

Employment stability decreed for two (2) years

Decree Number 4.414 was published in Special Official Gazette Number 6.611, on December 31st, 2020, in which employment stability was decreed for all public and private sector employees to whom the Employment Law-Decree applies (LOTTT, for its Spanish initials), for a period of two (2) years, starting on the date of the Decree's publication (articles 1 and 8).

According to article 2, employees protected by the Decree may not be terminated, nor their conditions worsened or the employee transferred without qualified cause that has been previously approved by the Labor Inspectorate, in accordance with LOTTT article 422.

If an employee, protected by the Decree, is terminated without just cause or transferred without their consent, they may denounce the situation within the following thirty (30) days (counted continuously) before the Labor Inspectorate. In that case, the employee may request their re-hiring and the payment of all salary which would've been theirs had they not been let go, as well as any other benefit that they lost due to their termination, or they may request the reestablishment of their previous legal conditions (article 3).

In accordance with article 5, the employees specified in LOTTT article 87 are protected by the Decree's employment stability. These employees are:

- Employees under set-duration contracts since the first month of service.
- Employees under set-duration contracts, as long as their contract's term hasn't expired.
- Employees hired for a specific project, until the entirety of their duties have been carried out, for the completion of which they were expressly hired.

Employees in charge of directorial duties and employees and seasonal or occasional workers are excluded from the Decree's protection (article 5). A similar disposition to that which existed in previous decrees and in accordance to the LOTTT.

Penalties and other measures established by law will be imposed on employers that try to impede or ignore re-hiring orders and the restitution of an employee's infringed legal conditions (article 6). Additionally, the Labor Courts will not hear suits looking to nullify re-hire or restitution orders until said orders have been carried out according to the procedure established in the LOTTT.

If you require our professional services, online or telephone inquiries regarding this matter, you can reach our team members at:

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