



# APEC STUDY CENTER CONSORTIUM CONFERENCE 2019

*Co-responsibility:  
legal frame*

**chile**mujeres  
fundación

Francisca Jünemann  
President

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

**SÍGUENOS EN**



**chile**mujeres  
fundación

## CHILE:

**Although there are many legal and business aspects that affect the women work opportunities, today I am going to focus on one key area: parental co-responsibility**

### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



chilemujeres  
fundación



**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**

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

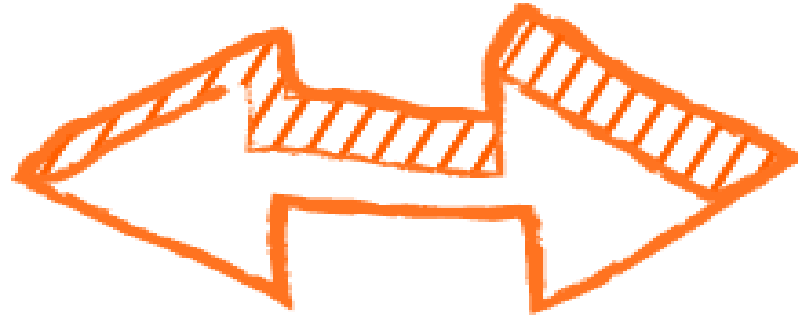
**E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

**SÍGUENOS EN**



**chilemujeres**  
fundación



## **EVOLUTION OF THE LEGISLATION:**

**has evolved from maternal rights to parental rights**

### **DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### **E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### **SÍGUENOS EN**



**chilemujeres**  
fundación

**Parental  
Post natal**

**Father  
Leave**

**Right to feed  
children up to  
2 years old**

**PARENTAL  
Co-responsibility  
Frame**

**Parental  
Legal  
Shield**

**SANNA  
Law**

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

**Leave for  
the care of  
sick children  
up to 1 year  
old**

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

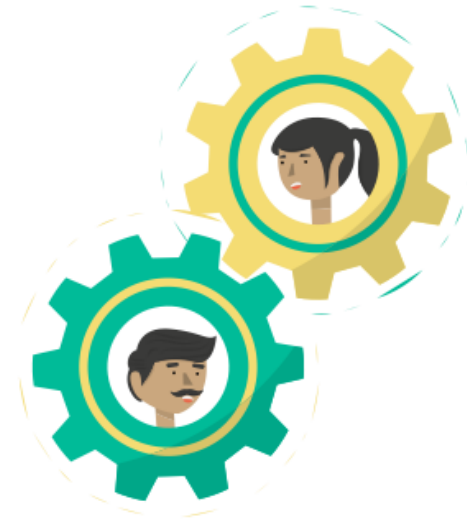
**SÍGUENOS EN**



**chilemujeres**  
fundación

## Irrevocable rights:

**The rights of maternity, paternity and family life, as well all those established by the labor laws, are in Chile irrevocable**



### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



chilemujeres  
fundación

# PARENTAL POST NATAL

**The complete post natal leave in Chile for the mother is 24 weeks**

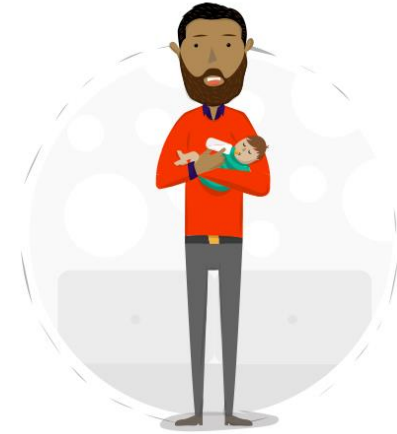
**Of those, the last 12 weeks, can transferred from mother to the father:**

- The last 6 weeks of 12 weeks in full day**
- The last 12 weeks of the 18 weeks in half a day**

*Cost paid by the State*



## FATHER LEAVE:



**By birth or adoption:**

**5 consecutive days**

**or non consecutive,**

**within the first month after birth**

*Cost paid by the company*

### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



chilemujeres  
fundación

## LEGAL SHIELD FOR FATHER

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



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

### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



**chilemujeres**  
fundación

# LEAVE FOR ILLNESS OF THE CHILDREN UP TO 1 YEAR OLD

**The right to take care of the sick child up to 1 year old, 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 paid 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**

DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

E-MAIL

contacto@chilemujeres.cl

SÍGUENOS EN



chilemujeres  
fundación

# LEAVE FOR SERIOUS ILLNESS FOR CHILDREN UP TO 18 YEARS OLD

**Father and mother have the right  
So, the father has access by  
his own right**

**The time is for 10 working days per year**

*When returned from leave, parents should compensate their employer for as much as the time they have spent away*

*This could be done by doing extra time or using vacation days*



## DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

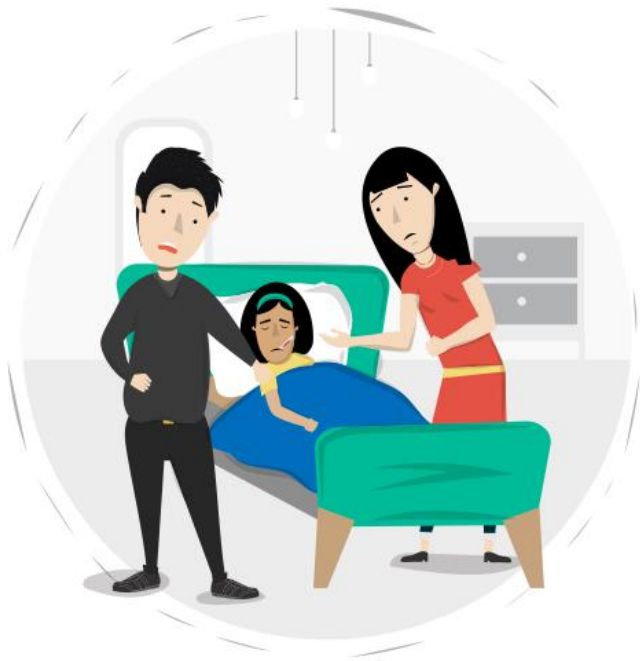
## E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

## SÍGUENOS EN



**chilemujeres**  
fundación



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

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

**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**

**The father has access to SANNA Law  
by his own right**

**Father and mother can take the  
insurance leave together or separately**

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

**This favours parental co-responsibility**

DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

SÍGUENOS EN



**chilemujeres**  
fundación

**SANNA Law covers**  
**the whole salary amount**

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

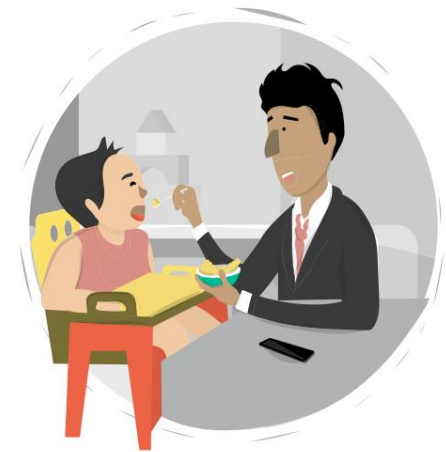
[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

**SÍGUENOS EN**



# RIGHT 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 it with the mother**



*Paid by the company*

## DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

## E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

## SÍGUENOS EN



**chilemujeres**  
fundación

## CONCLUSIONS

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

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

### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



chilemujeres  
fundación

## **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**

### **DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### **E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### **SÍGUENOS EN**



**chilemujeres**  
fundación

## Let's see the numbers:

**Parental post natal, when 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 old for 1 hour a day, when parents agree to be exercised by father:  
9% in 2017 (6,755 parents) (Superintendence of Health).**

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

### DIRECCIÓN

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

### E-MAIL

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

### SÍGUENOS EN



chilemujeres  
fundación

# What ChileMujeres has propoused or contributed (Labor and Civil Code)

## 1) LAWS:

- a) Parental post natal
- b) Shered personal care of children whose parents live separately
- c) Parental co-responsibility as a matter of collective negotiation
- d) Adaptability Agreements for workers with family responsibilities

## 2) Bills in process at the Congress that we have contributed:

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

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

Financiado por la Unión Europea



**uah** / Universidad  
Alberto Hurtado



**chilemujeres**<sup>®</sup>  
fundación

**Autoras /**

**Francisca Jünemann**

**Verónica Campino**

**Manual de**

**CORRESPONSABILIDAD PARENTAL**

**EN EL MUNDO DEL TRABAJO**

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

contacto@chilemujeres.cl

**SÍGUENOS EN**



**chilemujeres**  
fundación



Name

Description

mujeres  
asociación

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

**SÍGUENOS EN**



**chilemujeres**  
fundación



**THANK YOU!**

**Francisca Jünemann  
President**

**chile**mujeres  
fundación

**DIRECCIÓN**

Escrivá de Balaguer 6627 Vitacura, Santiago - Chile.

**E-MAIL**

[contacto@chilemujeres.cl](mailto:contacto@chilemujeres.cl)

**SÍGUENOS EN**



**chile**mujeres  
fundación