

Chile¹⁶⁷

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*pre y postnatal maternal*) (responsibility of Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Eighteen weeks: 6 weeks the birth and 12 weeks after the birth.
- It is obligatory to take all the leave.
- In addition, women are entitled to a further 12 weeks of leave after obligatory Maternity leave is finished.

Payment and funding

- 'Dependent' worker: One hundred per cent of earnings, with a taxable cap of UF73.20 [€1,968] per month.¹⁶⁸ To avoid fluctuations, an average income is calculated for 3 months from the beginning of the Maternity leave. The obligatory monthly contribution to pension insurance (10 per cent) is also paid.
- Payments are made to the parent by the health insurance institution of the worker; each worker can choose between a private (ISAPRE) or public (Compin-FONASA) health insurance.

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¹⁶⁸ The national currency is the Chilean peso. *Unidad de Fomento* (UF) is a unit of account used in Chile, adjusted in line with inflation. It was created in 1967 to maintain the value of savings against inflation. Later, its use was extended to the financial system, pensions system, health system, education, and other fields. Conversion of the UF currency undertaken on 19 August 2024 using: <https://www.unitconverters.net/currency/clf-to-eur.htm>.

- 'Independent worker: One hundred per cent of earnings with a taxable limit of UF73.20 [€1,968] per month; a monthly payment is made based on the average earnings of the worker, which is calculated based on the commercial invoice issued 3 months before the beginning of the Maternity leave.
- Payments are made to the parent by the health insurance institution of the worker.

Flexibility in use

- Women can choose to go back to work on a part-time basis for the second period of leave (after obligatory leave), in which case they may extend this leave period by 6 weeks to a total of 18 weeks.
- Women can choose to transfer a period of the 2nd part of her leave to the father. This transfer can be done in one of two ways: (i) the mother transfers the last 6 weeks of full-time leave to the father and his health insurance pays 100 per cent of his earnings and pension insurance up to a taxable limit of UF73.20 [€]; or (ii) the mother transfers 12 weeks of part-time leave to the father and his health insurance pays 50 per cent of his earnings and pension insurance, while the employer pays the other 50 per cent.

Eligibility (e.g., related to employment or family circumstances)

- 'Dependent' worker: all employees with permanent job contracts are entitled to take Maternity leave. Employees on fixed-term contracts must meet the following conditions:
 - Renewal of their contract.
 - If the contract is not renewed the worker must have at least:
 - One year of contribution to the pension system through the administration of the individual pension funds (the name in Chile is AFP).
 - The last contribution to the pension system must be as a dependent worker, no matter the type of contract (permanent or fixed term).
- Independent worker: independent workers are entitled to Maternity leave if they meet the following requirements:
 - A one-year contribution to the pension system (AFP).
 - At least 6 contributions to the pension system during the last 12 months before stopping work before giving birth.
 - Contribute to a health insurance institution (public or private).

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- If any health complications are detected by a doctor during pregnancy, the worker is entitled to supplementary leave before the birth: the length is specified by the doctor and a medical certificate is required.
- In the case of multiple births, the leave is extended by 7 days for every child, starting with the second baby.

- In the case of a premature birth, Maternity leave is extended from 12 to 18 weeks after birth. In the case of a premature and multiple birth, the longer extension applies.
- If childbirth occurs more than six weeks after the mother started her pre-birth leave, the pre-natal leave is extended until the date of the birth.
- If the mother has any health problems because of childbirth, Maternity leave is extended according to medical judgement.
- If the mother dies during or after childbirth, all Maternity leave rights are transferred to the father or a legal guardian.
- If the child dies during or after childbirth, the mother is entitled to use Maternity leave, though it is not obligatory.

b. Paternity leave (*Permiso pagado del padre en caso de nacimiento - postnatal paternal*) (responsibility of the employer)

Length of leave

- Five working days.
- It is obligatory to take the whole period.

Payment and funding

- One hundred per cent of earnings.
- Payments are made to the parent by the employer.

Flexibility in use

- The father can choose to take leave in 1 continuous period immediately after childbirth or can distribute the 5 days over the 1st month after the birth.

Eligibility (e.g., related to employment or family circumstances)

- All employees are eligible if they have a contract (permanent or fixed term).
- Self-employed workers do not receive any payment.
- Fathers who are deprived of their parental rights by a court lose all their rights of Paternity leave and transferred Maternity leave.
- Same-sex couples are not recognized in Chilean law.

c. Parental leave

No statutory entitlement.

d. Other types of leave and flexible working

Adoption leave and pay

- Parents that adopt a child are entitled to the same leave as biological parents. If the adopted child is over 6 months of age, the mother is only able to use the 1st part of Maternity leave.

Time off for the care of dependents

- Every working mother or father is entitled to paid leave in the case of serious illness of a child under the age of 1 year. This must be certified by a doctor who should also specify the length of the leave. Paid at 100 per cent of earnings by the parent's health insurance with a taxable cap of UF73.20 [€1,968]. The father can take the leave only if the mother permits it. In case the mother dies, all her rights are transferred to the father. In the case of single mothers, these rights are transferred to the legal guardian of the child.
- In the case of serious illness (i.e., cancer, organ transplant, or terminal disease) or a serious accident impacting a child between 1 and 18 years of age, every working mother is entitled to take up to 10 days' leave (or the equivalent hours). The employee chooses how to distribute the hours (e.g., as complete days, partial days, or a combination). If both parents work, the mother can transfer this leave to the father. One hundred per cent of earnings is paid to employees on leave, but employees must return the equivalent working hours to the employer, although there is no time limit for when this must be done. To apply for this leave, an employee must have a job contract and have paid eight contributions to pension insurance in the 24 months preceding the start of leave¹⁶⁹.
- Sanna Law¹⁷⁰ was approved in December 2017. Its main purpose was the creation of a compulsory insurance for working mothers and fathers, in case they have to take care of a child under 18 years of age, with a serious illness. In this way, working parents receive 100 per cent of their salary while they are absent, with no taxable cap. This insurance is financed by 0.03 per cent of employees' taxable income. Dependent workers should have at least eight months of contributions to the pension system through AFP in the last 24 months. In the case of independent workers, they are responsible to contribute with this percentage, but also should have at least 12 months of contribution to the pension system in the last 24 months; and their health insurance payment must be up to date. Finally, laid off workers are also entitled to this benefit if they register at least 12 months of contributions to the pension system before the leave starts.
- Since the law's implementation, the number of situations covered by the insurance has increased. Since February 2018, if a son or daughter has cancer, parents can leave for 15 days from work; this period may be extended to 90 days full-time or 180 days part-time in a period of 12 months. From July 2018, organ transplant coverage was added, in which parents are entitled to 15 days of leave, with possibility of extension to 90 days full-time or 180 days part-time in a lapse of 12 months. In January 2020, the coverage was extended for parents with a child diagnosed with a terminal disease, in which case the working parent is entitled to a leave until the death of the child. Finally, in February 2020, coverage was extended for parents with a child that suffered a serious accident. In this situation, parents are entitled to use 15 days (which may be extended to 45 days).

¹⁶⁹ Biblioteca del Congreso Nacional de Chile (2016) *Recuperado el 14 de Marzo de 2019, de Ley Fácil*. Available at: <https://www.bcn.cl/leyfacil/recurso/licencia-medica-para-el-acompanamiento-de-hijos-e-hijas-enfermos-graves-o-en-estado-terminal>

¹⁷⁰ Ministerio de Trabajo y Previsión Social (2020) *Ley SANNA*. Gobierno de Chile

Since December 2020, this benefit is granted also with respect to minors who suffer serious accidents or who are left with permanent functional sequelae.

- Every worker is entitled to take a leave of up to 10 days per year to care for a disabled person for whom they are responsible. The period of leave taken should be made up by working extra hours or using holidays; if this cannot be done, earnings are reduced. To use the leave, the dependent person must be enrolled in the National Disability Registration. Any carers can use the leave, however the decision for a male worker to use leave rests with his female partner (unless she has died).

Specific provision for (breast)feeding

- Every working mother has the right to use at least 1 hour daily to feed a child under the age of 2 years. This can be taken in one of 3 ways: (i) during the working day; (ii) dividing the breastfeeding hour into two half hours (at the beginning or at the end of the working day); or (iii) postponing the beginning of the working day or leaving earlier.
- The employee receives 100 per cent of her earnings.

Flexible working

- See section 3 for measures introduced in 2024 to increase opportunities for flexible working, especially for workers with dependents.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is around five and a half months, paid at a high rate. There is no entitlement to Early Childhood Education and Care (ECEC).

The Labour Law requires that all companies that employ more than 20 female workers must either provide a day nursery or pay for this service outside of the workplace.¹⁷¹ In practice, this law has become a 'tax' for female employment, so increasing the cost of labour for the employer and providing a real obstacle to women joining the labour market.

Other ECEC policies are focused on the most vulnerable families in the country. Public services have increased their coverage, efficiency, and quality for their target population: every child between birth and five years of age in the bottom 60 per cent of households, in terms of wealth. In this context, the government has developed three programmes:

- Chile Crece Contigo: this inter-sectoral policy deals with early childhood development, covering health, education, social protection, justice, and

¹⁷¹ Dirección del Trabajo (2019). *Código del Trabajo*. Santiago de Chile.

employment, with guidelines from the Ministry of Social Development, and offering all its services at a local level. ECEC is the largest budgetary item on this programme, but there are no official statistics for coverage rates.¹⁷²

- Two other programmes provide ECEC for vulnerable families:
 - Kindergartens administered by the National Council of Kindergartens (Junta Nacional de Jardines Infantiles- JUNJI).
 - Kindergartens and day nurseries administered by the Integra Foundation.

In 2018, JUNJI kindergartens and nurseries¹⁷³ covered 92 per cent of the target population, which is children from the bottom 60 per cent of households, in terms of wealth, enrolled in the Social Registry of Homes (*Registro Social de Hogares*). This means that the coverage of the program descended from 2017, when kindergartens received 98 per cent of the target population¹⁷⁴. In terms of attendance, JUNJI kindergartens and nurseries presented a low increase from 77.2 per cent in 2017 to 79.0 per cent in 2018.

The situation of the Integra Foundation¹⁷⁵ for both nurseries and kindergartens is similar: the programme covered 93.4 per cent of its target population in 2018.

These numbers may suggest that the coverage of kindergarten population for vulnerable families is quite high, however, the potential population with needs of primary education is much higher. A recent evaluation made by the Ministry of Social Development, stated that JUNJI kindergartens and nurseries only cover 21.6 per cent of the population that face a gap between parental leave and elementary education in Chile.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Implementation of the 40 hour law

- The 40 hour law was approved in April 2023, and its implementation starts in April 2024. This new law allows the possibility of measuring the working hours monthly, with a maximum average of 45 weekly hours. It will not be allowed to exceed 40 hours more than 2 weeks in a month.
- This allows the possibility to have an additional 2½ days of rest per month and greater margins of adaptation to the workplace processes to generate more formal jobs. The new law also allows employees to distribute the 40 weekly hours into 4 working days of 10 hours each. This allows for 3 days of rest or averaging the workday. This ends the current rigidity that limits a

¹⁷² PNUD (2014) *Chile Crece Contigo: El desafío de la protección social a la infancia*. Santiago de Chile.

¹⁷³ Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos*. Santiago de Chile.

¹⁷⁴ Ministerio de Desarrollo Social (2017) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos*. Santiago de Chile.

¹⁷⁵ Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardines Infantiles y Sala Cuna de Administración Delegada*. Santiago de Chile.

minimum of five days and a maximum of 6 days per week. These measures, in turn, should favor those who are currently away for long periods of time from their homes when they have to move to other regions or to isolated tasks to work, such as mining or construction, providing possibilities beyond the exceptional days with previous authorization of the Work Direction.

- Another flexibility that this new law includes is the possibility of compensating overtime with additional holidays, with a maximum of 5 days a year, which will allow, in addition to more rest time, reduction of the gap between school and work vacations, a reality that affects women's employment.
- A family-oriented advantage of this law is a 2 hour time band for mothers, fathers or caregivers of children up to 12 years of age to anticipate or delay the start of their work by up to 1 hour. This is a right that will help to better align working days with schedules of educational and care systems.
- The new 40 hours law includes the possibility of teleworking with or without a maintained shift.
- The Labor Directorate has issued four rulings aimed at the following¹⁷⁶:
 - Informing about the content and entry into force of a Law N°21.561 that amends the Labor Code with the purpose of reducing the working hours, published in the Official Gazette on April 26, 2023.
 - Informing about the distribution of working hours and agreements on extending the weekly limit.
 - Informing about the reduction of working hours in contracts established under Article 22, paragraph 2 of the Labor Code.
 - Informing about the compensation for overtime hours and holidays.

Law on the Reconciliation of Personal, Family, and Work Life since January 2024^{177,178}

- The law, that came into force in January 2024, establishes the right to remote work or telecommuting, allowing workers to perform all or part of their daily or weekly schedule in these modalities to the extent that the nature of their functions permits it. Those who can access this right are workers who have personal care responsibilities for a child under 14 years of age, or who are responsible for the care of a person with a disability or in

¹⁷⁶ Dirección del Trabajo (2023) Noticias por año: Dictamen sobre ley de reducción de la jornada laboral a 40 horas.
<https://www.dt.gob.cl/portal/1627/w3-article-125562.html>
https://www.dt.gob.cl/portal/1627/articles-125562_recurso_1.pdf
https://www.dt.gob.cl/portal/1627/articles-125562_recurso_2.pdf
https://www.dt.gob.cl/legislacion/1624/articles-125573_recurso_pdf.pdf
https://www.dt.gob.cl/legislacion/1624/articles-125738_recurso_1.pdf

¹⁷⁷ SENADIS (2024) *Sala de Prensa: Entre en vigencia la Ley de conciliación de la vida personal, familiar y laboral* [Press Room: The Law on the reconciliation of personal, family and work life comes into effect]. Available at: https://www.senadis.gob.cl/sala_prensa/d/noticias/9156/entra-en-vigencia-la-ley-de-conciliacion-de-la-vida-personal-familiar-y-laboral

¹⁷⁸ Ministerio de Desarrollo Social y Familia (2024) *Ley de conciliación de la vida Personal, familiar y laboral*. Available at: <https://www.desarrollosocialyfamilia.gob.cl/noticias/gobierno-destaca-entrada-en-vigencia-de-ley-de-conciliacion-de-la-vida-personal-familiar-y-laboral>

a situation of severe or moderate dependence, regardless of the age of the person being cared for. These must be unpaid care tasks.

- Furthermore, the following principles are incorporated in Title II of Book II of the Labor Code:
 - Positive Parenting: includes the practical capacities and functions of responsible adults to care for, protect, educate, and ensure the healthy development of their children.
 - Social Co-responsibility: involves promoting in society the reconciliation of personal, family, and work life, especially for those who work and perform unpaid care tasks.
 - Protection of Motherhood and Fatherhood: aims to promote equal opportunities and treatment between women and men, preserving the health and well-being of children as well as their parents.
- Additionally, labour rights are recognized to promote the reconciliation of family life. For example, the right to preferential use of statutory holidays, establishing that workers who have care responsibilities for a child under 14 years of age or a teenager under 18 years with a disability have the right to request statutory holidays during the vacation period set by the Ministry of Education, with their request being given priority over those without these responsibilities.
- Likewise, the right to request adjustments to shift systems is acknowledged. This means that workers meeting the criteria have the right, during the vacation period defined by the Ministry of Education and when the nature of their functions allows it, to request temporary modifications to shifts or the distribution of the daily and weekly schedule to reconcile work with care needs during these periods.
- In both situations, workers must demonstrate that they are caregivers of individuals entitled to these rights. For example, this can be done through birth certificates of the child, registration in the National Disability Registry, or caregiver registration for a person in a situation of dependence or severe disability.

4. Uptake of leave¹⁷⁹

a. Maternity leave

Data on the use of the obligatory period of Maternity leave is only available for up to 2017. According to the Ministry of Labour and Social Security, approximately 42.9 per cent of mothers in that year took the leave 6 weeks before the birth of the child. Additionally, 44.6 per cent of mothers took Maternity leave after childbirth. These percentages are based on all mothers, but Maternity leave can only be taken by women who are employed, and the female employment rate is

¹⁷⁹ INE (2019) *Anuario de Estadísticas Vitales, 2017*; Ministerio del Trabajo y Previsión Social (2017) *Protección a la maternidad en Chile: Evolución del postnatal parental a cinco años de su implementación 2011-2016* Santiago de Chile; Superintendencia de Seguridad Social (2020) *Estadísticas de Seguridad Social*. Available at: <https://www.suseso.cl/608/w3-propertyvalue-10364.html>

48.5 per cent.¹⁸⁰ The data also does not include women working in national defense (army, air force, navy, and police).

The additional period of part-transferable Maternity leave started in 2012. That year, 37.4 per cent of mothers took the leave: this number had increased to 44.4 per cent in 2017. Approximately 99 per cent of women who took the leave did so full-time, which means taking 12 weeks of leave. This ratio has been a continuous tendency until 2019.

Leave is transferred to fathers in very few cases. Only 1,802 transfers have been made from 2011 to 2019. This means that, every year, only 0.2 per cent of leaves have been transferred to the father. The average number of days taken was 33.8: i.e., less than the six weeks allowed. According to the Ministry of Labour and Social Security, this low level of transfer is due to several reasons: (i) many women are still breastfeeding at a time when they might transfer leave; (ii) the decision to transfer leave is the mother's to make; (iii) the legal procedure for transferring leave is complex and unknown in most human resources departments due to its low uptake; and (iv) fathers do not have the same maternal jurisdiction that mothers have at work. Maternal jurisdiction lasts two years, while paternal immunity only doubles the period in which they took the leave.

b. Paternity leave

No information available.

c. Parental leave

No statutory leave entitlement.

¹⁸⁰ INE (2017) *Brechas de género en el mercado laboral chileno a nivel nacional*. [Gender gaps in the Chilean labor market at the national level]. Available at: http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0_infografia_brecha_genero_mercado_laboral.pdf