - The description and amount that the employer will pay the worker as payment of services related to home office (*telecommunications (internet) and electricity services*).
 - The supervisory mechanisms between the parties, as well as the duration and distribution of schedules, provided they do not exceed the legal maximums.
- D. According to the approved text, the employers will have the following obligations:
 - Provide, install and take responsibility for maintenance of the equipment for the home office.
 - Assume the costs derived from the home office, including the payment of telecommunications services and the proportional part of electricity.
 - Register the items delivered to the home office workers.
 - Implement mechanisms that preserve the security of the information and data used by the workers.
 - Respect the right of disconnection of the workers at the end of the workday.
 - Establish the training mechanisms and advice necessary to guarantee the adaption, learning and adequate use of the information technologies.
- E. In addition, according to the approved text, the workers will have the following obligations:
 - To take more care in the safekeeping and preservation of the equipment, materials and tools.
 - Give timely notice of the costs for the use of telecommunications services and electricity consumption.
 - Obey the work safety and health provisions.
 - Use the mechanisms and systems for the supervision of their activities.
 - Obey the data protection policies and mechanisms.
- F. The change from on site to home office must be voluntary and established in writing, except in cases of verifiable force majeure. In addition, home office may be reversible by both parties.

- G. The mechanisms, systems and technologies for supervising the home office workers must guarantee the right to privacy and must respect the applicable legal framework in personal data protection matters. Cameras and microphones may only be used for the supervision of the home office in extraordinary cases or when the nature of the work requires it.
- H. It is established that the safety and health conditions in home office must be developed by an Official Mexican Standard and that the employer must promote equality among home office workers and on-site workers.
- I. It indicates that home office must be included in the collective bargaining agreement of the company. If there is no collective bargaining agreement, the home office questions should be included in the internal work regulations.

This Bill will be sent to the Senate for its discussion and approval. Nevertheless, it is important that the companies begin to prepare and execute policies related to home office, and include the relevant clauses in the individual agreement of the workers subject to home office, in the collective bargaining agreements and/or the internal work regulations.

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