

## REFORMS TO THE LABOR CODE

### EMPLOYMENT STABILITY FOR WORKERS WITH CHRONIC DISEASES

The recent reforms to the Labor Code approved by the Legislative Assembly through Legislative Decree Number 244 dated February 14<sup>th</sup>, 2019, are based on the constitutional recognition of jobs as a social function protected by the State, as well as the character of public good that is granted to the health of people.

In this respect, the approved reforms aim to grant employment stability to people suffering from chronic disabling diseases that require frequent medical checks and rehabilitation, or that need specialized technical and medical attention, prior validation of their doctor, in order to guarantee favorable working conditions.

With this reform it is forbidden to make any distinction, exclusion or dismissal of any worker who is diagnosed and certified through the official institutions related to the health sector, suffering from diseases of the type indicated above, and recognizes the right to maintain their job position on equal conditions to those they had before the issuance of the aforementioned medical certification, without discounts on their salaries for said causes.

Regarding pregnant women or those suffering from the above-mentioned diseases, the prohibition of assigning them to jobs that require physical efforts incompatible with their condition or disease, since their diagnosis and until they have completed the respective treatment.

The guarantee of job stability to workers suffering from chronic disabling diseases will start from the issuance of the corresponding medical diagnosis and will extend three months after the respective medical treatment has been concluded, without prejudice to the termination of the employment relationship for incurring the worker in any of the causes of termination without responsibility for the employer regulated in Art. 50 of the Labor Code.

Finally, the reform includes the obligation of the Salvadoran Social Security Institute to cover the entire daily subsidy for disability to the worker during the time required for their treatment, as well as the time required for their recovery.

In conclusion, the reform aims to provide workers with chronic disabling diseases and their

families with an improvement in their quality of life, ensuring employment stability for the period established by law, provided that the diagnosis is confirmed by means of a certificate issued by the official institutions related to the health sector.

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