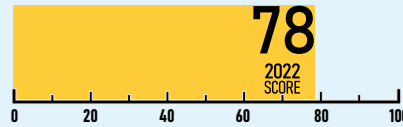


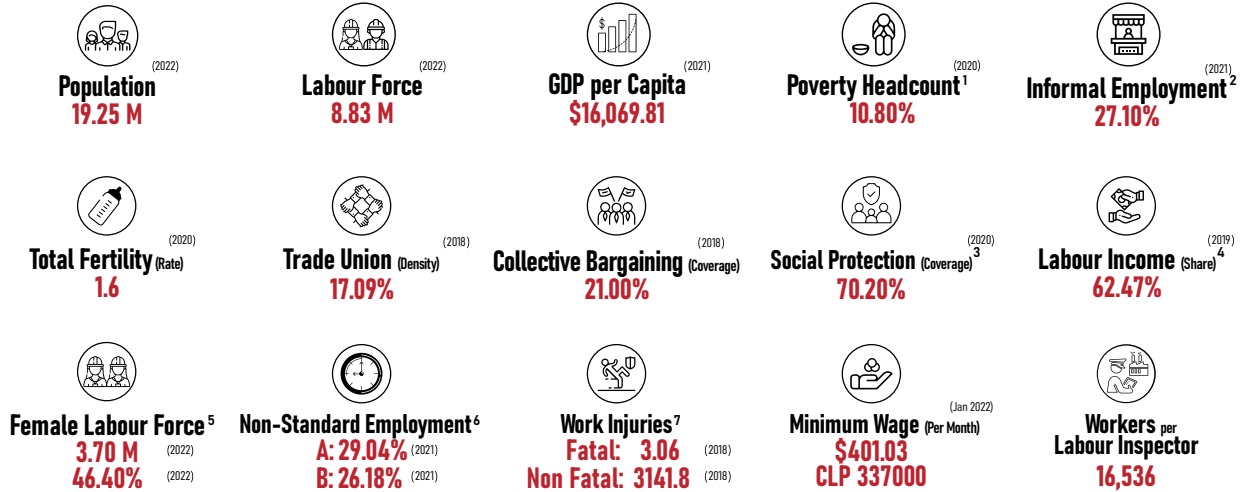


Chile



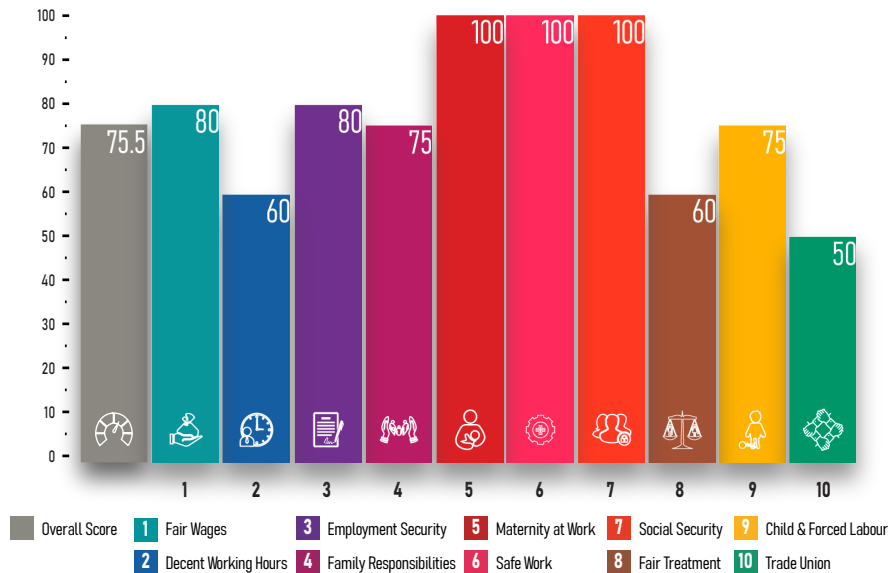
**75** 2020 SCORE  
Latin America and The Caribbean  
High income  
Reasonable Access to Decent Work  
LRI RATING

## Contextual Indicators



Sources: World Bank  
International Labour Organization  
WageIndicator Minimum Wages and Living Wages Database  
M = Million

## Legislative Performance Indicators



## Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Chile's overall score is 75.5 out of 100. The overall score for Chile is higher than the regional average observed across Latin America and The Caribbean (71). Within the Latin America and The Caribbean region, the highest score is observed for Paraguay (82.5).

<sup>1</sup> Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

<sup>2</sup> Share of informal employment in total employment (%), as measured under SDG 8.3.1

<sup>3</sup> Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

<sup>4</sup> Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

<sup>5</sup> The female labour force is shown in absolute number along with the female labour force participation rate

<sup>6</sup> Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

<sup>7</sup> Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

# LABOUR RIGHTS INDEX 2022

	Question <sup>9</sup>	Answer	Legal Basis	Trend <sup>12</sup>
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§65(4) of the Constitution of Chile, 1980; §41-44 & 81 of the Labour Code 2002	●
	Does the law require regular payment of wages?	Yes	§41-45, 54-56 & 151 of the Labour Code 2002	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§32 of the Labour Code, 2002	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§38 of the Labour Code 2002	●
	Does the law require additional compensation for night work?	No	§18 of the Labour Code 2002	●
2. Decent Working hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§22, 29-32 and 40bis of the Labour Code 2002	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§22 and 31 of the Labour Code, 2002	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§35-38 of the Labour Code 2002	●
	Does the law require paid public holidays?	Yes	§35 of the Labour Code 2002; Law No. 2,977; Law No. 3,810; Law No. 18,432; Law No. 19,790; Law No. 19,668	●
	Does the law require at least three working weeks of paid annual leave?	No	§67-73 of the Labour Code 2002	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§6-11 of the Labour Code 2002	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§10bis, 19 & 159 of the Labour Code 2002	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§147 of the Labour Code 2002	●
	Does the law require a 30-day notice before contract termination?	Yes	§160-162, and 489 of the Labour Code 2002	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§160 & 163 of the Labour Code 2002	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	§197bis of the Labour Code 2002; Law No. 20,545 of 2011	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§66, 195 & 207 of the Labour Code 2002	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§199bis and 376 of the Labour Code 2002	●
	Does the law require paid nursing breaks?	Yes	§203 and 206 of the Labour Code 2002; §2 and 3 of Law on Protection of Breastfeeding (No. 21155)	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§194 of the Labour Code 2002	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§66, 195-197 of the Labour Code 2002	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§195 & 198 of the Labour Code 2002; Decree Law No. 44 and DFL N° 150, 1981; §31-32of Decree 163 of 1968	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§195 & 198 of the Labour Code 2002; Decree Law No. 44 and DFL N° 150, 1981; §31-32of Decree 163 of 1968	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§174 & 201 of the Labour Code 2002	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§67-68 of the Social Insurance against Occupational Accidents and Diseases, 1968; §53-54 of the Decree No. 594, 2000	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§184, Labour Code 2002; §66-68, Social Insurance against Occupational Accidents and Diseases, 1968; §48 & 110, Decree No. 594, 2000	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§202 & 211-I of the Labour Code 2002	●
	Does the law provide for employment injury benefit?	Yes	§34-41 of Social Insurance against Occupational Accidents and Diseases, 1968; ISSA Country Profile for Chile	●
	Does the law provide for an old age pension?	Yes	§37-39bis of the Decree 163 of 1968; ISSA Country Profile for Chile	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	§40-46 of the Decree 163 of 1968; ISSA Country Profile for Chile	●
	Does the law provide for unemployment benefit?	Yes	§94 & 177 of the Labour Code 2002; ISSA Country Profile for Chile	●
	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§23-30 of the Decree 163 of 1968; ISSA Country Profile for Chile	●
	Does the law provide for invalidity benefit?	Yes	§33-36 of the Decree 163 of 1968; ISSA Country Profile for Chile	●
	Does the law require equal remuneration for work of equal value?	No	§19(16) of the Constitution 1980; §62bis of the Labour Code 2002	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	No	§02, 160, 171 & 211(A-E) of the Labour Code 2002	●
	Does the law prohibit discrimination in employment matters? <sup>10</sup>	Yes	§19 of the Constitution 1980; §02 & 194 of the Labour Code 2002; Law No.20,422,	●
	Does the law allow women to do the same jobs as men?	Yes	§211(J) of the Labour Code 2002	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Decree 163 of 1968; Decree Law No 3500 establishing New Social Security System; ISSA Country Profile for Chile	●
	Does the law prohibit employment of children?	Yes	§13 of the Labour Code, 2002	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	No	§4, 25, & 27 of the General Education Law No. 20,370 of 2009	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§13-18 of the Labour Code, 2002; §1 of Law No. 20,539 of 2011; §3 of Supreme Decree 2, 2017	●
	Does the law prohibit forced labour?	Yes	§19, Constitution, 2002; §2, Labour Code, 2002 §411, Penal Code, 1875; Law 20,507, 2011	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	Yes	§19(19), Constitution of Chile 1980; §212-222 & 227, Labour Code 2002; Law No. 20,940 of 2016	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§19 of the Constitution of Chile, 1980; §303-344 of the Labour Code 2002; Law No. 20,940 of 2016	●
	Does the law provide for the right to strike?	No	§19 of the Constitution of Chile, 1980; §345-354 of the Labour Code 2002	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§183-P & Q and 355-358 of the Labour Code 2002	●

## Covid 19 and Labour Market in Chile\*

Total Covid Cases	4.15 Million
Total Covid Deaths	59,140
Partial Vaccinated	95.0%
Fully Vaccinated	93.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✗
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✓

<sup>9</sup> The Index has 10 indicators and 46 evaluation criteria or questions.

<sup>10</sup> The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

<sup>11</sup> A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Chile on SDG 8.8.2 is 2.68 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change