

New rules and obligations in relation to home office

Today the Decree reforming article 311 and adding Chapter XII Bis to the Federal Labor Law, regarding home office (*hereinafter, the Reform*) was published in the Official Federal Gazette, which provisions will enter into force tomorrow.

The primary provisions of the Reform:

- a) Establish that home office consists of the performance of remunerated activities in places other than the employer's establishment, using primarily information and communications technologies for contact and instructions between the worker and employer.
- b) Require the employer, among other obligations, to pay the workers for telecommunications services (*internet*) and the proportional part of electricity, and to provide them with the necessary tools and equipment for their work.
- c) The safety and health conditions in home office must be developed in and regulated by an Official Mexican Standard which, according to the transitory articles of this Decree, must be issued within 18 months.
- d) Establish that to be considered home office, the employees must work more than 40% of the time in home office mode, which means that occasional or sporadic work outside of the employer's establishment will not be considered home office.
- e) Establish that the conditions under which home office work will be performed must be indicated in writing.

In our note of December 9, 2020, we discussed the aspects of the text of this Reform in detail, and it may be consulted [here](#). Moreover, to review the full text of the Decree, you may consult the website of the Official Federal Gazette at [this link](#).

We remind you that it is important for companies to draft and execute home office policies, including clauses in employment agreements for workers subject to home office, and in collective bargaining agreements and/or internal work regulations. We would be glad to help you in that regard.

We will monitor and inform you of the issuance of the Official Mexican Standard.

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