

NEW REGULATION OF THE HOUSEHOLD WORKERS LAW (LAW No. 31047) IS PUBLISHED.

On Saturday April 17, 2021, Supreme Decree No. 009-2021-TR was published in the Official Gazette No. 009-2021-TR, through which the Regulation of Law No. 31047 that regulates the New Labor Regime for domestic workers was approved. Below, we detail the most relevant content of the standard:

Supreme Decree No. 009-2021-TR	
Who does the rule apply to?	<ul style="list-style-type: none">• To those people who carry out activities related to the development of the home and maintenance of a house (cooking, washing, ironing, assistance, maintenance, care of people and pets) in a subordinate and personal way in favor of a third party (employer) in exchange for a salary, provided that this does not involve a business or direct economic gain for the employer.• Conditions: The domestic worker is over 18 years of age, is not related to the employer (at least up to the second degree of consanguinity) and performs work permanently or periodically.
Contract formalities	<ul style="list-style-type: none">• It is provided that the contract may be for an indefinite or temporary term (subject to modality) and must be signed in writing and in duplicate, with each of the parties keeping a copy.• It is noted that at least the contract must contain the following data: (i) details of the parties, (ii) specification of the type of work, (iii) address of the workplace, (iv) previous service time (until the provision of the new labor regime), (v) description of the working conditions (uniform, food, accommodation), (vi) name of the financial institution and account number for salary deposit, (vii) description of the payment of the

	<p>remuneration, (viii) working hours and hours, (ix) weekly rest, (x) obligations of the employer that includes the granting of social benefits and social security, (xi) description of facilities for the educational training of the worker.</p> <ul style="list-style-type: none"> • The duty of registration of the contract by the employer is implemented through the Home Work Registry in charge of the Ministry of Labor and Employment Promotion (MTPE), within 3 business days from its subscription. • It is stated that the employer must make any type of modification of the information included in the registry by the MTPE within 30 calendar days of the occurrence that led to the updating of the data. This term also applies to the worker's dismissal. • It is provided that the employer must deliver to the worker the registration or withdrawal certificate by physical or electronic means. • It is indicated that the obligation of the employer to register the worker as a beneficiary in the existing registry in charge of SUNAT, as well as his beneficiaries, is maintained. For these purposes, you must first be registered in the registry in charge of the MTPE.
<p>Provision of the service</p>	<ul style="list-style-type: none"> • It is provided that the worker can provide services with or without residence in the home, full or part time.
<p>Remuneration</p>	<ul style="list-style-type: none"> • It is noted that the remuneration cannot be less than the Minimum Vital Remuneration if the worker works 4 hours a day a week on average, otherwise he / she receives the part proportional to said amount. • It is forbidden to deduct the remuneration for the purpose of granting food, accommodation, uniform, protective equipment, tools (among others) to carry out work. These working conditions must be delivered in good condition and / or sufficient quantities. • It is indicated that the employer must deliver a pay slip to the worker containing the income and discounts made. The MTPE makes a payment slip format available to the parties. • It is pointed out that the payment of the remuneration can be made by bank transfer, provided that the worker has given his / her express consent in writing (through the contract or agreement, for example). The bank account must be owned by the worker.
<p>Social benefits</p>	<ul style="list-style-type: none"> • Bonuses: It is noted that every worker has the right

	<p>to receive an additional salary in the fortnight of July (National Holidays) and December (Christmas) for legal gratification. This applies, even if the worker had only worked a full month (at least).</p> <ul style="list-style-type: none"> • CTS: It is provided that the employer deposits in May November half salary for CTS in favor of the worker. It is the obligation of the worker to communicate in writing to the employer the financial entity, the account number, the CCI and type of currency chosen, otherwise the employer opens the account in favor of the worker and makes the deposit . • Vacation: It is provided that the worker has the right to a 30 calendar day vacation break after one year of continuous services. • Flexibility for educational training: It is provided that these flexibilities may include permits for exams, for enrollment procedures, use of the Internet (if the employer has this resource) and special hours for study, among others that are agreed. Permits can be compensated by agreement between the parties.
<p style="text-align: center;">Paid breaks</p>	<ul style="list-style-type: none"> • It is indicated that the worker has the right to 1 day of rest per week. • It is mentioned that on that day the worker can freely dispose of his / her time, which includes leaving the workplace (in case the benefit is with residence). This applies to holidays as well. • It is provided that work performed on days or hours of rest is compensated with alternative days or hours of rest or with payment for the work performed plus the 100% surcharge. • It is indicated that the worker who works with residence in the workplace has the right to 12 continuous hours of rest at least between each working day.
<p style="text-align: center;">Working hours</p>	<ul style="list-style-type: none"> • It is indicated that the working day cannot exceed 8 hours a day and 48 hours a week. The day and schedule must be in writing (in contract or in accordance with the contract). • It is provided that if the worker renders services on a shorter day, this may be extended up to the maximum number of hours allowed, which implies a proportional increase in remuneration. On the other hand, if a reduction in working hours is provided, this does not imply a reduction in remuneration, unless otherwise agreed. • It is stated that the worker has the right to 45

	<p>minutes of cold storage (breakfast, lunch and / or dinner).</p> <ul style="list-style-type: none"> • Overtime work: It is provided that work outside the ordinary day is voluntary, except in the case of force majeure or a fortuitous event. The overtime hours worked are recorded on the pay slip, as well as the corresponding surcharge. Note that the time that the worker is at the employer's disposal is considered as effective work (either within or outside the working day, being that in the latter case they are considered overtime).
<p>End of employment relationship</p>	<ul style="list-style-type: none"> • It is noted that the end of the employment relationship may be effected by the: (i) death of the parties, (ii) resignation 30 days in advance (subject to exoneration), (iii) agreement of the parties, (iv) invalidity permanent absolute of the worker, (v) term of the contract or (vi) dismissal for just cause, among others. • It is noted that within 48 hours of the termination of the employment relationship, the employer must deliver to the worker a certificate of termination, as well as the corresponding settlement of social benefits.
<p>Security and health at work</p>	<ul style="list-style-type: none"> • It is noted that the employer has the obligation to guarantee the worker a safe and healthy workplace. This implies informing the worker about the risks of work tools and the importance of using personal protective equipment. • The employer is obliged to guarantee the assistance of the worker to 1 training on the risks associated with their work. The MTPE implements the mechanisms for this. • It is indicated that the employer has the obligation to deliver personal protective equipment to the worker for their work. • It is stipulated that the worker has the duty to report any damage to the work tools, as well as any situation that may cause harm to their health. Likewise, you must report any accident or work incident or illness. • It is pointed out that the employer must adopt the necessary measures for the prevention of accidents and occupational diseases. • It is mentioned that the employer must assume all the expenses produced by accidents or illnesses suffered by the worker in the performance of his / her work. Similarly, you must inform the MTPE about the occurrence of fatal accidents or dangerous incidents.

<p style="text-align: center;">Social Security</p>	<ul style="list-style-type: none"> • Health regime: It is provided that the worker is a regular member of EsSalud. The employer makes the contribution discounts and their respective payment on a monthly basis. • Pension system: It is pointed out that the affiliation of the worker to the Social Security System is mandatory. It is indicated that the employer has the obligation to deliver the Social Security Information Bulletin to the worker so that they can freely choose the regime to which they want to belong (national or private). The registration, retention and payment of the contribution to the pension scheme chosen by the worker is carried out by the employer.
<p style="text-align: center;">Maternity protection</p>	<ul style="list-style-type: none"> • It is provided that dismissal for reasons of maternity (pregnancy, childbirth and breastfeeding) of the worker is void, unless just cause is proven for the dismissal. Nor can this condition be used to prevent access and / or permanence at work. • It is stated that the worker has the right to enjoy maternity leave (pre and post natal leave) applicable to the general labor regime. • It is provided that the MTPE implements a reference format for documentary notification of pregnancy to be used by the worker.
<p style="text-align: center;">Prevention and punishment of sexual harassment</p>	<ul style="list-style-type: none"> • It is mentioned that it is the employer's obligation to guarantee a space and workplace free from sexual harassment and all kinds of violence. • It provides that the employer must attend 1 training at the beginning of the employment relationship in the prevention of sexual harassment; and, guarantees separate attendance of the domestic worker and family members to at least 1 annual training on the subject. The MTPE, together with the Ministry of Women and Vulnerable Populations, implement the necessary mechanisms to guarantee the assistance of the persons indicated to the training on the matter. • It is noted that the MTPE and the control authorities implement a procedure to report acts of sexual harassment, as well as care for the affected person.
<p style="text-align: center;">Private employment agencies</p>	<ul style="list-style-type: none"> • The regulatory norms for the Operation of Private Employment Agencies, approved by Supreme Decree No. 020-2012-TR, are modified. • Since it is forbidden to retain any type of identity document, personal belongings, valuables or the like, criminal records or letters of recommendation to workers; as well as, to limit fundamental rights

	<p>of these workers to information, privacy or other similar. Likewise, the obligation of these to inform workers and possible employers about all the rights of the Law is created.</p>
<p>Labor inspection and supervision</p>	<ul style="list-style-type: none"> • The Regulations of the General Labor Inspection Law, approved by Supreme Decree No. 019-2006-TR, are modified. • Given that, the following is a minor offense: (i) failure to comply with the obligations regarding salary payment slips, settlement of the CTS and documentation delivered upon termination of the employment relationship applicable to all labor regimes (general and special); as well as, (ii) failing to deliver to the worker the registration and cancellation certificates in the household work registry within the established deadlines. • The following is a serious offense: (i) failure to pay wages, (ii) not providing accommodation and food conditions, as appropriate, (iii) not granting flexibilities for access to educational training; (iv) failure to comply with the obligations regarding job training; (v) make payments by bank transfer without the consent of the worker, (vi) register or cancel the household work registry after the established deadline; as well as, (vii) deposit the CTS in a financial entity other than the one chosen by the worker in a timely manner. • It is indicated as a very serious offense not granting the worker the necessary facilities to care for direct relatives who are a risk group for COVID-19 infection or who have non-hospitalized relatives with a diagnosis of COVID-19 (in accordance with the Decree Legislative No. 1499).
<p>Judicial protection</p>	<ul style="list-style-type: none"> • It is pointed out that, when faced with acts of sexual harassment, the domestic worker goes to the Judiciary to request: (i) the cessation of said acts; or (ii) the payment of compensation by terminating the employment contract; (iii) claim additional damages to (i) and (ii).
<p>Fundamental rights</p>	<ul style="list-style-type: none"> • The prohibition of acts of discrimination of any kind is expressly provided. This applies to foreign immigrants and refugees who are regularly in the country. • The prohibition of child labor (persons under 18 years of age) is expressly stated. • The prohibition of forced labor is expressly indicated. The employer agrees to attend 1 training (at least) at the beginning of the employment

relationship in the prevention of forced labor. The
MTPE implements the mechanisms for this.

- The protection and guarantee of the right to
freedom of association is mentioned.

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