

2-MINUTE PRIMER:

PERU

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FIXED-TERM CONTRACT EXTENSIONS

There are three types of fixed-term contracts:

- For temporary reasons
- For incidental reasons
- For a specific piece of work or service

Renewals are allowed within the maximum duration specified above for each type of contract. A combination of different contracts subject to special conditions is possible provided, however, that the total cumulative duration does not exceed 5 years.

TERMINATION RULES

The dismissal shall be subject to the verification of an objective cause that justifies the action, pursuant to law. If the cause is found not to exist, the employer shall be penalized via the payment of indemnity. The indemnity is set at 1,5 months' salaries per year of service up to a maximum of 12 salaries. The indemnity takes into consideration the last gross salary paid to the employee.

TERMINATION COSTS

Severance pay: upon termination, an amount equal

to 1,5 months' average salary per year of employment is paid to a state fund; the employee can withdraw his severance pay from this fund without deductions of taxes or levies.

Untaken leave: employee must receive any untaken holiday they have accrued during their employment. The calculation may change depending on the length of service of the worker.

Unpaid Legal Gratifications (Fiestas Patrias y una por Navidad)

Unpaid CTS: yearly deposits in the workers' bank account. The first deposit for the months from May to October and the second deposit, for the months from November to April.

Pro rata leave: for the year in which the worker is being terminated.

STATUTORY PAID HOLIDAY

Employees are entitled to 30 calendar days of paid annual leave for each worked year. In case of late joiners, this entitlement is prorated. The law does not allow taking holidays for periods shorter than 7 days. Holiday does not include public holidays.

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MATERNITY LEAVE

Minimum maternity leave in Peru is 98 days.

Births	Pre-Natal Leave	Post-Natal Leave
Single	49 days	49 days

Maternity leave is 98 days; 49 days of prenatal leave and 49 days of postnatal leave or 98 days after birth. Additionally, in cases of multiple childbirths or if the child presents a disability, the postnatal leave will be extended to 30 additional calendar days.

Maternity pay is fully subsidised by the state, employers pay the worker then reclaim the cost from the social security authorities. The post-birth rest extends for 30 extra days in the case of a multiple birth.

PATERNITY LEAVE

Births	Paternity Leave
Single	4 days

Paternity leave which must be taken between the baby's

birth and the day the mother and/or child are released from the hospital. Employers fund and pay paternity leave.

PROBATION PERIODS

Probation varies according to the position of the employee.

Employee Position	Probation Period
Regular Employees	3 Months
Skilled Personnel	6 Months
Managerial	1 Year

The probationary period cannot exceed 3 months for regular employees, and 6 months or 1 year for managerial positions or specific types of employees that deal with confidential information. Employees may be dismissed without any justification or further formality during probation.



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