

Law to Regulate Telework in Costa Rica

August 23, 2019

The Legislature approved in first debate, by the unanimous vote of the 52 representatives present at the time of the vote, Law No. 21,141, called “Law to Regulate Telework”. Once approved in the second debate, which is expected to be very soon, the Executive Branch has three months to prepare the Regulations to the Law.

The most important elements of the Law to Regulate Telework are detailed below:

- Applies to both the private and public sectors.
- Sets forth obligations for both parties of the employment relationship that must be respected for the correct application of this work modality.
- The conditions under which telework will be carried out must be clearly documented in the employee's agreement, or in an addendum to that agreement.
- Control and evaluation mechanisms and criteria must be included in the respective agreement or addendum.
- It is not mandatory for either party to the employment relationship, therefore, the employer has the power to grant and, giving a prior notice of 10 calendar days, revoke telework.
- With respect to each employee’s work shift, telework cannot be contrary to the provisions of the Labor Code and the employee schedule may be flexible, as long as it is previously agreed with the employer and does not affect the normal development of the work activities and processes.
- Unless established otherwise, the employer must provide and guarantee the maintenance of the equipment and programs necessary to carry out the work.
- Regarding the Workers Compensation Policy, the same policy that currently applies for employees working at the Company’s premises will apply.
- Under this type of work, work-related accidents will be the accidents and illnesses that occur to employees on occasion or as a result of the telework that they perform in a subordinate and remunerated manner, as well as the aggravation that results as a direct, immediate and undoubted consequence of these accidents and illnesses.

The Employment and Labor practice area of Dentons Muñoz Costa Rica offers legal advice regarding compliance, regulations and best practices of Telework to avoid eventual legal inconveniences.

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