

May 14, 2020

EY LAW Flash

Decree of the General Health Council – Staged Reactivation of Activities



On May 13, 2020, the “Decree through which the construction, mining and manufacture of transport equipment shall be considered as essential activities while the health emergency prevails” (hereinafter, the “Decree”) was published in the Official Journal of the Federation.

The Decree provides the extension of the catalog of essential activities, by including the aforementioned industries. Additionally, it provides that, as of May 18, the work places that qualify as essential activities shall establish special protection protocols for all their workers.

The Decree also provides that municipalities without confirmed cases of COVID-19 and that, in addition, are not in proximity of other municipalities with confirmed cases of COVID-19 or whose mobility analysis is of low risk for COVID-19 infections, will resume without restrictions school activities, mobilization in public spaces, either close or open, as well as all work activities, essential and non-essential.

Lastly, it was provided that as of June 1, 2020, the Ministry of Health will define a weekly traffic light for each state; each traffic light color will be associated to a permitted intensity level of economic, educational and social activities.

Due to the above, companies that resume economic activities, according to the parameters that will be provided by the traffic light of the Ministry of Health, will be required to implement the protection protocol for their workers, which shall include, among others, the provisions on distancing and hygiene measures, cleanliness of workplaces and tools, among others.

The issuance of this new Decree confirms the need of the companies to implement a health work protocol to confirm and evidence that: (i) they qualify as essential, and (ii) they have health work protocols, in order to carry out the process of staged reactivation of activities.

The foregoing is essential to solve possible labor inspections, objections of employees and unions to the progressive reactivation plan and to guarantee the health of the personnel.

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