Provisions on risk factors due to standing: right to rest during the working day (Chair Law)

On 23 December 2024, EY issued a Flash Tax Law alerting readers to the legal and operational implications of the reform to the Federal Labour Law published in the Official Gazette of the Federation on 19 December 2024, known as the 'Ley Silla' (Chair Law).

This reform aims to guarantee the right to rest during the working day, imposing new obligations on employers in relation to working conditions for people who remain standing for long periods (standing). Among these obligations is the provision of chairs with adequate backrests so that workers can sit down while performing their duties or during their work breaks.

The decree establishes that the new provisions will be enforceable as of 17 June 2025, giving employers 180 calendar days from its publication to adapt their policies, procedures and internal work regulations.

Subsequently, on 17 July 2025, the Ministry of Labour and Social Welfare issued the corresponding provisions on occupational risk factors, detailing the specific obligations for employers and reinforcing the preventive and ergonomic approach of the reform. However, no specifications were issued regarding the type of chairs with backrests, the number of seats per number of workers, or rest periods. Below, we detail the aspects that are mentioned:

Obligations for employers

1. Provide chairs or seats with adequate backrests:
   - In sufficient numbers.
   - Based on the type of standing (static, dynamic or prolonged).
   - That allows the worker to sit at regular intervals or during breaks.

2. Identify and assess the risk:
   - Carry out a diagnosis in conjunction with the Health and Safety Committee.
   - Analyze the type of activity, time spent standing, tools used, physical load, and environmental conditions.

3. Document measures:
   - Record the routes and assessments.
   - Have specific information about each worker assessed.

4. Follow the compliance diagram:
   - Determine whether the provision and type of seat required apply.

What is considered standing?

- Static: The person remains practically motionless.
- Dynamic: Involves constant movement or shifting.
- Prolonged: Standing for more than three continuous hours during the workday.

Health risks if not complied with

- Musculoskeletal disorders, varicose veins, fatigue, cardiovascular problems and problems during pregnancy.
- It is associated with a reduction in productivity and quality of life.

Penalties for non-compliance

Although the decree does not directly establish specific fines, non-compliance may result in penalties in accordance with:

- The Federal Labour Law (Art. 132, sections V and XVI).
- Fines imposed by the STPS in ordinary and extraordinary inspections, with a maximum of 5,000 UMAS.
- Important: Compliance measures will be verifiable by the STPS through field inspections, so it is crucial to have documentary evidence of compliance (minutes, diagnoses, records, corrective measures, photographs, etc.).

Finally, these provisions aim to protect the health of workers and ensure their right to rest.

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