

DECREE WITH THE STATUS, VALUE, AND FORCE OF LAW OF THE SOCIALIST CESTATICKET FOR WORKERS

Decree No. 2,066 was published in Official Gazette of the Bolivarian Republic of Venezuela No. 40.773 of October 23, 2015. Through said Decree, the Decree with the Status, Value, and Force of Law of the Socialist *Cestaticket* for Workers (the “Decree”) was issued. The purpose of the Decree is to regulate the new Socialist *Cestaticket* (food bonus) as a food benefit for protecting and defending the purchasing power of the workers in relation to nourishment, with the purpose of strengthening their health, preventing occupational diseases, and seeking higher labor productivity.

Article 2 of the Decree establishes work entities’ obligation to grant the workers the benefit of a balanced meal during working hours. The entity with competence over nourishment matters will be in charge of the dietary regimen of a balanced meal.

Article 4 of the Decree determines the methods for application of the benefit, which may be implemented as follows:

1. Through dining halls/cafeterias owned and operated by the work entities or hired with third parties, at the work place or in the vicinities.
2. By hiring a food service with establishments specialized in the administration and management of social benefits.
3. Through the installation of common dining halls/cafeterias by several work entities, close to their work places, in order to serve the beneficiaries of the Decree.
4. Through the use of the services of dining halls/cafeterias administered by the entity with competence over nourishment matters.
5. Through the provision or delivery to the worker of coupons or tickets issued by establishments specialized in the administration and management of social benefits. With said coupons or tickets, the worker may acquire meals or food at establishments of sale of food that have entered into agreements with the issuers of the meal coupons or tickets
6. Through the provision or delivery to the worker of an electronic meal card issued by a financial entity or establishment specialized in the administration and management of social benefits, which card will be used to acquire meals and food and may be used in

establishments of sale of food that have entered into an agreement with the issuer of the electronic meal card.

If this benefit is established in Collective Bargaining Agreements, the election of the methods for compliance will be adopted by mutual agreement between the employer and the union or unions that are parties to the Collective Bargaining Agreement

Also, the Decree establishes that the work entities must provide their workers with guidance about the correct use of the meal coupons, tickets or electronic cards.

Payment in cash of the benefit is permitted only in the following cases:

1. When the work entity has fewer than twenty (20) workers and using the methods specified above is impossible or disproportionately burdensome for the employer.
2. When specific circumstances prevent the workers from having feasible and timely access to the establishments of sale of food that have entered into agreements with the issuers of meal coupons, tickets, or electronic cards, regardless of the number of employees of the employer.
3. When the worker receives the benefit through any of the methods prescribed in numbers 1 through 4 above and he/she temporarily ceases to receive it due to the enjoyment of vacations, prenatal and postnatal leave, paternity leave or license, or in the event of incapacity resulting from illness or accident not exceeding twelve (12) months; in said case, the employer may temporarily grant the benefit in cash, for the time of duration of the situation that prevents the worker from actually providing the service.

In the case of numbers 1 and 2, the employer must notify it to the relevant Labor Inspector's Office within five (5) days following that of the implementation of the payment in cash.

Article 7 of the Decree establishes the amount of the Socialist *Cestaticket* that every worker must receive on a monthly basis. Such amount will be as a minimum the equivalent to one and a half Tax Unit (1.5 TU) per day, at the rate of 30 days per month. A maximum of forty-five Tax Units (45 TU) may be received.

The benefit prescribed in the Decree will not be considered as salary, except if it is recognized as such in the collective bargaining agreements, collective agreements or employment agreements.

Article 8 of the Decree provides for the possibility for the employer of discounting the portion of the benefit corresponding to the worker who fails to fulfill his working hours, solely for reasons attributable to the worker. This is not applicable in the case of reasons attributable to the employer or in the case of situations of risk, emergency, catastrophe or public disaster resulting from acts of nature that directly and personally affect the worker but do not affect the work entity.

In relation to the penalties and fines, the Decree includes penalties for: i) the worker who exchanges the coupon or ticket for money or credit with the electronic card and ii) the worker who exchanges, pays, or buys goods and/or services that are not intended for the worker's nourishment. Said fine may add up to the equivalent to 200% of the amount exchanged.

Likewise, the employers would commit an infringement if: i) they charge the worker any amount for the expense derived from the issue or service of coupons, tickets or electronic cards, or ii) they unjustifiably withhold or delay the coupons, tickets, or electronic cards.

Any work entity that fails to grant the benefit established in the Decree will be penalized with fines equivalent to an amount ranging between ten Tax Units (10 TU) and fifty Tax Units (50 TU) per each worker affected. The Labor Inspector's Office of the locality will be the entity in charge of imposing the penalty according to the procedure prescribed in the Organic Law of Labor and Workers.

The Decree became effective upon publication in the Official Gazette. It repealed the Decree with the Status, Value, and Force of Law of Partial Amendment to the Law on Nourishment for Workers, published in Official Gazette Extraordinary No. 6,147 of November 17, 2014.

In order to access Decree No. 2,066, please click [here](#).



NOTA: ESTE MEMORANDUM INFORMATIVO NO DEBE INTERPRETARSE COMO UNA ASESORÍA LEGAL EN ASUNTO ESPECÍFICO ALGUNO Y SU CONTENIDO TIENE EL FIN DE SERVIR COMO UN AVISO GERENCIAL EN CUANTO A LOS SUCESOS ACTUALES EN VENEZUELA. CUALQUIER PREGUNTA LEGAL RELACIONADA CON LA POSIBLE APLICACIÓN DE UNA NUEVA LEGISLACIÓN O DE UNA LEGISLACIÓN PROPUESTA A UN ASUNTO ESPECÍFICO DEBE DIRIGIRSE A TRAVIESO EVANS ARRIA RENGEL & PAZ.