

## › Law No.21,063 which creates an insurance for the accompaniment of children suffering from severe diseases is modified

On September 28th, Law 21,614 of the Ministry of Labor and Social Security was published in the Official Gazette (hereinafter the "Law"), which establishes amendments to Law No.21,063, which Creates an Insurance for the Accompaniment of Children Suffering from Diseases as Indicated and Modifies the Labor Code for these purposes (hereinafter "SANNA Law").

The law includes multiple modifications to the permit and beneficiary regime of the SANNA Law, among which the following are highlighted:

- 1 Beneficiaries of the insurance:** The beneficiaries of the insurance are modified, establishing that they will be understood as the working father or mother of a child over one year of age and under five, fifteen or eighteen years of age, depending on the case, affected by a serious health condition.
- 2 Protected contingency:** A new protected contingency is added, which consists of a serious illness requiring hospitalization in an intensive care or intermediate treatment unit. In the case of this contingency, the benefit will be applicable to children over 1 and under five years of age.
- 3 Sick leave:** The term for which sick leave will be granted is modified to 30 days. Likewise, in the case of the protected contingency mentioned in number 2 above, the leave shall only be granted for a period up to 15 days.
- 4 Term of the permit:** The duration of the following permits is modified:
  - a** In case of cancer, the permit will have a duration of up to 180 days, within a period of 12 months, counted from the beginning of the first permit. Additionally, it is established that the permit may be used for two continuous periods with respect to the same diagnosis. In such case, the permit during the second period may not exceed 90 days.
  - b** In case of solid organ transplant and hematopoietic progenitor transplant the permit will have a duration of up to 180 days, counted from the beginning of the first sick leave.
  - c** The permit due to serious illness will have a maximum duration of up to 15 days, in relation to the event that generated it, for each son or daughter affected by this serious health condition, counted from the beginning of the first sick leave granted in compliance with the access conditions.
  - d** Half-time sick leaves in cases of cancer, solid organ transplant and terminal phase or stage of life may have a duration of up to 60 days each.
  - e** If the authority declares a state of constitutional exception of catastrophe, in case of public calamity, or a sanitary alert on the occasion of an epidemic or pandemic due to a contagious disease, including its extensions, the Superintendence of Social Security, by means of an exempt resolution, may increase the duration of the permit by up to 90 days, with respect to the contingencies established in letters a), b), c) and d) of Article 7 of the SANNA Law, this is, cancer, solid organ and hematopoietic progenitor transplant, terminal phase or state of life, and serious accident with risk of death or serious permanent functional sequelae.

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**5 Dismissal privilege:** The beneficiaries of the permit granted for the contingencies set forth in letters a), b), c) and d) of the Article 7 of the SANNA Law, when such permit is intended to accompany the child under active treatment, shall enjoy the dismissal privilege during the permit and 180 days after the expiration of the last sick leave issued for such treatment. However, once the active treatment is concluded, with respect to the sick leaves granted as a consequence of follow-up controls of the child and for the contingency established in letter e) of Article 7 of the law (serious illness requiring hospitalization in an intensive care or intermediate treatment unit), the provisions of the third paragraph of Article 161 of the Labor Code shall apply, with respect to the applicable grounds of termination. In the case of employees hired for a specific work or task, or for a fixed term, the dismissal privilege will automatically terminate at the end of the work or task for which the employee was hired or at the end of the term of the contract, respectively.

**6 Other modifications:** The law includes modifications also in connection with the following matters:

- a** Conditions of access in case of serious illness;
- b** Special rules for the use of the permit;
- c** Payment of the subsidy;
- d** Qualification process;
- e** Collection of contributions;
- f** Rules for the operation of the fund, payment of resources and financial administration of the fund; and
- g** Administration of the contract.

**7 Entry into force:** The law will enter into force on November 1<sup>st</sup>, 2023.

Finally, the duration of the permit of the beneficiaries created by the SANNA Law who are using and accompanying permit at the effective date of the law will be extended until completing the new number of days of leave established by the law, as applicable.

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