

NOM-035-STPS-2018 and its obligations for companies

On October 23rd, 2019 the first obligations included in the Mexican Official Standard number NOM-035-STPS-2018 (hereinafter referred as to "**NOM-035**") will become into force, which purpose is to identify, analyze and prevent psychosocial risk causes, as well as to promote a favorable work environment in work centers.

In general, the main obligations to employers include establish an internal policy to prevent psychosocial risk factors, work violence and promotion of a favorable work environment. Likewise, it obliges to identify existing psychosocial risk factors; implement measures to avoid and control them, as well as to attend internal practices against the creation of a favorable work environment and work violence conducts; identify workers that suffered a traumatic event during or due to their work; carry out medical examinations and psychological evaluations to workers exposed to work violence and psychosocial risk factors; provide information about how to prevent such risks, measures to avoid an unfavorable work environment, prevention measures and actions, mechanisms to file complaints, evaluation results and about possible alterations to workers' health, as well as to have several records in compliance with NOM-035.

The first stage of NOM-035 that will become into force obliges employers to:

- (i) Establish and provide information about and the required internal policy.
- (ii) Implement measures to prevent psychosocial risk factor and have mechanisms to file complaints.
- (iii) Carry out action to promote sense of belonging to the organization, provide training to perform duties correctly, responsibilities definitions, adequate distribution of workload, have regular work shifts in accordance with the Federal Labor Law and to evaluate and acknowledge performance.
- (iv) Identify workers who suffered traumatic events and provide information related with the obligations set forth by the NOM-035.

Considering the obligation that will become into force soon, employers must carry out actions to comply with the obligations and avoid fines. For such purpose, it is necessary to draft the required internal policy, but also it will be necessary to adequate employment agreements, Internal Work Regulations, among others.

Employment relationships in Mexico have evolved in a quick way, integrating concepts that are common in other countries, therefore, topics like work stress, non-discrimination, how to avoid sexual and work harassment are a reality that must be tackled. Due to the aforementioned, it is necessary a change in the organization culture, without considering the number of workers, to generate work environments in which respect, acknowledgment and inclusion are a reality.

Attorneys at **Farell & Yañez Abogados** have developed several training courses about NOM-035 and work culture, with the purpose to attend these new obligations, and they have drafted the legal documents required by the new standard.

Should you require further information about NOM-035 and other labor and employment, social security and immigration matters, please do not hesitate to contact us at contacto@fyabogados.mx.