

Chile*

* information updated as of August 2019

INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY

CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)



Convention

SIGNATURE **1980** / RATIFICATION **1989**

CEDAW

Protocol

SIGNATURE **1999** / RATIFICATION **Not ratified**

ILO Conventions

related to gender equality



- C100 Equal Remuneration Convention, 1951 ✓ 1971
- C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1971
- C156 Workers with Family Responsibilities Convention, 1981 ✓ 1994
- C183 Maternity Protection Convention, 2000 ! Not ratified
- C189 Domestic Workers Convention, 2011 ✓ 2015
- C190 Violence and Harassment Convention, 2019 ! Not ratified

BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the Republic of Panama, of 1980.
- ✓ Labour Code of 1994 (subsequently consolidated in the Act in Force of Law -DFL- 1 January, 2003, last amendment 2 May 2019).
- ✓ Law No. 20.348 on Equal pay between men and women (approved in 2009).
- ✓ Law No. 20.545 which amends the regulations on the protection of maternity leave and incorporates post-natal parental leave (approved in 2011).
- ✓ Law No. 20.482 on employment leave for fathers in the event of the birth of a child (approved in 2011).
- ✓ Law No. 20.399 which grants workers the right to a nursery (approved in 2009).
- ✓ Law No. 20.336 amending Article 150 of the labour code, on weekly rest periods for workers in private homes (approved in 2009).
- ✓ Law No. 20.786 amending working hours, rest periods and the composition of remuneration for workers in private homes, which prohibits the requirement of uniform in public places (approved in 2014).
- ✓ Law No. 3.500 on Social Welfare Regime derived from individual capitalization (approved in 1980. Last amendment February 2019).
- ✓ Law No. 20.255 which establishes pension reform (approved in 2008).



Areas for women's economic empowerment

1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 1 and 19) and by the *Labour Code* (Art. 2).
- ! However, the **Chilean Civil Code contains discriminatory provisions with regard to the administration of property in marriage** (Art. 135, 1749, 1751 - 53).



2 Freedom of choice of employment

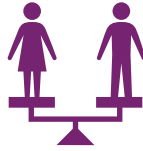
- ! Regulated by the Constitution (Art. 16) and by the *Labour Code* (Art. 2), although the latter establishes:



Art. 211 J. Minors aged below 18 and women cannot manually carry, transport, load, drag or push, without mechanical assistance, loads above 20 kilogrammes.

3 Equal pay

! Regulated by the *Labour Code* (Art. 62 bis), based on the reform introduced in *Law No. 20.348 on Equal pay between men and women*.



Application of a more restrictive criterion than that of **ILO Convention 100 on equal remuneration for work of equal value**, establishing the principle of equal pay between men and women only for equal work.

4 Maternity protection

✓ Regulated by the *Labour Code* (Art. 197 to 206).



Maternity leave: 18 weeks. (6 before birth and 12 after)

Minimum amount established by the ILO in its Convention No. 183: 14 weeks.

A **post-natal rest period of 12 week full-time or 18 weeks part-time** has also been established, partially paid by Social Security.

Amount and financing: 100% paid by Social Security.

Protection against dismissal: the employer is obligated to reincorporate the female worker after her maternity leave (Art. 197).

5 Paternity leave

! Regulated by the *Labour Code* (Art. 195).



Duration: 5 days.

Amount and financing: 100% paid by Social Security.

✓ If both parents are workers, either of them, to be chosen by the mother, may enjoy the **post-natal parental leave**, from the seventh week onwards.

6 Social security

Regulated in *Law No. 3.500 on Social Welfare Regime*.



! **Different age of retirement for women (60) and men (65)** (Art.3). Required to make contributions to their individual capitalization accounts of 10% of their taxable remuneration and income (Art.17). The required capital shall be determined in accordance with the technical basis and the **tables on mortality and life expectancy** (Art. 55), which **negatively affects women as a result of having higher life expectancy**.

✓ *Law No. 20.255 establishing welfare reform* recognizes the **right of women to a credit** in their capitalization system **for each live birth**. It also establishes, in the event of marriage annulment or divorce, **compensation in the capitalization account** for the spouse who is affected by economic damage.

7 Care

✓ The *Labour Code* (Art. 199) establishes a **leave for reasons of serious illness or care needs** for a child under the age of one, partially paid by Social Security, for the mother or father. For children aged over one year, the leave is the number of hours equivalent to 10 ordinary working days per year.



The *Labour Code* also establishes (Art. 203) the obligation to set up an **area for feeding and looking after children under 2** for employers who have more than 30 female workers working for them, although this right is extended to workers who are entrusted with looking after a minor.

8 Protection of domestic workers

Regulated by the *Labour Code*, *Law No. 20.786* and the *Law No. 20.336*.



✓ • Legal minimum wage, paid overtime, limits on working hours and rest period (for live-in cases), holidays, similar to the general regime.
• Full inclusion in social security: medical assistance, maternity leave, old-age or disability pension.

! Working hours not expressly limited for live-in workers (would be 12 hours with obligatory rest periods).

Chile: Action points to accelerate progress

+ **ADOPT:**

- Ratify the CEDAW Optional Protocol.
- Ratify ILO Conventions 183 and 190.

! **REFORM:**

- Extend the principle of equal remuneration for work of equal value.
- Extend paternity leave.
- Review contributory requirements in pension systems in line with gender-differentiated retirement and mortality ages, to prevent discriminations in pension coverage.
- Establish working hours for live-in domestic workers.

✗ **ELIMINATE:**

- Eliminate discriminatory provisions in the administration of property in marriage.
- Eliminate restrictions on freedom of choice of employment for women related to the maximum loads that women can handle in their job.

