

May 19, 2020

Labor, Social Security and Immigration Practice Group Newsletter



Technical Guidelines for Health Security in the Workplace

Today the Technical Guidelines for Health Safety in the Work Environment ("Guidelines") were published, in connection with the Agreements published by the Ministry of Health on May 14 and 15, 2020, which establish strategies to restart social, educational and economic activities, and a 'traffic light' color coding system by region to assess weekly the epidemiological risks of restarting activities in each federal entity.

The Guidelines are incorporated as an Annex to the Agreements, which contain principles and strategies on measures to promote and protect health, and care for vulnerable populations, which must be considered for the preparation of the Health Safety Protocol.

Said Guidelines are mandatory for the actions and plans to restart activities considered essential for the construction, mining and transportation manufacturing industries. Likewise, they will become the benchmark for the rest of the essential activities in the areas applicable to them.

As of May 18, 2020, companies engaged in the recently approved new essential activities will be able to send their draft of the health protocol to the Mexican Social Security Institute ("IMSS"), which will have 72 hours to authorize the return to their activities after the suspension forced by the health emergency due to

force majeure. Likewise, companies must answer the form "Self-evaluation of the Health Safety Protocol", on the website www.gob.mx/nuevanormalidad.

The companies will receive the notifications from the IMSS via email with the approval, request for additional information or denial of the Health Security Protocol ("Protocol") required to restart the essential activities. In the event that the IMSS does not approve the protocol, companies must restart the process.

The Guidelines establish the list of requirements for companies to prepare their Protocols, according to whether they are considered to be micro, small, medium or large. The Guidelines establish the following types of measures: i) engineering or structural; ii) administrative or organizational; iii) personal protective equipment; iv) health promotion training; and v) planning and management.

The list of measures consists in four columns. The first is the measure necessary to return to activities, and in the next three columns the committee or the person responsible may indicate whether it is an action that is already being carried out, or not complied with and to be implemented, or that the measure does not apply to that workplace.

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.

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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.

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