

Legal Update

Venezuela's constituent decree for childbirth and humanized birth

April 2018

Labour

On April 12, 2018, the National Constituent Assembly published the Constituent Decree for the Promotion and Protection of Birth and Humanized Birth (the Decree), published in the Official Gazette of the Bolivarian Republic of Venezuela (GORBV) No. 41,376. Here are the most significant aspects of the Decree:

Object, purpose and scope

The Decree's purpose includes creating "humanized" conditions before, during and after childbirth and improving the health of mothers and newborns.

The provisions established in the Decree are applicable to all public or private natural or legal persons, including health centers located in the national territory that serve pregnant women during labour, delivery and postpartum, as well as newborns.

Right to attend prenatal consultation and be trained for pregnancy and birth

In accordance with Article 10 of the Decree, workers will be entitled to one or two half-days of leave or permission each month to attend prenatal consultation, and must submit a monthly control consultation certificate of prenatal health, issued by a health center.

Likewise, Article 11 of the Decree establishes that workers will be entitled to enjoy eight hours per month of leave or permission to attend the perinatal training course, and must present a monthly certificate of attendance at the perinatal course issued by a social or health center.

In both cases, the time granted to workers to attend the consultations or courses must be remunerated as if such time had been worked.

Fines

The violation or contravention of articles 10 and 11 of the Decree will be sanctioned by a fine of 50 to 500 sanctioning tax units¹.

Effective date

The Decree became effective as of its publication in the GORBV on April 12, 2018.

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Footnote

¹ The sanctioning tax unit (U.T.S.) was created by Constitutional Law, published in the GORBV N ° 41.305 of December 21, 2017; however, to date its value has not been set.

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