

## Labor, Social Security and Immigration Practice Group Newsletter



### Return to Activities: The New Normal

This past May 29, 2020, the Official Gazette published, in its evening edition, the Official Order that establishes the Specific Technical Guidelines for the Return to Economic Activities.

Below, please find a summary of the main points that companies must consider:

- a. The Official Order establishes that the Technical Guidelines are of general application for all worksites in four dimensions or characteristics:
  1. Essential and non-essential activities.
  2. Workplace size (micro, small, medium, large).
  3. Epidemiological risk level (Health alert system with maximum levels (red), high (orange), intermediate (yellow) and the everyday (green).
  4. Internal characteristics of the workplace in terms of physical structure and vulnerable personnel or personnel who are responsible for vulnerable people.
- b. From June 1, 2020, the third stage of socioeconomic reopening will begin through a weekly epidemiological risk traffic light system by region (state or municipal), which will determine the level of health alert and will therefore define

what type of activities are authorized to take place in the economic, labor, education and social spheres. Traffic light alert levels will be dictated by the federal authority.

- c. Since June 1, 2020, workplaces have had to implement the strategies to control and contain the spread of COVID-19, regardless of the results of the categorization process established in the guidelines.

The measures strategy establishes that the following points must be fulfilled:

1. Health promotion, which implies the orientation, training and organization of working people to prevent and control the spread of the coronavirus causing COVID-19.
2. Social distancing.
3. Entry-exit control.
4. Measures to prevent contagion in the workplace.
5. Use of personal protective equipment ("PPE").

It is not necessary to have prior authorization from the Mexican Social Security Institute ("IMSS") of

the fulfillment of the aforementioned. Nevertheless, the companies engaged in essential businesses that have not registered are mandated to do so on the self-assessment page at [www.nuevanormalidad.gob.mx](http://www.nuevanormalidad.gob.mx). Workplaces in the construction, mining, and transportation manufacturing sectors that have carried out their self-assessment during the period from May 18 to 31, 2020, and have the approval of the IMSS, will not have to carry out their self-assessment again.

As of the entry into force of the New Normal stage on June 1, 2020, it is not necessary to obtain any prior permission to restart or continue operations, so the self-assessment exercise will be a mandatory support tool for companies and work centers. In no case will it constitute prior permission for operating.

- d. Regarding Vulnerable Groups which are those that due to certain health conditions or characteristics are more likely to develop a complication or suffer a fatality from COVID-19, the Official Order continues to mention pregnant or lactating women, people with obesity, adults over 60 years, people living with uncontrolled diabetes and hypertension, HIV, cancer, with a disability, transplant, liver or lung disease, as well as

neurological or neurodevelopmental disorders (epilepsy, vascular accidents, muscular dystrophy, spinal cord injury).

At the maximum epidemiological risk level, it is indicated that vulnerable personnel must work from home. When the epidemiological risk level is high, medium and low, the incorporation of vulnerable personnel is allowed, they can return under constant supervision, as long as it is not possible to work from home.

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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