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Ministry of the Interior and Public Security

LAWS, REGULATIONS, DECREES AND RESOLUTIONS OF GENERAL ORDER

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General Rules

CVE 2086760

MINISTRY OF LABOUR AND SOCIAL WELFARE

LAW NO. 21,422

PROHIBITS LABOUR DISCRIMINATION AGAINST MUTATIONS OR ALTERATIONS OF GENETIC MATERIAL OR GENETIC TESTING

Bearing in mind that the H. National Congress has given its approval to the following bill initiated on a motion by the Honourable Senator Mr. Alejandro Navarro Brain,

Bill:

" Article 1.- No employer may condition the hiring of workers, their permanence or the renewal of their contract, or the promotion or mobility in their employment, to the absence of mutations or alterations in their genome that cause a predisposition or a high risk of a pathology that may manifest itself during the course of the employment relationship, nor require for such purposes any certificate or examination that allows verifying that the worker does not have mutations or alterations of genetic material in his human genome that may lead to the development or manifest in a disease or physical or mental abnormality in the future.

Article 2.-The worker may express his free and informed consent to undergo a genetic test, in accordance with the provisions of article 14 of Law No. 20,584, as long as it is aimed at ensuring that he meets the necessary and suitable physical or mental conditions to develop jobs or tasks classified as dangerous, with the sole purpose of protecting their life or physical or mental integrity, as well as the life or physical or mental health of other workers. If these exams are required by the employer, the latter must bear the cost of it. Likewise, if there is a current employment relationship, the time used to carry out said exams will be understood as worked for all legal purposes.

Article 3.-Health establishments and laboratories that carry out this type of examination, as well as employers that access this information, must adopt all the security measures prescribed in Law No. 20,584 and in Article 12 of Law No. 20,120, with in order to protect the privacy of the worker and guarantee confidential handling of the data.

The worker will always have the right to access the information revealed by a genetic test."

And because I have seen fit to approve and sanction it; therefore, promulgate and take effect as a Law of the Republic.

Santiago, February 3, 2022 - SEBASTIÁN PIÑERA ECHENIQUE, President of the Republic - Pedro Pizarro Cañas, Minister of Labour and Social Welfare (S) - Enrique Paris Mancilla, Minister of Health.

What I transcribe for your information - Gustavo Rosende Salazar, Undersecretary of Labour (S).