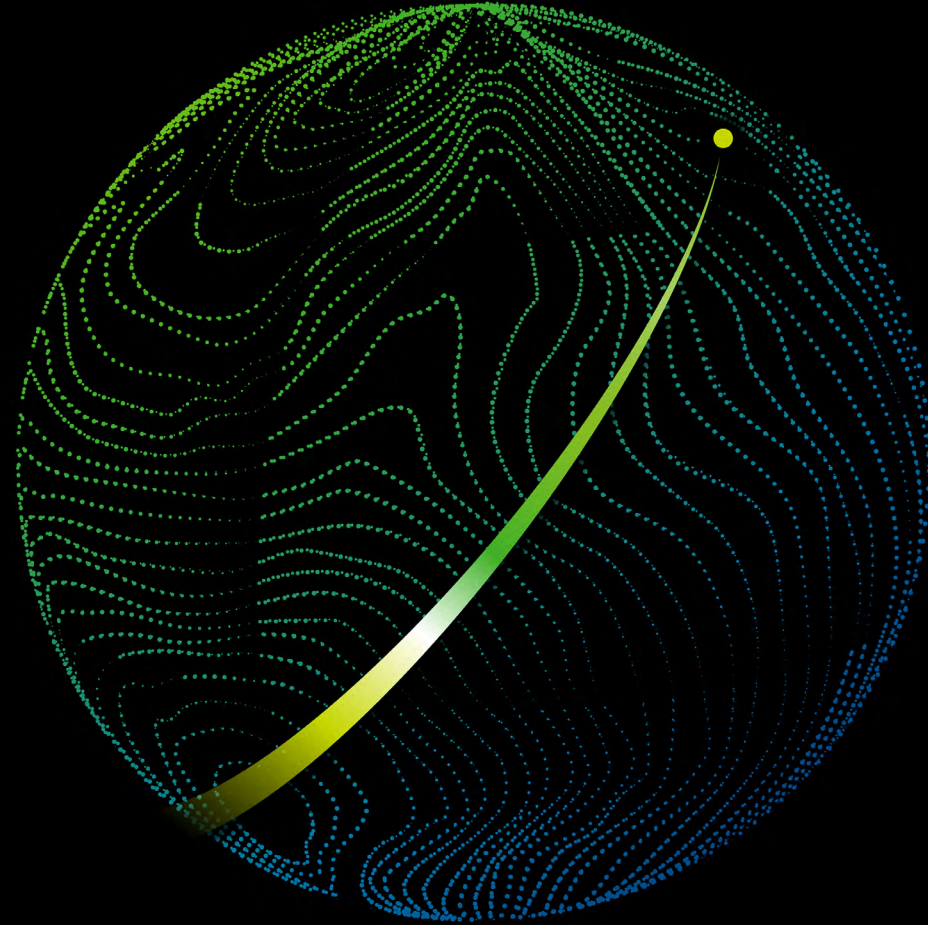


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Labor Irremovability in favor of workers

The labor irremovability of workers from the public and private sectors, governed by the Labor Decree-Law, was established for a two (2)-year period as of January 1st, 2023 through December 31st, 2024 by means of Decree No. 4753, published in Extraordinary Official Gazette No. 6723 on December 20th, 2022.

Relevant aspects

Scope

Workers protected under this Decree cannot be dismissed or transferred and their labor conditions cannot be impaired without due cause, as previously determined by the Labor Inspector of the relevant jurisdiction.¹

- Any worker that is dismissed or transferred or whose labor conditions are impaired without due cause previously determined by the labor inspector, will have 30 continuous days to file a claim with the relevant jurisdiction's labor inspectorate, request reinstatement and payment of unpaid wages; recovery of benefits suspended, or the restitution of the infringed legal situation.²
- The relevant measures and sanctions set forth in the law shall be imposed on those employers who will hinder or disrespect the order for reinstatement or restitution of the legal position of the Decree's beneficiaries.

- Labor inspectors shall preferably deal with any labor irremovability-related procedures. The Labor Courts shall not proceed with administrative appeals for annulment until compliance with the order for reinstatement and restitution of the infringed legal situation.



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Exception

Those workers in managerial, seasonal and occasional positions are excluded from the scope of this Decree. The stability of public officers shall be governed by the protection standards set forth in the Public Service Regulations Law.

Effective date

Effective as of January 1st, 2023.



¹ Article 422 Decreto con Rango, Valor y Fuerza de Ley Orgánica del Trabajo, los Trabajadores y Trabajadoras (Labor Decree-Law). Published in Extraordinary Official Gazette N°6076, dated May 7, 2012.

² Article 425 Decreto con Rango, Valor y Fuerza de Ley Orgánica del Trabajo, los Trabajadores y Trabajadoras (Labor Decree-Law). Published in Extraordinary Official Gazette N°6076, dated May 7, 2012.

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