

Draft regulation regarding Home Office - Safety and Health Conditions

The Draft Official Mexican Standard on Home Office was published in the Federal Official Gazette on July 15, 2022, which contemplates the safety and health conditions for home office and establishes a period of 60 calendar days for interested parties to submit comments and suggestions to the National Advisory Committee for Standardization of Work Safety and Health and to make any changes and additions necessary to publish the final version.

This is extremely relevant because the home office policies that have been implemented will have to contemplate these new provisions which, although they may suffer certain changes since it is a draft, establish a clear outline of the obligations and rights of employers and workers who work in this way.

The main aspects are as follows:

- One or more workplaces may be agreed for engaging in Home Office, provided they are in the appropriate conditions and are authorized in advance by the employer.
- Employers must: a) keep an updated record of the employees working in home office contemplating specific data; b) implement, maintain and disseminate a written Home Office Policy; c) verify the safety and health conditions in the Home Office; d) provide, install and undertake the necessary maintenance of the equipment or tools used for the home office; e) implement mechanisms that protect the security of the information and personal data; f) provide training at least once a year; g) have evidence that proves the delivery of an ergonomic chair and necessary supplies for performing the home office work.
- Workers must: a) observe the Home Office Policy; b) report any alteration with respect to the work safety and health conditions; c) safeguard and preserve in good condition the supplies provided; d) follow the policies and mechanisms for the supervision of the home office work and protection of information and personal data; e) notify in writing and in advance any change of address and temporary moves; f) report any work risk; g) carry out the checklist that the employer provides.
- The validation and review of the safety and health conditions in Home Office may be carried out through physical and in-person visits to the workers' addresses or through a self-assessment of the worker and using information and communication technologies.
- The work schedule or distribution of the work hours must be established in writing, including the break and lunch time, and the right to disconnect at the end of the day must be guaranteed.

- Establish mechanisms for: a) assistance in cases of domestic violence; b) avoiding the social isolation of the worker; c) applying, if appropriate, the reversibility of work to in-person; d) data and information protection; e) indicating the contact and supervision rules for home office, guaranteeing the right to privacy.

You may consult the publication in the DOF at the following link:

https://www.dof.gob.mx/nota_detalle.php?codigo=5658278&fecha=15/07/2022#gsc.tab=0

We would be glad to address any questions you may have regarding this draft NOM and help you implement or adapt your home office policies to comply with these new provisions.

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S I N C E R E L Y

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