The 46-hour workweek in 2027: the tool is an agreed distribution of hours, not overtime



Bertin Gutiérrez
Managing Partner

On January 1, 2027, the maximum workweek drops from 48 to 46 hours, and it will reach 40 hours in 2030 (third transitory article of the Decree amending Article 123 of the Constitution, Official Gazette, March 3, 2026). Many companies are redesigning their schedules around a seemingly simple question: can they keep workdays longer than eight hours if they stay within the weekly cap? Reading Article 61 of the Federal Labor Law alone, the answer is no, and the usual advice will be to pay the difference as overtime. We read it differently, and we believe ours is the reading most consistent with the amendment.

What the Constitution says

Section I of Article 123 provides that "the maximum workday shall last eight hours." It does not say "daily." Amended section IV provides that the workday "shall be forty hours per week under the terms established by Law." Where the Constitution intended a daily limit, it said so, but only for overtime, which section XI allocates "up to four hours per day, on a maximum of four days." Ordinary working time was defined in weekly terms, and its configuration was left to the law.

What the law says

The amendment to the Federal Labor Law (Official Gazette, May 1, 2026) responded with a new paragraph in Article 58, under which working hours "may be distributed by mutual agreement" between employers and employees. Article 61 no longer refers to "maximum duration" and now speaks of the "duration of the daily workday." The bill itself explained that the limit on that distribution is the twelve-hour daily cap on ordinary and overtime hours under Article 68. Nor is the idea new: for decades, former Article 59 allowed working hours to be redistributed to free up Saturday afternoon or an equivalent arrangement, and the courts upheld nine-hour days (isolated precedent, digital registry 227053).

In practice, and where the risk lies

In practice, a written distribution agreement makes it possible to treat as ordinary hours an eight-hour mixed shift, whose legal limit is seven and a half hours, or nine-hour office days within the weekly cap, without paying overtime. The risk does not disappear. Article 61 still reads as a daily limit, Article 18 requires doubts to be resolved in the employee's favor, and there are no court rulings yet on the new Article 58. The risk grows as the workday moves away

from eight hours and is greatest for night work, where the seven-hour limit has a clear health rationale. Twelve-hour shifts are a separate problem: they exhaust the Article 68 cap, leave no room for overtime and, if the company itself has documented fatigue or accidents, that record can be used to classify them as inhumane working hours (Article 5, section III).

The alternative without interpretive risk

The alternative without interpretive risk is the split shift. If the meal break lasts more than sixty minutes and the employee may leave the workplace, that time is not part of the workday (II.1o.T. J/42, digital registry 162106). By contrast, the half-hour break in a continuous shift does count, even if taken off the premises (2a./J. 84/2007, digital registry 172537). The split shift works, but it depends on the facts, and from 2027 the electronic time record (Article 132, section XXXIV) will show whether the meal break is actually taken.

Before January 1

- Review weekly and daily limits shift by shift, because many plants already exceed them, especially on eight-hour night shifts.
- Document the distribution agreement in writing before applying it, with the union or with each employee. A unilateral change of schedule may be grounds for termination by the employee without liability (digital registry 249160).
- Update the Internal Work Rules and agree in writing on the electronic time record, because only then is it full evidence.
- Review hourly-paid employees and bonuses tied to hours worked, because the reduction may not result in lower wages or benefits (fourth transitory article of the constitutional Decree).

What the amendment leaves open is a business decision to be measured in risk and cost, not just in hours.

This note is for information only and does not constitute legal advice.

Let's talk

We can assess the impact on your company and the options available.

Mónica Maldonado
BUSINESS DEVELOPMENT DIRECTOR
monica.maldonado@artegia.mx
+52 722 512 6760

Bertin Gutiérrez
MANAGING PARTNER
bertin.gutierrez@artegia.mx
+52 442 127 9046

www.artegia.mx · Querétaro, México