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## COVID 19 FAQs regarding LABOUR LAW in Peru

### **Is the employer entitled to sanction workers who are forced to go to work or perform remote work or telework?**

Yes, it's empowered. The time of legal quarantine does not create an exemption for the employee to be sanctioned in case they fail to comply with work obligations. If this happens, and depending on the If the employer is not satisfied with the seriousness of the offence committed by the employee, they are entitled to apply the principle of authority recognized in art. 9 of the Supreme Decree N ° 003-97-TR.

### **Is the employer required to provide workers who perform on-site PPE to prevent the spread of COVID-19?**

Yes, article 4.1.3 of the Ministerial Resolution N ° 055-2020, establishes that it is the employer's obligation provide employees with appropriate and sufficient hygienic material, as well as the recommendations issued by the occupational physician of the company according to the environment and work environment in relation to the job to prevent the spread of COVID-19.

### **Which employers can perform work activities during the quarantine period?**

Companies that can perform activities during the government quarantine period, are those that perform the following essential activities: Workplaces dedicated to the acquisition, production and supply of food, including their storage and distribution for sale to the public; acquisition, production and supply of pharmaceuticals and basic necessities; assistance and care for the elderly, children, adolescents, dependents, people with disabilities or in a situation of vulnerability; financial entities, insurance and pensions, as well as supplementary and related services to ensure their proper functioning (such as monitoring and systems); production, storage, transport, distribution and sale of fuel; hotels and accommodation centers, only to comply with the quarantine; media and call centers, the latter only for essential services. In addition, labor, professional or business services are allowed to guarantee the services of food supply, medicine, water, sanitation, electric power, gas, fuel telecommunications, cleaning and collection of solid waste, and funeral services. Any other activity of a similar nature to those referred to or to be carried out by chance or force majeure. And, by exception, in the productive and industrial sectors, the ministry of economy and finance (MEF) in coordination with the competent sector, may extend this list.

### **Which employers cannot perform work activities during the quarantine period?**

Companies that cannot perform activities for the period of the quarantine ordered by the government, are those that do not perform essential activities.

### **If the employer performs non-essential activities, what alternatives do they have to continue working during the quarantine?**



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- a. Remote working, which is either mandatory or optional. It is mandatory for employers to provide this measure if they have employees at risk qualified as such by R.M. 084-2020MINSA. It is optional to provide this measure for employers who do not have employees at risk. In both cases, remote working is imposed by the employer.
- b. Telework agreed with the employee.

Employer forced to assume costs of equipment used for teleworking. What alternatives does the employer have if the work of his staff cannot be done by remote working?

In agreement with the staff, they may grant vacations, whether expired or advanced, leave with or without pay. If there is no agreement between the parties, they may grant leave with recoverable earnings as determined by the employer.

### **What steps can the employer take if their income is affected?**

**Leave of absence without pay, reduction in remuneration, after agreement with their staff.**

They may suspend your employment contracts without pay as an exceptional measure, and they must notify the Administrative Employment Authority of their decision. As a previous measure to the suspension, they can unilaterally declare the enjoyment of expired or advanced vacations of their personnel.

### **If the employer carries out essential activities, what obligations must they fulfil if they arrange for on-site work?**

- a. Communication plan regarding prevention measures before the COVID-19 in charge of the Committee of Health and Safety at Work.
- b. Informative talks to prevent the spread of COVID-19 in the workplace.
- c. Provision of hygienic material to prevent the spread of COVID-19 at work.
- d. Apply cleaning protocols in the work center.
- e. Provide immediate attention in health insurance to workers suspected of having contracted the COVID-19 in order to carry out the corresponding medical evaluation.
- f. It is not possible to travel abroad for work.

### **What procedural labor effects does quarantine generate?**

In the Judicial Branch, work has been suspended as of 16 March 2020 for a period of 15 calendar days. Procedural deadlines are also suspended for this period. In the Constitutional Court, all proceedings are suspended from March 16 to March 30 (including).

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