

April 2, 2020

On March 24, 2020, the law regulating Teleworking was enacted in Chile. It will come into force on the first working day of the month following its publication in the Official Gazette, which has not yet happened. The law covers the following aspects:

I. Distance Work or Teleworking

- This is the modality by which the worker provides his or her services, fully or partially, from his or her home or from a place or places other than the establishments, installations or workplaces of the company, through technological, computer or telecommunications means.
- This modality may cover all or part of the working day, combining face-to-face working time with time spent away from home.
- It will not be considered remote work if the worker provides his or her services in places designated and enabled by the employer, even if they are located outside the company's premises.
- Workers who agree to this modality enjoy each and every one of the rights established in the Labor Code.

II. Opportunity for Distance Work

- This can be agreed at the beginning or during the term of the employment relationship, by means of an employment contract or an addendum thereto.
- In the event that this type of work is agreed after the start of the employment relationship, either party may unilaterally return to the conditions originally agreed in the employment contract, giving the other party at least 30 days' notice. On the other hand, if the employment relationship was initiated under the distance working mode, the consent of both parties will be required.

III. Working day and right to disconnect

- This modality can be agreed both with workers who perform their functions under the ordinary working day system and with those who are excluded from it, as established in article 22, paragraph 2, of the Labour Code.
- In the event that it is agreed under ordinary working hours, implementing the mechanism for recording compliance

with working hours will be at the employer's expense.

- In the case of remote workers who freely distribute their working hours or those who are excluded from the limitation of the ordinary working day, the employer must respect their right to disconnection.
- The right to disconnection consists of the fact that workers are not obliged to respond to communications, orders or other requests from the employer for a period of at least 12 consecutive hours in any given 24-hour period.

IV. Other Considerations

- In the event that the worker provides his services at his home, or at the home of a third party, the employer may not enter it without prior authorization.
- The worker may always have access to the company's premises and the employer must ensure that he can participate in the collective activities that are carried out.
- From the moment the parties agree on the modality of remote work, the employer shall have a term of 15 days to register said agreement electronically with the Labor Directorate.
- The costs of operation, functioning, maintenance and repair of equipment shall be borne by the employer.
- It is prohibited that the application of this modality implies a reduction in the rights of the worker, especially in their remuneration.
- The specific health and safety conditions shall be regulated by a regulation to be issued by the Ministry of Labor and Social Welfare.

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