

Abstract TFG

The Procedural Code labor of San Juan in its article 30 gives the "worker" the benefit of legal aid, which means that in no case may require bond or personnel for the payment of costs and fees or liability for precautionary measures, giving only recognizance of pay if they were to improve of fortune.

Are investigated in this work the article referenced in order to determine their possible unconstitutionality.

The implementation of the above-mentioned article would have the following effect in the judicial arguments: unequal treatment in the judicial process, bias and tilt toward the worker.

This work looks at a further objective, which is to introduce a bill and request a change or repeal the same.

In the judicial practice, who apply the justice (judges and staff of Labor Courts) and in accordance with what has been said by professionals that especially devote their time to the sponsorship of employers, they argue that can be clearly perceived, and without making a major effort, that the referenced article would violate several constitutional principles, and procedural laws of funds.

For this reason, after doing a thorough and detailed study of the above-mentioned article, would have to be reached to the conclusion that the same is partial, inducing a unequal treatment to the parties involved in the labor process, would conflict with laws of fund, among other aspects are not less important, motivating these their unconstitutionality.

This article would limit or would deprive them of their rights to the lawyers involved with respect to the fees of professionals both to the losing party (in case the worker-actor, lost the process), as the sponsor of the respondent or employer (in case of be winner of the process). The implementation of this article would generate the feeling that in the act would be a judicial prejudgment against the employer with presumptions in favor of the employee; a treatment unbalanced, unequal and unjust between employee and employer.