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Constitutional Reform on the Reduction of Working Hours

I. Key Development: The Reform Is Now Part of the Constitution

The decree amending and supplementing various provisions of Article 123, Section A, of the Political Constitution of the United Mexican States, regarding the reduction of working hours, was published in the Official Gazette of the Federation on **March 3, 2026**.

II. Which Sections of the Constitution Did the Reform Amend?

The decree amended Sections IV and XI of Section A of Article 123 of the Political Constitution of the United Mexican States. These two sections govern, respectively, the duration of the working day and the overtime regime.

Section IV – Working Hours

The text of the amended sections of the Constitution now provides as follows:

“The working day shall be forty hours per week under the terms established by Law. For every six days of work, workers shall enjoy at least one day of rest with full pay.”

The key points of the amended text are as follows:

- **The maximum working week has been reduced to 40 hours.** However, as explained below, this reduction is not immediate: **it will be implemented gradually by 2030.**
- **The weekly rest day remains unchanged.** One day of rest with full pay for every six days worked has been maintained. The reform did not incorporate a second mandatory rest day, contrary to what certain parliamentary groups had proposed.
- The reference to “under the terms established by Law” means that the operational details regarding the implementation of this reduction shall be regulated by the Federal Labor Law (*Ley Federal del Trabajo*). The Congress of the Union must enact the amendments to the secondary legislation within a period of 90 days from the publication of the constitutional decree.
- Notwithstanding the foregoing, it is anticipated that the amendments and additions to the Federal Labor Law (the Regulatory Law of the aforementioned Article 123, Section A of the Constitution) will be published in the Official Gazette of the Federation on May 1, 2026.
- Similarly, it is anticipated that the amendments and additions to the Federal Labor Law will include the obligation for employers to maintain attendance records for their employees.

Section XI – Overtime

The new constitutional text on overtime provides as follows:

“When extraordinary circumstances require an increase in working hours, wages for such time shall be paid at one hundred percent above the rate established for ordinary hours. Overtime work shall not exceed twelve hours per week, which may be distributed in up to four hours per day, over a maximum of four days within such period.”

Any extension of overtime exceeding the limits established in the preceding paragraph shall obligate the employer to pay two hundred percent above the wage corresponding to ordinary working hours, in accordance with the provisions of the applicable Law.

Persons under eighteen years of age shall not be permitted to work overtime.”

In practical terms, the new overtime scheme operates as follows:

Item	New Constitutional Text
Overtime (1st tier)	Up to 12 hours per week, with a maximum of 4 hours per day over 4 days
Payment for the 1st tier	100% increase on ordinary wages (double pay)
Overtime (2nd tier, excess)	Hours exceeding the 1st tier; maximum amount to be defined by law*
Payment for the 2nd tier	200% increase on ordinary wages (triple pay)
Minors	Overtime prohibition extended to persons under 18 years of age

***Note:** The Constitution establishes the principles governing the overtime regime but defers to the Federal Labor Law regarding the progressive application of the first tier, as well as the regulation of the maximum number of hours for the second tier. These details shall be defined in the decree amending and supplementing the Federal Labor Law, which is awaiting publication.

III. When and How Does the Reduction Apply? The Transitional Regime

This is the aspect of greatest importance to companies in terms of immediate planning. The Constitution establishes a gradual transition mechanism:

THIRD Transitory Article: The Reduction Schedule

The newly established working hours shall be achieved gradually, commencing on January 1 of the corresponding year, in accordance with the following schedule:

Year	Maximum Weekly Working Hours
2026	48 hours
2027	46 hours
2028	44 hours
2029	42 hours
2030	40 hours

This means that:

- For the remainder of **2026**, the maximum working week will remain at **48 hours**, as is currently in effect.
- **The first effective reduction shall occur on January 1, 2027**, when the limit will decrease to 46 hours.
- The final reduction to **40 hours shall be achieved as of January 1, 2030**.

FOURTH Transitory Article: Prohibition on Wage Reductions

Under no circumstances shall the reduction of working hours result in a decrease in wages, salaries, or benefits for workers.

This transitory provision is immediately effective and absolute in scope. Companies may not reduce any component of remuneration on the grounds that employees will work fewer hours. Any attempt to do so would be unconstitutional.

SECOND Transitory Article: The Amendment to the Federal Labor Law

Deadline for amending secondary legislation:

“The Congress of the Union shall enact the amendments to the secondary legislation within a period of 90 days from the publication of this Decree.”

This deadline expires on June 1, 2026; however, as noted above, in all likelihood, the amendment to the Federal Labor Law — which will define the operational details regarding the distribution of working hours, overtime, attendance records, and other practical matters — will be published on May 1, 2026, as part of the commemoration of Labor Day.

IV. What Are the Current Legal Effects of the Constitutional Reform?

Given that the amendment to the Federal Labor Law has not yet been published, it is important to clarify what is already in force and what is awaiting regulation:

Issue	Already in force?	Legal Basis
The constitutionally enshrined maximum working week shall be (by 2030) 40 hours per week	Yes, as a constitutional mandate	Article 123-A, Section IV (reform published on 03/03/2026)
The working week during 2026 remains at 48 hours per week	Yes	THIRD Transitory Article
The working week shall be reduced gradually, commencing in 2027 and concluding in 2030	Yes	THIRD Transitory Article
Prohibition on reducing wages or benefits	Yes, with immediate effect	FOURTH Transitory Article
New overtime regime (double and triple pay)	Yes, as a constitutional principle	Article 123-A, Section XI (reform published on 03/03/2026)
Prohibition on overtime for persons under 18 years of age	Yes, with immediate effect	Article 123-A, Section XI (reform published on 03/03/2026)
Operational details regarding working hours and overtime	No; pending amendment to the FLL	SECOND Transitory Article (deadline: 90 days)

V. Practical Implications for Companies

What changes today:

- i) **Constitutional framework now in force:** The 40-hour limit is now enshrined in the Constitution. Any legal, contractual, or regulatory provision that departs from this principle to the detriment of workers shall be deemed unconstitutional.
- ii) **Immediate wage protection:** No company may invoke the reform as a justification for reducing wages or benefits, either now or at any point during the transition period.
- iii) **Minors and overtime:** The prohibition on persons under 18 years of age working overtime is now a constitutional mandate in force as of March 3, 2026. Companies that employ individuals within this age range must adjust their practices immediately.
- iv) **Overtime: constitutional principles applicable as of today:** The new scheme of double pay (100% increase) for hours within the first tier, and triple pay (200% increase) for excess hours, is now a constitutional right of workers. Its detailed operational implementation will depend on the amendment to the FLL, but the principle is directly applicable.

What companies must prepare

- **Review contracts and internal regulations:** Aunque la reforma a la LFT aún no se publica, es el momento de identificar qué cláusulas deberán actualizarse una vez que ello ocurra.
- **Prepare human resources and payroll departments:** Overtime calculation systems must be ready to reflect the new payment scheme as soon as the legal reform enters into force.

- **Anticipate collective bargaining:** Companies with labor unions should take this schedule into account in their upcoming contractual reviews.

VI. Executive Summary Table

Issue	Current Status (as of 03/03/2026)	Final Status (2030)
Constitutionally enshrined maximum working week	48 hours per week in 2026	40 hours per week in 2030
Weekly rest day	1 day per every 6 worked (no change)	1 day per every 6 worked
Overtime (1st tier)	Maximum 12 hours per week, 4 hours per day, 4 days: 100% increase	Same
Overtime (2nd tier)	Excess over the 1st tier: 200% increase	Same
Minors and overtime	Prohibited for persons under 18 years of age (as of 03/03/2026)	Same
Wage reductions	Prohibited under all circumstances (with immediate effect)	Prohibited
Amendment to the Federal Labor Law	Pending (deadline: 90 days from 03/03/2026)	Publication anticipated on May 1, 2026

This Legal Briefing is for informational purposes only and does not constitute specific legal advice. It is limited to the contents of the constitutional reform published on March 3, 2026. For an analysis of the particular implications of this reform for your company, please contact the Labor and Employment Law Practice team at Pérez-Llorca.

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