



Argentina clarifies remote working rights post COVID-19 pandemic

*By Mercer's Fiona Webster and Stephanie Rosseau
2 Feb 2021*

Argentina recently issued a decree clarifying the legal framework established in Law 27555 for employees to telework after the COVID-19 pandemic has ended. The telework law was originally set to take effect 90 days after the government declares the end of the compulsory COVID-19 quarantine period, but the decree clarifies that the Ministry of Labor, Employment and Social Security will issue a resolution setting the start of the 90-day period.

Highlights of the teleworking regime

- Telework is done remotely, either completely or partially, requiring the use of information technology and telecommunications.
- Employees cannot be forced to work remotely except in cases of force majeure. Remote employees may reverse their decision to work remotely, unless they were initially hired as a remote employee. Employers must fulfill these requests within 30 days of receiving them.
- Remote employees will have the same rights, pay and representation rights as employees who work at their employer's establishments.
- Employment contracts must detail an employee's remote working status and working hours. Employees have the right to disconnect, and employers generally cannot ask remote workers to work beyond their scheduled working time. Employees can ask for their work schedules to be adjusted to help reconcile work and certain types of care responsibilities.
- The government will issue workplace safety and health regulations applicable to remote workers.
- Employers must pay for, provide, install and repair the necessary equipment, and support their employees who work remotely. Employers must reimburse remote employees who use their own equipment.

Argentina clarifies remote working rights post COVID-19 pandemic

- Employers must seek prior authorization from the Ministry of Labor, Employment and Social Security before hiring foreign nonresident employees to work remotely, and collective agreements should include a cap on the number of foreign remote employees.

Related resources

- [Decree 27/2021 and annex](#) (Spanish) (Official Journal, 21 Jan 2021)
- [Law 27555](#) (Spanish) (Ministry of Human Resources and Justice, 14 Aug 2020)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.