SUICIDE AS OCCUPATIONAL HAZARD IN MEXICO

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This article is about the suicide and the possibility of being considered as an occupational hazard, analyzing it under the legal and Social Security viewpoint. For this, its beginnings comparing the conceptual legal basis of occupational hazard (diseases and accidents) in Mexico. In addition to the analysis of the background and global concepts that led to determine that suicide may have directly causes by reason or in the job.

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INTRODUCTION

The work is very important in the lives of most people in the world because it affects their personal, family and social development. Working conditions determine the wage income and work breaks (such as holidays), lifestyle of the worker and his family. In addition, workers spend long hours working in their workplaces, so a good working environment and working on appropriate conditions affect positively on their health and their job satisfaction. In short, work also affects the emotions of the worker and when the work environment has become toxic or when a worker is being pressed extremely, he may commit suicide as a result of his work. That is why the central hypothesis of this study is that the suicides whose causes are originated at work, should be seen as an occupational hazard in labor laws

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and social security of the Mexican state laws.

To reach this proposal, this article include (following a deductive methodological order) of a conceptual of suicide framework and occupational hazards, to be able to analyze suicide based on psychological and psychiatric approaches, plus the background and concepts that led to a determination that may have direct cause with reason or on the job.

Subsequently analyzing the experiences of some international cases in countries, like France and Japan, to contextualize the reality inserted in Mexican problems. Followed by the legal analysis of suicide from the labor law and social security perspective in Mexico and as it is a legal proposal research critical-positive, the article ends with the respective conclusions and research sources.

I. CONCEPTUAL BASE

To identify the legal area in which this work is found, is necessary to start from the concept of Social Law, since it is considered as a right of communion or integration¹ and is the gender that leads to different legal disciplines, from this follows the Labor law and social Security law, same as related with social security; because in them we find positive dispositions regarding occupational hazards and suicide. Otto Von Gierke is recognized as exhibitor of the concept of Social Law and the German jurist Gustav Radbruch as the most brilliant and profound expositor of the Theory of Social Law.² The last mentioned, supports the idea that there are certain rules that have characteristics whose classification does not fall within the classical dual division of Law³, presenting characteristics of both parties, gives rise to an intermediate conception, same as the jurist Carrillo Prieto says it is of the "... field that intersects the public and the private"⁴. Thus, the concept of Social Law, itself, is difficult and redundant, agreeing with Castán Tobeñas⁵, the law cannot be conceived as nothing but a phenomenon and a social science. Despite that, Radbruch⁶, states that: "The central idea behind the Social Law is not the idea of equality of individuals, but of

¹ G. MENDIZÁBAL, *LA SEGURIDAD SOCIAL EN MÉXICO* 7 (2th edition, México, Porrúa 2013).

² N. DE BUEN LOZANO, *DERECHO DEL TRABAJO* 100 (19ª ed., México, Porrúa 2009).

³ Public and Private.

⁴ Ignacio Carrillo Prieto, *Derecho Social*, en SOBERANES, JOSÉ LUIS Y FIX ZAMUDIO HÉCTOR, *LOS PRINCIPIOS GENERALES DEL DERECHO EN MÉXICO* 124 (Un ensayo histórico, México, Porrúa 2001).

⁵ José Castán Tobeñas, *La Idea de Justicia Social*, discurso pronunciado con motivo de la inauguración del curso 48—49 de la Real Academia de Jurisprudencia y Legislación; "La idea de la justicia social". *Revista General de la Legislación y Jurisprudencia*, Madrid, septiembre de 1966.

⁶ G. RADBRUCH, *INTRODUCCIÓN A LA FILOSOFÍA DEL DERECHO* 162 (6ª ed., México, Fondo de Cultura Económica 1998).

leveling the inequalities that exist between them; equality ceases to be, the starting point of the Law, to become objective or aspiration of the legal order”.

Moreover, social security is defined as a set of institutions, policies, programs and legal standards that are aimed at protecting individuals from a particular country against possible risks of life, in addition to raising the quality of this; without forgetting that social security is the main tool it has to materialize.⁷ The latter is conceptualized as the instrument through which workers and State unite their actions to protect the rights of the working class and thus enable a better quality of life⁸.

In Mexico, the prevailing idea of Social Security is based on the Social Security Institutions⁹ and are, precisely, the only instrument that the State organize to provide protection (prevention and care) to workers from occupational hazards that may suffer.

However, to be able to be in the analysis is necessary first to define its conceptual base.

A. Occupational Harzard

On the XIX century, the risks at work were the catalyst for social security laws, which to this date protect employees against work-related accidents and illnesses worldwide. Nevertheless, occupational hazard protection remains today as one of the main concerns of social security in the world.

International organizations such as the International Labour Organization, International Social Security Association and the International Conference on Social Security have contributed to general and common definitions of occupational hazards that are taken in most countries, including the following:

1. Occupational hazards are divided into diseases and accidents occurring for a reason connected with work.
2. The injury or condition should cause an effect on the health of workers and this may be temporary or permanent.
3. The workers' health condition causes a complete or partial reduction or loss of their wage earning ability.

Thus, currently the legislations are trying to extend protection from

⁷ G. MENDIZÁBAL, *LA SEGURIDAD SOCIAL EN MÉXICO* 16 (2th edition, México, Porrúa 2013).

⁸ G. MENDIZÁBAL, *LA SEGURIDAD SOCIAL EN MÉXICO* 32 (2th edition, México, Porrúa 2013).

⁹ Following the German Tradition of the Social Security Institutes, based in the existence of the labour relation and for that reason the Occupational Hazard is protected by the Labour Law that established the legal obligation for the employer trough that Institutes.

occupational hazards to all workers whose origins are physical risks, chemical, mechanical, psychological and biological nature.

Occupational hazards are contingencies protected by the Constitution of the United Mexican States, the Federal Labor Law and social insurance legislation. They are divided into occupational accidents and diseases, but it is worth mentioning to the origin of the branch of insurance which includes these two professional contingencies. This branch of insurance is one of the fundamental principles of social security: protecting workers from accidents and diseases that arise from the development of their work and also, relieving the employer from liability for personal injury resulting from accidents and occupational diseases that their workers can suffer.

Not every accident in the sense of: unpredictable damage to a person caused by a sudden unintentional and external temporary effect is considered as occupational hazard.

According to the Federal Labor Law (Art. 474) and the Social Security Act (Art. 42): occupational accidents are all organic injury or functional, immediate or subsequent dislocation, or death suddenly produced during work or work-related, whatever the place and time in which such work is performed.

It will also be consider, as occupational accident, if occurs when the worker is moving directly from home to the workplace, or latter to the former.

The notification to social security institutions to present an occupational hazard will be the responsibility of the employer (Art. 51 LSS), and may it also be presented by the worker, the beneficiaries of the disabled or deceased worker, or authorized people to represent them.

For its part, for the Federal Labor Law LFT (Art. 475), the Social Security Act LSS (Art. 43), and the interpretation of Art 56 of the Institute for Security and Social Services for State Workers Law ISSSTE: Working disease is any pathological condition resulting from the continued action of a cause whose origin or motive at work or in the environment in which the worker is obliged to provide services; however, the general clause is given to the insured, specifying in all cases, illnesses at work or occupational diseases are those included in the Federal Labor Law or, more recently, derived from the reform of the Federal Labour Law LFT (Ley Federal del Trabajo) 2012, the ones published in the Official Journal of the Federation, as stated in Article 513, of the Act, which literally states:

Article 513.- The Ministry of Labor and Social Welfare, upon review of the National Advisory Committee on Safety and Health at Work, will update occupational diseases tables and of evaluation of permanent

disabilities resulting from occupational hazards, which are published in the Federal Official Gazette and shall be observed throughout the country.

Several consequences are produced by occupational hazard:

- Temporary disability;
- Permanent partial disability;
- Permanent total disability and;
- The worker's death.

B. Suicide

The word suicide has its etymological definition and a Latin origin, composed of two terms: *sui* meaning of himself and *caedere* it is to kill, i.e. kill himself or the act by which a person is deprived voluntarily of life.¹⁰

A pesar de que la definición mencionada pudiera parecer clara, al ser el suicidio una conducta humana, su complejidad da pie a distintos enfoques y distintas categorías en relación con su origen, causas y motivaciones; resaltando los siguientes enfoques:

(a) The psychologist, in his cognitive area, considered as the accumulation of negative thoughts of the person that produce hopelessness in people to such a degree that suicide represents the output of his suffering.¹¹

(b) Psychiatric, this approach conceptualizes suicide as a result of defined mental illnesses, and establishes certain classifications that result from various mental disorders "major depressive, dysthymic unspecified depressive, bipolar disorder 1 and 2, cyclothymic disorder, unspecified bipolar, disorder due to medical illness, substance induced, and unspecified".¹²

In this work we will emphasize approaches: cognitive psychological and psychiatric because they are considered suitable to establish the relationship of connectedness of a suicide as an occupational hazard.

In this regard, it is important to note that in suicidal action is divided into three levels: First, the suicidal act by which a subject harms himself regardless of intent, motive and result; Second, attempted suicide or intent of suicide, which consists in the intention of self-destruction, i.e., an act not resulting in death; Third: suicide, which is death resulting from an act of

¹⁰ Moliner, DICCIONARIO DEL USO ESPAÑOL, (3th edition, Spain, Gredos 2007.)

¹¹ K. Slakiu and A. Beck, THE AMERICAN JOURNAL OF PSYCHIATRY 1991.

¹² A. JARAMILLO, REVISIÓN DEL PROBLEMA DEL SUICIDIO CON BASES INTERDISCIPLINARIAS (Tesis de Doctorado, México 1998).

suicide¹³. These moments have been clarified by the World Health Organization (hereinafter WHO) to try to unify the terminology and to propose some concrete terms: *Suicide Act*: fact in which a subject causes himself injury, regardless of intent and knowledge of his motives. *Attempted suicide*: suicide act and the result was not death. Suicide: death resulting as a suicidal act.¹⁴

The here referred concepts allow us to understand that in the three aforementioned moments, suicide may be the result of mental disorders or mental illness (psychiatric approach), or an accumulation of negative thoughts caused by different causes (psychological approach); these approaches have nexus with the concepts of disease and accident; the psychiatrist thinks that suicide is a product of mental pathologies (diseases), while the psychologist believes it is the accumulation of negative thoughts that at some point they detonate the need of liberation of the individual (accident).

Within the psychological approach, there are factors that trigger suicidal behavior and that according to the experts in the field are considered as factors that predict which person is been prone to make the suicidal act, highlighting the following¹⁵: Depression, psychiatric disorders, alcoholism, drug abuse or dependence, suicidal ideation, verbalizations or planning suicide, history of suicide attempts, social isolation, feelings of hopelessness, cognitive rigidity, family history of suicide, economic and labor problems, stress problems or vital events and chronical medical disease.¹⁶

In this respect is that in different countries after the high rates of suicide in specific companies made the approach of suicide as occupational hazard necessary because psychology and psychiatry pointed that one of the direct causes is the existence of problems originated and motivated at work, which is discussed in the next section.

II. HISTORICAL AND CONTEXTUAL FRAMEWORK AS SUICIDE OCCUPATIONAL HAZARD

In May 2013, the 66th World Health Assembly adopted the first Action

¹³ J. E. y V. Peralta García, *Suicidio y Riesgo de Suicidio*, 3 Anales del Sistema Sanitario de Navarra 25 (2005). Available at <http://www.scribd.com/doc/57468748/Suicidio>. (Last visited April 2015).

¹⁴ OMS, 1976.

¹⁵ R. W. MARIS, ET. AL, ASSESMENT AND PREDICTION OF SUICIDE (New York-London, The Guildfort Press 1992).

¹⁶ C. J. Bryan and D. Rudd, *Advances in the Assessment of Suicide Risk*, 62 JOURNAL OF CLINICAL PSYCHOLOGY: IN SESSION (2006).

Plan on Mental Health on WHO history. According to the agency, “Suicides take a heavy toll. More than 800,000 people die because of suicide each year, and this is the second leading cause of death among people 15-29 years old. There are indications that, for every adult who committed suicide, possibly more than 20 others attempted suicide.”¹⁷ These conclusions were presented in 2014 in a document entitled: “Preventing suicide, an imperative global”, in which the WHO says information concerning suicide indices and especially the measures that countries have implemented to combat such conduct.

This document was the result of expert analysis on the subject agreed that the sociological and cultural factors influence the rate of suicidal eventualities, that is why shortly is presented a brief tour of the countries whose record in this regard is noteworthy.

A. *France*

In 2007, France got in international headlines because of suicides in the company *Télécom*, same as aroused the awareness of its conceptualization; as were occurring known causes and reasons, were uncovering various events targeted health problem and not isolated facts; even the *Fédération Française de Santé au Travail*¹⁸, stated that “... in France each year between 300 and 400 suicides closely linked to labor issues and working conditions”¹⁹, a situation that led to study suicide from the perspective of workplace hazards, following is an overview of three major French companies, which gave rise to what we now know as suicide because of labour causes.

1. The *France Télécom* Case

France Télécom was one of the largest telecom operators in the world, was created in 1988, as a wholly state-owned company, which over the years has been transformed to become half of the state and half private equity. In 1990 was open a private initiative and since 1998, the competition was allowed to telecommunications in the country: By the year 2000 the

¹⁷ OMS, *Preventing Suicide A Global Imperative* (2014). Available at http://www.who.int/mental_health/suicide-prevention/world_report_2014/en/ (Last visited April 2015).

¹⁸ French Federation of Health at Work.

¹⁹ This estimation is based on a inform made by the French Federation of Health at Work and the Work Inspector. Available at <http://multinationales.org/Suicides-a-France-Telecom-une> (Last visited April 2015).

company acquired the British Telecom *Orange*, also a telecom operator, after which he recorded the latter as the official brand name of the company, but continued to use the name commercially *France Télécom* until 2013, because from this year is called *Orange*.

From 2008 to 2009, an estimated of 21 workers of that company committed suicide, being remarkable the case of a worker whose pseudonym *Michel*, through his suicide note said: "I commit suicide because of my work in France Télécom. That is the only cause. Permanent emergencies, overwork, lack of training, the total disorganization of the company. Executives practice management by terror. This has me totally disorganized and disturbed. I am in a drift, it is better to finish."²⁰

The media and the French health authorities were alerted by this letter, who saw how on unusual ways, suicide began to be an established practice in the company and that, undoubtedly, had its origins in labor relations that were developed there. However, what is more alarming is that uncovered an issue that seemed hidden or with little attention, degrading and exhausting work conditions; and what the French newspapers and even the company itself named as a suicidal trend in the workplace²¹ Inaccurate and sensationalist title, because as demonstrated by subsequent studies, these suicides were indeed caused by working conditions and other companies came forward, with similar work environments, obtaining the same results.

2. The *Renault* Case

The Renault Company is one of the most significant of France, was founded in 1898 and is one of the leading automotive companies worldwide. In 1998 the company opened the so-called *Technocentre* Renault, an industrial complex dedicated to the design and research of automotive technologies, which counted from the start with professionals of the highest level due to the nature of the investigations.

Between October 2006 and February 2007, three employees of the center committed suicide, two of which occurred in the center itself and the third one at home. It is worth highlighting that the first suicide occurred on October 20, 2006, when Antonio B., computer engineer jumped out a window of a fifth floor of the Technocentre. And in the case of the third suicide, the technical Raimon D., as in the case of France *Télécom*, left a

²⁰ *El suicidio: ¿Enfermedad laboral en Francia?* Available at <http://www.empresalud.com.ar/nota/el-suicidio-enfermedad-laboral-en-francia>. (Last visited April 2015).

²¹ *El suicidio: ¿Enfermedad laboral en Francia?* Available at <http://www.empresalud.com.ar/nota/el-suicidio-enfermedad-laboral-en-francia>. (Last visited April 2015).

posthumous letter by relating his death directly with the tensions and work environment that he had in the center, for in his message he claimed to be surpassed by the work and the constant fear that they were going to fire him, he was very weak and unable to solve minor technical problems.²²

3. The *La Poste* Case

La Poste is a French company that manages the postal system. It is headquartered in Paris. Since 1999 was officially declared as the first postal service in France.

French unions reported the suicide of 77 employees from the company during the years 2007 and 2010, according to unions the apparent cause was the gradual privatization of the company that started in 2006, with its corresponding change in labor policies, degrading working life of employees.

Among the suicides highlights the case of a regional distribution manager, same as in December 2011, following the request for early vacation, returned earlier than planned to commit suicide in his office; in his suicide note he set the reason for his suicide were the meaningless reforms he did not quite understand²³. Moreover, during the month of November 2012, a group of workers wrote a letter to the president, Francois Hollande, using the nickname “Crusher people” to refer to the company and its labor policies

Because the number of suicides increased significantly, a committee that evaluated the cases of incidence was appointed, same as concluded its work by presenting a report called *Kaspar*, where officially it was acknowledged that suicides went beyond cases named individually with psychological and/or psychiatric damages, although they did not set directly the link between work and suicide.²⁴

B. *Japan*

In Japan the suicidal act has different aspects and hence meanings, therefore, is well known the ritual “*hara-kiri*” which literally means “belly

²² Instituto Nacional de Seguridad e Higiene en el Trabajo, *Boletín Digital número 59* (Ministerio del Trabajo, España 2007). Available at http://www.insht.es/InshtWeb/Contenidos/Documentacion/TextosOnline/Erga_online/2007/Ficheros/ERG@nline59.pdf. (Last visited April 2015).

²³ <http://www.abc.es/20120313/internacional/abci-francia-teme-nueva-suicidios-201203131256.html> (Last visited April 2015).

²⁴ <http://www.elmundo.es/mundodinero/2011/01/13/economia/1294929813.html> (Last visited April 2015).

cut”, that is suicide performed by the samurai as a way to take responsibility for their actions. This practice was based on a samurai code called *Bushido*, and was considered a matter of honor.

Moreover are also well known *Kamikazes*, meaning “divine wind”, airmen in World War voluntarily threw themselves fatally against enemy ships.

This unique country not only by these sui generis suicides, but for its culture in general religion has a very important role. Shinto is the religion that focuses biggest supporters and within its features in relation to the theme contempt of death and especially inglorious death.

Regarding suicide risks regarding work, it was found that given the nature of the hitherto examined, these behaviors are considered a matter of honor, and although Japan is considered one of the countries with the highest suicide problems, the latest statistics contradict the stigma: the country with the highest rate of suicide is South Korea, followed by Hungary. The common point between Japan and South Korea is that suicide is the leading cause of death among people aged between 15 and 34 years and suicide among middle-aged and elderly is very high.²⁵

Moreover, according to data collected by the Police Headquarters and the “Report of strategies to suicide,” published by the Cabinet in 2013, the total number of suicides in 2013 was 27,283, a figure that confirms the decrement in suicide rates, because in 1998 the figure rose to the 32,863 deaths, and in 2003 reached the highest level 34,437 deaths. And thereafter the figures show a downward trend since 2013 decreased by 575 cases more.²⁶

As for the causes and reasons for suicides, those established more clearly are health problems, with a total of 13,680 deaths attributed. Then it comes the economic difficulties (4,636), domestic problems (3,930) and labor reflecting 2,323 victims. Finally we must add relationship problems, school and other miscellaneous. It seems that this proportion is maintained year after year. From these data it follows that the most numerous suicides occur among men of middle and elderly with health problems.²⁷

²⁵ OECD, *Suicide Rates Indicator* (2015). Available at <https://data.oecd.org/healthstat/suicide-rates.htm>. (Last visited April 2015).

²⁶ OMS, *El Suicidio y Los Intentos Suicidas*, Available at http://whqlibdoc.who.int/php/WHO_PHP_58_%28part1%29_spa.pdf. (Last visited April 2015).

²⁷ *Ibid.*

Relationship between Causes and Numbers of Suicides.

860	4, 636	3,930	2, 323	912	375
HealthProblem	EconomicProblems	DomesticProblems	LabourIssues	RelationshipProblems	AcademicProblems

Source: White paper on Suicide Prevention in 2013²⁸.

Although the decrease in the number of suicides is a positive development in the international context, the suicide rate in Japan is still high. And according to the report published by WHO in reference to suicide prevention, the total number of suicides worldwide in 2012 was over 800,000. There are eleven countries with more than 10,000 suicides; India has the highest records with 258,000 cases, followed by China with 120,730 and the United States with 43,300. Below them are Russia with 32,000, 29,400 Japan, South Korea 17,900 and Pakistan 13,300.

Comparing the number of suicides per 100,000 population we find that Guyana, in South America, is the country with the highest number (44), followed by North Korea (38.5) and South Korea (28.9). In India, the country with the highest number, are given 21.1, and Japan, 18.5. Considering that the population of India is ten times higher than Japan, will be apparent that the suicide rate in Japan is exceptionally high, although this number, which is related to occupational hazards, is less than other causes.

III. ANALYSIS OF THE PROBLEM OF SUICIDE RISK AS WORKING IN MEXICO

In Mexico, the National Institute of Statistics and Geography²⁹, reports that the 5718 suicide cases reported in the last “Statistics of suicides in the United States of Mexico 2011”, 2,668 were related to people with different occupations, however, this statistic does not represent an official figure of suicides originated from causes or labour reasons, whose mentioned instrument states that the data presented are generated from Death Certificates, same as recorded data on the “presumption” regarding if the cause of death was an accident, assault or suicide, “presumption” that also is based on the “initial review” of the recorded suicide by the medical examiner or coroner. This allows us to point out that given the flexible methodology of the presented reports and no causal relationship with the

²⁸ Cabinet Office of Japan, *White Paper on Suicide Prevention in 2013* (Japan 2013). Available at <http://www8.cao.go.jp/jisatsutaisaku/whitepaper/en/w-2013/summary.html>. (Last visited April 2015).

²⁹ INEGI, 2011.

occupational hazard, there are no official statistics of suicides caused or motivated by work, although these are not the only constraints.

We believe that the main reason why it has not been possible to establish a formal study on suicide suicides caused or motivated by work has to do with the law, and this is so because the rules governing the occupational hazards, starting from the Political Constitution of the United Mexican States (CPEUM) established in article 123, section A fractions 14 and 15 the responsibility of employers to occupational accidents and occupational diseases suffered by reason or exercise of profession or job to run; therefore, employers shall pay the compensation. This obligation is met with assurance regarding workers before Social Security, which has its own legislation: the Social Security Act (LSS). However, the Federal Labour Law (LFT), according to the Political Constitution of the United Mexican States (CPEUM), includes the employer's responsibility for occupational hazard in his article 475 bis which states: "The employer is responsible for health and safety and the prevention of occupational hazards, in accordance with the provisions of this Act, its regulations and the Mexican official rules". And besides, the Federal Labour Law (LFT) states in the Article 473 that are considered the occupational hazard, accidents and diseases to which workers are exposed by exercise or work-related. Pointing out in Articles 474 and 475, that an accident at work is any organic lesion or functional disturbance immediately or subsequent, or suddenly produced in exercise or work-related, death, regardless of the place and the time it is provided; and as a work disease any pathological condition resulting from the continued action of a cause whose origin or reason at work or in the environment in which the worker is obliged to provide services.

Highlighting that in relation to suicide Article 488, paragraph 4 of the Federal Labour Law (LFT) states that this behavior is exclusionary responsibility of occupational hazards, so the employer is exempt from its obligations, replicated at the Social Security Act (LSS) in Art. 46 Fraction IV and on the Institute of Security and Social Services for State Workers (LISSSTE) in Art. 56 Fraction IV.

The possibility to analyze the cause or origin of suicide is not contemplated in these fractions, because it believes that such conduct itself, in any of its three stages³⁰ is exclusive of liability of the employer, so the worker beneficiaries have no chance of claiming to the employer the benefits.

Thus, as discussed in the correspondent section, work is one of the

³⁰ OMS, 1976.

causes that motivate workers to commit suicide and Mexican law does not contain verbatim as incidents or diseases qualified or protected at the Federal Labour Law (LFT) or social security laws, even when they are materialized, nor after this situation, hence the considerable lack of official statistics.

At this point we consider appropriate to address the conceptual possibility of suicide, such as occupational hazard in Federal Labour Law (LFT) and followed for the Mexican social insurances. From the psychological and psychiatric approaches, we consider that suicide can fall within an occupational hazard, either through illness or accident, because if it is observed as a psychiatric disorder, its conceptualization corresponds to an occupational disease, as in the case of mobbing or workplace harassment, where discriminatory constant actions and workplace violence can generate stress to the worker, depression and suicide; and meanwhile if is the product of unforeseen behavior, it would correspond to the category of accidents, same when an employee is dismissed unexpectedly or receives such a serious labor news that the only viable option in this extreme situation is suicide.

Undoubtedly, such a conceptualization would not have complications if not for the existence of the specific rule that defines it as an exclusion, so we consider that in judicial practical aspects, it is possible to obtain favorable rulings to the interests of workers, because the essence of protection from the occupational hazard is the inseparable causal link that triggered the behavior. Although it should be noted that the main obstacle that we would have for testing a causal link would be little psychological culture and/or psychiatric because the population with access to psychological and psychiatric services is a minority and not part of the medical culture to regularly attend with the medical specialists of the mind.

Being already noted, it is important to note that the Federal Labour Law (LFT) includes aspects of occupational hazards, such as where the occupational hazard takes place, which in the labour theory are often referred the occurred risks as in itinere, and in this sense we have protection if they come near to happen during transport from home to work and back, and we believe that being provided protection during commuting, also the possibility of contemplating suicide at home as a risk, if the causal link is shown to be originated or motivated at the work.

Once we have enunciated a set of arguments that allow theoretically, encompass the concept of suicide risk in Mexican labor law, consider it necessary to point out that regardless of the need for legislative reform to correct the text that considers such as exclusionary conduct, as a proposal

practical solution, we note that it is possible to consider the respective labor suit, or proceeding before the Institute on Social Security, saying the cause and motive of suicide was the work itself, proving causation fully through the corresponding expert³¹; once issued the order, if not favorable to the positive rule considering it exclusionary, go to the corresponding resource: amparo trial, to combat resolution that denied the right to occupational hazard benefits, claiming the contradiction that is generated Article 488, paragraph 4 of the LFT noting as exclusionary conduct the responsibility of the employer, as teleologically the constitutional protection referred to the mythical Article 123 about the occupational hazard, is to protect accidents and diseases having their origin or cause at work and this exclusive contradicts that purpose. This proposal would impact on judicial conception and implementation of the rules on the subject, if it can establish legal criteria, would impact the content of the law without a legislative reform, which in the case would be a more complicated process.

At this point, it is important to note that on private assurance regarding the suicide of an insured, insurance companies operating under the regulation of the Insurance Contract Act in force (1935), are required to keep their obligations to the insured, even in the Suicide of insured, and even the Article 197³² of the law in question says that whatever the mental state of the suicidal is or suicide motif, the insurance obligations remain, whether this takes place two years after the conclusion of the contract. And if the suicide occurs within two years, companies are required to refund only the mathematical reserve. Which leads us to conclude that if the commercial law, where there is no protection criteria to specific social classes, suicide is not an exclusive obligations of the parties, on social law this situation should be solved.

IV. SUICIDE AS WORKING RISK IN A GLOBAL WORLD

In a globalized world like today, labor dynamics are changing, and the problems that seem be local move to anywhere in the world, when the jobs begin to be influenced by regulations and ways to develop the work, but like problems, solutions seem to become homogenized.

Unemployment is a problem that following the crisis of 2008 has jeopardized labor systems worldwide, the high rates that has reached have given rise to the transformation of labor dynamics and creating several ways to perform the work, but has also resulted in the emergence of new ways of

³¹ Psychological or Psiquiatric autopsy.

³² Since 1946.

working and new occupational hazards.

The European Risk Observatory issued in 2009³³ a report on emerging risks, noting that these may be caused by technical innovation or the social or organizational change, for example: a) New technologies and production processes; b) New working conditions with increased workloads and work intensification as a result of downsizing, poor conditions associated with migration for work, jobs in the informal economy. c) New forms of employment, self-employment, subcontracting or temporary contracts.

Of said emerging risks, they are to emphasize the psychosocial risks at work, such as harassment, the *burnout*, and suicide, considering as such the new working conditions involving higher loads and intensification of work, as analyzed in the case of France, a combination of these with organizational changes, caused fatal consequences for workers.

So using the legal logic, we see that suicide is an abnormal human event, it is too well known to be inherent in human nature that people avoid injury (self-preservation and/or survival), seeking the preservation of his person, because usually we run from what can harm us; hence as a legal rule is appropriate logical estimate that humans generally not intended to deprive of their existence and in any case if there is a desire to do necessarily is either a psychological or a psychiatric problem. We may note that the main motivators of this behavior have different causes, such as would be the depression and stress that with the appearance of emerging risks brings with it an increase in suicides, as observed in the case of France and especially we can see in the dynamics of a globalized world, these problems are not unique to a geographical area but obey the ways in which the current job is being structured and developed, it increasingly requires high levels of production with a corresponding increase workload, which inevitably leads to increased stress and depression.

We note, in the last mentioned, is an abnormal human behavior that occur in any region of the world. It is characterized because the worker is invaded by discouragement, tiredness, apathy, causing it to become a worker in low productivity, leading to lower profits and in the worst cases, their unemployment, a situation that could be a trigger for suicidal behavior.

For what it does, stress this has many negative consequences, including circulatory and gastrointestinal diseases, physical, psychosomatic and psychosocial disorders; that affect worker's productivity and that long periods can lead to negative buildup requiring release, and in which the suicide, as was said can be seen as the solution to the accumulation of

³³ http://osha.europa.eu/en/publications/outlook/en_te8108475enc.pdf (Last visited April 2015).

negative thoughts and diseases that are generated directly by an inability to release stress or prevented.

We believe that if the countries of the European Union have taken the step to the conceptualization of suicide as occupational hazard, their proposal should materialize in those countries whose work policies aimed at inclusion in the globalized world, then no doubt that the risks emerging in all countries will have negative effects in the same direction as the aforementioned.

CONCLUSION

As can be observed, it is necessary a new conceptualization of what are the occupational hazards and suicide in Mexico. Undoubtedly the dynamics of a globalized world has begun to transform the concepts that have different global legislation on these issues and we need their suitability to detect suicide rate that works as risks materialize in the country.

We believe that the current positive conceptualization of suicide excluding occupational hazard is an issue that should not be further postponed, so regardless of the possibility of a legislative reform proposal to allow its inclusion as occupational hazard supported by theoretical analysis that this conceptual work has been done; disclosure of the theoretical bases necessary to promote causes where achieve obtain favorable rulings that allow start changing the paradigmatic conception suicide as excluding liability is necessary. In either case the key is the need to address the risk of working as a disease when being a produced by psychiatric disorders or accident when the accumulation of psychological thoughts always leads to such behavior being most essential verification of causation: work-suicide.