

# **BHP Lawyer on Harassment Case: "The Court Ruled with a Gender Perspective"**

■ Guillermo Cáceres discussed the message conveyed by the Court in supporting the dismissal of a worker who harassed a colleague during a recreational activity.

**Diario Financiero, November 28, 2024**

**By C. León**

BHP recently made headlines after the Santiago Court of Appeals upheld the company's decision to dismiss an employee for sexual harassment during a non-work-related activity.

Guillermo Cáceres, a lawyer from Sáez Abogados who advised BHP, told DF that the ruling confirms companies must be proactive and intolerant of violence against women and harassment, regardless of whether the incidents occur during work hours or outside of them, as long as they are work-related events.

## **What arguments do you believe were crucial in the ruling?**

- Following the mandate of the Karin Law, the Court ruled with a gender perspective. This ruling is significant because it highlights that severe behaviors like violence or sexual harassment against a colleague inevitably impact the workplace environment. This holds true even if the incidents occur outside company premises, such as during a secret Santa social event.

## **What implications could this ruling have on the judicial implementation of the Karin Law?**

- In my opinion, prevention of violence and harassment should remain the priority before reaching judicialization. The Court sent a strong message with this ruling: there is zero tolerance for such behavior.

## **In light of this case, what is your main recommendation for companies addressing such situations?**

- Companies must strive to maintain a culture of respect, empathy, collaboration, and a safe working environment. They should also ensure effective channels for reporting and investigating complaints and take appropriate measures based on verified evidence.

# Key Judicial Precedent in Karin Law

Opinion by Óscar Olivares, Academic, Faculty of Law, Universidad Autónoma.

**Diario Financiero**  
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Dear Editor,

In recent days, we have witnessed an intense debate surrounding the recent ruling by the Santiago Court of Appeals (dated November 11, 2024), which accepted a labor nullity appeal filed by the company BHP against the verdict issued by the First Labor Court of Santiago. The initial ruling had condemned the company to compensate a worker dismissed for sexual harassment.

The Santiago Court of Appeals overturned the lower court's decision, declaring the dismissal justified based on the understanding that, regardless of the workplace location, "the conduct displayed by the plaintiff constitutes an act of sexual harassment, that is, an assault by one coworker against another, who has been affected and whose dignity has been diminished by this inappropriate, unwanted, and clearly non-consensual approach."

What makes this judicial decision particularly noteworthy is the sanctioning of sexually inappropriate behaviors committed outside the workplace. Therefore, this ruling serves as a valuable judicial precedent for the application and interpretation of the Karin Law, providing guidelines that will help resolve future instances of mistreatment against women occurring in extralaboral settings.

# **Mining: A Driver for Public Health Development**

## **Opinion by Jorge Riesco, President of Sonami**

**La Tercera**

**November 28, 2024**

Dear Director,

Mining, beyond being a cornerstone of our economy, represents a unique opportunity to propel the development of our social protection system.

For instance, the projected \$965 million contribution from the mining royalty in 2025 highlights this industry's potential to fund impactful healthcare initiatives. With these resources, we could finance the construction of three new hospitals, equip existing ones with state-of-the-art technology, expand primary care coverage, or develop disease prevention programs.

A 20% increase in mining production would allow us to double the healthcare budget in 2025, leading to significant improvements in the quality and accessibility of health services for all Chileans.

As a society, it is crucial that we recognize mining's value not only as a revenue generator but also as a driver of our population's well-being. Investing the resources derived from mining into healthcare is a strategic decision that will enable us to build a healthier and more prosperous future for generations to come.

It is time to harness this potential and transform mining into a strategic ally for developing a robust and equitable social protection system, particularly in healthcare.

Jorge Riesco

President of Sonami

# Glencore: "The Major Advantage with Ceibo is That We Could Extract Copper Where We Currently Can't"

■ The Chilean startup's sulfide leaching technology could allow Lomas Bayas to boost production and extend the mine's lifespan.

**Diario Financiero, November 28, 2024**  
**By Patricia Marchetti**

Mining giant Glencore Plc is seeking a "silver bullet"—or copper bullet, in this case—to extract more copper from its Lomas Bayas mine in Chile, which holds the lowest ore grade in both the country and the company's global operations (0.25%). And they are optimistic.

Last week, the mining company located in the Antofagasta Region announced that, after two years of pilot lab tests, it will begin large-scale in situ trials of the sulfide leaching process developed by Chilean startup Ceibo.

"The major advantage with Ceibo is that we could extract copper from places where we currently can't," Pablo Carvalho, General Manager of Lomas Bayas, told DF. "This is the challenge the entire mining industry is facing: how to leach sulfides." Carvalho noted that other major players like Rio Tinto, Antofagasta Minerals, and Freeport are pursuing similar paths.

Ceibo's process uses existing oxide leaching infrastructure to process sulfides—deeper minerals currently handled in concentrators. Cristóbal Undurraga, Ceibo's CEO and co-founder, explained that primary sulfides treated with acid leaching typically recover between 20% and 30% of copper in current operations. "We've demonstrated in certified industrial lab tests that we can increase that recovery rate to 80%," he said.

Lomas Bayas, which is also exploring similar non-exclusive alternatives with two other firms, sees this technology as a potential way to extend the mine's life from 2029 to 2038 and maximize production up to 90,000 tons of fine copper cathodes annually, up from the current 74,000 tons.

The mine holds 1.1 billion tons of resources yet to be converted into reserves. Compared to building a concentrator, leaching offers a more economical and sustainable option for mining companies, especially as the industry grapples with rising costs and declining ore grades.

Carvalho emphasized that "our focus is on making Lomas Bayas a sustainable operation that produces completely green copper."

## Next Steps

Ceibo is currently scaling up its process with the mining company, a key step before moving into the commercial phase.

"We still need to fully understand how to operate the technology on-site and develop an economic study to ensure it makes sense for everyone," Undurraga said, anticipating results by the first quarter of 2025.

By the end of the third quarter next year, the company expects a clear decision on the project's future. Even if results meet expectations, the mine's long-term plan will need to be redesigned to incorporate the new technology and its impacts.

Regarding the possibility of implementing Ceibo's technology at other Glencore sites, Carvalho said this has always been under consideration within the company. "This opens up a new business line for exploiting low-grade deposits, many of which have been abandoned," he explained.

Meanwhile, Ceibo has just inaugurated a new lab in the industrial district of La Reina and is building its first demonstration plant, set to open in early 2025. The company is also in discussions with over 20 copper producers worldwide, half of which operate in Chile.

Ceibo's ambitious goal, according to Undurraga, is to "accelerate" the production of 1 million tons of copper over the next 10 years across various projects.

# **Enami Avoids Losses with Sale of Stake in Quebrada Blanca**

Recorded First Payment from Codelco for \$180 Million, earning a \$129 Million Profit.

**MERCURIO DE SANTIAGO**  
**T. V.**

Enami has averted financial losses thanks to the sale of its 10% stake in Quebrada Blanca to Codelco. The company's results shifted from a loss of \$129.5 million in September 2023 to a profit of \$129.5 million in the same month this year, following the initial payment of \$180.9 million from Codelco for this divestment. This non-operational revenue has helped Enami recover its bottom line.

The asset sale also had a significant impact on the company's net financial debt, which decreased to \$441 million after Codelco's first payment. Operational performance also improved in the third quarter, with Enami reporting a profit of \$6.8 million, compared to the operational loss of \$105 million recorded in the same period last year. The company attributes this turnaround to its ongoing optimization plan, including the temporary shutdown of the Hernán Videla Lira Smelter in February.

## **Paipote Modernization Project**

During a session of the Senate Mining and Energy Committee, Enami's executive vice president, Iván Mlynarz, discussed the modernization project of the Paipote smelter. He stated that the results of the engineering studies are expected in the first half of 2025, at which point the project's future will be decided based on its profitability, aiming for construction to begin under the current administration.

Regarding financing, which is estimated to require over \$1.3 billion, Mlynarz noted that it will be determined "once we have quantified the necessary resources and are at a stage where construction becomes a more certain possibility. Currently, Enami operates as a fully public entity, and to move forward, we would require an explicit state guarantee to secure this level of funding, at least during the construction phase."