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WORKPLACE STRESS IN MEXICO: 7 CONSIDERATIONS AND STRATEGIES FOR EMPLOYERS

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Workplace stress affects millions globally, and Mexico has one of the highest rates of work-related stress in the world. Given this context, companies doing business in Mexico have become acutely aware of the significant impact that workplace environments can have on employee health and productivity and are now legally required to create, promote, and evaluate positive environments. This Insight provides a crucial guide for complying with Mexico's occupational health and safety regulations and explores how virtual reality tools can support those initiatives.

Workplace Stress in Mexico and Beyond

According to the World Health Organization, each year approximately **12 billion workdays are lost** due to depression and anxiety, costing businesses around **\$1 trillion annually in lost productivity**. In Mexico, the Instituto Mexicano del Seguro Social (IMSS) reports that even before the pandemic, the country was among the highest for work-related stress, with at least **75% of workers experiencing fatigue from stress**, surpassing countries like China (73%) and the United States (59%).

7 Considerations for Employers Doing Business in Mexico

Below are some of Mexico's most vital rules on preventing workplace stress and promoting occupational health and safety.

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1. Prevention of Psychosocial Risk Factors (NOM-035-STPS-2018)

NOM-035-STPS-2018 is a vital regulation for companies in Mexico, aimed at managing psychosocial risks in the workplace. Its primary goals are to identify, analyze, and prevent psychosocial risk factors and foster a supportive organizational environment. The standard is obligatory and applies nationwide, with specific provisions based on company size:

- **Small Workplaces:** Up to 15 employees
- **Medium Workplaces:** 16 to 50 employees
- **Large Workplaces:** More than 50 employees

Objectives

The main objectives of NOM-035 are to:

- **Identify and Analyze:** Establish elements for identifying and analyzing psychosocial risk factors.
- **Prevent Risks:** Implement measures to prevent these risks.
- **Promote a Positive Environment:** Foster a supportive and healthy work atmosphere.

Key Psychosocial Risk Factors

NOM-035 covers several risk factors:

- **Work Environment Conditions:** Assessing the physical and psychological work environment.
- **Workloads:** Evaluating the amount and intensity of work.
- **Control Over Work:** Employees' ability to influence their tasks and decisions.
- **Working Hours:** Ensuring compliance with legal limits and avoiding excessive hours.
- **Work-Life Balance:** Addressing issues that interfere with personal and family life.
- **Negative Leadership and Relationships:** Identifying and mitigating poor management and harmful interpersonal

dynamics.

- **Workplace Violence:** Tackling any forms of violence or harassment.

Organizational Environment Elements

Employers should focus on:

- **Employee Sense of Belonging:** Ensuring employees feel integrated and valued.
- **Training:** Providing adequate training for task performance.
- **Defined Responsibilities:** Clearly outlining job responsibilities.
- **Proactive Communication:** Encouraging open dialogue and collaboration.
- **Workload Distribution:** Managing workloads and ensuring fair work hours in line with Federal Labor Law.
- **Performance Evaluation:** Regularly assessing and recognizing employee performance.

Employer Responsibilities

Employers must:

- **Develop Policies:** Create and communicate a policy for psychosocial risk prevention and workplace violence.
- **Identify and Evaluate:** Conduct assessments of psychosocial risks and the work environment.
- **Implement Measures:** Apply measures to address identified risks and improve the work environment.
- **Conduct Medical Examinations:** Perform health checks for employees exposed to risks or workplace violence.
- **Keep Records:** Maintain detailed records of risk assessments, control measures, and medical evaluations.

Employee Responsibilities

Employees are required to:

- **Follow Measures:** Adhere to preventive and control measures.
- **Promote a Positive Environment:** Help create a supportive work atmosphere and report issues.
- **Participate in Evaluations:** Engage in risk identification and organizational evaluations.
- **Report and Communicate:** Report any adverse practices and participate in informational events.

Fines for Non-Compliance

Employees can file a complaint with the labor authority if the standard has not been implemented. The Federal Labor Law imposes fines for non-compliance with NOM-035, ranging from 250 to 5,000 minimum wage units. As of 2024, this translates to fines between **US\$1,364** and **US\$27,291**. As the minimum wage units will increase in 2025, so will the fines. Ensuring compliance is crucial to avoid these financial penalties and maintain a healthy work environment.

Benefits of Implementing NOM-035

Implementing NOM-035 offers several benefits:

- **Promotes Employee Wellbeing:** Enhances the health and well-being of your workers.
- **Attracts Talent:** Helps attract top talent to your organization.
- **Develops Employees:** Supports the development of your workers into valuable assets.
- **Clarifies Processes:** Streamlines processes and improves productivity.
- **Generates Prestige:** Enhances your company's reputation and prestige.

Compliance and Inspection Requirements

As of October 23, 2019, all businesses with employees must be prepared for inspections by STPS inspectors or accredited units. The requirements vary based on the size of the company.

For 1-15 Employees:

- Establish and disseminate policies for psychosocial risk prevention and workplace violence.
- Identify and analyze psychosocial risks and workplace violence.
- Address severe traumatic events experienced by employees.
- Provide information on risk analysis and preventive actions.

For 16-50 Employees:

- Satisfy the same requirements as above, and
- Conduct medical examinations for employees showing signs of psychosocial disorders that may impact their health.

2. Occupational Health and Safety (NOM-030-STPS-2009)

The Official Mexican Standard NOM-030-STPS-2009, "Preventive Occupational Health and Safety Services—Functions and Activities," is designed to prevent occupational hazards and ensure worker safety across all companies in Mexico. This standard emphasizes the importance of preventive measures in occupational health and safety.

Who Must Comply

According to the Ministry of Labor and Social Welfare (STPS), NOM-030 is obligatory and applies to all work centers throughout the national territory. It mandates that companies provide preventive services to avoid accidents and occupational diseases. These services may include:

- **Preventive and Corrective Measures:** Programs, procedures, safety measures, and training.
- **Safety Diagnostics:** Identifying unsafe conditions and hazardous agents.

Functions of the Occupational Health and Safety Officer

Employers must designate an internal or external occupational health and safety officer, who is responsible for:

- **Diagnosing Safety and Health:** Conducting safety and health assessments.
- **Developing Programs:** Creating and prioritizing safety programs and actions.
- **Immediate Response:** Establishing protocols for immediate response to risks.
- **Health Promotion:** Integrating health promotion and addiction prevention into safety programs.
- **Emergency Procedures:** Incorporating actions for emergencies and health contingencies.
- **Documentation:** Keeping records of program implementation and effectiveness.
- **Program Evaluation:** Monitoring and adjusting safety programs as needed.
- **Inspections:** Keep the documentation for at least two years and provide it to the labor authority during an inspection.

Virtual Reality: Enhancing Occupational Safety

Virtual Reality (VR) is increasingly used to support occupational health and safety managers in implementing NOM-030. VR can:

- **Simulate Real-World Conditions:** Create virtual environments that mimic real workplace hazards.
- **Train Employees:** Provide immersive training experiences for specific tasks and safety procedures.
- **Evaluate Safety:** Assess the safety of work environments through virtual replicas.
- **Test Safety Measures:** Evaluate the effectiveness of safety protocols in a controlled virtual setting.

AI at Work: The Hidden Toll on Employee Mental Health

The increasing use of artificial intelligence (AI) in the workplace, while offering numerous benefits in terms of efficiency and automation, also poses significant risks to employee mental health. The introduction of AI systems can heighten pressure on workers by demanding rapid

adaptation to new technologies and creating concerns about job security due to potential automation. This constant stress and insecurity can contribute to rising levels of anxiety and burnout.

Additionally, the use of AI for performance monitoring and evaluations can create a persistent sense of surveillance, exacerbating psychosocial risks such as work-related stress and emotional fatigue. It is crucial for companies to recognize these challenges and implement appropriate measures to mitigate the negative impact of AI on mental health, ensuring a balanced and healthy work environment.

Turning AI into an Ally: Enhancing Well-Being and Reducing Stress

Despite these risks, AI also holds significant potential as a tool for improving workplace mental health and reducing psychosocial risks. When implemented thoughtfully, AI can:

- **facilitate early detection** of signs of stress and burnout among employees, allowing for proactive interventions before issues escalate.
- **personalize wellness programs**, providing tailored resources and recommendations that address individual employee needs.
- **create more flexible and balanced work environments** by automating routine tasks, enabling employees to focus on more meaningful and less stressful activities.
- **optimize communication and collaboration** within teams, reducing workload and enhancing team cohesion.

By leveraging these opportunities, companies can use AI not only to boost efficiency but also to foster a healthier and more resilient workplace.

3. Home Offices (NOM-037-STPS-2022)

Since the COVID-19 pandemic and in an evolving world where technology has become an integral part of our lives, the concept of remote work has gained increasing popularity. Recognizing the significance of this trend, the Mexican government introduced NOM-037-STPS-2022, a new standard regulating home-office practices for both employees and employers.

Key Highlights of NOM-037

- **Work-Life Balance:** The standard emphasizes maintaining a healthy work-life balance. Employers should set reasonable working hours and establish clear boundaries between work and personal life.
- **Employer Responsibilities:** Employers must contribute to the increased costs for electricity and internet used by remote employees and provide them the necessary equipment and resources for effective remote work. They are also responsible for ensuring a safe and ergonomic home office environment.
- **Protection of Employee Rights:** Remote workers should receive equal treatment in terms of wages, benefits, promotions, and working conditions as those in traditional office settings.
- **Health and Safety:** Employers must provide training on health and safety practices for remote work, including ergonomic workstation setups and mental health support.
- **Communication and Collaboration:** Effective communication and collaboration are essential. Employers should use regular meetings, team updates, and technological tools to maintain productivity and teamwork.

Benefits of Implementing NOM-037

The standard offers several advantages:

- **Flexibility:** Employees benefit from flexible schedules, enhancing work-life balance.
- **Cost Savings:** Employers can reduce expenses related to office space and utilities.
- **Increased Productivity:** Remote work often leads to higher productivity levels.
- **Reduced Commute Time and Stress:** Eliminating commuting reduces stress and saves time.

4. Ergonomics (NOM-036-1-STPS-2018)

One significant regulation is NOM-036-1-STPS-2018, which focuses on preventing ergonomic risks in the workplace, specifically concerning manual handling of loads. This

standard provides guidelines for identifying, analyzing, preventing, and controlling ergonomic risk factors in work environments.

NOM-036 imposes preventive measures applicable to all workspaces where employees have to perform tasks that involve transporting, lifting, pushing, lowering, pulling, placing, or stacking loads heavier than 3 kilograms (6.6 pounds). The Secretariat of Labor and Social Welfare (STPS) has established several criteria for compliance with this standard, including:

- **Determining the maximum weight** for lifting operations based on the gender and age of workers, according to a specific table.
- **Identifying and analyzing ergonomic risk factors** such as load, posture, movement, and the frequency of operations.
- **Implementing preventive and control measures**, including worker training, workstation design, and the adoption of technologies to reduce physical effort.

By adhering to these guidelines, companies can enhance workplace safety and minimize ergonomic risks for their employees.

5. Safety and Health Commission (NOM-019-STPS-2011)

Mexican Official Standard NOM-019-STPS-2011, "Constitution, Integration, Organization, and Operation of Safety and Health Commissions," is another vital and obligatory regulation. This standard requires employers to establish at least one safety and health commission in the workplace. Key aspects include:

- **Constitution of the Commission:** Employers must integrate a safety and health commission and designate representatives based on their functions.
- **Representation:** The union or workers must select their representatives if no union exists, ensuring participation based on job roles.

6. Vacation Entitlements (Federal Labor Law)

A pivotal reform to the Federal Labor Law took effect in 2023, significantly enhancing vacation entitlements for workers for the first time in decades. This reform raised the

minimum annual vacation period from six to **12 consecutive days**, underscoring a renewed focus on improving employee rights and wellbeing. This adjustment reflects a commitment to supporting workers in achieving a better work-life balance and overall health.

7. Proposed Bill Would Trim the Workweek

While consideration of this reform marks a substantial shift, it's important to note that a proposed reduction in the standard weekly working hours from 48 to 40 hours is not yet on the immediate agenda. Claudia Sheinbaum, the elected President of Mexico, has indicated that this legislative change is not currently a priority for the ruling party Morena as the LXVI Legislature begins, and that advancing this proposal will require consensus with the private sector.

Conclusion

Compliance with Mexican standards such as NOM-035, NOM-030, NOM-019, and NOM-037 remains crucial for maintaining a safe and productive work environment. Understanding and implementing these regulations will help businesses ensure employee well-being, enhance safety, and avoid potential penalties. Additionally, leveraging innovative technologies like virtual reality can support safety initiatives, offering advanced solutions for training and hazard assessment.

The new NOM-037 standard for home offices represents a significant advancement in establishing fair and safe remote work practices, providing valuable flexibility and benefits for both employees and employers. By embracing these changes and adapting to new standards, businesses can foster a healthier work environment and stay ahead of regulatory requirements.

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