QUESTIONNAIRE

COVID-19

ARGENTINA

1. **What have been the conditions of return and opening of the economic sectors in your country?**

The return and opening of the economic sectors in Argentina were gradually made, and the conditions were not the same throughout the Argentine territory, because they depend on epidemiological criteria, health criteria, the number of population and the number of infections, among other issues.

As a first measure, the National Government established on March 19, 2020, through Urgent Decree (*Decreto de Necesidad y Urgencia* or "DNU") No. 297/2020, the Mandatory, Social and Preventive Isolation ("the Isolation") for all the citizens of the Argentine Republic and for all those staying temporarily in the territory. Therefore, all citizens must refrain from attending their workplace and travelling through roads and public spaces, and in principle, they are only allowed to leave their homes in order to buy food, medicines or cleaning supplies.

This measure was extended through DNUs No. 325/20, 355/20, 408/20, 459/20, 493/20, 520/20 y 576/2020. Currently, the term of the Isolation was extended up to July 17, 2020, inclusive –but it is likely to be prolonged again-.

The aforementioned DNU established the "essential activities", which are exempted from the Isolation. Some essential activities are the following: i) Health care personnel; ii) Security and armed forces; iii) Authorized public employees; iv) Foreign diplomatic and consular staff; v) People who must assist others; vi) People who must attend to force majeure situations; vii) Digital and telecommunication activities; viii) Essential cleaning services; ix) Maintenance of basic services; x) Public transport; xi) Postal and packages distribution services; xii) Delivery of essential products; xiii) Supermarkets, mini-markets, pharmacies, hardware stores, vets and carafes provisions; xiv) Non-deferrable activities related to foreign trade; xv) Transport of goods; xvi) Industries related to: food, personal hygiene, cleaning, medical equipment, medicines, vaccines and other sanitary supplies, and their production chain and supplies; xvii) Bank activity; xviii) Shift judicial services, among others.

During the term of the Isolation, the number of essential activities and those activities exempted from complying with the Isolation increased day by day, depending on the geographical area, as explained above. However, in some sectors, such as the Metropolitan Area of Buenos Aires (*Área Metropolitana de Buenos Aires* or "AMBA"), the Government had to prohibit again some activities, due to the abrupt spread of the virus, thus, the Isolation went from flexible to strict and restrictive.

Likewise, in those areas that were not particularly affected by the pandemic due to the low number of infected people, the "Mandatory, Social and Preventive Distancing ("the Distancing")" was established by means of DNU No. 520/2020. This measure is applied in the major part of the territory, except from the AMBA, San Fernando (Province of Chaco), Bariloche and General Roca (Province of Rio Negro), Rawson (Province of Chubut) and Córdoba. According to DNU 576/2020, both the Distancing and the Isolation will be in force until July 17, 2020.

The Distancing consists, mainly, on a greater flexibility, mobility and number of activities allowed within that specific area, and people must keep a distance of, at least, 2 meters from each other.

Also, it was established that in those areas where the Distancing is in force, economic, industrial and commercial activities or services may be only authorized, as long as they have a safety protocol approved by the province health authorities. Moreover, in closed spaces, the capacity is restricted to a maximum of 50%.

Throughout all the national territory, both in geographical areas where the Distancing and the Isolation are in force, the following activities are still forbidden:

- Public and private events that involve people's attendance (in those areas where the Distancing is applicable, the maximum is 10 people);
- Shopping centers, cinemas, theaters, cultural centers, libraries, museums, restaurants, bars, gyms, clubs and any public or private space that involves the attendance of people;
- Interurban, inter-jurisdictional and international public passenger transport, except for certain authorized people;
- Tourism;
- Face-to face classes at all levels and in all modalities activities, and the opening of parks or playgrounds is only forbidden in those areas where the Isolation takes place.

2. Have safety and hygiene measures been taken in companies in order to prevent COVID-19 in your country?

In general terms, as a safety measure for all citizens, it is mandatory to use a face mask –that covers nose, mouth and chin- in public spaces, to enter or stay in authorized shops, governmental entities and public transport.

Meanwhile, the use of personal protection, hygiene and safety elements within the workplace is also mandatory, and must be provided by employers due to their duty of safety. Employers must also guarantee appropriate and optimum safety and hygiene conditions for all employees in order to protect their health, according to the previously mentioned duty.

In order to carry out activities, companies must comply with the following requirements: i) the activity must be exempted from complying with the Isolation, ii) the activity must have a safety protocol approved by the national health authorities, iii) the employer must comply with the aforementioned protocol, iv) the social distancing of 2 meters must be complied in order to prevent the spread of the virus, v) infrastructure measures must be taken in order to keep social distance, such as the implementation of dividing screens, if possible.

In addition, employers must train the cleaning personnel -and employees in general-, in order to implement the following recommendations issued by the Ministry of Health:

- Frequently hand washing with water and soap;
- Cover both nose and mouth with the elbow fold when coughing or sneezing;
- Open doors and windows to ventilate the room;
- Frequently clean objects and surfaces that are often used.

As of the employer's duty of safety and prevention, it will be reasonable to request temperature tests before beginning to work, taking into account the following issues: i) Employees must be properly informed of the policy regarding how the temperature tests are conducted; ii) The policy must be in writing, pointing out the permissible and forbidden conducts; iii) it must clearly

establish possible sanctions in case of breach; iv) If an employee refuses to do such test, due to the current situation, the employer's duty of safety and prevention regarding all employees must prevailed over a particular will of one employee that refuses to have the test done; v) Due to the protective nature of Argentine regulations, it is advisable to have the policies notified in Spanish or in a double column format to avoid its challenge before a Court of Law; vi) Employees' medical information must be kept confidential; vii) Nevertheless, the employees' right to privacy will have as a limit the exposure to third parties at stake of infection sicknesses.

However, if the employer does not comply with the safety measures and the employee has sufficient evidence of this situation, he/she is entitled to request the company to do so. Otherwise, the employee may consider himself/herself constructively dismissed based on the employer's breach of the duty of safety and, consequently, claim the corresponding severance compensation.

In case the employees want to report their employer because he/she is not complying with their safety and hygiene duties, the following means are available: i) By phone: 0800-666-4100 (Ministry of Labor, Employment and Social Security -*Ministerio de Trabajo, Empleo y Seguridad Social* or "MTEySS"-) or 0800-666-6778 (SRT); ii) By e-mail: denunciasanitaria@trabajo.gob.ar

3. In case of an affirmative answer to question 2): Indicate whether these measures are mandatory for all companies and industries and whether they require the accompaniment of a professional specialized in the field.

The safety and hygiene measures in order to prevent the spread of the virus are mandatory for all companies and industries. As of the presence of a professional specialized in the field, even though his/her presence is not mandatory, the attendance of a health professional is recommended, at least to carry out the tests.

4. In your country, has any restriction regarding employees' dismissals been implemented due to the COVID-19 outbreak?

Yes, restrictions have been implemented. By means of Decree No. 329/2020, published in the Official Gazette on March 31, 2020, the Government established the prohibition to dismiss without cause, and to dismiss or suspend employees due to lack or reduction of work or for reasons of force majeure for 60 days counted as of March 31, 2020. This means that the prohibition, initially, was in force until May 30, 2020 inclusive.

Afterwards, on May 19, 2020, Decree No. 487/2020 was published in the Official Gazette, and established the extension of the term of the prohibitions until July 28, 2020 inclusive.

Therefore, employers must comply with the following provisions:

- Terminations without cause -regular terminations- are forbidden until July 28, 2020 (inclusive);
- Terminations based on lack or reduction of work or force majeure are forbidden until July 28, 2020 (inclusive);
- Suspensions due to force majeure or for lack or reduction of work are forbidden until July 28, 2020 (inclusive).

The only options available by the Decree are the suspensions of personnel for economic causes under Section 223 bis of the National Employment Law (or "NEL") – please see answer 7 "d"-.

Any termination or suspension that is done in violation to these prohibitions will be of no effect, and the employment relationship will remain in force, as well as the labor conditions. Therefore, the authorities may establish that the employer must reinstall the employee, and pay the accrued salaries and applicable interests, and comply with the withholdings and contributions to the Social Security System.

5. Indicate whether the justice and/or administrative services in your country have already been opened or have always been. If so, indicate if there are any court decisions regarding recruitment or dismissals due to the health and economic crisis suffered by companies.

Since the Isolation was established, the Judiciary Power has declared an "extraordinary recess" and there is just a minimal and indispensable presence of employees on duty in courts. For those employees, the Government has established that shift judicial services are exempted from the Isolation.

On the other hand, the National Supreme Court of Justice (*Corte Suprema de Justicia de la Nación* or "CSJN") determined the end of the extraordinary recess in some federal courts of the provinces where the Distancing takes place, but the CSJN also stated that there must be strict compliance with the safety and hygiene protocols. (Resolution of the CSJN No. 17/2020, 19/2020, 20/2020, 23/2020, 24/2020 and 26/2020.

However, in order to ensure the access to the justice and to the competent authorities, the following digital alternatives were implemented:

a) Presentation of the mutual agreements between employer and employees regarding the suspension of activities due to economic causes established in Section 223 bis of the NEL. These agreements must be signed by the employer and employee, and submitted online for the approval of the MTEySS.

b) Conciliatory agreements procedure: the MTEySS approved a virtual procedure, which is still under process of being implemented, in order to carry out the conciliatory hearings that were previously suspended due to the Isolation, and the new hearings that are requested by employers or employees. It is important to mention that in Argentina, the conciliatory procedure is mandatory prior filing a labor claim –please see answer 6-.

c) The CSJN approved the digital filing of lawsuits, direct appeals and complaint appeals (except for criminal matters).

d) The CSJN established that the use of the digital and electronic signature is admitted within the scope of the CSJN itself regarding the different jurisdictional and administrative acts subscribed by the Ministers and Secretaries of the Court, and to magistrates and officials of lower levels. These provisions facilitate the continuity of current legal proceedings.

e) As a consequence of the Isolation, judicial labor matters are on hold, and all hearings will be rescheduled and, therefore, judicial terms will be longer than expected.

Please find below some judicial decisions regarding dismissals while the prohibition of dismissals without cause or based on lack or reduction of work or force majeure are in force:

a) On April 28, 2020, in the case "*Yori Melisa c/ Adecco Argentina S.A. s/ Medidas Cautelares y Preparatorias*", the Labor First Instance's Judge of the Province of Santa Fe stated:

- To admit the reinstatement claim filed by the employee in views of the dismissal during probationary period, considering that DNU No. 329/2020 -that prohibits dismissals- within the current scenario due to the COVID-19 pandemic, prevails over the employer's right to dismiss an employee during probationary period.
- Likewise, the Judge argued that: "*The aim of DNU No. 329/2020 is to protect existing jobs, and while this imposes an obligation on the employer to retain an employee whose performance has not been fully evaluated or has been unsatisfactory in an extraordinary context, it is less harmful for the society*".

b) On June 1, 2020, in the case "*Sindicato de Obreros y Empleados Municipales de La Plata c/ Municipalidad de La Plata s/ Ejecución de Resolución Administrativa*", the Labor Court of Justice No. 5 of La Plata (Buenos Aires Province):

- Admitted the claim filed by the Workers and Municipal Employees' Trade Union from La Plata ("the Trade Union"), and established that the Authorities from La Plata must reinstall the 47 employees that were dismissed, and must also pay accrued salaries since the date of the dismissal. In addition, the Court coordinate a hearing in order to have a negotiation between the authorities from La Plata and the Trade union.

c) In the same sense, on May 6, 2020, in the case "*Godoy Héctor Ricardo y otro c/ José Trento Vidrios S.R.L. s/ Reinstalación*", settled by the Labor Court of Justice No. 2 of San Miguel (Buenos Aires Province):

- Some employees claimed that the company dismissed them on April, 2020, while the prohibition of dismissals was in force. The Court states that DNU No. 329/2020 prohibits dismissals without cause or based on lack or reduction of work or force majeure. Therefore, the Court admitted the preventive measure, and decided that the company must reinstall all the employees.
- In addition, the Court took into consideration the urgency of the situation, due to the current context, and the negative impact that this situation has on employees, since they do not have their food source and their rights may be injured, in case of delay.

6. How must the employment dismissals be in your Country? Is there any regulation that establishes that dismissals must be face-to-face or with the authorities' presence?

In Argentina, there is not a regulation that requires that dismissals must be carried out before the authorities.

Local procedural rules applicable to resolution of labor claims vary from province to province. In the Autonomous City of Buenos Aires, the exhaustion of a conciliation process ("*Servicio de Conciliación Laboral Obligatoria*" or SeCLO) before the MTEySS is a precondition to filing a

complaint before a Court of Law. In this process, both parties must attend a conciliation stage addressed to try to settle the claim. If the parties reach an agreement, MTEySS must approve the settlement for it to be valid..

However, the current regulations established that, if the employee is the one who wants to end the employment relationship (resigning), he/she may give a prior notice to his/her employer of 15 days, but there is not a sanction imposed in case he/she does not give that notice.

In addition, if the employer decides to terminate the employment relationship, the following terms must be taken into account in order to give the prior notice to the employee:

- 15 days' notice when the employee is in trial period;
- One month's notice when the employee has less than five years at work;
- Two months' notice when the employee has seniority that exceeds five years.

If the employer prefers not to give the prior notice, it must pay an amount equal to the period of time of prior notice that would correspond.

In both cases, the notification must be made in writing and through reliable means of communication to document exactly the date and circumstances of the termination.

Means of notification are:

- Legal notification (in that case, the employer must notify the employee in her personal address, because the main characteristic of notifications is the receptive nature);
- Notary deed notification
- Personal written communication that has to be signed by the terminated employee as evidence of notification.

The notification must be in Spanish, based on the protective nature of labor regulations. In this sense, in case the communication is in another language and a claim is filed before the judicial authorities, judges may consider that the notification is not valid because the employee did not understand the terms of the termination.

7. Does your country's legislation allows the suspension of the employment contract? If so, what is the limit for this suspensions? For example, what is the maximum period of time that a suspension can be requested? May it be applied to employees under leaves, including maternity leaves?

In Argentina, the NEL regulates the suspension of the employment contracts, which are defined as the transitory interruption of any of the parties' obligations. Even though the labor contract is still in force, it suffers certain modifications during a determined period of time (and that is why they are temporary).

The suspensions may be paid or unpaid, depending on its cause.

On the other hand, the suspension period(s) may (or not) be considered for the employees' seniority according to the following: if the suspension is due to the employees' liability or fault, that period will not be considered for seniority but, instead, if it is due to the employers' decision it will be deemed.

The main cause of suspensions are:

a) Non-work related accidents or illnesses (Sections 208 to 213 of the NEL): in this case, the employee is entitled to receive his/her normal salary during the suspension term. However, this term cannot be indeterminate, due to the fact that, as previously mentioned, it must be temporary. In this sense, Section 208 of the NEL establishes that:
    i. If the employees' seniority is less than five years, the employer must pay three months' paid leave.
    ii. If the employees' seniority is over five years, the employer must pay six months' paid leave.

b) Performance of certain representative duties in trade unions with legal recognition ("*personería gremial*") or in organizations that require union's representation (Section 217 of the NEL): This is an unpaid leave that the employer must pay when the employee holds an elective or representative office at a recognized trade union. In this case the employer must keep the employees' job position at least for 30 calendar days, and he/she must be reinstated once his/her mandate for the trade union is finished. This term must be considered for the employees' seniority, but it will not be considered in order to determinate the proportional semi-annual bonus ("*Sueldo Anual Complementario*" or SAC), holidays, among others.

c) Suspensions due to economic, disciplinary, force majeure and lack or reduction of work causes (Sections 214 to 244 of the NEL): These suspensions arise from the employer's unilateral decision. During this term, the employee will not render services, and the employer is not entitled to pay his/her salary. The NEL establishes that every suspension, in order to be valid, must be based on a fair cause, last a determined period of time, and must be notified to the employee in writing.

    By means of DNUs No. 329/2020 and 487/2020, it is prohibited to suspend employees due to lack or reduction of work as from March 31 until July 28, 2020, inclusive –even though this term may be extended again-.

    Likewise, by means of DNU No. 529/2020, the limits applicable to suspensions due to lack or reduction of work not attributable to the employer (30 days in 1 year) or due to force majeure (75 days in 1 year) provided by Sections 220, 221 and 222 of the National Employment Law No. 20,744 ("NEL") are no longer effective –even though these suspensions are forbidden until July 28, 2020, as previously mentioned-.

d) Actually, given the current scenario due to the COVID-19 pandemic, the only option available are the suspensions of personnel for economic causes under Section 223 bis of the NEL (hereinafter "the Suspensions"). These are temporary suspensions for economic causes negotiated with the employee. In turn, the employee will receive an amount agreed among the parties. In case the Suspensions are imposed in a massive manner, the percentage applicable for the filing of the Preventive Crisis Procedure (PCP) applies and, in such a case, the PCP need to be filed.

    In this sense, Resolution No. 397/2020, issued by the MTEySS, establishes some aspects regarding the homologation of the Suspensions. Below, the main aspects of the Resolution:
    i. It establishes the approval procedure to be followed (prior legality control of the MTEySS) for the submission of agreements regarding the Suspensions, executed by unions with legal recognition and companies.

ii. The requirements that must be complied with are:
- The agreement must be executed only regarding those employees who may not render services in a normal way;
- A list with the affected personnel must be submitted;
- The amount of the non-compensation amount paid to the suspended employees may not be less than the 75% of the net salary that they would have received if they rendered services in a normal way;
- Over the non-compensation amount, the corresponding withholdings and contributions to the Health Insurance and to the National Health System (*Sistema Nacional del Seguro de Salud* or "ANSeS") must be done, as well as the payment of union fees;
- If the company receives the benefit of the "Complementary Salary" within the framework of the Emergency Assistance Program for Employment and Production (*Programa de Asistencia al Trabajo y la Producción* or "ATP"), the amount of the "Complementary Salary" must be included in the non-compensation allowance paid to the suspended employees, and the employer must pay the remaining amount;
- The application of the Suspensions by the employer may be ordered simultaneously, alternately, rotating, total or partial, according to their respective productive realities;
- Employers who apply this agreement must not alter their employees' payroll during its term (they may not terminate employees);
- The agreement will not apply to those parties who have already agreed or will agree other suspension criteria.

iii. All the agreements entered into by and between the union with legal recognition and the Companies that regulate the application of the Suspensions and comply with the requirements mentioned in point ii), will be approved by the MTEySS after the relevant legality control. The same applies for those agreements that are more beneficial to employees.

iv. Agreements of Suspensions that comply with the requirements mentioned in point ii) but are filed only by the employer, will be sent to the corresponding union with legal recognition.

v. If the agreements do not meet the requirements mentioned in point ii), they will be subject to prior control by the MTEySS and in each case the corresponding considerations will be indicated.

vi. In all cases, the parties submit an affidavit regarding the authenticity of the signatures contained in the agreements.

Likewise, it is important to mention that, by means of DNU No. 529/2020, it was established that the Suspensions may be extended as long as the Isolation takes place.

e) Nowadays, <u>suspensions due to disciplinary causes</u> are also allowed: this sanctions are aimed to correct the inappropriate behavior of the employees. In order to be valid, the following requirements, established in Section 218 of the NEL, must be fulfilled: they must be based on a fair cause, last a determined period of time, and must be notified to the employee in writing. Likewise, the level of the imposed sanction must be consistent

and contemporaneous with the alleged misconduct, and employer cannot punish an employee twice for the same act.

8. Which measures did the Government take in your country regarding the return of companies or openings, for those risk employees, according to the definition established by the World Health Organization (People who are 60 years old or more, people who have chronic diseases and pregnant employees)? Will those measures continue?

According to Administrative Decision No. 390/2020, published in the Official Gazette on March 17, 2020, the following groups are exempted from complying with the duty of attendance to the workplace, even if they are considered essential employees:

a) People who are 60 years old or more;
b) Pregnant employees, and
c) People included in the risk groups

According to Resolution No. 627/2020 issued by the Ministry of Health, people include in risk groups are:

a) People with chronic respiratory diseases;
b) People with heart disease;
c) Diabetic people;
d) People with chronic kidney failure on dialysis;
e) People with Immunodeficiencies;
f) Cancer and transplant patients; and
g) People with disability certificate.

In addition, many governments from different provinces have implemented aid programs for people who are over 60 years old. These programs consist on telephone assistance and/or help to make purchases of basic supplies, aimed at people (over 60 years old) stay at home and someone else -who is not considered risky- takes care of them and help with the purchases.

9. Due to the health crisis and pandemic of COVID-19, which tools or working modalities do you consider that are essential for the future of labor relationships? If necessary, please indicate whether these modalities have already been adopted by your legislation or, if so, which models may be implemented.

Over time, technological tools have been essential and have a main role in the provision of services.

From the beginning of Isolation, the Government established that employees whose normal tasks may be carried out remotely (in isolation) must agree in good faith with their employer the conditions to render services from their home. This provision may be only applied if the employee is not infected by COVID-19 nor he/she has any symptoms.

Moreover, both, employees who provide services from their homes and those who are unable to work from their homes due to the nature of the activities, are entitled to receive their regular salaries during the Isolation period.

In addition, regarding working modalities, and considering the exemption from the duty of attendance to the workplace, the implementation of "home office" or remote work allowed companies to continue with their activities (which are not considered essential), if it is possible in order to the nature of the activity.

Although currently there is no law that fully regulates home office, there is a bill of law that has been approved by the Chamber of Deputies, and is still pending of approval by the Chamber of Senators - see details in Point 10-.

In this sense, the implementation of home office provides a lot of benefits, such as: i) It protects the health of all employees; ii) Prevents the spread of the virus; iii) Increases productivity; iv) Represents savings for both, the employer and the employee; v) Allows to have a flexible schedule; vi) Guarantees a comfortable and quiet workplace; vii) Avoid distractions that may arise in offices; and viii) Saves time for both the employee and the employer, since it is not necessary to travel to the workplace.

10. What has been the impact of technological tools in your country to ensure the continuity of work in companies? Before the health crisis, did legislation related to the application of these technologies in the employment relationship already existed?

Since DNU No. 297/2020 came into force, considering the prohibition to circulate and to attend the workplace, all companies whose activities allowed so, have implemented remote work or "home office" in order to continue working.

COVID-19 is characterized by its high level of infection and, for this reason, the Government established that only employees that carry out essential activities must attend the workplace. In this sense, considering that we are in the era of modern information technologies, the use of them is really helpful, considering the current scenario.

In this sense, technologies that facilitate communication and the carrying out of tasks became very popular. One of the most famous platforms, along with text messages and e-mails, are the ones where a videoconference can be held, such as Whatsapp, Zoom, Google Meet, among others.

Regarding the labor field, videoconferences play a key role for –for example- planning the division of tasks between the companies' employees' and, also, for organizing meetings to avoid a work stoppage. This tool allows to supply physical meetings and to optimize time, considering that the interaction between the parties is immediate and there is no lost time waiting for an answer (as happens with e-mails).

On March 17, 2020, Resolution No. 21/2020, issued by the Labor Risks Superintendent (*Superintendencia de Riesgos de trabajo* or "SRT"), was published in the Official Gazette. This Resolution establishes that the employers who enable their employees to work from their home must inform the corresponding Labor Risks Insurer (*Aseguradora de Riesgos de Trabajo* or "ART"), the following:

i. List of employees who will be rendering services under a home office regime (name, surname, labor code (*Código Único de Identificación Laboral* or "CUIL");
ii. Address where the tasks will be carried out;
iii. Frequency of the provision of tasks (number of days and hours per week).

As mentioned in point 9, in Argentina, remote work or home office is a new discipline characterized by the lack of regulation. This is why a draft law regarding the implementation of such modality is being discussed, but there is no legal regulation yet.

Currently, this draft bill has been approved by the Chamber of Deputies (where it was originated), and has passed to the Chamber of Senators to be discussed.

Below, the main aspects of the draft bill:

a) Rights and obligations: Remote employees will have the same rights and obligations as all other dependent employees, except for working time, overtime and night work, given the special nature of their activities.

b) Willfulness: Remote work is optional for both employer and employee. Employees that nowadays physically attend their workplace, and have the will to start working remotely, preserve the right to request, anytime, to go back to physical attendance.

c) Remote worker's right to privacy and intimacy: Control systems designed to protect the employer's property and information must respect the remote worker's privacy.

d) Right to rest: The allocation of tasks must be done in order to ensure the remote worker's right to recreational breaks.

e) Maternity: Female remote workers are entitled to choose remote work during the first 12 months of pregnancy if the nature of their tasks allows so.

In 2013, The MTEySS approved Resolution No. 595/2013, which creates the Program for the Promotion of Remote Work Employment (*Programa de Promoción del Empleo en Teletrabajo* or "PROPET"), addressed to promote, control and simplify the application of remote working. In general terms, in order to join the program, the company must submit the corresponding application form explaining the reasons why it intends to join it. Once the application form is approved, the company must enter into a covenant/agreement with the Coordination of Remote Working (*Coordinación de Teletrabajo*). In this covenant the requirements for participation in the Program and the specific clauses of individual employment agreements are established. The workers' participation in this Program must be voluntary and its express consent must be included in the employment agreement.

When establishing remote work, the following measures must be taken:

• Equal rights for homeworkers as those granted to employees working in the employer's establishment;

• The working hours where the employee must be at the employer's disposal must be specified;

• The remote worker's consent to implement remote working is required;

• Monitoring systems used by employers to supervise workers will have as a limit the worker's right to privacy;

• The working tools may be provided by the employee (in such case, the MTEySS suggests that the employer refunds the total amount of expenses incurred by the employee, as long as he/she hands over the corresponding receipts), or by the employer

(the employee will be responsible for the correct use and maintenance of the tools, and must avoid the use by third parties);

• The employer must inform the corresponding ART certain information regarding the implementation of remote work and personal data of their employees;

• Moreover, the conditions under which remote working is carried out must comply with the applicable labor laws and must not undermine workers' rights or dignity.