

## **Alert** | Labor & Employment



May 2022

### **Amendments to the Mexican Federal Labor Law**

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On April 28, 2022, the Federal Official Gazette published two decrees concerning labor and employment matters:

- The decree amending Section IX of Article 132 and Section V of Article 204 of the Federal Labor Law (FLL), which covers employer obligations.
- The decree adding a second paragraph to Article 512 of the FLL, which refers to labor risks.

#### **Employer Obligations**

Article 132 of the FLL has 39 sections that list various employer obligations observed by all employers incorporated in Mexican territory. Therefore, it is important to be aware of any amendments and/or additions.

The decree amending section IX of said article adds a special permit for workers to exercise their right to vote on recall referendums if the vote occurs during working hours. For reference, below is a comparison of the previous and updated legislation:

<i>Previous Legislation</i>	<i>Current Legislation</i>
<p>“...To grant workers the time necessary for the exercise of the vote in popular elections, and for the fulfillment of the services of juries, electoral, census, referred to in Article 5°, of the Constitution, when such activities are to be fulfilled within working hours...”</p>	<p>“...To grant workers the time necessary for the exercise of the vote in popular elections, <b>recall referendum processes</b> and for the fulfillment of the services of juries, electoral, census, referred to in Article 5°, of the Constitution, when such activities are to be fulfilled within their working hours...”</p>

Likewise, Section V of Chapter III of the FLL concerning ship workers is amended in the same way:

<i>Previous Legislation</i>	<i>Current Legislation</i>
<p>“...To grant workers the necessary time to exercise their vote in popular elections, provided that the safety of the vessel is not compromised and its departure date and time is not hindered....”</p>	<p>“...To grant workers the necessary time to exercise their vote in popular elections <b>and recall referendum processes</b> provided that the safety of the vessel is not compromised and its departure date and time is not hindered....”</p>

### **Labor Risks**

FLL Article 512 belongs to the Ninth Title, which regulates occupational risks. This amendment recognizes the use of new technologies and innovative work tools, which contribute to a safe work environment and protect workers in high-risk situations.

Article 512 states:

*“The regulations of this Law and the instructions issued by the Labor Authorities based thereon shall establish the necessary measures to prevent work risks and to ensure that work is performed under conditions that ensure the life and health of the employees...”*

The amendment adds:

*“...In cases in which there is a high risk that implies the loss of life or a serious compromise to the worker’s health, considering, above all, the work nature, the regulatory or normative provisions will consider the use of technology and work tools that are innovative and that contribute to safety in the workplace...”*

Companies should identify all the Mexican Official Standards that apply according to their industry, while also complying with the regulations set forth in the FLL.

*\* This GT Alert does not apply to matters or laws in the United States, nor to other jurisdictions outside of Mexico.*

## Authors

This GT Alert was prepared by:

- [Leslie Palma](#) | +52 55-5029.0000 | [palmal@gtlaw.com](mailto:palmal@gtlaw.com)
- [Marité Villanueva](#) | +52 55-5029.0059 | [villanuevam@gtlaw.com](mailto:villanuevam@gtlaw.com)
- [Jorge Andazola](#) | +52 55-5029.0053 | [andazolaj@gtlaw.com](mailto:andazolaj@gtlaw.com)

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