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5 March 2024

We had a very particular case of an employee whom we fired by Desahucio, and when he had not yet been paid his severance pay, he suffered a CVA (cerebrovascular accident) and is not able to receive his labor benefits. How do we deal with a case like this?

In my opinion, in a case like this, it corresponds to pay the family members mentioned in Article 82 of the Labor Code, that is: "The right will belong in equal parts and with the right of accretion, to the spouse and minor children of the worker, and in the absence of both, to the ascendants over sixty years of age or invalids, and in the absence of the latter, to the legal heirs of the worker".

It could be argued that this article 82, does not apply to cases of Desahucio, nor to severance pay, but to other causes of termination of the employment contract and only to the payment of the Economic Assistance provided for in that article. However, to clear those doubts, we have Article 212 of the Labor Code, which provides as follows: "In case of death of the worker, the persons indicated in the 2nd paragraph of Article 82, in the order established in said text, have the right to receive the wages and compensation pending payment, exercise the actions or continue the litigation, without the

need to subject themselves to the succession regime of the common law".

It is important that you can agree on the payment with the family members before the 10 days, since the contract was terminated by Desahucio; in which a penalty of one daily wage applies for each day elapsed if payment is made after 10 days. This penalty does not apply to the cases provided for in Article 82 of the Labor Code.