



### LaborNet No. 998

An important writ of *amparo* puts a stop to the Food Workers' Union (Province of San Juan)

Dear All,

In the case under analysis, a food company, which is part of the supply and value chain at the food industry, is exempted from the social preventative mandatory quarantine and stay-at-home order as provided by Emergency Executive Order No. 297/2020 as a health protection measure during the COVID-19 Pandemic, **because it is an essential business**. The employer must provide a working schedule and the appropriate cleaning, sanitation, hygiene, safety and prevention elements as well as special permits to leave home for all those workers who provide services.

An interesting interim injunction has been granted because it is believed that any delay in this process may be dangerous and there is evidence that suggests the plausibility of the facts claimed and based on Section 232 of the Civil and Commercial Code of Procedure, **the Defendant—the Union- is informed that the productive activity conducted—supply and value chain at the food industry- is exempted from the social preventative mandatory quarantine and stay-at-home mandate, because it is an essential business. The employer must provide a working schedule and cleaning, sanitation, hygiene, safety and prevention elements as well as special permits to leave home for those workers who provide services.**

Now Section 6 also states that “those who perform essential services and businesses during the emergency are exempted from the social preventative mandatory quarantine and the stay-at-home mandate” and contains a detailed list of activities. As to this specific case the exemptions under subsection 12 include **“food industry, their productive and supply chain; personal hygiene and cleaning products; medical equipment, medicine, vaccine and other medical devices”**. Within this legal framework, the company is exempted because it manufactures PVC film for packaging “fresh” food at supermarkets, grocery stores, hospitals and prisons, among other areas, with the aim of improving food preservation in the Province of San Juan. As inferred from the complaint, after the Emergency Executive Order was published, the Plastic Workers' Union, San Juan Chapter (the “Union”) **refused to let their**

**members work at the company industrial plant in the province** on the understanding that this was not an essential business, and therefore they were not exempted from the mandatory quarantine imposed by the National State.

**In other words, this interim relief provides a framework to work in cleaning, hygiene, safety and sanitation conditions, ordering the Union to refrain from taking useless actions that may jeopardize their productive activity.**

Please feel free to contact us for further information.

Best regards,

Natalia de Diego