

## Legal Alert Covid-19: Regulation on occupational safety and health conditions for remote working or teleworking.



July 7, 2020 / By [Luis Parada](#), [Juan Pablo Mesías](#) y [Alfonso Bustamante](#)

On July 3rd, 2020, the Official Gazette published a Regulation that establishes "Specific Conditions on Occupational Safety and Health at Work" (the "Regulation"), applicable to workers who provide their services via "Telework" or "Remote Work" according to the newly incorporated Labor Code provisions. The Regulation establishes a series of obligations for employers, the most relevant aspects of which are described below:

- The employer's duty to manage occupational risks that exist at the worker's home or in the place where Telework or Remote Work will be carried out.
- Prohibiting the worker from exposing himself/herself, his/her family or third parties to dangerous or highly harmful substances for their health, as classified by current regulations.
- An obligation for the employer to prepare a "Hazard Identification and Risk Assessment Matrix" (the "Matrix"), which must be reviewed at least annually, and may require the technical advice of the Mutual Organizations from Law No. 16,744. The Matrix must include a psychosocial risk assessment.
- For the preparation of the Matrix, the Regulation establishes that the Mutual Organizations must make available to the employers a document called "Self-assessment Risks Instrument". This document shall be delivered by the employer to its workers once remote or teleworking has begun, and workers must fill it out and return it to the employer within the period indicated in the Regulation.
- The employer must develop a "Work Program" that contains the preventive and corrective measures to be implemented (e.g. elimination and/or mitigation of risks), as well as measures to promote the use of protective tools and prevention of such risks.
- Implementation of the "Right to Know" for workers in Telework or Remote Work.

- **Mandatory Training:** Employers must train their workers (in person or remotely) at least every two years on the main safety and health measures to be considered.
- The regulation establishes the obligation to provide personal protection equipment and elements, which must be adequate to mitigate or control the risk, and in no case may workers be charged for their value.
- **Other obligations:** Carrying out annual evaluations and laying out control and surveillance measures, to be carried out through face-to-face or remote inspections of the workplace.

The Regulation will be in force 90 days after its publication, that is, from October 1, 2020, and the inspections will be carried out by the Labor Authority.

<b>Contacts</b>
For more information, please contact:
<a href="#">Luis Parada</a> Partner <a href="mailto:lpurada@dlapiper.cl">lpurada@dlapiper.cl</a>

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