

**The Reactivation of Activities & the Reopening of Non-Essential Industries following the Sanitary Emergency.**

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The reactivation of the economic activity following the sanitary emergency declared by the Mexican Federal Government will happen in accordance to the regulations issued by the competent authorities as well as the issued agreement of the Federal Secretary of Health (*Secretaría de Salud Federal*) known as “*Lineamientos Técnicos de Seguridad Sanitaria en el Entorno Laboral*”, in that order of ideas, we consider that it is of outmost importance to take into consideration the following aspects for the reopening of industries classified as **non-essential**:

- a) Starting on June 1<sup>st</sup>, 2020 a new phase for reactivation of industries has begun, and a new epidemiological dashboard system has been implemented at a Federal and State level, which declares a sanitary warning level for the general public and also establishes the type of activities which are authorized to carry out their operations, whether they be part of the economical, labor, social or the academic sectors; this system will also determine applicable restrictions for the workplace. This epidemiological dashboard is comprised by four warning levels (red, orange, yellow, and green) which are driven by the characteristics of the behavior as well as the consequences of the circulation of the virus known as SARS-CoV-2 in each State and which is announced weekly in the conferences held by the Federal Secretary of Health to inform general information about the pandemic, information about the spread of the virus and now will also inform about the warning level for the SARS-CoV-2. These guidelines aim to create a new labor culture for sanitization with the purpose of protecting workers, but specially emphasizing on vulnerable workers with higher risk when dealing with COVID-19.
- b) Businesses will be able to resume labors in a reduced manner when the issued warning levels through the epidemiological dashboard of the corresponding State where said workplace is located, shows a warning level in orange or yellow color. If the warning level is in green color, then the workplace will be able to be totally reopened as it would be in normal conditions.
- c) In compliance with the executive order published in the Federation’s Official Gazette (*Diario Oficial de la Federación*) on May 14, 2020, the industries will have to develop a sanitary protocol for the safe reactivation of their activities (this protocol is described in the aforementioned document issued by the Federal Secretary of Health known as “*Lineamientos Técnicos de Seguridad Sanitaria en el Entorno Laboral*”) and which will aim to train workers and maintain safety measures in the workplace, the necessary adjustments in the workspaces and the production processes, and also to contemplate the installation of air filters and overall sanitization and hygiene practices in the workplace, among other activities determined by the Federal Secretary of Health in the referred document.
- d) It is also of outmost importance to consider that in the event that the guidelines are not properly followed, the authorities will be allowed to shut down operations when they consider that workplaces are exposing workers’ health.

The guidelines also describe the steps to be followed for the re-entry of workers known to be in vulnerable conditions, meaning people which are pregnant, with obesity, people with 60 years or more, people with diabetes and uncontrolled hypertension, with HIV, cancer, among other conditions; those measures contemplate the following:

- a) at any given moment, this type of employees will be able to negotiate, whether individually or collectively through their labor union, a modification of their working conditions in a way that reflects their absence; the latter even though the epidemiological dashboard is in color red in the community in which their workplace is located;
- b) the workplaces located in communities with the epidemiological dashboard in color orange and yellow will have to implement differentiated guidelines aimed to diminish the risk for workers in vulnerable conditions and reduce the possible negative impacts of the workplace and employees; and
- c) in the event that the epidemiological dashboard is in color green, this workers in vulnerable conditions may be able to work normally and although it will be important to give them attention, it won't be necessary to implement special measures.

Every time the Company intends to operate while the conditions for the epidemiological dashboard is in orange, yellow or green color, we recommend the following:

- a) prioritize home office with the purpose of avoiding attendance in order to reduce the risk of contagion of employees in vulnerable conditions;
- b) in case home office is not a possibility, it will be necessary to appoint a committee or individual responsible of guaranteeing the following safety measures:
  1. identify all workers in vulnerable conditions in each department or area;
  2. guarantee that such workers in vulnerable conditions, counts at all times with a disposable personal protection kit and also include a sanitizer made of 70% alcohol; and
  3. establish measures to keep a low human density in workspaces, assuring that workstations are separated by a minimal effective distance of at least 1.5 meters.

Even though there are many different points of view on the protocols for reactivation, even between the different governmental levels, it is important to be aware of the guidelines whether issued by a Federal or State office. We are convinced that to the extent that companies begin applying the rules, there will be better opportunities to move forward in the most orderly fashion possible.

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June 12, 2020.



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