

Possible labor implications of the COVID-19

In view of the global COVID-19 (**Coronavirus**) problem and the World Health Organization's declaration that COVID-19 is a pandemic due to the number of cases, we think it would be useful to inform you of the possible implications and obligations for employers if the Ministry of Health declares a health emergency.

According to article 181 of the General Health Law, the Ministry of Health must immediately issue the measures for preventing and fighting threats to health caused by the danger of the invasion of transmissible diseases.

As a result of this obligation, one of the measures the Ministry of Health could take, with approval of the President, is to declare a health emergency, which must be published in the Official Federal Gazette (**DOF**).

The Federal Labor Law addresses this situation in articles 42 Bis, 132 section XIX Bis, 168, 175, 427 section VII, 429 section IV and 432, which establish that if the health authorities declare a health emergency that orders the general suspension of work, the employer must temporarily suspend the work relationships with its employees.

In the case of the declaration of a health emergency of this nature, the consequences and obligations would be the following:

- a) The workers would not be obligated to go to work.
- b) The employers will pay the equivalent to one day of general minimum wage in force for each day of suspension for a period of up to one month; after that, if the emergency continues, the employer will not be obligated to pay any additional amount to the workers.
- c) The workers are obligated to restart their activities as soon as the emergency ends (when the Ministry of Health determines this).
- d) If the health emergency does not order the general suspension of work, women who are pregnant or breastfeeding and minors under 18, as vulnerable groups, will remain prohibited from working without affecting their pay, benefits and rights.
- e) The Ministry of Labor may order the measures necessary to prevent affecting the health of the workers.

It is advisable to circulate information to the workers on preventive measures in the workplace to avoid, to the extent possible, the spread of the virus.

Finally, it is important to mention that the Ministry of Health has not yet issued any extraordinary measures such as a health emergency declaration.

We will be watching for any developments and keep you informed in that regard.

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