

As the coronavirus disease 2019 (COVID-19) pandemic continues to impact business globally, Latin America has not been spared. As of the date of this alert, every country in the region had reported cases of COVID-19, and countries in the region are taking different approaches to combat the pandemic.

As part of Our Latin America team, the Caribbean and Central America Desk is tracking measures implemented in the Spanish Caribbean that affect business operations, commercial operations and employment. This alert discusses recent developments in the Dominican Republic, Puerto Rico and Cuba.

Dominican Republic

The first confirmed case of COVID-19 was reported on March 1, 2020. As of April 12, 2020, the government had reported 8,807 cases of COVID-19 in the Dominican Republic and 362 deaths due to COVID-19. Additional information is available on the [website](#) of the Ministry of Public Health.

The Dominican Republic is currently subject to a daily curfew from 5 p.m. to 6 a.m. nationwide. Inbound and outbound passenger air and maritime transportation has been suspended and non-essential businesses have been ordered to close, with exceptions made for grocery stores, drug stores and banks. For more detailed information on measures adopted by the government, please see the [newsletter](#) produced by our Santo Domingo office.

Puerto Rico

The first confirmed case of COVID-19 was reported on March 13, 2020. As of May 5, 2020, the government had reported 1,924 cases of COVID-19 in Puerto Rico and 99 deaths due to COVID-19. Additional information and updated statistics can be found on the [website](#) of the Health Department.

Puerto Rico continues to be subject to a daily curfew and a compelled closure of non-essential business activities, with limited exceptions, that are expected to last until at least May 25, 2020. These measures have been in effect, in one version or another, since March 15, 2020. The Governor of Puerto Rico recently issued an executive order that extends the curfew and the closure of non-essential businesses, but also takes initial steps toward a phased reopening. A few days before the executive order was issued, the government of Puerto Rico economic task force had [presented](#) recommendations to reopen the economy in phases.

The court system in Puerto Rico is open, but continues to balance the need to operate with the challenges of working, subject to social distancing measures. Filing deadlines in proceedings before the state courts of Puerto Rico were [extended](#) until June 8, 2020, and proceedings are expected to be conducted via video conference. The US District Court for the District of Puerto Rico also [announced](#) that it plans to conduct certain hearings and proceeding via video conference.

- **NEW DEVELOPMENT:** On May 4, 2020, the Secretary of Economic Development and Commerce announced the publication of the [Business Reactivation Plan](#), which sets forth guidelines for private entities that are allowed to reopen under the executive order of May 1, 2020. The Business Reactivation Plan has four main components:
 - COVID-19 Plan: Entities must define who will be considered a part of their active workforce, complete a risk assessment using a tool provided in the Business Reactivation Plan and document the measures that they have adopted in response to the risk assessment. Subject to the results of the risk assessment, these measures should include special accommodations for higher risk members of the active workforce; reductions in workplace occupancy during opening hours, and procedures to disinfect surfaces and reduce client exposure; temperature checks and distribution of masks and other equipment; physical social distancing measures such as barriers and demarcations; and administrative protocols to ensure compliance with the measures.
 - Incident Management Plan: Entities should detail the steps to follow in case a member of the active workforce tests positive for COVID-19, including quarantine control, cleaning protocols and a return-to-work protocol.
 - Communication Plan: Entities must develop an internal communication plan that describes the process to communicate with employees and an external communication plan for clients, providers and contractors.
 - Self-Certification: Entities must self-certify their compliance with the Business Reactivation Plan and submit a COVID-19 Self-Certification Notification to the Puerto Rico Occupational Safety and Health Administration, via email, using PROSHA Form FC-101.
- **NEW DEVELOPMENT:** On May 1, 2020, the Governor of Puerto Rico issued a new [executive order](#) that entered in effect on May 4, 2020, and is schedule to remain in force until May 25, 2020.
 - The curfew and closure of non-essential business activities was extended through May 25, 2020.

- Certain outdoor activities now are permitted, as long as they can take place in accordance with social distancing practices, between 5 a.m. and 3 p.m. Beaches continue to be closed to the public, however, and recreational maritime traffic is prohibited.
- Numerous services may now be provided as long they are offered in response to an emergency, without opening to the public, and subject to social distancing measures. These include moving services, transportation services to and from the airport, armory services, air conditioning repair and maintenance services, datacenter operations, call center operations, notary services, and legal, accounting and other professional services.
- Private businesses that are allowed to open to the public under the executive order must implement measures to safeguard the health and safety and of their customers and employees. These include ensuring that all employees wash their hands periodically and disinfect their work stations, requiring visitors wear masks or scarfs when entering the establishment, providing disinfecting stations for visitors and enforcing social distancing measures.
- Construction work at commercial sites and establishments that otherwise are not exempted from the executive order is authorized effective May 11, 2020.
- Manufacturing activities that otherwise are not exempted from the executive order are authorized effective May 11, 2020, subject to the implementation of safety and social distancing measures.
- The Governor of Puerto Rico issued a new [executive order](#), effective as of April 13, 2020, that extended the curfew and the closure of non-essential business activities, but modified other previously adopted measures:
 - The limited window to access to roads for exempt purposes was expanded by two hours (from 5 a.m. and 9 p.m.).
 - The limitations on access to the roads by automobile based on license plate numbers were lifted.
 - Employees will be allowed to visit their places of employment on April 16, 2020, to collect materials and/or supplies to enable them to continue to work remotely.
 - Grocery stores will be allowed to operate from Mondays to Saturdays, from 5 a.m. to 8 p.m., but delivery services for grocery stores will be allowed to operate until 10 p.m.
 - Drug stores opening on Sundays will be limited to operating the pharmacy counters.
 - Gas stations that open on Sundays will be limited to selling fuel and medications.
 - Auto repair shops continue to be limited to operating on Wednesdays and Thursday, but can now do so on expanded hours.
- Certain textile manufacturing plants are exempt from the closure order.
- Telecommunications providers will be able to operate certain customer service centers (to be determined in coordination with the state public utilities commission), by appointment only, to repair, deliver and replace telecommunications equipment and devices to their existing clients.
- Corporations organized under the laws of Puerto Rico are exempt from certain notice requirements to their shareholders.
- On March 30, 2020, the governor issued an [executive order](#) expanding the curfew and closure of non-essential businesses. Below is a summary of the key provisions:
 - Effective March 31, 2020 (and until at least April 12, 2020), there is a 24-hour curfew across the island. During the curfew, access to roads is allowed only between 5 a.m. and 7 p.m. for persons who need to access healthcare services and facilities; provide assistance and supplies to minors, dependents and those in need of care; acquire food, medicines and other essential goods; visit financial institutions (for emergency purposes); or provide or receive services that are exempt from the curfew and non-essential business closure order.
 - Effective April 1, 2020, vehicular access for exempt purposes under the curfew is limited to certain days of the week based on the license plate number: even-numbered plates can transit on Mondays, Wednesdays and Fridays; while odd-numbered plates transit on Tuesdays, Thursdays and Saturdays. Vehicular access will be restricted to instances of emergencies, commuting to businesses exempt from the closure order or providing services exempt from the closure order.
 - All government offices, except those providing essential services, are closed until at least April 12, 2020.
 - The following businesses and organizations are exempt from the executive order: (1) grocers and businesses that sell food, including restaurants that limit their operations to take-out and/or delivery; (2) providers and manufacturers of medical equipment and supplies; (2) drug stores; (3) gas stations and fuel distributors; (4) banks; (5) senior care facilities; and (6) organizations that offer basic services to the economically disadvantaged, e.g., shelters and food banks.
 - The following services and/or service providers are exempt from the non-essential business closure order: (1) plumbers, electricians and providers of other services that are necessary to maintain homes, offices and other properties; (2) roadside assistance service providers (but limited to emergencies); (3) parcel delivery services; (4) funeral homes; (5) auto repair shops (but only for emergencies, on certain days of the week, and by appointment); (6) hardware stores (but only on certain days of the week and by appointment); and (7) installation, repair and maintenance of critical telecommunications infrastructure.

- The following persons are exempt from the curfew: (1) personnel of private, federal and state public safety entities; (2) healthcare professionals; (3) personnel of entities involved in wholesale distribution and manufacturing of food and goods; (4) personnel working with utilities and critical infrastructure; (5) personnel of call centers; (6) personnel of airports and port facilities; (7) members of the press; (8) persons attending an emergency; and (9) officials of the executive, legislative and judicial branches of the government of Puerto Rico performing essential tasks.
- All elective medical procedures are suspended, and physicians must take measures in their offices and clinics to ensure that services are only offered by appointment and take proper measures to ensure safety.
- Theaters, clubs, lounges, casinos, concert venues, amusement parks, fitness facilities, bars and all entertainment venues are closed.
- Construction work is allowed, but only for emergency purposes or to offer critical maintenance or repair services related to hospitals, potable water, electric power and communications.
- Meetings in a residence involving persons who are not immediate family members are prohibited.
- On March 26, 2020, the governor announced that the curfew and order to close all non-essential businesses would extend until at least April 12, 2020. She also announced that the daily curfew would start at 7 p.m.
- On March 23, 2020, the governor announced a US\$787 million financial package to help alleviate the economic impact of the COVID-19 pandemic. Among other things, the package calls for a moratorium on payments of mortgages and commercial loans, bonuses for public safety and public healthcare employees, financial assistance to small businesses and self-employed workers, and additional funds for the public education department to acquire tablets and other equipment to promote remote learning.
- On March 15, 2020, the governor issued an [executive order](#) imposing a curfew from 9 p.m. to 5 a.m. daily, during which time, access to roads is limited to emergency purposes or personnel involved in public safety, healthcare, wholesale distribution and manufacturing of food and goods, critical infrastructure and utilities, and the press. Also, all non-essential business activities were ordered to cease until March 30, 2020.
- On March 12, 2020, the Governor of Puerto Rico [declared](#) a state of emergency due to the COVID-19 pandemic.

Cuba

The first confirmed case of COVID-19 in Cuba was reported on March 11, 2020. As of May 5, 2020, the government had reported 1,703 cases of COVID-19 and 69 deaths due to COVID-19. Additional information and updated statistics can be found on the [website](#) of the Ministry of Public Health.

The government has closed its border to non-Cuban citizens and has extended the closure of the international airport until May 31, 2020. The government is promoting social distancing and has not issued an island-wide stay-at-home order, although some municipalities, including Santiago de Cuba, have implemented stricter measures. Schools remain closed, as is public transportation.

We will continue to update this alert as more information becomes available. You can also follow us on the [Latin America Legal](#) blog.

Contacts

Eduardo R. Guzman

Partner, Washington DC
T +1 202 457 6412
E eduardo.guzman@squirepb.com

Alejandro Pena-Prieto

Partner, Santo Domingo
T +1 809 472 4900
E alejandropenaprieto@squirepb.com