

On May 18, 2020, the “Technical Guidelines for Health Safety in the Workplace” (the “Guidelines”) that companies engaged in activities related to construction, mining and manufacturing of transportation equipment must observe as part of their reopening strategy were announced, in accordance with the Decrees published by the Ministry of Health in the Federal Official Gazette (“DOF”) on May 14 and 15.

The Guidelines contain general principles and strategies on health promotion measures, health and safety at the workplace, contagion prevention and attention of vulnerable groups, same that shall be taken into account for the elaboration of the Health Safety Protocol (“Protocol”) in each company or work center.

Likewise, the Guidelines will serve as a reference for the rest of the essential businesses classified as such under the Decree dated March 31st.

The Guidelines will become effective on the day they are published, although we ignore if such publication will be made in the DOF or not; they will remain in force until the health emergency is officially ended.

Currently, the Guidelines are available on the web site of the Ministry of Economy and the Mexican Institute of Social Security (“IMSS”)¹.

The Guidelines include in their last section the “workplace checklists of health safety measures” for micro, small, medium and large companies. These lists constitute a tool for the work centers to assess their progress level and actions to be implemented in order to restart activities, as applicable.

Among the diverse health safety measures contained in the Guidelines we may find the following:

<p><i>Planning and management measures</i></p> <ul style="list-style-type: none"> Appoint a Committee or person responsible in the company to define, implement, follow up and supervise the sanitary measures for the reopening and “new normal” 	<p><i>Training and health promotion measures</i></p> <ul style="list-style-type: none"> Use of personal protective equipment Handwashing Use of antibacterial gel Respiratory hygiene etiquette Distribution of infographic material
<p><i>Engineering or structural measures</i></p> <ul style="list-style-type: none"> Adaptation of work spaces and social distance Implementation of physical barriers 	<p><i>Administrative or Organizational measures</i></p> <ul style="list-style-type: none"> Control of visitors, suppliers and contractors Privilege home office for vulnerable groups and non-essential workers Limitation of face-to-face meetings

¹ <http://www.imss.gob.mx/covid-19>

<ul style="list-style-type: none">• Establishment of entry and exit control / filters for personnel• Creation of exclusive areas to be used by vulnerable personnel• Natural ventilation and/or air extraction systems	<ul style="list-style-type: none">• Suspend events of more than 50 people• Travel restriction policy• Shift modification• Flexible and differentiated shifts for vulnerable groups• Non-discrimination against infected personnel• Personnel transportation
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Once essential companies have reviewed the Guidelines, they will establish their own Protocol and, as of May 18, they will be able to access a self-evaluation system through the platform www.gob.mx/nuevanormalidad, where they must register and formalize a commitment letter. In the case of companies with different facilities or work centers, each of them will have to register individually.

In accordance with the provided information by each company during the health safety self-evaluation process, the IMSS will issue, within a period not exceeding 72 hours, the corresponding electronic receipt of acknowledgement and the evaluation result, which may consist in the approval or denial of the Protocol, or in the request of supplementary information.

If companies obtain an approval, they will be able to start their operations immediately. In the event of a denial, companies cannot restart their operations. However, they can start the filing process again and provide their revised Protocol to the IMSS. The IMSS will respond within a maximum period of 72 hours.

It is important to mention that companies that have received approval from the IMSS are subject to a verification by the Ministry of Labor and Welfare ("STPS") and the Federal Commission for Protection against Health Risks ("COFEPRIS"). If they fail to comply with the security measures established in the Protocol, companies may be shut down.

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