

LEGAL BULLETIN



CONTACT

BDO OUTSOURCING S.A.C.
CARINA DAVILA CARDICH
Legal Manager

Tel: + 511-705-3535
cdavila@bdo.com.pe

MEASURES REGARDING LABOR AND ADMINISTRATIVE MATTERS WERE PUBLISHED

By the following we will explain the main dispositions recently published in the Official Journal "El Peruano", that simplify various administrative and labor procedures. These dispositions are as follows:

- By Supreme Decree N° 016-2016-TR it was modified the Regulation of the Law of Health and Safety ("Reglamento de la Ley de Seguridad y Salud en el Trabajo" in Spanish), with respect to the employer's obligation to perform occupational medical examinations to its employees. In this way, it is established that:
 - The periodicity of the performing of the medical examinations will be 2 years.
 - The employers or employees, by written request, may perform an outgoing occupational medical examinations, at the end of the employment relationship.
- By Legislative Decree N° 1310 it was established new administrative simplification measures; being one of them the issuance, referral and preservation of labor documents. In this respect, it has been mainly established that:
 - In all labor documents such as contracts, addendums, payment bills, certificates, liquidation of social benefits, among others, the employers may substitute its signature and manual sealing by its digital signature, electronic signature or microforms.
 - If the employer pays the employee its economic labor obligations through a deposit into a bank account, the first may replace the physical printing as well as the delivery of the payment bill or proof of payment through the provision to the employee of these documents using information and communication technologies; in this case no signature of reception by the employee is required.
 - The documents could be presented in its digital version, when there are required in an administrative or inspection procedure, or in order to access services of the Administrative Authority of Work (AAT).
 - The employers are obliged to keep documents and proof of payment of economic labor obligations only up to 5 years after payment has been made.
 - In the case of the National Pension Plan Administrative, the employer may destroy the payroll information from prior periods to July 1999, after digitizing with legal value or physically delivering it.

Another provision established in the referred Legislative Decree is the one corresponding to the recognition of the ownership of registrations, certificates, permits, licenses, authorizations and administrative procedures in case of reorganization of companies and changes of corporate name; establishing that:

- In cases of merger, excision and simple reorganization of companies, all registrations, certificates, permits, licenses and authorizations of ownership of the companies that are extinguished are fully transferred to the acquiring or acquiring company.
- The transfer of ownership applies from the effective date of the merger and must be communicated by the absorbing or incorporating companies to the corresponding public administration entities, in which it is stated that the conditions that allowed the granting of The titles, stating the data of the documents by which the merger, split or reorganization was formalized.
- The absorbing or incorporating companies will automatically be subrogated into the position of the companies that are extinguished in any administrative procedure that is in process related to the companies that are dissolve by the merger, split or reorganization, from the date of the communication of the merger to the corresponding public entity.

In case of change of corporate name, the registrations, certificates, permits, licenses and authorizations that remain in force and the corresponding entities of the public administration will make the changes in their own, for the sole merit of the presentation of simple copy Of the Public Deed of modification of statute and Affidavit.

- By Supreme Decree N° 043-2016-TR, the Annexe 5 of the Regulation of the Law of Modernization of Social Security in Health was updated, which incorporates the list of activities considered as one of high risk. This disposition will take effect on February 10, 2017.