

Measures to be implemented against “COVID 19”

On March 24, 2020 in the evening edition of the Federal Official Gazette, the Ministry of Health (*Secretaría de Salud*) issued the “Decree providing for preventive measures that must be implemented for the mitigation and control of the health risks involving the disease caused by virus SARS-CoV2 (COVID-19)”.

General Measures to be Implemented

It is established that civil, military authorities and individuals, as well as the agencies and entities of the three government branches, will be obliged to implement the preventive measures against COVID-19 by means of the “*Safe Distance National Protocol*”.

Also, the following preventive measures are determined, that the public, private and social sectors must put into practice:

- a. Avoid the assistance to workplaces, public spaces and other crowded places, by older adults of 65 years or more and groups of people with risk of developing severe disease and/or dying because of it.

The groups of people with risk include pregnant women or in breastfeeding period, minors under 5 years of age, people with disabilities, people with chronic non transmissible diseases (people with arterial, lung hypertension, kidney failure, lupus, cancer, diabetes mellitus, obesity, liver or metabolic failure, heart disease), or with any condition or pharmaceutical treatment that causes suppression of the immunological system.

- b. Temporarily suspend school activities at all levels, until April 17, 2020, according to what is established by the Ministry of Public Education (*Secretaría de Educación Pública*).
- c. Temporarily suspend the activities of the public, social and private sectors that involve the physical gathering, transit or displacement of people from the implementation of this Decree and until April 19, 2020.
- d. Temporarily suspend and until further notice of the health authority, massive events and reunions and gatherings of more than 100 people.

© 2020 Andersen Tax & Legal, México. All rights reserved.

This newsletter has been prepared with the intention to provide general comments about the application of legal and tax norms. This document should not be considered at any time a professional advice and/or definite opinion about the specific case. Andersen Tax & Legal is not responsible for the incorrect interpretation or misuse that could be given to the information expressed in this document. Also, we do not take any responsibility for changes in the legislation and/or normativity after the issuance of this document and that could result in a different opinion of the already expressed.

- e. Comply with the basic hygienic measurement (frequent hand washing, sneeze or cough covering the mouth and nose with a disposable tissue or with the forearm); greeting applying the safe distance recommendations and effective recovery for people that present COVID-19 symptoms (avoid contact with other people, displacement in public spaces and keep a safe distance during the following 15 days from the beginning of the symptoms), and
- f. The others that are timely determined needed by the Ministry of Health, which will be made of public knowledge, by means of the head of the Prevention and Promotion of Health Office (*Subsecretaría de Prevención y Promoción de la Salud*).

Additional to the general measures, the Ministry of Health issues the following for the public and private sectors, as well as its working corresponding effects.

- I. The agencies and entities of the Public Federal Administration (*Administración Pública Federal*) and the organizations of the social and private sectors, must implement plans that guarantee the continuum of operations for the fulfillment of its essential functions related to the mitigation and control of the health risks that the disease for the COVID-19 imply.
- II. In the private sector, the companies, businesses and all those who are deemed necessary to cope with the contingency, will continue their activities, including without limitation: hospitals, clinics, pharmacies, laboratories, medical, financial services, telecommunications and information media, hotel services and restaurants, gas stations, markets, supermarkets, convenience stores, transportation and gas distribution services, as long as they do not correspond to close spaces with gatherings. Although it is not specified, we consider that as it is mentioned in the preventive measures of the Decree, it can be understood that they refer to groups greater than 100 people.
- III. Regarding labor relationships, these will remain according to the individual, collective, law agreements or General Working Conditions that correspond, during the term referred by this Decree. It is important to notice that since the situation has not been yet typified as a sanitary contingency, provisions contained in articles 42 bis, 427 and 429 of the LFT (*Federal Labor Law/Ley Federal del Trabajo*) will not apply.
- IV. In addition, the Ministry of Health considers that paid leaves should be granted to older adults of 65 years or older and groups of people with risk of developing severe disease and/or dying as a consequence thereof.
- V. Likewise, it is determined that the Ministry of Health will be the sole responsible authority on issuing and managing the official information that comes from the referred Decree and should keep coordination with the agencies and entities of the Public Federal Administration for the implementation of the described measures.

© 2020 Andersen Tax & Legal, México. All rights reserved.

This newsletter has been prepared with the intention to provide general comments about the application of legal and tax norms. This document should not be considered at any time a professional advice and/or definite opinion about the specific case. Andersen Tax & Legal is not responsible for the incorrect interpretation or misuse that could be given to the information expressed in this document. Also, we do not take any responsibility for changes in the legislation and/or normativity after the issuance of this document and that could result in a different opinion of the already expressed.

- VI. Finally, it is established that the interpretation of the administrative effects of the Decree corresponds to the Ministry of Health, as well as the resolution of those cases which are not provided in it.

Shortly

As we informed previously, up to this date, this has not been yet declared a Sanitary Contingency by the corresponding authorities, which is why we can understand that the stated measures in the Decree are suggestive and not mandatory. Obviously, such situation also carries the impossibility to apply the dispositions contemplated in labor matters by our legislation for emergencies such as the one we are facing.

In case of having doubts about specific cases that may affect your companies, do not hesitate to contact our specialists.

Contact us for further information:

Alonso Montes

alonso.montes@andersentaxlegal.

Alfredo Pérez

alfredo.perez@andersentaxlegal.mx