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# REMOTE WORK SCHEME FOR THE CARE OF CHILDREN AND PEOPLE WITH DISABILITIES IS ESTABLISHED FOR STATES OF CATASTROPHE OR HEALTH ALERTS

On November 24th, 2021, Law No. 21,391 introducing in the Labor Code a new article 206 bis, was published in the Official Gazette. This article establishes the employer's obligation to offer remote work or teleworking to certain employees, in the event a state of catastrophe due to public calamity or a health alert due to an epidemic or pandemic because of a contagious disease is declared.

The employees to whom applies the referred obligation are the following:

• Employees who have the custody of, at least, one preschool child. In this case, if both parents are employees and have custody of the child, either of them, at the choice of the mother, may exercise this right.
• Employees who have custody of, at least, one child under twelve years of age, who due to measures adopted by the authority is affected by the closure of the educational establishment or is prevented from attending to it. In this case, the employee must submit to the employer a sworn statement that such custody is exercised without the help or assistance of another adult.
• Employees who take care of people with disabilities. In this case, the employee must prove this circumstance to the employer, by any of the means established by Law No. 21,391 for these purposes.

In all these cases, remote work or teleworking will proceed to the extent that the nature of the employee's functions allows it, without reduction of remuneration, and will remain in force during the period in which the circumstances described in each case are maintained, unless otherwise agreed by the parties.

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