
A New Labor Code for a Changing Cuba

By: Ariel Pazos Ortiz
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The draft of the new Labor Code in Cuba comes at a crucial moment. Amid economic transformations, the expansion of the non-state sector, and social problems, the country requires a legal framework that guarantees labor rights with equity, coherence, and an inclusive vision. This new Code has the potential to protect these rights for all, but its success will depend on effective implementation and an institutional culture that prioritizes social justice over bureaucracy or formalism.

One of the clearest signs of updating is the raising of the minimum age for employment to 18, which aligns with the international conventions of the International Labor Organization (ILO). This measure protects adolescents from potentially precarious work environments and reinforces the country's commitment to global standards.

The Code also endorses occupational safety and health as an inalienable right, applicable to all sectors without distinction between the various forms of ownership recognized in the 2019 Constitution. This becomes relevant in a context where non-state management frequently operates utterly without adequate oversight. However, the proposed legal guarantee must be accompanied by oversight mechanisms to eliminate violations in hygiene, protection, and working conditions that are now a reality.

Another significant advance is the recognition of training as a worker's right, as the draft protects "training and development that contributes to superior job performance, increased productivity, and comprehensive and professional development." It also provides for opening the job placement process to the non-state sector, which can contribute to a more flexible and realistic integration of recent graduates.

Likewise, the proposed new Labor Code incorporates principles of inclusion, which, as explained by relevant authorities, focuses on people with disabilities, graduates of special education, young people, and women. In particular, it prohibits conditioning the hiring or promotion of women based on their pregnancy status, which represents a step toward gender equity and is in line with the country's need to reverse alarming demographic trends.

The possibility of requesting unpaid leave for family care or travel abroad, as well as more explicit recognition of teleworking, are other signs of modernization in Cuban labor law. The provisions of the new legal document can facilitate work-life balance, especially in a country where an aging population and emigration impose complex family and social dynamics.

A relevant development is that "employers in any sector, with the exception of budgeted institutions, are required to take out an insurance policy to protect workers' income" in the event of work interruptions. This, if rigorously implemented, can provide a safety net for workers who currently do not have this protection. However, in the current Cuban context, where many entities in both sectors are facing financial difficulties, it will be key to define how this protection is managed without harming workers' current income.

Furthermore, the Code introduces the term "workers" and guarantees access to judicial action once administrative remedies have been exhausted. This rights-based approach is consistent with a more inclusive and participatory vision of the world of work.

In short, the draft of the new Labor Code is sensible, grounded, and timely. It recognizes diverse realities, incorporates social demands, and aligns with international principles. But its impact will depend on political will, institutional capacity, and citizen participation. It's not enough to have good laws: we must ensure that they are enforced, monitored, and respond to the nation's contextual needs.

Translated by Amilkal Labañino / CubaSí Translation Staff
