

EMPLOYER'S NEW SAFETY AND RISK PREVENTION OBLIGATIONS

On June 9th, 2017, Law No. 21,012 was published in the Official Gazette. This law introduces a new article No. 184 bis in the Labor Code, which supplements the general protection duty set forth in Article No. 184 of the Labor Code.

According to law No. 21,012 when a serious and imminent risk occurs threatening the lives of the employees, the employer has the following safety and risk prevention obligations:

1. The employer must inform immediately all affected employees about the existence of any serious and imminent risk to their lives, as well the safety and risk prevention measures adopted to eliminate or mitigate the risk.
2. When a serious and imminent risk cannot be eliminated or mitigated, the employer must take the safety and risk prevention measures to suspend immediately the affected worksites and must proceed with the evacuation of the employees. These measures may not produce any damage or detriment to the employees.
3. If the authority orders the evacuation of the worksite due to an emergency, catastrophe or disaster, the employer must suspend the activities in the affected worksites and proceed to evacuate all employees. The resumption of the work shall be possible only when safety and proper conditions to perform the services are guaranteed by the employer.

Employees have the right to interrupt their services and, if is necessary, to leave the worksite, if they deem that continuing with the performance of their services implies serious and imminent risk for their life or health. In this case, the relevant employee must communicate his/her decision to abandon the workplace to its employer as soon as possible.

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