

Essential Activities Inspections COVID-19

On April 1, 2020, the Ministry of Labor (*Secretaría del Trabajo y Previsión Social* or *STPS*) issued the applicable criteria for the development of extraordinary inspections as a result of the state of sanitary contingency due to force majeure to the epidemic generated by the virus SARS-CoV2 (COVID-19), declared on March 31, 2020.

Under the forgoing, it is particularly important for the employers to properly address the possible extraordinary inspection visits, furthermore, considering that the authorities have announced their intention to extend the term for suspension of activities during the month of May.

Criteria

The goal of the STPS is to monitor workplaces by means of the Federal Work Inspectors (*Inspectores Federales del Trabajo*), to make sure of the proper compliance of the provisions issued on March 31 in the decree that establishes the extraordinary actions to implement with the purpose of attending the sanitary emergency for COVID-19.

In this regard, the inspections will be of extraordinary nature in terms of Security and Hygiene and will be performed to those companies known, by any mean, to have probable breaches to the work norms, as well as when there is a complaint or report that the personnel is working in conditions that put their health at risk because of COVID-19, regardless if the workplaces perform essential activities or non-essential activities.

Inspection

As we previously mentioned, the inspections will be performed to any kind of company that is active, nevertheless, due to the delivery of different documents and information, which includes the description of the productive process, the inspectors will determine if they stand before a company that performs essential activities or not. It is important to mention, that in these inspections, workers must not be interviewed.

Once the inspectors determine if they stand before a workplace authorized to keep active, they will proceed to verify that the sanitary measures provided by the decree are observed, including

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not having gatherings or reunions of more than 50 people and that the safe distance among workers is kept. Likewise, in the event that vulnerable workers are spotted, the inspectors will order as an **immediate measure** his/her departure of the workplace.

When the active work source is not authorized to work for not consisting in an essential activity, the inspectors will proceed to request the employers to suspend the activities **immediately**, ordering the departure of all the personnel at the workplace.

In this regard, in the event that the employer refuses to suspend activities, the inspector will inform the Responsible of the corresponding Federal Working Representation Office (*Oficina de Representación Federal del Trabajo*), so that a complaint is filed before the Agent of the Public Prosecutor (*Ministerio Público*) for the reason that the employer did not comply with de Decree.

Shortly

As can be noted, the STPS will be very vigilant of the companies, regardless of their size, correctly complying with the guidelines issued by the Ministry of Health (*Secretaría de Salud*) to avoid possible infections and unnecessary risks.

Consequently, it is particularly important to analyze the activities you perform and, especially, to have enough and necessary elements to support the previous analysis. Likewise, we recommend having at hand a file of the company to be able to relieve the visits promptly. In case of any doubt regarding the recommendations provided herein, we remain at your service in order to furtherly discuss them with you.

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