

# International Legal Partners

## Actualidad Legal / Legal News

Chile • Ecuador • Germany • Mexico • Peru • Spain



### Peru: The main investment projects in Peru to 2021

They are valued at more than US \$ 17 Billion Dollars. The main beneficiaries will be Education, Health, Water and Sanitation Sectors. A total of 45 international companies, become potential bidders for these projects.

[Read more](#) | ⌚ 3 minutes

### Perú: Principales proyectos de inversión en el Perú al 2021

Están valorizados en más de US\$ 17 mil millones. Los principales beneficiados serán los sectores de educación, salud, agua y saneamiento. Un total de 45 empresas internacionales, se convierten en potenciales postores para estos proyectos.

[Leer más](#) | ⌚ 3 minutos

### Chile: Special working conditions agreements

[Read more](#) | ⌚ 4,5 minutes

### Chile: Pactos de condiciones especiales de trabajo

[Leer más](#) | ⌚ 4,5 minutos

### Germany: Manufacturers access personal data from cars

[Read more](#) | ⌚ 2,5 minutes

### Alemania: Fabricantes acceden a datos personales desde los automóviles

[Leer más](#) | ⌚ 2,5 minutos

# The main investment projects in Peru to 2021

Estudio Laos, Aguilar, Limas & Asociados

Peru

They are valued at more than US\$ 17 Billion Dollars. The main beneficiaries will be Education, Health, Water and Sanitation Sectors. A total of 45 international companies, become potential bidders for these projects.

The Government, through its sponsoring organization PROINVERSIÓN, is promoting the execution of several Investment Projects from here to 2021. **These are about 40 investment projects that are valued at US\$ 17,621 Million Dollars.** For the next year, PROINVERSIÓN expects that a portfolio of 21 projects will be put out to tender for an amount of US\$ 5,244 million. These projects were made public in various road shows carried out by PROINVERSIÓN.

These projects have created growing expectations among 45 important companies located in Mexico (8), Spain (8), Canada (6) and Asia (particularly China, South Korea and Japan). According to PROINVERSIÓN, the government seeks to accelerate public and private investment with the aim of increase the country's economic growth.

## Sectors


PROINVERSIÓN points out that taking into account the infrastructure deficit, a portfolio of projects (2018-2020) is prepared in order to improve sectors as **water and sanitation with an estimated investment of US\$ 994 million Dollars.** Among the relevant projects are the wastewater treatment system of the Lake Titicaca basin with an investment totaling US\$ 304 million

Dollars, the sewage and wastewater treatment system of Huancayo, El Tambo and Chila with an investment totaling US\$ 90 million Dollars and the works in the river basin for the supply of Lima with an investment totaling US\$ 600 million.


For the **health sector, an investment of US\$ 1,217 million is estimated.** The projects of three (3) new hospitals of high complexity of ESSA-LUD involved US\$ 424 million in investment. In addition, the National Hospital Hipolito Unanue will generate an investment of US\$ 213 million dollars and the Cayetano Heredia Hospital an amount of US\$ 186 million, among others.

In relation to the **education sector, the estimated investment will be US\$ 328 million dollars** in seven (7) projects that would be awarded in 2019. In addition, there is a group of additional projects for an investment of US\$ 1,519 million dollars. These include the operation and maintenance of the Lima Convention Center that would be awarded in 2018.

### Estimated investment by sector

-  US\$ 994 million dollars
-  US\$ 1,217 million dollars
-  US\$ 328 million dollars

PROINVERSIÓN has showed interest in exploring investments from markets such as Germany,

A large, light gray world map composed of a grid of dots, serving as a background for the page.

the United States, Italy, Switzerland, New Zealand. In these nations it is aimed to carry out more promotion of these projects to continue adding more bidders soon.

The director of PROINVERSIÓN - Cesar Peñaranda - said that it has managed to call the attention of 45 international companies, which have become potential bidders for the future. He added that out of a total of 131 bilateral meetings with global companies that bill US\$ 800,000 million, the entity decided to prioritize these 45 which have been registered and included in a loyalty process with the purpose of generating investment in the coming years.

The Ministry of Transport and Communications is refining what has been called the National Infrastructure Plan in order to improve connectivity in various areas of the country, decongest the central road that links Lima with the regions of the sierra. It is expected that in six (6) months, our country will be have an adequate management tool that transcends beyond the governments in power.

# Special working conditions agreements

Estudio Jurídico Otero

Chile

In compliance with the obligation imposed by Law 20.490, dated November 21st, 2017, the Labor Office published nine models of agreements on special working conditions between employers and their workers.

It should be noted that, on December 26th, 2016, the Labor Office issued Verdict No. 6084/0097, in order to establish the meaning and scope of the legal provisions contained in Law 20.940 in regard to these agreements. The aforementioned verdict states the following:


- Due to an explicit legal provision, these agreements are only applicable in companies in which there is a percentage of labor union membership equal to, or greater than, 30% of the total of their workers.
- Given the absence of any legal distinction as to the type of labor union organizations that can enter into these agreements, it is understood that agreements can be made by company unions and inter-company unions, as well as potential or transitory workers. Federations and confederations can enter into these agreements as well.
- Special agreements regarding working conditions can only be negotiated directly, and are not subject to collective bargaining regulations. Therefore, these are matters that cannot be negotiated within a formal collective bargaining process, and thus they cannot form part of a collective contract. These agreements can however be made through non-regulated collective

bargaining, and thus be part of what is called a collective bargaining agreement or *convenio colectivo*.

- The approval of agreements by the union will depend on union statutes. If these make no reference to the matter, it is to be understood that the approval will be achieved by an absolute majority vote of those in attendance at an assembly convened for this purpose, which must be held in the presence of a Minister of Faith.
- The maximum duration of the agreements is 3 years.
- Once agreed upon, these agreements affect all workers affiliated to the labor union organizations that approved them, unless it is expressly agreed upon that some workers will not be affected by the agreement, upon their request. Also, workers who are unaffiliated to the trade union organization may express their intention to have the effects of these agreements apply to them as well.
- There are two types of special working conditions agreements:

## *Workweek distribution agreement.*

The parties may agree that ordinary workweeks be distributed throughout 4 days. Thus, this agreement would be considered an exception to the provisions set by article 28 of the Chilean Labor Code, according to which, the



maximum of 45 hours per week *“may not be distributed in more than six days or less than five days.”*

In addition, given the case in which workweek is 4 days long, the law establishes that the maximum daily work limit, is 12 hours, including breaks and possible overtime.

In any case, if the parties wish to establish a 4-day workweek, not all workdays may last 12 hours, given that this would exceed the weekly limit of 45 hours. Therefore, if 45 weekly hours were to be distributed evenly throughout 4 days, each workday would last 11 hours and fifteen minutes.

If the workday exceeds 10 hours, breaks for lunch should last at least one hour which is ascribable to working hours.

It should be noted that the execution of this type of agreement does not permit alteration of the rules applicable to weekly rest. Therefore, when the agreements include special workday distribution, Sundays and holidays may only be included when the situation pertains to any of the cases stipulated in Article 38 of the Labor Code, which regulates activities which are exempt from weekly rest.

#### *Agreement for workers with family responsibilities.*

The objective of these agreements is that


workers with family responsibilities can access workday schedules that allow working both within company facilities as well as outside of said location. Thus, the agreed upon workday, or part of it, can be fulfilled in locations separate from the employer’s offices.

In order to benefit from this agreement, the worker must make a written request to the employer, who must respond in the same manner, within a period of 30 days. Once the request has been accepted, an annex to the employment contract must be signed, containing: alternative place or places where the worker will provide service, adaptations pertaining to the workday, control and management systems to be used by the employer, term of validity of the agreement; etc.

This type of agreement seeks to benefit mainly those workers who have responsibilities towards their children or direct family members, who require their care.

Notwithstanding the above, these agreements may also be convened in order to be applied to *“young workers with active and regular studies, women, persons with disabilities, or other categories of workers that the employer and the trade union organization may define by mutual agreement.”*

- The supervision of compliance regarding the aforementioned agreements responsibility is of

- 
- the Labor Office. Therefore, the law establishes that within the following five days of the signature of these agreements, the employer must register them digitally in the Labor Office.
  - In addition, special agreements regarding workdays can be signed, in digital format, on the Labor Office website. On the same website, [the 9 models of agreements that the Institution published in November of 2017 can be found. These models are listed below:](#)
    - 1 Framework agreement on special working conditions of 4x3 workdays and family responsibilities.
    - 2 Framework agreement on special working conditions of 4x3 workdays.
    - 3 Framework agreement on special working conditions, family responsibilities.
    - 4 Framework agreement on special working conditions for Federations and/or confederations, 4x3 workdays and family responsibilities.
    - 5 Framework agreement on special working conditions for Federations and/or confederations 4x3 workdays.
    - 6 Framework agreement on special working conditions for Federations and/or confederations, Family responsibilities.
    - 7 Framework agreement of special working conditions in micro and small business 4x3 workdays and family responsibilities.
    - 8 Framework agreement of special working conditions in micro and small business 4X3 workdays.
    - 9 Agreement on special working conditions in micro and small business family responsibilities.

# Manufacturers access personal data from cars

ILP Global Mertens Thiele

Germany

The German Institute for quality control (Stiftung Warentest) recently concluded that the number of data to which car producers have access, is increasing, and warns of the danger involved in this transmission of data without the consent of the owner.

With the development of new technologies cars are connected to the network, mobiles are coupled to cars, manufacturers' Apps allow access to the car from the mobile ... With all this, of course, more safety and comfort is achieved in driving, but at the same time access to personal data that doesn't have anything to do with driving is granted.

Surely, not all the data accessed by manufacturers are a danger to the owner. Many of these data are based on a legitimate collection, they are necessary data to improve the automotive technology, document an accident or perform billing. But not in all cases. The report carried out by the German Institute of Quality Control shows that automobile producers have access to much more sensitive data than necessary through the customer's Apps.

Most Apps for example transmit not only the user's name, but also the car identification number, through which it is quite easy to find out the first buyer of the car, or, [by connecting the phone to the car, grant access to personal data stored there.](#)

Of course Google and Apple are well aware of this development, and – not surprisingly - [most Apps send the location by opening the App to Google or Apple without coding, data that inform, for example, about the route to follow which could be used to elaborate](#)


[user's profiles which are very valuable in this line of business,](#) since they are much better usable than internet usage data.

Although some of these data may seem unimportant, the whole approach contradicts the spirit of the Data Protection Law, aimed at collecting the least possible and ultimately in any case only the strictly necessary amount of data, based on the principle of minimization of data from the Article 5 of the European Regulation 2016/679 of data protection.

The result of this report is as disappointing as it is distressing, showing that data protection might easily go to rack and ruin in case it is not properly monitored, and that in most cases manufactures do not clarify privacy policies sufficiently. Ultimately, as of today, they regularly do not provide enough information to the user regarding data protection.

In the same way that a user of a mobile phone is obliged to give his consent to the sending of certain data to telephony operators or app developers by the data protection law, it is also necessary that the owners of a vehicle give their prior approval so that the corresponding personal information might be used by the manufacturer. And of course it is imperative that the data is deleted when it is no longer necessary for the specific reason it was collected in first place.

With the new EU regulation of data protection in place from May 2018 on, the potential penalties will notably increase. As a worst case scenario, manufacturers may have to pay fines of up to 4% of their annual income. It hence would be desirable for manufacturers

A large, stylized world map composed of numerous small grey dots, serving as a background for the text.

to quickly carry out the corresponding adjustments to fully be in line with the requisite data protection regulations in time. After some German carmaker recently had to pay billions of Euros and/or Dollars in the frame of the so called “Diesel Scandal”, this German key industry needs everything but another round of similar fines, this time due to infringements of the data protection regulations.