



Government Publishes Labor Immobility Decree

By Tinoco Travieso Planchart & Nuñez

Decree No. 4,753, issued by the Presidency of the Republic, was published on Dec. 20, 2022, in the *Official Gazette* No. 6,723 extraordinary, by which the tenure of employment of workers in the public and private sector governed by the Organic Law of Labor for Workers (LOTTT), was extended for a period of two years, between Jan. 1, 2023, to Dec. 31, 2024.

In this regard, the aforementioned Decree establishes:

1. **Prohibition of dismissal or demotion:** The workers covered by the Decree may not be dismissed, demoted or transferred without just cause previously qualified by the Labor Inspector of the corresponding jurisdiction, as provided in Article 422 of the LOTTT.
2. **Implications in case of non-compliance:** The violation of the tenure of employment will give the worker the right to request the reinstatement and payment of lost wages, as well as the other benefits not received or the restitution of the legal situation violated, through the established procedure in Article 425 of the LOTTT, as well as the imposition of sanctions on the employer.
3. **Protected workers:** The workers referred to in Article 87 of the LOTTT, which are indicated below, will enjoy tenure protection, and therefore, will be protected by stability:
 - Indeterminate-time workers, from the first month of service.
 - Workers hired for a specific period of time, as long as the term of the contract has not expired.
 - The workers contracted for a certain work, until all the tasks carried out by the worker, for which he/she was expressly contracted, have been completed.
4. **Exception of application:** Excluded from tenure protection are workers who hold managerial positions, and those who are seasonal and occasional. Likewise, it is provided that the stability of public officials will be governed by the Law of the Public Function Statute.

The Decree entered into force on Jan. 1, 2023.

Learn more about our [Venezuela Focus Team](#).

Information contained in this newsletter is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem, and it should not be substituted for legal advice, which relies on a specific factual analysis. Moreover, the laws of each jurisdiction are different and are constantly changing. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. If you have specific questions regarding a particular fact situation, we urge you to consult the authors of this publication, your Holland & Knight representative or other competent legal counsel.
