# LABOR CODE OF THE DOMINICAN REPUBLIC

## FIRST PRINCIPLE

Work is a social institution which functions with the protection and assistance of the State.

The State must ensure that the legal standards governing the right to work are subject to their essential purposes, which are human welfare and social justice.

## SECOND PRINCIPLE

Every person is free to engage in any profession and occupation, industry or business permitted by law. No one can hinder others from working or obligate them to work against their will.

## THIRD PRINCIPLE

The fundamental purpose of the present Code is the regulation of the rights and obligations of the employers and workers and to provide the means to reconcile their respective interests.

It enshrines the principle of cooperation between capital and labor as the basis of the national economy.

It, therefore, regulates individual and collective labor relations, established between workers and employers or their professional organizations, as well as the rights and obligations arising from the same, with the purpose of providing subordinated service.

It does not apply to public employees and officials except for provision to the contrary in this law or in the special statutes applicable to them.

Nor does it apply to members of the Armed Forces and the National Police.

However, it applies to workers who work for State enterprises and for autonomous official agencies of an industrial, commercial, or financial nature or those related to transportation.

FOURTH PRINCIPLE

The laws related to work are territorial in nature.

These apply without distinction to Dominicans and foreigners, except for overriding exceptions agreed upon in international agreements.

In relations among individuals, the absence or special provisions is covered by common law.

FIFTH PRINCIPLE

The rights recognized by law for the workers cannot be contractually renounced or limited.

Any agreement to the contrary is void.

SIXTH PRINCIPLE

In the area of labor, rights should be exercised and obligations carried out according to the rules of good faith.

Abuse of rights is illegal.

SEVENTH PRINCIPLE

Any discrimination, exclusion, or preference based on reasons of sex, age, race, color, national origin, social origin, political opinion, union membership, or religious belief is prohibited except for the exceptions foreseen by law for the purpose of protecting the person of the worker. The distinctions, exclusions, or preferences based on the qualifications required for a specific job are not included in this provision.

EIGHTH PRINCIPLE

In the event that a number of legal or contractual standards should coincide, that most favorable to the worker will prevail.

It there is any doubt about the interpretation or limits or the law, this question will be decided in the sense most favorable to the worker.

NINTH PRINCIPLE

The work contract is not that which exists in the written record but rather that which is performed in deeds. Any contract for which the parties have acted in fraud or sham of the labor law whether by the appearance of non-labor contractual standards, interference of a person, or any other means is void. In this event, the work relationship will be governed by this Code.

TENTH PRINCIPLE

The female worker has the same rights and obligations as the male worker. The special provisions foreseen in this Code have as their fundamental principle the protection of maternity.

ELEVENTH PRINCIPLE

Minors cannot be employed in services that are not appropriate to their age, state, or condition or which prevent them from receiving obligatory school instruction.

TWELFTH PRINCIPLE

Recognized among the basic rights of workers are freedom to join a union, enjoyment of a just salary, professional preparation and respect for their physical integrity intimacy and personal dignity.

THIRTEENTH PRINCIPLE

The State guarantees to employers and workers the creation and maintenance of special courts for the solution of their conflicts.

The preliminary step of reconciliation is instituted as obligatory.

This can be encouraged by judges at any stage of the action.
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Labor Code 92
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First Book. Of the Labor Contract
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I: Definition and Subjects of the Contract

-ARTICLES-

Art.1 - The labor contract is that by which a person is obliged, with compensation, to give personal service to another, under the dependency and immediate or delegates supervision of the latter.

Art.2 - A worker is any individual who gives service, material or intellectual, by virtue of a labor contract.

An employer is the individual or corporation who receives the services.

Art 3 - A company is understood as the economic unit of production or distribution of goods or services.

Establishment is the technical unit which, as a branch, agency or other form, is integrated with and contributes to carrying out the purposes of the company.

Art.4 - The contracts relative to domestic service, farm work at home, transportation, street vendors, traveling salesmen, and the like, and the handicapped, are subject to the respective special regulations established in this Code.

Art.5 - This Code does not govern, except for any express provision including them:

1st.- Free professionals who exercise their profession independently.

2nd.- Commission agents and brokers.

3rd.- Business agents and representatives.

4th.- Lessees and property tenants.

Art.6 - The administrators, managers, directors and all other employees who exercise management or supervision functions are regarded as representatives of the employer in their relations with the workers, within the scope of their responsibilities. At the same time, they are workers in their relations with the employer they represent.

Art.7 - A middleman is any person who, without being a known representative of the employer, participates on behalf of the latter in contracting the services of one or more workers.

Also regarded as middlemen are those who contract workers to be used to work in another's company.

Art.8 - Bosses of work crews and all those who, exercising authority and supervision over one or more workers, work under the subordination and supervision of an employer are, at the same time, middlemen and workers.

Art.9 - The worker can provide services to more than one employer with different work schedules. He cannot arrange for a substitute to provide his services or use one or more helpers without the approval of the employer.

Art.10 - The worker wishing to designate a substitute or employ one or more helpers, as well as the middleman, should inform the employer the conditions under which the substitute, helpers or contractual workers will provide services, in order that the employer may give his approval and the labor contract can be directly formalized with them.

In the case in which the substitute, helpers, or workers carry out the work with the knowledge of the employer or his representatives, said approval is presumed.

Art.11 - The middleman who works jointly with persons contracted by him and the worker who uses helpers, and they have only received the tacit approval of the employer according to the last provision of the previous article, are regarded as having the power to receive the remuneration corresponding to the work carried out together, while the contracted workers or the helpers do not inform the employer of the conditions under which they provide their service.

Art.12 - Those who contract jobs or parts of jobs in benefit of another and execute them on their own account, without being subject to the latter, are not middlemen but employers.

However, the persons who do not provide their own resources or conditions to fulfill the obligations derived from the relations with their workers are middlemen and are jointly responsible with the contractor or principal employer.

Art.13 - Whenever one or more companies, even though each one has an individual legal identity, are under the direction, control, or management of others, and are in such a way related as to constitute an economic unit, for the purposes of the contracted obligations with its workers they will be jointly responsible when fraudulent work has occurred.

Art.14 - The workers, serving an employer who has contracted work on his own account to benefit a third party, have the right to require the latter to withhold the amount of compensation earned on the dates set for payment, whenever this payment has not been made by the employer in the indicated form.

In this case, the workers will be subrogated in the rights of their employer with respect to the third party.

The payments made by the third party to the contractor before the workers' opposition can he justified by all means and without requiring a set date.

The third party shall not pay the workers except by virtue of a Judgment enforceable against the contractor or with the consent of the latter.

The employer may prove by any means the payment that he would have made to the contractor or jobber before receiving the notification of the workers.
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II: Formulation and Proof of the Contract

-ARTICLES-

Art.15 - The existence of a labor contract is presumed, unless otherwise proven, in all personal work relations.

When mixed situations occur in practice when the labor contract is found to be intermingled with one or more contracts, preference will be given to those contracts most closely related to the essence of the service provided.

Art.16 - The provisions of the labor contract, as well as the circumstances related to its execution or modification, can be proven by any means.

However, the worker is exempted from the burden of proof for the circumstances established in the documents which the employer, in accordance with this Code and its regulations, has the obligation to communicate, register and conserve such as plans, charts and the Book of Salaries and Wages.

Art.17 - An emancipated minor, or a non-emancipated minor who is at least 16 years old, is regarded as being of age for the purposes of a labor contract.

The non-emancipated minor, at least 14 years old but less than 16 years old, can enter into a labor contract, receive the compensation agreed upon and the indemnities set by this Code and exercise the actions derived from such relations with the permission of his father and mother or which ever one of these has authority over the minor, or, in the absence of both, his guardian.

In the event of discrepancy between the parents or the absence of them and a guardian, the Justice of the Peace of the domicile of the minor may grant authorization.

In no case can the work of the minor impede his obligatory school instruction, which shall be the responsibility and at the expense of the employer under the supervision of the authorities when because of said work the minor cannot receive school instruction.

Art.18 - A woman has full competency to enter into a labor contract, receive the compensation agreed upon and exercise all the rights and actions the law gives to the male worker.

Art.19 - Any one of the parties can require of the other that the labor contract verbally agreed upon be formalized in written form, and in the case of a negative response, can recur to the Labor Department or the local authority exercising that function to cite the other party for the indicated purpose.

If the cited party does not appear in court or maintains his negative response or if differences arise, the question will be submitted to the lower labor court in the ordinary form for contentious matters in order that due justification of the existence of the contract and its provisions can be made.

Art.20 - When the labor contract is made in writing, its modifications should be made in the same form.

Art.21 - The worker or employer who does not know how or cannot sign his name will validly supply his signature by fixing his fingerprints on the documents relative to the contract or its execution or modification.

In this case, the documents should be signed, as well, by two witnesses, who will certify than they have been read to the parties and have been approved in the indicated form.

Art.22 - All written labor contracts will be made on four originals: one for each of the parties, and the other two to be sent by the employer to the Labor Department or the local authority exercising that function within three days of the date on the contract.

Said local authority will file one of the originals, after registering it in the book kept for such purposes, and will send the other original within three days of its date to the Labor Department for registration and filing in this office.

Art.23 - In case of loss or destruction of the written contract, in all its originals, the proof of its content will be made by any means.

Art.24 - The written contract will contain:

1st. - The names, surnames, nationality, age, sex, marital status, domicile, and residence of the contracting parties and the legal mention of their personal identity numbers;

2nd. - The service the worker will be obliged to provide and the schedule and place he will provide it;

3rd. - The compensation the worker will receive with the indication of what he earns per unit of time, per unit of work, or any other manner, and the form, time, and place of payment;

4th. - The duration of the contract if it is for a limited time, the indication of the work or service that is the purpose of the contract if it is for a specific job or service or the clause that it is made for an indefinite tome;

5th. - Whatever else the parties can agree to within the law.

It will contain the signatures of the parties or their fingerprints and the signatures of the witnesses, if so needed, according to that which is foreseen in article 20.
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First Book. Of the Labor Contract
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III: Formalities of the Contract

-ARTICLES-

Art.25 - The labor contract can be for an indefinite time, for a limited time, or for a specific job or service.

Art.26 - When the work is permanent in nature, the contract made is for an indefinite time. However, there is nothing against an employer guaranteeing the worker that his services will be utilized during a certain specified time.

Art.27 - Work that has as its purpose the satisfaction of the normal, constant, and uniform needs of the company is considered permanent.

Art.28 - For work that gives rise to a contract for an indefinite time, it must be uninterrupted, that is, the worker must provide service on all working

days, without suspensions and breaks other than those authorized by this Code or those agreed on between the parties and the continuity must extend indefinitely.

Art.29 - Contracts related to work which, by its nature, lasts only part of the year, are contracts that expire without legal liability for the parties at the end of the season. However, if work continues for more than four months the worker will have the right to economic aid established in article 82.

Art.30 - Seasonal contracts in the sugar industry are regarded as labor contracts for an indefinite time period, subject to the rules established for them in the case of dismissal without cause unless there is a contrary provision in the law or collective pact. The periods of providing service, corresponding to different harvests or consecutive seasons, will be accumulated to determine the rights of the worker.

Art.31 - The labor contract can only be made for a specific job or service when the nature of the work requires it.

When a worker works successively with same employer for more than one specific job, a labor contract for an indefinite time period is regarded as being in existence. Work is regarded as successive when a worker begins to work at another job for the same employer, begun in a period no more than two months after finishing the previous job. a labor contract for an indefinite time is also regarded as existing for members of work crews switched among several jobs for the same employer.

Art.32 - When a job has as its purpose the seasonal increase in the production or responds to chance circumstances in the company, or its need ceases within a limited time, the contract will end without legal liability for the parties at the conclusion of the service if this occurs within three months as of the beginning of the contract. Otherwise, the employer will pay the worker severance benefits in conformity with what is set out in article 80.

Art. 33 - Labor contracts can only be made for a limited time in the one of theses cases:

1st. - If it is in accordance with the nature of the service to be given;

2nd. - if it has as its purpose the temporary substitution of a worker in case of leave of absence, vacation, or any other temporary impediment;

3rd. - If it is in the interest of the worker.

Art.34 - All labor contracts are presumed to be made for an indefinite time period.

Labor contracts made for a limited period or for a specific Job or service must be drawn up in writing.

Art.35 - Labor contracts made for a limited time or for a specific job or service except for the cases stated in the previous articles, or to circumvent the provisions of this Code, are regarded as being made for an indefinite period.
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IV: On the Rights and Obligations Arising from the Contract

-ARTICLES-

Art.36 - The labor contract is binding for that which is expressly agreed upon and all the consequences that may be in accordance with to good faith, fairness, practice or the law.

Art.37 - The supplementary provisions issued in this Code in order to govern the relations among the workers and employers must be taken as included in all labor contracts, but the parties can modify them whenever the purpose is to favor the worker and better his condition.

Art.38 - Clauses having the purpose of relinquishing or limiting the rights acknowledged in the Code on benefit of the workers are void, and the labor contract will be carried out as though these clauses did not exist.

Art.39 - The worker must carry out his job with concentration, care and conscientiousness in the manner, time and place agreed upon, under the supervision of the employer or his representative, to whose authority he is subordinated in everything relating to the Job.

Art.40 - The powers of supervision corresponding to the employer must be exercised in a functional manner, in attention to the purposes of the company and the production needs without prejudice to the preservation and improvement of the personal rights and property of the worker.

Art.41 - The employer is empowered to introduce those changes that may be necessary in the manner of service, whenever these changes do not imply the unreasonable exercise of this power, alter the essential conditions of the contract, or cause material or moral damage to the worker.

Art.42 - The employer can only apply the following disciplinary measures:

1 - warning;

2 - notation of the infractions with an evaluation of their gravity on the worker's reward.

Such disciplinary measures are established without prejudice to the right of the employer to exercise those given in the article 88 in case of need.

Art.43 - The systems of personnel control of the worker destined to protect the property of the employer must always preserve the dignity of the worker and must be practiced with discretion and according to objectively selected criteria, which must take into account the nature of the company, the establishment or workshop where they must be applied.

The Labor Department or the local authority exercising that function, in all cases, must be advised of these systems and is empowered to verify that they do not affect in a manifest and discriminatory manner the dignity of the worker.

Art.44 - Besides that which is contained in the other articles of this code and can be derived from labor contracts, collective pacts on working conditions, and internal regulations, the workers are obliged to:

1st. - Take a medical exam at the request of the employer to prove they do not have any handicap or contagious disease that would make it impossible for them to do their job. Said exam will be the responsibility of the employer;

2nd. - Arrive on time at the place where they must present themselves to provide their services and carry them out in the form agreed upon;

3rd. - Observe carefully the preventive or hygienic measures required by law, dictated by competent authorities and indicated by the employer, for the safety and personal protection of them, their co-workers or the places where they work;

4th. - Communicate to the employer or his representatives their observations to avoid any harm to the workers or employers;

5th. - Provide necessary service in case of mishap or imminent risk to the person or property of the employer or if a worker is in danger, without the right to any additional remuneration for this;

6th. - Observe good behavior and strict discipline during the hours of work;

7th. - Rigorously keep technical, commercial or manufacturing secrets of the products in whose production they are directly or indirectly involved or of which they have knowledge about because of the work they carry out, as well as private administrative matters whose revelation could cause damage to the employer while the contract is in effect as well as after its termination;

8th. - Keep the instruments and equipment given for the job in good condition without being responsible for their normal deterioration or that occurring by chance, force majeure, poor quality, or defective construction;

9th. - Avoid unnecessary waste in the use of materials and return to the employer anything unused;

10th. - Vacate housing provided by the employer within 45 days as of the date on which the effects of the labor contract terminate.

Art.45 - Workers are prohibited from:

1st. - Coming to work or working in a drunken state or in any other similar condition;

2nd. - Carrying weapons of any kind during working hours, save those exceptions for certain workers established by law;

3rd. - Taking collections in the work place during working ours;

4th. - Using the equipment and tools given by the employer for a job different from the one for which they were intended or using the equipment and tools of the employer without his authorization;

5th. - Taking from the factory, workshop or establishment work equipment and finished or raw materials, without the permission of the employer;

6th. - Conducting any kind of religious or political advertising on the job.

Art.46 - The employer is obliged to:

1st. - Maintain the factories, workshops, offices and all other places where work is to be carried out in the condition required by sanitary provisions;

2nd. - Distribute free to the workers those preventative medicines

indicated by the sanitary authorities by virtue of the law, in the case of epidemic disease;

3rd. - Observe adequate measures and those set by law to prevent accidents in the case of the use of machinery, instruments and work materials;

4th. - Install for the use of the workers at least one first aid kit;

5th. - Provide the workers at the necessary time the materials they will use and, when they have not agreed to work with their own tools, the equipment and instruments necessary for the performance of the work agreed upon, without being able to require rental payment for them;

6th. - Maintain the work place secure for the storage of the instruments and equipment of the worker when the latter uses his own tools which must remain in the place where service is provided;

7th. - Pay the worker the salary corresponding to the lost time when the inability to work is due to the fault of the employer;

8th. - Treat the workers with due consideration, abstaining from mistreatment by word or deed;

9th. - Provide preparation, training, up-dating, and improvement for his workers;

10th. - Fulfill the rest of the obligations imposed by this Code and those derived from the laws of labor contracts, collective pacts and internal regulations.

Art.47 - The employers are prohibited from:

1st. - Requiring or accepting money from the workers as a gratuity for being allowed to work or for any other reason related to working conditions;

2nd. - Obliging the workers to buy their consumer articles in a specific store or place;

3rd. - Taking collections and subscriptions in the work place;

4th. - Using influence to restrict the right of workers to join a union or not, or firing them for belonging to or remaining in one;

5th. - Exercising pressure on workers to vote for a specific candidate in the election of officials or representatives of a union;

6th. - Influencing the political behavior or religious beliefs of workers;

7th. - Unilaterally taking or retaining the tools or belongings of the worker, as indemnity, guarantee or compensation;

8th. - Presenting himself in the factory, workshop or establishment in a drunken state or in any other similar condition;

9th. - Exercising actions against the worker which could be regarded as sexual harassment, or supporting or failing to intervene in the event they are committed by his representatives;

10th. - Carrying out any action that restricts the rights of the worker according to law.
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V: On the Suspension of the Effects of the Contract

-ARTICLES-

Art. 48 - The causes for suspension can affect all labor contracts in effect in a company or only one or some of them.

Art.49 - The suspension of the effects of the labor contract does not imply its termination or commit the legal liability of the parties.

Art.50 - During the suspension of the effects of the labor contract, the worker is freed from providing service and the employer from paying the compensation agreed upon, except for a provision to the contrary in the law, the collective pact on working conditions or the contract.

Art.51 - The causes for suspension of the effects of the labor contract are the following:

1st. - Mutual consent of the parties;

2nd. - Maternity leave of the female worker, according to the provisions of article 236;

3rd. - The fact that the worker is fulfilling legal obligations making it temporarily impossible for him to provide service to the employer;

4th. - The case of chance or force majeure, whenever it produces as necessary, immediate and direct consequence the temporary interruption of work;

5th. - Detention, arrest or preventive custody of the worker, whether or not it is followed by conditional liberty, until the date that definitive sentence is irrevocable, as long as he is absolved or discharged or sentenced to minor penalties without prejudice to that foreseen in the article 83 number 18;

6th. - A contagious disease of the worker or anything else making it temporarily impossible for him to carry out his job;

7th. - Accidents that occur to the worker in the conditions and circumstances foreseen and protected by the law on Accidents on the Job, producing only temporary disability;

8th. - The absence or insufficiency of raw material, as long as it is not the fault of the employer;

9th. - Lack of funds for normal continuation of work, if the employer fully justifies the impossibility of obtaining them;

10th. - Excess production with relation to the economic situation of the company and She market conditions;

11th. - Unprofitability of the company's operation;

12th. - Legally qualified strikes and work stoppages.

Art.52 - In case of accident or sickness, the worker will only receive the medical attention and indemnities pursuant to the laws on accidents at work or to social security in the manner and conditions determined by said laws.

However, when the worker is not insured due to the fault of the employer, the latter shall be responsible for paying his medical expenses and making the corresponding reimbursements.

Art.53 - Preventive custody of the worker caused by the employer's accusation or due to a cause beyond the control of the worker but not beyond the control of the employer or that occasioned by the unintentional act of the worker committed during the exercise of his functions or by an act carried~out in defense of the employer or of his interests will not free the employer from the obligation of paying the worker's salary if he discharged or found innocent.

Art.54 - The employer is obliged to grant the worker five days' leave with

full salary for the purpose of celebrating the marriage of the latter, three days in the case of the death of any of his grandparents, parents, children or his spouse and two days when his wife or companion duly registered at the company gives birth.

Art.55 - The suspension of the labor contract will take effect from the day of the event causing it to occur.

In the cases foreseen in sections 4, 8, 9, 10, 11, of article 51, the maximum-duration of the suspension shall be ninety days in a given twelve-month period. In case the employer needs an extension of the suspension, the Labor Department shall have the 14 ability to grant it if the causes that brought about the suspension persist. Said suspension must be communicated in writing to the worker and the Labor Department within three days of its occurrence, indicating its cause and duration and accompanied by the documents that justify it. The same communication must be made by the heirs or representatives of the employer when the suspension is due to his death. These actions can be done even before the suspension occurs.

Art.56 - The Labor Department shall verify whether or not the alleged cause for suspension exists and shall issue the corresponding resolution in a period not to exceed fifteen days.

Art.57 - The employer can name a substitute during the absence of the worker due to any of the causes declared in the numbers 1, 2, 3, 5, 6, and 7 of article 51.

Art.58 - It is the worker's obligation to notify the employer of the cause which prevents his coming to work within twenty-four hours of the occurrence of the circumstances justifying the suspension of the effects of the contract.

Art.59 - The suspension ceases with the cause that motivated it.

The employer or his heirs will resume work immediately via notification to the Labor Department or the local authority exercising that function, which shall be responsible for remitting that information to workers.

If the employer or his heirs do not resume work, even when the reason for the suspension has ceased, the Labor Department, after verification of this circumstance, shall declare that the suspension of the effects of the contract has ceased.

Art.60 - If the Labor Department or the authority exercising its function does not find one or more workers within three days, counting from the date of the receipt of written notification of the resumption of work, it shall notify those interested through an announcement that shall be published for three

consecutive days in a local or national periodical.

The payment for publication shall be at the expense of the employer or his heirs.

Art.61 - It is presumed that the worker is at fault and subject to sanctions established below for unjustified absences, when he does not appear to provide service on the day the suspension ends due to cessation of the cause that prevented work, within six days following the date of the action indicated in article 59, or on the date of the last publication of the notification foreseen in article 60.
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VI: On the Modification of the Contract

-ARTICLES-

Art. 62 - The labor contract legally agree upon between the parties can be modified:

1st. - By the effect of the provisions contained in this Code and in other subsequent laws;

2nd. - By the effect of the collective pacts on working conditions;

3rd. - By mutual consent.

Art.63 - The termination of a company, of a branch or other dependency of the same or the shifting or transfer of a worker to any other company transmits to the one acquiring the business all the prerogatives and obligations arising from the labor contracts corresponding to the transferring establishment that were granted or related to the transferred worker including whatever may have been the cause of a suit and may be pending sentence or execution; and in any event it does not terminate the rights acquired by the worker without prejudice, furthermore, to the provisions of the third and fourth paragraphs in article 96 of this Code.

Art.64 - The new employer is jointly liable with the substituted employer for the obligations arising from the labor contracts or the law created before the date of the substitution, up to the statutory limit of any corresponding action.

Art.65 - The termination of the company or branch or dependency must be notified by the employer to the union, the workers and the Labor Department or the local authority exercising that function within 72 hours after the date of termination.

Failure to meet this obligation shall jointly incur the legal liability of the substituting employer and the one substituted.

Art.66 - The relationship between the employer substituted and the substitute are not governed by this Code.
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VII: On the Termination of the Contract
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I: On the causes of termination

-ARTICLES-

Art. 67 - The labor contract can terminate with or without legal liability for the parties.

Art.68 - The labor contract terminates without legal liability for any of the parties:

1st. - By mutual consent;

2nd. - By the execution of the contract;

3rd. - By the impossibility of its execution.

Art.69 - The labor contract is terminated with legal liability for some of the parties:

1st. - By the worker's dismissal without cause;

2nd. - By worker's dismissal with cause;

3rd. - By the resignation of the worker.

Art.70 - Upon the termination of all labor contracts for any causes the employer must provide a certificate to the worker at his request, expressing only:

1st. - The date he began work;

2nd. - The date he left;

3rd. - The type of work performed;

4th. - The salary earned.
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VII: On the Termination of the Contract
-CHAPTER-
II: On termination without legal liability

-ARTICLES-

Art.71 - The termination of the labor contract by mutual consent, in order to be legal, must be conducted before the Labor Department or the local authority exercising that function, or before a notary.

Art.72 - Contracts for specific service or job terminate without legal liability for the parties when the service has been provided or the job finished.

The duration of the labor contract for specific services in a job whose work is carried out by diverse specialized workers, is set by the nature of the job given to the worker and by the time necessary for finishing said work.

If, in the course of the execution of the job or part of its there is a need justified by the nature of the job to reduce the number of workers, the rules established in article 141 will be followed.

This reduction will operate according to the needs of the job.

Art.73 - The contracts for a limited time terminate without legal liability for the parties with the time limit agreed upon.

If the worker continues providing same service with the knowledge of the employer, his contract will be for an indefinite time and will be regarded as having had this nature from the beginning of the work relationship.

Art.74 - The contract will also end without legal liability for either of

the parties if a chance event or force majeure should occur.

If the employer is insured at the time that the mishap occurs, he must, upon receipt of the reimbursement by the insurance company, reconstruct the company in proportion to the value received or otherwise reimburse the workers proportionally.

Reimbursement to the workers can never be greater than the amount of severance benefits.
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VII: On the Termination of the Contract
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III: On termination for dismissal without cause

-ARTICLES-

Art.75 - Dismissal without cause AS the act by which one or the parties, via advance notice to the other and without alleging cause, exercises the right of ending a contract for an indefinite time.

Dismissal without cause does not take effect and the contract for an indefinite time remains in effect if the employer exercises his right:

1st.- During the time for which the worker has been guaranteed that his services would be utilized, in accordance with the provisions of article 26;

2nd. - While the effects of the labor contract have been suspended if the suspension has as its cause in circumstances inherent to the person of the worker;

3rd. - During the worker's vacation;

4th. - In those cases foreseen in articles 232 and 392.

If the worker exercises dismissal without cause against the employer who has distributed funds so that the former obtain technical training or undertake studies to prepare him for his work within a period equal to twice the time utilized for his training or studies, counting from the end of same but in no case exceeding two years, his being contracted by another employer in that period incurs the worker's civic legal liability jointly with the new employer with respect to the first employer.

Art.76 - The party exercising the right of dismissal without cause must give advance notice to the other party, according to the following rules:

1st. - After continuous work of no less than three months nor more than six, a minimum of seven days of advance notice;

2nd. - After continuous work of more than six months and less than a year, a minimum of fourteen days of advance notice;

3rd. - After a year of continuous work a minimum of twenty- eight days of advance notice.

Art.77 - The dismissal without cause will be communicated in writing to the worker, and within the next forty-eight hours the Labor Department or the local authority exercising that function will be notified through a letter filed with that office.

The same obligation applies to the worker, but his notice can be oral or written.

Art.78 - During the course of the advance notice all the obligations arising from the contract will be in effects but the worker will have the right without reduction in his salary to benefit from a leave of two half-days per week.

Art.79 - The party who omits the advance notice or gives it in an insufficient manner must pay the other in its stead an indemnity equivalent to the compensation that would have corresponded to the worker during the periods indicated in article 76.

Art.80 - The employer who exercises dismissal without cause must pay the worker severance benefits, whose amount will be set according to the following rules:

1st. - After continuous work of not less than three months nor more than six, an amount equal to six days of ordinary salary;

2nd. - After continuous work of not less than six months nor more than one year, an amount equal to thirteen days of ordinary salary;

3rd. - After continuous work of not less than one year nor more than five, an amount equal to twenty-one days of ordinary salary for each year of service given;

4th. - After continuous work of not less than five years, an amount equal

to twenty-three days of ordinary salary for each year of service provided.

All fractions of a year of more than three months must be paid in accordance with numbers 1 and 2 of this article.

The calculation of severance benefits corresponding to the years the contract of the worker is in effect before the promulgation of this Code will be made on the basis of fifteen days of ordinary salary for each year of service given.

Art.81 - The severance benefits must be paid even though the worker immediately goes to follow the orders of another employer.

Art.82 - An economic aid of five days of ordinary salary is established after continuous work of not less than three months nor more than six; of ten days of ordinary salary after continuous work of not less than six months nor more than a year; and of fifteen days of ordinary salary for each year of service provided over one year of continuous work, whenever the labor contract ends due to:

1st. - The death of the employer or his physical or mental incapacity, as long as this produces as a consequence the termination of the company;

2nd. - The death of the worker or his physical or mental incapacity or inability to carry out the services he is obliged to provide.

In these cases, the economic aid shall be paid to the person the worker has designated in the declaration made before the Labor Department or the local authority exercising that function, or before a notary. In the absence of this declaration, the right shall belong in equal parts and with the right of accession to the spouse and minor children of the worker, and, in the absence of both, to the forefather over sixty years old or disabled, and in the absence of these, to the legal heirs of the worker.

If the worker may be too physically or mentally incapacitated to receive the payment of his rights, the economic aid shall be provided to the person who is caring for him;

3rd. - The illness of the worker or his failure to fulfill the obligations referred to in number 3 of article 51 or any other justifiable cause that has prevented his providing work for a total period of one year from the day of his first absence;

4th. - The exhaustion of the raw material for a mining operation.

5th. - The bankruptcy of the company, as long as the operation of the

company ceases altogether, or due to its definitive closing or definitive reduction of personnel, arising from the lack of resources to allow the operation to continue, the Unprofitability of the same or other similar cause with the approval of the Labor Department in the manner established in article 56.

Art.83 - The workers whose contracts terminate due to retirement, shall receive a compensation equal to the benefits corresponding to the dismissal without cause if the pension is granted by the Dominican Institute for Social Security.

Pensions or retirements granted by entities in the private sector and the compensation established in this article are mutually exclusive. The worker can accept one or the other option. If the pension or the retirement is based on contributions, the worker who opts for compensation will receive the portion of his contributions stipulated in the retirement plan.

Art.84 - The duration of the continuous contract includes legal holidays, weekly rest days, vacation, and days of the suspension of the effects of the labor contract for any of the causes listed in article 51 or agreed upon by the parties.

Art.85 - The amount of the severance benefits, the same that corresponds to the advance notice when it has been omitted, will be calculated on the basis of the average of the salaries earned by the worker during the last year or fraction of a year that the contract is in effect.

For these calculations only the salaries corresponding to ordinary working hours will be taken into account.

Art.86 - The penalties for the omission of the advance notice and for the severance benefits are not subject to the payment of income taxes nor are subject to lien, attachment, compensation, transfer, or sale, with the exception of the credits granted or the obligations arising due to special laws. Said amounts must be paid to the worker within a period of ten days, as of the date of the termination of the contract. In the event of non-compliance, the employer must pay in addition a sum equal to one day's salary earned by the worker for each day of delay.

-DESIGNATION-
Labor Code 92
-BOOK-
First Book. Of the Labor Contract
-TITLE-
VII: On the Termination of the Contract
-CHAPTER-

IV: On termination due to the dismissal of the worker with cause

-ARTICLES-

Art. 87 - Dismissal with cause is the termination of the labor contract due to the unilateral decision of the employer.

It is justified when the employer proves the existence of a just cause foreseen in this respect in this Code.

Otherwise it is unjustified.

Art.88 - The employer can terminate the labor contract, dismissing the worker with cause for any of the following reasons due to:

1st. - The worker influencing the employer to commit an error by claiming to have indispensable conditions or knowledge that he does not possess or giving personal references or certificates whose falsity is proved later;

2nd. - Performing the job in a form that shows his incapacity and inefficiency. This cause ceases to have effect after the worker has provided service for three months;

3rd. - The worker~incurring during his work a lack of probity or honesty in acts or attempted acts of violence, insults or mistreatment against the employer or relatives of the latter that depend on him;

4th. - The worker committing against any of his co-workers any of the acts listed in the previous article if the order of the work place is disturbed;

5th. - The worker committing, outside of the job, against the employer or his relatives that depend on him or against the executives of the company, any of the acts referred to in number 3 of this article:

6th. - The worker causing, intentionally, material damage during the performance of the job, or by reason of the same, in the buildings, works, machinery, tools, raw materials, products and any other objects related to the job;

7th. - The worker causing serious damage mentioned in the previous section, unintentionally, but with negligence or lack of judgment of such a nature as to be the cause of the damage;

8th. - The worker committing dishonest acts in the workshop, establishment, or work place;

9th. - The worker revealing the secrets of manufacture or making public matters of a private nature in damage to the company;

10th. - The worker compromising through inexcusable lack of judgment or carelessness the security of the workshop, office or other place of the company or the people found there;

11th. - The absence of the worker from his job during two consecutive days or two days in the same month without the permission of the employer or the one who represents him or without notifying the just cause for the absence in the period set in article 58.

12th. - The absence, without advance notice of just cause, of a worker who has in his care any job or machine whose inactivity or stoppage necessarily implies a disruption for the company,

13th. - The worker leaving during working tours without the permission of the employer or the one who represents him and without having given said employer or his representative advance notice of the just cause for leaving work;

14th. - The disobedience of the worker to the employer or his representatives, whenever dealing with contracted work;

15th. - The worker refusing to adopt preventive measures or follow the procedures indicated by the law, the competent authorities, or the employers to avoid accidents or sickness;

16th. - The worker violating any of the prohibitions foreseen in numbers 1, 2, 5, and 6 of article 45.

17th. - The worker violating any of the prohibitions foreseen in numbers 3 and 4 of article 45 after the Labor Department or the local authority exercising that function has warned him for the same infraction on the request of the employer;

18th. - The worker having been sentenced to a penalty restricting his liberty through an irrevocable court decision;

19th. - A lack of dedication to the labor contracted or any other serious violation of the obligations imposed on the worker by the contract.

Art. 89 - The employer who fires a worker for one of the causes listed above in article 88 does not incur any legal liability.

Art. 90 - The right of the employer to fire a worker for one of the causes listed in article 88 expires after fifteen days.

This period begins as of the date that this right was generated.

In the case foreseen in article 88, number 18, one right of or the employer to fire a worker expires after fifteen days as of the date that the worker communicates or notifies the employer of the circumstance that made the guilty sentence irrevocable.

Art.91 - Within forty-eight hours after dismissal with cause the employer will inform the worker, as well as the Labor Department or the local authority exercising that function, with an indication of cause.

Art. 92 - After the notification of dismissal with cause, the modification of the causes contained in the notice shall not be allowed, nor can others be added.

Art. 93 - When the corresponding labor authorities have not been informed of the dismissal with cause in the form and manner indicated in article 91, it is regarded as lacking just cause.

The complaint by the worker in no case relieves the employer of his obligation.

Art. 94 - If, as a consequence of the dismissal with cause, a dispute arises and the employer proves just cause invoked by him, the labor court shall declare the dismissal justified.

Art. 95 - If the employer does not prove the just cause invoked as the basis of the dismissal, the labor court shall declare the dismissal unjustified and terminate the contract due to cause by the employer, and, in consequence, sentence the latter to pay the following amounts:

1st. - If the contract is for an indefinite time the amounts corresponding to the period of advance notice and the severance benefits.

2nd. - If the contract is for a specific time or for a specific job or service, the largest amount between the total lost salary that he would miss until the contract terminates or until the conclusion of the service or the work agreed upon and the amount that he would have received in the event of dismissal without cause, unless the parties have agreed upon a larger amount in writing.

3rd. - An amount equal to the salaries the worker would have received from the day of his suit to the date that the final decision was handed down in the last court appearance. This amount cannot exceed six months of salary.

These amounts are guaranteed by that which is established in article 86.

The provisions of this clause are not applicable when a suit arises for some reason other than dismissal with cause.

-DESIGNATION-
Labor Code 92
-BOOK-
First Book. Of the Labor Contract
-TITLE-
VII: On the Termination of the Contract
-CHAPTER-
V: On the termination due to resignation of the worker

-ARTICLES-

Art. 96 - Resignation is the termination of a labor contract due to the unilateral decision of the worker.

It is justified when the worker proves the existence of just cause foreseen in this regard in this Code.

It is unjustified in any other case.

This will be regarded as non-existent and consequently the rights the worker has acquired will not perish when what has really happened is a transfer, change or move of the worker to another company, entity, or employer for fraudulent purposes.

Fraud in prejudice to the rights of the worker is presumed when the latter's transfer, change, or move has taken place to another company, entity, or employer related to the company which effects the transfer or change, or maintains with it an affinity or relationship in performing its activities or business or is integrated into it as a single economic unit.

Art.97 - The worker can terminate the labor contract, presenting his resignation, for any of the following causes due to;

1st. - The employer having induced him to error in making the contract, regarding its conditions;

2nd. - Non-payment of the full salary he is due in the form and place agreed upon or determined by law, except for legally authorized deductions;

3rd. - The employer refusing to p(y the salary or resume work in the event of an illegal suspension of the effects of the labor contract;

4th. - The employer, his relatives, or dependents working with his express or tacit consent on the job incurring violations of integrity, honor, in acts or attempted acts of violence, injuries or mistreatment against worker or against his spouse, parents, children or siblings;

5th. - The same persons incurring in the acts which are referred to in the previous section outside of the job if they are of such seriousness as to make the compliance with the contract impossible;

6th. - The employer, himself or through another person, intentionally hiding, rendering unusable or destroying the work tools or equipment of the worker;

7th. - The employer illegally reducing the worker's salary;

8th. - The employer of the worker requiring the performance of a job different from that which is obliged under the contract, except when dealing with a temporary change to an inferior position in the event of an emergency with the benefit of the same salary corresponding to his ordinary work;

9th. - The employer requiring the worker to provide his service in conditions that obligate him to change his residence unless the change has been foreseen in the contract or is a natural result of the work or practice or is justifiable and not the cause of harm to the worker;

10th. - The employer, a member of his family or his representative in the supervision of the job suffering from a contagious disease, as long as the worker must remain in direct immediate contact with those persons or because the employer or his representative consents to a worker suffering from a contagious disease to stay on the job with harm to the resigning worker;

11th. - The existence of serious danger for the safety or health of the worker because of non-compliance with the preventive and safety measures established by law;

12th. - The employer with inexcusable lack of judgment or carelessness compromising the safety of the workshop, office or work center or the persons found therein;

13th. - The employer violating any of the provisions contained in article 47;

14th. - The non-compliance of a substantial obligation by the employer.

Art.98 - The right of the worker to terminate the labor contract by presenting his resignation for any of the causes listed in article 97 expires in fifteen days.

This period begins as of the date that this right has been generated.

Art.99 - The worker who presents his resignation and quits work for any of the causes listed in article 97 does not incur any legal liability.

Art.100 - Within forty-eight hours following the resignation, the worker will inform the employer, as well as to the Labor Department or the local authority exercising that function, with the indication of cause.

When the corresponding labor authority is not informed of the resignation in the manner indicated in this article, it will be regarded as lacking just cause.

The worker is not obliged to fulfill this obligation if the resignation is made before the corresponding labor authority.

Art.101 - If, as a consequence, the resignation causes a dispute between the parties and the worker proves the just cause invoked by him, the labor court will declare the resignation justified and sentence the employer to the same indemnities as those prescribed in article 95 in the event of unjustified dismissal.

Art.102 - If the just cause invoked by the worker is not proven as a basis for the resignation, the labor court shall declare it unjustified and terminate the labor contract due to the fault of the worker and sentence the latter to pay an indemnity to the employer equal to the amount of the advance notice foreseen in article 76.
-DESIGNATION-
Labor Code 92
-BOOK-
Second Book. On the Private Regulation of the Labor Contract Conditions
-TITLE-
I: On the Collective Pacts on Working Conditions

-ARTICLES-

Art.103 - A collective pact on working conditions is that which, with the participation of the most representative agencies of the employers as well as of the workers, can be made between one or more labor unions and one or more employers or employer associations with the purpose of establishing the

conditions to which the labor contracts of one or more companies must be subject.

Art.104 - The amount of wages, the length of the working day, rest periods and vacations and any other working conditions can be regulated in the collective pact.

Art.105 - The parties can include in the collective pact all the agreements that have as purpose guaranteeing the compliance with its provisions in good faith.

Art.106 - The following clauses are illegal, as such regarded as not having been written, which oblige the employer to:

1st.- Accept only union members as workers;

2nd.- Prefer contracting only union members;

3rd.- Fire a worker who ceases to be a member of a union;

4th.- Carry out against his workers the sanctions pronounced against them by the union they belong to.

Art.107 - A union of employers, as well as of workers, can only enter into collective pacts on working conditions if it is an authorized representative of the employers or of the workers whose professional interests affect the collective agreement in conformity with articles 108, 109, 110, and 111.

Art.108 - The employers' association represents only the professional interests Cot the employers who are members of the association.

Art.109 - The labor union is authorized to represent the professional interests of all the workers in a company, as long as the union has among its members an absolute majority of said workers.

For the purpose of determining the required majority in this article, workers who occupy positions of supervision or inspection are not taken into consideration.

Art.110 - The union as part of its activity is authorized to negotiate and execute a collective pact on working conditions for a specific trade if it represents an absolute majority of the workers employed in the type of trade in question, be it on a local, regional or national level, and if these latter provide services to the employer or employers required to enter into collective negotiations.

Art.111 - When dealing with a company which due to the nature of its activities employs workers belonging to different professions, and said workers do not constitute the majority prescribed in article 109, the collective pact can be made with a group of unions representing each one of those trades, a condition which thereby obtains the indicated majority.

Art.112 - The company union has preference for making collective pacts with the employer in whose company its members work.

When a company union and a trade union concur, preference shall be given to the negotiation by trade in conformity with the provisions in article 110.

Art.113 - The collective pact must be made in writing in as many originals as there are parties with distinct interests participating, plus two originals for the Labor Department.

Otherwise it shall not go into effect.

Art.114 - The collective pact on working conditions must be printed and posted for fifteen days in the most visible places in the establishments where its provisions must be applied.

Art.115 - The duration of the collective pact will be that which is specified in the same but cannot be less than one year nor more than three. In the event that its duration is not expressly specified, the collective pact will be in effect for one year.

The collective pact will renew itself automatically during a period equal to that provided or established by law, if none of the parties makes a denouncement two months before the date of expiration.

Within forty-eight hours of denouncing the pacts a copy of said denouncement must be filed in the Labor Department.

Art.116 - The labor unions and those of the employers or unions of employers joined by a collective pact, just as the members of said unions, are obliged not to do anything that would prevent or block its execution.

Art.117 - The labor union is not the guarantor of the execution of the collective pact on the part of its members except to the degree determined by the same agreement.

Art.118 - The conditions agreed upon in the collective pact are regarded as included in all the individual labor contracts of the company, even when they refer to workers who are not members of the union making the agreement, except for a provision against the law.

Art.119 - The collective pact does not apply, except for a special clause in this respect to the labor contracts of persons who fill positions of supervision or inspection.

Art.120 - The labor contracts made by a company before a collective pact goes into effect remain modified by full law, without any formality in conformity with the conditions agreed upon in the agreement as long as they favor the worker.

Art.121 - Clauses in the labor contract that contain the renunciation or limitation of the rights established by the collective pact in favor of the workers of the company are considered as not written.

Art.122 - In addition to denouncement the collective pact ends by:

1st.- The termination of all the labor contracts of the Company or any of the companies that have subscribed to it;

2nd.- Mutual consent;

3rd.- Causes established in the same agreement;

4th.- Extinction of the union or any of the unions that have executed the collective pact.

However, in the event of denouncement after collective negotiations, all the obligations of the pact will be in effect until a new agreement is signed with the same labor union and for a period of up to six months after the expiration of the pact.

Art.123 - Except for agreement to the contrary, the simple termination of the collective pact does not modify the conditions of the labor contracts made by the execution thereof, but the parties remain authorized to modify these conditions within the capacity recognized by the present Code.

Art.124- The collective pact can be the object of revision in the course of its legal effect in the cases of changes by circum- stances happening without blame for either party, if said changes had not been foreseen and if the party interested in the change, had he foreseen them, would have committed to different conditions or would not have entered into the contract.

The revision will be made by mutual agreement or, if this is not possible, in the forms determined in the titles related to economic conflicts and to the procedure for resolving them.

Except for agreement to the contrary, the contact will continue in effect during the process of revision.

Art.125 - The unions which are parties to a collective pact can exercise the actions arising therefrom to require compliance or the payment of loss and damages against other unions which are also parties in the same, against members of these latter and against its own members as well as against any other persons subject to the contract.

Art.126 - The persons subject to a collective pact can exercise the actions that arise therefrom to require compliance or loss and damages against other individuals or unions obliged by the same contract, whenever non-compliance causes individual loss.

Art.127 - When in one trade there are collective pacts in effect that affect the majority of the employers and a majority of the workers of the trade in question, the Minister of Labor can, at the request of the interested party, call a meeting to voluntarily standardize the general working conditions in this trade, taking into account, among other criteria, the amount of capital and inventory of each company, as well as time in business and the number of workers each one of them employs.

Art.128 - The employer and company union can, through mutual agreement, abide by the pact of the corresponding trade or adopt another in effect at another company.
-DESIGNATION-
Labor Code 92
-BOOK-
Second Book. On the Private Regulation of the Labor Contract Conditions
-TITLE-
II: On Internal Work Regulations

-ARTICLES-

Art.129 - Internal work regulations are a set of obligatory provisions for the workers and employers that have as purpose the organization of the work of a company.

Art.130 - The employer can formulate or modify by himself the internal work regulations as long as he observes the prescriptions in the present title and when its provisions are not against the laws of public order status or the collective pacts and labor contracts.

Art.131 - The internal work regulations can contain the following declarations:

1st. - General working conditions of the company that have not been foreseen in the collective pacts or in the labor contracts;

2nd. - Standards to which the execution of the work of the company must be subject:

3rd. - Rules of a technical and administrative nature applicable to the same work;

4th. - The hours of the beginning and the end of the workday, the time specified for meals and rest periods during the work period;

5th. - Days and hours set for cleaning the machines, apparatus work places and workshops;

6th. - Indications of how to avoid risk on the job and instructions for giving first aid in the event of accidents;

7th. - Indications of which jobs have a temporary or transitory nature:

8th. - Days and places of payment;

9th. - Disciplinary measures and the form they will be applied;

10th. - Any other provisions that the employer believes advisable within the capacity conferred by this Code.

Art. 132 - Other disciplinary measures different from that which are indicated in article 42 cannot be established in the internal work regulations.

Art.133 - The following requirements must be fulfilled for the work regulations to be carried out. They must be:

1st. - Printed or written with easily legible characters;

2nd. - Posted in the most visible places in the establishment:

3rd. - Filed in the office of the Labor Department or the local authority exercising that function, which will keep two copies and sign those the employer needs.

Art.134 - If the internal work regulations do not satisfy the legal requirements or if they contain prohibited provisions, the interested workers, their representatives or the union can petition the Labor Court for their annulment or correction.

-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
I: On the Nationalization of Work

-ARTICLES-

Art.135 - Eighty percent, at least, or the total number or workers of a company must be Dominicans.

Art.136 - The wages received by the Dominicans must amount to, in aggregate, at least eighty percent of the value corresponding to the payroll of the entire personnel.

Workers who carry out technical work, supervision, or management are exempt from the provisions of this article.

Art.137 - When a company has less than ten workers, the following rules apply:

1st. - If there are nine workers, six must be Dominicans;

2nd. - If there are seven or eight workers, five must be Dominicans;

3rd. - If there are six workers, four must be Dominicans;

4th. - If there are four or five workers, three must be Dominicans;

5th. - If there are three workers, two must be Dominicans;

6th. - If there are two workers, one must be a Dominican;

7th. - If there is only one worker, he must be a Dominican.

Art.138 - The following foreigners are exempt from the provisions of articles 135 and 137:

1st. - Those who exclusively exercise functions of supervision or management of a company;

2nd. - Technical workers, as long as in the judgment of the Labor Department there are no unemployed Dominicans with similar abilities who can

substitute them;

3rd. - Workers in family work shops;

4th. - foreigners married to Dominicans, who have been living in the country for more than three years of uninterrupted residence and have been married for more than two years;

5th. - Foreigners who have procreated Dominican children and have more than five years of uninterrupted residence in the country.

Art.139 - Technical workers are those whose work requires scientific knowledge.

Art.140 - The provisions of articles 135 and 137 are applicable to the members of a corporation when, besides having such qualifications, they perform work belonging to workers.

Art.141 - In the event there is a need to reduce the personnel of a company for causes authorized by the law the reductions must be made in the following order:

1st. - Unmarried foreign workers;

2nd. - Married foreign workers;

3rd. - Foreign workers married to Dominicans;

4th. - Foreign workers with Dominican children;

5th. - Unmarried Dominican workers;

6th. - Married Dominican workers.

Art.142 - All factors being equal those who have worked less time will be laid offs and if all have the same time in service the employer has the right to choose, except for agreement to the contrary.

Art.143 - The Minister of Labor can authorize in exceptional case the non-application of the previous article when its fulfillment could cause serious harm to the company.

Art.144 - Administrators, managers, directors and all other persons who exercise functions of management or supervision should preferably be Dominican.

Superintendents, foremen, supervisors and any other workers who work in

farm labor must be Dominican.

When a Dominican substitutes a foreigner in one of the positions indicated in this article, he must enjoy the same salary rights and working conditions as the one substituted.

Art.145 - The Executive Power can grant permits, legal for not more than one year, so that foreign laborers can be employed in agricultural and industrial enterprises in excess of the legal proportion.

Laborers are day-workers used exclusively in field work.
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
II: On the Work Period, the Weekly Rest Period, Legal Holidays
-CHAPTER-
I: On the Work Period

-ARTICLES-

Art.146 - The Work Period is all the time that the worker cannot use freely due to his being at the exclusive disposition of his employer.

Art.147 -She normal duration of the work period is determined in the contract. It cannot exceed eight hours per day nor forty- four hours per week. The work week will end at 12 o'clock noon on Saturday. Nevertheless the Minister of Labor shall be able to decide via resolution that, in taking into account to the requirements of certain types of companies or businesses and the social and economic needs of the different regions of the country, after consultation with the workers' representatives, that the work week for specific establishments ends at a different hour from that indicated above.

Art.148 - The work period in tasks or conditions declared dangerous or unhealthy cannot exceed six hours a day nor thirty-six hours per week. This reduced work period does not imply a reduction of the wages corresponding to a normal work period.

The Minister of Labor shall determine the tasks considered dangerous or unhealthy.

Art.149 - The day shift is from seven o'clock in the morning to nine o'clock at night.

The night shift is from nine o'clock at night to seven in the morning.

A mixed work shift contains time from the night shift and day shift, as long as the time from the night shift is less than three hours; otherwise it is regarded as the night shift.

Art.150 - The provision of article 147 is not applicable, except for agreement to the contrary to:

1st. - Workers who act as representatives or agents of the employer;

2nd. - Workers who fill positions of supervision or inspection;

3rd. - Workers of small rural establishments operated by members of the same family or by only one person.

Nor is it applicable to those workers who perform intermittent work or whose mere presence is required at the work place.

However, these workers cannot remain more than ten hours per day in the place of their work.

The Minister of Labor shall determine which jobs are intermittent.

Art.151 - Included in the work period and considered as work subject to salary is:

1st. - The time during which the worker is at the exclusive disposition of the employer;

2nd. - The time the worker remains inactive during the work period, when the inactivity is not due to his decision, his negligence or the legitimate causes for the suspension for the contract;

3rd. - The time required for meals within the work period, when the nature of the work or the decision of the employer requires the worker to remain in the place where work is carried out.

Art.152 - The schedule of the work period is freely established in the contract.

Art.153 - The work period can be exceptionally raised but only in so far as absolutely necessary to avoid serious disruption of the normal functioning of the company, in the following cases: a) accidents happening or about to happen; b) unavoidable work on machines or instruments, whose stoppage could

cause serious loss; c) work whose interruption could alter the raw materials; d) in case of chance event or force majeure.

The work period can also be exceptionally long to allow the company to face an extraordinary increase in work.

Art.154 - When the employer needs to extend the work period in those legally authorized cases he is under the obligation to notify immediately the Local Labor Representative to verify that the case fits the exceptions established in article 153.

Art.155 - In the event of the extension of the work period to face an extraordinary increase in works the number of extra hours cannot exceed eighty hours every three weeks.

Art.156 - The hours of service provided in excess of the normal work period and the days legally declared holidays must be paid, without any exception, extraordinarily to the worker in the manner established in this Code.

Art.157 - The work period must be interrupted for an intermediate rest period, which cannot be less than one hour, after four consecutive hours of work, and one hour and a half after five hours of work.

This period is set by the parties according to the use and custom of the locality and according to the nature of the work, and is not applicable to companies that are open continuously.

Continuous shifts can be established by agreement between the employer and his workers, whenever they do not exceed ten hours a day in commercial activities and nine hours a day in industry, but in any case the work period cannot exceed forty-four hours weekly.

Art.158 - In companies where the work will be continuously functioning due to the very nature of the work, the personnel must be changed every eight hours of work.

In these cases the shift can be prolonged one hour more, but in any case the weekly average cannot exceed fifty hours, paying all those hours above for~y-four hours weekly as overtime.

Art.159 - All employers are obliged to post in a visible place in their establishment a chart stamped by the local Labor authorities with these indications:

1st. - The hours that each worker begins and ends work;

2nd. - The intermediate rest periods on the shift;

3rd. - The weekly rest period of each worker;

Field workers are exempt from these provisions.

Art.160 - In the event of the extension of the work period, the employer must post another chart in which the cause for the extension and the workers' overtime pay are indicated.

Art.161 - The employer is obliged to keep registries, in conformity with the models approved by the Labor Department in which the following records relative to the each worker are made:

1st. - Work schedule;

2nd. - Work interruptions and their causes;

3rd. - Hours worked in excess of the work period;

4th. - Amount of compensation due;

5th. - Age and sex.

Art.162 - The Ministry of Labor can authorize the distribution of the work hours in a period greater than a week, on the condition that the average duration of the work period, calculated over the number of weeks considered, does not exceed forty-four hours per week and in no event do the daily work flours exceed ten.
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
II: On the Work Period, the Weekly Rest Period, Legal Holidays
-CHAPTER-
II: On the weekly rest period and legal holidays

-ARTICLES-

Art. 163 - All workers have the right to an uninterrupted weekly rest period of thirty-six hours.

This rest period will be agreed upon between the parties and can be

initiated any day of the week. Lacking an express agreement, it will begin at noon on Saturday.

Art.164 - If the worker provides service during his weekly rest period, he can opt for receiving his ordinary salary increased one hundred percent or enjoy in the following week a compensating rest period equal to the time of his weekly rest period.

Art.165 - Those days declared holidays by the Constitution or the laws are paid rest periods except when they coincide with the weekly rest period.

-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
III: On the Closure of the Establishment and Company

-ARTICLES-

Art.166 - During all Sundays and all other religious says declared as holidays by the law, companies and establishments of any kind must suspend their activities and not open their doors to the public.

Art.167 - The same provision of the previous article governs those national holidays or national days of mourning legally declared holidays.

Art.168 - On all Sundays and holidays, the establishments for the retail sale of provisions, meat, poultry, legumes, or fruit of the country may remain open until one o'clock in the afternoon.

Art.169 - The provisions of article 166 and 167 are not applicable to cafes, sugar factories, restaurants hotels, casinos, clubs, public entertainment, milk distributors, slaughter houses, dispensaries, hospitals, clinics, aid centers, maritime agencies, transportation agencies, bicycle centers, funeral parlors, bakeries, candy shops, pastry stores, electric generating plants, ice sellers, ice sales places and ice factories, pharmacies, gas stations, laundries, bookstores and stands for books and periodicals, publishers of periodicals, factories and mills dedicated to the preparation of rice and coffee.

Nor are the provisions in articles 166 and 167 applicable to establishments where food products are prepared based on meat or milk, ice cream

or sherbet, where milk is pasteurized or bottled; those dedicated to the sale of flowers, and to the sale, exclusively, of motor vehicles parts; to agencies of communication by telegram, telephone, cablegram, or radiogram; to photographic studios; to the loading or unloading of boats or airplanes and work related to same.

This provision does not deprive the workers used in these labors, companies, or establishments previously described, of the rights granted by this Code.

Art.170 - Nor are the provisions of articles 166 and 167 applicable to other establishments, companies, or jobs which due to their nature, in the judgment of the Ministry of Labor, must not suspend their activities.

Art.171 - The Executive Power has the authority to broaden by decree the list of establishments or companies specified in article 169.

Art.172 - When two holidays occur consecutively, barbershops and beauty salons may open and work during the first of these days until 2 o'clock, and when there are three holidays, said establishments can open and work during the first and second days until the same hour indicated above.

Art.173 - The owners and those in charge of establishments or companies who reside in the same place where their business is located, can, during the days and hours prohibited, have one or more doors open, as long as the area to which the public has access is not connected to the living area, by means of railings or any other impediment to the performance of commercial activities.

Art.174 - In cases of evident public interest the Minister of Labor, by justified petition made to him in each case via the Department of Labor, may authorize that specific establishments open and work on the days indicated in articles 166 and 167, up to the hour set in the authorization.

Art.175 - On working days the companies or establishments of any nature can work and remain with their doors open to the public indefinitely.

Art.176 - The provisions of the previous articles do not deprive the worker of any of the benefits granted by this Code. Therefore, the companies or establishments that wish to remain open after six o'clock in the afternoon cannot require their workers to work over eight hours a day or forty-four hours per six-day week, taking into account, however, the rules and exceptions prescribed in the previous article.
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor

Contract
-TITLE-
IV: On Vacations

-ARTICLES-

Art.177 - The employers have the obligation to give each worker a two-week paid vacation, in conformity with the following scale:

1st. - After continuous work of not less than one year nor more than fives fourteen days of ordinary salary;

2nd. - After continuous work of not less than five years eighteen days of ordinary salary.

Vacations can be divided by agreement with the employer and the worker, but in any case the worker must enjoy a vacation period of not less than one week.

This division is prohibited if the worker is a minor.

Art.178 - The worker acquires the right to a vacation every time he finishes one year of uninterrupted service in a company.

Art.179 - The workers subject to contracts for an indefinite time who, without any fault of their own, cannot have the opportunity to provide uninterrupted service during one year due to the type of work or for any other circumstance have the right to a vacation period proportional to the time worked if this is more than five months.

Art.180 - Article 170 applies on the following scale:

Workers with more than five months of service, six days;

Workers with more than six months of service, seven days;

Workers with more than seven months of service, eight days;

Workers with more than eight months of service, nine days;

Workers with more than nine months of service, ten days;

Workers with more than ten months of service, eleven days;

Workers with more than eleven months of service; twelve days.

Art.181 - The salary corresponding to the vacation period must be paid to the worker the day before the it begins, along with the salary he would have earned up to this date.

The salary corresponding to the vacation period includes customary compensation, according to what is provided in article 177, and the equivalent of his compensation in kind, if any.

Art.182 - During the vacation period the worker cannot provide service, paid or not, to any employer.

The right to a vacation cannot, in any case, be subject to any compensation or substitution.

However, if the worker ceases to be employed in an establishment or company without having received the vacation period to which he has a right, he will receive from his employer a monetary compensation equivalent to the salary corresponding to said vacation in conformity with the provisions in article 177.

Art.183 - In the case that the worker's salary is paid by piece work, the calculation of compensation established in the previous article will be made on the daily average of wages earned during the last twelve months or lesser period which the candidate for vacations may have worked.

Art.184 - The worker whose contract ends for dismissal with cause loses the right to compensation for unused vacation time.

Art.185 - Vacations cannot be suspended or reduced as a consequence of absences of the worker, as long as these have occurred because of illness or other justified cause. Nor can they be suspended or reduced in cases of unjustification absence whenever the employer has not paid the worker for those days not worked.

Art.186 - The employers must post and distribute during the first fifteen days of the month of January the vacation periods of their workers.

They must, besides, in the same period, send to the Labor Department copies of the distribution and post another copy in a visible place in their workshops or establishments.

Art.187 - The workers whose right to vacations is acquired after January 15 must be included in additional lists within thirty days of the date that they have acquired said right.

Art.188 - The employer can vary, in case of necessity, the distribution of the vacation period, but under no circumstance, will the workers cease to enjoy in full their vacations within six months of the acquisition of the right.

Art.189 - All workers,-when beginning their vacation, must sign the corresponding record in the registry book that the employer will keep for this purpose. In this registry book must be indicated: a) the date on which each worker begins his service and the duration of paid vacation to which each one has a right; b) the date on which each worker takes his annual paid vacation; c) the compensation received by each worker during the period of his annual paid vacation.

In the event the worker does not know how to sign his name, he will affix his fingerprints.

Art.190 - The employer cannot initiate any of the actions foreseen in this Code against the worker during his vacation.

Art.191 - The employer is obliged to temporarily replace the workers on vacation when as a consequence thereof the work entrusted to the personnel would become extraordinarily burdensome.

The employer has the option of increasing the duration of the vacation period.
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
V: On the Salary

-ARTICLES-

Art.192 - Salary is the remuneration that one employer must pay the worker as a compensation for work performed.

The salary is made up of cash that must be paid by hour, by day, by week, by two-week period, or by month to the worker, and of any other benefit obtained by his work.

Art.193 - The amount of salary is that which has been agreed upon in the labor contract.

In any case it cannot be below the legally established rate of minimum wage.

Art.194 - The same job, in identical conditions of capacity, efficiency, or seniority, corresponds at all times to the same salary, whoever are the persons performing it.

Art.195 - The salary is established and paid wholly in legal tender, on the date agreed upon by the parties. It can include, besides, any other type of remuneration, whatever this could be.

The salary can be paid for unit of time, for unit of work, for commission, for piecework or lump sum or a combination of any of these methods.

Art.196 - The payment of the salary must take place personally to the worker on a work day and, at the latest, within an hour after the termination of the work period of the day corresponding to said payment.

Except for agreement to the contrary, it is made in the place where the worker provides his services.

The payment of salary will be in full, except for the deductions authorized in the present Code.

In cases of illness or duly justified absence, the payment can be made to a duly-authorized representative of the worker.

Payment of salary through scrip, vouchers, cards, certificates or other forms is prohibited.

Art.197 - The obligatory tip foreseen in article 228 and the voluntary tip paid by the consumer directly to the worker are not considered part of the salary.

Art.198 - The salary cannot be paid for periods greater than a month. Workers who earn hourly or daily wages must be paid weekly, except for agreement to the contrary by the parties.

Art.199 - For the work of a specific job, except for an agreement to the contrary, the employer must pay the worker weekly the proportional value of the work performed but can retain as a guarantee a quantity not greater than one third of this value.

Art.200 - The salary or credits proceeding from the rights recognized by the law to the workers are not attachable, except for one third as child support.

The attachment in excess of one third is allowable for child support established by virtue of the law on obligatory aid to minor children.

Art.201 - Payment of salary can be subject to these deductions:

1st. - Those authorized by law;

2nd. - Those relative to union fees, upon written authorization by the worker;

3rd. - Those salary advances made by the employer;

4th. - Those relative to credits granted by banking institutions with the recommendation and guarantee of the employer. For this purpose, no more than one sixth of the monthly salary received by the worker can be deducted.

5th. - Those relative to the contributions of the worker to private pension plans.

Art. 202 - If the worker has a share in the benefits of the company, the employer is obliged to provide him with reports on profits and losses at the end of the general balance.

He must, as well, allow the worker to consult the accounting records that could interest him.

Art.203 - The salaries corresponding to overtime worked must be paid to the workers in the following manner:

1st. - For each hour or fraction of an hour worked over the work period and up to sixty-eight hours per week, by an increase of not less than thirty-five percent over the value of the normal hour;

2nd. - For each hour or fraction of an hour worked over sixty- eight hours per week, by an increase of not less than one hundred percent over the value of the normal hour.

In the event that the salary of the worker is paid by piecework, the value of the normal hour of work will be determined by the quotient resulting from dividing the amount of salary paid by the number of hours employed in said work.

Art.204 - The salaries corresponding to the hours of the night shift must be paid to the workers with an increase of not less than fifteen percent over the value of the normal hour.

Art.205 - When by agreement between the parties the worker provides service on a day legally declared a holiday, he will receive as compensation the salary to which he has a right increased by one hundred percent.

Art.206 - When a worker temporarily or definitively holds-a job with greater compensation than his own, he must receive a salary that corresponds to his new job, without this implying that he has the right to the upgrades or extras the person who previously held this position had due to his especial efficiency or his long service in the company.

Art.207 - The workers' credits for salary cannot be subject to transfer and enjoy in all cases privilege over those of any other nature with the exception of those corresponding to the State, the National District, and the municipalities.

Art.208 - The payment of compensation by reason of the work period, piecework, and contracted work of the workers of agricultural or agroindustrial enterprises must be made for periods not greater than fourteen days.

Art.209 - When dealing with piecework or contracted work that must be done in a period greater than fourteen days, the principal employers are obliged to make payment to pieceworker or contracted worker every two Leeks, in proportion to the work finished.

Art.210 - The amounts owed to the contractors or jobbers cannot be made over or attached in prejudice to the workers. Consequently attachments and concessions of those amounts apply only to the balances in favor of the contractor or jobber upon receipt of the work and after covering all the salaries of the workers. For these purposes, the contractors or jobbers must present in advance to the beneficiary of the job a certification issued by the Ministry of Labor which establishes that there is no claim for salaries owed to the workers who may have participated in performing the job.

The beneficiary may on his own initiative, on behalf of the contractors or jobbers, pay the salary of the workers with preference for the price of the materials and any other credits.

Art.211 - All persons who contract workers and do not pay them the remuneration corresponding to them on the date established or upon termination of the job or service agreed upon shall be Penalized as the author of fraud and the penalties established in article 401 of the Penal Code shall be applied.

For the purposes indicated in this article, fraudulent intent is proven by the circumstance of not paying the workers the corresponding remuneration on the stipulated date or on the termination of the job or service agreed upon.

When the violator of this article is a company, the foreseen penalty will be applied to the administrators, managers, representatives or persons who have the supervision of the company.

The request for declaring the person at fault in arrears must be made through the District Attorney, who will summon the interested parties and draw up a record of their statements. Said official will grant to the person in arrears no less than five days nor more than fifteen days to fulfill his obligation. If the required person does not obey the summons of the District Attorney or does not fulfill his obligations in the period granted, legal action will be set in motion.

Art.212 - In the event of the death of the worker, the persons indicated in number 2 of article 82, in the order established in said text, have the right to receive the wages and reimbursements still to be paid, to exercise the actions or to continue the lawsuits without the need of being subject to the successor rule of common law.
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
VI: On the Minimum Wage

-ARTICLES-

Art.213 - Minimum wage is the lowest salary that can be agreed upon in a labor contract.

Art.214 - Employers can agree, at any time, with their workers on a salary greater than that set in the rates of minimum wage.

Art.215 - The salary increase foreseen in article 214 can also be spontaneous on the part of the employer and refer to all the workers or a group of them.

Art.216 - The provisions of article 215 are applicable to the salaries freely agreed upon between employers and workers, even when there are no corresponding rates of minimum wage.

Art.217 - The worker who, at the time of approval of minimum wage rates, enjoys a salary superior to that set by said rate for the work performed, must continue to receive the same salary.

Art.218 - The setting of rates of minimum wage is governed by the provisions of the Sixth Section of Chapter I of Title I of the
-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
VII: On the Christmas Bonus

-ARTICLES-

Art.219 - The employer is obliged to pay the worker in the month of December a Christmas bonus consisting of one twelfth of the ordinary salary earned by the worker in the calendar year, without prejudice to the uses and practices of the company, that which is agreed upon in the collective pact or the right of the employer to grant a larger amount by reason thereof.

However, in no case will the Christmas bonus be greater than the amount of five legally established minimum salaries.

For the payment of this bonus, the compensation for hours of overtime and the salary corresponding to the share in the profits of the company are excluded.

The Christmas bonus shall not be calculated for the purpose of advance notice, severance benefits, and economic aid foreseen in this Code.

Art.220 - The payment of the Christmas bonus shall be made no later than the twentieth day of the month of December even if the labor contract has already been terminated and regardless of the cause of the termination.

The worker who has not provided service through the entire year has the right to the Christmas bonus in proportion to the time worked during the year.

Art.221 - On the termination of the contract, for whatever cause, the employer must grant the worker a written statement of the amount of the Christmas bonus to which he has a right.

Art.222 - The Christmas bonus is not susceptible to lien, attachment, transfer, or sale, nor is it subject to Income Tax.

-DESIGNATION-
Labor Code 92

-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
VIII: On Company Profit-Sharing

-ARTICLES-

Art.223 - It is obligatory to all companies to grant a participation equivalent to ten percent of the annual net profits or dividends to all its workers contracted for an indefinite time.

The individual participation of each worker may not exceed the equivalent of forty-five days of ordinary salary for those who have provided service for less than three years, and sixty days of ordinary salary for those who have provided service continuously during three or more years.

When the worker does not provide service during the entire year that corresponds to fiscal period, the individual share of the profits will be proportional to the salary for the time worked.

Art.224 - The payment of profit-sharing to the workers shall be made by companies no later than ninety to one hundred and twenty days after the closure of each fiscal period.

The profit-sharing discussed by this Title enjoys the same privileges, guarantees and exemptions as the salary.

Art.225 - In the event there should be a dispute between the parties over the amount of the profit-sharing, the workers can turn to the Minister of Labor so that at his instigation the Director General of Income Tax provides the necessary verifications.

Art.226 - The following are exempt from the payment of profit- sharing compensation:

1st. - Agricultural, agroindustrial, industrial, forestry, and mining companies during their first three years of operations;

2nd. - Agricultural enterprises whose capital is no greater than a million pesos. :

3rd. - Free zone companies.

Art.227 - The profit-sharing of the workers must be calculated on the net

profits before determining the net taxable income and the bonuses corresponding to the members of the board, directors, administrators, or managers.

-DESIGNATION-
Labor Code 92
-BOOK-
Third Book. On the Official Regulation of the Ordinary Conditions of the Labor Contract
-TITLE-
IX: On Tips

-ARTICLES-

Art.228 - In hotels, restaurants, cares, bars, and, generally, in those commercial establishments where food and drink are dispensed for consumption at the same place, it is obligatory for the employer to add ten percent for the purpose of tips to the checks or receipts of the customers or to satisfy said collection in any other way so that it can be distributed entirely to the workers who have provided service.

Art.229 - The employers must adopt pertinent methods so that the obligatory collection for the tips be liquidated weekly or at any opportunity agreed upon, in order for it to be divided in equal parts among the staff.

Art.230 - The liquidation of the amounts referred to in the previous article must be justified by the employers, as well as their division and delivery.
-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
I: On the Protection of Maternity

-ARTICLES-

Art.231 - Women enjoy the same rights and have the same duties as men in so far as the work laws are concerned, without any exceptions other than those established in this title, whose purpose is the protection of maternity.

Art.232 - Dismissal without cause exercised by the employer is invalid during the pregnancy of the female worker and up to three months after birth.

The female worker must notify her employer of her pregnancy by any certified means. The advance notice must indicate the expected date of birth.

Art.233 - A woman cannot be fired from her employment for being pregnant.

All dismissals due to being pregnant are invalid.

All dismissals with cause made against a pregnant woman or within six months after the date of birth must be submitted in advance to the Department of Labor or the local authority exercising that function with the purpose of the latter's determining if this was due to the pregnancy or as a consequence of the birth.

The employer who fires a female worker without observing the formalities recorded above is obliged to pay said female worker, besides the benefits corresponding to her in accordance with this Code, an indemnity equivalent to five months of ordinary salary.

Art.234 - During pregnancy a female worker cannot be required to carry out jobs that require physical force incompatible with her pregnant condition.

Art.235 - If as a consequence of pregnancy or birth the work she performs is harmful to her health or that of the child and if attested by a certificate issued by her doctor, the employer is obliged to make it possible for the female worker to change her Job. In the event that a change is impossible, the female worker has the right to a leave of absence without salary, without prejudice to the provisions of article 236.

Art.236 - The pregnant female worker has the right to an obligatory leave during the six weeks preceding the probable date of birth and the six weeks following.

When the female worker does not use all of her prenatal leave, the unused time is added to the post-natal leave.

Art.237 - The pre-natal and post-natal leaves taken together will be less than twelve weeks and, during the same, the female worker will keep her job with all the rights arising from it.

Art.238 - When a female worker applies for her vacation time immediately after her post-natal leave, the employer is obliged to consent.

Art.239 - The pre-natal and post-natal leave is compensated by the ordinary salary earned by the female worker.

If the female worker is protected by the social security law, the employer

is obliged to pay her half her salary and the Dominican Institute for Social Security shall pay her a subsidy in cash equal to fifty percent of her salary.

Art.240 - During the period of nursing, the female worker has the right, in the work place, to three paid leaves during her work day, a minimum of twenty minutes each for the purpose of nursing the child.

Art.241 - When outside of the periods established in article 236 and as a consequence of the pregnancy or birth the woman cannot perform her job, she will notify the employer and the Department of Labor of this.

This inability will be backed by a medical certificate to be filed by the interested party in the corresponding Labor Office.

Art.242 - In the event that the inability referred to in article 241 is confirmed, a leave of absence without salary will be granted to the female worker, as long as the employer is up to date with the female worker's quotas in the Dominican Institute for Social Security or as long as she enjoys medical insurance or a hospital plan, except for agreement to the contrary, for all the time the doctors deem necessary.

Art.243 - During the first year of the birth of the child, the female worker may dedicate one half day each month, at her convenience, to take the child to see a pediatrician.
-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
II: On the Work by Minors

-ARTICLES-

Art.244 - Minors enjoy the same rights and nave One same duties as adults, in so far as the work laws are concerned, with no exceptions other than those established in this Code.

Art.245 - Minors younger than fourteen years old are prohibited from working.

Nevertheless, in benefit of the arts, sciences or education, the Minister of Labor by means of individual permits may authorize minors younger than fourteen years old to be employed in public shows, radio, television or movies as actors or extras.

Art.246 - Minors younger than sixteen years old cannot be employees or work at night, during a period of twelve consecutive hours, which shall be set by the Minister of Labor and which, necessarily, may not begin after eight o'clock at night or end before six in the morning.

Sixteen-year-old minors who perform work in family businesses in which only their parents and their children and wards are employed are not subject to the limitations of this article.

Art.247 - The work period for minors younger than sixteen years old cannot exceed, under any circumstances, six hours daily.

Art.248 - All minors at least sixteen years old who wish to work in companies of any sort will certify their physical ability for fulfilling the position with a medical certificate issued without charge by an official who provides service to the State, the National-District or a Municipality.

Art.249 - The employer cannot employ minors in mobile enterprises without previous authorization of the Department of Labor or the local authority exercising that function.

Enterprises considered mobile are: sales, sale offerings, placement and distribution of articles, products, merchandise, circulars, lottery tickets, newspapers or pamphlets, as well as shoe-shining or any other commerce carried out in public places or house-to-house.

Art.250 - Minors between fourteen and sixteen years old can be employed in concerts or theatrical shows up to twelve o'clock at night, with prior authorization of the Department of Labor or the local authority exercising that function.

Art.251 - Employment of minors younger than sixteen years old is prohibited in dangerous or unhealthy work.

The Ministry of Labor shall determine what those jobs are.

Art.252 - No minor younger than sixteen years old can work as a messenger in the distribution or delivery of merchandise or messages.

Art.253 - No minor younger than sixteen years old can be employed in the dispense of alcoholic beverages.

Art.254 - The employer who employs minors is obliged to grant them adequate facilities compatible with the needs of the worker in order for him to comply with his school program and attend professional training schools.

-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
III: On Professional Training

-ARTICLES-

Art.255 - The training contract is that for which the worker is obliged, simultaneously, to do a job and receive training, and the business person is obliged to compensate the work and, at the same time, extend to the former the training that will allow him to perform a job.

Expressly excluded from the scope of the application of this title are professional internships performed by students to support the educational legislation in effect as an integral part of their academic studies which do not suppose any contractual obligations for the business person.

Art.256 - All workers have the right for their employer to provide them with on-the-job training that permits them to raise their standard of living and productivity, in conformity with the nature of their services and the requirements of the company.

Professional training shall be obligatory and free to the worker when it is required by the company for improving his work performance.

The training courses and programs of the workers may be formulated with respect to each company, several of them, or with respect to a branch of industry or a specific activity.

Art.257 - The employer can establish his own plan for professional training or follow the plans and programs prepared by the Institute for Technical Professional Training (INFOTEP).

In no event do the provisions of this Title free the employer from his obligations to INFOTEP.

The training of young workers can be accomplished about by means of a contract whose principles, methods, and provisions are regulated by INFOTEP and submitted for subsequent approval to the Ministry of Labor.

In no event shall the compensation be less than the legally established minimum wage.

-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
IV: On Domestic Service

-ARTICLES-

Art.258 - Domestic workers are those who are engaged exclusively, customarily, and continuously in jobs of cooking, cleaning, aiding, and all others belonging to the home or other individual dwelling residence that does not provide money for the employer or his relatives.

The workers in service to a consortium of condominium owners are not domestics.

Art.259 - The labor contract for domestics is governed exclusively by the provisions of this Title

Art.260 - Except for agreement to the contrary, the compensation of domestics includes, besides monetary payments, room and board of ordinary quality.

The food and lodging provided to a domestic are estimated to be equivalent to fifty percent of the salary received in cash.

Art.261 - Domestic service is not subject to any schedule, but domestics must enjoy an uninterrupted break of at least nine hours between two shifts.

Art.262 - Domestics enjoy the weekly rest period established in article 163.

Art.263 - Domestic workers have the right to two weeks of paid vacation each time they finish a year of service.

Art.264 - Domestic workers have the right to be granted by their employer the necessary permission to attend school, as long as it is compatible with their work schedule.

Art.265 - If the domestic contracts a disease due to direct contagious contact with one of the members of the family to which service is provided, he has the right to enjoy his full salary until his complete recovery.

-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
V: On Work at Home

-ARTICLES-

Art.266 - Work at home is that which workers perform in the place they live, on behalf one or more individuals or corporations considered as employers.

Work at home is also that which is carried out by workers in a work place or workshop different from that of the persons on whose behalf they work.

Art.267 - An employer for work at home is any individual or corporation who contracts work to be done at the home of the worker or in any work place that is not the that of the company or establishment of the employer.

Art.268 - A worker at home is one who works in his own home, whether alone or in a family workshop on behalf of one or more employers, or in a work place that is not that of the industry or workshop of said employers.

Art.269 - A family workshop is that in which workers who are united by the some bond of family relationship live under the same roof.

Art.270 - All employers of work at home must keep a registry book recording:

1st. - The characteristics of the persons to whom the work is entrusted;

2nd. - The place where it will be carried out;

3rd. - The description and type of the same, expressing the quantity paid per job, piecework or lump sum;

4th. - The industrial certificate of the employer.

Said book must be legalized by the Ministry of Labor.

Art.271 - The employers of work at home shall provide its workers with a booklet containing:

1st. - The characteristics of the interested party;

2nd. - The quantity and type of work entrusted to the worker;

3rd. - The agreed upon price.

This booklet shall bear the signature of the employer or his representative and that of the worker, unless they are unable to sign their names, in which case the booklet shall be signed by a representative of the Ministry of Labor.

The booklet shall remain in the possession of the worker.

Art.272 - All employers must obtain a permit before beginning their activities in work at home. This permit will be granted without charge by the Ministry of Labor and must be renewed annually.

The permit will express:

1st. - The conditions under which the work is performed;

2nd. - The description and type of the articles that are to be manufactured;

3rd. - If the worker will receive all or part of the material needed for the construction of the article.

Art.273 - The permits for work at home will only be granted to employer/owners of companies dealing in articles whose manufacture can be performed at home.

Work at home contacted by a middleman is, therefore, prohibited.

Art.274 - The Ministry of Labor is empowered to annual permits granted when there is justified reason.

In like manner, work in family workshops can be suspended for reasons of hygiene, after a medical report.

Art.275 - Also applicable to work at home are the remaining provisions of this Code, such as those concerning social security, under the conditions and in the manner are established in the Regulations passed by the Executive Power for the application of this title.

Art.276 - The Ministry of Labor will have the power to examine the books of the companies and employers, carry out all kinds of investigations, and take whatever measures necessary for compliance with this title.

All maneuvers taken, whether simulating another type of contract, operation, or business with the workers, or by any other means, with the purpose of destroying the essential nature of a contract for work at home and, as a consequence thereof, depriving the workers of the benefits indicated in article 275, shall be penalized with the sanctions provided in this Code.

The same penalties shall be applicable to any other violation of this title.

-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
VI: On Field Work

-ARTICLES-

Art.277 - Field workers subject to this title are those naturally and customarily working for an agricultural, agroindustrial, livestock, or forestry enterprises.

Art.278 - Industrial or commercial activities of an agricultural, agroindustrial, livestock, forestry enterprise are not field work.

Art.279 - The transportation of fruit, animals, or tree parts to places where they will be used in industry or sold is regarded as field work.

Art.280 - Masonry or plumbing work carried out in the country and work which requires the participation of engineers, architects or master workers is governed by the ordinary rules for labor contracts.

Art.281 - All the provisions of this Code, with the exception of those relative to the work periods and closure of establishments, are applicable to agricultural, agroindustrial, livestock, or forestry enterprises.

In any case, the work period shall not exceed ten hours daily.

Art.282 - The provisions concerning work by minors do not apply when these latter are used in the country in light harvest work.
-DESIGNATION-
Labor Code 92
-BOOK-

Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
VII: On Transportation
-CHAPTER-
I: On ground transportation

-ARTICLES-

Art.283 - Services provided in vehicles destines for Land transportation are governed by the provisions of this Code, with the modifications and exceptions expressed in this Chapter.

Art.284 - Those workers employed in transportation vehicles that provide intermittent service are not subject to the ordinary work period.

Art.285 - Nor are the workers employed in vehicles of transportation providing service between two or more municipalities and whose work is remunerated with a fixed salary, by trip and by another form of compensation subject to the ordinary work period.

Art.286 - Labor contracts for workers employed in vehicles of personal service for a single person or his relatives by orders of the same, are governed by the provisions of Title IV of the FOURTH BOOK of this Code.

Art.287 - The work period of the workers in service on private trains can begin at any hour of the day or night and can be more than eight hours a day, as long as the duration of the work each week does not exceed forty-four hours.
-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
VII: On Transportation
-CHAPTER-
II: On maritime transportation
-SECTION-
1st.: General provisions

-ARTICLES-

Art.288 - The provisions of this Code apply to the work done on board ocean-going or coastal vessels registered finder the national flag.

Art.289 - Work on board is that which is carried out on a vessel by the persons who make up its crew.

Art.290 - A vessel is any ship, whatever its nature, customarily dedicated to maritime traffic.

Art.291 - A crew member is any person employed on board, whatever his occupation, with the exception of the captain.

Art.292 - Persons who use the vessel for transportation are regarded as passengers.

Art.293 - The captain is the person who-exercises command of a vessel.

He has, with respect to the crew, the capacity of the employer's representative.

Art.294 - The rights and obligations of captains, according to this Code, do not affect the nature of authority conferred on them by different legal provisions in effect or whatever may be issued later.

Art.295 - The Executive Power shall determine via regulation whatever other provisions of this Code are applicable to maritime work.
-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
VII: On Transportation
-CHAPTER-
II: On maritime transportation
-SECTION-
2nd.: On the recruitment contract

-ARTICLES-

Art.296 - The recruitment contract governs the relations on board between the employers and the crews of the vessels.

Art.297 - The recruitment contract can be made for a specific time period, for an indefinite time or by voyage.

Art.298 - For the contracts for a specific or indefinite time period, the

parties must fix a place where the worker will be compensated and, lacking this, the place where the latter boarded shall be regarded as having been indicated.

Art.299 - The contract per voyage shall include the period from the boarding of the worker until the ship has been unloaded in the port expressly indicated and, if not indicated, in the national port where the employer has his domicile.

Art.300 - The employer is obliged to compensate the worker at the place or port that for each form of the contract is established in articles 298 and 299, before the contract is terminated.

The case of mishap is not exempted, but the case of an imprisonment imposed on the worker for a crime committed abroad and other similar cases making compliance impossible are exempted.

Art.301 - In the event that a Dominican vessel changes nationality, the crew has the right to regard as concluded any recruitment contracts at the time referred to in article 300.

In this case, the workers have the right to severance benefits which may not be less than two month salary.

Art.302 - The parties cannot terminate any recruitment contract, even for just cause, while thee vessel is on a voyage.

The vessel is understood to be on a voyage when at sea or in a national or foreign port not one of those indicated for the compensation of the worker.

If, however, while the vessel is in any port, the captain should find a substitute for the worker wishing to leave his job, he can terminate his contract, settling matters in accordance with the legal prescriptions.

Art.303 - The workers contracted per voyage have the right to an increase proportional to their salaries in the event of extension or extraordinary delay of the voyage, except for chance event or force majeure.

Salaries shall not be reduced if the voyage is shortened regardless of the reason.

Art.304 - By the simple act of voluntarily leaving his job while the ship is on a voyage, the worker loses the wages not received to which he has a right, aside from any other legal liabilities he may incur.

Art.305 - If the worker dies in defense of the ship or is put in prison for the same reason, he will be regarded as present until the voyage concludes, for

the purpose of earning the wages he would have a right to in conformity with his contract.

The widow, forefathers, or descendants living under his protection will receive as indemnity, the amount of his labor benefits and rights.

Art.306 - The captain will grant a weekly leave in port or at sea to unoccupied personnel when said leave does not affect the work of the vessel.

Art.307 - At the option of the crew, wages can be paid in foreign currency when the vessel is in a foreign port.

Art.308 - The outfitters are obliged to provide sufficient good quality food to the crew.

-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts
-TITLE-
VIII: On Peddlers and Traveling Salesmen

-ARTICLES-

Art. 309.- Traveling salesmen, peddlers, advertisers, sales promoters, and anyone carrying out similar activities are workers, as long as they provide their services on a permanent form in subordination to an employer.

Art.310 - The wages of these workers, whatever the form of calculation, shall never be below the legally established minimum wage.

Art.311 - The ordinary salary of these workers includes their fixed salary and the commissions they receive regularly.

Art.312 - The right to receive a commission originates at the moment the operation is paid for, except for commissions agreed upon for time payments.

Art.313 - All the provisions of this Code are applicable to the workers in question in this title.
-DESIGNATION-
Labor Code 92
-BOOK-
Fourth Book. On the Official Regulation of the Conditions of Some Labor Contracts

-TITLE-
IX: On the Handicapped

-ARTICLES-

Art.314 - Any person with congenital or acquires physical defects producing a reduction in his normal work capacity is considered handicapped.

Art.315 - The right of the handicapped is established, in equality with all other workers, to obtain a fixed and permanent occupation.

The criteria to be followed for the qualification of the handicapped shall be the work capacity of the interested party, whatever may be the origin of his handicap.

Art.316 - The Executive Power shall determine by decree or regulation the forms of the application of this title.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
I: On the Classes of Unions

-ARTICLES-

Art.317 - A union is any association of workers or employers formed in accordance with this Code for the study, improvement and defense of its members" common interests.

Art.318 - The public authorities must abstain from any intervention that tends to limit or block the exercise of union liberty.

Unions must preserve their independence with relation to political parties and religious bodies. They cannot receive subsidies or contributions from the same.

Art.319 - Unions can be by company, procession or trade.

Art.320 - For company unions the nature of the activities its members perform is not taken into account for the admission of its members, but rather the condition that they provide their services in the same company.

The departure of the worker, whatever the cause, involves his exclusion

from the union.

Art.321 - Professional unions can be formed of persons who customarily exercise the same profession or occupation, or similar or connected professions and occupations, without taking into account the company where they work.

Art.322 - Trade unions are composed of workers who provide their services to various employers of the same branch of industrial, commercial or service activity even when they perform different professions or occupations.

Art.323 - Employers' unions can be formed by employers who exercise similar or connected activities.

Art.324 - Worker's unions cannot have fewer than twenty members.

Employers unions cannot have fewer than three.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
II: On the Purposes of Unions

-ARTICLES-

Art. 325 - Plane purposes or unions are;

1st. - The study of the conditions in which work is carried out in the company, profession or occupation that concerns the purpose of the association;

2nd. - Reaching collective pacts on working conditions, the protection and defense of the rights that are derived therefrom and the revision of the same for justifiable causes in the forms and conditions established by this Code;

3rd. - Fair and peaceful solution to the economic conflicts that arise due to the performance of labor contracts made by its members;

4th.- The improvement of working conditions, the productive efficiency, and the material, social, and moral conditions of its members;

5th. - The study and preparation of statements and recommendations toward legislative reforms to achieve these ends.

Art.326 - Unions can create, administer or subsidize, in the interest of its members, information offices for positions, schools and libraries, sports,

experimental fields, laboratories and other institutions, courses and publications related to the activity represented by the association.

Art.327 - By a special provision of its by-laws, unions can creates administer, or subsidize mutual insurance policies and buy instruments, machines, raw materials, seeds, plants, fertilizer, animals and anything else necessary for the exercise of the profession or occupation of its members to be loaned, rented, sold or distributed among these latter in the form determined in the by- laws.

-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
III: On the Right to Unionization

-ARTICLES-

Art.328 - The directors, managers or administrators or a company cannot be members of a workers' union.

Nor can those who perform the functions of direction, inspection, security, vigilance, or supervision be members when they are general in nature or when they are related to work provided directly to the employer.

Art.329 - A minor able to enter into a labor contract can be member of a workers' union.

Art.330 - Unions can set in their by-laws conditions beyond those required by law for the admission of their members.

Art.331 - Unions have complete autonomy for setting in their by-laws the form for excluding their members.

The decisions taken in this respect by agencies and officials of the union, in conformity with its by-laws, are sovereign and not subject to any appeal.

Art.332 - Unions cannot directly or indirectly restrict the right to work or take any measure to force workers or employers to be members of the association or remain part of it.

Art.333 - Employers are prohibited from carrying out disloyal practices or those against the professional work ethic.

The following are regarded as disloyal practices or against the work ethic:

1st. - Requiring workers or persons who apply for work to abstain from forming part of a union or request admission as members to same;

2nd. - Exercising reprisals against the workers due to their union activities;

3rd. - Firing or suspending a worker nor belonging to a union;

4th. - Refusing to establish, without justifiable cause, negotiations for making collective pacts on working conditions without this signifying the acceptance by the employer of the proposals presented by the workers union.

The employer can request the Ministry of Labor to suspend the negotiations due to chance event or force majeure, Unprofitability or other attributable economic cause.

The Department of Labor shall verify whether or not the alleged cause for suspension exists and shall issue the corresponding resolution.

If the cause is economic in nature, it shall be assessed by three Certified Public Accountants, one selected by the workers, one by the company and a third, who shall preside, by the Minister of Labor.

The general provisions on the suspension of the effects of the contract contained in Title V, FIRST BOOK, of this Code, apply to this case.

5th. - Participating in any way in the creation or management of a workers' union or maintaining it by financial or any other means.

6th - Refusing to deal with the legitimate representatives of the workers;

7th. - Using force, violence, intimidation, or threat or any other form of coercion against the workers or workers unions with the purpose of preventing or blocking them from exercising the rights consecrated by the law in favor of the same.

Art.334 - Any member of a union can resign from it at any moment, despite a clause to the contrary in the by-laws, without any other obligation save that of paying the dues owed.

Art.335 - The member of a union who resigns, is excluded or for any other reason ceases to belong to the association loses all his rights over the assets of the same but remains a member of all institutions of mutuality, insurance or others similar which depend on the union or are administered or subsidized by

it.

Art.336 - The union can only sever the ex-member from the institutions referred to in article 335 via an indemnity proportional to the paid contributions and benefits received, which shall be set according to the by-laws of the union or the agencies formed by said institutions.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
IV: On the Powers of Unions

-ARTICLES-

Art.337 - Unions, via the effect of their registration with the Ministry of Labor, acquire legal identity.

Consequently, they have the right to be sued, to acquire without administrative authorization, freely or for compensation, real or personal assets and in general, to enter into all those judicial acts and transactions having as purpose the attainment or their purposes.

Art.338 - The unions cannot acquire real assets that are not necessary for holding their meetings or for their schools, libraries, experimental fields and all other works related to their purpose.

Art.339 - The acquisitions made contrary to the provisions in article 338 will be annulled upon the petition by the interested party.

Art.340 - The unions are prohibited from doing business, as well as performing activities contrary to the Constitution of the Republic.

However, unions can form cooperative associations among their members, according the legislation governing this matter.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
V: On the Assets of the Union and its Administration

-ARTICLES-

Art.341 - The assets or a union are formed by;

1st. - Dues of its members and other obligatory contributions whose motive and degree of requirement must be set in the by-laws;

2nd - Voluntary contributions by its members or third parties;

3rd. - All other assets acquired freely or for compensation.

Art.342 - The funds of the union must be deposited, as they are received in a banking institution in a account opened in the name of the association.

Art.343 - The union is permitted to maintain on the union premises only the amount indicated in the by-laws for petty cash expenses.

Art.344 - If there is no banking institution in the place of the corporate residence, the deposit of the funds shall be made in the manner determined by the governing board of the union with the authorization of the Department of Labor.

Art.345 - Payment orders against the union funds must have the signatures of the two officials of the union who are indicated for such purposes in the by-laws.

Art.346 - The statements regarding the movement of union funds shall be posted in a visible place in the corporate residence.

Art.347 - Copies of the statements referred to in article 346 shall be sent on the same day they are posted to the Department of Labor.

-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
VI: On the Functioning of Unions

-ARTICLES-

Art.348 - The activities of a union are exercised by the general meeting of its members, a governing board and the permanent or temporary officials and commissions that the union may consider useful for the best performance of its purposes.

Art.349 - The general meeting is formed and can consult legally with the

attendance of more than half of the union members.

Art.350 - The by-laws can provide, taking into account the rowing number of union members and the difficulty of meeting together in the same place that the general meeting be formed by delegates.

Art.351 - All union members, without distinction of age, sex, nationality, have the equal right to attend the sessions of the general meeting, express therein their opinions and vote on the resolutions that are properly submitted.

In case of delegation, all the union members have the right to participate in the election of delegates.

Art.352 - The right to attend the general meetings and to elect delegates to them can only be exercised personally by the union members.

Art.353 - In the general meetings each member or each delegate has the right to one vote.

Art.354 - Delegates to the general meetings must be union members.

Art.355 - The election of delegates to the general assemblies must be made by groups composed of the same number or a proportional number of the union members.

Each group has the right to elect a delegate or delegate which correspond to this proportion.

Art.356 - In the election of delegates each member has the right to one vote.

Art.357 - The balloting for the general meeting and for the election of delegates to it are in secret.

Art.358 - For the resolutions taken by the general meeting to be legal it is necessary;

1st. - That the general meeting be called in the manner and with the advance notice foreseen in the by-laws;

2nd. - That the general meeting be properly formed;

3rd. - That the resolution refer to a matter indicated in the convening notice for the meeting and that it receive a favorable vote of more than half of union members or delegates present, unless the law or the by-laws require a different majority;

4th. - That the minutes of the meeting be taken in which the number of members or delegates present, the agenda and the text of the resolutions adopted are expressed and that these minutes be signed by the persons who have exercised the functions of president and secretary of the meeting;

5th. - That a list of the members or delegates present be attached to the minutes of the meeting with the sworn certification from the officials who sign the minutes.

Art.359 - The governing board is composed of at least three members, elected by the general meeting for a period not exceeding two years.

Art.360 - If the general meeting does not meet in the time determined by the by-laws for the election of the governing board or an agreement is not reached for its election, those members previously elected with continue exercising their functions with the obligation of calling new elections at the end of one month.

If the new general meeting does not meet or reach an agreement, the members of the electoral commission will assume the functions of the governing board until the new members of said board can be designated.

Art.361 - The governing board has the duties that are set in the by-laws, with the limitations indicated in this Code.

Art.362 - No expenditure of union funds that is not contained in the budget previously approved by the general meeting can be ordered.

Art.363 - The annual general meeting will designate one or more marshals who must be members of the union to manage the use of funds with the right to call a general meeting in cases of emergency.

Art.364 - The marshals have the right to have access to the books and to examine the operations carried out by the governing board, whenever they judge it pertinent to the interests of the union.

Art.365 - The governing board must make a concise statement of the credits and debits of the union every three months and, every year, on the date set by the by-laws, an inventory of its goods.

A copy of all these documents shall be provided to the commissaries.

Art.367 - The governing board, except for a provision to the contrary in the by-laws, has the legal representation of the union and can delegate it to any of its members.

Art.368 - The members of the governing board are responsible for their performance according to the rules of government.

In cases of joint resolution, those who have abstained are not liable whenever it is so recorded in the minutes.

Art.369 - The commissions judged necessary for the management or supervision of the services of the union can be created in the by-laws or by provision of the meeting.

Art.370 - The disciplinary measures that the union can impose on its members are warnings, suspension and expulsion, without prejudice to the civil or penal legal liability they can incur.

Art.371 - The union is obliged to keep the following books which must be numbered and officially stamped OIL the first and last pages by the justice of the peace of the municipality of the corporate residence.

1st. - A book that records the names, surnames, profession, domicile, and personal identity number of each one of its members;

2nd. - An inventory book of the real and personal assets of the union;

3rd. - A day book listing the revenue and expenditures of the union, with an exact indication of their source and destination, and any other accounting books kept with the same purpose;

4th. - The books of the minutes of the general meeting, of the governing board, and all other agencies that depend on the union.

Art.372 - The duration of any union is for an indefinite time.

-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
VII: On the Formation of Unions

-ARTICLES-

Art.373 - The minutes of the general meeting must contain, besides statements of the regular minutes themselves, the approval of the by-laws and the designation of the first governing board and the first commissaries.

Art.374 - The application for registration of the union must be directed to the Ministry of Labor, with two originals or authorized copies of:

1st. - The by-laws;

2nd. - The minutes of the general formative meeting, where it is established that the participants have democratically decided to form the union, approve its by-laws and freely elect its representatives;

3rd. - The list of the founding members;

4th. - The convening call of the workers of the company to the formative meeting.

All these documents must be signed or certified by at least twenty members if a workers union and by three if an employers' union.

Art.375 - The Ministry of Labor, within ten days following the date of the presentation of the documents required by article 374, can return these to the interested parties indicating the defects the documents contain for due correction.

Art.376 - The registration of the union shall be refused;

1st. - If the by-laws do not contain the provisions essential for the normal functioning of the association, or if any of its provisions is against the law;

2nd. - When it does not fulfill any of the requirements made by this Code or by the statutes for the formation of the union.

If the Minister of Labor does not decide the matter within thirty days, the interested parties shall declare him in default so that he will issue a resolution, and if this is not done within the following three days, the union shall be registered with all the effect of the law.

The thirty-day period starts its course with the application date, and when the application has been returned in conformity with article 375, it starts with the re-empowerment of the Ministry of Labor.

Art.377 - The actions carried out by a union that have not been registered in the manner required by this Code are void.
-DESIGNATION-
Labor Code 92
-BOOK-

Fifth Book. On Unions
-TITLE-
VIII: On the Dissolution of a Union and the Cancellation of the Registration

-ARTICLES-

Art.378 - The by-laws can establish special causes or the dissolution of the union.

When there is no provision to this respect, its dissolution can be agreed upon by the general meeting.

Art.379 - The company union is dissolved in full law when its corresponding company closes once and for all.

Art.380 - The liquidation of the assets of the union is made in the manner determined by its by-laws or the general meeting.

Art.381 - The assets of the union, after paying the debts and obligations, can be donated to other union organizations or charitable, aid or social welfare institutions if it is authorized in the by-laws.

Otherwise they will be distributed among the members, who are co-owners of the assets.

Art.382 - The registration of the unions, federations and confederations can be canceled by decision of the labor courts when they devote themselves to activities outside their legal purposes or when certifiably proven that, in fact, they have ceased to exist.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
IX: On Union Federations and Confederations

-ARTICLES-

Art.383 - Unions can form municipal, provincial, regional or national federations.

These, in turn, can form confederations with the vote of two- thirds of its members, gathered in the general meeting.

Art.384 - The formative minutes of the union federations or confederations must contain the names and residences of the unions of which they are formed.

The by-laws must express the manner in which the unions are represented in the general assemblies of the federations or confederations and all other conditions of the organization and its functioning.

The provisions applicable to the unions in general also govern the federations or confederations.

Art.385 - Any union can withdraw from a federation it belongs to, even though there is an agreement to the contrary.

The federations have the same power with respect to the confederations.

Art.386 - Union federations or confederations are subject to the formality of registration established in this Code for the unions.

Art.387 - The funds of federations or confederations are limited to the obligatory contributions set by their by-laws and all other assets acquired freely or for compensation.

Art.388 - For the formation of a federation, the participation of a minimum of four unions is necessary. For the formation of a confederation, the participation of a minimum of two federations is necessary.
-DESIGNATION-
Labor Code 92
-BOOK-
Fifth Book. On Unions
-TITLE-
X: On the Union Enclave Privilege

-ARTICLES-

Art.389 - The stability enshrined in this title is granted an order to guarantee the defense of the collective interest and autonomy in the exercise of union functions.

Art.390 - Union enclave privilege is enjoyed by:

1st. - Workers who are members of a union in formation, up to twenty in number:

2nd. - Workers who are members of the governing board of a union up five in number if the company does not employ more than two hundred workers, up to

eight in number if the company employs more than two hundred but less than four hundred, and up to ten in number if the company employs more than four hundred workers;

3rd. - Representatives of the workers in the negotiations of a collective pact up to three in number;

4th. - Substitutes in circumstances foreseen in this title.

In the event that more than one union functions in a company or professional or trade unions participate, the union enclave privilege will be distributed proportionally among the different unions according to the quantity of dues-paying members for each one.

Art.391 - Dismissal with cause of any worker protected by union enclave privilege must be previously submitted to the upper labor court, in order to determine, in a period not longer than five days, whether or not the cause invoked constitutes a violation of the union management, function or activity. When the employer does not observe this formality, the dismissal with cause is invalid and does not terminate the contract.

Art.392 - Dismissal without cause of those workers protected by union enclave privilege does not produce any legal action.

Art.393 - The duration of the union enclave privilege is subject to the following rules:

1st. - For the members of a union in formation, up to three months after its registration;

2nd. - For the members of the governing board and for those representatives of the workers in the negotiation of a collective pact up to eight months after they have ceased in their functions;

3rd. - When the office-holding worker is replaced by another in the exercise of his union functions, he loses the protection of union enclave privilege.

4th. - A union or its promoters must inform in writing the employer and the Department of Labor or the local authority exercising that function the reason for forming a new union as well as the designation or election effected. The duration of union enclave privilege begins with said notification.

Art.394 - The union enclave privilege ceases to cover the worker who enjoys it if he performs, directs or participates in the following actions:

1st. - Committing acts of coercion or physical or moral violence against individuals or of physical force against things or any other act that has as its object the promotion of disorder or elimination from a strike of its peaceful nature;

2nd. - Blocking, directly or indirectly, the freedom to work, taking measures or performing acts that prevent workers from going to work or fulfilling their work obligations;

3rd. - Attempting acts against the assets located in a company;

4th. - Inciting or participating in acts that produce the destruction of work materials, instruments or products or merchandise or reducing their worth or causing their destruction;

5th. - Inciting, directing or participating in the intentional reduction of production or in the illegal interruption or blockage of work, totally or partially, in the place of work;

6th. - Improperly retaining persons or assets or using these improperly in mobilizations or picket lines;

7th. - Inciting to destroy, render useless or interrupt public or private installations or participating in acts which harm them;

8th. - Committing a crime or offense penalized by law or any act against the security of the State or in violation of the Constitution.
-DESIGNATION-
Labor Code 92
-BOOK-
Sixth Book. On Economic Conflicts, Strikes, Work Stoppages
-TITLE-
I: On Economic Conflicts

-ARTICLES-

Art.395 - Economic conflict is that which arises between one or morn workers' unions and one or more employers or one or more employer unions with the purpose of establishing new working Conditions or modifying those in effect.

Art.396 - To be party to an economic conflict, the same conditions as those for reaching a Collective pact for working conditions are required.

Art.397 - Economic conflicts are resolved by direct agreement, or as well

by administrative reconciliation or arbitration, according to the procedures prescribed in Title X of the SEVENTH BOOK of this Code.

Art.398 - Without prejudice to the provisions in article 124, an economic Conflict Cannot be begun in those companies where there is a Collective pact in effect when this Conflict has the purpose of modifying, during the life of the Collective pact, that which would have been decided therein, except for agreement to the contrary.

Art.399 - All agreements, reconciliations, or awards relative to working Conditions must indicate the beginning and end of their execution.

The period set cannot be less than one year or more than three.

Art.400 - After the expiration of the period set for the duration of the agreement, reconciliation or award, any of the parties can denounce it, through a declaration to the Department of Labor or in the office of the local representative.

The office that receives the declaration shall notify the other party within the following forty-eight hours.

The denouncement shall go into effect two months after the notification.
-DESIGNATION-
Labor Code 92
-BOOK-
Sixth Book. On Economic Conflicts, Strikes, Work Stoppages
-TITLE-
II: On Strikes

-ARTICLES-

Art.401 - A strike is the voluntary suspension or work agrees upon and accomplished jointly by the workers in defense of their common interests.

Art.402 - A strike must be limited to the mere suspension of work.

Acts of coercion or physical or moral violence against individuals or physical force against things or any other act that has as object the promotion of disorder or the elimination from the strike of its peaceful nature are penalized with the penalties indicated in this Code or in other laws, which the employer can put into action through legal proceedings against those persons responsible.

Art.403 - Neither strikes nor work stoppages are permitted in essential

services, whose interruption would be likely to place in danger the life, health or security of persons in all or part of the population. However, the workers as well as the employers of this type of service have the right to proceed with an arrangement of that foreseen in article 680 of this Code. When the conflict is limited to minimum wage, the matter must be submitted to the National Salary Committee.

Art.404 - For the purposes of the application of the preceding article, services related to communications, water supply, gas or electric power supply for domestic lighting and uses, pharmaceutical, hospitals and anything else of an analogous nature are essential.

Art.405 - In the event the strike is held in violation of article 403, the Executive Power can assume the supervision and management of the suspended services for the time necessary in order to avoid harm to the national economy and issue all the necessary instructions for re-establishing of said services and guaranteeing their maintenance.

The provisions in this article apply equally to those strikes and work stoppages whose duration or extension threaten or place in danger the life or normal conditions of existence of all or part of the population.

Art.406 - Illegal strikes are those that affect the national security, public order, the rights and liberties of others, are accompanied by physical or moral violence against persons or things, the abduction of persons or assets, or the improper use of the equipment or installations of the company or those that are accompanied by violations against the Constitution.

Also illegal are those strikes that are promoted in violation of the provision in article 407, as well as those that continue for seventy-two hours after the expiration of the legal period for the resumption of work ordered by the competent judge.

Art.407 - For a strike to be declared, the workers shall notify the Ministry of Labor in writing with an statement containing the following elements:

1st. - That the strike has as its object the solution of an economic conflict or the rights affecting the collective interest of the company workers;

2nd. - That the solution of the conflict has been submitted without solution to the procedures of administrative reconciliation and the parties, or one of them, have not designated arbitrators or declared them in a timely manner in conformity with the provisions of article 680;

3rd. - That the strike has been voted for by more than fifty- one percent of the workers of the company or companies in question;

4th. - That the services included under the strike are not essential.

The strike cannot be declared except after at least the ten days following the date of the statement with which the union representatives notified the Ministry of Labor.

Within forty-eight hours following the receipt of the advance notice, said Ministry shall send a copy of the same to the employers.

Art.408 - The strike declared after the compliance with the formalities of article 407 produces the following effects:

1st. - It gives the workers power to claim protection from the labor authorities and from the police for the peaceful exercise of their rights;

2nd. - It suspends the work of the company in question except for the provisions of article 409.

Art.409 - The employer can require, while the strike lasts, the workers who are necessary in the judgment of the Department of Labor or the local authority exercising that function, to perform the indispensable services for the security and preservation of the machines, work centers and raw materials.

Within twelve hours after receiving the application, the Department of Labor or the local authority exercising that function shall listen to the opinion of the union and issue the corresponding resolution.

Art.410 - The effects indicated in article 408 cease:

1st. - When the strike ceases for any reason;

2nd. - When the arbitration procedure initiates.

The arbitration procedure is regarded as having initiated from the date of the advance notice of the writ mentioned in article 683.

Art.411 - The legal strike does not terminate the labor contract. It only suspends its execution in conformity with the prescriptions in article 408.

After the termination of the strike the resumption of work will be subject to the prescriptions in article 59.

Art.412 - The illegal strike terminates, without legal liability for the

employer, the contracts reached with the workers who have participated in it.

If the strike has been declared illegal for procedural reasons, the labor contracts remain in effect if the workers on strike resume their work voluntarily within twenty-four hours after the qualifying decision has been issued and no acts against property or persons have occurred.

In the event that new labor contracts are reached with the same workers, or with a portion of them, the working conditions shall be those that were in effect before the initiation of the strike, unless the employer accepts or offers better ones for the workers.
-DESIGNATION-
Labor Code 92
-BOOK-
Sixth Book. On Economic Conflicts, Strikes, Work Stoppages
-TITLE-
III: On Work Stoppages

-ARTICLES-

Art.413 - A work stoppage is the voluntary work suspension by one or more employers in defense of their interests.

Art.414 - Before carrying out a work stoppage, the employer must justify to the Department of Labor:

1st. - That the work stoppage has as its exclusive purpose the solution to an economic conflict;

2nd. - That the solution to that economic conflict has been submitted to the procedures of administrative reconciliation and arbitration without a solution;

3rd. - That the services the work stoppage shall suspend are not of the nature indicated in article 404.

The work stoppage cannot be carried out during the fifteen days after the date of the statement of the employer to the Department of Labor regarding to the above justifications.

Art.415 - The provisions of the articles 402, 403, 404, 405, 406, 407, 408, 409, and 410 are applicable to work stoppages.

Art.416 - The legal work stoppage does not terminate the labor contract. It only suspends its execution.

After the termination of the work stoppage, the resumption of work is subject to the prescriptions in article 59.

Art.417 - The illegal work stoppage produces the following effects:

1st. - It obliges the employer to Fay the workers the salaries they would have received during the improper work suspension;

2nd. - It empowers the workers to terminate their contracts with legal liability on the part of the employer established in this Code for unjustified dismissal.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
I: General provisions

-ARTICLES-

Art.418 - The application of the-provisions of the laws and regulations of work are entrusted to:

1st. - The Ministry of Labor and its dependencies;

2nd. - The courts.

Art.419 - In all cases of work conflicts, whatever their nature, the employers and the workers, or the associations that represent them can agree to submit to the judgment of arbitrators freely chosen by them.

The arbitration award the arbitrators issue shall not have legal effect if they do not follow the laws of public order status.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
II: On administrative labor authorities
-SECTION-

1st.: On the Ministry of Labor

-ARTICLES-

Art.420 - The Ministry of Labor, as an agency representing the Executive Power in labor matters, is the highest administrative authority in all things pertaining to the relations between employers and workers and to the maintenance of normal production in the Republic.

For the optimum fulfillment of its functions, the Ministry of Labor shall have a Department of Labor and shall offer, among others, services of employment, work statistics, mediation and arbitration and industrial hygiene and security.

Art.421 - The Minister of Labor shall use the prerogatives of his authority, issuing the instructions that he considers necessary for the best application of the laws and regulations, and the maintenance of the necessary vigilance so that the employers under his supervision fulfill the obligations that correspond to them.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
II: On administrative labor authorities
-SECTION-
2nd.: On the Department of Labor

-ARTICLES-

Art.422 - Besides the Director of the Department of Labor and the employees required to perform its services those who form a part of this department and are, therefore, under the Director s supervision are:

1st. - The local labor representatives;

2nd. - The assistant inspectors.

The Director General of Labor, general subdirectors, supervisors, local representatives, and assistant inspectors must be lawyers. They cannot be removed except for serious or inexcusable violations.

The Director General of the National Committee of Salaries and the Directors General of the Departments or Services of Employment and Statistics must be doctors or have a degree in law or some other branch of the social sciences.

The Director General of Industrial Hygiene and Security must preferably be a doctor or have a degree in Medicine or Social Work.

Art.423 - The Department of Labor has responsibility for supervising, according to the laws and regulations, under the vigilance of the Ministry of Labor, all things pertaining to:

1st - The work period;

2nd. - Legal leaves of absence;

3rd. - Vacations of the workers;

4th. - Closure of companies;

5th. - Protection of the maternity of female workers;

6th - Protection of minors in matters of work;

7th. - Workers' salaries;

8th. - The nationalization of work;

9th. - Employers' and workers' associations;

10th. - Labor contracts;

11th. - All other matters related to work with respect to production.

Art.424 - The Department of Labor shall investigate the complaints of irregularities in the execution of labor contracts, pacts, laws and regulations submitted by employers and workers who have been harmed.

The investigations shall be made within three days of the presentation of the complaint.

Art.425 - The Department of Labor shall maintain a free consultation service on interpretation of the laws and regulations, for the benefit of employers and workers.

In all cases of consultation, the Department shall give an opinion without prejudice to the interpretative powers of the courts.

Art.426 - The provisions in article 425 do not authorize any person occupying a position in the Department of Labor to provide consultation on matters that are the object of litigation or propose or suggest reconciliation between the parties, counsel suits, denouncements or any other proceedings of a procedural nature.

Art.427 - The Executive Power can organize, by decree, a legal aid service, under the supervision of the Department of Labor, to benefit employers or workers whose economic situation does not permit them to exercise their rights as plaintiffs or defendants.

Art.428 - The Department of Labor shall keep a book for each class of registration required by this Code. All registrations must contain:

1st. - The date, place, and nature of the document;

2nd. - The data necessary for the identification of the persons who appear in the document.

Art.429 - In order to facilitate the search for the registrations contained in the books destined for the register, the Department of Labor shall prepare indexes in which shall be noted, alphabetically, the names of the persons who appear in them, the nature of the document, and the volume and page corresponding to each registration.

The registries of the labor offices are public and, in consequence, any individual can obtain copies or extracts of their entries.

Any individual can obtain, in addition, certified copies of the documents found in the files of the labor offices, as long as a legitimate interest is justified.

Art.430 - Technical or administrative branches that may be necessary for the optimum application of the provisions of this Code shall function in the Department of Labor.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
II: On administrative labor authorities

-SECTION-
3rd.: On the local labor representatives

-ARTICLES-

Art.431 - For the optimum application of the provisions of this Code, the Ministry of Labor can create administrative districts.

In each district an inspector with the designation of the local labor representative can be assigned as well as assistant inspectors as necessary must be assigned.

Art.432 - The local labor representatives have the responsibility of:

1st. - Ensuring in their respective districts faithful compliance with the laws, regulations and labor contracts:

2nd. - Executing in their respective districts the orders received from the Department of Labor, as well as any actions imposed by the laws and regulations;

3rd. - Receiving advance notices of total or partial suspensions of the labor contracts, verifying the alleged causes to that effect and keeping the Department of Labor informed of the results of the verification.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
II: On administrative labor authorities
-SECTION-
4th.: On the inspection service

-ARTICLES-

Art.433 - The service of inspection is concerned with ensuring faithful compliance with the legal or regulatory provisions related to labor, especially those referring to matters listed in the sections of article 423.

Art.434 - The inspectors who verify their identity are authorized to:

1st. - Enter freely and without advance notice in those places which can

be in violation of the provisions referred to in article 433, maintaining due respect for the persons who are found there and trying not to interrupt unnecessarily the work being performed;

2nd. - Proceed with any exam, verification, or investigation they consider necessary for proving the legal observance of the provisions, in particular to: a) interrogate, alone or before witnesses, the employer and personnel of the company on any matter related to the application of the legal provisions; b) request the presentation of books, registers, or documents that the labor laws and regulations require to be kept, with the purpose of verifying whether they are being properly kept and for making copies or extracts of them; c) compel the posting of notifications and charts required by the laws and regulations.
The inspectors can request the assistance of the police in the compliance of the provisions of number 1 in the event of opposition by the owner, his representatives or the persons found in the places indicated in said number or those who go there.

Art.435 - The inspectors are concerned with verifying the existence or non-existence of the causes for suspension for the labor contracts within three days of receipt of the advance notice by the local representative, or the Department of Labor if the suspension occurs in the National District.

The results of their investigations shall be sent in a concise report to the local representative or the Department, according to case, within two days following the inspection. .

Art.436 - When a inspector warns an employer or his representative during any visit of irregularities not sanctioned by the laws and regulations, or facts, circumstances or conditions that could be the cause of harm to the persons or the interests of the employer or of the workers, he shall inform the former or his representative, and the inspector shall give him, if relevant, the technical advice that he considers appropriate.

In the event of imminent danger to the health and security of the workers, the inspector can immediately order the necessary measures to be carried out, reserving the corresponding legal or administrative recourse.

Art.437 - The information regarding irregularities, work procedures or methods, accounting or others, obtained in inspections, is confidential, except for that which is necessary for the verification and complaint of any infraction of the labor laws or regulations.

The unnecessary disclosure of said information is punished by the penalties established in article 719 of this Code.

In the same way, the inspectors must treat as confidential the origin of

any complaint of infractions of the labor laws or regulations and, in consequence, shall not inform the employer or his representative, or any other person, that the performance of an inspection visit is due to a complaint received.

Art.438 - The inspectors are prohibited from having a direct or indirect interest in the companies under their supervision.

Art.439 - The inspectors shall verify the infractions of the labor laws and regulations by means of a report drawn up in the place where they have been committed.

The report shall contain the following items:

1st. - The name of the inspector drawing them up;

2nd. - The place, date, hour, and circumstances of the infraction;

3rd. - The name, profession, and domicile of the perpetrator or his representative, if any;

4th. - The name, professions and domicile of the witnesses, if any, who must be over fifteen years old and know how to read and write.

The report must be signed by the participating inspector and by the witnesses, if any, as well as by the perpetrator or his representative, or it shall be stated in the report that they did not wish to or were not able to sign.

Art.440 - When, for any reason, the report cannot be drawn up in the place of the violation or on the date it was discovered, the inspector shall do so in another place or on another date, according to the case, with statement of said circumstance in the report.

Art.441 - The circumstances related in the report shall be taken as true, until registered as false, as long as it has been signed both by the witnesses and by the perpetrator or his representative, without protest or reserve.

Art.442 - Once the infraction has been detected and verified, the original and the duplicate of the corresponding report will be sent to the Department of Labor, which will file the duplicate and send the original, within five days of receipt, to the empowered court with jurisdiction, for the purposes of the law.

A third copy will be delivered to the perpetrator or his representative.

A fourth copy will remain in the hands of the inspector making the report

to be bound and filed with those of the same year.

The remittance of the original and the duplicate to the Department of Labor must be made within three days of its date.

The delivery of the third copy must be made on the same day that the report is drawn up if this is carried out in the place in violation, or it will be sent immediately through the channels of any authority or other secure means.

Art.443 - The inspection service shall publish an annual report on the work of the inspectors under its supervision.

The annual report of the inspection service will deal with all matters concerning them and will contain, in addition, data regarding:

1st. - The personnel of the inspection service;

2nd. - The statistics of the establishments subject to inspection;

3rd. - The statistics of the inspection visits;

4th. - The statistics of infractions verified and the sanctions imposed;

5th. - The statistics of the work accidents and occupational diseases.

Art. 443 - The Dominican Institute for Social Security and Director General of Industrial Hygiene and Security of the Ministry of Labor must report to the Department of Labor on the work accidents and occupational diseases brought to their attention.
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Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
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II: On administrative labor authorities
-SECTION-
5th.: On the employment service

-ARTICLES-

Art.444 - There shall be a General Employment Office in the Ministry of Labor with the following responsibilities:

1st. - To maintain a roll of unemployed workers;

2nd. - To maintain a roll of vacancies;

3rd. - To give out information requested by the employers and workers;

4th. - To issue certificates of unemployment to unemployed workers;

5th. - To cancel those certificates when the worker is employed;

6th. - To provide unemployed workers and employers with the advice they request.

Art.445 - The responsibilities established in the previous article are exercised outside the National District by the local labor representatives.

Art.446 - Unemployed workers can request and obtain from the General Employment Office or of the local labor representatives their registration in the unemployment roll, as soon as they are out of work.

The roll must contain:

1st. - The number of the order and the date;

2nd. - The name, nationality, marital status, age and current residence of the unemployed person;

3rd. - The mention of his personal identity number;

4th. - His profession, talent or occupation and his specialization, if any;

5th. - The number of children he has;

6th. - The indication of whether or not he knows how to read and write;

7th. - the name of his last employer and the type of work performed;

8th. - The amount of salary received;

9th. - The degree, certification or diploma he possesses;

10th. - The union he belongs to if he is a member.

The General Employment Office or the local labor representatives, according to the case, must issue the unemployed worker, immediately after his

registration, a certificate of unemployment, which contains the data indicated in this article.

Art.447 - The employers who need workers for their companies can inform this fact to the General Employment Office or its local labor representatives and must indicate, at the same time, all the characteristics of the job in question, its schedule and the corresponding salary.

If at the moment of the information there are registrations of workers on the Unemployment Roll with the aptitude for the job in question, the General Employment Office or the local labor representatives must call said workers immediately and put them in communication with the employers.

If there are no registrations or the number of these is insufficient, the vacancies shall be recorded in a special roll which must contain the facts indicated in the first part of this article.

Art.448 - The unemployment and vacancy registers are public.

Art.449 - As soon as an unemployed worker obtains work , he must return his certification of unemployment to the office that issued it for its cancellation and filing.

If he is without work later, he must apply for and obtain a new certificate.

Art.450 - The General Employment Office can request from public and private institutions, employers and workers unions or other organizations all the data and information they consider necessary for undertaking their responsibilities.

Art.451 - The General Employment Office shall collaborate with those agencies dedicated to professional rehabilitation of the handicapped with purpose of obtaining adequate employment for them.

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-BOOK-
Seventh Book. On the Application of the Law
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I: On the Labor Authorities
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II: On administrative labor authorities
-SECTION-
6th.: On the National Salary Committee

-ARTICLES-

Art.452 - There shall be a National Salary Committee in the Ministry of Labor, formed in the following manner by;

1st. - A Director General and two ordinary members, named by the Executive Power;

2nd. - Two special members who, in representation of the employers and workers, will be designated according to the first paragraph of article 457.

The Director General of the Committee may not, during his time in office, devote himself to economic activities, including those of an agricultural, commercial, industrial, professional or any other nature that require the employment of workers whose salaries could be subject to the minimum wage.

The members of the Committee shall receive a salary assigned in the national budget, except for the special members who shall be paid for each session they attend and whose honorariums shall be assigned by the Executive Power.

The Executive Power can remove any of the members of the Committee for negligence or misconduct, and substitute them due to any obstacle to the performance of their job.

All vacancies of any governmental member of the Committee will be covered by the person designated by the Executive Power.

Art.453 - The Committee shall have a Secretary and any other necessary administrative employees, named by the Executive Power.

Art.454 - The Committee shall write its internal regulations and shall submit them to the Executive Power for approval through the channel of Minister of Labor, who may make any recommendations he considers pertinent.

Art.455 - The Committee shall be responsible for setting the rates of minimum wage for the workers in all economic activities, including those of an agricultural, commercial, industrial and any other nature that are performed in the Republic, as well as the manner in which these wages must be paid. Said rates may be municipal, provincial, regional or national in nature, for the National District or exclusively for a specific company.

Art.456 - The rates of minimum wage in each economic endeavor shall be reviewed by the Committee, at least once every two years. The Committee shall not rule on the revising of rates submitted by the employers or workers that

have not been in effect for one year.

However, if after a resolution has been in effect, any of the parties can evidence with documentation that the application of same is detrimental and the loss affects the national economy, the Committee can, with prior justification, revise the rates before the expiration of the period indicated above with the authority to modify them with respect to the interested party or parties.

Art.457 - When the Committee decides to set or review the rate of minimum wage of any economic activity, the president of this agency shall request from the employers and workers of this endeavor, as well as their respective organizations, if any, via a written receipt issued by them, their respective candidates for the positions of special members of the National Salary Committee, which shall rule on the setting or revision of the rate that is applicable to said economic activity.

Once the recommendations of the candidates have been received in the Office of the Committee in the time set, the president shall name one or more special members to form part of the Committee from among the candidates recommended by the employers or their organizations, and an equal number from among the candidates recommended by the workers or their organizations.

If any of the designated members does not assume his position on the date indicated or if a vacancy occurs, the president shall name his successor from among the remaining candidates submitted by the employers or workers, depending on which applies.

If the president does not receive any recommendations or does not receive enough, then he shall have the authority to make one or more new appointments in the same manner indicated previously, or to designate the necessary special member or members from among the representative employers and employees or workers of said economic activity.

The special member or members representing the workers will receive for each session attended the honorariums assigned by the Executive Power.

Art.458 - The functions of the special members representing the workers and employers shall cease when the rate of minimum wage applicable to the economic activity in question goes into effect after adequate hearings or consultations, compilation of data, statistics or information that can help and taking into account:

a) The nature of the job;

b) The conditions, time, and place of its performance;

c) On-the-job risks;

d) The normal or current price of the articles produced;

e) The economic situation of the company in that economic activity;

f) The changes in the cost-of-living for the worker, as well as his normal material, moral and cultural needs;

g) The conditions of each region or locality and;

h) Any other circumstances that could assist in setting said salaries.

Art.459 - The Committee may establish classifications by occupation, or groups of occupations, with the purpose of preparing the rates of minimum wage for each economic activity.

It can also establish classifications by regions or localities or by categories or classes of economic activity in question, when in their judgment the distinction is advisable, and as long as competitive advantages are not given to other localities, regions or categories of the same economic activity.

Art.460 - For the fulfillment of its functions the National Salary Committee must meet as often as necessary.

Its powers are the following:

1st. - To request, whenever necessary, the opinion of the officials or official or semi-official agencies, with the power, as well, to invite them to the meetings of the Committee;

2nd. - To call public sessions where wage rates are discussed so that the non-voting representatives of the employers and workers of the economic activity under consideration, as well as their respective organizations, if any, can attend and give their opinion;

3rd. - To order its transfer to any place in the Republic, whenever necessary, or to send three or more of its members for the gathering of indispensable data or information in public hearings, on the condition that among the members are, at least, one representative of the employers, workers, and the government, respectively;

4th. - To obtain from the public offices the data or information necessary for their work;

5th. - To carry out through the technical personnel which are assigned to

them research of the files, commercial books and other documents in any specific office, including payrolls, official salary records and records of hours worked, lists of payments, statements of credits and debits, statements of profit and loss and account books. The data and information may not be used or revealed for purposes outside the work of the Committee.

The president of the Committee shall have the right to require from said offices the presentation of this information;

6th. - To set the rates of minimum wage, by drawing up resolutions;

7th. - To send to the Minister of Labor, for his approval the resolutions regarding the rates;

8th. - To notify the employers and workers of said resolutions through the delivery of a copy to their respective representatives as well as to the public in general through the publication in a national periodical in the Republic;

9th. - To rule again on rates returned by the Minister of Labor.

Art.461 - The workers, as well as the employers or any other interested party, may write to the Minister of Labor, making reasonable objections to the rates of minimum wage recommended by the Committee, within fifteen days, as of the date they were received or published in a national periodical, on pain of forfeiture.

Art.462 - The Minister of Labor must examine any resolution sent by the Committee and approve or return it to Committee for reconsideration after having considered the objections submitted within the legal time limit.

Art.463 - In the event of the reconsideration of the rate by the Committee, the parties do not have to be notified of the new resolution, nor can it be appealed, but it must be countersigned by the Minister of Labor.

Art.464 - The resolutions setting the rates of minimum wage, after final approval, shall We published in a national periodical and in the Official Government Gazette. Except for provisions to the contrary contained in said resolutions, the same shall go into effect fifteen days after one of said publications.

These resolutions must be posted in a permanent manner in visible place where the work subject to their application is performed.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law

-TITLE-
I: On the Labor Authorities
-CHAPTER-
II: On administrative labor authorities
-SECTION-
7th.: On the guarantee of work credits

-ARTICLES-

Art.465 - A guarantee shall be created that will pay workers the amount of salary corresponding to a maximum of four months, to be paid in cases of the insolvency of the employer. It will also pay all the indemnities recognized legally or by arbitration award in favor of the workers due to the termination of the labor contract, with the maximum limit of one year of salary.

Art.466 - The guarantee will be a bond contracted by the employer with an insurance company, and the details will be reported to the Ministry of Labor in the report of the entry of each worker and must be recorded in the schedule card.

This bond will be exempt from taxes, rates, and contributions, and will be in effect for one year, renewable annually before it expires.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
I: On the Labor Authorities
-CHAPTER-
III: On the organization and jurisdiction of the Labor Courts
-SECTION-
1st. On the organization of the labor courts. I. On the lower labor courts

-ARTICLES-

Art.467 - The lower labor courts are composed or a judge designated by the Senate, who shall preside, and two members chosen respectively from the rolls of names nominated for this purpose by the employers and workers.

Art.468 - The associations of employers and workers most qualified for this purpose, in the judgment of the Executive Power, will form rolls of persons who could represent their respective interests as members of the lower labor courts in the first fifteen days of the month of December each year, to be in effect during the following calendar year.

Each one of these rolls must state the names, domiciles residences, and professions of six persons who belong, respectively, to the employer class and to the working class, whose interests they represent.

In this manner, the Ministry of Labor shall form a roll of twelve disinterested persons, with the indication of their respective names, domiciles, residences, and professions.

Art.469 - The rolls formed by the employers and by the workers, respectively, as well as that formed by the Ministry of Labor, shall be sent to the presiding judge of the corresponding lower labor court with the written report of the acceptance of each one of the persons listed, within two days after the expiration of the term indicated in article 468 for their formation.

The persons nominated must be sworn in before the thirtieth of December in accordance with the requirements made by the judge within forty-eight hours after having received each one of the rolls indicated.

Art.470 - All the provisions of the Constitution and the laws related to the judges of first instance, with respect to the requirements for their designation, substitution, duration or their functions of incompatibility are declared applicable to the judges of the lower labor courts.

Art.471 - In order to appear on the rolls nominated by the employers and by the workers, they must:

1st. - Be Dominican in complete exercise of their civil and political rights;

2nd. - Belong to the class nominating them;

3rd. - Be at least twenty-five years old;

4th. - Have not been irrevocably sentenced for a crime or transgression of common law;

5th. - Have not been irrevocably sentenced in the two years prior to their election for an infraction of labor laws or regulations;

6th. - Have a good reputation;

7th. - Know how to read and write;

8th. - Not be a governing member nor form a part of the governing boards

of employer or worker associations nor have paid positions in them.

In order to appear on the roll formed by the Ministry of Labor only the conditions indicated in numbers 1, 3, 4, 6, and 7 are necessary.

Art.472 - The two members of the lower labor courts must reside, during the year for which they have been nominated, in the respective localities where said courts function.

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Labor Code 92
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I: On the Labor Authorities
-CHAPTER-
III: On the organization and jurisdiction of the Labor Courts
-SECTION-
1st. On the organization of the labor courts. II. On the upper labor courts

-ARTICLES-

Art.473 - The upper labor courts shall be composed or three judges designated by the Senate, and two other members, taken respectively from the rolls formed by the employers and the workers, or formed in each case by the Ministry of Labor.

The formation of this rolls shall conform to the provisions of articles 468, 469, 471.

Art.474 - The judges and members of the upper labor courts can be named arbitrators for the solution of economic conflicts.

Art.475 - Everything provided by the Constitution and the laws concerning the requirements for the designation and substitution of the judges of the appeal courts, duration and incompatibility of their functions, shall be declared applicable to the judges of the upper labor courts.
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-TITLE-
I: On the Labor Authorities
-CHAPTER-
III: On the organization and jurisdiction of the Labor Courts

-SECTION-
1st. On the organization of the labor courts. III. Provisions applicable to lower labor courts

-ARTICLES-

Art.476 - The labor judges or One lower and upper labor courts, as officials of the legal order, have the same qualifications and the same duties and prerogatives that the judges of the courts of first instance and the courts of appeal, respectively.

Art.477 - The members named by the workers and the Ministry of Labor for the formation of the lower and upper labor courts shall receive for each hearing they attend a per diem fee that, at the expense of the Public Treasury, shall be set by the Executive Power.

Art.478 - The persons included in the rolls of members, once sworn in, shall serve in rotation, with a one-week period for each one.

The first week corresponds respectively to those who head the rolls of employers and the workers, with the duty to follow exactly for the rest of the weekly periods the order of said rolls.

In the event of an obstacle for the persons whose turn has come up, the person occupying the next place on the roll will substitute.

Art.479 - When the employers or the workers have not made up their respective rolls, or when all the persons nominated find it impossible to serve for one reason or another, those that make up the roll formed by the Ministry of Labor shall act in their place.

The action of these latter shall cease when the obstacle that has prevented those on the rolls of preference from serving has ceased.

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2nd.:On the jurisdiction of the labor courts. I. On the jurisdiction of their powers

-ARTICLES-

Art.480 - The lower labor courts shall Function:

1st. - As courts of reconciliation in the suits between employers and workers, or among workers themselves, with the purpose of applying labor laws and regulations or the execution of the labor contracts and the collective pacts on working conditions, except when the suits in the latter case have the purpose of modifying working conditions, as well as when dealing with the authorization of strikes or work stoppages;

2nd. - As courts of justice, in the first and last instance, in the suits indicated in number 1 before, which have not been resolved by reconciliation, and whose amount does not exceed the value equivalent to ten minimum salaries, and when under appeal, the amount exceeds this sum or is undetermined.

The lower labor courts have the jurisdiction to try all accessory litigations to the suits indicated in this article.

They have the same Jurisdiction to try suits that arise among unions or among workers or among workers affiliated with the same union, or between a union and its members, with the purpose of applying labor laws and regulations and the norms of the by-laws.

Art.481 - The upper labor courts have the jurisdiction to:

1st. - Try the appeals of the sentences issued in the first degree by the lower labor courts;

2nd. - Try as a court of sole instance:

a) Suits related to the authorization or strikes and wore stoppages;

b) The formalities foreseen in article 391 for the dismissal with cause of workers protected by union enclave privilege.

Art.482 - The Supreme Court of Justice has the jurisdiction, in addition, to try appeals against the sentences pronounced in the last instance by the labor courts, with the exceptions established in this Code, to try the challenges to the members of the upper labor courts and the arbitrators in cases of economic conflict.
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I: On the Labor Authorities
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III: On the organization and jurisdiction of the Labor Courts
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2nd.:On the jurisdiction of the labor courts. II. On the territorial jurisdiction

-ARTICLES-

Art.483 - In suits between employers and workers the jurisdiction of the lower labor courts, by reason of locality, shall be determined according to the following:

1st. - By the locality where the work is performed;

2nd. - If the work is performed in several places, at any of these, at the plaintiff's option;

3rd. - By the domicile of the defendant;

4th. - By the locality where the contract wag made, if the domicile of the defendant is unknown or uncertain;

5th. - If there are several defendants, by the place of domicile of any of these, at the plaintiffs option.

Art.484 - In the suits between workers, the jurisdiction of the lower labor courts, by reason of locality, is determined according to the following order:

1st. - By the domicile of the defendant;

2nd. - If there are several defendants, by domicile of any of these, at the plaintiff's option;

3rd. - By domicile of the plaintiff if the domicile of the defendant is unknown or uncertain.

Art.485 - The jurisdiction of the upper labor courts, due to locality, shall be determined by:

1st. - The district corresponding to the lower labor court that has pronounced the sentence which has been appealed when acting as a court of the second instance;

2nd. - The district where the conflict occurred when trying the case of the authorization of a strike or work stoppage.
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II: On the Procedure Before the Labor Courts in Legal Conflicts
-CHAPTER-
I: General provisions

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Art.486 - In matters relative to labor and the conflicts that arise from them, no procedural report shall be declared invalid due to defects of form.

In the event of an omission of an important item or of an incomplete, obscure or ambiguous item that prevents or renders difficult the right of defense or proof or solution of the matter, the labor courts can, on their own initiative, or at the request of a party, grant a period of no more than three-days to the party at fault for the new drafting or correction of the defective document whenever possible.

Nullification for non-formal defects can only be declared in those cases of irregularities that prejudice the rights of the parties or that prevent or render difficult the application of the law.

Art.487 - No suit related to labor conflicts can be subject to argument and legal action without a prior attempt at reconciliation, except in matters of authorization of strikes or work stoppages and the execution of sentences.

In summary matters the attempt at reconciliation and the argument will be achieved in the first hearing.

Matters related to the execution of collective pacts and awards in economic conflicts real offers consignments and housing evictions are regarded as summary.

Art.488 - The advance notice for reports, special orders and all other actions drafted in the courts and the minutes and documents that are filed in the offices of the secretaries of said courts should be put into effect within twenty-four hours of their date or of their filing.

Art.489 - In the proceedings before the labor courts, the advance notices

must be made via the mail or telegram, according to the requirements of the case, by action of the secretaries or via a report by the bailiff depending on the requirements of the interested parties.

Introductory suits before the lower labor courts must be notified by the bailiff.

Art.490 - The interested party shall notify the opposing party, via a report by the bailiff on the day after filing with a copy of the inventory of the file of reports, briefs or documents made in the office of the Secretary of the court.

Art.491 - In those disputes initiated or tried in the labor courts, the parties that file briefs or documents are obliged to accompany them with a number of copies equal, at least, to the persons that appear as opposing parties.

Art.492 - When the party in a brief is an association of employers or of workers, the number and date of registration of the association shall be indicated.

Art.493 - No brief containing indecent or offensive expressions against the parties or their representatives, or against the authorities or officials shall be allowed.

Art.494 - The labor courts can request public offices, associations of employers and workers, and any person in general, all the data and information related to the matters that are tried by them.

The public offices, associations and persons from whom the data and information requested are obliged to make them available without delay, or within the term indicated by the court.

Art.495 - The time limits for the legal proceedings in which the parties must participate are complete days and will be increased due to distance, at the rate of one day for each thirty kilometers or fraction over fifteen. Holidays included within time limit are not calculated.

If the time limit expires on a holiday, it is extended to the following day.

No legal action can be performed on holidays or before six in the morning or after six in the afternoon on working days.

Art.496 - In the course of the hearings, the presiding judge of the labor

courts is in charge of maintaining order.

He will compel the parties or their representatives to express themselves with moderation and respect, and the public to observe due order and silence.

He can suspend the parties use of the floor, in the event of disobedience, and call on the assistance of the police to clear the courtroom in the event of disruption of order.

Art.497 - For each case that is tried in any labor court, a file, including the briefs and documents presented by the parties and the verified legal actions or orders of said court, shall be prepared.

The secretary must note at the foot of all the briefs and documents the hour received antedate delivered, before passing them over to the file of which they must form a part.

Art.498 - The secretary of the labor court in which proceedings are initiated or continued shall ensure that the briefs, documents and all other papers of the same are kept together, in order, bound and sealed with the seal of the secretary.

These briefs, documents and all other papers must have sufficient margin to allow them to be sewed, stapled or bound without making them difficult to read.

Upon receipt of the first brief or document, or upon performing the first action, according to the Case the secretary shall begin an index which he shall continue to fill in while adding other briefs, documents, or legal actions.

Art.499 - Each file must be protected by a cover of durable paper on whose first page shall be written:

1st. - The number of the corresponding order

2nd. - The date of the initiation of the case;

3rd. - The nature of the same;

4th. - The names of the parties and their representatives, if any;

5th. - The date of reconciliation lo there was one, an which case it will be definitively filed; if there was none, the sentences, appeals or incidents up to the final action, which must be filed with it.

Copies can be issued to the parties only while the matter is pending a

decision or open to appeal.

Art.500 - The offices of the secretaries of the labor courts will have an index of all the files collected or received by them in which will be noted:

1st. - The number of the order of each one;

2nd. - The names of the parties,

3rd. - The date of the last action;

4th. - The date of termination or the fact that it is found in the files.

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II: On legal actions and their accumulation

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Art.501 - Any person interested in protecting or recognizing a legal right or situation, whose benefit is granted in the labor laws or derived from any labor contract, has access to the labor courts as a party.

Art.502 - Each person appearing as a party in a legal process before the labor courts has the option of acting for himself or through a representative.

In the latter case, however, a power of attorney must be filed, even as a formality, unless the party is present during the actions of his representative, declares the order in the office of the secretary or is represented by an attorney.

Art.503 - The presence of the party represented can be ordered at the judge's initiative if required for a better substantiation of the case and nothing can prevent obedience to this requirement.

Art.504 - In labor matters the costs of the proceedings are governed by common law.

Art.505 - All plaintiffs, principal as well as the accessory, are obliged

to accumulate in one joint suit the legal actions that may be brought against the defendant.

The failure to observe the rule above annuls the actions not tried jointly when these do not arise from the provisions of public order.

The plaintiff only has the right to a repeat of the costs in the first suit, if applicable, when the legal actions not tried jointly arise from provisions indicated in the preceding paragraph.

Art.506 - The judge will, on his own initiative, accumulate:

1st. - Suits between the same parties, when the substantiation and judgment in common are possible without prejudice to the law;

2nd. - Suits brought by an employer against two or more workers, those of the workers against the employer, when they have the same cause or identical purpose and are found at the same stage in the legal process.

Art.507 - The judge can try jointly the suits of employers against two or more workers or of the workers against the employer, even though they have distinct causes and purposes, when substantiation and Judgment are possible without prejudice to the law.

The joint trial of legal actions or suits does not involve their indivisibility.
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Art.508 - In all ordinary cases related to legal conflicts, the action is initiated by means of a suit written by the claimant directed to the judge of the court with jurisdiction and delivered to the secretary of said court with the documents that justify it, if any, for all of which a receipt will be issued.

In the introduction, substantiation and judgment of summary cases, the suits are subject to the prescriptions in Title VII of this Book.

Art.509 - The brief of the suit must express:

1st. - The designation of the court before which it will be tried and the locality where the court functions;

2nd. - The names, profession, actual domicile, and the facts related to the plaintiff's personal identity number, as well as his exact indication of domicile of choice in the locality where the court with jurisdiction has its seat;

3rd. - The names and residences of the employers, or the domiciles of their choice if there is a labor contract verifying said election;

4th. - The concise, but organized and precise, statement of the circumstances, the locality they occurred and their exact or approximate date;

5th. - The purpose of the suit and a brief exposition of the reasons that serve as its foundation;

6th. - The date the brief is drawn up and the signature of the plaintiff, or that of his representative if he has one, and if he does not have any or does not know how to sign, that of a person who has no position with the court and at the plaintiff's request does so in the presence of the secretary to which the latter will certify.

Art.510 - The party who lacks aptitude for the drafting of the brief of the suit can use the services of the secretary of the court or the employee that the latter indicates.

The formality of signing is subject to the prescriptions in number 6 of article 509.

Art.511 - Within forty-eight hours following the delivery mentioned in article 508, the presiding judge of the lower labor court shall designate the judge who will try the suit.

Within the following forty-eight hours, the judge shall authorize notification of the suit and the documents filed with it to the person sued, as well as his summons to a hearing set in the same writ via the bailiff of the court trying the case.

Between the date of the summons and the hearing there must be no fewer than

three complete days.

Art.512 - For the notification prescribed in article 511, the bailiff shall observe the provisions of articles 68 and 69 of the Civil Procedure Code.

The report of notification will state:

1st. - The locality and date of the action of the bailiff;

2nd. - The date of the writ that authorizes the notification and the designation of the court whose judge issued it;

3rd. - The names and residence of the bailiff and the designation of the court where he performs his functions;

4th. - The declaration of the bailiff if he has moved from the locality where the notification must be made, and the indication of the names and position of the person he speaks to and to whom he delivers the copies of the written suit, the documents and the writ, as well as his own report;

5th. - The amount of honorariums for the action and the signature of the bailiff.

Art.513 - The defendant will file his defense brief in the office of the secretary of the lower labor court before which he has been summoned, prior to the hour set for the hearing.

For the purpose of this brief, he will also file the documents that serve as the basis of his defense if he has any, as well as the copies required by article 491.

Art.514 - The defendant's brief shall contain the following statements:

1st. - The designation of the lower labor court to which it is directed;

2nd. - The name, profession, and actual domicile and the facts related to the defendant's personal identity number and the exact indication of his elected domicile in the locality where the court with jurisdiction has its seat;

3rd. - The name, profession and actual domicile of the plaintiff and dates of the brief, the writ of the judge and the notification of the suit;

4th. - The agreement or opposition of the defendant with respect to the circumstances expressed by the plaintiff, and, if appropriate, the concise exposition of other circumstances, the place where they occurred and their exact or approximate date;

5th. - The summary exposition of the means and allegations opposing the suit;

6th. - The date of the brief and the signature of defendant or his representative, if any.

If the defendant does not know how to sign his name or does not have a representative who can do it for him, the prescriptions in number 6 of article 509 shall be observed.

All the provisions of article 510 are applicable to the defendant.

Art.515 - The defendant can include in his defense brief, save for his right to make it orally ln the hearing, the counterclaims that would be in order with an exposition in such a case in a summary manner of the circumstances and place where they occurred and their exact or approximate date, as well as the purpose of said counterclaims and their basis.

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Art.516 - On the-set day and hour for the court appearance, together with the judge and members in public hearing with the attendance of the secretary, the judge shall declare the sessioning of the court with the powers of a court of reconciliation and shall order the reading of the briefs of both parties.

Art.517 - The judge, once the briefs have been read by the secretary, shall specify the controversial points of the suit and offer the floor to the members to try to reconcile the parties by whatever legal means dictated by prudence, good judgment, and justice.

Art.518 - In the course of the action as reconciling parties, the members will express to the parties any reflections they consider opportune, striving to convince them of the advisability of reaching an agreement.

They will suggest reasonable solutions and will exhaust all the persuasive means within their reach, preserving, in any event, their nature as impartial mediators imposed upon them by their capacity as members of the court.

Art.519 - During this conciliatory action of the members, the judge can only intervene to maintain order in the hearing, in conformity with the provisions of article 496.

However, if any proposition is made in conflict with the legal provisions of public order status, he shall warn the parties or the members, according to the case, inviting them to try other solutions or eliminate from the proposition, if possible, the prohibited conditions.

Art.520 - The reconciliation hearing will end immediately when an agreement is reached or when the Judge considers it useless to continue in view of the attitude of the parties or one of them.

The judge has the option of suspending the hearing in order to continue it at a later date, when requested by common agreement of the parties, with the purpose of making reconciliation easier.

In this case, the judge's statement which sets the day and hour for continuing the hearing is the same as a summons for the parties.

Art.521 - In the event the hearing ends by the reconciliation of the parties, the judge shall order the drawing up of the corresponding minutes, recording therein the terms agreed upon.

The minutes, once signed by the members of the court and by the secretary, shall have the effect of an irrevocable sentence.

Art.522 - If a reconciliation is not reached, the judge shall set the day and hour for hearing the production and discussion of proofs; he shall order the drawing up of the minutes of that which occurred and declare the hearing terminated.

The minutes will be signed by the members of the court and the secretary.

The hearing indicated in this article may not be held sooner than three days after setting the date.

The declaration of the judge of the day and hour for the second hearing is the same as a summons for the parties present.

If any of them are absent, he shall be summoned by the secretary.

Art.523 - The personal appearance of the employer or his authorized representative is obligatory at the reconciliation hearing.

Art.524 - Lacking proof to the contrary, the non-appearance of both parties is sufficient to presume their reconciliation and authorizes the judge to order the report definitively filed.
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2nd.: On legal procedure.I. On the production and discussion of proofs

-ARTICLES-

Art.525 - On the day and at the hour set for the appearance or the parties they will meet together in public hearing with the judge and members, assisted by the secretary, and the judge shall declare the sessioning of a court with the powers of a court of justice and legal conflicts.

He shall then offer the floor to the parties in order for them to state if, after the first hearing an agreement had been reached between them, and so that they will otherwise try to achieve that before proceeding to the production and discussion of the proofs.

Art.526 - The members will participate in the second attempt at reconciliation with the same powers and the same duties legally conferred on them for the first one.

After a reasonable time has passed without achieving the reconciliation of the parties, the judge shall invite them to produce the proofs of their respective contentions with the plaintiff being first.

Art.527 - The judge, without prejudice to substantiation of the case, shall strive for the production of the proofs to be verified in the briefest period possible.

He can decide that the hearing or part of it be held behind closed doors if justified by the interests of maintaining order, avoiding the revelation of

technical secrets or any Other serious situation.

Art.528 - In the same hearing of the production of proofs, or in the following, if the advanced hour does not allow it to be done in the former, the court shall proceed to argue the case, as well as the object of the suit.

When one hearing is not sufficient for the production of the proofs, the judge can order its continuation in a new hearing in which the parties\will present their means of proof, conclude the substance, and the case will remain in a state of judgment.

Art.529 - Each one of the parties, especially the plaintiff, has the power to make their observations in relation to the proofs produced and set forth their arguments with respect to the purpose of the suit.

Art.530 - The judge can declare the discussion finished when he considers that it has been sufficiently substantiated.

He can, also, in the course of the discussion or once it is finished, request from the parties additional information or clarification about the circumstances, allegations, rights or situations regarding the case under discussion.

Art.531 - When all the parties have been heard, the judge shall order the secretary to put into the minutes, in a summary fashion, everything which occurred in the hearing.

This minutes shall be signed by the members of the court and the secretary.

In the course of the following forty-eight hours, the parties can amplify their observations and arguments in briefs type-written in double space.

Art.532 - Failure to appear by one or both parties at the hearing of production and discussion of the proofs does not suspend the proceedings.
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2nd.: On legal procedure.II. On the sentence

Art.533 - The appraisal of the proofs, the decision in the case and the drawing up of the sentence fall to the judge, who can consult with the members of the court on the facts or matters of a technical nature within their knowledge.

Art.534 - The Judge shall be called upon to supply any means of law and shall decide in a single sentence on the substance and the incidents, if any, except in those cases of irregularities in form.

Art.535 - The sentence shall be handed down within fifteen days following the expiration of the terr indicated to the parties for presenting their amplification briefs, when individual conflicts are dealt with, and within thirty days, when dealing with collective legal conflicts.

When the sentence is not handed down within the period indicated, either of the parties showing interest may request the Supreme Court of Justice, the presiding judge of lower labor court, or the presiding judge of the upper labor court if dealing with the National District or the Judicial District of Santiago, that the case be tried in another jurisdiction of the same level or before another chamber of the same court so that a sentence be issued within the periods indicated procedurally.

In the event of an infraction or recurrence, the sanction established in article 5 of law 2-91, January 23, 1991, is applicable.

Art.536 - If the judge should order any measure of instruction the period shall not start until the day following the execution of the measure ordered.

Art.537 - The sentence shall be handed down in the name of the Republic and must state:

1st. - The date and place it is issued;

2nd. - The designation of the court;

3rd. - The names, profession, and domicile of the parties, and those of their representatives, if any;

4th. - The petitions of the parties;

5th. - A concise statement of the procedural reports prepared in the case;

6th. - The summary statement of the proven facts;

7th. - The foundation and the extract;

8th. - The signature of the judge.

In setting the sentence, the judge shall take into account the variation in the value of the money during the time transpired between the date of the suit and the date the sentence is handed down. The variation in the value of the money will be determined by the change in the general consumer price index prepared by the Central Bank of the Dominican Republic.

Art.538 - Within forty-eight hours the sentencing, the secretary shall send each of the parties, by special delivery with an acknowledgment of receipt, a copy of the extract.

When the defendant has not chosen a domicile, notification will be made to the place where the bailiff made notification of the introductory brief of the suit.

Art.539 - The sentences of the lower labor courts in matters of conflicts in law shall be enforceable as of the third day of notification, except for the right of the party who has loss to consign an amount equivalent to double the penalties handed down.

When the consignment is performed after the execution has begun, the latter will remain suspended in the stage in which it is found.

In the event that there is danger in delay, the presiding judge can order in the same sentence the immediate execution after notification.

The effects of the consignment in such a case will be governed by the provisions of the second paragraph of this article.

Art.540 - All sentences in the labor courts are handed down in the presence of both parties.
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III: On the Proof
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Art.541 - The existence of a contested fact or right, in all matters related to legal conflicts, can be established by the following methods of proof;

1st. - Certified or personal documents;

2nd. - Reports or registries of the administrative labor authorities;

3rd. - Books, booklets, registries, and other papers which the labor laws or regulations require of employers or workers;

4th. - Testimony;

5th. - Suppositions of fact;

6th. - Direct inspection of places or things;

7th. - Expert reports;

8th. - Confession;

9th. - Sworn statements.

Art.542 - The admissibility of any of these methods of proof indicated in the preceding article, depend on their being produced within the time and in the manner determined by this Code.

The judges enjoy sovereign power in the evaluation of the consideration of these methods of proof.
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II: On written proof

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Art.543 - The party who wishes to make use as a method of proof an authentic or private document, reports or registries of the administrative labor authorities or books, booklets, registries or papers indicated in number 3 of article 541 are obliged to file them with the secretary of the corresponding

labor court with an initial brief, according to the prescriptions of articles 508 and 513.

Art.544 - Despite the provisions of the preceding article, the judge has the power, after hearing the parties, to authorize as a measure of instruction after the initial brief, the production of one or more documents indicated in said article when:

1st. - The party requesting it has not been able to produce it before the filing date of the initial brief, despite having made reasonable efforts to do so, and as long as in said brief, or in the declaration filed with it, the authority to request the admission of the document in the course of the proceedings has been petitioned, specifying the document in question;

2nd. - The petitioning party satisfactorily demonstrates that on the filing date of the initial brief he was unaware of the existence of the document whose production he now intends to make, or when its date is after the filing of the initial brief.

Art.545 - The request for authorization indicated in article 544 must be made in a written brief which the interested party will file together with the document he intends to produce, indicating the circumstances or law which he proposes to prove with it.

The secretary of the court will immediately send a copy of the brief and the document to the opposing party so that within the following forty-eight hours he will communicate to the secretary of his consent or his observations on that which was requested.

Art.546 - Within the forty-eight hours following the expiration of the period indicated in the last part of article 545, the judge shall grant or deny the request, by a special order that the secretary will communicate to the parties one day after its date, at the latest.

The special order that authorizes the production will set for each of the parties a period of no less than three days nor more than five to state in the office of the secretary, verbally or in writing, their respective measures regarding the new production.

The period indicated to the party against whom the document has been produced will begin as of notification by the opposing party.

Art.547 - The production of the reports or registries of the administrative labor authorities will be made at all times through copies certified by the head of the office where the originals are found.

The parties can have certified by the Labor Department or the local authority exercising that function, copies of their respective books, booklets, registries or papers that have to be produced in a dispute when the use for which they are destined or some legal or regulatory provision does not allow them to be filed in the secretary s office.

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III: On the Proof
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III: On the testimony

-ARTICLES-

Art.548 - The nearing or witnesses must be conducted on one hearing on the production or proof.

The only witnesses who can be heard are those who are contained in the list filed no less than two days before the hearing in the office of the secretary where each party may request the copy that corresponds to each one.

Each list will state:

1st. - The names, profession, domicile, and residence of each witness:

2nd. - The names, profession, and domicile of the employer to whom the witness provides service if he is a worker, or the type of business he has if he is an employer or the statement that the witness is neither worker nor employer;

3rd. - The facts to which the witness can testify.

Art.549 - Testimony against the contents of a written document whose validity has been acknowledged or declared cannot be admitted.

The document whose signatures or contents have not been the object of disagreement will be held to be acknowledged.

Art.550 - Before the hearing of witnesses begins, the judge shall request the parties to specify what they propose their witnesses to prove with their testimony.

Uncontested facts, those which are related to the prohibition contained in article 549, and those which are not pertinent, are excluded by the judge at his own initiative or at the request of a party.

Art.551 - Minors less than fifteen years old cannot testify as witnesses except when they are workers.

However, the judge can admit or order to be heard as a simple report that which is within the knowledge of a non-working minor less than fifteen years old whose sound judgment may be presumed in the absence or insufficiency of all other kinds of proof.

Art.552 - The witnesses shall testify separately and may not use any writings, diagrams or drawings of any kind.

Before testifying, each witness will tell, upon invitation of the judge, his name, profession, domicile, and residence, if he is related to or associated with one of the parties, and to what degree and later swear a solemn oath to tell the truth.

Art.553 - On the request of a party, the following will be excluded as witnesses:

1st. - A relative or associate of one of the parties, in direct line, whatever the degree, and collateral line up to and including the fourth degree;

2nd. - The spouse or former spouse of one of the parties;

3rd. - The person who lives under the same roof with one of the parties, whatever their relationship;

4th. - The person who maintains or has maintained litigation with one of the parties in the course of the two years pr or to the case that requires his testimony;

5th. - The person who maintains an attitude notoriously hostile or that shows enmity with respect to one of the parties or his representative;

6th. - The person who has been linked with one of the parties by any labor contract terminated by unilateral desire with or without just cause in the course of six months prior to the case requiring his testimony;

7th. - The person who has been sentenced by virtue of an irrevocable sentence for a crime, or for robbery, fraud, embezzlement or perjury.

In any event the presiding judge can admit the challenge of any witness as

long as there is serious suspicion that he is in favor or against one of the parties.

Art.554 - The party interested in excluding the hearing of a witness for one of the causes stated in article 553, must make the challenge before the witness is sworn in or takes an oath to tell the truth.

The judge shall interrogate the challenged witness on the circumstances which form the basis of the cause invoked and shall decide immediately.

Art.555 - The judge shall indicate to the witness who has not been the object of challenge or whose challenge has not been allowed the circumstances which he shall have to deal with in his testimony in accordance with the indication found on the list filed by the interested party and shall ask him to recount them.

Once the recounting of the facts has finished, the judge, the members, and, as the final resort, the parties, may interrogate the witness and request explanations of the circumstances included in his account or connected with it, as well as any circumstance that can make clear his truthfulness or impartiality.

The judge may participate in the interrogation made by the members or parties to clarify or explain to the witness the questions, or to limit them, if necessary, and even to exclude them, in the event that, in his judgment, they insinuate the response wished for by the questioner.

Art.556 - The Judge can also limit to up to three the number of witnesses that each of the parties can bring to testify on the same circumstance, in which case he must choose for hearing those that the party indicates are necessary.

Art.557 - In the minutes of the hearing, the testimony of each witness must be summarized in writing, as well as the questions asked and their corresponding answers.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
IV: On the direct inspection of places and things

-ARTICLES-

Art.558 - When the circumstances expounded by the parties in their respective briefs or during the course of the hearing of reconciliation make useful for the substantiation of the case the direct inspection of a factory, workshop or any work place, dependency or accessory of the same which has an immediate relation with the execution of labor contracts, the judge can order upon request by a party, suggestion by one of the members or at his own initiative the transfer of the court to the factory, workshop or place in question.

He shall have the same power when the usefulness of the inspection arises from observations and expositions the parties make in the hearing of production and discussion of proofs or in the following amplifications.

Art.559 - In the event foreseen in the first part of article 558, the judge shall order that the hearing of the production and discussion of proofs, in its first stage or in both, to take place in the same factory, workshop, or place subject to the inspection.

Art.560 - When the usefulness of the inspection refers only to one or more things whose displacement is possible with little or no expense or loss by the owner and without appreciable interruption of work, the inspection may be performed in the place where the court is in session.

Art.561 - Direct inspection may be ordered in the course of any hearing, including that of reconciliation, or by special order.

In the first case, the indication of the place, the day and hour ordered by the judge, will be the same as a summons to the parties present or properly represented.

When the inspection has to be verified by virtue of a special order, the secretary will summon the parties so that they can be present if they desire.

When inspection has been ordered during a hearing, the secretary will follow the same procedure for a party who did not appear or was not represented.

Art.562 - Between the date of the summons and that of the inspection, there must be a period that allows the parties to be present or represented.

In the cases of the inspection of place ordered during the hearing, the judge may order the move to take place immediately and even that the hearing continue in the place which is the object of the inspection, as long as the parties are present and properly represented.

The same procedure may apply in the cases of inspection of objects whose immediate displacement is possible, according the prescriptions in article 560.

Art.563 - The Minister shall draw up the report of all inspections.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
V: On expert reports

-ARTICLES-

Art.564 - The judge may order upon request of a party or at his own initiative, that the hearing proceed to the examination of experts, whenever the nature or circumstances of the litigation requires specialized knowledge

Art.565 - The examination can be ordered in the course of a hearing or by special order.

In either case, the judge must indicate;

1st. - The names of one or more experts;

2nd. - The power of the parties to substitute those designated by the judge for others or even just one, of their choice;

3rd. - The precise object of the examination in question;

4th. - The day and hour when the designated experts or their substitutes will have to give sworn testimony.

Art.566 - The secretary will send a copy of the special order to the parties and the experts within twenty-four hours of its date.

If the test is ordered during the course of a hearing, the secretary will send a copy of the report to the experts in the period indicated in this article

In the event that the parties make use of their power to choose experts in substitution of those designated by the judge, the most interested party will inform the secretary, in the brief drawn up and signed by him, or by declaration in the office of the secretary of which a statement shall be drawn up which said

parties will sign if they know how and are able, with the secretary.

The latter will send a copy of the brief or the statement of the declaration to the substituted experts as well as the substituting experts in the period indicated in the first part of the article.

Art.567 - The parties who do not use the power of choosing experts themselves can challenge those designated by the judge before the date set for the swearing-in.

The experts chosen by the parties can only be challenged when the cause of the challenge or knowledge of their existence is after their election.

Art.568 - Those who can act as experts must be over sixteen years old if workers.

In any other case the experts must be not less than eighteen years old.

A person covered by any of the causes indicated in article 553 can be challenged as an expert.

An expert whose challenge is admitted must be substituted by another designated in the same sentence by the judge.

The same procedure will be followed in those cases of non- acceptance of an expert or of chance event or force majeure which prevent them from performing their functions.

In those cases indicated by the two preceding paragraphs, the parties will retain, in relation to the substitute, the power given them in number 2 of article 565.

Art.569 - The experts must be sworn in before the judge on the day and hour indicated.

When their performance must be carried out in a municipality distinct from thereat of the court, they can be sworn in before the justice of the peace of the same; and if there be more than one, before the one indicated by the judge, all of which must be notified in a timely fashion to the parties so they can be present if they so wish.

Art.570 - The swearing-in ceremony for the experts will indicate the date, hour, and place on which the operation will begin.

The party not appearing at the presentation of the swearing-in can learn the date, hour and place indicated in the statement in the office of the

secretary of the court before which it was made.

Art.571 - The parties are obliged to give to the experts all the information that they request regarding the case which is subject to their examination.

They can also give them, in addition, all information they consider useful even when it has not been requested.

Art.572 - The parties can be accompanied by technicians or trained persons when they attend an examination of experts.

The participation of these persons shall be limited to illustrating or counseling the party they accompany, without in any event arguing with the experts or trying to influence in any way the results of the operations carried out.

Art.573 - The experts shall draw up and sign one statement in which the majority opinion will be written and the reasons that form its foundation.

When there are different opinions, these will be indicated with their reasons but without making the names of their respective supporters known.

Art.574 - The statement will be filed in the office of the secretary of the court accompanied by the corresponding copies and that of the oath, when this was done before a justice of the peace, within the period of fifteen days following the oath.

This period can be increased by the judge in cases justified by the request of the experts.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
VI: On confessions

-ARTICLES-

Art 575 - The judge may order the personal appearance or the parties in any stage of the case, at his own initiative or at the request of one of the parties.

Art.576 - The special order of personal appearance will indicate the day, hour, and place on which it must be verified and will order the summons of the parties at least three days before the date set for the hearing.

When the appearance is ordered in the course of a hearing, the parties present or properly represented will be regarded as summoned.

The appearance of the associations of employers or workers will be made by means of their representatives, of all other corporations by their Respective managers or administrators.

In any event the appearance of an association or corporation whose representative, manager, or administrator is not personally aware of the facts in dispute may not be ordered.

Art.577 - The request for personal appearance made by one of the parties is the same as a promise on the part of that party to appear personally.

Art.578 - On the day of the hearing the party that has requested the appearance shall indicate to the judge, in a concrete manner, the circumstances upon which he wishes the other to be interrogated.

The latter can, after responding to the interrogation, request that the former be interrogated over the same circumstances or ocher related matters of fact or law under discussion.

Art.579 - The judge can refuse to transmit to either of the parties the questions suggested by the other:

1st. - When dealing with inconclusive or non-pertinent facts;

2nd. - When the questions in themselves or their answers can refer to facts or circumstances that attack the honor or the esteem of the interrogated party, his spouse or that of one of his closest associates or relatives.

Art.580 - A party can refuse to answer a question:

1st. - In the case foreseen in number 2 of the preceding article;

2nd. - When dealing with circumstances outside the process or of circumstances for which the interrogated party, due to his not having participated personally, lacks sufficient information to answer;

3rd. - When the question is related to the procedures or methods of work, discoveries or inventions whose secret the interrogated party does not wish to reveal and has the right keep secret.

Art.581 - Failure to appear or the negative response of one of the parties without justifiable cause can be admitted as presumption against him.

Art.582 - The minutes of the interrogation shall state summarily the questions made by the judge, requested or not by the parties and their respective answers.

It shall be drawn up in the same hearing and read right there to the parties, who shall show Coheir assent or objections and shall sign it, if they know how and wish to do so, with the judge, the members and the secretary.

All of this shall be recorded at the end of the report.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
VII: On the oath

-ARTICLES-

Art.583 - The oath can only be deferred or referred on one hearing.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
VII: On the oath
-SECTION-
1st.: On the decisive oath

-ARTICLES-

Art.584 - In the procedures related to legal conflicts any of the parties may defer to the other the decisive oath over one or more concrete personal facts of the latter in the event of absence of any other method of useful proof.

The litigant to whom the oath is deferred can, at the same time, refer it to his adversary.

Any fact for which the oath is deferred shall be regarded as proven when the party to whom it is deferred refuses to take it or to refer it without justifiable cause.

The party who refuses to take the oath referred to him must yield in his intentions.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
III: On the Proof
-CHAPTER-
VII: On the oath
-SECTION-
2nd.: On the supplementary oath

-ARTICLES-

Art.585 - Only in the case of incompletely proven facts can the oath be deferred by the judge.

The oath deferred by the judge cannot be referred.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IV: On the Procedural Incidents
-CHAPTER-
I: On the means of the inadmissibility of the legal action

-ARTICLES-

Art.586 - The means deduced from the expiration of statutory time limits, value acquiescence, the absence of capacity or interest, the failure to register in the case of labor associations, that which has been judged or any other means that, without contradicting the substance of the legal action, makes it definitively inadmissible, can be proposed in any stage of the legal action, except for the possibility that the judge sentence for losses and damages those who may have abstained with the intention of delaying in order to invoke them

later.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IV: On the Procedural Incidents
-CHAPTER-
III: On the exceptions of annulment

-ARTICLES-

Art.590 - Any step or action verified before the expiration of the legal term that must precede it or after the expiration of the period within which it had to be verified shall be declared void:

1st. - When the failure to observe the period prejudices the right of defense of one of the parties or the rights enshrined in this Code of a public order nature;

2nd. - When the application of this Code or the labor regulations are prevented or made difficult.

Any step or action practiced by third parties in the name of any of the parties in violation of the prescriptions in article 502 related to the power of attorney shall also be declared void.

Art.591 - In the cases foreseen by this Chapter the annulment can be pronounced, even by the judge at his own initiative, at any stage of the action.

Art.592 - The sentence that allows the annulment will set the date for trying the case, if pertinent. The judge can, if the annulment in his judgment does not prevent the trying and judging of the case, in the same sentence but via different provisions, rule on the annulment and the substance of the litigation, except for placing the parties in default prior to conclusion over the substance in the next hearing.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IV: On the Procedural Incidents
-CHAPTER-
IV: On the exception of irregularity of form

-ARTICLES-

Art.593 - The party who has an interest in the new draft or correction of a defective statement in those cases of omission of a substantial item or of an incomplete, ambiguous or obscure item can request it in a written brief addressed to the judge or orally in the hearing, before any discussion.

Art.594 - When the request is made in the hearing and the statement comes from the opposing party, he can obey immediately, giving in the same hearing the new draft or correction of the statement or the portion of the statement indicated as irregular or promising to do so in the course of the following three days.

In the first case, the hearing may continue if the party that proposed the exception has no evident interest in opposition.

When there is legitimate opposition by the party who has proposed the exception or when a new draft or correction of the irregular statement has to be done after the hearing, the judge shall order the suspension of the hearing and set the day and hour to continue it.

Art.595 - In all cases of a new draft or correction of statements indicated as the beginning of a period for a step or action, said period shall begin as of the date of the new draft or the correction of the same.

Art.596 - The judge can order at his own initiative, before any discussion, the new draft or correction of the statement in which, in his judgment, a substantial item has been omitted or which contains an incomplete, ambiguous or obscure item.

The special order that provides for the new draft or correction of the statement shall set a period of three days for its execution.

The new draft or correction ordered in the hearing, except for cases foreseen in the first part of article 594, shall proceed in the same manner.

The exceptions foreseen in this Code must, under penalty of inadmissibility, be presented simultaneously before any defense of the substance or means of non-admission.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law

-TITLE-
IV: On the Procedural Incidents
-CHAPTER-
V: On the challenge

-ARTICLES-

Art.597 - Any of the members of a lower labor court can he challenged:

1st. - When he has any personal interest in the matter or when his spouse, or former spouse, or any relative or associate in direct line or relative in the collateral line up to and including the fourth degree has as well;

2nd. - When he lives with one of the parties under the same roof whatever the relationship;

3rd. - When he has given an opinion on the matter;

4th. - When he has or has had litigation with one of the parties in the course of the prior two years or when his spouse, one of his relatives~or associates in the second degree in the collateral line has or has had in the same period;

5th. - When he maintains an attitude notoriously hostile or of manifest enmity regarding one of the parties or his representative.

Any of the members can be challenged, besides, when he has been linked with one of the parties by some labor contract terminated unilaterally, with or without just cause, in the course of the six months prior to the introduction of the suit in question.

Art.598 - The member of the lower labor court who finds himself in one of the cases of challenge stated in article 597, must so declare to the rest and request his exclusion, which must be agreed to.

He could request exclusions besides, when special circumstances, which he is not obligated to reveal, do not allow him to act with complete independence or impartiality.

Art.599 - The challenge must be requested in a brief filed in the office of the secretary of the Court with jurisdiction, before the hearing of the case has begun.

This can also be requested verbally from the office of the secretary.

From this declaration a statement shall be drawn up which the challenged party or his representative shall sign, if he knows how and can do so, with the secretary.

Art.600 - The secretary will give a copy of the brief or statement to the challenged member within twenty-four hours following the filing or the declaration so that he admit or deny the circumstances indicated as a cause of the challenge.

The challenged member will admit or deny the circumstances in writing or by statement before the secretary, within twenty-four hours of delivery of the copy mentioned in this article.

The response of the challenged member must be summarily motivated when he denies the facts alleged by the challenging party.

In this case, the secretary will send a report to the upper labor court within forty-eight hours following the filing of the response or the statement of the challenged member.

Art.601 - The challenge shall be decided by the upper labor court within five days of the reception of the statement.

The decision issued in this respect shall not be subject to any appeal.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VI: On Participation
-CHAPTER-
I: On voluntary participation

-ARTICLES-

Art.602 - A third party who has a legitimate interest in a labor conflict can participate as a party therein.

Art.603 - Participation will be initiated through a brief filed the office the secretary of the court, with the documents that justify the interest of the intervening party and that which serves as the substance of his claims, if any.

The initial brief must contain:

1st. - The designation of the court it is addressed to;

2nd. - The names, profession, domicile and items related to the personal identity number of the participating party and the exact indication of an elected domicile in the same place where the court has its seat;

3rd. - The respective names profession and current domicile of the plaintiff and defendant;

4th. - The legitimate interest alleged for the participation;

5th. - The purpose of the participation and a summary exposition of the factual and legal means upon which it is founded;

6th. - The date of the brief and the signature of the participating third party or his representative.

Art.604 - Under no circumstances will the participation be admissible after the holding of the hearing on the production and discussion of proofs.

Art.605 - The participation shall not detain the regular course of the proceedings, but may prolong them when necessary to guarantee the rights of defense of the participating third parties or of the party requiring the participation of a third party, according to the prescriptions in the following chapter.

Art.606 - When the third party's own interest is not contrary to that of one of the principle parties, the means and actions of the former will be executed in the periods indicated by this Code for said party.

Otherwise, participating party will enjoy periods equal to those granted to the principal parties but his steps and actions must be executed before those of the latter.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VI: On Participation
-CHAPTER-
II: On compulsory participation

-ARTICLES-

Art.607 - Any of the parties can require the participation of a third party.

Art.608 - The party interested in requiring the participation will follow the rules prescribed for the suit introducing the action.

Art.609 - The participation and the principle suit shall be decided in the same sentence.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VII: On Summary Proceedings

-ARTICLES-

Art.610 - The procedure established in this chapter applies only to the matters listed in the last paragraph of article 487.

Art.611 - The party wishing to require compliance with the collective pact or a arbitration award on working conditions, or the payment of losses and damages due to non-compliance, must do so via a written suit addressed to the judge of the court with jurisdiction or by declaration in the office of the secretary of said court.

Art.612 - The brief of the suit or the statement it contains will express:

1st. - The names, domicile, and all other items necessary for the identification of the plaintiff and the defendant, as well as the last domicile chosen by the participants in the collective pact or in the arbitration proceedings, and plaintiff's elected domicile if he proposes to change it;

2nd. - The date of the pact or arbitration award for which compliance is sought and the date and number of its registration in the Department of Labor;

3rd. - The losses and damages claimed, in the event of continuing non-compliance of the pact or arbitration award, with the foundation for the evaluation of the same;

4th. - The date of the brief of the suit or of the statement and the signature of the party if it is a written suit.

Art.613 - Within the twenty~four hours of delivery of the brief or the date of the statement, the judge shall authorize the notification of the suit to the defendant and his summons for the hearing that is set in the same writ.

Between the date of the summons and that of the hearing a term no less than one full day will transpire.

Art.614 - The notification of the suit and the summons will be carried out in conformity with the prescriptions in article 512.

Art.615 - On the day and hour set for the appearance, with the judge and the members gathered in public hearing, with the assistance of the secretary, the former shall declare the court in session in its capacity for reconciliation and judgment and shall ask the parties to expound, without dispute, their respective claims.

Art.616 - Once the parties are heard, the hearing will proceed in agreement with that established in the articles 517, 518, 519.

When a reasonable time has passed without achieving reconciliation among the parties, the judge shall offer them the floor for the discussion of the case and shall request them to file in the office of the secretary their respective motivated conclusions.

Art.617 - The sentence shall be pronounced within eight days following the discussion, except in the case that the substantiation of the case requires some measure of investigation or the holding of a new hearing at which the parties must present their conclusions of the substance.

In said case, the period will begin one day after the execution of the ordered measure or the holding or a new hearing.

Articles 533, 534, 537, 538, 539 are declared applicable to this matter.

Art.618 - The appeal of the sentences pronounced in summary matters must be interposed within ten days of its notification, in the manner established for ordinary cases.

The substantiation and judgment of the appeal and the notification will be practiced in conformity with the prescriptions of this Title.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
I: On the appeal
-SECTION-

1st.: General provisions

-ARTICLES-

Art.619 - Any sentence issued by the lower labor court in matters of legal conflicts can be contested through recourse to appeal except for:

1st. - Those regarding suits whose amount is less than ten times the minimum wage;

2nd. - Those that this Code declares not susceptible to said appeal.

Sentences that decide on jurisdictions can be appealed in al cases.

Art.620 - The recourse of appeal against a sentence can only be used by someone who appears as a party therein.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
I: On the appeal
-SECTION-
2nd.: On preliminary procedure

-ARTICLES-

Art.621 - The appeal must be interposed by means of a brief filed in the office of the secretary of the court with jurisdiction within one month as of the notification of the contested sentence.

Art.622 - It can also be interposed by a statement from the party or his representative in the office of the court secretary.

In the latter case, the secretary will draft a report of the statement which will be signed by the appellant or his representative if he knows how and can do so.

Art.623 - The appeal brief must contain:

1st. - The names, profession and actual domicile of the appellant, the legal statements related to his personal identity number and the exact

indication of the elected domicile in the place where the upper labor court to which the case is appealed has its seat;

2nd. - The date of the contested sentence and the names, profession and actual domicile of the persons who have appeared as parties in the same;

3rd. - The purpose of the appeal and a summary exposition of the factual and legal means upon which it is founded;

4th. - The date of the brief and the signature of the appellant or that of his representative.

Art.624 - In the event that the appeal is made by a statement in the office of the secretary, it must contain the statements indicated in the first three sections of article 623.

Art.625 - Within the first five days following the filing or the brief or the statement, the secretary shall send a copy to the opposing party, without prejudice to the right of the appellant to notify the opposing party of the appeal.

Art.626 - In the course of ten days following the notification indicated in article 625, the party notified must file his defense brief in the office of the secretary, expressing:

1st. - The names, profession and actual domicile of said party, the statements related to his personal identity number and the exact indication of an elected domicile in the place where the upper labor court has its seat;

2nd. - The date of notification of the appeal brief or the report of its statement;

3rd. - The factual and legal means by which the appealed party opposes those of the appellant, as well as his own in the event that he is an accessory appellant and his petitions;

4th. - The date of the brief and the signature of the appealed party or his representative;

Art.627 - The defense can be produced by a statement in the office of the secretary, in which case the secretary will draft a report expressing the statements indicated in the first three sections of article 626, which will be signed by the appealed party or his representative, if he knows how and can do so.

Art.628 - The appellant will be notified of the brief or statement by the

secretary within forty-eight hours of its filing or declaration.

In the same period the secretary will turn over all files to the upper labor court.

Art.629 - The presiding judge shall set the day and hour for hearing the appeal within forty-eight hours of the files having been turned over to the upper labor court.

Between the date of the order and the hearing there must be no less than eight days.

Art.630 - The office of the secretary will send to each of the parties due copies of the order within twenty-four hours of its date, directed to the respective domiciles chosen in their briefs.

These notifications will be the same as a summons to the parties for the hearing indicated in the order.

Art.631 - The production of new documents can be admitted in the cases foreseen by article 544.

The request for authorization will be filed in the office of the secretary of the court with the documents whose production is intended to be made at least eight days before the date set in the hearing.

Art.632 - Once the request is filed, matters will proceed in conformity with the provisions of the last part of article 545 and the first part of article 546.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
I: On the appeal
-SECTION-
3rd.: On the hearing

-ARTICLES-

Art.633 - On the set day and hour, the upper labor court shall meet in public hearing.

The presiding judge shall offer the floor to the parties for them to declare if in the time that has passed since the interposition of the appeal there has been an agreement between them and lo that, otherwise, they try to achieve a reconciliation before proceeding to the discussion of the appeal.

Art.634 - The prescriptions in the first part of article 527 are declared applicable to this matter.

Art.635 - Once sufficient time has passed in the judgment of the presiding judge without having achieved a reconciliation of the parties, said official shall terminate the final attempt at reconciliation and offer the floor to the parties for the discussion of the appeal.

Art.636 - The president can declare the discussion terminated when the court considers the matter to he sufficiently investigated.

In the course of the discussions or when this finishes, the judge can request the parties or one of them for additional information or clarification of the facts allegations of law, or situations related to the case discussed.

Art.637 - Once everyone has had an opportunity to speak, matters shall proceed in conformity with the provisions of article 531.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
I: On the appeal
-SECTION-
4th.: On the sentence

-ARTICLES-

Art.638 - The provisions from articles 533 to 540, inclusive, are declared applicable to the cases in this section with the modifications that follow:

1st. - The period for pronouncing the sentences will be one month as of the expiration of that indicated to the parties for presenting their briefs of amplification except for the provisions in article 536;

2nd. - The drafting of sentences will be the responsibility of the presiding judge or the judge he designates in each case.
-DESIGNATION-

Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
II: On the appeal of the Supreme Court
-SECTION-
1st.: General provisions

-ARTICLES-

Art.639 - Except for that which is established otherwise in this chapter, the provisions of the law on the procedure of appeal to the Supreme Court are applicable to this matter.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
II: On the appeal of the Supreme Court
-SECTION-
2nd.: On the procedure

-ARTICLES-

Art.640 - The recourse of appeal to the Supreme Court snail De introduced through a brief addressed to the Supreme Court of Justice and filed in the office of the secretary of the court that issued the sentence, accompanied by the documents, if any.

Art.641 - The appeal shall not be admissible after one month as of the notification of the sentence or when the penalty does not exceed twenty times the minimum wage.

Art.642 - The brief will state:

1st. - The names, profession and actual domicile of the appellant, the items related to his personal identity number, the designation of the lawyer who will represent him, and the indication of the domicile of the same which must be located permanently or by chance and for the purposes of the case in the capital of the Republic and where it is deemed by full law that the appealed

party makes choice of domicile, unless in the same brief another choice is stated which may not be outside said city;

2nd. - The designation of the court that pronounced the appealed sentence and its date;

3rd. - The names and actual domiciles of the persons that appear as parties in the contested sentence;

4th. - The means upon which the appeal is founded, and the conclusions;

5th. - The date of the brief and the signature of the appellant's lawyer.

Art.643 - Within the five days following the filing of the brief, the appellant must notify the opposing party with a copy of the same, the secretary in the same period will send a complete file and an inventory in duplicate of the sections of the same to the secretary of the Supreme Court of Justice who, within three days of its receipt, will return one of the duplicates signed by him.

Art.644 - Within fifteen days of notification of the brief introducing the appeal to the Supreme Court, the appealed party must file in the office of the secretary of the Supreme Court of Justice his defense brief, and notify the appellant within three days of the filing of his copy of said brief, with the authorization of his lawyer and designation of domicile, in accordance with the prescriptions in number 1 of article 642.

Art.645 - Once the fifteen days indicated in article 644 have passed, or the brief of the appealed party has been filed in the course thereof, the secretary will turn the file over to the President of the Supreme Court of Justice, who shall set the corresponding hearing through a writ, without previous report or judgment from the Attorney General of the Republic.

Art.646 - The Supreme Court of Justice must rule within thirty days after the hearing is held.

The sentence shall be in accordance with the prescriptions in ar isles 23 and 24 of the law of the; Procedure for Appeal to the Supreme Court.

Art.647 - Within five days after the date of the sentence the secretary of the Supreme Court of Justice will send a certified copy to the office of the secretary of the court that issued the appealed sentence if it has been overruled.

In the same period he will send the file to the secretary of the court that sent it or to that from which the appealed sentence proceeds if it has not been

overruled.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
VIII: On the Recourse
-CHAPTER-
III: On third party matters

-ARTICLES-

Art.648 - The third party whose rights have been prejudiced by a sentence, can bring against it a third party appeal. They can bring it, as well, against the successor of one of the parties when a victim of fraud.

Art.649 - The principal third party appeal must be brought before the court that issued the sentence.

The accessory suit shall be initiated before the court that tried the principal suit if this is of the same or superior degree as that which issued the sentence.

Art.650 - The principal third party suit shall be brought, substantiated, and judged as any principal legal action related to a legal conflict.

The accessory suit can be initiated by a brief filed in the office of the secretary or by a statement of the party or his representative, which must contain, in any case, the statements indicated in article 509.

Art.651 - In the cases of a principal third party suit, the court can suspend the execution of the sentence which is the object of said recourse.

In the cases of an accessory third party suit, it can suspend the course the procedures of the principal one.

Art.652 - The court that allows the third party suit will retract or modify the sentence in all things prejudicing the rights of the third party bringing the suit.

In the event of non-admission, it can, via the same sentence, order the third party to pay losses and damages in favor of the party that suffered loss, if it is established that the third party brought suit or pursued the appeal in bad faith or as a consequence of a gross mistake.

It can also declare the party who would have benefitted from the third party's appeal to be jointly obliged to pay those losses and damages, if it is established that any manner of agreement existed between them.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IX: On Some Special Procedures
-CHAPTER-
I: On real offers and consignment

-ARTICLES-

Art.653 - Any employer or worker who wishes to free themselves of the obligation to pay an amount of money arising from the labor contracts or of collective pacts or has been contracted for the execution of the same can refer it to the office of the Income Tax Collector corresponding to the place where the creditor has his domicile upon a real offer of payment not accepted by the latter.

Art.554 - The offer, the referral and its legal effects shall be governed by common law.

Art.655 - The suit on the validity or annulment of the offer or the referral shall be introduced before the corresponding lower labor court and shall be substantiated and decided according to the rules established for summary matters.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IX: On Some Special Procedures
-CHAPTER-
II: On evictions from housing

-ARTICLES-

Art.656 - The workers who upon expiration of the period indicated in number 10 of article 44 have not given up the housing provided by the employer, occupied by them by virtue of the labor contract just terminated, can be evicted by sentence of the lower labor court with jurisdiction, at the initiative of the employer.

Art.657 - The eviction suit shall be initiated, substantiated, and decided in conformity with the rules prescribed for summary matters.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IX: On Some Special Procedures
-CHAPTER-
III: On the authorization of strikes and work stoppages

-ARTICLES-

Art.658 - In the event of a strike or work stoppage declared after the prescriptions in article 407 on strikes which article 415 declared applicable to work stoppages have been fulfilled, the upper labor court with jurisdiction to authorize the strike or work stoppage continues to be covered in the corresponding instance by a writ which the president of said court issues in conformity with the provisions in article 684.

Art.659 - On the day and hour set in the writ mentioned in article 658, the court shall meet in public hearing.

The presiding judge shall offer the floor to the parties so they can make an exposition of the case and produce the means and proofs justifying the authorization of a strike or work stoppage.

The party that has declared the strike or work stoppage will speak first.

All the prescriptions in article 636 are declared applicable to the authorization procedure.

Art.660 - The court shall pronounce sentence within five days following the date the hearing ends. If the conflict is of law, the sentence of authorization must decide said conflict. If it is economic, matters proceed in conformity with article 686.

The parties will be notified of the sentence of authorization within forty-eight hours of its date, and it shall not be subject to any appeal.

Art.661 - In the event of strike or work stoppage declared in violation of the prescriptions in articles 403, 406, and 407, the upper labor court with jurisdiction to authorize it can proceed at the request of a party or the

Ministry of Labor, and even at its own initiative, within five days of learning of the existence of the strike or work stoppage.

When it acts by virtue of a request, the petitioner affirming the existence of a state of strike or work stoppage is sufficient.

Art.662 - The writ of the presiding judge of the court that initiates intervention in this matter, shall be subject to the prescriptions in article 684.

The court shall proceed in conformity with the provisions of articles 659 and 660.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
IX: On Some Special Procedures
-CHAPTER-
IV: On the execution of the sentence

-ARTICLES-

Art.663 - The execution by means of an attachment of the sentence of the labor courts falls to the labor court that issued the sentence and shall be governed by the summary procedure foreseen in this Code, and in a supplementary manner, by common law, in the measure in that it is not incompatible with the standards and principles that govern the process in labor matters. Real estate attachment shall be governed by the articles 149, 150, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166 of the law of Agricultural Development No.6135, February 12, 1963.

In the withholding attachment, the attached third party shall pay the executor the amount of the ordered fines upon the presentation of the sentence with the irrevocable authority of that which has been judged.

For such purposes, the executor shall furnish a copy certified by the labor court that issued the sentence.

Art.664 - Once the execution of the sentence has been initiated it shall be placed into effect without stays.

The execution agreed upon can be suspended or stopped at the request of the executor.

Art.665 - When a month has passed without the executor having notified of the continuation of the proceedings, the court shall require that he show, within five days, if the execution is to continues and that he petition that which is advantageous to his rights, with the warning that once this last period has passed the action of the case will be provisionally or definitively filed.

Art.666 - In those cases of execution of these sentences or of another kind of execution, the presiding judge of the court can order, in referral, all the measures that do not coincide with any serious dispute or that are justified by the existence of a postponement.

Art.667 - The presiding judge of the court can always order in referral those conservation measures that are imposed to prevent imminent damage or to cause a manifestly illegal disturbance to cease.

In those cases in which the existence of the obligation is not seriously in dispute, the court can grant a guarantee to the creditor.

It can, in the same ways establish financing or penalties or set pertinent indemnities.

Art.668 - It will also have the powers given by the law 834 of 1978, and the Civil Procedure Code to the judge of the referrals to the degree that they are not incompatible with the standards and principles that govern the process in labor matters.

Art.669 - Any compromise or renunciation of rights recognized by the sentences of the labor courts favorable to the worker is prohibited.

Art.670 - If the party who is attached has no assets, or if these are insufficient, the court shall declare total or partial provisional bankruptcy, until the assets of the party attached are assessed and order the payment of the penalty in accordance with the mechanisms established in articles 465 and 466.

Art.671 - No appeal and no other recourse can be made against the execution of the sentence that provides for the eviction of the worker when the latter occupies housing by virtue of his contract or as an accessory to it. The grace period may not exceed one month.

Art.672 - When the sentence grants indemnities in matters of legal liability that implies indemnities for losses and damages by worker, the execution, under the liability of the employer, must respect the minimum wage, and cannot exceed fifteen percent of the ordinary salary of the worker.

Art.673 - In anything not foreseen in this Title, common law shall prevail except in relation to jurisdiction and summary procedure established in this

Code.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
I: On reconciliation

-ARTICLES-

Art.674 - The party interested in one solution or an economic conflict not resolved by direct agreement will request the mediation of the Ministry of Labor, through a dated and signed brief that expresses:

1st. - The names, domicile and all other statements necessary for the identification of the interested party, including the date and number of his registration in the Department of Labor if it is a labor association, as well as the names, domiciles and all other statements necessary for identification of the opposing party;

2nd. - The working conditions whose adoption or modification the interested party hopes to obtain and the basis for his claims;

3rd. - The reasons the opposing party gives for not accepting them.

The brief must be accompanied by the copies necessary for its notification to the opposing party or parties regarding whom the administrative intervention is requested.

Art.675 - Within forty-eight hours following the filing or receipt of the brief, the Minister of Labor shall order the subsequent distribution of the copies received, with said brief, and shall designate as a mediator one of the officials or employees of his office or offer himself as a mediator.

The designation of a mediator will be communicated to the parties in the same period indicated in the article.

Art.676 - The mediator, within forty-eight hours of his designation shall summon the parties by telegram so that they be present at the place, on the day, and at the hour that are indicated, and once brought together, he shall try to reconcile them, acting, in this effect, in conformity with the provisions of articles 518, 519, 520.

Between the date of the summons and that of the meeting with the mediator, there will not be less than three days or more than five.

Art.677 - Except for provisions to the contrary by the Minister of Labor, the meeting must take place at one of the work places of the companies that participate in the conflict, or one of the places closest to the corresponding work center in the judgment of the mediator.

Art.678 - In the event of reconciliation a report will be drawn up which expresses that which was agree on.

Otherwise, or when a party regarding whom the administrative intervention was promoted does not appear, the mediator shall certify so at the request of the interested party.

Art.679 - The mediator shall report to the Ministry of Labor of the result of his mission within three days following the last meeting held with the parties.

The non-appearance without justifiable cause of any of the parties constitutes an infraction.

In those cases of non-attendance by one of the legally summoned parties, the mediator shall draw up an infraction report, in conformity with the provisions of article 439 of the Labor Code and must channel it to the restrictive court with jurisdiction through the Director of Mediation, Reconciliation and Arbitration.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
II: On arbitration
-SECTION-
1st.: On the designation of the arbitrators

-ARTICLES-

Art.680 - The parties will designate three arbitrators nor one solution of any economic conflict not resolved by reconciliation.

In cases of conflicts that affect an essential service, it is presumed that the parties will delegate the power of designation of arbitrators to the president of the upper labor court in the locality where the conflict has arisen, when they do not exercise the right for themselves within three days following the last meeting with the mediators, or when within the same period they do not declare their designation before the Department of Labor or in the office of the local representative.

Art.681 - To act as an arbitrator one must be an adult Dominican citizen and know how to read and write.

In those cases foreseen in article 680, two of the arbitrators shall be selected from the rolls of members mentioned in article 468 in the manner indicated for the formation of a upper labor court, and the third among the judges of said court.

Art.682 - The presiding judge of the court, in the case of delegation, shall designate the arbitrators and notify the parties of their names within forty-eight hours of the request of the more interested party.

The party that makes the request shall file, with his brief, the Certifications that verify that there has not been any administrative reconciliation, and that the designation of the arbitrators has not Seen made or declared in a timely fashion.

[The arbitrator designated in this manner must issue the arbitration award within the period of fifteen days.

When acting by virtue of a request, this must be accompanied by the documents that prove the existence of a strike.] 1/

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1/ These two paragraphs are found in some versions of the Labor Code but not in the official version published by the Ministry of Labor.

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Art 683 - If a strike or work stoppage has occurred, upon the fulfillment of the provisions of article 407, the presiding judge of the court shall order, via a writ, within twenty-four hours of the request or within five days of learning of the existence of the strike or work stoppage:

1st. - The resumption of work within four days;

2nd. - The summoning of the parties before the court, so that it can

proceed with the authorization of a strike or work stoppage.

When the presiding judge acts by virtue of a request, it must be accompanied by proof that the party who declared a strike or work stoppage has fulfilled the prescriptions of article 407.

Art.684 - The notification of the writ indicated in article 683 will be made by the secretary of the court within forty-eight hours of its dates and will be the same as a summons to the hearing.

Between the date of the notification mentioned in this article and that of the hearing, there will be no less than three days.

Art.685 - The presiding judge of the court shall designate the arbitrators and notify the parties of their names within forty- eight hours of their notification of the sentence of the court authorizing a strike or work stoppage.

Art.686 - The provisions of this Code related to the challenge of the judges and members of the courts of work are applicable to the challenge of the arbitrators.

The substitution of the challenged arbitrators shall be made in conformity with the provisions for their designation.

The period for substitution begins as of the notification of the sentence that admits the challenge.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
II: On arbitration
-SECTION-
2nd.: On the preliminary procedure

-ARTICLES-

Art.687 - The parties will deliver to each of the arbitrators accounts of their respective claims within three days of their designation if made by them, or following the notification prescribed by article 682 if this has been delegated.

The accounts signed by the parties shall indicate the respective domiciles chosen by them in the place where the upper labor court functions.

Art.688 - Within forty-eight hours following the delivery of the accounts or upon the expiration of the period set for doing so, the arbitrators shall summon the parties to appear on the day and hour indicated by them.

Between the date of the summons and that of the appearance there will be a period no less than forty-eight hours.

Except for provision to the contrary by the arbitrators, the discussion shall take place in the work place used by the mediator for the attempt at reconciliation.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
II: On arbitration
-SECTION-
3rd.: On the discussion of the conflict

-ARTICLES-

Art.689 - on the day and hour indicated nor One appearance one arbitrators shall try to reconcile the parties using the means advised by prudence, good judgment, and justice.

In the case of a reconciliation, things will proceed in accordance with that which is established in article 678.

Otherwise, the arbitrators shall invite the parties to expound and discuss their respective claims.

Art.690 - The arbitrators can ask the parties for explanations and clarifications regarding the affirmations made by them.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts

-CHAPTER-
II: On arbitration
-SECTION-
4th.: On the investigation of the case

-ARTICLES-

Art.691 - The arbitrators, after nearing One paroles, snail carry out an investigation of the case, for which they can be advised by two commissions, one of employers and the other of workers, with the same number of members.

When the case so requires, they can decide that the investigation be carried out by three technical consultants designated by them.

Art.692 - The investigation will study the entire conflict presented, its causes and circumstances, the conditions of the companies affected and the work that they perform and as many facts as can facilitate a just solution that harmonizes the interests in conflict and is not contrary to the social interest.

The arbitrators, as well as the technical consultants who carry out the investigation, shall be invested with the powers article 434 grants to inspectors, and are subject to the provisions of article 437 regarding the information they obtain in their in the course of actions.

Art.693 - The period of the investigation will not exceed in any case ten days.

The arbitrators shall draw up within said period a file in which they shall expound on the results obtained and propose to the parties the solution they consider most appropriate for putting an end to the conflict and preventing its repetition.

When technical consultants are used, they shall suggest the solution in the report drawn up for the arbitrators.

Art.694 - The arbitrators shall invite the parties to be informed of the results of the investigation and of the proposed or suggested solution so they can produce their observations in a final hearing that must be held between the third and fifth days as of the date of the invitation.

The invitation must be delivered on the same date as the drafting of the statement or within twenty-four hours after the production of the report and in it they shall indicate the place, day, and hour for the final hearing.

-DESIGNATION-

Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
II: On arbitration
-SECTION-
5th.: On the final hearing

-ARTICLES-

Art.695 - On the set Way and hour, One parties will expound and argue their observations on the statement drawn up by the arbitrators or the report of the technical consultants.

The arbitrators can request from them as many clarifications or data as they consider pertinent after hearing the observations and the discussion thereof.

No supplementary investigation can be ordered except requested by an agreement of the parties.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
X: On the Procedure for the Solution of Economic Conflicts
-CHAPTER-
II: On arbitration
-SECTION-
6th.: On the arbitration award

-ARTICLES-

Art.696 - The arbitrators snail decade the contract within Might days following the hearing, or following the supplementary Investigation, in the event that this be ordered.

Art.697 - When the parties accept without observations the solution proposed in the statement or suggested by the report, the arbitrators shall formalize it in the text portion of the arbitration award.

Art.698 - Any arbitration award shall be rendered enforceable by a writ of

the president of the lower labor court in the jurisdiction where the company is located. To this effect the details of the arbitration award shall be filed by one of the arbitrators within twenty-four hours of its pronouncement in the office of the secretary.

The arbitration award is not subject to any appeal.

Art.699 - The arbitration award affects the collective pact on working conditions when it resolves an economic conflict.

Independently of the other statements that be necessary in each case, the arbitration award shall decide how to proceed with the salaries of the workers during the suspension of the work, when in the course of the conflict there has been a strike or work stoppage.

Art.700 - The provisions in articles 486 to 500, inclusive, are declared applicable to the procedure regulated by this Title, in everything for which can be applied.

-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
XI: On the statutory limit of legal actions

-ARTICLES-

Art.701 - The legal actions over payment or overtime work have a statutory limit of one month.

Art.702 - Those that have a limit of two months are:

1st. - Those actions due to dismissal with cause or resignation;

2nd. - The actions over payment of the amounts corresponding to dismissal without cause and the severance benefits.

Art.703 - All other actions, contractual or non-contractual, deriving from the relations between employers and workers and the legal actions between workers, have a limit of three months.

Art.704 - The indicated limits begin in any case one day after the termination of the contract without being able to claim rights originating prior to the year the contract terminated.

Art.705 - The causes for interruption under common law are applicable to this matter.
-DESIGNATION-
Labor Code 92
-BOOK-
Seventh Book. On the Application of the Law
-TITLE-
XII: On the application of common law in matters of legal organization, jurisdiction and procedure

-ARTICLES-

Art.706 - Insofar as they are compatible With the organization and jurisdiction of labor courts, the provisions of articles 1 to 10, 14 to 20, and 24 to 26, all inclusive, of the law on Judicial Organization, as well as the chapters III, IV, VI, X, XX, XXII, and XXIII of the same law are applicable to the labor court in the same manner specified below:

There will be a lower labor court in the National District, divided into six courtrooms and a lower labor court in the Judicial District of Santiago, divided into two courtrooms.

Each courtroom will be presided over by one judge who will administer justice in conformity with the provisions of this Code.

The lower labor court will have a presiding judge whose responsibilities in addition to those foreseen in the other provisions of this Codes are to:

1st. - Assign the suits, on a rotational and chronological basis, to each courtroom of the lower labor court;

2nd. - Perform the administrative functions corresponding to the lower labor court;

3rd. - Be informed of the execution of the sentences;

4th. - Cover the temporary absence of any presiding judge of the courtrooms of the lower labor court;

5th. - Maintain the necessary supervision so that the judges of each courtrooms fulfill their corresponding obligations.

There will be a upper labor court in the National District with two courtrooms and one upper labor court in the Judicial Department of Santiago.

The provisions in the preceding paragraph regarding the presiding judge and the judges of the courtrooms of the lower labor court are declared applicable to the presiding judge and the judges of the courtrooms of the upper labor court of the National District.

Art.707 - The provisions of the Civil Procedure Code regarding the verification of written documents are declared applicable in the same way to the labor court in the circumstances indicated in article 706, falsity as a civil incident, the designation of judges, resignation due to family ties or relationship, legal actions in civil legal liability against the judges and the settlement of losses and damages.

Art.708 - The provisions of the Civil Procedure Code on hearings, their publication and police and the general provisions established in the Single Title of second part of said Code are applicable to the labor court in a supplementary way.

Art.709 - In the matters listed in article 706 and 707, the procedures will be adapted to the organization and jurisdiction of the labor courts and to the purposes of expedition, taking into account the regulation of the procedure before said courts.

Art.710 - A copy shall be send to the Attorney General of the Republic of any sentence on accessory falsity within the three days following its pronouncement.

Art. 711: Ordinary Courts are competent to try the criminal violations established in this Code.

In the event of infractions related to any lawsuit held before a labor court, the people's action shall be withheld until said courts, render a final decisions over the same.

The foregoing provision is applicable as well to any case concerning economics disputes submitted to conciliation and arbitration.

Criminal prosecution and proceedings in course before ordinary Courts shall be suspended in case that any lawsuit is filed before Labor Courts or that any economic dispute arises, that shall be ruled in accordance with the provisions of Book Seven of the present Code, until a final decision is rendered.
-DESIGNATION-
Labor Code 92
-BOOK-
Eighth Book. On Legal Liability and Sanctions
-TITLE-

I: On legal liability

-ARTICLES-

Art.712 - The employers, workers, and officials and employees of the Ministry of Labor and of the labor courts are civilly liable for the actions carried out in violation of the provisions of this Code, without prejudice to penal or disciplinary sanctions that may be applicable to them.

The plaintiff remains freed from the proof of prejudice.

Art.713 - Civil legal liability of the persons mentioned in article 712 is governed by civil law, except for provision to the contrary in this Code.

The labor courts are competent to try the actions of this type brought against employers, workers, or employees of said courts.

The ordinary courts are competent to try those brought against officials or employees of the Ministry of Labor.

-DESIGNATION-

Labor Code 92

-BOOK-

Eighth Book. On Legal Liability and Sanctions

-TITLE-

II: On sanctions

-ARTICLES-

Art.714 - Sanctions for violation of the provisions of this Code, can be penal or disciplinary.

The penal sanctions are applicable to employers and workers.

The disciplinary sanctions are applicable to the officials and employees of the Ministry of Labor and of the labor courts.

Art.715 - The application of penal sanctions established in this Code and the regulations issued or to be issued by the Executive Power in matters of work, are under the responsibility of the justices of the peace.

A civil action can be pursued at the same time and with the same judgments.

Their decisions in this respect are always liable to appeal.

In the National District and in the Judicial District of Santiago, the public attorney's role shall be performed by a lawyer at the service of the Ministry of Labor.

Art.716 - Violations committed in relation to the application of this Code by the officials and employees mentioned in article 714 are subject to disciplinary sanctions whenever they meet the following circumstances:

1st. - That violation concerns a legal regulatory action that must be carried out administratively;

2nd. - That the action in question is entrusted to the official or employee by legal, regulatory or internal provisions;

3rd. - That there is no justifiable cause in favor of the official or employee.

Art.717 - The disciplinary sanctions against officials and employees of the Ministry of Labor are applicable by the Secretary of the branch.

They are subject to appeal before the President of the Republic.

Art.718 - Disciplinary sanctions against officials and employees of the labor courts are applicable by their presiding judges.

They are not subject to any appeal.

Art.719 - Disciplinary sanctions are the following:

1st. - An warning in private;

2nd. - An warning before the personnel;

3rd. - A fine that cannot be greater than twenty-five percent of the official or employee's monthly salary;

4th. - Temporary suspension of the official or employees without salary for up to one month;

5th. - Dismissal from office.

This last sanction can be imposed only by the President of the Republic.

Art.720 - Violations subject to penal sanctions are classified as:

1st. - Light: when they Ignore merely Formal or documentary obligations that do not affect the safety of persons nor the working conditions;

2nd. - Serious: when they transgress standards regarding minimum wages, the protection of salary, the weekly rest period, overtime hours or all those related to job safety and hygiene, as long as they do not put in danger or threaten to put in danger the life, health or safety of the workers. In matters of collective rights, failure to fulfill the obligations provided in the collective pact are regarded as serious;

3rd. - Very serious: when they violate the standards on protection of maternity, minimum working age, protection of minors, employment of foreigners, registration and payment of the dues for the Dominican Institute for Social Security and all those related to job safety and hygiene whenever because of the violation there is danger or the risk of danger to the life, health or safety of the workers. In matters of collective rights, committing illegal practices against the freedom of unions is regarded as very serious.

Art.721 - The violations that appear in article 721 are sanctioned in the following manner:

1st. - Light ones with fines of one to three minimum salaries;

2nd. - Serious ones with fines of three to seven minimum salaries;

3rd. - Very serious ones with fines of seven to twelve minimum salaries.

In the event of recurrence, the amount of the fine will increase by fifty percent of its value.

Art.722 - When the perpetrator is a corporation, the penalty of prison will be applicable to the administrators, managers, representatives or persons who administer the company.

Art.723 - The provisions of article 463 of the Penal Code are applicable in this matter.

Art.724 - The public action for the for the prosecution of the infractions foreseen in articles 821 and 722 have a statutory limit of one year.
-DESIGNATION-
Labor Code 92
-BOOK-
Ninth Book
-TITLE-
Final Provisions

-ARTICLES-

Art.725 - The employer is civilly liable for the damages suffered by a worker as a consequence of an accident on the job.

Art.726 - Accident on the job is any bodily injury, permanent or temporary, that the worker suffers while performing a job or as a consequence of same.

Art.727 - In order for there to be legal liability due to an accident on the job it is not necessary for the employer to be regarded as culpable, negligent or imprudent.

Art.728 - All matters related to social security and accidents on the job are governed by special laws. Nevertheless, it is provided that the lack of registration of the worker by the employer in the Dominican Institute for Social Security or failure to pay the corresponding contributions obliges the employer to reimburse the entire corresponding salary during the absence of the worker, the expenses incurred due to sickness or accident, or cover the pension not received due to the violation of the employer.

Art.729 - The following are free from taxes and duties of any nature:

1st. - Contracts, collective pacts and work regulations;

2nd. - Formation minutes of unions, federations and confederations;

3rd. - The statements and documents related to the legal and administrative procedure in labor matters.

Art.730 - When lawyers act in the procedure before the labor courts, they will receive the fee:; to which they have the right in conformity with the law 302 of 1964, modified by the law 95-88.

Art.731 - Any legal standard or provision that prohibits the attachment of the assets of the employer in prejudice to the credits of the workers that has been recognized by a definitive sentence with the authority of that which is judged is revoked.

Art.732 - This law also revokes laws 637 of June 16, 1944; 5055 of December 19, 1958; 6070 of October 9, 1972; 5432 of November 24, 1960; 5915 of 1962; laws 495 of October 27, 1960; 195 of December 5, 1980: 288 of March 23, 1972; 80 of November 18, 1979; 56 of November 24, 1965; 4282 of September 17, 1955; 207 of April 30, 1984 (2/); 4667 of April 12, 1957; 95 of September 17, 1963; 4468 of July 3, 1956; 338 of May 29, 1972; 5519 of April 8, 1961; 3229 of March 8, 1952;

6069 of October 1962; 5360 of May 16, 1960; 271 of May 27, 1964; 4768 of September 21, 1957; 528 of December 5, 1964; 80 of December 5. 1957; 528 of December 5, 1964; 80 of December 5, 1963; 664 of March 12, 1965; 695 of April 5, 1965; 257 of May 13, 1964; 709 of April 21, 1965; 5360 of May 9, 1960; 6028 of September 10, 1962; 4933 of June 6, 1958; 5475 of January 20, 1961; and Law 2920, Labor Code of June 11, 1951, and any other legal provision that may be contrary to this Labor Code.

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2/ Some versions have "208" but the official version has "207"

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Art.733 - This law modifies as far as necessary the following laws: 1226 of December 15, 1936; 2059 of June 22, 1949; Regulation 7676 of October 6, 1951; Law 3143 of December 11, 1951; 3743 of January 20, 1954; 4099 of April 15, 1955; 4123 of April 23, 1955; Regulation 1480 of February 9, 1956; Law 5235 of October 25, 1959; Regulation 6293 of December 24, 1960; Law 567 of June 13, 1970.

-DESIGNATION-
Labor Code 92
-BOOK-
Ninth Book
-TITLE-
Transitory Provisions

-ARTICLES-

Art.734 - The current officials of the Ministry of Labor who do not meet the conditions foreseen in this Code for the performance of their functions will continue to work until they retire or are dismissed by the Executive Power.

Art.735 - The prescriptions and expirations that are running when this Code goes into effect shall continue to be governed by the laws revoked insofar as the calculation of their indicated time periods.

Art.736 - Until their own premises are built, Upper Labor Court and the Lower Labor Court of the National District will function administratively in the premises currently occupied by the Justice of the Peace and the Chamber of Labor of the First Instance of the National District but will hold their hearings in the afternoon and evening hours in the courtrooms that are indicated below:

The First, Second, Third, Fourth, Fifth, and Sixth Chamber of the Lower Labor Court in the courtrooms of the First, Second, Third, Fourth, Fifth, and

Sixth Penal Chambers of the Court of First Instance of the National District, respectively.

The First and Second Chamber of the Upper Labor Court of the National District in the courtrooms of the Seventh and Eighth Penal Chamber of the Court of First Instance of the National District.

The Presiding Judges of the Upper Labor Court and of the Lower Labor Court of the National District will hold their hearings in the premises currently occupied in the National District by the labor courts of the first and second degree.

In the Judicial District of Santiago there will be as many courtrooms of the Lower Labor Court as there are Civil and Commercial Chambers within the Court of First Instance and will hold their hearings in the afternoon and evening hours in the courtrooms of the Court of First Instance of said Judicial District. The Upper Labor Court will work in the hours of the afternoon and evening in the courtrooms of the Court of Appeal.

Until their own buildings have been constructed for said courts of the first and second degree, these courts will function administratively in buildings prepared for these purposes.

Art.737 - The labor courts foreseen in this Code will function as of January l, 1993. Until that date, the courts that currently try the work conflicts in the National District and the municipality of Santiago will act as lower labor courts and upper labor courts and will apply the procedures and have the powers established in this Code.

In the rest of the country, the judges of first instance and the courts of appeal with the boundaries established in the law on Legal Organization and its modifications will act as labor courts of the first and second degree in conformity with the procedures and responsibilities foreseen in this Code.

Art.738 - The regulation of the guarantee established in articles 465 and 466 will be set in a consensual and tripartite manner between the State, employers and workers.

-FUENTE-
Traducción de Russin, Vecchi, Heredia Bonetti