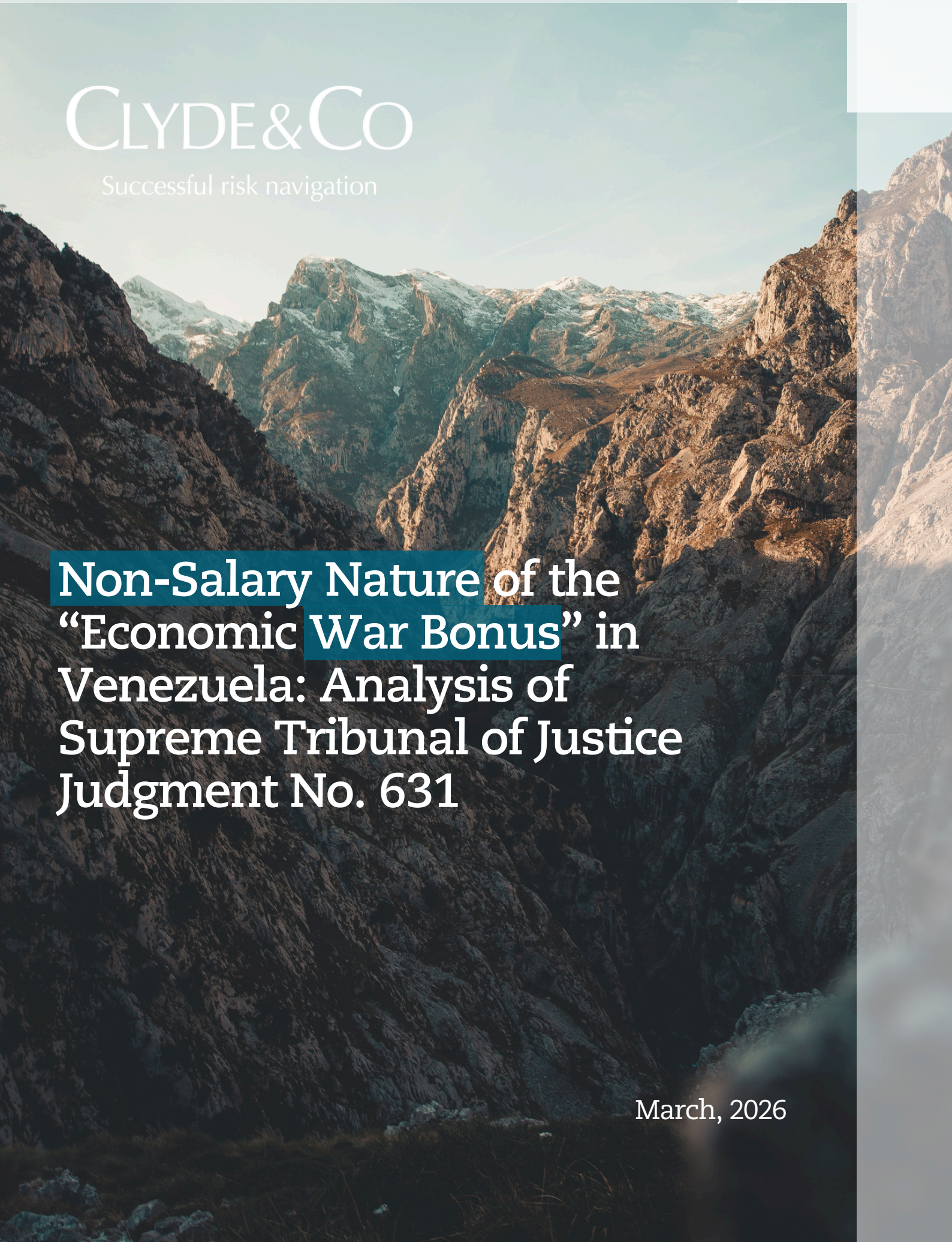
CLYDE&CO

Successful risk navigation



# Non-Salary Nature of the "Economic War Bonus" in Venezuela: Analysis of Supreme Tribunal of Justice Judgment No. 631

March, 2026

Within the current framework of Venezuelan labor law, the discussion regarding the legal nature of certain compensation items has gained particular relevance, especially with respect to their impact on salary and, consequently, on the calculation of statutory employment benefits.

Judgment No. 631 issued by the Social Chamber of the Supreme Tribunal of Justice on June 26, 2025, in the case of Cristian Jesús Rojas Espinoza v. DISVEN 2022, C.A., establishes an important legal criterion regarding the so-called “Economic War Bonus,” defining its legal treatment within the Venezuelan labor system.



## I. Background

The decision arises from a claim for payment of statutory employment benefits and other labor concepts, in which the legal nature of a payment made by the employer under the designation "Economic War Bonus" was challenged.
At the appellate stage, the controversy focused on determining whether this payment should be considered part of the employee's salary, with a direct impact on the calculation of statutory employment benefits.

## II. Contested Legal Issue

The central legal question under dispute was the following:
Does the "Economic War Bonus" constitute salary, or is it a concept excluded from the salary base?
The appellant argued that the appellate court erred in concluding that the bonus did not constitute salary, asserting that:

*"for such bonus to be considered a social food benefit, it must comply with the legal requirements set forth in Articles 4 and 5 of the Socialist Food Ticket Law."*



Likewise, the appellant maintained that the company had created:“a supplement to labor remuneration through payment in cash,”which, in his view, should therefore be considered part of the employee’s salary.

## III. Criteria of the Social Chamber of the Supreme Tribunal of Justice

After reviewing the arguments presented and the challenged decision, the Social Chamber concluded that:

“the challenged decision is in accordance with the law, as it does not violate rules of labor public policy.”

Implicitly, the Chamber validated the conclusion that the so-called “Economic War Bonus” does not constitute salary, under the specific circumstances analyzed in the case.

## IV. Relevant Legal Elements of the Decision

A technical review of the ruling allows the identification of the following key legal elements:

### 1. Non-salary nature of the bonus

The criterion upheld by the Court is based on the premise that the bonus does not constitute direct compensation for services rendered, but rather a payment intended to address specific needs of the employee.



**2. Distinction from statutory food benefits**

The appellant attempted to subsume the bonus within the legal framework applicable to food benefits. However, the discussion highlighted that:

- The classification of a payment as a social benefit requires compliance with specific statutory requirements.
- The absence of such requirements does not automatically imply that the payment must be classified as salary.

## V. Legal Considerations:

From a labor law compliance perspective, this decision reinforces several important principles:

- Not every monetary payment qualifies as salary.
- The purpose of the payment and its legal nature are determinative factors.
- The designation or label assigned to a payment is not sufficient; its structure and purpose must be analyzed.
- Incorrect classification of compensation concepts may generate contingencies regarding the calculation of statutory employment benefits.

**60+**
oficinas a nivel global

For further information or specialized advice regarding Venezuelan labor law matters, including labor contingency analysis and compliance strategies, you may contact our team.

**60+**
offices around the world

## Global presence, local expertise. Your trusted partner in labor and commercial.



**Damirca Prieto**
Senior Counsel
damirca.prieto@clydeco.com.ve



This article has been prepared for informational purposes only. Its content does not constitute specialized legal advice or a binding legal opinion. For specific guidance on your case, we invite you to contact our team of attorneys.

490
Partners

2,400
Lawyers

3,200
Legal professionals

5,500
Global workers

+60
Offices worldwide
www.clydeco.com

CLYDE&CO
Successful risk navigation

@ClydeCoMaritime
@Clydecovenezuela
www.clydeco.com
Clyde & Co

clyde@clydeco.com.ve