

Entrance into force of certain obligations of the NOM-035-STPS-2018

On October 23, 2018, the Ministry of Labor and Social Welfare published the NOM-035-STPS-2018, for the identification, analysis and prevention of **psychosocial risks** at work, in the Official Federal Gazette, which indicated it would enter into force gradually and therefore certain matters would become mandatory one year after its publication and others two years afterwards.

Therefore, it is important to recall that tomorrow October 23, 2020, the following obligations contemplated in the mentioned NOM enter into force:

- a) Identify and analyze the psychosocial risk factors in the workplaces that have between 16 and 50 workers or those that have more than 50 workers. It is important to emphasize that the requirements for compliance contemplated in the NOM will be different depending on the number of workers.
- b) Perform medical exams and psychological assessments to workers exposed to labor violence and/or psychosocial risk factors, when there are signs or symptoms that trigger some change in their health and the result of the identification and analysis suggests this or when there are complaints of violence.
- c) Keep records on:
 - The results of identification and analysis of psychosocial risk and favorable organizational environment.
 - The control measures adopted when the results of the identification and analysis of psychosocial risk and the evaluation of the favorable organizational environment indicate this.
 - The names of the workers on whom examinations or clinical assessments were done and that, as a result thereof, show exposure to psychosocial risk factors, acts of labor violence or severe traumatic events.
- d) Establish a program when the evaluations suggest this would be advisable.

Finally, it is important to emphasize that the entrance into force of the cited obligations means the Ministry of Labor and Social Welfare can perform inspections in relation to them, and therefore failure to comply with them could result in fines and negative consequences for the companies. It is imperative that the workplaces have the policies and mechanisms for compliance adjusted to their needs, in order to avoid sanctions and promote a healthy work environment for their workers.

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