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What is the difference between annual vacations and the proportion of vacations? It is not clear to me when one corresponds and when the other, or if they are the same thing.

Annual vacations arise every time the employee completes one year of service; and from that moment the employer has the duty to grant such vacations within the following six months. And when I say to grant it, it means to grant them as an annual rest of 14 working days, but at the same time to pay them, which means to pay the same salary that is usually paid to the employee, but adding the vacation surplus, which is the result of the calculation of the daily salary value by applying the regulatory factor 23.83.

If the employee has more than 5 years of service, the payment increases to the value of 18 days.

These vacations must be enjoyed for at least 6 working days, while the remaining days (i.e., 8 of 14) can be enjoyed in installments.

On the other hand, the proportion of vacation has the character of compensation, since it is a kind of penalty to be paid by the employer when an employee has more than 5 months of service and is not allowed to complete the year, which is what would

have entitled the employee to annual vacation.

In this sense, the proportion of vacations corresponds when the employer evicts (desahucio) the employee or when the employee is dismissed unjustifiably or when the employee is forced to resign justifiably (dimision or constructive discharge) before completing the year of services.

The proportion of vacations is governed by articles 179 and 180 of the Labor Code, while annual vacations are governed by articles 177 to 191 of the Labor Code, except for the two articles mentioned above: 179 and 180.