

CLIENT ALERTS

Additional Guidance Released for Companies in Mexico Looking to Restart Operations before June 1

5.19.2020

Mexico's Secretary of Health published a document called Technical Guidelines for Sanitary Security in the Workplace. Within those guidelines, the Secretary also published a "Sanitary Safety Protocol Self-evaluation" ("SSP"). The SSP comprises around 70 questions.

Companies that perform business activities that were recently classified as "essential" (mining, construction, and transportation equipment manufacturing) will need to complete and submit the SSP if they want to re-start operations during the May 18 – June 1 period.

This document needs to be answered in "good faith" in the following website/platform. The platform went live on May 18, 2020, at 9:00 AM ET. This means there will not be a physical pre-approval inspection process for companies performing essential activities that wish to open before the June 1 date. The submission process is as follows:

1. Review guidelines published in gob.mx/nuevanormalidad;
2. Establish Sanitary Safety Protocols in the workplace;
3. Complete the Sanitary Safety Protocol Self-evaluation questionnaire;
4. Finalize the "commitment letter" incorporated in the platform which includes: certification of the truthfulness of the information submitted and assistance acceptance by the Mexican Social Security Institute ("MSSI"). MSSI will send an electronic confirmation receipt; and
5. Within 72 hours, MSSI will send a notice which either: 1) approves the application; 2) requests additional information; or 3) rejects the application. If MSSI does not approve the application, it may either request additional information regarding certain aspects of the SSP or reject it in its entirety.

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If MSSI rejects an application, the company may reinitiate its application by submitting its analysis of the SSP.

Submissions need to be made on a per plant basis. So, each plant will need to complete and submit its own SSP, commitment letter, and general information.

Mexico's Secretary of Labor and/or the Federal Commission for Protection against Sanitary Risk may inspect workplace conditions to verify SPP information submitted. Inspections will be random but could result from complaints from employees or citizens.

Since it may take up to 72 hours (presumably during business days) for MSSI to issue an approval, this means companies looking to open before June 1 need to submit their request as soon as possible. Note also that the website already reportedly has suffered technical difficulties, delaying the submission process.

All other non-essential business activities in Mexico will be able to resume operations after June 1, provided, the state where they operate is not coded under a "red" alert. For additional information regarding Mexico's color-coded alert system and restart plan, please refer to our May 15, 14, and 13 alerts.

This situation remains very fluid and Mexico could yet again change or add to its reopening plan. We will update this alert as soon as new developments arise.

For assistance in properly following Mexico's work guidance, or if you have any specific questions you would like us to address, please contact Raul Rangel, Co-Chair of the Butzel Long Mexico Team. Raul is licensed in both New York and Mexico. We are here to assist you.

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