

# Costa Rica – Reform to the HIV Law that amends articles of the Labor Code

January 17, 2020

The recent amendment to HIV Law number 7771, includes amendments to some articles of the Labor Code. Subsection j) is added to article 70, subsection f) of article 71 is eliminated; subsection m) is added to article 81, subsection k) to article 83, and article 404 is amended.

**Article 70:** Employers cannot:

j) Request HIV tests for the purpose of hiring or remaining at work. When health tests are required, it may include hematological tests (blood tests) only if there is a medical criterion that demonstrates its need and only for the purpose of protecting the employee's health.

**Article 81:** The following are just causes that entitle the employer to terminate the employment agreement:

m) When the employee commits discriminatory acts against another employee with HIV.

**Article 83:** The following are just causes that entitle the employee to terminate his/her employment contract:

k) When the employer commits discriminatory acts against any employee with HIV.

**Article 404:** All discrimination at work is prohibited due to age, ethnicity, sex, religion, race, sexual orientation, marital status, political opinion, national ancestry, social origin, affiliation, health condition, disability, union membership, economic situation or any other analogous form of discrimination.

The Employment & Labor and Immigration practice of Dentons Muñoz Costa Rica offers legal advice relating to:

- Review and best practices to prevent discrimination claims and unjustified dismissals.
- Legal opinions in reference to dismissal causes.
- Practical and strategic tips to prevent future legal issues.

To obtain legal advice on this topic or any other topic regarding Costa Rican Labor and Employment, Human Resources, and Immigration Law, please do not hesitate to contact us.

## Your Key Contacts



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