

# COVID-19 Mexico

## FAQ

By [Carolina Rodriguez](#)

After various statements, accords and decrees made by the Mexican government, here are our answers to some of the most commonly asked questions Fredrikson & Byron attorneys have received from clients and friends as of April 27, 2020.

### **ESSENTIAL LINES OF BUSINESS MAY CONTINUE WORKING AND OPERATING. WHICH ACTIVITIES ARE CONSIDERED ESSENTIAL?**

- Health Care: all health systems, including services, manufacture and distribution of supplies
- Government: public safety, national defense, procurement and impartation of justice, legislative activities
- Social Programs
- Essential Goods: food and non-alcoholic beverages, cleaning products, agricultural, fishing and livestock production, agribusiness, chemical industry, supermarkets, markets
- Infrastructure: drinking water, electricity, gas, petroleum, fuel, public transportation, basic sanitation
- Transportation: passenger and cargo, courier services, logistics (airports, ports and railways)
- Other: financing; tax collection; funeral and burial services; nurseries and childcares; nursing homes and assisting living for older adults; shelters and care centers for women victims of violence and their children; telecommunications and media services; activities which suspension may have irreversible effects for their continuity

### **WHAT IS THE TERM FOR THE SUSPENSION OF NON-ESSENTIAL ACTIVITIES?**

On March 31, 2020, the suspension of non-essential activities was declared from March 30, 2020, through April 30, 2020. On April 21, 2020, the Mexico's Ministry of Health extended the suspension of all non-essential activities through May 30, 2020.

Municipalities that on May 17, 2020, present no or low rate of transmission of COVID-19 may stop implementing some of the suspension provisions and allow activities to resume on May 18, 2020. The Ministry of Health will define the criteria to evaluate the rate of transmission of COVID-19.

### **WHICH PERSONNEL MUST STAY HOME EVEN IF THEY WORK FOR AN ESSENTIAL BUSINESS?**

- Adults over 60 years old
- Pregnant or lactating women
- People with disabilities
- People with chronic non-transmissible disease
- Any disease or pharmacological treatment that causes suppression of the immune system

## WHAT ADDITIONAL MEASURES MUST BE TAKEN IN PLACES WHERE ESSENTIAL ACTIVITIES ARE PERFORMED?

- No meetings or congregations of more than 50 persons
- Frequent hand washing
- Sneeze or cough must be covered by a tissue or forearm
- No greetings with hugs, handshaking or kiss (social distancing of 1.5 meters)

## WHAT ARE THE DIFFERENCES BETWEEN A SUSPENSION FOR HEALTH EMERGENCY FOR FORCE MAJEURE, WHICH HAS BEEN DECLARED, FROM A HEALTH CONTINGENCY?

Health emergency for force majeure	Health contingency
Collective suspension of employment relationship	Collective suspension of employment relationship
Employers' to pay salary agreed with employees	Limit of employers' obligations to pay one minimum salary for up to 30 days
Requires authorization from the labor board	Does not require authorization from labor board

## AS AN EMPLOYER, WHAT ARE MY OBLIGATIONS REGARDING SALARIES AND BENEFITS?

None of the decrees or accords expressly states what are the employers' obligations regarding salaries and benefits, other than for high-risk groups. However, the various documents have been careful to avoid declaring a health contingency.

At the moment, viable options regarding suspension of activities include: (i) collective suspension with pay of full salaries, and (ii) individual negotiations with terms agreed between employees and employers. There may be additional options depending on the particular circumstances of the business considering suspending activities.

The responses in this document are general and do not constitute legal advice. For specific questions, including whether your activities may be "essential," or concerns on other measures taken by specific states, please consider contacting us. In the event that you decide to suspend your activities, you may reach out to us to help you mitigate the economic impacts for you as an employer and explore different solutions.

Feel free to visit our [Coronavirus \(COVID-19\) Resource Center](#) on [fredlaw.com](#) for additional support.