

NEW LAW INCORPORATES THE TELEOPERATORS' EMPLOYMENT CONTRACT INTO THE LABOR CODE (LAW NO. 21,142)

Introduction:

On March 1st, 2019, Law No. 21,142 was published in the Official Gazette (hereinafter the "Law"). This Law regulates the employment contract of Teleoperators and will enter into force on September 1st, 2019.

Relevant Content:

- Definition: The Law defines the Teleoperators' employment contract as a "convention referring to the provision of services for contacting, or being contacted with third parties, either via telephone, telematic means, digital technology or any other electric means, for the attention, information or counselling on technical, commercial or administrative support, selling or promotion of products and services, provided in a place furnished by the employer, named contact center or call center."

In general terms, the Law will apply to employees of call centers.

- Special characteristics of the employment contract: This employment contract shall include all minimum terms and conditions as set forth in article 10 of the Labor Code for all employment contracts in general, plus the following special provisions set out in the Law:

- Remunerations: There are special requirements that variable remunerations must comply with, as well as certain specific information that payroll slips for these employees must include.

- Work shifts: Companies that provide services which demand continuity, must establish the working shifts at least one week in advance.

- Interruptions and breaks from work: Employees from a contact center or call center who are subject to permanent connection have the right to enjoy special breaks between calls and during the work

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day, which shall alter the distribution of the working hours, reducing the effective working time.

- Password for using connection systems: The Law considers these passwords as working tools, that are deemed secret and personal for each employee. Any violation to this provision will be subject to a special judicial procedure that protects employees against infringements to their fundamental rights.
- Regulations: The Chilean Labor Ministry shall issue two different regulations within the term of six months as of the date when the Law enters into effect (i.e. no later than March 1st, 2020). The first regulation shall refer to the environmental, safety and health conditions for these employees, while the second one will regulate physical and ergonomic conditions in which they will provide their services, as well as their right to take preventive medical exams each year.

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