

Lic. Leobardo Tenorio

Executive Order of March 31, 2020



What did the Order required?

Executive Order

- This order is a follow-up to the one published on March 24, 2020.
- Non-essential activities were ordered to shut-down from March 31, 2020 to April 30, 2020.
- Only essential activities can operate.
- At-risk personnel was order to stay at home, regardless of the fact that they were employed by an essential activity.

Executive Order

- List of essential activities was somewhat limited.
- According to the Federal Government, since this is an “emergency” and not a “contingency” employees are entitled to full payment of salaries.
- The emergency end, in theory, on April 30th.

**What we know so far
and what has really
happend?**

Executive Order

- A lot of uncertainty regarding essential activities.
- Most likely, the Federal government did not thought about the maquiladora industry when issuing the Order.
- Each State is applying its own criteria.
- The criteria is very limited, that is, to be considered as “essential” your company must be manufacturing products directly being used for the emergency.

Executive Order

- The list of the Executive Order, it does not include the US list of essential activities known as the “CISA”.
- Social media. Employees have gone to social media to air their opinions about companies. You have to be careful on what documents are given to employees because the documents end up in these networks.
- Employees, even for essential activities, are not showing up to work. They are scared.

Executive Order

- It is imperative to comply with social-distancing and health and safety protocols at the facilities.
- The State Government has turned this into a political issue for political gain. They are representing themselves as the “protectors of the employees’ interest”.
 - Media circus
- There is no “certification process” even though the State Government has established one, they are not complying with the our timing to issue the certification.

Executive Order

- The State Government had shutdown 440 companies, which represent 47,866 employees sent home (source: Baja California's Ministry of Labor; <https://www.facebook.com/BC.STPS>).

Executive Order



Executive Order

- You need to be very careful with how employees are treated and what are you paying your employees.
 - Unions can take advantage of this and begin the process of begin talking to your employees about unionizing.
- There are a lot of questions, but many do not have a clear answer.
- Use common sense.

**What will happen
after April 30th.?**

Executive Order

- The plan is to have companies to begin operations as of May 4, 2020.
- Things can change and the April 30th. deadline could be extended.
- The Federal Government, if the deadline is extended, should declare a health contingency for labor purposes.

Questions?

GRACIAS

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