

REGULATION ON SPECIFIC CONDITIONS OF SAFETY AND HEALTH APPLICABLE FOR REMOTE WORK OR TELEWORK.

On July 3rd, 2020, [Supreme Decree No. 18/2020](#) of the Ministry of Labor and Social Security was published, approving the regulation of Article 152 quater M of the Labor Code, establishing specific health and safety conditions at work applicable for employees rendering services in regimes of remote work or telework (hereinafter, the "Regulation").

The Regulation establishes the following obligations that the employer shall comply in the event that any of its employees renders remote services:

•**Identify and assess environmental and ergonomic work conditions:**

The employer shall give the employees a self-evaluation instrument issued by the Mutual Aid Fund. This instrument will especially evaluate ergonomic, environmental, and psychosocial risks arising from the rendering of remote services.

•**Prepare a matrix document to identify danger and evaluate risks at work:** On the basis of the self-evaluation made by employees and no later than 30 days after its completion, the employer shall draft a matrix document to identify danger and evaluate risks, informing its content to the Mutual Aid Fund in order to timely communicate employees about all safety and health conditions that the workstation shall meet.

•**Develop a working program:** From the abovementioned matrix, and within 15 days after its preparation, the employer shall develop a working program including:

- preventive and corrective measures to be implemented for the elimination, control, reduction or protection against labor risks (in that specific order);
- their time of execution (indicating which measures will be immediately effective);
- mechanisms of control and supervision of health and safety measures, including the eventual on-site or remote inspection

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

of the workstation, subject to prior authorization of the employee or the person in charge of the domicile;

- obligations to which the employees shall be subject, who in any case shall observe a safe behavior, avoiding that the work affects the employee's family or people nearby. Alcohol or drug use while executing remote work shall be prohibited in the company's internal regulations.

- **Inform and train:** At the beginning of the remote working regime, the employer shall inform the employee in writing about the labor risks involved, preventive measures and correct working methods. The above, considering the features required by the workstation, the organization of the working schedule, the characteristics of the products handled, the specific risks, as well as the benefits and proceedings applicable with the mandatory worker's compensation program. Additionally, at least every two years the employer shall execute an 8-hours or longer training, either in person or remotely, regarding risks factors and health and safety measures that should be considered for remote working.

- **Provide personal protection equipment:** whenever there are remaining risks that could not be sufficiently avoided or reduced by other means, the employer shall provide personal protection equipment appropriate for the risk.

- **Evaluate compliance of the working program:** On an annual basis, the employer must evaluate compliance of the preventive program and the efficiency of actions programmed, implementing improvement measures as required.

- **Create and keep pertinent documents:** The employer must document all information regarding the management of teleworkers' labor risks, having it available for the Labor Board to review in paper or digital format.

Authors: Óscar Aitken; Francisca Corti; Francisco Arce; Cristóbal Balic