



# Labour and Employment Compliance in Chile Eighth Edition

By *Gerardo Otero A., Maria Dolores Echeverria F., Macarena Lopez M. & María de los Ángeles Fernandez S.*

## Overview

Detailed attention to compliance with labour and employment laws is crucial for success in setting up business in a foreign country. This book – one of a series derived from Kluwer’s matchless publication International Labour and Employment Compliance Handbook – focuses on the relevant laws and regulations in Chile. It is thoroughly practical in orientation. Employers and their counsel can be assured that it fulfills the need for accurate and detailed knowledge of laws in Chile on all aspects of employment, from recruiting to termination, working conditions, compensation and benefits to collective bargaining.

The volume proceeds in a logical sequence through such topics as the following:

- written and oral contracts
- interviewing and screening
- evaluations and warnings
- severance pay
- reductions in force
- temporary workers
- trade union rights
- wage and hour laws
- employee benefits
- workers’ compensation
- safety and environmental regulations
- immigration law compliance
- restrictive covenants
- anti-discrimination laws
- employee privacy rights
- dispute resolution
- recordkeeping requirements

A wealth of practical features such as checklists of do’s and don’ts, step-by-step compliance measures, applicable fines and penalties, and much more contribute to the book’s day-to-day usefulness. Easy to understand for lawyers and non-lawyers alike, this book is sure to be welcomed by business executives and human resources professionals, as well as by corporate counsel and business lawyers.

For more information, visit [kluwerlaw.com/store](http://kluwerlaw.com/store)  
Phone: +31 (0) 172 641562 • Email: [international-sales@wolterskluwer.com](mailto:international-sales@wolterskluwer.com)

## Labour and Employment Compliance in Chile Eighth Edition

By *Gerardo Otero A., Maria Dolores Echeverria F., Macarena Lopez M. & María de los Ángeles Fernandez S.*

### Table of Contents

#### Authors

#### Legal Compliance in Chile

1. Legal Framework: Employment Law
2. Employment Contracts
3. Recruiting, Interviewing, Screening and Hiring Employees
4. Managing Performance/Conduct
5. Termination of Employees for Performance or Disciplinary Reasons
6. Layoffs, Reductions in Force, and/or Redundancies as a Result of Job Eliminations or Other Restructuring
7. Labour and Employment Law Ramifications upon Acquisition or Sale of a Business
8. Use of Alternative Workforces: Independent Contractors, Contract Employees, and Temporary or Leased Workers
9. Obligation to Bargain Collectively with Trade Unions: Employees' Right to Strike and a Company's Right to Continue Business Operations
10. Working Conditions: Hours of Work and Payment of Wages – By Statute or Collective Agreements
11. Other Working Conditions and Benefits: By Statute, Collective Agreements or Company Policy
12. Workers' Compensation
13. Company's Obligation to Provide Safe and Healthy Workplace
14. Immigration, Secondment and Foreign Assignment
15. Restrictive Covenants and Protection of Trade Secrets and Confidential Information
16. Protection of Whistleblowing Claims
17. Prohibition of Discrimination in the Workplace
18. Smoking in the Workplace
19. Use of Drugs and Alcohol in the Workplace
20. AIDS, HIV, SARS, Blood-Borne Pathogens
21. Dress and Grooming Requirements
22. Privacy, Technology and Transfer of Personal Data
23. Workplace Investigations for Complaints of Discrimination, Harassment, Fraud, Theft and Whistleblowing
24. Affirmative Action/Non-discrimination Requirements
25. Resolution of Labour, Discrimination and Employment Disputes: Litigation, Arbitration, Mediation and Conciliation
26. Employer Recordkeeping, Data Protection, and Employee Access to Personnel Files and Records
27. Required Notices and Postings

**ISBN:** 9789403525112 • **Released:** July 2020  
**Price:** € 60 - \$ 67 - £ 53 • **Format:** Softcover, 96pp

Available in our **eStore** and **Digital Book Platform**

International Labour and Employment Compliance Handbook

[www.kluwerlawonline.com](http://www.kluwerlawonline.com)

**Labour and Employment Compliance  
in Chile**



International Bar Association

# **Labour and Employment Compliance in Chile**

Eighth Edition

Gerardo Otero A.  
Maria Dolores Echeverria F.  
Macarena López M.  
María de los Ángeles Fernández S.

This publication is part of the International Labour  
and Employment Compliance Handbook,  
available on [www.kluwerlawonline.com](http://www.kluwerlawonline.com)

Editors: Salvador del Rey and Robert J. Mignin  
Associate Editor: Juan Bonilla



the global voice of  
the legal profession

 **Wolters Kluwer**

*Published by:*  
Kluwer Law International B.V.  
PO Box 316  
2400 AH Alphen aan den Rijn  
The Netherlands  
E-mail: [international-sales@wolterskluwer.com](mailto:international-sales@wolterskluwer.com)  
Website: [irus.wolterskluwer.com](http://irus.wolterskluwer.com)

*Sold and distributed in North, Central and South America by:*  
Wolters Kluwer Legal & Regulatory U.S.  
7201 McKinney Circle  
Frederick, MD 21704  
United States of America  
Email: [customer.service@wolterskluwer.com](mailto:customer.service@wolterskluwer.com)

*Sold and distributed in all other countries by:*  
Air Business Subscriptions  
Rockwood House  
Haywards Heath  
West Sussex  
RH16 3DH  
United Kingdom  
Email: [international-customerservice@wolterskluwer.com](mailto:international-customerservice@wolterskluwer.com)

*Printed on acid-free paper.*

ISBN 978-94-035-2511-2

e-Book: ISBN 978-94-035-2512-9  
web-PDF: ISBN 978-94-035-2513-6

© 2020 Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. More information can be found at: [irus.wolterskluwer.com/policies/permissions-reprints-and-licensing](http://irus.wolterskluwer.com/policies/permissions-reprints-and-licensing)

Printed in the United Kingdom.

All listed titles are also available on [lrus.wolterskluwer.com](http://lrus.wolterskluwer.com)

1. Argentina: Julio César Stefanoni Zani & Enrique Alfredo Betemps, *Labour and Employment Compliance in Argentina, 8th edition*, 2020 (ISBN 978-94-035-2491-7)
2. Australia: John Tuck, Stephen Price, Rosemary Roach, Jack de Flamingh, Nicholas Ellery & Nick Le Mare, *Labour and Employment Compliance in Australia, 4th edition*, 2019 (ISBN 978-94-035-1511-3)
3. Belgium: Chris Van Olmen, *Labour and Employment Compliance in Belgium, 4th edition*, 2019 (ISBN 978-94-035-1514-4)
4. Brazil: Rodrigo Seizo Takano, Andrea Giamondo Massei & Murilo Caldeira Germiniani, *Labour and Employment Compliance in Brazil, 7th edition*, 2020 (ISBN 978-94-035-2494-8)
5. Canada: Kevin Coon, *Labour and Employment Compliance in Canada, 3rd edition*, 2020 (ISBN 978-90-411-9339-1)
6. Chile: Gerardo Otero A., María Dolores Echeverría F., Macarena López M. & María de los Ángeles Fernández S., *Labour and Employment Compliance in Chile, 8th edition*, 2020 (ISBN 978-94-035-2511-2)
7. China: King & Wood Mallesons, *Labour and Employment Compliance in China, 5th edition*, 2018 (ISBN 978-94-035-0400-1)
8. England: Tony Hyams-Parish, *Labour and Employment Compliance in England, 7th edition*, 2019 (ISBN 978-94-035-1531-1)
9. France: Pascale Lagesse, *Labour and Employment Compliance in France, 8th edition*, 2020 (ISBN 978-94-035-2544-0)
10. Germany: Gerlind Wisskirchen & Martin Lützel, *Labour and Employment Compliance in Germany, 7th edition*, 2019 (ISBN 978-94-035-1541-0)
11. India: Manishi Pathak, *Labour and Employment Compliance in India, 8th edition*, 2020 (ISBN 978-94-035-2534-1)
12. Ireland: Duncan Inverarity & Ailbhe Dennehy, *Labour and Employment Compliance in Ireland, 6th edition*, 2019 (ISBN 978-94-035-1551-9)
13. Israel: Pnina Broder-Manor, Helen Raziel & Ilan Winder, *Labour and Employment Compliance in Israel, 6th edition*, 2019 (ISBN 978-94-035-1554-0)
14. Italy: Angelo Zambelli, *Labour and Employment Compliance in Italy, 8th edition*, 2020 (ISBN 978-94-035-2514-3)
15. Japan: Yoshikazu Sugino, *Labour and Employment Compliance in Japan, 8th edition*, 2020 (ISBN 978-94-035-2501-3)
16. Republic of Korea: Sang Wook Cho, Soojung Lee & Christopher Mandel, *Labour and Employment Compliance in the Republic of Korea, 6th edition*, 2020 (ISBN 978-94-035-2521-1)
17. Mexico: Oscar De La Vega Gómez, *Labour and Employment Compliance in Mexico, 7th edition*, 2019 (ISBN 978-94-035-1571-7)
18. The Netherlands: Els de Wind & Cara Pronk, *Labour and Employment Compliance in the Netherlands, 5th edition*, 2020 (ISBN 978-94-035-1594-6)
19. Poland: Barbara Józwik, *Labour and Employment Compliance in Poland, 8th edition*, 2020 (ISBN 978-94-035-2551-8)

20. Russia: Anna-Stefaniya Chepik, *Labour and Employment Compliance in Russia*, 2013 (ISBN 978-90-411-4925-1)
21. Saudi Arabia: Sara Khoja & Sarit Thomas, *Labour and Employment Compliance in Saudi Arabia*, 3rd edition, 2020 (ISBN 978-94-035-2524-2)
22. South Africa: Susan Stelzner, Stuart Harrison, Brian Patterson & Zahida Ebrahim, *Labour and Employment Compliance in South Africa*, 8th edition, 2020 (ISBN 978-94-035-2504-4)
23. Spain: Salvador del Rey, Ana Campos & Sergi Gálvez Duran, *Labour and Employment Compliance in Spain*, 8th edition, 2020 (978-94-035-2541-9)
24. Turkey: Sertaç Kökenek & Elif Nur Çakır Vurgun, *Labour and Employment Compliance in Turkey*, 5th edition, 2019 (ISBN 978-94-035-1614-1)
25. United Arab Emirates: Sara Khoja & Sarit Thomas, *Labour and Employment Compliance in the United Arab Emirates*, 7th edition, 2020 (ISBN 978-94-035-2531-0)
26. United States: Andrew J. Boling, Amy de La Lama, William Dugan, Chris Guldberg, Brian Hengesbaugh, Robert J. Mignin, John M. Murphy & Ginger Partee, *Labour and Employment Compliance in the United States*, 4th edition, 2018 (ISBN 978-94-035-0483-4)



# International Bar Association

## The Global Voice of the Legal Profession

The International Bar Association (IBA), established in 1947, is the world's leading organization of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of over 40,000 individual lawyers and almost 200 bar associations and law societies spanning all continents. It has considerable expertise in providing assistance to the global legal community.

Grouped into two divisions – the Legal Practice Division and the Public and Professional Interest Division – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of business law around the globe. Additionally, the IBA's high-quality publications and world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and professional associates.

The IBA's Bar Issues Commission provides an invaluable forum for IBA member organisations to discuss all matters relating to law at an international level.

The IBA's Human Rights Institute (IBAHRI) works across the Association, to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

Other institutions established by the IBA include the Southern Africa Litigation Centre and the International Legal Assistance Consortium.

### **Employment and Industrial Relations Law Committee**

The aims of the committee are to develop and exchange knowledge of employment and industrial relations law and practice. Members support each other through the provision of innovative ideas and practical assistance on day-to-day issues. In addition, through its journal and through presentations, conferences, the committee ensures the dissemination of up-to-date law and practice in this highly important business area.

INTERNATIONAL BAR ASSOCIATION

### **International Bar Association Global Employment Institute**

The IBA Global Employment Institute (IBA GEI) was formed in early 2010 for the purpose of developing for multinationals and worldwide institutions a global and strategic approach to the key legal issues in the human resources and human capital fields.

Drawing on the resources and expertise of the IBA membership, the IBA GEI will provide a unique contribution in the field of employment, discrimination and immigration law, on a diverse range of global issues, to private and public organizations throughout the world. The IBA GEI is designed to enhance the management, performance and productivity of these organizations and help achieve best practice in their human capital and management functions from a strategic perspective.

The IBA GEI will become the leading voice and authority on global HR issues by virtue of having a number of the world's leading labour and employment practitioners in its ranks, and the support and resource of the world's largest association of international lawyers.

### **Further information**

International Bar Association, 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom, Tel: +44 (0)20 7842 0090, Fax: +44 (0)20 7842 0091, E-mail: [member@int-bar.org](mailto:member@int-bar.org), [www.ibanet.org](http://www.ibanet.org)

## About the International Labour and Employment Compliance Handbook

From 1976 through 1988, the International Bar Association and Kluwer Law International published the groundbreaking International Handbook on Contracts of Employment. This Handbook provided one of the first global overviews of the law of the international employment relationship.

Since publishing the first edition, globalization of business has created an increased demand for knowledge of labor and employment laws throughout the world. Therefore, along with Kluwer, we decided to publish an updated Handbook which we have titled the International Labour and Employment Compliance Handbook.

This new Handbook was intended to be a practical guide by providing a general overview of key labor and employment issues in multiple jurisdictions. Each chapter was written so that it is easy to understand by lawyers and non-lawyers alike. Each country author has also followed a standard outline to assist readers in analysing employment issues in each country.

The first edition of this new Handbook included nineteen (19) different countries.

This Handbook would not have been possible without the help and assistance of many people. Most importantly, the individual country authors are all distinguished legal practitioners who spent considerable time drafting and revising their country reports to meet difficult deadlines. We thank each of them. Our friends at Kluwer, especially Ewa Szkatula, have done a wonderful job in keeping the editors and the authors on schedule. Finally, we want to also express our gratitude to Cuatrecasas, Gonçalves Pereira, and Baker & McKenzie LLP for their valuable assistance in the coordination and organization of this project. Our warmest thanks to each of them.

ABOUT THE INTERNATIONAL LABOUR AND EMPLOYMENT COMPLIANCE HANDBOOK

Because of the success of the Handbook, Wolters Kluwer Law & Business decided to publish each country report also as a separate book to give a choice in obtaining the information. We hope this new format will be a helpful and useful resource just like the Handbook. Both formats are available in print and online.

The Editors

Salvador del Rey Guanter  
Robert J. Mignin

March 2013

# Table of Contents

<b>Authors</b>	ix
<b>Legal Compliance in Chile</b>	1
<b>1. Legal Framework: Employment Law</b>	1
<b>2. Employment Contracts</b>	2
2.1. Overview	2
2.2. Written Employment Contracts	2
2.3. Oral Contracts	3
2.4. Employee Handbooks	3
2.5. Job Descriptions	4
2.6. Offer Letters	5
2.7. Checklist of Do's and Don'ts	5
<b>3. Recruiting, Interviewing, Screening and Hiring Employees</b>	5
3.1. Overview	5
3.2. Recruiting	6
3.3. Employment Application	6
3.4. Pre-employment Inquiries	6
3.5. Pre-employment Tests and Examinations	7
3.6. Background, Reference and Credit Checks	7
3.7. Interviewing	7
3.8. Hiring Procedures	7
3.9. Fine and Penalties	7
3.10. Checklist of Do's and Don'ts	8
<b>4. Managing Performance/Conduct</b>	8
4.1. Overview	8
4.2. Coaching and Counselling	9
4.3. Written Evaluations	9

CHILE

4.4.	Warning and Suspensions	9
4.5.	Checklist of Do's and Don'ts	9
<b>5.</b>	<b>Termination of Employees for Performance or Disciplinary Reasons</b>	10
5.1.	Overview	10
5.2.	Separation and Severance Payment	10
5.3.	Fines and Penalties	12
5.4.	Checklist of Do's and Don'ts	12
<b>6.</b>	<b>Layoffs, Reductions in Force, and/or Redundancies as a Result of Job Eliminations or Other Restructuring</b>	13
6.1.	Overview	13
6.2.	Reductions in Force, Layoffs/Job Eliminations	13
6.3.	Fines and Penalties	13
6.4.	Checklist of Do's and Don'ts	14
<b>7.</b>	<b>Labour and Employment Law Ramifications upon Acquisition or Sale of a Business</b>	14
7.1.	Overview	14
7.2.	Acquisition of a Business	14
7.3.	Acquisition Checklist	15
7.4.	Sale of a Business	16
7.5.	Sale Checklist	16
<b>8.</b>	<b>Use of Alternative Workforces: Independent Contractors, Contract Employees, and Temporary or Leased Workers</b>	16
8.1.	Overview	16
8.2.	Independent Contractors	17
8.2.1.	Definition	17
8.2.2.	Creating a Relationship	17
8.2.3.	Compensation	18
8.2.4.	Other Terms and Conditions	18
8.3.	Contract Workers	18
8.4.	Leased Workers	19
8.5.	Checklist of Do's and Don'ts	20
<b>9.</b>	<b>Obligation to Bargain Collectively with Trade Unions: Employees' Right to Strike and a Company's Right to Continue Business Operations</b>	21
9.1.	Overview of Unions' Right to Organize	21
9.2.	Right of Employees to Join Unions	22
9.3.	How Employees Select Unions	22
9.4.	Pre-election Campaigning	22

9.5.	Unfair Labour Practices	23
9.6.	Relocation of Work/Shutdown of Business	23
9.7.	Checklist of Do's and Don'ts	24
<b>10.</b>	<b>Working Conditions: Hours of Work and Payment of Wages – By Statute or Collective Agreements</b>	<b>25</b>
10.1.	Overview of Wage and Hours Laws	25
10.2.	Minimum Wage	25
10.3.	Overtime	26
10.4.	Meal and Rest Periods	26
10.5.	Deductions from Wages	27
10.6.	Garnishment	28
10.7.	Exemptions to Wage and Hour Laws	28
10.8.	Child Labour	28
10.9.	Recordkeeping Requirements	29
10.9.1.	Information That Must Be Maintained	30
10.9.2.	Records That Must Be Retained	30
10.9.3.	Failure to Maintain Required Records	31
10.10.	Reductions in Compensation Caused by Economic Downturn	31
10.11.	Checklist of Do's and Don'ts	32
<b>11.</b>	<b>Other Working Conditions and Benefits: By Statute, Collective Agreements or Company Policy</b>	<b>32</b>
11.1.	Health and Other Insurance	32
11.2.	Pension and Retirement Benefits	34
11.3.	Vacation and Holiday Payments on Termination	34
11.4.	Leaves of Absence	35
11.4.1.	Personal Leave	35
11.4.2.	Medical or Sick Leave	35
11.4.3.	Bereavement Leave	36
11.4.4.	Marriage Leave	36
11.4.5.	Family Leave	36
11.4.6.	Pregnancy/Maternity Leave	37
11.4.7.	Maternity Leave	37
11.4.8.	Injury at Work	37
11.5.	Checklists of Do's and Don'ts	37
<b>12.</b>	<b>Workers' Compensation</b>	<b>38</b>
12.1.	Overview	38
12.2.	Checklist of Do's and Don'ts	39

<b>13. Company's Obligation to Provide Safe and Healthy Workplace</b>	39
13.1. Overview of Safety and Environmental Laws and Regulations	39
13.2. Requirements	39
13.3. Rights of the Employees	41
13.4. Right of Employer	41
13.5. Specific Standards	42
13.6. Injury or Accident at Work	42
13.7. Workplace Violence	42
13.8. Fines and Penalties	42
13.9. Checklists of Do's and Don'ts	43
<b>14. Immigration, Secondment and Foreign Assignment</b>	43
14.1. Overview Laws Controlling Immigration	43
14.2. Recruiting, Screening and Hiring Process	45
14.3. The obligation of Employer to Enforce Immigration Laws	46
14.4. Fines and Penalties	46
14.5. Secondment/Foreign Assignment	46
14.6. Checklist of Do's and Don'ts	47
<b>15. Restrictive Covenants and Protection of Trade Secrets and Confidential Information</b>	47
15.1. Overview	47
15.2. The Law of Trade Secrets	47
15.3. Restrictive Covenants and Non-compete Agreements	49
15.4. Checklist of Do's and Don'ts	49
<b>16. Protection of Whistleblowing Claims</b>	50
16.1. Overview	50
16.2. Checklists of Do's and Don'ts	50
<b>17. Prohibition of Discrimination in the Workplace</b>	51
17.1. Overview of Anti-discrimination Laws	51
17.2. Age Discrimination	51
17.3. Race Discrimination	52
17.4. Sex Discrimination/Sexual Harassment	52
17.5. Handicap and Disability Discrimination	52
17.6. National Origin Discrimination	55
17.7. Religious Discrimination	55
17.8. Military Status Discrimination	55
17.9. Pregnancy Discrimination	56
17.10. Marital Status Discrimination	56



17.11.	Sexual Orientation Discrimination	56
17.12.	Retaliation	57
17.13.	Constructive Discharge	57
17.14.	Mobbing	58
17.15.	Checklist of Do's and Don'ts	58
<b>18.</b>	<b>Smoking in the Workplace</b>	<b>58</b>
18.1.	Overview	58
18.2.	Checklist of Do's and Don'ts	59
<b>19.</b>	<b>Use of Drugs and Alcohol in the Workplace</b>	<b>59</b>
19.1.	Overview	59
19.2.	Checklist of Do's and Don'ts	60
<b>20.</b>	<b>AIDS, HIV, SARS, Blood-Borne Pathogens</b>	<b>60</b>
20.1.	Overview	60
20.2.	Checklist of Do's and Don'ts	60
<b>21.</b>	<b>Dress and Grooming Requirements</b>	<b>60</b>
21.1.	Overview	60
21.2.	Checklist of Do's and Don'ts	61
<b>22.</b>	<b>Privacy, Technology and Transfer of Personal Data</b>	<b>61</b>
22.1.	Privacy Rights of Employees	61
22.2.	Transfer of Personal Data	64
22.3.	Checklist of Do's and Don'ts	65
<b>23.</b>	<b>Workplace Investigations for Complaints of Discrimination, Harassment, Fraud, Theft and Whistleblowing</b>	<b>66</b>
23.1.	Overview	66
23.2.	Checklist of Do's and Don'ts	66
<b>24.</b>	<b>Affirmative Action/Non-discrimination Requirements</b>	<b>67</b>
24.1.	Overview	67
24.2.	Checklist of Do's and Don'ts	67
<b>25.</b>	<b>Resolution of Labour, Discrimination and Employment Disputes: Litigation, Arbitration, Mediation and Conciliation</b>	<b>67</b>
25.1.	Internal Disputes Resolution Process	67
25.2.	Mediation and Conciliation	68
25.3.	Arbitration	68
25.4.	Litigation	68
25.5.	Fine, Penalties and Damages	69
25.6.	Checklist of Do's and Don'ts	69

CHILE

<b>26.</b>	<b>Employer Recordkeeping, Data Protection, and Employee Access to Personnel Files and Records</b>	69
26.1.	Overview	69
26.2.	Personnel Files	70
26.3.	Confidentiality Rules	71
26.4.	Employee Access	71
<b>27.</b>	<b>Required Notices and Postings</b>	72
27.1.	Overview	72
27.2.	Checklist of Do's and Don'ts	72

# Chile

## AUTHORS

*Gerardo Otero A.*

Gerardo Otero A. obtained his degree in Law in 1988, with the highest honours, from the Law School of the University of Chile. He also attended the Negotiation Workshop held at the Harvard University Law School, 1997. He is fluent in Spanish and English and is the co-author of *Aspectos Fundamentales de los Actos Jurídico Procesales y su Nulidad (Fundamentals of Legal Procedural Acts and Their Annulment, 1988)*. He has been a Professor of Law at the Police Science Academy since 1992. Mr Gerardo was recognized by the International Who's Who of Professionals Historical Society, Madison Who's Who Registry of Executives and Professionals 2009–2010, Lawyer Monthly as Leading Lawyer 100 (2011), The Best Lawyers in America since 2009 and by The Legal 500 since 2012.

Mr Gerardo's practice areas include commercial law, labour and employment law, technology law, unfair competition, and antitrust and regulation. Mr Gerardo has more than thirty years of experience in corporate/M&A, contracts, dispute resolution: litigation and arbitration, where he has had to intervene in the drafting and negotiation of various contracts, in important litigation, conflict resolution, merger and acquisition processes, in matters of health services and mining, among others and general practice.

E-mail: [gotero@ecija.com](mailto:gotero@ecija.com)

CHILE

*Maria Dolores Echeverria F.*

Maria Dolores Echeverria F. has a degree in Law from the University of Chile Law School in 1997. She is fluent in Spanish and English and is the co-author of *Recognition of Foreign Judgments* and *Recognition of Money Judgments*. Maria is a member of Chilean Bar Association, and she has been recognized by The Best Lawyers in America and The Legal 500 from 2012. María Dolores has more than twenty-seven years of experience advising national and international enterprises on contracts, corporate law, labour law, real state, technology law, unfair competition, antitrust and regulation and general practice.

Maria Dolores's practice areas include labour and employment, corporate law, information & technology, banks and banking, unfair competition, and antitrust and regulation real state and general practice.

E-mail: [decheverria@ecija.com](mailto:decheverria@ecija.com)

*Macarena López M.*

Macarena López M is director/manager of the TMT, privacy, cyber, information technology and IP area of the Ecija Otero office in Chile and has been the head of the firm's information technology, TMT, data protection and cybersecurity department since 2006. Macarena has more than twenty-five years of extensive experience, both nationally and internationally, in matters related to new technologies, intellectual property and privacy. Macarena worked as a foreign attorney with Greenberg Glusker, Los Angeles; during that time, she also was a legal advisor to the Latin America Committee of the Business Software Alliance (BSA), Washington, D.C. and BSA country manager in Venezuela, Costa Rica and México (2004–2005). She is a visiting professor at the Faculty of Law, University of Chile and on the CEDI, in the magister programmes and in various certificated courses. She was professor of Procedural Law and of Intellectual Property and New Information Technologies at the Adolfo Ibáñez University (2006–2014). Macarena studied Law at Universidad de Chile Law School (J.D.) and graduated with the highest honours, obtaining her degree in Law in 1997 and an LLM from the University of California, Berkeley, 2004.

*Her practice areas include* extensive experience, both nationally and internationally, in matters related to new technologies, intellectual property and privacy, technology law, licensing, unfair competition, antitrust and regulation, implementation and maintenance of software, data centers, telecommunications, cybersecurity, fintech and public policies in various