



MIJARES ANGOITIA  
CORTES Y FUENTES



**LABOR OBLIGATIONS IN CASE OF  
HEALTH CONTINGENCY (COVID-19)**

## LABOR OBLIGATIONS IN CASE OF HEALTH CONTINGENCY (COVID-19)

Due to the increasing and exponential advance of COVID-19 (Coronavirus Disease) in Mexico and the rest of the world, it is important to mention that there are certain employer obligations that must be observed when employers face a health contingency.

Due to the pandemic influenza A (H1N1), the Mexican Federal Labor Law was amended in order to consider similar public health events that could affect the regular provision of services in the employment relationships.

In this regard, the Mexican Federal Labor Law was amended in order to include, **as a cause of collective suspension of employment relationships, the declaration of suspension of work dictated by the health authority**, as it is clearly stated in article 427 of such law:

*"Article 427.- The following are causes for the temporary suspension of labor relations in a company or establishment:*

...

*VII. The suspension of work or services, declared by the competent health authority, in cases of health contingency."*

For these reasons, in the event that the Ministry of Health issues the declaration of suspension of work corresponding to COVID-19, the employment relations between employers and employees must be suspended, and employees must refrain from reporting to work during the declaration.

It is important to clarify that although the employment relationship is suspended, employers will have the obligation to provide employees with compensation equivalent to one day of current general minimum wage (MXN\$185.56 for the municipalities that are in the border strip of the north of the country and MXN\$123.22 for the rest of the country), for each day the suspension lasts, without exceeding one month.

Likewise, in the event that the competent authorities issue a declaration of health contingency, the following may not be used: (i) the work of minors under eighteen years of age, and (ii) the work of women in periods of gestation or lactation, clarifying that the workers who are in this case will not suffer prejudice in their salary, benefits and rights.

**In case of doubt or comment, do not hesitate to contact us.**

**Mijares, Angoitia, Cortés y Fuentes**

**Claudio Jiménez de León**

**Socio | [jimenezdeleon@macf.com.mx](mailto:jimenezdeleon@macf.com.mx) | +52 (55) 5201 7400**