

Juan José Soto Arias, Denise Lechuga González

## 2026 Labor Reform

Reduction of the Working Week — Decree Amending the Federal Labor Law (Official Gazette of the Federation, May 1, 2026)

### I. Background

---

#### 1. The Constitutional Amendment Already in Force

On March 3, 2026, the decree amending sections IV and XI of Part A of Article 123 of the Constitution was published in the Official Gazette of the Federation (the “DOF”). The amendment establishes a 40-hour working week, regulates overtime, provides for a phased implementation schedule and prohibits any reduction in wages and benefits. Congress was granted a 90-day period to enact the corresponding secondary legislation.

In summary, the new constitutional text provides for the following: (i) a 40-hour working week “in the terms established by Law”; (ii) at least one paid rest day for every six days worked; (iii) overtime paid at 100 percent above the ordinary wage, not exceeding 12 hours per week (up to four hours per day over a maximum of four days); (iv) any excess paid at 200 percent above the ordinary wage; and (v) a prohibition on overtime for workers under eighteen years of age.

The constitutional amendment entered into force on the date of its publication.

#### 2. The Amendment to the Federal Labor Law: Current Status

On April 22, 2026, the opinion of the Committee on Labor and Social Welfare regarding the Senate bill approved on April 8, 2026, was published in the Congressional Gazette. The decree amending the Federal Labor Law (“FLL”) was published in the DOF on May 1, 2026.

### II. Purpose of the reform

---

The reform reduces the maximum working week from 48 to 40 hours without any wage reduction, through a phased implementation schedule, a new overtime regime, flexible working-time arrangements and a mandatory electronic time-recording obligation.

### III. Provisions amended, added and repealed

---

The decree amends Articles 59, 61, 66, 68, 69 and 71 (second paragraph) and Article 132 (sections XXXII and XXXIII); adds a second paragraph to Article 58, section XXXIV to Article 132, and section IV bis to Article 994; and repeals the second paragraph of Article 67.

Details of these changes are provided below under the relevant headings.

## IV. Substantive changes

---

### 1. New Definition and Flexible Distribution of Working Hours (Art. 58)

The first paragraph of Article 58 — which defines the working day as the time during which the worker is at the employer’s disposal — remains unchanged. A new second paragraph has been added which provides that working hours “may be distributed by mutual agreement” between the employer and the worker.

**Practical implication:** This paragraph provides express legal support for flexible scheduling arrangements (compressed workweeks, staggered hours, and condensed schedules), provided they remain within the statutory limits. Employers will be able to negotiate with their workers to find the arrangement that best suits their operations.

### 2. Maximum 40-Hour Working Week (Art. 59)

Article 59 has been amended to establish that the maximum duration of the ordinary working week shall be 40 hours.

The former second paragraph of Article 59, which allowed the redistribution of working hours to obtain Saturday afternoon off or any equivalent arrangement, has been repealed.

### 3. Daily Duration by Type of Shift (Art. 61)

Article 61 clarifies that the maximum daily working hours shall be eight hours for the day shift, seven for the night shift, and seven and a half for the mixed shift.

### 4. New Overtime Regime (Arts. 66, 67 and 68)

The changes to the overtime regime have a significant operational impact.

#### a) First tier of overtime (Art. 66)

Article 66 allows the extension of the working day due to extraordinary circumstances, with payment at 100 percent above the ordinary wage. Overtime may not exceed 12 hours per week, which may be distributed over up to four hours per day, on a maximum of four days within that period.

#### b) Repeal of the second paragraph of Article 67

The second paragraph of Article 67, which contained the previous overtime rules, has been repealed.

#### c) Second tier of overtime and absolute daily limit (Art. 68)

Article 68 provides that overtime that exceeds the limits established in Article 66 may not exceed four additional hours per week and must be paid at 200 percent above the ordinary hourly wage. In addition, an absolute limit has been established: the combined ordinary and overtime working hours may not exceed 12 hours per day under any circumstances.

#### Comparative table:

Item	Previous regime	New regime
<b>Overtime — 1st tier (paid at 100% above ordinary wage)</b>	Up to 3 hrs/day, max. 3 times per week (9 hrs)	Up to 12 hrs/week, max. 4 hrs/day over 4 days

---

<b>Overtime – 2nd tier (paid at 200% above ordinary wage)</b>	Excess over 9 hrs/week	Excess over 1st tier, max. 4 hrs/week
<b>Absolute daily limit (ordinary + overtime)</b>	No express limit	12 hours as absolute maximum
<b>Minors</b>	Prohibited for workers under 16	Prohibited for workers under 18 (constitutional amendment)

## 5. Weekly Rest Day and Sunday Premium (Arts. 69 and 71)

Article 69 provides that for every six days worked, at least one paid rest day shall be granted.

The second paragraph of Article 71 provides that workers who work on Sundays shall be entitled to an additional premium of at least 25 percent above the ordinary daily wage.

**A second mandatory rest day was not included.**

## 6. Electronic Time Recording: New Obligation for Employers (Art. 132, section XXXIV)

A new section XXXIV has been added to Article 132 which requires employers to electronically record the working hours of each worker, including start and end times, and to provide such records to the authorities upon request.

The Ministry of Labor and Social Welfare (*Secretaría del Trabajo y Previsión Social*) (“**STPS**”) shall issue general regulations that determine the scope of application and exceptions to this obligation.

The legislative opinion includes a significant evidentiary rule: the contents of the electronic record shall constitute conclusive evidence if it is shown that the record was agreed upon between a worker and an employer.

## 7. Penalty for Non-Compliance with Electronic Time Recording (Art. 994, section IV bis)

A new section IV bis has been added to Article 994 of the FLL which establishes a fine of between 250 and 5,000 Units of Measurement and Update (“**UMA**”) for employers that are subject to the obligation and that fail to comply with section XXXIV of Article 132.

Based on current values (2026), this is equivalent to a range of approximately **MXN \$27,142 to MXN \$542,850** per violation.

## V. Transitional provisions: timeline and implementation rules

The decree amending the FLL shall enter into force on May 1, 2026.

### 1. Phased Reduction Schedule for the Working Week

The maximum weekly working hours shall be reduced gradually, with effect from January 1 of the corresponding year:

Year	Maximum weekly hours
2026	48 hours

2027	46 hours
2028	44 hours
2029	42 hours
2030	40 hours

## 2. Operational Adjustment Period in 2026

The period from May 1 to December 31, 2026, shall allow workers and employers to adjust their work processes to the terms of the decree.

## 3. Phased Increase Schedule for Overtime

The maximum overtime hours shall also be increased gradually, with effect from January 1 of the corresponding year:

Year	Maximum overtime hours per week
2026	9 hours
2027	9 hours
2028	10 hours
2029	11 hours
2030	12 hours

## 4. Electronic Time Recording: Deferred Entry into Force

The general regulations to be issued by the STPS in connection with section XXXIV of Article 132 shall enter into force on January 1, 2027.

## 5. Monitoring and Evaluation by the STPS

The STPS shall implement the appropriate mechanisms to collect, process, and evaluate data related to the implementation of the reduction in working hours.

## 6. Absolute Wage Protection

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

## VI. Recommended actions for employers

Short term (May – December 2026)

Action	Rationale
Review individual employment agreements	Identify clauses on working hours, schedules and overtime that require adjustment to the new phased regime.
Update internal work regulations	Adapt provisions on working hours, shifts, clock-in/clock-out times and overtime limits.
Assess payroll systems	Payroll calculation systems must reflect the new overtime limits (first and second tiers) on a year-by-year basis.
Internal communications	Inform workers of the scope of the reform, the transition schedule and wage protection.

#### Medium term (before January 1, 2027)

Action	Rationale
Implement an electronic time-recording system	The electronic time-recording obligation enters into force on January 1, 2027.
Collective bargaining	Employers with unionized staff must negotiate the adjustment of working hours and the distribution of working time in the next contract review.
Agree on the electronic record with workers	The electronic record constitutes conclusive evidence if it is shown to have been agreed upon between a worker and an employer. Documenting this agreement is essential.

#### Strategic planning (2027 – 2030)

Action	Rationale
Design a phased working-hours reduction plan	Anticipate the impact of each annual reduction on productivity, shift patterns and labor costs.
Explore flexible scheduling arrangements	Working hours may be distributed by mutual agreement between employers and workers, enabling operational optimization.
Assess additional hiring needs	In labor-intensive sectors, the reduction in working hours may require workforce adjustments.

This Legal Briefing is for information purposes only and does not constitute legal advice. For an analysis of the specific impacts on your company, please contact Pérez-Llorca Mexico's Employment Law team.

## Contacts



### Luis Enrique Cervantes

Labor Partner

[luis.cervantes@perezllorca.com](mailto:luis.cervantes@perezllorca.com)

T. +52 55 5202 7622



### Juan José Soto

Labor Partner

[juan.soto@perezllorca.com](mailto:juan.soto@perezllorca.com)

T. +52 55 5202 7622



### Santiago Villanueva Durán

Social Security Partner

[santiago.villanueva@perezllorca.com](mailto:santiago.villanueva@perezllorca.com)

T. +52 55 5202 7622

## Offices

### Europe [↗](#)

Barcelona  
Lisbon  
Madrid

Brussels  
London

### Americas [↗](#)

Bogotá  
Mexico City  
New York

Medellín  
Monterrey

### Asia-Pacific [↗](#)

Singapore

The information contained in this Legal Briefing is of a general nature and does not constitute legal advice.

This document was prepared on April 30th, 2026 and Pérez-Llorca does not assume any commitment to update or revise its contents.

©2026 Pérez-Llorca. All rights reserved.

[perezllorca.com](http://perezllorca.com) [↗](#)

Pérez-Llorca