

## Implications of Coronavirus in labor relationships under Mexican law

Currently, Mexico has moved from the first stage of importing Covid-19 cases, to a stage of potential contagion within the population. Even though currently the number of infected individuals is reduced, the spread of the disease is foreseen as exponential. Health authorities anticipate that within a week, the country could enter the community transmission phase, in which the infection could rapidly rise from hundreds to thousands of infected individuals, thereby entering to the epidemiological stage in very short time.

The situation has sparked a series of concerns regarding the position that the companies should adopt upon this contingency and the control measures to be implemented in work places to prevent the spread of the virus within the workforce. Please find below some relevant inquiries in this regard:

**What are the preventive and control measures to be adopted in work centers?**  
**Employers are obliged to have an Occupational Safety and Health Program** that should include, among other provisions, the actions for attending to emergencies and health contingencies recommended or ordered by the competent authorities. These actions must comply with the minimum standards established in the applicable laws, regulations and Mexican Official Standards regarding occupational health and safety, and be implemented in coordination with the Safety and Health Commissions that are established in the workplaces.

**Are employers obliged to suspend work at their work centers?**

**Not**, until health authorities issue a declaration of health emergency ordering the general suspension of labor in workplaces. However, some companies are leaning towards adopting remote working, in order to prevent the spread of the virus within their workforce.

**Can workers refuse to attend to their workplaces?**

Only if the Safety and Health Commission in the workplace (which is integrated by representatives of the employer and of the workforce) identifies situations of imminent risk which could jeopardize the health of workforce.

**What measures can be taken in case of infected workers?**

**The obligation to continue working and to pay salary can be temporarily suspended, without any liability for the parties**, starting from the date the employer becomes aware of the contagious disease and until the end of the period set by the Mexican Social Security Institute.



Can medical exams be required to the workforce to prevent the spread of the disease?

**Yes.** The conduction of such tests should be ruled in the Internal Working Regulations, as well as in the Privacy Notice in which workers are informed of the treatment of their personal data. As a general rule, treatment of health data requires the express written consent of its owner; however, such requirement might not be necessary in this particular case in light of the current emergency situation. The use, conservation and storage of such information shall comply with the personal data protection regulations.

What would be the implications if the health authority determined the suspension of labor as a consequence of a declared health emergency?

Workers would not be obliged to attend to work places. However, the remote provision of their services may be agreed. In the event this is not possible, **the employer may suspend the effects of the employment relationship, being only obliged to pay to the workers a compensation of one day of the current general minimum wage for each day the suspension lasts, provided such suspension cannot exceed one month.**

What is the main risk of remote working?

**The confidentiality and security of the information of companies** and third parties with which they have some kind of relationship. In the event this work modality is adopted, it is recommended that the companies establish protocols and procedures for the encryption of information, for controlling the appropriate use of technologies, security policies for the use of personal devices, as for the notification of incidents and security breaches.