Dear All,

The Department of Labor and Social Welfare in Chile has announced that Act No. 21247 took effect on July 25.

It contains benefits for fathers, mothers and child caregivers under the conditions set out in the law.

It establishes benefits for parents who are on postnatal parental leave or for those who are taking care of children born in 2013 onwards due to the Covid-19 Pandemic under the conditions set out in the law.

Title I of this Act establishes a preventative parental sick leave due to Covid-19.

Section 1: Those workers who are on postnatal parental leave under Section 197 bis of the Labor Code during the constitutional state of exception, public emergency, disaster, in accordance with Executive Order No. 104 on March 18, 2020 by the Ministry of the Interior and Public Security, whose term may be eventually extended, shall be entitled to a preventative parental sick leave for Covid-19, upon expiration to such postnatal parental leave, under the conditions set forth in this Title to take care of their children.

This preventative parental sick leave may also be taken by those workers whose postnatal parental leave has ended in the period ranging from March 18, 2020 until the effective term of this Act.

The full-time sick leave under this Act is aimed at protecting the health and safety of children, for whom parents have taken postnatal parental leave under Section 197bis of the Labor Code. This is a 30-day leave, which may be renewed twice maximum, for two consecutive periods of 30 days, while the conditions set out in Section 1 above remain in place. In the event that workers take another sick leave, they must wait until discharge to take the preventative parental sick leave.

If both parents have taken the postnatal parental leave, any of them, at the mother’s discretion, may take this preventative parental sick leave.
Section 2 states that during the period of preventative parental sick leave, workers shall receive an allowance, whose daily amount will be equal to the postnatal parental leave allowance under Section 197bis of the Labor Code.

This Act was published in the Official Gazette of Chile.

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This provision shall also be applicable to freelance workers who have taken the postnatal parental leave.

The allowance for preventative parental sick leave shall be paid by the healthcare private insurance company covering workers Institución de Salud Previsional or by healthcare system run by the government Fondo Nacional de Salud, as appropriate.

Please do not hesitate to contact us for further information,

Best regards,

Natalia de Diego