

Criteria applicable for labor extraordinary inspections during the contingency provoked by the presence of the COVID-19 virus

Please be informed that on March 31 and April 1, 2020, the Ministry of Labor and Social Welfare, through the Federal Labor Inspection Office, issued the criteria applicable to carry out extraordinary inspections resulting from the declaration of a force majeure health emergency caused by the epidemic generated by the SARS-CoV2 virus (COVID-19).

The purpose of the criteria is *(i)* to oversee compliance with the right of the workers to preserve their full wages and *(ii)* to oversee compliance with the provisions issued by the Ministry of Health in the workplace and validate that they are workplaces with essential activities.

Under both Criteria, extraordinary inspections will be carried out in the workplaces where it is known, by any means, that the labor regulations or the provisions issued by the Ministry of Health may have been violated; or when a complaint claims that the workers are not receiving their wages, that the wages have been decreased or that the health provisions are not being complied with.

In the inspections carried out based on the First Criteria (to validate the right to preserve full wages), employers will be requested to provide the records showing the workers receive their full wages, corroborating that any discounts made from the workers' wages are in accordance with the Federal Labor Law or by judicial order validating them. Additionally, the inspectors may request the catalog of positions to review the wages that correspond to each one.

In the inspections carried out based on the Second Criteria (to validate that the activities are essential and, if so, corroborate compliance with the safety measures issued by the Ministry of Health), employers will be requested to provide a description of the production process of the company in order to corroborate it is a workplace authorized to continue operating. If the workplace is authorized to continue operating, compliance with the rest of the applicable measures established in the Ruling issued by the Ministry of Health on March 31, 2020, will be corroborated. If the workplace is not authorized to continue operating, the employer will be asked to suspend activities and remove all the workers from the workplace.

The inspections must be carried out in accordance with the General Regulation of Labor Inspections and Application of Sanctions.

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