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SUSPENSION OF ELECTORAL PROCESSES AND EXTENSION OF THE UNION DIRECTORS' OFFICE

On May 29th, 2020, Law Nr. 21,235 which temporarily suspends electoral processes in labor unions, extending the term of union leaders and delegates' office (hereinafter, the "Law"), was published in the Chilean Official Gazette.

In accordance with the law's single article, electoral processes of union leaders and delegates that were not completed before the publication of the Law, will be deemed as legally suspended, provided that they had started before the declaration of state of constitutional exception due to catastrophe issued on March 18th, 2020, or should have begun during the term of said exception.

In these cases, union leaders and delegates' office will be extended for at least 15 business days, or for the number of remaining days in office by March 18th. This extension will be valid as of the cease of the state of exception or its extensions.

To provide an example, if the office term of a union leader was to last until April 15th, there are 28 days from March 18th until such date. Hence, provided that the state of constitutional exception expires on June 16th, the union leader's office will last until July 14th, this is 28 days after the expiration of the exception aforementioned.

In order to determine the number of union leaders' enjoying dismissal privileges, the number of employees affiliated to the union by March 18th will be considered.

The office term will be suspended as long as there are employees affiliated to the relevant union, rendering services in any region of the country where the state of exception is still effective. However, if the union deems possible to complete the election process, it may be conducted in accordance with applicable bylaws and legal regulations.

The suspension of electoral processes will not be applicable for the formation of new unions.

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The same provisions explained above will be effective as applicable regarding associations of public employees regulated by Law Nr. 19,296.

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