

▶ ELECTRONIC LABOR DOCUMENTS ARE MODIFIED IN THE CHILEAN LABOR CODE

On July 27th, 2021, Law No. 21,361 (hereinafter, the “Law”), which modifies the Labor Code in connection with electronic employment documents, was published in the Official Gazette.

The Law incorporates the following regulations and modifications to the Labor Code:

1. When terminating an employment contract, the employer must notify the employee as to whether the labor discharge and general release (hereinafter, the “*finiquito*”) will be submitted and paid electronically or in person, indicating that his/her acceptance is voluntary and that he/she may opt to carry out this process in person before a certifying officer. Likewise, the employer must notify the employee that, at the moment of executing the *finiquito*, if necessary, he/she may include a reservation of rights.
2. *Finiquitos*, resignations and mutual agreements granted by the employer through the Labor Board’s electronic platform will be considered ratified before the Labor Board’s Inspector.
3. The Labor Board’s Director, by means of a resolution, will establish the procedure for ratifying *finiquitos*, resignations and mutual agreements on the Labor Board’s electronic platform.
4. In the event that the employee rejects the electronic execution of the *finiquito*, the employer is required to make available the respective *finiquito* in person within the 10-day period originally established in the Labor Code, or, if said period has expired, within 3 business days following the employee’s rejection.
5. It is expressly established that the employee who, having signed the resignation, mutual agreement or *finiquito*, considers that there has been an error, duress or willful misconduct, may make a legal appeal.
6. The release power of the *finiquito* will only be restricted to what is expressly agreed to by the parties, not extending it to aspects that are not included in the agreement.

The Law will enter into force on the date that the resolution indicated in number 3 above is published. The Labor Board’s Director will have 90 days from July 27th, 2021 to publish the resolution.

AUTHORS: Oscar Aitken, Francisca Corti, Francisco Arce, Valentina Kuscevic, Consuelo San Martín.



This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

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