

LEGAL ALERT

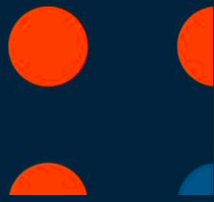
January 2024

Law on the protection of motherhood, paternity and family life.

Dear clients, we inform you that, as of January 29, 2024, the law "ON THE PROTECTION OF MATERNITY, PATERNITY AND FAMILY LIFE" comes into force, which modifies the Labor Code. In order to provide clarity on this new regulation, we detail below key aspects that should be taken into consideration:



The content of this information does not and cannot be considered, in any case, legal advice on the part of its authors, which has been written in a merely informative manner.



Regulated Labor Rights:

The law regulates various labor rights for those workers who are responsible for children under 14 years of age or adolescents under 18 years of age with disabilities or severe dependency. It also applies to those who care for people with disabilities or severe or moderate dependency, regardless of the age of the person in charge, and without receiving remuneration for said activity.

A. Telecommuting:

The regulations establish the right to teleworking for the aforementioned workers, allowing them to carry out part or all of their daily or weekly work in this modality, provided that the nature of their functions allows it.

B. Vacation:

The workers in question have the right to vacations, preferably during the period established by the Ministry of Education, in accordance with the calendar of the respective school year.

C. Regarding the rights of the employer:

Alternative Formula: The employer may offer an alternative formula to teleworking or reject the worker's proposal, as long as it can demonstrate that the nature of the employee's functions does not allow teleworking. This includes tasks that require the physical presence of the worker in the workplace, in-person attention to the public, organizational needs for the performance of services, attention to emergency services, guards or other similar circumstances.

Conditions for Denial: The employer may refuse if there are no adequate connectivity conditions at the remote workplace, or if the workplace accident insurance administrator determines that said location does not comply with occupational health and safety conditions.

“In no case will the exercise of this right by the worker imply an alteration in the agreed conditions, or that the employer will have to arrange for a replacement or changes to the schedules or functions of other workers.”

This is only a summary legal alert and does not replace the full text of the law. We hope that this information clarifies your doubts and allows you to better understand the changes introduced by the new regulations.

For any additional questions our work team, which is at your entire disposal: Daniel Cortés S. dcortes@dnpv.cl, Javiera Barría W. jbarria@dnpv.cl and Rodrigo Villalobos A. rvillalobos@dnpv.cl.

Without further ado, regards,

dnpv abogados