



**NOBOA, PEÑA & TORRES**  
ABOGADOS ECUADOR

**FLASH LEGAL # 001121**

## **“PARTIAL DECLARATION OF UNCONSTITUTIONALITY OF THE ORGANIC LAW OF HUMANITARIAN SUPPORT CONSTITUTIONAL COURT RULING No. 49-20-IN/25”**

Dear Clients and Friends

We hereby inform you that on February 13, 2025, the Constitutional Court issued Ruling No. 49-20-IN/25, declaring the partial unconstitutionality of the Organic Law of Humanitarian Support (hereinafter referred to simply as "LOAH"), particularly regarding the special emergency contract modality. The ruling resolves the following in its pertinent part:

- The following provisions of the LOAH are rendered ineffective:
  1. The modification of the economic conditions of the labor relationship with the purpose of preserving jobs and ensuring workers' stability.
  2. The penalty for non-compliance with the agreement between the parties.
  3. The minimum conditions to adhere to the economic modification agreement; and,
  4. The possibility of terminating the special emergency contract unilaterally and prematurely by the employer.

In conclusion, the Constitutional Court declares the unconstitutionality of the economic modification of contracts and the unilateral early termination by the employer concerning the special emergency contract. This means that, currently, the special emergency contract must end within the term specified in the contract or its renewal, and in the event of unilateral early termination, it will be considered as wrongful dismissal. It is worth mentioning that if the renewal of the contract under this modality is not carried out correctly, the contract will become an indefinite-term contract.

The special emergency contract modality can still be used, but it must be taken into account that the relationship can only end upon the expiration of the term specified in the contract or its renewal.

The rulings issued by the Constitutional Court do not have retroactive effect.

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We hope that this information, which does not constitute legal advice as it is of a general nature, is useful to you. Should you have any specific concerns, we will be happy to assist you.

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