

By disposition of Chamber IV, the precautionary measure of reinstatement of special privileges may be appealed



The Constitutional Chamber by Resolution number: 2023-11481 partially declared the unconstitutionality action objecting Article 543, paragraph two of the Labor Code to be admissible.

The petitioner alleged that the constitutional guarantee of due process was violated in the special tutelage proceedings where the reinstatement of the workers was granted immediately, since the appealed norm did not allow the employer to exercise its right of defense, being only necessary for its establishment what was exposed by the worker plus the evidence provided to the file.

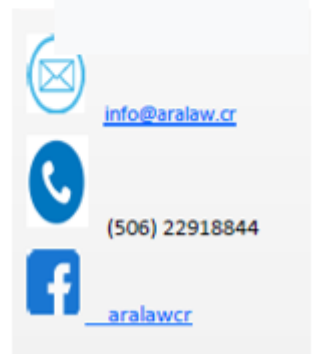
The Chamber accepted the action modifying the following norms of the Labor Code:




Institutional Norm	Appealed Version	Modified Version by Resolution
Labor Code, Article 543, second paragraph	This measure shall be executed immediately without the need for any guarantee and may be reviewed and modified at the request of the defendant, made through the filing of the corresponding appeal , for reasons of convenience or evident public interest, or because, after a provisional evaluation of the situation, it is	This measure shall be executed immediately without the need for any guarantee and may be reviewed and modified at the request of the defendant for reasons of convenience or clear public interest, or because, after a provisional evaluation of the situation, it is considered that there is evidence of discrimination, without

Our services:

- Employment advice
- Litigation
- Processing of internal regulations

CONTACT US:



 info@aralaw.cr
 (506) 22918844
 [_aralawcr](https://www.facebook.com/aralawcr)



	considered that there is evidence of discrimination, without prejudice to what is resolved on the merits.	prejudice to the decision on the merits.
Labor Code, article 583 section 10)	10) Deny, revoke or order the cancellation of provisional or anticipatory measures.	10) Deny, revoke or order the cancellation or granting of provisional or anticipatory measures.

In accordance with this resolution, the precautionary measure of reinstatement of the worker, which is dictated in this type of special tutelage proceedings, may be challenged by the defendant employer, who may also request its revision due to aspects of convenience or change of circumstances.

Our services:

- Employment advice
- Litigation
- Processing of internal regulations

CONTACT US:



info@aralaw.cr



(506) 22918844



[_aralawcr](https://www.facebook.com/aralawcr)