

Labor, Social Security and Immigration Practice Group Newsletter



Essential Activities and Extraordinary Measures-Covid-19

On March 30, 2020, the General Health Council published in the Official Gazette of the Federation ("DOF") the Agreement declaring the disease epidemic caused by the SARS virus as a health emergency due force majeure (COVID-19). The above is in connection with the increases in confirmed cases to 1,094, in addition to the 28 deaths due the disease.

Such agreement establishes that the COVID-19 epidemic is declared a force majeure health emergency and that the Ministry of Health will determine all actions necessary to address the emergency. The agreement entered into force on March 31, 2020, and will be valid until April 30, 2020.

On March 31, 2020, the Ministry of Health published in the DOF the Agreement establishing extraordinary actions to attend the health emergency generated by the COVID-19 virus (the "Agreement"), which entered into force on the day of its publication.

The Agreement establishes as an extraordinary measure in response to the health emergency, that the public, social and private sectors must immediately suspend all non-essential activities from March 30 to April 30, 2020, in order to mitigate the transmission of COVID-19 in the population resident in Mexico.

The Agreement lists as essential activities the following:

1. Those that are directly necessary to attend the health emergency, such as medical, paramedical, administrative and support activities throughout the National Health System.

Also, those who participate in their supply and services, among which the pharmaceutical sector stands out, both in its production and its distribution (i.e., pharmacies); the manufacture of supplies, medical equipment and technologies for health care; those involved in the proper disposal of biological-infectious hazardous waste, as well as cleaning and sanitizing medical units at different levels of care.

2. Those involved in public safety and citizen protection; in the defense of national integrity and sovereignty; in the justice system; and legislative activity at the federal and state levels.
3. Those of the fundamental sectors of the economy: finance, tax collection, distribution and sale of energy, gas and gas stations, generation and distribution of potable water, food and non-alcoholic beverages industry, food markets, supermarkets, shops, grocery and prepared food sales; passenger

and cargo transportation services; agricultural, fishing and livestock production, agribusiness; the chemical industry, cleaning products; hardware stores, courier services, guards in private security tasks, day-care centers and nurseries, homes for the elderly, shelters and care centers for women victims of violence, their daughters and sons, telecommunications and information media, private emergency services, burial and burial services, storage services and cold chain of essential supplies, logistics (airports, ports and railways), as well as activities whose suspension may have irreversible effects for their continuation.

4. Those directly related to the operation of government social programs.
5. Those necessary for the conservation, maintenance and repair of the critical infrastructure that ensures the production and distribution of essential services, including: potable water, electricity, gas, oil, gasoline, jet fuel, basic sanitation, public transportation, hospital and medical infrastructure, among others that could be listed in this category.

On the other hand, the Agreement establishes that in the places where the activities described as essential are carried out, the following obligations must be fulfilled:

1. Cannot involve more than 50 people together.
2. People should wash their hands frequently.
3. People should sneeze or cough covering the nose and mouth with a disposable tissue or with the forearm.
4. Do not kiss, shake hands or hug ('remote greeting').
5. Comply with the healthy distance measures in force, issued by the Ministry of Health.

Likewise, the entire population in Mexico, who does not participate in essential activities, is urged to comply with a home shelter from March 30 to April 30, 2020. Home shelter is understood as the voluntary limitation of mobility, staying at home or place other than public spaces, as long as possible.

Home shelter will be strictly applied to all persons over 60 years old, pregnant women or puerperium period, or with diagnosis of hypertension, diabetes mellitus, chronic heart or lung disease, immunosuppression (acquired or provoked), kidney or liver failure, regardless of whether your work activity is considered essential.

At Sanchez Devanny, our Labor, Social Security and Immigration practice area has extensive experience in these matters. Please do not hesitate to contact us with any comment or question.

This newsletter was prepared by Alfredo Kupfer Dominguez (akupfer@sanchezdevanny.com), and David Puente Tostado (dpt@sanchezdevanny.com) jointly with Fermin Lecumberri Cano (flecumberri@sanchezdevanny.com) and Sebastian Rosales Ortega (srosales@sanchezdevanny.com).

Sánchez Devanny is a leading Mexican law firm that provides **full-service legal advice** both to Mexican and international clients.

We build enduring client relationships because we make every effort to understand our clients' businesses and expectations, to serve as an ally, and to provide **complete, accessible and personalized advice**.

Labor, Social Security and Immigration Practice Group

This practice advises clients on compliance with labor and social security laws, and in the design and implementation of labor structures to avoid risk. We assist in processing immigration documentation for top-level executives and their families, with employment agreements, terminations, and fringe benefit planning, and represent clients in employment litigation.

Contact

Alfredo Kupfer Domínguez
akupfer@sanchezdevanny.com

David Puente Tostado
dpt@sanchezdevanny.com

Mexico City:

Av. Paseo de las Palmas #525 Piso 6
Col. Lomas de Chapultepec, 11000
Ciudad de México
T. +52 (55) 5029 8500

Monterrey:

José Clemente Orozco #335 Piso 4
Despacho 401 Col. Valle Oriente, 66269
San Pedro Garza García N.L.
T. +52 (81) 8153 3900

Querétaro:

Blvd. Bernardo Quintana #7001
Torre 1 Oficina 1109 Col. Centro Sur, 76090
Querétaro, Qro.
T. +52 (442) 296 6400



Sánchez Devanny Eseverri S.C.



@SanchezDevanny



/sanchezdevannymx

www.sanchezdevanny.com

Sánchez Devanny refers to Sánchez-Devanny Eseverri, S.C., a leading Mexican law firm that provides full-service legal advice both to Mexican and international clients.

This publication contains general information only and is just for informative purposes. Sánchez Devanny is not rendering legal advice or services by means of this publication. To obtain legal advice or services and before making any decision or taking any action that may affect your business you should consult a qualified professional advisor.

Sánchez Devanny provides legal services in the areas of Corporate and M&A; Corporate and Project Finance; International Trade and Customs; Real Estate, Infrastructure and Hospitality; Tax; Labor, Social Security and Immigration; Corporate Governance and Regulatory Compliance; Energy, Natural Resources and Environmental; Life Sciences; Intellectual Property, Entertainment and Sports Law; Litigation and Alternative Dispute Resolution; Antitrust; Financial Institutions and Services; Private Wealth Management and Estate Planning and Data Privacy and Information Technology to both public and private clients, especially in the automotive, retail, pharmaceutical, manufacturing, real estate and energy industries.