

2021 US Labor & Employment Webinar Week

Insights and Compliance Strategies for a New World

February 1 – 4, 2021



SQUIRE
PATTON BOGGS

Latin America: A Regional Panoramic

February 1, 2021

squirepattonboggs.com
employmentlawworldview.com

A blurred office environment with several people working at desks with computers. A teal rectangular overlay is positioned on the right side of the image, containing the word 'Introduction' in white text.

Introduction

Objectives and Themes

Latin America

Objectives

Themes

- COVID-19
- Privacy
- Diversity and Inclusion

3 Moments of a Labor Relationship

- Recruitment
- Employment
- Termination



A hand is pointing at a network diagram of people icons connected by lines. A teal overlay box is positioned on the right side of the image, containing the text 'Recruitment' and 'What to do'.

Recruitment

What to do

Recruitment

Legal Compliance - Privacy

- Increased Privacy Requirements
 - **Mexico** – Ley Federal de Protección de Datos Personales en Posesión de los Particulares
 - **Brazil** - Lei Geral de Proteção de Dados Pessoais
 - **Peru** - Ley de Protección de Datos Personales (Ley No. 29733)
 - **Colombia** – Ley de Protección de Datos Personales (Ley No. 1581)
- Privacy Notice
- Sensitive Personal Data
- Do I need the information?
- How will I use the information?
- How will I protect the information?





Recruitment

Legal Compliance and COVID-19

- **General Requirement to Conduct Background Checks**
 - Functions
 - Leadership
 - Health
- **COVID-19**



Recruitment

Diversity and Inclusion

- **General Principles**

- Gender
- Disability

- **Mexico**

- Gender gap
- Disability

- **Brazil**

- Gender equality or underrepresented groups
- Quotas

Employment

What you need

Employment

Contract

- Salary
- Benefits
- Location / Work from Home Policy
 - Mexico
 - Peru
 - Brazil
 - Colombia
- Terms
 - Translations
- Signatures
- Regulations
- Documenting Performance



Employment

COVID-19

- **General Principles**
 - PPE / Masks
 - Testing
 - Health Measures
- **Vaccines**
 - Brazil



Employment

Outsourcing - Mexico

- It aims to eliminate the subcontracting of personnel, which is defined in the reform proposal, as one where a individual or entity provides or makes its own workers available for the benefit of another.
- Subcontracting specialized services will still be permitted, but these need to be different from those services generally provided by the hiring company. For example, an autoparts manufacturer could subcontract a company to provide canteen and meal services, but not similar manufacturing services.
- Individuals or entities that provide specialized services must have authorization from the Secretary of Labor (STPS). The STPS will make a list of specialized service providers publicly available on the Internet. The STPS has four months to issue the general provisions that determine the procedures related to this authorization.



The image shows a wooden desk with a white form titled "EMPLOYEE TERMINATION". A black fountain pen lies diagonally across the form. A pair of black-rimmed glasses is at the top right, and a silver pen cap is at the top left. The form has several fields: "Name", "Occupation", "Address", "Date", "Location", "Area", and "Order".

EMPLOYEE TERMINATION

Termination

What to expect

Termination

General Considerations

- No Employment At Will
 - Termination for Cause
 - Severance is mandatory
 - Termination agreement
 - Release
 - Accrued benefits
- COVID-19
 - Argentina
 - Others





Termination

Post Employment Restrictions

- General Principles
- Confidentiality
- Intellectual Property
- Non-Compete
 - During Employment
 - Post-employment

Questions? Please let me know.



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