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APEC STUDY CENTER CONSORTIUM CONFERENCE 2019

*Co-responsibility:
public and company
policies for the work
of woman in Chile*

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CHILE:

Although there are many legal and business aspects that affect the job's opportunities of women, in this opportunity, I am going to focus on one area that, in my opinion, is a key: parental co-responsibility

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Parental co-responsibility is the principle by which, both parents -living together or separately- can participate actively, equitably and permanently in the raise and education of their children

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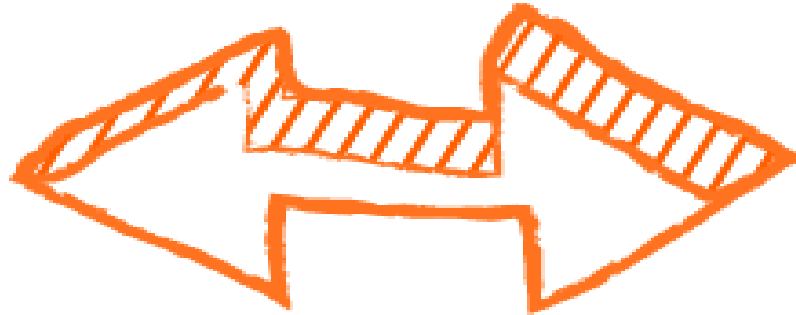
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EVOLUTION OF THE LEGISLATION:

has been from maternal rights to parental rights

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**Parental
Leave
(post natal)**

**Father
Leave**

**Right to feed
Children up to
2 years**

**PARENTAL
Co-responsibility
Frame**

**Parental
Legal
Shield**

**SANNA
Law**

**Leave for
serious illness
for children
up to 18 years**

**Leave to care
sick children
up to 1 year**

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Unrenounceable rights:

The rights of maternity, paternity and family life, as well as all those rights established by the labor laws, are unrenounceable



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PARENTAL POST NATAL

Transmissibility mother's right to the father:

- The last 6 weeks of the full 12 weeks

- The last 12 weeks of the 18 weeks in half a day

Cost covered by the State



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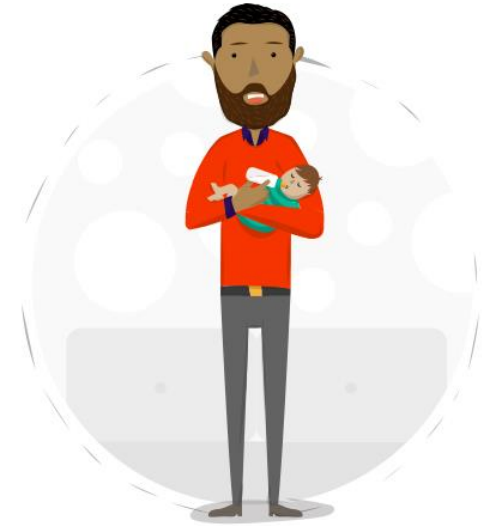


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FATHER LEAVE:

**By birth or adoption:
5 consecutive days
or within the first month after birth**

Cost must be cover by the company



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LEGAL SHIELD FOR FATHER

- **Death of the mother**
- **Single worker or widower who adopts a child**
- **Parental post natal**



The legal shield: protects stability at work, so that maternity and paternity do not affect their income and jobs

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LEAVE FOR ILLNESS OF THE CHILDREN UP TO 1 YEAR

The right to take care of the sick child up to 1 year, is not exclusive to the mother

It can also be exercised by the father, in certain cases- presenting the medical certificate to the employer

Cost cover by the State



If:

The mother prefers it

Death of the mother (not yet a worker)

Father exercises the personal care of the child by judicial decision

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LEAVE FOR SERIOUS ILLNES FOR CHILDREN UP TO 18 YEARS

**Father and mother have the right, together or separately:
the time equivalent to 10 working days per year**

Must be returned to the company



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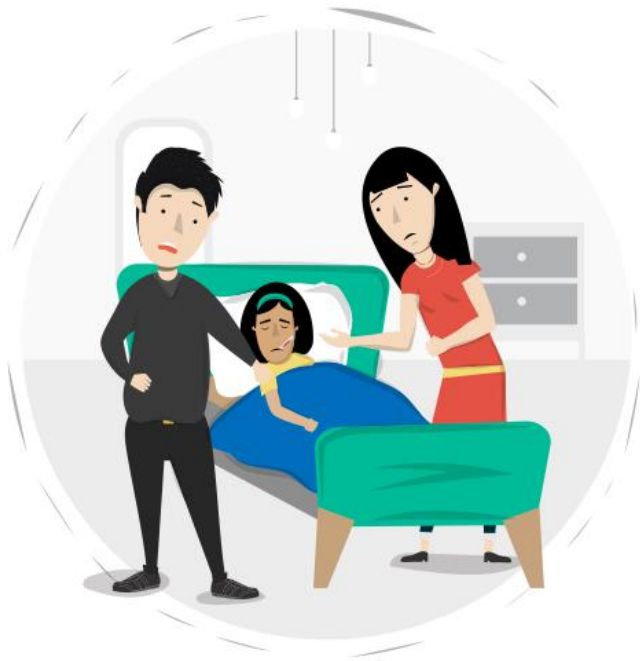
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***RIGHT TO CARE OF
CHILDREN BY THE SANNA
LAW***

***Cancer, organ transplant,
final phase of life, or
serious accident***

The worker father will have access to the SANNA by his own right

Father and mother can take the insurance during the same time or in succession

It is transferable by the father to the mother and by the mother to the father, except in the case of a serious accident in which case, only part of the insurance can be transferred

This favors parental co-responsibility

The term is up to 90 days full time, for mother and father

Up to 180 days part-time, for mother and father: total 1 year

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The coverage of the SANNA Law:
Is for the whole salary amount

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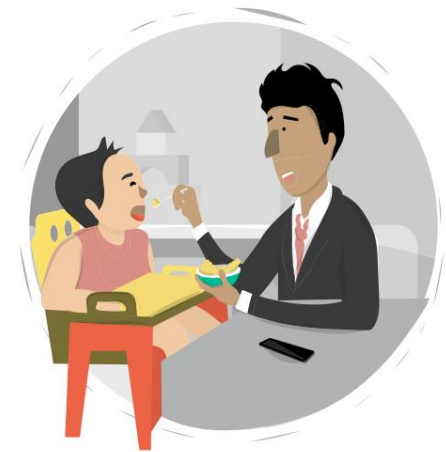
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RIGHTS OF WORKERS TO FEED THEIR CHILDREN UP TO TWO YEARS OLD for one hour a day

Can be exercised by the father if he agrees with the mother



Cover by the company

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CONCLUSIONS

Chilean legal framework of parental co-responsibility is the minimum that companies must guarantee to parents

But companies can always give benefits beyond the law. This is the work that we have to do in the private sector

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The question we must ask: where public policies should go

Transition to the rights of the father independently of the rights of the mother, such SANNA law

Thus, the rights of the father must be conceived not as a derivation of the rights of the mother

So, the father -to exercise the natural and legal right to raise and educate - should have them recognized in the labor legislation, by itself, even when the mother does not have a paid job

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Let's see the numbers, according to how the rights are conceived:

**Parental post natal, where the mother can transfer the right to the father:
0.24 of use by the father**

**Permission to feed the child up to 2 years of 1 hour a day, where mother and father can agree to exercise by father:
9% in 2017 (6,755 parents) (Superintendence of Health).**

**SANNA law, where the father has his own right and covers all his salary:
35% (Suseso, April 2019)**

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What ChileMujeres has done to contributed in the laws (Labor and Civil Code)

- Worked in the parental post natal
- Worked for the shared personal care of children whose parents live separately
- Inclusion of parental responsibility as a matter of collective negotiation
- Adaptability Agreements for workers with family responsibilities

Bills in process at the Congress that we have contributed:

- Universal nursery and including the father as the right holder, if mother and father, both, have the quality of as salaried workers
- Remote works

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**PROYECTO FOMENTO
A LA IGUALDAD DE GÉNERO
EN EL TRABAJO**

Financiado por la Unión Europea



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Verónica Campino

Manual de

CORRESPONSABILIDAD PARENTAL

EN EL MUNDO DEL TRABAJO

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THANK YOU!

**Francisca Jünemann
President**

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