



Labornet No. 1201

Legal system for remote work agreements. Act No. 27.555. Regulation. Executive Order No. 27/2021

Dear All,

This is to inform that the reference Executive Order was published in the Official Gazette on January 20, 2021, partially regulating remote work or telework:

Purpose: The provisions of Act No. 27555 shall not be applicable when the employment relationship occurs at the facilities, establishments or branches of clients to whom employers render services continually or regularly, or in those cases where work is sporadically or occasionally performed at employees' home, whether at the request of employees themselves or under any special circumstances.

Right to disconnect: Messages may be sent outside office hours when the company's activity is performed in different time zones or whenever it is indispensable for some objective reason. However, employees are not obliged to reply until their workday starts except for the circumstances described in Section 203 of Act No. 20744 (consolidated text 1976). It is expressly stated that employers cannot propose incentives for employees not to exercise their right to disconnect, clearly indicating that any raises related to overtime shall not be deemed to be incentives.

Caregiving responsibilities: Those who exercise the right to stop working to meet their caregiving responsibilities under the terms of Section 6 of Act No. 27555 shall report this situation virtually and indicate exactly when they stop working and when they resume tasks. Whenever for caregiving reasons employees cannot work the statutory number of working hours set forth in the applicable law or collective bargaining agreement, their wages may be reduced in accordance with the conditions agreed in the collective bargaining agreement. By no means can employers establish incentives for employees not to exercise the right to fulfill caregiving responsibilities.

In addition, both employers and employees must promote gender equality fostering male participation and equal sharing of caregiving responsibilities.

Reversibility: The right to reversibility and fulfillment of the resulting obligation shall observe the rights under Section 9 y 10 of the Civil and Commercial Code of Argentina (principle of good faith) and Sections 62 and 63 of the Employment Contract Act, in accordance with the purpose intended in the law.

Once employees make a request for reversibility, just by claiming a reasonable unexpected cause, employers shall fulfill their obligation to accept reversibility as soon as practically possible given the situation of the company at the time of the request.

By no means can employers take more than thirty (30) days to decide. In order to determine whether it is impossible to meet this obligation, it is crucial to consider the time elapsed between the date in which in-person work changed to a remote work arrangement.

Employees who agree on remote work arrangements from the start when they join the company cannot revoke their consent or exercise the right to be assigned in-person tasks, unless otherwise provided in collective bargaining agreements or individual contracts.

Business tools: The provision of business tools is not salary in nature and therefore is not included in the basis for calculating any item arising out of the employment contract, union dues or social security contributions. The parties may agree on guidelines to determine the nature of business tools in those cases where employment is not covered by any applicable collective bargaining agreement.

Expenses: Compensation for expenses, even without receipts, is not deemed to be salary in nature, like business tools.

Union representation: Section 13 of Act No 27555 states that employees shall be given the right to union representation at the establishment where they used to work in person. For those cases where the parties agree on a remote work arrangement from the start when the employee joins the company, union representation shall be decided after discussions with the union.

Hygiene and Social Security: The Department of Labor as the enforcement authority of this Act, through the Workers' Compensation Supervising Authority, shall conduct a study on the applicable hygiene and safety conditions, and the eventual need to include occupational diseases related to remote work arrangements in the list under subsection 2 of Section 6 of Act No. 24557, as amended, in accordance with the procedure mentioned in the law.

Right to privacy and surveillance system: As mentioned in Section 15 of Act No. 27555 unions shall be involved through joint audits, made up of technicians appointed by the union and the company, ensuring confidentiality of processes and data, and with limitations to preserve the rights of those who telework under Act No. 27555.

Enforcement authority: Registration. Monitoring. The Department of Labor may delegate registration tasks on local administrative authorities, as provided by Section 18 of this Act so as to centralize registration under the administration of different jurisdictions. Requests for information cannot include data about companies' line of business. The union, within the

scope of representation, can only receive information about companies' list of employees, new hires and terminated employees. This limitation does not apply to obligations under Title II, Chapter IV of Act No. 25877, as amended.

Temporary system: The Department of Labor shall issue a resolution indicating the start date to calculate the 90-day period set forth in Section 19 of Act No. 27555.

Best regards,

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