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LAW NO.21,260, WHICH ESTABLISHES TELEWORKING FOR PREGNANT EMPLOYEES IN CASE OF STATE OF CATASTROPHE, EXTENDS THE MATERNITY DISMISSAL PRIVILEGE THAT EXPIRES WITHIN THE CURRENT STATE OF CATASTROPHE, AMONG OTHERS, IS PUBLISHED

Law No.21,260 (the "Law") which modifies the Labor Code to permit the remote work or teleworking to pregnant women in case of state of catastrophe, for a public calamity, due to an epidemic or pandemic arising from a contagious illness (the "State of Catastrophe"), and also establishes other exceptional rules, has been published in the Official Gazette on September 4th, 2020. The main aspects regulated by the Law, are the following:

• **Teleworking for pregnant women:** The Law includes a new final paragraph in the article 202 of the Labor Code, under which:

• If a State of Catastrophe is declared within a pregnancy period, the employer shall offer to the pregnant employee the remote work or teleworking, as long as the nature of the employee's duties is compatible with such modality.
• In case that the nature of the employee's duties is not compatible with the remote work or teleworking, the employer shall assign the employee to tasks that do not require contact with public or third parties who do not render services in the work place, provided that the latter is possible and do not imply an impairment for the employee.

The cases mentioned in letters (a) and (b) above: (i) require obtaining the employee's consent; (ii) forbid employers to reduce the employee's remuneration; and (iii) will remain in force for the entire duration of the State of Catastrophe and its corresponding renewals.

• **Medical leaves in case of serious illness of a children younger than one year old:** The Law also establishes that within the validity of the current State of Catastrophe declared on March 18th, 2020 and during the time of its renewals, the authorized professional could,

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exceptionally, issue on a simultaneous manner the medical leave in case of serious illness of children younger than one year old if considers that the rest it is justified from a medical standpoint. The corresponding Health Institution could not reject the aforementioned leave.

• **Maternity dismissal privilege:** According to the Law, female employees whose maternity dismissal privilege expire within the validity of the current State of Catastrophe declared on March 18th, 2020 or within its renewals, will have the right to an extension of their maternity dismissal privilege until the expiration of the corresponding State of Catastrophe. The aforementioned extension will be also applicable to male employees who enjoy maternity dismissal privilege in the cases set forth by law.

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