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➤ LAW 21,165 ESTABLISHES AN ALTERNATIVE PART-TIME WORK SCHEDULE FOR EMPLOYED STUDENTS



If you have any questions regarding the matters discussed in this news alert, please contact the following attorneys or call your regular Carey contact.

Oscar Aitken
Partner
+56 2 2928 2223
oaitken@carey.cl

Francisco Arce
Associate
+56 2 2928 2377
farce@carey.cl

Marcela Tapia
Associate
+56 2 2928 2377
mtapia@carey.cl

Fernanda Bravo
Associate
+56 2 2928 2377
fbravo@carey.cl

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

I. Introduction:

On July 26th, 2019, Law No.21,165 was published in the Official Gazette (hereinafter the "Law"). The Law regulates an alternative part-time work schedule for employed students and will enter into force on September 1, 2019.

II. Relevant Content:

1. Concept of employed student: The Law defines an employed student as *"any individual between 18 and 24 years old, that is currently attending regular studies or is in the process of obtaining a degree in a professional or technical secondary educational institution recognized by the State, or in entities that develop programs to level studies"* (highlighted for referential purposes only).

The Law establishes the obligation to periodically evidence the status of employed student. If the employee loses said status, he or she shall be subject to the general rules of the Labor Code.

2. Student's ordinary work schedule: The alternative work schedule provided in the Law has multiple features, the most relevant being the obligation to coordinate the employee's work schedule with his academic schedule. To facilitate this, the Law allows the parties to agree to extended interruptions during the workday.

3. Features: The Law regulates certain specific matters, such as:

- a. Permits to render academic exams.
- b. Leaves during academic vacations.
- c. Work-related accidents.

4. Social security and benefits:

a. Regarding the health and social security system: Employed students will be able to choose between: (a) enrolling to the health system as regular employees, or, (b) maintaining their status as beneficiaries with contributions to the health and social security system to which they are enrolled as dependents (typically under their parents social security program).

b. Regarding the social benefits of the employee: The remuneration that the employed student receives shall not be considered as an income to determine his or his family's socioeconomic status for accessing the Solidary Fund, State loans to finance university studies, or any other type of scholarship or State benefit with the purpose of financing studies.

5. Prohibition: Companies that are found liable for serious or fatal work related accidents during the previous calendar year shall be banned from applying this alternative part-time working schedule for student employees.