

Newsletter, April 1, 2020.

In view of the recent events and the uncertainty that is being experienced due to the COVID-19 pandemic, we inform you of the legal analysis that this firm is carrying out in relation to the various Agreements and Decrees issued by the Federal Government through the Ministry of Health, until yesterday, March 31st, regarding the health problem created by COVID-19.

None of them refers to the declaration of a Health Contingency, which must be issued by the General Council of Health as mandated by article 42 Bis of the Federal Labor Law, and which must be sanctioned by the President of the Republic.

On March 30, the General Health Council issued an agreement declaring a **Health Emergency due to Force Majeure** resulting from the COVID-19 pandemic. Therefore, and as long as there is no modification of said term, **full salaries must be paid until April 30**, even if small, medium or large companies remain sealed because they do not belong to the Essential Activities category.

Yesterday, March 31st of this year, the Ministry of Health published in the Federal Official Gazette the **Agreement establishing extraordinary actions to attend to the Health Emergency generated by the SARS-CoV2 virus (COVID-19)**, agreement that comes into effect on the same date, highlighting the following points:

An extraordinary action was established, to attend the health emergency generated by the SARS-CoV2 virus, that the public, social and private sectors must implement the following measures:

- I. The immediate suspension of non-essential activities from 30 March to 30 April 2020 is ordered, with the aim of mitigating the spread and transmission of the SARS-CoV2 virus in the community, in order to reduce the burden of disease, its complications and death from COVID-19 in the population residing in the national territory;
- II. Only the following activities, **considered as essential activities**, may continue in operation:



- i. Those that are directly necessary to attend to the health emergency, such as the work activities of the medical, paramedical, administrative and support branches throughout the National Health System. Also those involved in supply, services and provisioning, among which the pharmaceutical sector stands out, both in its production and distribution (pharmacies); the manufacture of inputs, medical equipment and technologies for health care; those involved in the proper disposal of biohazardous and infectious waste (BHW), as well as the cleaning and sanitation of medical units at different levels of care;
 - a) Those involved in public safety and citizen protection; the defense of national integrity and sovereignty; the pursuit and administration of justice; and legislative activity at the federal and state levels;
 - b) Those of the fundamental sectors of the economy: financial, tax collection, distribution and sale of energy, gas stations and gas, generation and distribution of drinking water, food and non-alcoholic beverage industry, food markets, supermarkets, self-service stores, grocery stores and sale of prepared foods; passenger and cargo transportation services; agricultural, fishing and livestock production, agro-industry, chemical industry, cleaning products; hardware stores, courier services, guards in private security work; day care centers and children's homes, nursing homes and homes for the elderly, shelters and care centers for women victims of violence and their children; telecommunications and the media; private emergency services, funeral and burial services, storage and cold chain services for essential inputs; logistics (airports, ports and railways), as well as activities whose suspension may have irreversible effects on their continuation;
 - c) Those directly related to the operation of government social programs; and



- d) Those necessary for the conservation, maintenance and repair of critical infrastructure that ensures the production and distribution of indispensable services, namely: drinking water, electric power, gas, oil, gasoline, turbosine, basic sanitation, public transport, hospital and medical infrastructure, among others that could be listed in this category;

III. In all places and areas where **activities** defined as essential are carried out, the following practices must be observed on a mandatory basis

- a) No meetings or congregations of more than 50 persons may be held;
- b) Persons shall wash their hands frequently;
- c) Persons must sneeze or cough by applying respiratory etiquette (covering nose and mouth with a tissue or forearm);
- d) No kissing, shaking hands or hugging (distant greeting); and
- e) All other current healthy distance measures issued by the Federal Ministry of Health;

IV. All residents in Mexican territory, including those arriving from abroad who do not participate in essential work activities, are urged to comply with co-responsible home protection from 30 March to 30 April 2020. It is understood that home protection is co-responsible for the voluntary limitation of mobility, remaining in the private home or place other than the public space, as long as possible;

V. The co-responsible home protection applies strictly to all persons over 60 years of age, pregnant or immediately postpartum, or diagnosed with high blood pressure, diabetes mellitus, chronic heart or lung disease, immunosuppression (acquired or caused), kidney or liver failure, regardless of whether their work

activity is considered essential. Essential public interest personnel may, on a voluntary basis, apply to work;

- VI. It is established as an extraordinary action, to attend the health emergency generated by the SARS-CoV2 virus, that the public, social and private sectors must implement the following measures:
- VII. HE immediate suspension of non-essential activities from 30 March to 30 April 2020 is hereby ordered, with a view to mitigating the spread and transmission of the SARS-CoV2 virus in the community, in order to reduce the burden of disease, its complications and death from COVID-19 in the population residing in the national territory;
- VIII. All measures set forth in this Agreement shall be implemented with strict respect for the human rights of all persons

It is of the most importance to mention that if one or more workers are diagnosed with COVID-19 and upon being insured they must process the corresponding disability, which must be covered by the IMSS (Social Security), relieving in this case the employer of the payment of wages.

Likewise, we inform that yesterday a national agreement was made by all the Local and Federal Ministries of Labor, which we believe should be published in the Official Gazette of the Federation today or tomorrow **in order to be able to present agreements for the Health Emergency related to the form and amount of the payment of salaries**, for which it is important to contact this firm for the form in which said agreements should be carried out either with the union or with the workers.