

August, 2014

AMENDMENTS TO THE LABOR CODE AND NEW MINIMUM MONTHLY INCOME

During the month of July of the current year, three relevant labor laws have been published in the Official Gazette:

1 *Law No. 20,761 that extends the right of feeding children to working fathers and establishes new regulations regarding maternity.*

On July 22nd, 2014 the Law No. 20,761 was published in the Official Gazette. This Act introduces amendments to the Labor Code, specifically related to the right to feed children younger than two years of age contemplated in article 206 of the Labor Code.¹

These regulations extend the right of a leave to feed children that previously only working mothers had, to working fathers. Now, in cases where the father and the mother are both working, they will have the right to agree and determine that the father will exercise the statutory feeding right.

Both parents will have to give a written notice to their employers informing of their decision regarding which one of them will exercise the right. A copy of such notice should be sent to the Labor Board.

If at any time the father and the mother decide to change their decision of whom will exercise the right, such change must be communicated to their respective employers with copy to the Labor Board.

The father may also exercise this right when he obtains the sole custody of a minor, when the mother of the minor passed away or when the mother is unable to exercise this right.

Finally, note that the law extends this benefit to the employee to whom the sole custody of a minor has been granted or by the application of a family protective measure. In these cases, the benefit may be also exercised by the spouse of the person holding custody of the minor.

The law is effective as of its publication date.

2 *Law No. 20,763 that adjusts the amount of minimum monthly income, the maternal assignment and the family allowances for the periods covered by this law.*

On July 18th, 2014, the law that adjusts the minimum monthly income for the periods between July 1st, 2014, until January 1st, 2016 was published in the Official Gazette and became enforceable as of such publication date.



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

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¹ Prior to the amendment, article 206 of the Labor Code contemplated the benefit of right of feeding for working mothers. In such cases, working mothers had the right to dispose of at least one hour a day to feed their children under the age of two.

The minimum monthly income for the annual periods included in the law are as follows:

July 1st, 2014	Ch\$225,000
July 1st, 2015	Ch\$241,000
January 1st, 2016	Ch\$250,000

With respect of the employees over the age of 65 and under the age of 18, the minimum monthly income is adjusted as follows:

July 1st, 2014	Ch\$167,968
July 1st, 2015	Ch\$179,912
January 1st, 2016	Ch\$186,631

Finally, the law modified article 1 of law No. 19,987, establishing the new values for the family and maternal allowances.

3 *Law No. 20,764 that modifies the Labor Code in matters related to protection of motherhood, fatherhood, family life and establishes a permit in the case of marriage of the employee.*

This law was published in the Official Gazette on July 18th, 2014. It substitutes the present name of the Title II of the Labor Code which from now on shall read: "Of the protection of maternity, paternity and family life".

This law also incorporates a new article 207 bis to the Labor Code establishing the right to a paid leave of five working days additional to the annual holiday (vacations) to every employee that gets married.

This permit must be granted without regard to the amount of time the employee has been rendering services to the employer, and to all employees, even to those that render services from their homes.

The employee may choose when to make use of such benefit, which may take place before or after the wedding.

To make use of this permit, the employee shall inform the employer 30 days in advance and shall submit a wedding certificate issued by the Civil Registry within 30 days as of the celebration of the wedding.

Finally, this law contemplates that the marriage permit that the employer has agreed to before this law, whether individually or collectively, can be "set off" against this statutory permit so that the application of this new law results in no duplication of the benefit.