

Employment Law Updates in Latam

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Employment Law
Andersen in Latin America

Honduras | National Congress Approves Part-Time Employment Law

The recent approval of the Part-Time Employment Law by the National Congress of Honduras marks a turning point in the regulation of the country's labor market. This legislation introduces a special regime that formally recognizes a type of employment arrangement already existing in practice, but which previously lacked a comprehensive legal framework to guarantee rights and establish clear limits for both employees and employers.

One of the most relevant aspects of the law is the express recognition of labor and social security rights for part-time workers. These include vacation leave, the thirteenth- and fourteenth-month salary bonuses, notice period, severance pay, affiliation with the social security system, and access to private contribution schemes. This recognition represents a significant step forward in terms of labor formalization, as it seeks to prevent the precariousness of those working under reduced working hour arrangements.

Likewise, the regulation establishes fundamental principles such as proportionality, equality, and nondiscrimination, ensuring that part-time workers receive treatment equivalent to that of full-time workers under similar conditions. In this regard, it is stipulated that the hourly wage may not be lower than that established under the minimum wage, thereby preventing a potential deterioration of wage conditions.

However, this law has also raised concerns among various sectors. One of the main criticisms lies in the risk of fragmentation of the working day, which could result in an effective reduction of income for certain workers, particularly those who depend on a full minimum wage.

Although the law prohibits practices such as the artificial division of working hours or the unilateral conversion of contracts, the effectiveness of these provisions will largely depend on supervision and enforcement mechanisms.

Another noteworthy element is the provision that, if a worker exceeds an average of 32 hours per week over a three-month period, their contract will automatically be converted into a full-time contract. This measure aims to prevent abuse and ensure that the actual working conditions prevail over the contractual form. In conclusion, the Part-Time Employment Law represents a significant effort to modernize the Honduran labor framework and adapt it to new economic dynamics. However, its impact will depend on its proper implementation, effective oversight by authorities, and the ability of workers to exercise and defend their rights.

From a legal perspective, the law has positive potential if applied rigorously; however, there is a real risk that, without adequate controls, it may become an instrument that excessively make employment more flexible, affecting the stability and income of the workforce.

Editorial

Guest Country: Honduras

Flexibility vs. Protection: Key Considerations on Part-Time Employment in Honduras

The approval of the Part-Time Employment Law in Honduras opens a necessary debate on the balance between labor market flexibility and the protection of workers' rights. This type of regulation typically emerges as a response to the need to stimulate economic activity, facilitate hiring, and adapt to new forms of work organization. However, it also raises legitimate questions regarding its real impact on the living conditions of the working population.

From a positive perspective, the law introduces a regulatory framework that recognizes rights which previously could fall into a gray area. The inclusion of benefits such as vacation leave, thirteenth and fourteenth month bonuses, as well as mandatory affiliation with the social security system, constitutes an important step forward in terms of formalization and the dignification of part-time work. Additionally, the explicit prohibitions against abusive practices reflect a clear intention to prevent employers from evading their responsibilities.

However, the country's socioeconomic context requires that this law be analyzed with caution. In an environment where a large portion of the population depends on limited income, the possibility of fragmenting working hours may become a mechanism that, in practice, reduces workers' total earnings. Although the principle of proportional remuneration is technically sound, it does not necessarily guarantee adequate living conditions when working hours are insufficient.

Another critical aspect is the institutional capacity to enforce the law. The provisions regarding oversight, contract registration, and supervision are adequate on paper; however, their effectiveness will depend on the strength of the institutions responsible for labor inspection. Without active monitoring, there is a risk that such prohibitions may remain merely declaratory, lacking real impact.

It is also important to consider the impact on labor culture. The promotion of part-time employment may be beneficial in specific sectors or for certain groups, such as students or individuals seeking to supplement their income. Nevertheless, its widespread adoption could undermine job stability if it replaces full-time positions that offer greater protections.

In conclusion, the Part-Time Employment Law represents a double-edged instrument. It may contribute to formalization and expand employment opportunities; however, it may also lead to labor precarization if not implemented responsibly. From a practical standpoint, the key lies in achieving the right balance: fostering flexibility without compromising rights. The real challenge is not the law itself, but how it is applied in the day-to-day reality of Honduran workers.



Delmer Sambrano
Senior Lawyer
Central-Law

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