

Supreme Court casts doubt on non-unionised employees' right to collective bargaining

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The right to collective bargaining for non-unionised employees is a contentious issue following the April 2017 labour reform, which abrogated the Labour Code provisions that allowed groups of non-unionised employees to bargain collectively and enter into valid agreements with their employer.

The Labour Inspectorate stated that, since there is no longer a statutory procedure under which groups of non-unionised employees can bargain, any collective agreements entered into by these groups have no legal effect and should therefore not be registered by the labour authority.

On March 12 2018 the Supreme Court decided on constitutional protective action, finding that the Labour Inspectorate need not register a collective agreement with a non-unionised employee group. Although this has not rendered such agreements illegal, it has increased the uncertainty around them and may discourage them in future. The decision does not conform with International Labour Organisation conventions and it seems that the issue will remain subject to dispute and ambiguity.

For further information on this topic please contact [Ignacio Garcia](#) or [Fernando Villalobos](#) at Porzio Rios Garcia by telephone (+56 22 729 0600) or email (igarcia@prga.cl or fvillalobos@porzio.cl). The Porzio Rios Garcia website can be accessed at www.porzio.cl.

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AUTHORS

[Ignacio Garcia](#)



[Fernando Villalobos](#)

