Machado Meyer ADVOGADOS

LEGAL INTELLIGENCE CENTER

MACHADO MEYER ADVOGADOS' EXCLUSIVE CONTENT

COVID-19: ECONOMIC REOPENING AND RETURN TO BUSINESS

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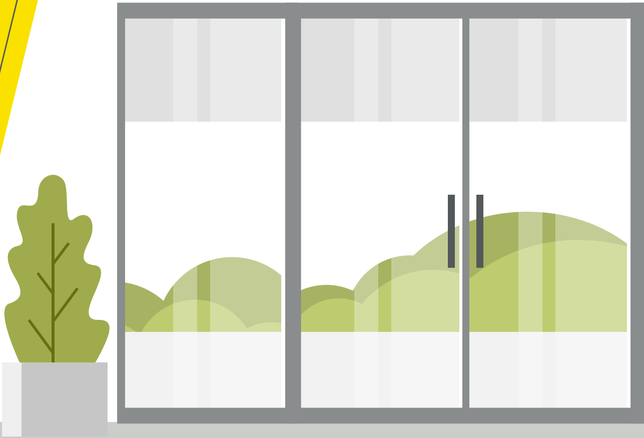
1 HOW TO IDENTIFY THE ACTIVITIES THAT CAN BE RESUMED?

According to the Brazilian Supreme Court (STF), states and municipalities have the competence to define the criteria for resuming activities.

Therefore, companies should consult the state and municipal decrees that have been issued on the subject applicable to each of their establishments.



2 PRIOR PREPARATION OF THE WORK ENVIRONMENT

If a company's activity is authorized to be resumed, the adoption of the following prior measures is recommended:

Preparation of a formal contingency plan in accordance with the technical notes of the Labor Prosecution Service (MPT) and the Secretary of Labor as well as with the guidelines defined by public authorities, addressing at least the following issues:

_Organization of the work environment according to the protocols and guidelines defined by the public authorities.

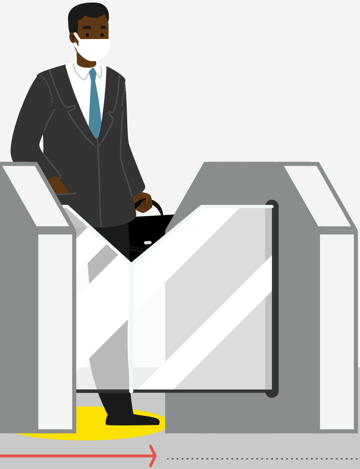
_Prevention and containment measures (use of masks, distribution and expansion of availability of sanitizers, increased frequency of cleaning of common areas, constant availability of soap and paper towels in bathrooms).

_General guidelines on sanitization, non-sharing of personal effects and work materials, and behavior in environments for collective use (pantry, cafeteria, etc.)

_Policy on in-person meetings.

_Suspension of activities involving large numbers of people.

_Process for monitoring and reporting suspected and confirmed cases.

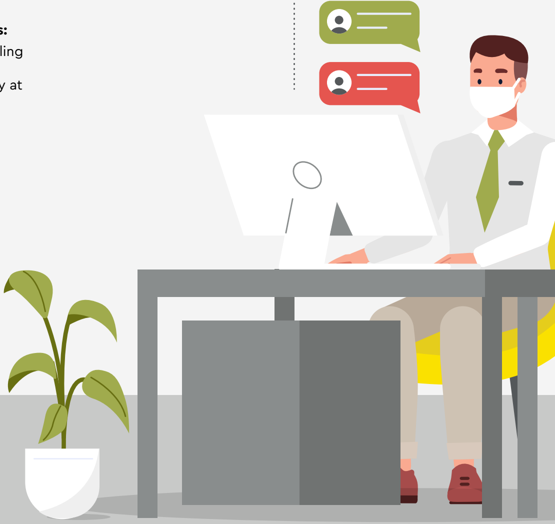


Identification and demarcation of flow areas:

_Organization and scheduling of inbound and outbound flow and breaks, especially at shift changes, in order to minimize crowding.

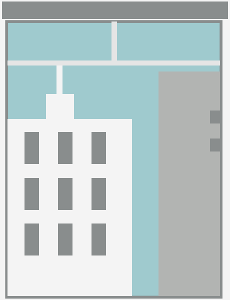
Identification of employ work at the company:

Exclusion of risk groups, contact with infected or last 14 days, and people



ees who may return to

people who have had
suspected patients in the
with symptoms.



Adjustment of the ventilation of the work environment:

_Natural ventilation, if and when possible (avoid the use of air conditioning).

_For environments without natural ventilation, intensification of cleaning and installation of filters in the air conditioning/ventilation system.

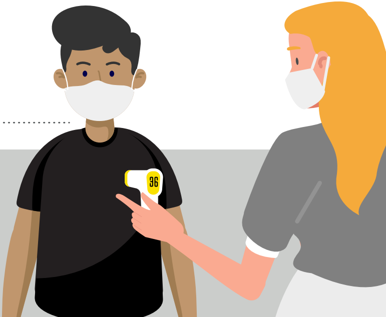
_Keeping doors open whenever possible.

3 MEASURES THAT MUST BE MAINTAINED DURING THE PANDEMIC

With the resumption of activities, at least the following measures must be observed:

Temperature measurement:

It is recommended that temperature be measured before entering the establishment. If fever (temperature of 37.5° C or higher) is found, entry should be prevented and the employee should be directed to seek medical service.



Reduced hours and capacity:

Local regulations on opening hours and maximum number of people who can enter and remain in the establishment at the same time should be consulted.

Social distancing:

Local regulations on the minimum distance to be observed between people/workplaces should be consulted.

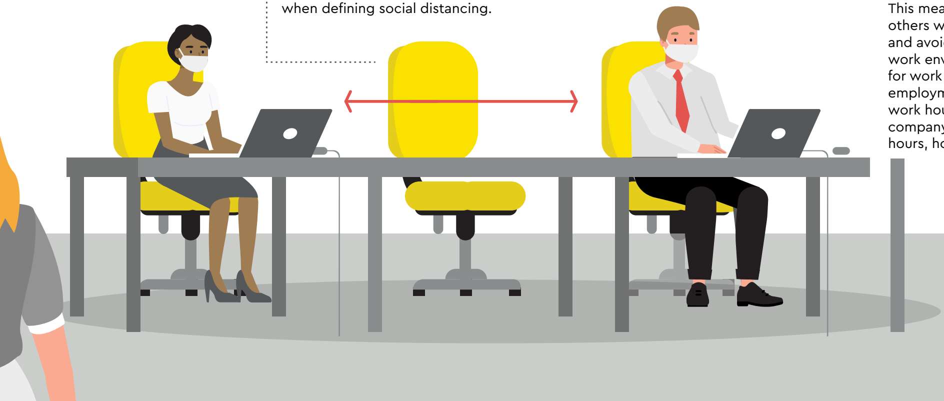
If local decrees do not indicate the parameter to be followed, the criteria of the competent authorities' recommendations ranging from 1 to 2 meters may be used.

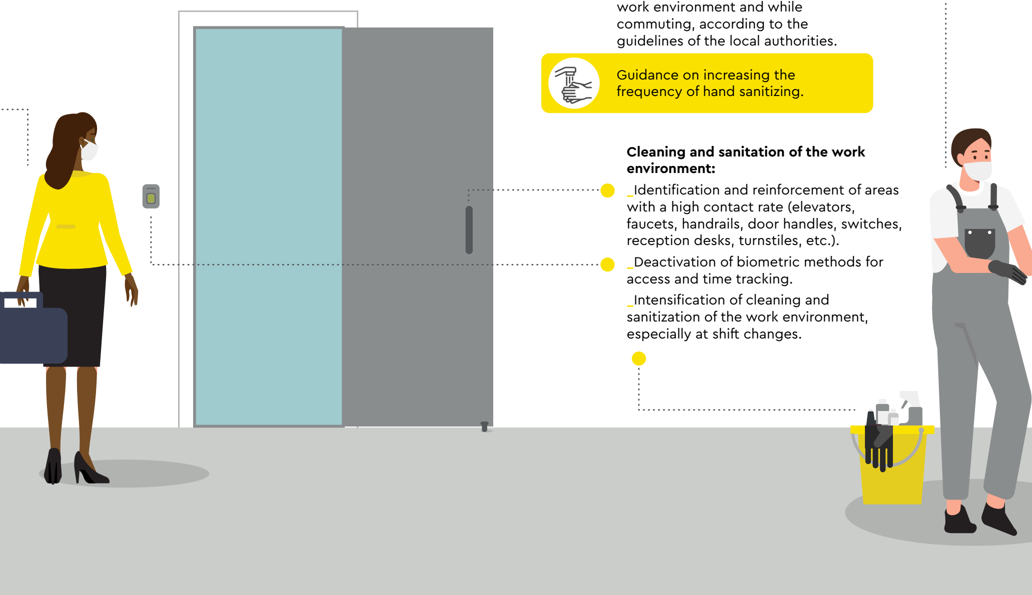
Other measures possibly implemented by the company, such as the installation of physical barriers and the supply of filter masks (N95), should also be considered when defining social distancing.

Schedules and shifts:

In order to observe reduction in opening hours and capacity, it is recommended that one implement differentiated work schedules and shifts for employees.

This measure can be accompanied by others with the aim of ensuring efficiency and avoiding the crowding of people in the workplace, such as an hours bank for work hours, amendments to employment contracts, and reduction of work hours and wages, individual and company-wide vacations, flexible work hours, home office, teleworking, etc.





Personal hygiene practices:

_Requirement to wear masks in the work environment and while commuting, according to the guidelines of the local authorities.

Guidance on increasing the frequency of hand sanitizing.

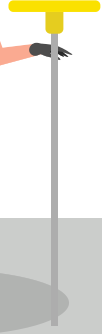
Cleaning and sanitation of the work environment:

_Identification and reinforcement of areas with a high contact rate (elevators, faucets, handrails, door handles, switches, reception desks, turnstiles, etc.).

_Deactivation of biometric methods for access and time tracking.

_Intensification of cleaning and sanitization of the work environment, especially at shift changes.

Guidance and information to employees:
Training and dissemination of information on prevention measures and protocols to be followed, preferably virtually.



Protocol to be followed in suspected and confirmed cases:

It should include among other measures:

_Preventing contaminated workers or workers with symptoms of the disease from coming to the workplace.

_Immediately placing on leave any employees who have had contact with symptomatic or contaminated people. It is recommended to keep the employee on leave for 14 days or until the employee obtains results of laboratory tests indicating that he is not contaminated.

_Isolating and disinfecting the workplace and common areas (cafeterias, bathrooms, meeting rooms, etc.) frequented by the employee on leave.

Machado
Meyer ADVOGADOS

CONTACTS

ANDREA GIAMONDO MASSEI
PARTNER
agmassei@machadomeyer.com.br
+ 55 11 3150-7779

CAROLINE MARCHI
PARTNER
cmarchi@machadomeyer.com.br
+ 55 11 3150-7457

RODRIGO SEIZO TAKANO
PARTNER
rtakano@machadomeyer.com.br
+ 55 11 3150-7023

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