

FLASH LEGAL # 001189

JUDGMENT 99-22-IN/26

WORKPLACE HARASSMENT IN ECUADOR: REITERATION IS NO LONGER AN ABSOLUTE REQUIREMENT”

Dear Clients and Friends:

We advise that Judgment 99-22-IN/26 of the Constitutional Court of Ecuador, published in Constitutional Edition No. 212 of Official Register dated April 9, 2026, declared the additive unconstitutionality of the second paragraph of Article 46.1 of the Labor Code, thereby strengthening the constitutional standard of protection in matters of workplace harassment and violence and consolidating the reforms introduced by the Organic Reform Law for the Eradication of Violence and Harassment in All Forms of Work. In relevant part, the Judgment establishes the following:

The Constitutional Court analyzed whether the requirement that workplace harassment be “exercised in a repeated manner”, as provided in the second paragraph of Article 46.1 of the Labor Code and in the Organic Law of Public Service, was compatible with constitutional rights to decent work, human dignity, and a life free from violence, as well as with International Labour Organization Convention 190.

The Constitutional Court concluded that the reference to workplace harassment being “exercised in a repeated manner” was not in itself unconstitutional; however, the Court determined that if such reiteration were interpreted as an absolute requirement to constitute workplace harassment, it would be unconstitutional, as it excluded single acts of particular gravity. The Court established that workplace harassment may be constituted either by repeated conduct or by a single act that is sufficiently harmful.

The Court ordered the integration of the phrase “on a single occasion or in a repeated manner,” reinforcing the provision set forth in the first paragraph of the aforementioned Article, in the sense that workplace harassment may be constituted either by repeated conduct or by a single potentially harmful act.

In conclusion, Judgment 99-22-IN/26 of the Constitutional Court of Ecuador consolidates and provides constitutional underpinning to the reforms introduced by the Organic Reform Law for the Eradication of Violence and Harassment in All Forms of Work to Article 46.1 of the Labor Code, reaffirming a broader, more comprehensive, and more protective conception of workplace harassment. In that regard, the Court recognizes that such conduct may be constituted not only in a repeated manner but also through a single act that is sufficiently serious or potentially harmful, without reiteration constituting an indispensable requirement for its configuration.

We hope that you find this general information helpful. Please note that it is not intended to constitute legal advice. Should you have any specific inquiries, we would be pleased to provide further assistance.

NOBOA, PEÑA & TORRES ABOGADOS

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