



HR Electronic Records – Mexico

Natively Electronic Documents

What is the legal value of native electronic documents (that do not require signature by the parties)?

The majority of legislation generally recognizes the validity and probative value of documents that are natively electronic (i.e., created as electronic originals), subject to compliance requirements.



In Mexico, there are no restrictions prohibiting HR departments from distributing and storing documents

electronically. That said, note that Mexico is a civil law jurisdiction where strict formalities are followed and paper documents may be necessary in certain cases. In the event of litigation, employers have the burden of proof regarding:

- an employee’s hire date;
- an employee’s seniority;
- the cause of an employee’s termination;
- the termination of the employment relationship or, termination of the contract for a specific period or task;

- the notification of termination to the employee;
- the employment agreement;
- ordinary work shift and overtime (when it doesn’t exceed 9 hours per week);
- payment for mandatory holidays and rest days;
- an employee’s use of and receipt of payment for vacation;
- the payment of Sunday, vacation and seniority premiums;
- the salary payment and amount;
- profit sharing payments;
- registration and payment of dues to the Social Security Institute;
- delivery of the Internal Labor Regulations; and,
- the employee’s consent to Privacy Notice terms.

If an employee consents, employers can issue a Digital Tax Receipt through the Internet (CFDI) on each payday. This has the same effect as a payment receipt from the employer for all amounts accrued.

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