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THE CULTURE OF PREVENTION IN BUSINESS

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THE CULTURE OF PREVENTION IN BUSINESS

There is a well-known phrase that says: “better safe than sorry”; This means that it is better to avoid problems than to later experience the suffering of having them.

Under this anecdote, I want to explain the importance of the Culture of Prevention in Business. A client who has his company hired the services of our Grupo Mosqueda Corporation, specifically the program called “Corporate Check Up”, he literally told me that it was just out of curiosity to see how the program worked and what results could be obtained and if they were true. Well, a specific day and time was scheduled to develop the Corporate legal service. Check Up; Once you answered all the questions asked together with your accountant and trusted staff, you were given the results. Evidently the Corporate Program detected that there were anomalies regarding payroll payment; And indeed, the businessman had the habit of not reporting the entire payroll in his tax returns, for this he used outsourcing, on the one hand, and in another plant of the company he used companies called "payers", which cover the payroll of another part of the company's staff. In this way, he only declared what he actually had registered as a direct payroll and the salary he had declared. For the businessman it was an excellent strategy, together with his team of accountants.

But when he began to hear the inconsistencies that the program showed, and the observations that we were making about that practice, the client really got upset. There were simply anomalies between the annual declaration and the distribution of profits, since

they cannot fit together. And that evidently showed inconsistencies with INFONAVIT and IMSS payments, and this contaminated tax returns, etc. Obviously, the businessman and his team of collaborators asked us, annoyed, what accounting issues had to do with labor issues and social security issues since they are very different aspects. To do this, it was explained how these issues relate closely. And the Corporate program Check Up warned that the problem could come to life if a home visit was made by the Ministry of Labor and Social Security in order to make a documentary submission to verify if the rules and procedures for the distribution of profits were complied with.

Once the development of the program was completed, which took only about three hours, he left doubtful of the results and told us that he could not believe about its legal consequences.

After approximately a year, he looked for me again, but now because he needed me to advise him on a legal problem because a visit had been carried out by the Ministry of Labor and Social Welfare, and they made a documentary submission, the accountants added all the documents to prove that the distribution of profits was in order, but this was not consistent with the annual declaration and all the other elements that I have mentioned; Therefore, a conflict was generated that we had to intervene before the problem escalated to the criminal court for defrauding the Tax authority. The cost was very high and the experience was stronger. And the client concluded by telling me that if he had listened to the “computer” and the results of the questionnaire that was given to him, he would not have this problem that cost him a lot of money and even his health, because he became ill because he was hypertensive. And he commented that it would be cheaper if he had addressed the problem than now facing the consequences.

That's right, the Culture of Prevention in Business is the attitude adopted in a company or business to review the company's actions in an administrative, organizational, productive and contractual manner to detect bad practices or errors in daily development. that may generate legal conflicts in the future. To do this, we created the Corporate Program called Preventive Business Legal Assistance, which consists of once the company was reviewed by the Corporate Program Check Up, the results will be attended to through the AJEP program, which is the Spanish acronym for the program, and the company will be assisted to reorganize itself in the areas that are necessary, as well as in employment contracts, internal regulations, development of internal areas to attend to the emotional needs of the workers, etc., in such a way that once the restructuring is completed, the operation is supervised under the Prevention Program for a year or two years, until any risk is eliminated and the new operation continues. way of operating according to the program.

This is the wonder of always being forward-thinking in our businesses, because it prevents us from having problems in the future. And if one day they are generated without the responsibility of the entrepreneur, they can be easily faced with total success and with the minimum cost to address these problems.

Notwithstanding the above, there are many businessmen who comment that they are not going to invest a cent in forward-looking policies, because it would be wasting money, since there is no certainty that any problems will be generated, but that if they do, they prefer to pay for solve it. This criterion is totally respectable and I consider that my corporation favors this criterion, because the cost charged to solve legal problems is higher than the cost to

prevent legal problems. But each person is the one who has the last word.

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