

NEW DISMISSAL PRIVILEGE FOR VICTIMS OF FEMICIDE AND FEMICIDE SUICIDE

On May 9th, 2023, Law No.21,565 of the Ministry of Women and Gender Equity was published in the Official Gazette, which establishes a regime of protection and integral reparation for victims of femicide and femicide suicide and their families.

The objective of this law is the creation and strengthening of effective and necessary actions by the State for the attention and integral reparation of the damage of the victims of femicide and femicide suicide.

In labor and social security matters, the law establishes the following:

1.Right to a pension for the children of the victims of femicide or femicide suicide: A monthly pension of \$160.000 Chilean pesos for the children under 18 years of age of women considered victims of the crime of femicide in the consummated stage or the crime of femicide suicide.

This pension will be paid by the “Instituto de Previsión Social” (“IPS”), so the National Service for Woman and Gender Equality (“Servicio Nacional de la Mujer y Equidad de Género”) should inform the IPS about the beneficiaries and their legal representatives.

This pension will be compatible with any other pension from any social security regime or other social security benefit established by law and will not constitute remuneration or income for any legal effect, nor will it constitute income for the purposes of socioeconomic qualification and, consequently, will not be taxable.

A regulation issued by the Ministry of Labor and Social Security, subscribed by the Ministry of Women and Gender Equity and by the Minister of Treasury, shall regulate the application, form of operation and payment of the pension referred to in the law. This regulation will be issued within 6 months from the date of publication of the law in the Official Gazette.

2.Right to employment protection: Victims of an attempted femicide

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Carey y Cía. Ltda.
Isidora Goyenechea 2800, Piso 43.
Las Condes, Santiago, Chile.
www.carey.cl

will have the right to employment protection and will be entitled to dismissal privilege of one year as of the perpetration of the act. Therefore, the employer may not terminate the employment contract of the aforementioned victims except with prior court authorization.

To enforce this dismissal privilege, the victim shall present to the employer the complaint filed with the police or Public Prosecution Office. The employer should maintain confidentiality of such information.

In addition, the victim may request the temporary adjustment of her services during the period that the dismissal privilege is in effect, to allow for due reparation and protection.

The attendance of the victims to any investigation or judicial proceeding hearings, when required by the corresponding authorities, will be sufficient justification for work absence.

Autores: Óscar Aitken; Francisca Corti; Francisco Arce; Daniela González