



# VON WOBESER

## ESG ARTICLES

# Stress, burnout and other problems brought to light by the pandemic and telework

By: Rodolfo Trampe, *Partner*  
Alix Trimmer, *Associate*

More than a year has gone by since Mexico, like the rest of the world, became immersed in the ravages caused by the COVID-19 pandemic. The productive sectors of our country sought, by various means, to adapt production and distribution to provide services in light of a virus that required us to stay home and reduce social contact to a minimum.

It is a fact that the form in which we were accustomed to living, working and socializing changed from one minute to the next and we had to revolutionize ourselves mentally and physically to continue functioning.

The growing technology and alternative means of communication acted as key elements for practicing social distancing without affecting, or at least minimizing the effect, on the continuation of workplace life. Many employers that before the pandemic rejected modernizing their forms of work, found telework (home office) as a way to keep their employees working and, in many cases, in doing so, increasing productivity.

However, the increase in productivity has revealed various problems we face in Mexico in relation to telework. The respect for the right to disconnect, the

compliance with work schedules, and the separation between personal life and work that has become blurred, has had an impact on workers and begun to raise a red flag that should be addressed promptly.

In the context of the pandemic and with the urgency that the situation merits, the Mexican Federal Labor Act was amended precisely to include home office regulation, establishing the minimum rights and obligations of that mode of work; however, such regulation is a very general framework and does not specify how to adjust to the needs of each workplace. Therefore it is essential to have policies and in fact, pursuant to the regulation, adjust the drafting of the employment agreements to permit the use of the mode of work in a way that protects the interests of the parties and avoids sanctions.

The so-called *burnout syndrome* is a form of work stress that precisely implies the emotional exhaustion of individuals, the loss of interest in their goals, and the rejection of work, among other things. It is a proven fact that the productive sector of our country that is now functioning remotely is also closer to suffering work stress and other psychosocial risks that incapacitate it for the correct performance of its functions.

It is important to recall that on October the 23<sup>rd</sup>, 2018, the Mexican Ministry of Labor and Social Welfare published the NOM-035-STPS-2018, for the identification, analysis and prevention of psychosocial work risks, in the Federal Official Gazette. According to that standard, workplaces must implement a policy with respect to the psychosocial risks present in the employees, take surveys, keep records and use other mechanisms for identification, analysis and prevention. As of this date a large number of workplaces have not adapted their regulations to include the indicated policies, exposing themselves to sanctions by the labor authorities and also exposing their workers to suffering the consequences of the psychosocial risks.

It is worth mentioning that remote work made even more evident the inequality suffered every day by women, groups in vulnerable situations and, in general, the sectors of the population economically active which, as a result of the current social context and the coexistence of the labor, family, school and social obligations in the same space, has revealed the shortcomings and failures underlying our society.

It is now an immediate necessity to be concerned about the mental health of workers, know their personal context and promote healthy and functional work relations. It is not enough to have a remote work policy within the terms established by the Federal Labor Act, nor to take surveys to detect psychosocial risks as indicated by NOM 035. Workplaces need to generate social and work awareness, in an effort to prevent any harm to the health of the workers, and for that reason the human resources teams, together with the legal advisers, should find ways to take care of workers in the proper regulatory framework, allowing negotiations to continue functioning, complying with the laws, but above all, contributing to the full development of their employees, so professional achievements also reflect personal growth.

At Von Wobeser y Sierra we are committed to encouraging healthy, productive and humanized workplaces, that allow the growth of our clients and their businesses, and we would be glad to give advice on designing and implementing the necessary policies and strategies, adjusted to the particular context, to ensure a scenario of legal compliance and modernity.

For additional information, please contact our experts:



**Rodolfo Trampe, Partner:**  
+52 (55) 5258-1054  
[rtrampe@vwys.com.mx](mailto:rtrampe@vwys.com.mx)



**Alix Trimmer, Associate:**  
+52 (55) 5258-1016  
[atrimmer@vwys.com.mx](mailto:atrimmer@vwys.com.mx)

VON WOBESER Y SIERRA, S.C.

Mexico City, October 19, 2021.

*The information contained in this note does not constitute, nor is it intended to constitute, nor shall be construed as legal advice on the topic or subject matter covered herein. This note is intended for general informational purposes only. To obtain legal advice on a particular matter in connection with this topic, please contact one of our attorneys referred to herein.*

VON WOBESER Y SIERRA, S.C.

Paseo de los Tamarindos 60  
05120 Mexico City  
+52 (55) 5258 1000  
[vonwobeser.com](http://vonwobeser.com)