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GALLEGO



# AMENDMENT FOR THE REDUCTION OF THE WORKWEEK IN MEXICO

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## Amendment for the Reduction of the Workweek in Mexico

### 1. Constitutional Reform – Article 123

#### 1.1. General Summary

The initiative proposes to amend Article 123, Section A, Clause IV, and to add new provisions related to:

- Maximum workweek of 40 hours.
- Express recognition of the right to rest with full pay.
- New rules for overtime work, including:
  - Weekly limit of 12 hours.
  - Maximum of 4 hours per day, in over 4 days.
  - 100% additional pay for overtime work.
  - 200% additional pay if limits are exceeded.
- Absolute prohibition of overtime work for individuals under 18.

#### 1.2. Summary Table of Changes

Article / Clause	Current Text	Proposed Amendment	Main Change
Art. 123, A, IV	1 rest day for every 6 workdays.	Maximum workweek of 40 hours. 1 rest day for every 6 workdays with full pay.	Express recognition of the right to full paid rest.
Clause XI	Overtime: 3 hours per day, max 3 consecutive days.	Overtime: Max 12 hours per week, up to 4 hours per day and 4 days per week. 200% pay if limits are exceeded. Overtime is prohibited for workers under 18.	Overtime limits are restructured and payment conditions are specified.

**(a)** A maximum 40-hour workweek is established, and the right to weekly rest with full pay is reaffirmed.

**(b)** Overtime is limited to 12 hours per week, with a cap of 4 hours per day across a maximum of 4 days, and its payment is regulated: 100% extra within limits, 200% if exceeded.

**(c)** Overtime work is prohibited for individuals under 18.

#### 1.3. Gradual Implementation of the Amendment

This amendment establishes that the reduction of the workweek provided in Article 123, Section A, Clause IV will be implemented gradually, year by year, until the maximum of 40 hours is reached.

Workweek Reduction Schedule:

Year	Maximum Workweek (weekly hours)
2026	48 hours
2027	46 hours
2028	44 hours
2029	42 hours
2030	40 hours

Interpretation:

- The adjustment will be progressive over five years, starting January 1<sup>st</sup>, 2026.
- The workweek will be reduced by 2 hours per year until it reaches 40 hours in 2030.
- This transition aims to give both the public and private sectors time to adapt.

## 2. Reform to the Federal Labor Law (FLL)

### 2.1. General Summary

The initiative proposes to amend various articles of the Federal Labor Law (FLL) to align them with the constitutional amendment of Article 123. The goal is to establish a maximum 40-hour workweek with two rest days, without reducing salaries or benefits for workers.

Main elements of the amendment:

- The maximum weekly work schedule is reduced from 48 to 40 hours.
- The weekly rest period will be two days for every five days worked.
- Adjustments are made to provisions concerning:
  - Ordinary and reduced working hours.
  - Overtime and its compensation.
  - Conditions for adolescents, people with disabilities, and other protected groups.
- Correlative reforms are made to articles referring to 6-day or 48-hour workweeks.



### 2.2. Summary Table of Changes

Article / Clause	Current Text	Proposed Reform	Main Change
Art. 3 Ter, VIII (new)	No current equivalent	"Employer: a natural or legal person who hires one or more workers in exchange for a remuneration."	A legal definition of "employer" is introduced.
Art. 58	"Workday: time during which the worker is at the employer's disposal."	"Workday: period during which the worker performs subordinate activities for the employer. It may be distributed by mutual agreement."	The concept of workday is redefined and distribution by agreement is allowed.
Art. 59	Workday length was set by agreement, without exceeding legal limits. Hours could be split for Saturday rest.	Maximum ordinary workweek set at 40 hours.	Agreement between parties is removed; a fixed limit is imposed.
Art. 61	Maximum: 8 hours daytime, 7 hours nighttime, 7.5 hours mixed.	Daily limit: up to 8 hours daytime, 7 hours nighttime, 7.5 hours mixed.	Wording adjusted to reinforce that these are maximum limits.
Art. 66	Overtime allowed: max 3 hours/day, no more than 3 times per week.	Max 12 hours/week, up to 4 hours/day for 4 days. Paid at 100% extra.	New limits and payment terms for overtime.
Art. 67	100% additional pay for overtime.	Removed.	Merged into revised Article 66.
Art. 68	Exceeding 9 hours of overtime requires 200% additional pay.	Max 4 extra hours per week. Daily total (regular + overtime) cannot exceed 12 hours. 200% pay if limit is exceeded.	Reinforces maximum limits and penalties for exceeding them.
Art. 69	1 rest day per 6 worked, with pay.	1 rest day per 6 worked, with full pay.	Right is maintained, but its enforceability is reinforced.
Art. 71	Sunday premium for those working on Sundays.	Sunday premium for those who work on Sundays.	Right is maintained; minor wording adjustment.
Art. 132, Clause XXXIV (new)	No current equivalent	Employers must electronically record work hours (start and end) and provide them to authorities upon request. Ministry of Labor and Social Welfare may issue rules for implementation or exceptions.	Obligation for employers to track and report work hours digitally.



- (a)** A legal definition of employer is introduced (Art. 3 Ter, VIII).
- (b)** The concept of workday is redefined and its distribution may be agreed upon by the parties (Art. 58).
- (c)** A mandatory maximum of 40 hours per week is established (Art. 59).
- (d)** Maximum daily durations for different shifts are reinforced (Art. 61).
- (e)** Overtime limits are restructured: max 12 hours/week, 4 hours/day, 4 days; paid at 100% extra (Art. 66).
- (f)** Removal of the separate article on overtime pay, now covered in Article 66 (Art. 67).
- (g)** Combined daily limit (regular + overtime) set at 12 hours; pay at 200% if exceeded (Art. 68).
- (h)** Employers are required to digitally record and report work hours (Art. 132, XXXIV).



### 2.3. Entry into Force

In line with the related constitutional amendment, the entry into force will be gradual starting January 1<sup>st</sup>, 2026, following the schedule for reducing the workweek.

- The amendment will become mandatory in the year that corresponds to each reduction, both for employers and labor authorities.
- Annual publications are not required, as the constitutional decree explicitly establishes the deadlines.

Although this reform initiative to the FLL does not include a specific transitional article for gradual enforcement, its application is directly linked to the third transitional article of the constitutional reform, which establishes:

Workweek Reduction Schedule:

Year	Maximum Workweek (weekly hours)
2026	48 hours
2027	46 hours
2028	44 hours
2029	42 hours
2030	40 hours

#### Interpretation:

- The amended FLL will come into effect gradually in accordance with the constitutional calendar.
- Provisions of the law must be adjusted year by year, in parallel with the progressive reduction of the workweek.
- The transition cannot be used as an excuse to reduce labor rights or benefits.

### 3. Estimated Impact

#### Impact on employers:

- Possible need to adjust shifts, roles, and processes to maintain operations with fewer working hours per employee.
- Sectors with long work shifts (industry, maquila, commerce, services) may need to hire more staff or reorganize teams.

#### Economic impact:

- In the short term: increased operational costs for some companies.
- In the medium and long term: potential gains in productivity, efficiency, and employee retention.

#### Legal impact:

- Need to review and modify individual and collective employment contracts.
- Potential legal disputes if employers do not implement the reduced workweek properly or continue previous practices.


#### Impact on labor informality:


- Risk that some employers and employees may establish or maintain informal labor relations to avoid compliance with the new workweek or overtime payments.
- This could increase noncompliance of labor and social security obligations, especially in sectors with weak oversight or high turnover.
- Labor inspection and formal registration of employment relationships will need to be strengthened by the employment authorities to prevent this side effect.






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