

PROGRESS AND CHALLENGES IN  
LEGAL FRAMEWORKS FOR WOMEN'S  
ECONOMIC AUTONOMY AND  
EMPOWERMENT

# in Ibero-America





# PROGRESS AND CHALLENGES IN LEGAL FRAMEWORKS FOR WOMEN'S ECONOMIC AUTONOMY AND EMPOWERMENT

## in Ibero-America

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# 1. Foreword

by the Ibero-American Secretary-General and the Regional Director of UN Women for the Americas and the Caribbean

Today, few can question that gender equality is not just a fundamental human right, but also a necessary foundation for peaceful, prosperous and sustainable societies. Its centrality has been recognized in the 2030 Agenda for Sustainable Development, that also calls for ensuring equal opportunities and reducing inequalities of outcome among its targets, including in a key area: women's economic empowerment. In this regard, working towards eliminating discriminatory laws, policies, and practices, and promoting appropriate legislation, policies, and action to advance gender equality and women's empowerment is fundamental.

Laws constitute an ideal mechanism to eliminate the direct discrimination women experience throughout their lifetime and in their everyday lives. Unequal pay for work of equal value, restrictions on choice of employment and, occupational segregation, or the invisibility and unequal distribution of unpaid care and domestic work, are just some examples of the reality faced by women in Ibero-America, often sanctioned through discriminatory legal frameworks or the absence of legal protections. A legislative agenda therefore represents a basic and essential requirement to pave the way towards real substantive gender equality and the achievement of women's economic empowerment.

In the context of the current crisis caused by COVID-19, removing regulations that prevent the full and equal enjoyment of women's rights has become a critical and urgent priority. The impact of this crisis has not been gender-neutral, but rather has exposed and exacerbated pre-existing gender inequalities. The rise in gender-based violence, increased burden of care and greater loss of jobs are just some of the differentiated impacts the pandemic is having on women. Governments, public and private institutions, and the international community, must respond developing effective strategies and responses.

Repealing discriminatory legislation in the current situation therefore represents an unprecedented opportunity to ensure an inclusive and sustainable socio-economic recovery in countries of the Ibero-American region. The Ibero-American General Secretariat (SEGIB) and UN Women are working together to highlight the negative effect that legal inequality has on women's economic empowerment. We must take action to eliminate this inequality, including by leveraging multisectoral partnerships in order to achieve effective and impactful legal reforms.

Putting women's economic empowerment at the centre of the public agenda gains renewed significance in order to build back more inclusive, prosperous and resilient economies. In terms of the formulation of public policies, our challenge is twofold: we must ensure achievements in gender equality are not reversed as a result of the current economic, social and health crisis, whilst we continue to overcome pre-existing challenges that hinder women's economic empowerment.

If the long return to a new normality after the COVID-19 pandemic is a marathon full of obstacles and barriers, discriminatory laws are the first, oldest and most unjust that we should and must break down.

**REBECA GRYNSPAN**  
Ibero-american Secretary-General

**MARÍA NOEL VAEZA**  
Regional Director of UN Women for the Americas and the Caribbean

## 2. Introduction

### *Eliminating discriminatory legislation: an unfulfilled but crucial commitment in the context of the current pandemic*

#### SCOPE AND CONTENTS OF THE REPORT

This report has been developed in the framework of the joint initiative of the Ibero-American General Secretariat (SEGIB) and UN Women's Regional Office for the Americas and the Caribbean that seeks to promote the elimination and reform of discriminatory legislation that undermines or limits women's economic empowerment. The report presents a detailed analysis of the current legislation on women's economic autonomy and empowerment in each of the 22 Ibero-American countries and proposes a reform agenda with recommendations in regards to specific provisions that require reform and/or elimination.

The study, that was based on the analysis of primary legislative sources, accounts for the ratification of the main international agreements on gender equality by each member country, and identifies progress, as well as pending challenges in a selected number of areas identified as strategic in the "Equality in law for women and girls by 2030" global strategy promoted by UN Women, in partnership with the SEGIB. Namely:

1. Gender equality and non-discrimination;
2. Freedom of choice of employment;
3. Equal pay;
4. Maternity protection;
5. Paternity leave;
6. Unpaid care work;
7. Protection of domestic workers
8. Social security, that was added as an additional area given its particular relevance for the achievement of gender equality in the region.

***The purpose of this report is to identify existing discriminatory laws against women's economic empowerment and autonomy in the national legal frameworks of Ibero-American countries, as well as showcase progress made in the region in this regard.***

#### KEY FINDINGS

Women's economic empowerment is a fundamental element of gender equality and a necessary precondition for the achievement of all Sustainable Development Goals. There is widespread international consensus on the central role it plays in relation to promoting women's autonomy and agency, as well as on its vital contribution to eradicating poverty and promoting inclusive economic growth.

Nevertheless, despite renewed efforts and commitments, progress remains limited given persistent gender gaps, that are often sanctioned through discriminatory legal frameworks or the absence of legal protections.

In this respect, the findings of this study indicate that all countries of the Ibero-American region have laws that differentiate between women and men in ways that affect women's incentives or capacity to work or to set up and run a business:

- More than half of Ibero-American countries, 59%, do not account for legislation that responds to the principle of equal pay for work of equal value as established by the ILO.
- 64% of Ibero-American countries restrict women's choice of employment and promote occupational segregation in their legal frameworks.
- 27% of Ibero-American countries still have discriminatory provisions in their legislative frameworks in relation to recognizing and redistributing unpaid care and domestic work.
- 77% of Ibero-American countries do not have the necessary legislation to guarantee and protect the rights of domestic workers.
- More than a quarter of Ibero-American countries, 27%, do not provide the minimum 14 weeks maternity leave mandated by ILO. In addition, maternity leave is only partially funded by social security systems in 36% of Ibero-American countries, often leading to indirect discrimination given employers reluctance to hire women.
- Paternity leave provisions are still very limited (less than 15 days) in 96% of Ibero-American countries, and do not exist in 3 countries of the region. In addition, in most Ibero-American countries paternity leave is only partially funded by social security systems.
- 46% of countries in the region have not reformed their laws to prevent gender discrimination in pension coverage.

## CONCLUSIONS AND RECOMMENDATIONS

The reform of legal frameworks through the elimination and review of discriminatory laws, as well as the adoption of new legislation, is fundamental for the empowerment of women and girls and can lead to a real impact in every aspect of their lives.

In the current context of the COVID-19 this is even more important and urgent, given the disproportionate impact of the crisis on women who face an alarming rise of gender-based violence, an increase in the burden of care, and also bear the brunt of the economic consequences due to their pre-existing unequal and precarious labour conditions.

Women's lower rate of labour force participation, underemployment, overrepresentation in temporary employment and concentration in the informal economy and in sectors severely affected by the economic downturn, places them at a disadvantage in terms of resilience and the ability to recover from the current crisis.



Accelerating the elimination of discriminatory laws against women and girls in Ibero-America is therefore not only an imperative mandated in regional and international agreements signed by all countries of the region, but also an urgent necessity in the current context. Guaranteeing women's economic and labour rights is therefore essential if we are to avoid the risk of the COVID-19 crisis rolling back the already fragile gains made in female labour participation.

***In the context of the current pandemic, working towards the elimination of discriminatory legislation for women's economic empowerment and autonomy represents an unprecedented opportunity to ensure an inclusive and sustainable socio-economic recovery in countries of the Ibero-American region.***

Against this backdrop and given the negative and differential impacts that the COVID-19 crisis has and will continue to have on women's economic autonomy and empowerment, putting the focus on improving legal frameworks makes sense. Not only in order to address the direct consequences of the pandemic, but also as a means to avoid the high costs and risks associated with deepening gender inequality, that will in turn slow down global socio-economic recovery as well as the achievement of the Sustainable Development Goals and the 2030 Agenda.

***The decisions taken by governments to restart the economy will have far-reaching implications in relation to making progress towards the achievement of the 2030 Agenda and gender equality.***

In this regard, the main recommendations included in the reform agendas proposed in this report include:

1. *Ratifying the ILO conventions that promote equality of rights and opportunities between men and women.*
2. *Repealing all laws that promote occupational segregation and restrict women's choice of employment.*
3. *Introducing or broadening the principle of equal pay for work of equal value in order to eliminate wage discrimination, especially in female dominated occupations, such as those related to care work that are often undervalued.*
4. *Legislating to ensure the full recognition, redistribution and sharing of unpaid care-and domestic work, and reviewing of regulations related to parental leave, including through the inclusion of provisions to encourage men's increased participation in child-care and child-rearing responsibilities.*
5. *Eliminating discriminatory laws that undermine the rights and protection of domestic workers and promoting measures to ensure domestic workers the same labour rights as other workers.*
6. *Reviewing contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.*



# 3. Country profiles

*on legislation on women's economic  
empowerment and autonomy*

# Andorra\*

\* information updated as of August 2020

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention

SIGNATURE — / RATIFICATION 1997

Protocol

SIGNATURE 2001 / RATIFICATION 2002

### ILO Conventions related to gender equality

C100 Equal Remuneration Convention, 1951

C111 Discrimination (Employment and Occupation) Convention, 1958

C156 Workers with Family Responsibilities Convention, 1981

C183 Maternity Protection Convention, 2000

C189 Domestic Workers Convention, 2011

C190 Violence and Harassment Convention, 2019



Andorra is not a member of the ILO\*

## BINDING LEGISLATION

- ✓ Constitution of the Principality of Andorra (14 March, 1993).
- ✓ Law 31/2018 on labour relations (6 December, 2018).
- ✓ Law 13/2019 on equal treatment and non-discrimination (15 February, 2019).
- ✓ Law 4/2019 (31 January, 2019) on employment.
- ✓ Legislative Act (25 April, 2018), of the consolidated text of the Law 17/2008, of 3rd October, on social security.
- ✓ Law 6/2014, on social and socio-sanitary services (24 April, 2014).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 6), by the *Law on labour relations* (Art. 4) and the *Law on equal treatment and non-discrimination* (Art. 1, 2, 4, 18 and 37).

**Article 6.** All persons are equal before the law. No one can be discriminated against on grounds of birth, race, sex, origin, religion, opinion, or any other personal or social condition. Public authorities shall create the conditions for the equality and freedom of individuals to be real and effective.

### 2 Freedom of choice of employment

- ✗ The wording of Article 57 of the *Law on Labour Relations* states that overtime is prohibited for pregnant employees or during the period of care and attention of a child or minor under the age of 9 months.

\* However, Andorra's domestic law incorporates ILO occupational safety and health standards.

### 3 Equal pay



- Regulated by the *Law on labour relations* (Art. 69 and 71) and the *Law on equal treatment and non-discrimination* (Art. 13).

**Article 71 bis. Equal remuneration 1.** The employer is obliged to pay the same remuneration for work of equal value, whatever the nature of this remuneration, without any discrimination on the grounds of the female sex in any of the elements or conditions of remuneration.

### 4 Maternity protection



Regulated by the *Law on labour relations* (Art. 31, 33, 68, 84, 85, 92), by the *Law on equal treatment and non-discrimination* (Art.10), and by the *Legislative Act of 25 April, 2018*, by the consolidated text of the *Law on social security* (Art. 111, 117, 118, 142 and 156).

- Maternity leave: 20 weeks (from the sixth week, it can be shared with the other parent).
- Minimum period established by the ILO in its Convention No. 183: 14 weeks.
- Amount and financing: 100% paid by Social Security.
- Protection against dismissal: during pregnancy and maternity leave.

### 5 Paternity leave



Regulated in the *Law on labour relations* (Art. 34, 67 and 68), and by the *Legislative Act of 25 April, 2018*, by the consolidated text of the *Law on social security* (Art. 111 and 160).

- Duration: 4 weeks.
- Amount and financing: 100% paid by Social Security.

### 6 Social security



- Regulated by the *Legislative Act of 25 April, 2018*, by the consolidated text of the *Law on social security*.

Same rights and benefits for temporary/ permanent disability death, orphanhood and retirement.

Retirement age for both sexes is 65, with 180 monthly contributions.

### 7 Care



- Rights to leave of absence (Art. 40) and paid leave (Art. 67) for the care of minors recognized in the *Law on labour relations*. This Law also regulates the creation of a distinction for companies that promote equal opportunities and the reconciliation of work and family life (Art 81).

Regulation of the right to benefits for the care of dependants included in the *Law on social and socio-sanitary services*.

### 8 Protection of domestic workers



Regulated in the *Law on labour relations* (Art. 54.2), in the *Legislative Act of 25 April, 2018*, of the rewritten text of the *Law on social security* (Art. 23).







- Unified Basic Wage, minimum weekly rest, holidays, job stability and the right to Social Security is the same as in the general regime.
- Domestic workers are excluded from the obligation to register the number of hours worked and maximum weekly hours.

## Andorra: Action points to accelerate progress



- ADOPT:**
  - Consider ILO membership and ratification of the conventions related to gender equality (C100, C111, C156, C183, C189 and C190).
- REFORM:**
  - Extend paternity leave.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.
  - Reform the wording of Art. 57 in the *Law on labour relations which prohibits overtime for pregnant employees or during periods of care and attention of children under 9 months of age*.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|--|--|---|--|
| Law 31/2018 on labour relations (6 December, 2018) | Freedom of choice of employment<br><b>2</b>   | Reform<br>   | <b>Article 57. Overtime</b><br>1. Overtime is considered to be the hours that exceed the maximum duration of the ordinary legal workday, or the workday established in the employment contract or by collective agreement.<br><br>3. Overtime is prohibited for minors under the age of eighteen and pregnant employees or during the period of care and attention of a child under the age of nine months.<br><br><b>RECOMMENDATION:</b> Reform the article to clarify that women are not assimilated to minors in terms of labour protection and that, during periods of care, both parents are exempt from overtime in order to prevent the current wording from becoming a source of indirect discrimination for women.  |
|  | Paternity leave<br><b>5</b>                  | Reform<br>   | <b>Article 34. Paternity leave or for the partner who has legally recognized the newborn.</b><br>1. The employment relationship is suspended, for the father or partner who has legally recognized the newborn child, during a four week leave period. This period may be extended by up to one week if the newborn child has a disability diagnosed by a paediatrician that has entered into an agreement with the Andorran Social Security Fund, according to the scale of the National Evaluation Commission.<br><br><b>RECOMMENDATION:</b> Extend paternity leave.   |
|  | Protection of domestic workers<br><b>8</b>  | Reform<br> | <b>Article 54. Workday</b><br>1. Ordinary legal working day:<br>a) In all public, semi-public and private companies, whatever their nature, the ordinary legal working day for employees is 40 hours a week.<br>b) Always and in any case, the ordinary legal working day regime will be understood without prejudice of any other more favourable working day arrangement for the employee, which may be established by legal provision, law or otherwise by collective agreement, or settlement between the company and the employee.<br>c) The company may order changes in working hours for technical, organizational, or productive reasons, but the employee must be given a seven-calendar day notice, except in cases of emergency or force majeure.<br><br>Exclusions: The following are excluded from the established legal working day regime, from special working days in the annual computation of Article 55, from the control obligations set forth in Article 59 and from the daily rest regime of Article 60: b) Employees in the health and socio-sanitary sectors who are on continuous care shifts, and those employed in domestic |



| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT | ACTION | CURRENT TEXT (TO BE REFORMED)   |
|------------|---------------------------------------|--------|---|
|            |                                       |        | <p>work, night watchmen and janitorial workers with residence in the place of work, although the minimum weekly rest period of one full day must be respected.</p> <p><b>Article 59. Scheduling and time recording</b></p> <ol style="list-style-type: none"> <li>1. All companies must provide their employees with their individual work schedules or that of each working shift, that establishes the working hours they are required to work and the time available for breaks or meals, and a record of working hours where overtime and work carried out during public holidays is registered, as well as holidays and leaves of absence taken. In cases in which an hourly computation is applied as provided in Article 55, companies must provide their employees with the expected work schedule and register the hours worked in the time record.</li> <li>2. Employees must receive their corresponding payroll from the company on a monthly basis with a record of hours worked for control purposes and, in the case of non-conformity, must communicate it to the company so that it can be verified and, where applicable, corrected, within a maximum seven calendar day period.</li> <li>3. Employees will be informed in a clear manner and with a minimum seven calendar day period of any modifications of work schedules, to ensure respect for private and family life, except in cases of changes in shifts due to absence or other causes of force majeure.</li> </ol> <p><b>The following are excluded from the obligations set forth in this Article: domestic service, janitorial service with residence in the same building and work in the agricultural and livestock sector.</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |

# Argentina\*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1985

Protocol SIGNATURE 2000 / RATIFICATION 2007

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1956

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1968

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1988

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2014

C190 Violence and Harassment Convention, 2019 ! Not ratified



## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Nation of Argentina (sanctioned In 1853 with the reforms of 1860, 1866, 1898 1957 and 1994).
- ✓ Law No. 20.744, Employment Contract (Text amended by Act No.390/1976).
- ✓ Law No. 11.317 labour of women and children (19 November, 1924).

- ✓ Law No. 24.013, Employment (5 December, 1991).
- ✓ Law No. 26.844, Special Regime on Employment Contracts for Staff in Private Homes (3 April, 2013).
- ✓ Law No. 24.241, Integrated system of retirement and pensions (13 October, 1993).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 75) and by the *Employment Contract Law* (Art. 172).

**Art. 75.** Congress is responsible for; 23 Legislating and promoting positive action measures which guarantee real equality of opportunity and treatment, (...) particularly concerning children, women, the elderly, and people with disabilities.

### 2 Freedom of choice of employment

- ✗ Regulated by the Constitution (Art. 16) and by the *Employment Contract* (Art. 172). However, both Article 11 of the *Law No. 11.317*, and the *Employment Contract* (Art. 176) establish:

**Art. 176.** It is prohibited to employ women in work of an arduous, dangerous, or unhealthy nature. The regulation shall establish which industries are included in this prohibition.



### 3 Equal pay

- ✓ Regulated by the Constitution (Art.14 bis) and in the *Law on Employment Contract* (Art. 172).

**Art. 172.** In the collective agreements and rates of pay that are developed, full compliance with the principle of equal remuneration for work of equal value shall be guaranteed.

### 4 Maternity protection

- ! Regulated by the *Employment Contract Law* (Art. 177 and 178).

**Maternity leave:** 90 days (45 before birth and 45 after).

Minimum amount established by the ILO in its *Convention No. 183*: 14 weeks (equivalent to 112 days).

- ✓ **Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** guaranteed in the article 178. During pregnancy and seven months after the birth.

### 5 Paternity leave

- ! Regulated by the *Employment Contract Law* (Art. 158).

**Duration:** 2 days.

**Amount and financing:** 100% paid by Social Security.

### 6 Social security

Regulated by the *Law No. 24.241 on the Integrated system of retirement and pensions*.

- ! **Different age of retirement for women (60) and men (65), with 30 years of service (Art. 19).**

### 7 Care

- ✓ *Law No. 24.241 on the Integrated system of retirement and pensions* (Art. 3) recognizes the **right of housewives to voluntarily join the Integrated System of Retirement and Pensions**.

- ! *The Employment Contract Law* (Art. 183 to 185) recognizes the **right to leave or terminate the contract** in special conditions **only for female workers (and not for men)** who have become mothers.

### 8 Protection of domestic workers









Regulated by the *Law No. 26.844 Special Regime on Employment Contracts for Staff in Private Homes*.

- ✓
  - Statutory minimum wage.
  - Right to supplementary annual salary, due at the end of each semester.
  - Right to pay for overtime, night work and for working on public holidays.
  - Maximum working hours of 8 hours per day or 48 hours per week.
  - Weekly rest period of 35 continuous hours from Saturday at 13h.
  - Right to holidays, employment stability, maternity rights, right to social security and contract modality equal to the general regime.



## Argentina: Action points to accelerate progress

- + **ADOPT:**
  - Ratify ILO Conventions 183 and 190.
- ! **REFORM:**
  - Increase maternity leave to a minimum period of 14 weeks and standardize leave for biological and adoptive parents, as well as between gestational and non gestational parents.
  - Extend paternity leave.
  - Recognize the right to leave for working fathers.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
- ✗ **ELIMINATE:**
  - Eliminate restrictions that limit freedom of choice of employment for women and assimilate women with minors in terms of their labour protection.



## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
| Law No. 20.744. Employment Contract Law (Text amended by Act No. 390/1976) | Freedom of choice of employment<br>2  | Eliminate<br> | <b>Article 176.</b> Arduous, dangerous or unhealthy work. Prohibition<br><br><b>It is prohibited to employ women in work of an arduous, dangerous or unhealthy nature. The regulation shall establish which industries are included in this prohibition.</b><br><br>With regard to the employment of women the provisions of Article 195 (on accidents or illness) shall govern.<br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women which are not provided for under the protection of maternity and breastfeeding.  |
|  | Maternity protection<br>4             | Reform<br>    | <b>Article 177.</b> Prohibition of work. Job retention.<br><br>It is prohibited that female staff members work during the <b>forty-five (45) days prior to the birth and up to forty-five (45) days after the birth.</b> However, that person may opt to reduce the leave prior to the birth, in which case it cannot be less than thirty (30) days; the remainder of the total period of maternity leave shall be added to the leave taken after the birth. In the event of a pre-term birth, the leave that was not enjoyed before the birth shall be added to the post-partum leave, in order to complete the ninety (90) days.<br><br><b>RECOMMENDATION:</b> Increase maternity leave to a minimum of 14 weeks established in ILO Convention No. 183 and standardize leave for biological and adoptive parents, as well as between gestational and non gestational parents. |
|  | Paternity leave<br>5                | Reform<br>  | CHAPTER II. Regime on special leave<br><b>Article 158.</b> Types.<br><br>The worker shall enjoy the following special leave arrangements:<br><br><b>A. For the birth of a child, two (2) calendar days.</b><br><br><b>RECOMMENDATION:</b> Extend paternity leave.   |
|  | Care<br>7                           | Reform<br>  | CHAPTER IV. On the status of leave<br><br><b>Article 183.</b> Different situations. Option favouring the woman.<br><br><b>Working women with valid and current employment relationships who have a child and continue to reside in the country may choose one of the following situations:</b><br><br><b>A.</b> To continue her work in the company, in the same conditions as she had been doing.  |



| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|---|--|---|
|   |   |  | <p><b>B. Terminate their employment contract</b>, receiving compensation for length of service as assigned through this section, or greater benefits arising from professional statutes or collective labour agreements..</p> <p>In such case, the compensation shall be equivalent to twenty-five per cent (25%) of the worker's remuneration, calculated based on the average established in Article 245 for each year of service, which cannot exceed a minimum living wage per year of service or a fraction greater than three (3) months.</p> <p><b>C. Remain on leave for a period not less than three (3) months nor greater than six (6) months.</b></p> <p>The situation of leave shall be considered as that which the female worker voluntarily undertakes, which allows her to reintegrate into carrying out the tasks she previously did at the company, after the birth and within the established time periods. Any female worker who, while on leave, formalizes a new employment contract with another employer shall be denied the right to reintegrate.</p> <p>The provisions of sections b) and c) of this Article applies to the mother, justified circumstance of care for an unwell son or daughter who is a minor and in her care, with the scopes and limitations as established by the regulations.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Recognize the right to leave for working fathers.</p> </div> |
| <p>Law No. 11.317. Labour of women and children (19 November, 1924)</p> | <p><b>Freedom of choice of employment</b></p> <p><b>2</b> </p> | <p><b>Eliminate</b></p> <p></p> | <p>Art. 9. It is prohibited to employ women and minors under the age of 18 in arduous, dangerous or unhealthy industries or work.</p> <p>The regulation shall establish which industries are included in this prohibition in general.</p> <p>Art. 10. The prohibition of the previous article concerns, in particular, the following:</p> <ul style="list-style-type: none"> <li>a) The distillation of alcohol and the manufacture or mixing of spirits;</li> <li>b) The manufacture of white lead, minimum and any other toxic colourants, as well as the handling of paint, enamel and varnishes that contain lead salts or arsenic;</li> <li>c) The manufacture, handling or preparation of explosives, flammable or corrosive materials, and work in places or buildings where these are manufactured, handled, or prepared, or where explosives or flammable or corrosive materials are stored in amounts that imply a risk of accident;</li> <li>d) The cutting and polishing of glass, the polishing of metals with emery and work in any place or building where there is regular generation of dust and fumes that are irritants or that are toxic.</li> </ul>  |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
|  |  |  | <p>Art. 11. It is prohibited to employ women and minors under the age of 18:</p> <ul style="list-style-type: none"> <li>a) In loading and unloading ships;</li> <li>b) In quarries or underground work;</li> <li>c) In loading or unloading through the use of cranes or hoists;</li> <li>d) As machine or boiler/furnace operators</li> <li>e) In oiling and cleaning moving machinery;</li> <li>f) In the operation of (conveyor) belts;</li> <li>g) In circular saws and other dangerous mechanisms;</li> <li>h) In metal smelting, and in glass melting and blowing;</li> <li>i) In the transport of incandescent materials;</li> <li>j) In the retail of distilled or fermented alcoholic drinks, in any place or building where they are sold.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women, which are not provided for under the protection of maternity and breastfeeding, and that equate women with minors.</p> </div> |
| <p>Law No. 24.241. Integrated system of retirement and pensions (13 October, 1993)</p> | <p>Social security</p> <p><b>6</b> </p> | <p>Reform</p> <p></p> | <p>CHAPTER II. Universal Basic Benefit Requirements</p> <p><b>Article 19.</b> The following members shall have the right to the universal basic benefit (PBU) and other benefits established by this Law:</p> <ul style="list-style-type: none"> <li>a) Men who have reached the age of sixty-five (65) years.</li> <li>b) Women who have reached the age of sixty (60) years.</li> <li>c) Certify thirty (30) years of service with eligible contributions in one or more of the regimes included in the system of reciprocity.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div>  |

# Bolivia\*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1990

Protocol SIGNATURE 1999 / RATIFICATION 2000

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1973

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1977

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1998

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2013

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the State (7 February, 2009).
- ✓ General Labour Law (8 December, 1942).
- ✓ Regulation on the General Labour Act. Supreme Act 224 (23 August, 1943).
- ✓ Law No. 2.450 on the regulation of paid work in the home (9 April, 2003).
- ✓ Supreme Act No. 012/2009. Non-removability from their job for the mother and father who are parents who work in the public or private sector.
- ✓ Supreme Act No. 1.212 on paternity leave (1 May, 2012).
- ✓ Social Security Code (14 December, 1956).
- ✓ Law No. 065, on pensions (10 December, 2010).
- ✓ Supreme Act No. 1.455 establishing the benefit of "Special Leave" (9 January, 2013).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✗ Regulated by the Constitution (Art. 8, 14, 15 and 402), although there are still discriminatory standards in the *General Labour Law*, with regard to the **percentage of women that companies can employ (not more than 45%) (Art. 3)** and **working hours for women (maximum of 40 hours per week compared to 48 hours for men) (Art. 46)**.

### 2 Freedom of choice of employment

- ✗ Regulated by the Constitution (Art. 47), although the *General Labour Law* and its *Regulation* establish the **prohibition of women from dangerous, unhealthy and heavy work, and jobs that harm their morality and decency and night work**.

### 3 Equal pay

- Regulated by the Constitution (Art.48) and by the *General Labour Law* (Art.52).

**Article 48.** The State shall promote women's employment and shall guarantee them the same remuneration as men for work of equal value, both in the public and in the private sectors.

### 4 Maternity protection

- Regulated by the Constitution (Art. 45 and 48) and by the *General Labour Law* (Art. 61 and 62), by the *Supreme Act No. 012/2009* and by the *Social Security Code* (Art. 23, 26, 31, 64).

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** the mother and/or father shall enjoy non-removability from their job from pregnancy until the child is one year old, meaning that they cannot be dismissed, their salary level cannot be affected, nor can their position in their place of work.

- Maternity leave: 90 days** (45 before birth and 45 after).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks (equivalent to 112 days).**

### 5 Paternity leave

- Governed by *Supreme Act No. 1.212* on paternity leave.

**Duration:** 3 working days.

**Amount and financing:** 100% paid by the employer.

### 6 Social security

- Regulated by the *Social Security Code* and by *Law No. 065 on pensions*.

Same rights for women and men on protection against illness, occupational risks, old age, disability and death.

The minimum age of retirement is **58 for both men and women. Women are permitted to retire up to three years earlier (at 55)**, providing they have contributed for at least 10 years.

There is recognition of women's "social contribution" with contributions periods compensated, both for the calculation of the amount and for the period of retirement, for each child (Art. 77 and 78 of the Pensions Law).

### 7 Care

- The Constitution establishes **shared responsibility for housework** between both spouses or partners (Art. 64) and recognizes the economic value of housework as a source of wealth, and which must be quantified in public finances (Art. 338).

The *Supreme Act No. 1.455* provides **three days of special leave** for mothers and fathers in the case of **accident or serious illness of minors under the age of 12**.

### 8 Protection of domestic workers







Regulated by *Law No. 2.450*

- Minimum legal salary, paid overtime, working hours (for those who do not live in), paid weekly rest period, right to holidays, and maternity rights, equal to the general regime.
- Workday of 10 hours for "live-in" arrangements.
- Rest during working hours is not provided for.
- Inclusion in social security obligatory, but with risks only in the short term.
- They do not have the right to retirement nor to pensions as a result of long-term contingencies.







## Bolivia: Action points to accelerate progress

- ADOPT:**
  - Ratify ILO Conventions 183 and 190.
- REFORM:**
  - Increase maternity leave to a minimum amount of 14 weeks.
  - Extend paternity leave, financed by social security.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.
- ELIMINATE:**
  - Eliminate restrictions that limit freedom of choice of employment for women.

## REFORM AGENDA

| LEGAL TEXT                                | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|---|--|---|
| General Law on Labour (8 December, 1942). | <b>Gender equality and non-discrimination</b><br><b>1</b>  | Eliminate<br>   | <p><b>Article 3.</b> In no company or establishment may the number of foreign workers exceed 15 per cent of the total and shall include only technicians. Female staff shall neither be allowed to surpass 45% in companies or establishments where, by their very nature, they do not require a larger proportion of women.</p> <p><b>Article 46.</b> Effective working hours shall not exceed 8 hours a day and a total of 48 hours a week. A night shift shall not exceed 7 hours, night work being understood to mean that performed between 8 p.m. and 6 a.m. This provision shall not apply to the work of newspaper companies, which are subject to special regulations. Women's working hours shall not exceed 40 daytime hours a week.</p> <p><b>RECOMMENDATION:</b> Eliminate articles that entail restrictions on the freedom of choice of employment and on the employability of women.</p> |
|   | <b>Freedom of choice of employment</b><br><b>2</b>       | Eliminate<br>  | <p><b>Article 59.</b> The work of women and minors in dangerous, unhealthy or heavy jobs, and in occupations that harm their morality and decency are prohibited.</p> <p><b>Article 60.</b> Women and minors under the age of 18 may only work during the day, with the exception of nursing, domestic work and others to be determined.</p> <p><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women, which are not provided for under the protection of maternity and breastfeeding, and that equate women with minors.</p>  |
|   | <b>Maternity protection</b><br><b>4</b>                  | Eliminate<br> | <p><b>Article 61.</b> Pregnant women shall rest 45 days before up to 45 days after childbirth, or for a longer period if cases of illness ensued as a consequence of the birth. They shall continue to have the right to the position and shall receive 100% of their wages or salaries. During breastfeeding, they shall have small periods of rest during the day not less than one hour in total.</p> <p><b>RECOMMENDATION:</b> Increase maternity leave to a minimum amount of 14 weeks as established in ILO Convention 183.</p>   |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|---|--|---|
| Regulation on the General Labour Law. Supreme Act No. 224 (23 August, 1943). | <b>Freedom of choice of employment</b><br><b>2</b>   | Eliminate<br> | <p>Article 52. Jobs prohibited for women and children under the age of 18 under Article 58 of the Law shall be those specified in Articles 16, 17, 18, 19 and 20 of the Regulation for the practice of the Supreme Act of 21 September 1929, issued by the General Directorate of Public Health. However, the Ministry of Labour may grant specific authorizations in certain cases.</p> <p>Article 53. Women and minors under the age of 18 cannot be employed during the night in industries. In different jobs in industries, minors under the age of 18 cannot work between 24h and 5h, and in any case they shall enjoy a break of not less than 11 consecutive hours.</p> <p>Exceptions shall be made for fortuitous cases that require immediate attention. However, the Ministry of Labour may grant specific authorizations in certain cases.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women, which are not provided for under the protection of maternity and breastfeeding, and that equate women with minors.</p> </div> |
| Law No. 2.450 on the regulation of paid work in the home (9 April, 2003).    | <b>Protection of domestic workers</b><br><b>8</b>  | Reform<br>  | <p>Article 11. (Working hours).</p> <p>Domestic work is subject to the following working hours:</p> <p>Ten effective working hours for workers who live in the home where they provide their services, eight effective working hours for those who do not live in the place where they provide their services. Time allowed for meals shall not be counted in the working hours; working hours for minors is regulated by the Child and Adolescent Code.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div>   |
| Supreme Act No. 1.212 on paternity leave (1 May, 2012).                      | <b>Paternity leave</b><br><b>5</b>                 | Reform<br>  | <p>Single Article I.</p> <p>Paternity Leave shall be granted for three (3) working days, from when the spouse or partner of the private sector worker gives birth, with enjoyment of one hundred per cent (100%) of their total earnings. In order to receive the Paternity Leave, the worker must give their employer the Certificate proving the birth, issued by the corresponding Health Authority.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p> </div>  |



# Brazil\*

\* information updated as of December 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1981 / RATIFICATION 1984

Protocol SIGNATURE 2001 / RATIFICATION 2002

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1957

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1965

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1998

C183 Maternity Protection Convention, 2000 ❗ Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2018

C190 Violence and Harassment Convention, 2019 ❗ Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Federative Republic of Brazil of 1988.
- ✓ Act-Law No. 5.452 (1 May, 1943). Approval of the Consolidation of Labour Laws.
- ✓ Law No. 13.257 (8 March, 2016).
- ✓ Law No. 8.213 (24 July, 1991). Stipulates the Plans of Social Security benefits and other measures.
- ✓ Law No. 8.212 (24 July, 1991). Stipulates the organization of Social Security and establishes a cost plan and other measures.
- ✓ Complementary Law No. 150 (1 June, 2015).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 5) and by the *Consolidation of Laws on Labour* (Art. 372 and 373).

**Art. 372.** The provisions that govern male work are applicable to female work, to the extent that they do not conflict with the special protection established by this Chapter.

### 2 Freedom of choice of employment

- ✗ Regulated by the Constitution (Art. 5) and by the *Consolidation of Laws on Labour* (Art. 390). The latter restricts the freedom of women to choose jobs that require male strength.

**Art. 390.** The employer is prohibited from employing a woman in a service that requires the use of muscular strength above 20 (twenty) kg for continued work, or 25 (twenty-five) kg for occasional work.

### 3 Equal pay



- ✓ Regulated by the Constitution (Art. 5) and by the *Consolidation of Laws on Labour* (Art. 5).

**Art. 5. Work of equal value has equal pay, without distinction of sex.**

### 4 Maternity protection



- ✓ Regulated by the Constitution (Art. 7 and 203), by the *Consolidation of Laws on Labour* (Art. 391-396), by the *Law No. 8.212* (Art. 28), by the *Law No. 8.213* (Art. 71 and 72) and by *Law No. 13.257* (Art. 1 and 4).

**Maternity leave: 16 weeks**  
(can be increased by 2 weeks, with medical certificate).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** the resumption of the role that she carried out before is guaranteed after the leave (Art. 392).

### 5 Paternity leave



- ! Regulated by the Constitution (Art. 7 and 10), the *Consolidation of Labour Laws* (Art. 392-B) and by the *Law No. 13.257* (Art. 1, 3, 4).

**Duration:** 5 days (except for those companies that sign up to the *Citizen Company -Empresa Cidadã*-Program, in which workers have the right to 15 days).

**Amount and financing:** 100% by the company.

### 6 Social security



Regulated by the Constitution (Art. 7 and 194), by the *Consolidation of Laws on Labour* (Art. 13), by the *Law No. 8.212* (Art. 1) and by the *Law No. 8.213* (Art. 25 and 26).

- ✓ Same rights to benefits under old age, survivorship, illness, accidents, disability, death, retirement and unemployment or forced unemployment.
- ! Different age of retirement for women (62) and men (65), with 180 monthly contributions.

### 7 Care



Regulated by the Constitution (Art. 7, 201, 203 and 226) and by the *Consolidation of Laws on Labour* (Art. 13, 74, 389, 397, 399 and 400).

- ✓ Rights are established such as the right to free childcare for children under the age of 5, in nurseries and preschools, family allowance and allowance for dependants with low incomes, and record of working hours for employees in order to facilitate conciliation.
- ! Companies with more than 30 women workers must have a suitable place where their children can be looked after (can be substituted by a local nursery or agreements with other entities).

### 8 Protection of domestic workers



Regulated by the Constitution (Art. 7), the *Consolidation of Laws on Labour* (Art. 7), *Law No. 8.212* (Art. 24 and 28) and the *Law on domestic housework*.







- ✓ • Minimum salary, paid overtime, daily and weekly rest period, Christmas and holiday allowance, maternity protection, and the right to retirement similar to the general regime.
- Access to a simplified Social Security registration system.
- ! **Less holiday time for female part-time workers than for those who are under the general scheme.**





## Brazil: Action points to accelerate progress



- + **ADOPT:**
  - Ratify ILO Conventions 183 and 190.
- ! **REFORM:**
  - Extend paternity leave and fully finance through Social Security.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
  - Recognize the right to care centres for children of both female and male workers.
  - Ensure domestic workers the same conditions enjoyed by other workers.
- ✗ **ELIMINATE:**
  - Eliminate restrictions on freedom of choice of employment for women, related to the maximum loads that women can handle in their job.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|--|--|--|--|
| Constitution of the Federative Republic of Brazil of 1988.                           | <b>Paternity leave</b><br><b>1</b>                    | Reform<br>      | <p><b>Article 10.</b> Until the enactment of the Complementary Law referred to in Article 7, I, of the Constitution - Law on Constitutional Transitory Provisions.</p> <p>1 Until the law regulates the provisions of Article 7, XIX, of the Constitution, the period of paternity leave referred to in the section shall be five days.</p> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>  |
|  | <b>Social security</b><br><b>6</b>                    | Reform<br>      | <p><b>Article 194.</b> Social security includes a comprehensive set of initiatives from Public Authorities and society, intended to guarantee rights relating to health, pensions and social assistance.</p> <p>Sole paragraph. In the terms of the law, the Government is responsible for organizing social security based on the following objectives:</p> <p>I - universality in cover and care;</p> <p>II - uniformity and equivalence of benefits and services for urban and rural populations;</p> <p>III - selectivity and distribution in the delivery of benefits and services;</p> <p>IV - irreducibility of the value of benefits;</p> <p>V - equality in participation and cost;</p> <p><b>7°</b> Retirement pension is assured in the general regulation on social security, in the terms of the law, subject to the following conditions:</p> <p>I- <b>65</b> (sixty-five), for men, and <b>62</b> (sixty-two), for women, providing they have satisfied the minimum contribution time.</p> <p>II- <b>60</b> (sixty), for men, and <b>55</b> (fifty-five), for women, for rural workers and those who carry out their activities under the family economy regime, including rural producers, mining and traditional fishing.</p> <p><b>RECOMMENDATION:</b> Eliminate restrictions on freedom of choice of employment for women, related to the maximum loads that women can handle in their job.</p> |
| Act-Law No. 5.452 (1 May, 1943) which approves the consolidation of the labour laws. | <b>Freedom of choice of employment</b><br><b>2</b>  | Eliminate<br> | <p><b>Article 390.</b> The employer is prohibited from employing a woman in a service that requires the use of muscular strength above 20 (twenty) kg for continued work, or 25 (twenty-five) kg for occasional work.</p> <p><b>RECOMMENDATION:</b> Eliminate restrictions on freedom of choice of employment for women, related to the maximum loads that women can handle in their job.</p>  |

| LEGAL TEXT                               | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|--|---|---|--|
|  | Care<br>                           | Reform<br> | <p><b>Article 389.</b> All companies are obligated:</p> <p>Establishments where a minimum of 30 (thirty) women over the age of 16 (sixteen) work shall have a suitable area that allows female employees to keep their children under supervision and cared for, during the breastfeeding period.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Recognize the right to care centres for children of both female and male workers.</p> </div>  |
| Complementary Law No. 150 (1 June, 2015) | Protection of domestic workers<br> | Reform<br> | <p><b>Article 3.</b> Part-time work shall be considered as that which does not exceed 25 (twenty-five) hours per week.</p> <p><b>1°</b> The salary to be paid to employees working on a part-time basis shall be proportional to their working hours in relation to the hours the employee works, for the same full-time work.</p> <p><b>2°</b> The normal working hours for part-time employees may increase with overtime providing it is not more than one (1) hour per day, by written agreement between the employer and the employee, subject to the provisions of Paragraphs 2 and 3 of Article 2, with a maximum limit of six (6) hours per day.</p> <p><b>3°</b> In part-time mode, after each period of 12 (twelve) months of the employment contract, the employee shall have the right to holidays, in the following proportion:</p> <ul style="list-style-type: none"> <li><b>I</b> - 18 (eighteen) days, for weekly working hours that exceed 22 (twenty-two) hours, up to 25 (twenty-five) hours;</li> <li><b>II</b> - Sixteen (16) days, for weekly working hours that exceed twenty (20) hours, up to twenty-two (22) hours;</li> <li><b>III</b> - 14 (fourteen) days, for weekly working hours above 15 (fifteen) hours, up to 20 (twenty) hours;</li> <li><b>IV</b> - 12 (twelve) days, for weekly working hours that exceed 10 (ten) hours, up to 15 (fifteen) hours;</li> <li><b>V</b> - 10 (ten) days, for weekly working hours that exceed 5 (five) hours, up to 10 (ten) hours;</li> <li><b>VI</b> - 8 (eight) days, for weekly working hours of 5 (five) hours or below.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |

## Chile \*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



## CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1989

Protocol SIGNATURE 1999 / RATIFICATION NOT RATIFIED

## ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1971

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1971

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1994

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2015

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the Republic of Panama, of 1980.
- ✓ Labour Code of 1994 (subsequently consolidated in the Act in Force of Law -DFL- 1 January, 2003, last amendment 2 May 2019).
- ✓ Law No. 20.348 on Equal pay between men and women (approved in 2009).
- ✓ Law No. 20.545 which amends the regulations on the protection of maternity leave and incorporates post-natal parental leave (approved in 2011).
- ✓ Law No. 20.482 on employment leave for fathers in the event of the birth of a child (approved in 2011).
- ✓ Law No. 20.399 which grants workers the right to a nursery (approved in 2009).
- ✓ Law No. 20.336 amending Article 150 of the labour code, on weekly rest periods for workers in private homes (approved in 2009).
- ✓ Law No. 20.786 amending working hours, rest periods and the composition of remuneration for workers in private homes, which prohibits the requirement of uniform in public places (approved in 2014).
- ✓ Law No. 3.500 on Social Welfare Regime derived from individual capitalization (approved in 1980. Last amendment February 2019).
- ✓ Law No. 20.255 which establishes pension reform (approved in 2008).

## Areas for women's economic empowerment

## 1 Gender equality and non-discrimination



- ✓ Regulated by the Constitution (Art. 1 and 19) and by the *Labour Code* (Art. 2).
- ! However, the **Chilean Civil Code contains discriminatory provisions with regard to the administration of property in marriage** (Art. 135, 1749, 1751 - 53).

## 2 Freedom of choice of employment



- ! Regulated by the Constitution (Art. 16) and by the *Labour Code* (Art. 2), although the latter establishes:
 

**Art. 211 J.** Minors aged below 18 and women cannot manually carry, transport, load, drag or push, without mechanical assistance, loads above 20 kilogrammes.

### 3 Equal pay

- ⚠ Regulated by the *Labour Code* (Art. 62 bis), based on the reform introduced in *Law No. 20.348 on Equal pay between men and women*.

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, establishing the principle of equal pay between men and women only for equal work.

### 4 Maternity protection

- ✓ Regulated by the *Labour Code* (Art. 197 to 206).

**Maternity leave: 18 weeks.**  
(6 before birth and 12 after)

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

A **post-natal rest period of 12 week full-time or 18 weeks part-time** has also been established, partially paid by Social Security.

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** the employer is obligated to reincorporate the female worker after her maternity leave (Art. 197).

### 5 Paternity leave

- ⚠ Regulated by the *Labour Code* (Art. 195).

**Duration:** 5 days.

**Amount and financing:** 100% paid by Social Security.

- ✓ If both parents are workers, either of them, to be chosen by the mother, may enjoy the **post-natal parental leave**, from the seventh week onwards.

### 6 Social security

Regulated in *Law No. 3.500 on Social Welfare Regime*

- ⚠ **Different age of retirement for women (60) and men (65)** (Art.3). Required to make contributions to their individual capitalization accounts of 10% of their taxable remuneration and income (Art.17). The required capital shall be determined in accordance with the technical basis and the **tables on mortality and life expectancy** (Art. 55), **which negatively affects women as a result of having higher life expectancy**.

- ✓ *Law No. 20.255 establishing welfare reform* recognizes the **right of women to a credit** in their capitalization system **for each live birth**. It also establishes, in the event of marriage annulment or divorce, **compensation in the capitalization account** for the spouse who is affected by economic damage.

### 7 Care

- ✓ The *Labour Code* (Art. 199) establishes a **leave for reasons of serious illness or care needs for a child** under the age of one, partially paid by Social Security, for the mother or father. For children aged over one year, the leave is the number of hours equivalent to 10 ordinary working days per year.

The *Labour Code* also establishes (Art. 203) the obligation to set up an **area for feeding and looking after children under 2** for employers who have more than 30 female workers working for them, although this right is extended to workers who are entrusted with looking after a minor.

### 8 Protection of domestic workers







Regulated by the *Labour Code*, *Law No. 20.786* and the *Law No. 20.336*.

- ✓ • Legal minimum wage, paid overtime, limits on working hours and rest period (for live-in cases), holidays, similar to the general regime.
- Full inclusion in social security: medical assistance, maternity leave, old-age or disability pension.
- ⚠ Working hours not expressly limited for live-in workers (would be 12 hours with obligatory rest periods).





## Chile: Action points to accelerate progress

- ⊕ **ADOPT:**
- Ratify the CEDAW Optional Protocol.
  - Ratify ILO Conventions 183 and 190.
- ⚠ **REFORM:**
- Extend the principle of equal remuneration for work of equal value.
  - Extend paternity leave.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement and mortality ages, to prevent discriminations in pension coverage.
  - Establish working hours for live-in domestic workers.
- ⊗ **ELIMINATE:**
- Eliminate discriminatory provisions in the administration of property in marriage.
  - Eliminate restrictions on freedom of choice of employment for women related to the maximum loads that women can handle in their job.

## REFORM AGENDA



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|--|--|--|--|
| Labour Code of 1994 (subsequently consolidated in the Act in Force of Law, 1 January, 2003, last amendment 2 May 2019) | Freedom of choice of employment<br>2  | Eliminate<br> | <b>Article 211-J.</b> Minors aged below 18 <b>and women cannot manually carry, transport, load, drag or push, without mechanical assistance, loads above 20 kilogrammes.</b> For these workers, the employer must implement safety and mitigation measures, such as rotation of workers, reducing lifting heights, or increasing the frequency of load handling. The details of the implementation of such measures shall be contained in the Technical Guide for the Evaluation and Control of Risks Associated with Manual Operation or Handling of Loads.<br><br><b>RECOMMENDATION:</b> Eliminate restrictions on freedom of choice of employment for women related to the maximum loads that women can handle in their job.  |
|  | Equal pay<br>3                        | Reform<br>    | <b>Article 62 bis.</b> The employer must comply with the principle of equal pay between men and women who carry out the same work, with objective differences in pay that are based on, among other reasons, capabilities, qualifications, aptitude, responsibility, or productivity, not considered to be arbitrary. Complaints made invoking this Article shall be examined in accordance with Paragraph 6 of Chapter II of Heading I of Book V of this Code, once the complaints procedure established for such purposes in the company's internal regulations has been concluded.<br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100. |
|  | Paternity leave<br>5                | Reform<br>  | <b>Article 195.- The father shall have the right to paid leave of five (5) days in the event of the birth of a child,</b> which he may use as he chooses from the moment of the birth, in which case it shall be continuous, excluding the weekly rest period, or he may distribute it within the first month from the date of the birth. This leave shall also be granted to the father going through an adoption process and shall be counted from the notification of the resolution granting the personal care or approving the adoption of the minor, in accordance with Articles 19 and 24 of Law No. 19.620. This is an inalienable right.<br><br><b>RECOMMENDATION:</b> Extend paternity leave.  |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
|  | <p>Protection of domestic workers</p> <p>8 </p> | <p>Reform</p> <p></p>   | <p><b>Article 149.</b> e) The time between the start and finish of work may under no circumstances exceed twelve continuous hours, considering both the workday and the rest period to fall within the workday. <b>When they live in the house of the employer, they shall not be subject to a schedule, rather that this will be determined based on the nature of their work, and they must normally have a minimum uninterrupted break of 12 hours per day.</b> Between the end of one workday and the start of the next, rest shall be uninterrupted and, normally, a minimum of 9 hours. The remainder may be spread over the workday and breaks for the worker to have meals shall be understood to be included in this.</p> <div data-bbox="786 786 1449 891" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Establish working hours of live-in domestic workers under the same terms as live-out domestic workers.</p> </div>   |
| <p>Law No. 3.500 on Social Welfare Regime derived from individual capitalization (approved in 1980 and updated in February 2019)</p> | <p>Seguridad Social</p> <p>6 </p>             | <p>Reform</p> <p></p> | <p><b>Article 3.</b> Members who have reached the age of <b>sixty-five, for men, and sixty, for women</b>, shall have the right to the old age pension, without prejudice to the provisions of Article 68.</p> <p><b>Article 17.</b> Workers who are members of the System, aged below 65 if they are men, and below 60 if they are women, shall be <b>required to make contributions to their individual capitalization account at 10 per cent of their taxable remuneration and income.</b></p> <p><b>Article 55.</b> For the purposes of Article 53, required capital shall be understood to be the expected present value of: The required capital shall be determined in accordance with the technical bases and the <b>tables on mortality and life expectancy</b> which shall be jointly established for these purposes by the Superintendencies of Funds for Pensions and of Securities and Insurance, using the interest update rate indicated by the Superintendency of Securities and Insurance, in accordance with the following section.</p> <div data-bbox="786 1541 1457 1668" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement and mortality ages, to prevent discriminations in pension coverage.</p> </div> |





| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|--|--|---|
| <p>Text consolidated, coordinated and standardized from the Civil Code; from Law No. 4.808, on civil registration, from Law No. 17.344, authorizing the change of names and surnames, from Law No. 16.618, Law on minors, from Law No. 14.908, on family desertion and payment of maintenance payments, and from Law No. 16.271 on tax on inheritance, assignments, and gifts</p> | <p>Gender equality and non-discrimination</p> <p>1 </p> | <p>Reform</p> <p></p> | <p><b>Article 135.</b> By marriage, a partnership of assets is contracted between the spouses, and the husband manages the administration of the wife's assets, in accordance with the rules provided in the title of the marital partnership.</p> <p><b>Article 1749.</b> The husband oversees the marital partnership, and as such administrates the social assets and those of his wife; subject, however, to the obligations and limitations imposed by this Title and any that may have been contracted through a pre-nuptial agreement.</p> <p>As administrator of the marital partnership, the husband shall exercise the rights of the wife who marries as a member of a civil partnership, without prejudice to the provisions of Article 150.</p> <p>The husband may not voluntarily transfer or tax, nor promise to transfer or tax the social assets nor the inheritance rights of the wife, without her authorization.</p> <p>Nor may he, without such authorization, inter vivos, have the social assets cost-free, except in the case of Article 1735, nor lease or hand over ownership of social urban assets for more than five years, nor rural assets for more than eight, including any extensions that the husband may have agreed.</p> <p>If the husband constitutes a surety, joint co-debtor, or guarantor, or grants any other guarantee with regard to obligations contracted by third parties, only his own assets shall be liable.</p> <p>In the cases referred to in the previous section, in order to commit social assets, the authorization of the wife shall be required.</p> <p>The authorization of the wife must be specific and granted in writing, or by means of a public instrument if the action requires such formality or made expressly and directly in any way.</p> <p>In any event it can be provided by means of a special mandate that is made in writing or by public document, as applicable. The authorization referred to in this Article may be requested by the judge, after a hearing to which the wife shall be summoned, in the event that she refuses without just cause. It may also be requested by the judge in the event of any impairment on the part of the wife, such as being a minor, dementia, actual or apparent absence or other, and damages shall ensue from the delay. However, such authorization cannot be supplied if the wife opposes the donation of the social assets.”.</p> <p><b>Article 1750.</b> The husband is, with regard to third parties, the owner of the social assets, as if those and his own assets formed one single estate, meaning that during the partnership, the husband's creditors may pursue both his assets and the assets of the partnership; without prejudice to any payments or compensations that, as a consequence thereof, the husband may owe the partnership, or the partnership may owe the husband. Nonetheless, creditors may seek their rights on the assets of the wife, in virtue of a contract concluded between them and the husband, if it is proven that the contract was assigned for the personal use of the wife, such as the payment of her debts prior to the marriage”.</p> |



| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT | ACTION | CURRENT TEXT (TO BE REFORMED)   |
|------------|---------------------------------------|--------|---|
|            |                                       |        | <p><b>Article 1751.</b> Any debt contracted by the wife with a general or special mandate of the husband, is, with respect to third parties, debt of the husband and consequently, of the partnership; and the creditor may not seek the payment of this debt upon the assets of the wife, rather only the assets of the partnership and the assets of the husband; without prejudice to the provisions of section 2 of the previous Article.</p> <p>If the wife enters into a contract in her own name, the provisions of Article 2151 shall apply. Contracts entered into by the husband and the wife in concert or where the wife is bound jointly or collaterally with the husband, shall not be valid against the assets of the wife, except in the cases and terms mentioned in section 2, and without prejudice to the provisions of section 1 of Article 137.</p> <p><b>Article 1752.</b> The wife alone does not have any right to the social assets during the partnership, except in the cases stated in Article 145.</p> <p><b>Article 1753.</b> Although the wife may, in the pre-nuptial agreement, renounce her own assets, as a result she shall not have the power to receive the income from her own assets, which are understood to be transferred to the husband to support the costs of the marriage, but with the obligation to retain and return said assets, as stated subsequently.</p> <p>The aforementioned shall be understood without prejudice to the rights of the woman who is divorced or separated in assets.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Eliminate male privileges with regards to the administration of property in marriage.</p> </div> |

# Colombia\*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1982

Protocol SIGNATURE 1999 / RATIFICATION 2007

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1968

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1969

C156 Workers with Family Responsibilities Convention, 1981 ❗ Not ratified \* Pending in the Congress of the Republic.

C183 Maternity Protection Convention, 2000 ❗ Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2014

C190 Violence and Harassment Convention, 2019 ❗ Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of Colombia 1991.
- ✓ Substantive Labour Code (4 June, 1951 and subsequent amendments).
- ✓ Law No. 823 (10 July, 2003) which establishes standards on equal opportunities for women.
- ✓ Law No. 1.496 (29 September, 2011) guaranteeing equal salary and pay between women and men, establishing mechanisms to eradicate any form of discrimination and other provisions.
- ✓ Law No. 1.823 (4 March, 2017) adopting the strategy Breastfeeding Family Friendly Rooms in the Workplace (Salas Amigas de la Familia Lactante del Entorno Laboral) in public entities and private companies.
- ✓ Law No. 11 (19 January, 1988) which enshrines exceptions in the Social Security regime for domestic workers.
- ✓ Law No. 100 (23 December, 1993 establishes the comprehensive social security system and other provisions and subsequent amendments).
- ✓ Law No. 1.413 (11 November, 2010) which regulates the inclusion of the economy of care in the system of national accounts with the objective of measuring the contribution of women to the economic and social development of the country as a fundamental tool for establishing and implementing public policy.
- ✓ Law No. 1.361 (3 December, 2009) by which the Act on Comprehensive Protection for the Family is established, as well as the amendment thereof through Law No. 1.857 of 2017.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 13 and 43), by the Substantive Labour Code (Art. 10), and by the Law No. 823 of 2003 on equal opportunities for women.

The Constitution establishes, furthermore, that the State shall support, in particular, women who are heads of families (Art 43).

### 2 Freedom of choice of employment

- ✓ Regulated by the Substantive Labour Code (Art. 8 and 11).

In addition, Law No. 823 of 2003 on equal opportunities promote the incorporation of women in non-traditional sectors.

### 3 Equal pay

- Regulated by the *Substantive Labour Code* (Art. 143) and by *Law No. 823 of 2003 on equal opportunities for women* (Art. 5).

In addition, there is a [Specific Law on equal pay: Law No. 1.496, 29 September, 2011 guaranteeing equal salary and pay between women and men, establishing mechanisms to eradicate any form of discrimination and other provisions](#). It contains the principle of **equal pay for work of equal value**.

### 4 Maternity protection

- Extensive policy development on the maternity protection. Regulated by the Constitution (Art. 43), by the *Substantive Labour Code* (Art. 7) and by *Law No. 100 on Comprehensive Social Security* (Art. 162 and 207).

**Maternity leave: 18 weeks** (1 or 2 weeks prior to birth; 16-17 weeks post-partum).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** no female worker can be dismissed on the grounds of pregnancy or breastfeeding without prior authorization from the Ministry of Labour which substantiates just cause.

### 5 Paternity leave

- Regulated by the *Substantive Labour Code* (Art. 236).

**Duration:** 8 working days.

**Amount and financing:** 100% paid by Social Security.

### 6 Social security

- Regulated by *Law No. 100 on Comprehensive Social Security*

Same rights to insurance for: occupational risk; disability and life; and retirement, old age severance and old age.

- Different age of retirement for women** (57) and men (62) with the obligation, in both cases, of having made a minimum of 1.300 weekly contributions (Art. 33).

### 7 Care

- The objective of the *Law on Care (Law No. 1.413 of 2010)* is to include unpaid housework in the System of National Accounts, for the purposes of measuring the contribution of women to the economic and social development of the country.

*Law No. 1.361 on Comprehensive Protection for the Family* establishes the **shared responsibility of the public and private sectors and society in the development of the family** (Art. 3) and the **adaptation of working hours, on the part of employers, for reaching and caring for family members** (Art. 5).

### 8 Protection of domestic workers







Regulated by the *Substantive Labour Code* and by the *Law No. 11 on Social Security for Domestic Workers*:

- Social Security aligned with the General Regime.
  - Right to service premium (bonus).
  - Legal monthly minimum salary.
  - Legal paid leave on official holidays.
  - Right to holidays.
  - Maternity rights recognized.
- Maximum working hours of 10 hours per day for live-in domestic workers.
  - Rest during working hours is not specified.

## Colombia: Action points to accelerate progress

- ADOPT:**
  - Ratify ILO Conventions 156, 183 and 190.
- REFORM:**
  - Extend paternity leave without this affecting maternity leave.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|---|---|---|--|
| Substantive Labour Code (4 June, 1951).   | <b>Paternity leave</b><br><b>5</b>                 | Reform<br>   | <p>CHAPTER V. MATERNITY PROTECTION AND PROTECTION OF MINORS.</p> <p><b>Article 236.</b> Leave around the time of giving birth and incentives for adequate care and attention for the newborn.</p> <p><b>Paragraph 2.</b> The spouse or life partner shall have the <b>right to eight (8) working days of paid paternity leave.</b></p> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>   |
|   | <b>Protection of domestic workers</b><br><b>8</b>  | Reform<br>   | <p><b>Article 162. EXCEPTIONS IN CERTAIN ACTIVITIES</b></p> <p><b>1. The following workers are excluded from the regulation on maximum legal working hours:</b></p> <p><b>b) Domestic work, either in cities or in the countryside;</b></p> <p>NOTE: Paragraph b) was declared <b>CONDITIONALLY CONSTITUTIONAL</b> by the Constitutional Court by Sentence C--372 of 1998, in the sense that domestic workers who live in the house of the employer, may not have working hours exceeding 10 hours per day.</p> <p><b>Article 175. EXCEPTIONS.</b></p> <p><b>1. Work during obligatory days of rest is only permitted where it is repaid or where paid compensatory rest is given:</b></p> <p><b>C) In the work of domestic workers and private drivers,</b></p> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> |
| Law No. 100 (23 December, 1993) which establishes the comprehensive social security system and other provisions | <b>Social security</b><br><b>6</b>               | Reform<br> | <p><b>Article 33. Requirements for Obtaining Old-Age Pension.</b><br/> <b>In order to have the right to the old-age pension, the person must satisfy the following conditions:</b></p> <p><b>1. Have reached the age of fifty-seven (57) for women, and sixty-two (62) for men.</b></p> <p><b>2. Have made a minimum of 1,300 weeks of contributions at any time.</b></p> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p>   |

# Costa Rica\*

\* information updated as of December 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1986

Protocol SIGNATURE 1999 / RATIFICATION 2001

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1960

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1962

C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2014

C190 Violence and Harassment Convention ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of Costa Rica (7 November, 1949).
- ✓ Labour Code of Costa Rica (Law No. 2, 26 August, 1943, updated with Law No. 9.343 on Labour Process Reform).
- ✓ Law No. 7.142 (8 March, 1990) on the Promotion of Social Equality of Women.
- ✓ Law No. 8.726 (2 July, 2009) on domestic work.
- ✓ Law Constituting the Costa-Rican Social Security Fund No. 17 (22 October, 1943).
- ✓ Regulation on Disability, Old Age and Death Insurance from the Costa-Rican Social Security Fund (9 August, 2007).
- ✓ Law No. 9.325 (19 October, 2015) on recognition and accounting for the contribution of undomestic work in Costa Rica.
- ✓ Law No. 9.920 (24 March, 2014) establishing the National Network of Childhood Care and Development.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 33 and 68), by the *Labour Code* (Art. 404 and 410), and by the *Law on the Social Advancement of Women* (Art. 1).

**Article 33.** All people are equal before the law and no form of discrimination contrary to human dignity may be practiced.

### 2 Freedom of choice of employment

- ! Regulated by the Constitution (Art. 56), although Article 71 and the *Labour Code* (Art. 87) **limit the employment choice of women: dangerous, unhealthy or heavy jobs, in physical or moral aspects.**

### 3 Equal pay

- ⚠ Regulated by the Constitution (Art. 57), by the *Labour Code* (Art. 167), and by the *Federal Law on the Social Advancement of Women* (Art. 14).

In the *Law on the Social Advancement of Women*, the principle established in ILO Convention 100 is included, on **equal remuneration for work of equal value**, although this is only for equal work in the case of the Constitution and the *Labour Code*.

### 4 Maternity protection

Regulated by the Constitution (Art. 51 and 55) and by the *Labour Code* (Art. 94 to 100).

**Maternity leave: 16 weeks**  
(4 before birth and 12 after)

- ✓ **Minimum amount established by the ILO in its Convention 183: 14 weeks.**
- ⚠ **Amount and financing:** 100% paid, 50% by Social Security and 50% by employer.
- ✓ **Protection against dismissal:** during pregnancy and breastfeeding.

### 5 Paternity leave

- ⊕ **Not established by Law.**

### 6 Social security

Regulated by the *Law Establishing the Costa-Rican Social Security Fund* and by the *Regulation on Disability, Old Age and Death Insurance from the Costa-Rican Social Security Fund*.

- ✓ Same rights to insurance for illness, disability, maternity, old-age, death, and other contingencies as determined by law.

**Retirement age of 65 for men and women with 300 months of contributions.** The old-age pension can be advanced, for women from 59 years and 11 months of age with 450 contributions; for men from 61 years and 11 months of age with 462 months of contributions.

### 7 Care

- ✓ There is an Law on recognition and accounting for the contribution of undomestic work (*Law No. 9.325*).

*Law No. 9.920 establishing the National Network of Childhood Care and Development* establishes a **system of childhood care and development** that is available to the public, universal, with solidarity-based funding and for, preferably, minors under the age of seven.



### 8 Protection of domestic workers

- ✓ Regulated by the *Labour Code* (Art. 101 to 105):
- Right to Minimum Salary, working hours, rest during working hours and weekly rest period, holidays, maternity rights, statutory insurance from social security and Social Security coverage, equal to the general regime.

## Costa Rica: Action points to accelerate progress





- ⊕ **ADOPT:**
- Ratify ILO Conventions 156, 183 and 190.
  - Adopt paternity leave and fully fund by Social Security.
- ⚠ **REFORM:**
- Extend the principle of equal remuneration for work of equal value in the Constitution and in the *Labour Code*.
  - Increase payment or fully finance maternity leave by Social Security.
  - Reform the articles of the Constitution and the *Labour Code* that limit the freedom of choice of employment for women and which assimilate minors with women in terms of labour protection.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|---|--|---|--|
| Political Constitution of Costa Rica (7 November, 1949)   | Freedom of choice of employment<br>2    | Reform<br>   | <b>Article 71.</b> The laws shall provide special protection to women and minors in their work.<br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit freedom of choice of employment for women and assimilate women with minors in terms of their labour protection.  |
|   | Equal pay<br>3                          | Reform<br>   | <b>Article 57.</b> All workers shall have the right to a minimum salary, which is set periodically, for normal working hours, which ensures well-being and a dignified existence. The salary shall always be equal for equal work in identical conditions of efficiency. Everything relating to the setting of minimum wage shall be the responsibility of the technical body as determined by law.<br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.   |
| Labour Code of Costa Rica (Law No. 2, 26 August, 1943, updated with Law No. 9.343 on Labour Process Reform) | Freedom of choice of employment<br>2  | Reform<br> | On the work of women and minors:<br><br><b>Article 87.</b> It is absolutely prohibited to employ women and minors under the age of 18 to carry out work that is unhealthy, heavy or dangerous, in physical or moral aspects, in accordance with the definition thereof as shall be made in the regulations. For such purposes, the Ministry of Work and Social Security shall take into consideration the provisions of Article 199.<br><br>Consultation must also be carried out with organizations of interested workers and employees and with representative associations of women, the form and conditions of the performance of the work of women, in those activities that may be detrimental to them as a result of their particular danger, or unhealthy or harsh nature.<br><br>Without prejudice to other legal sanctions and compensation, when the persons referred to in the previous paragraph suffer an accident or illness, and it is proven that the cause lies in the performance of the aforementioned prohibited work, the culpable employer must give the person who has suffered accident or illness an amount equivalent to three months' salary.<br><br><b>RECOMMENDATION:</b> Reform the articles of the Constitution and the Labour Code that limit the freedom of choice of employment for women and which assimilate minors with women in terms of labour protection. |





| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|------------|--|--|--|
|            | <p>Equal pay</p> <p>3 </p>              | <p>Reform</p> <p></p>   | <p><b>Article 167.</b> In order to set the salary amount for each type of work, the amount and quality thereof shall be taken into consideration.</p> <p><b>Equal pay for equal work, performed in positions, working hours and efficiency conditions that are also equal</b>, including both payments for daily fees and benefits, services such as accommodation or any other benefit provided to a worker in exchange for their ordinary work.</p> <p>No differences may be established on the grounds of age, sex or nationality.</p> <p><b>Article 405. All workers who carry out equal work in equal subjective and objective conditions shall enjoy the same rights, with regard to working hours and remuneration, without any discrimination.</b></p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>   |
|            | <p>Maternity protection</p> <p>4 </p> | <p>Reform</p> <p></p> | <p><b>Article 95.</b> Pregnant female workers shall enjoy compulsory paid maternity leave, during the month prior to the birth, and the three months following the birth. These three months shall also be considered as the minimum breastfeeding period, which, by medical prescription, may be extended for the purposes of the previous Article.</p> <p>During this leave, the remuneration system shall be governed in accordance with the provisions of the Costa-Rican Social Security Fund for the "Risk of Maternity". This remuneration must be computed under the labour rights arising from the employment contract. <b>The amount corresponding to the payment for this leave must be equivalent to the salary of the female worker and shall be covered, in equal parts, by the Costa-Rican Social Security Fund and the employer.</b> Furthermore, in order to not interrupt contributions during this period, the employer and the worker must pay into this Fund their social contributions on the whole of the salary earned during the leave.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Increase or fully fund maternity leave through the Social Security system, to prevent any source of indirect discrimination for women.</p> </div> |

## Cuba\*

\* information updated as of November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



## CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1980

Protocol SIGNATURE 2000 / RATIFICATION NOT RATIFIED

## ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1954

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1956

C156 Workers with Family Responsibilities Convention, 1981 ❗ Not ratified

C183 Maternity Protection Convention, 2000 ✓ 2004

C189 Domestic Workers Convention, 2011 ❗ Not ratified

C190 Violence and Harassment Convention, 2019 ❗ Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic of Cuba (24 February, 2019).
- ✓ Law No. 116/2013 Labour Code and Regulation on the Labour Code (12 June, 2014).
- ✓ Act-Law No. 339 on maternity leave for women workers (8 December, 2016).

- ✓ Law No. 105/09 and Regulation on the Social Security Act (6 April, 2009).
- ✓ Act-Law No. 278 on the Special Regime on Social Security for Self-Employed Workers (30 September, 2010).

## Areas for women's economic empowerment

## 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 42) and by the Labour Code (Art. 2)

**Art 2. b)** equality at work; all citizens who are able to work have the right to obtain a job that meets the requirements of the economy and their choice, both in the state and non-state sector; without discrimination based on skin colour, gender, etc.

## 2 Freedom of choice of employment

- ✓ Regulated by the Constitution (Art. 64)

**Art. 64.** The right to work is recognized. Anyone who is able to work has the right to obtain decent employment, in accordance with their choice, qualifications, aptitude and the demands of the economy and society.

### 3 Equal pay

Regulated by the Constitution (Art. 42) and by the *Labour Code* (Art. 2).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, establishing the principle of equal pay depending on the product and service provided, the quality thereof, and the actual time worked.

### 4 Maternity protection

Regulated by the Constitution (Art. 84), by the *Labour Code* (Art. 59 to 63) and by the *Act on the Maternity Leave for Women Workers*.

**Maternity leave: 18 weeks**  
(6 before birth and 12 after birth)

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** during maternity leave for a duration of 18 weeks.

### 5 Paternity leave

Not established by Law.

However, there is **unpaid leave for either of the two parents** established, of up to nine months, for the care of minors (Art. 32 and 33 of the *Act on Maternity Leave for Women Workers*).

### 6 Social security

Regulated by the *Law on Social Security*.

Same rights to pension according to age, benefit for illness or accident, disability pension, pension for the death of the worker and social assistance.

**Different age of retirement for women (57) and men (65), with 30 years of service in both cases (Art. 22).** Exceptions to some categories of work and lower contributions period for extraordinary pension, although the different age of retirement is maintained. for women and men with similar contribution density.

### 7 Care

The *Act on Maternity Leave for Women Workers* establishes **authorization** for one hour of breastfeeding per day and one day per month for visiting the paediatric centre, to be used by the mother or the father, during the first year of life of the minor (Art. 31).

### 8 Protection of domestic workers

Domestic workers have the same rights and obligations as any other self-employed worker.





**There is no special regime recognized for domestic workers.**

## Cuba: Action points to accelerate progress



- +** **ADOPT:**
- Ratify the CEDAW Optional Protocol.
  - Ratify ILO Conventions 156, 183 and 190.
  - Adopt a paternity leave.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

- !** **REFORM:**
- Extend the principle of equal remuneration for work of equal value.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|--|---|---|---|
| Constitution of the Republic of Cuba (24 February, 2019).                      | Equal pay<br><b>3</b>    | Reform<br>   | <p>Article 42. All persons are equal before the law, receive the same protection and treatment from the authorities and enjoy the same rights, liberties and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious beliefs, disability, national or territorial origin, or any other personal condition or circumstance which involves any distinction that is harmful to human dignity.</p> <p>Everyone has the right to enjoy the same public spaces and service facilities.</p> <p><b>Furthermore, they receive equal pay for equal work, without any discrimination.</b></p> <p>Violation of the principle of equality is proscribed and is penalized by law.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div> |
| Law No. 116/2013 Labour Code and Regulation on the Labour Code (12 June, 2014) | Equal pay<br><b>3</b>  | Reform<br> | <p>Article 2. The fundamental principles governing labour law are:</p> <p><b>c) equal pay; work shall be paid without any type of discrimination in terms of the products and services they produce, their capacity and the actual time worked</b> where the principle of social distribution of everyone according to the capability of everyone in accordance with their work. The State, in light of the economic-social development achieved, establishes the minimum wage in the country;</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>  |



| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|---|--|---|
| <p>Law No. 105/09 and Regulation on the Social Security Law (6 April, 2009)</p> | <p>Social security</p> <p>6 </p> | <p>Reform</p> <p></p> | <p><b>Article 22.</b> In order to have the right to the ordinary pension, it is required that:</p> <ol style="list-style-type: none"> <li>1. For workers included in Category I, it is required: a) for women, that they are aged 60 or over and, for men, that they are aged 65 or over; b) to have not less than 30 years of service; and c) to be employed at the moment of fulfilling the requirements indicated in the previous sections.</li> <li>2. For workers included in Category II, it is required: a) for women, that they are aged 55 or over and, for men, that they are aged 60 or over; b) to have not less than 30 years of service; and c) to have worked in jobs included in this Category not less than fifteen years prior to their application, or 75% of the length of service required in order to have the right to the pension, if at the time of the request they were not employed in a job included in this Category; and d) to be employed at the moment of fulfilling the requirements indicated in the previous sections.</li> </ol> <p><b>Article 23.</b> In order to obtain the supplementary pension, it is required: a) for women, that they are aged 60 or over and, for men, that they are aged 65 or over; b) to have not less than 20 years of service; and c) to be employed at the moment of fulfilling the requirements indicated in the previous sections.</p> <div data-bbox="790 1144 1409 1274" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div> |

# Dominican Republic \*

\* information updated as of  
November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 2000

Protocol SIGNATURE 1982 / RATIFICATION 2001



### ILO Conventions related to gender equality



- C100 Equal Remuneration Convention, 1951 ✔ 1953
- C111 Discrimination (Employment and Occupation) Convention, 1958 ✔ 1964
- C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified
- C183 Maternity Protection Convention, 2000 ✔ 2016
- C189 Domestic Workers Convention, 2011 ✔ 2015
- C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✔ Constitution of the Dominican Republic (26 January, 2010).
- ✔ Labour Code of the Dominican Republic (Law No. 16 to 92, enacted on 29 May, 1992).
- ✔ Regulation on Maternity Allowance and Breastfeeding Allowance (14 July, 2008).
- ✔ Motion. No. 211-14 approving Convention No. 183, on Maternity Protection 2000, adopted by the International Labour Organization, in Geneva. G.O. No. 10.761 (9 July, 2014).
- ✔ New Minors' Code of the Dominican Republic (Law No. 136-03, enacted on 22 July, 2003).
- ✔ Creation of the Dominican Social Security System (Law No. 87-01, enacted on 9 May, 2001).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✔ Regulated by the Constitution (Art. 39 and 62) and by the *Labour Code* (Principle VII and X):  
**Art.62. The State guarantees the equality and equity of women and men in the exercise of the right to work.**

### 2 Freedom of choice of employment

- ✔ The law does not provide for any nature of prohibition or discrimination with regard to access to specific employment positions on the part of women.

### 3 Equal pay

✓ Regulated by the Constitution (Art. 62) and by the *Labour Code* (Art. 194).

The Constitution establishes the principle of equal salary for work of equal value.

! **The Labour Code includes the application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, establishing the principle of equal pay, in identical conditions of capacity, efficiency and seniority.

### 4 Maternity protection

✓ Regulated by the Constitution (Art. 55), by the *Labour Code* (Art. 51, 231 to 241), by the *Law on the Creation of the Dominican Social Security System* (Art. 132), by the *Regulation on maternity and breastfeeding allowance* and by the *Resolution approving Convention No. 183 of the ILO*.

**Maternity leave: 14 weeks** (6 weeks obligatory after the birth).

**Amount and financing:** 100% paid by Social Security\*.

**Protection against dismissal:** the mother is protected against dismissal up to 6 months after the birth.

\*In the event of the female worker earning a salary that is above the maximum contributable salary, it is the responsibility of the employer to cover the difference.

### 5 Paternity leave

! Regulated by the *Labour Code* (Art. 54).

**Duration:** 2 working days.

**Amount and financing:** 100% paid by the employer.

### 6 Social security

✓ Regulated by the Constitution (Art. 60) and by the *Law on the Creation of the Dominican Social Security System* (Art. 5, 9 and 45).

Same rights for women and men on protection against old age, disability and survivor.

The minimum age of retirement is **65 for both men and women**, with 360 months of contributions (or 55 if a pension of more than 50% of the minimum pension has been accumulated).

### 7 Care

✓ The Constitution establishes **shared responsibility for housework** between both spouses or partners and recognizes the economic value of housework as a source of wealth, and which must be quantified in public finances in the Constitution (Art. 55).

In addition, the *Law on the Creation of the Dominican Social Security System* encompasses public nursery services which are the responsibility of Social Security (Art. 134 to 136).

! The *Labour Code* (Art. 243) recognizes the exclusive right of the female worker to have half a day per month for her child's paediatrician appointments.

### 8 Protection of domestic workers

Regulated by the Constitution (Art. 258) and by the *Labour Code* (Art. 4, 258 to 265).

✓

- Right to rest period during the workday.
- Right to weekly rest period.
- Right to paid holidays.

!

- Without recognition of minimum legal salary.
- Meal and board included in salary.
- Paid night-time overtime not recognized.
- Limit on working hours not recognized.
- Holiday premium not provided for.
- Without access to Social Security.
- Without right to maternity leave and excluded from maternity rights.









## Dominican Republic: Action points to accelerate progress

+ **ADOPT:** · Ratify ILO Conventions 156 and 190.

! **REFORM:**

- Extend the principle of equal remuneration for work of equal value.
- Extend paternity leave and fully fund by Social Security.
- Extend the right to half day permits to accompany children to paediatric consultations to fathers.
- Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|---|--|---|---|
| Labour Code of the Dominican Republic (Law No. 16 to 92, enacted on 29 May, 1992) | Equal pay<br><b>3</b>                         | Reform<br>   | <p><b>Article 194.</b> Equal pay for equal work, in identical conditions of capacity, efficiency and seniority, regardless of who is carrying out the work.</p> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p>  |
|   | Paternity leave<br><b>5</b>                   | Reform<br>   | <p><b>Article 54.</b> The employer is obliged to give the worker five (5) days of paid leave for the celebration of their marriage; three (3) days in the event of a death of any of their grandparents, parents and children, or their partner, and two (2) days in the event of their spouse, or partner duly recorded as such with the company, giving birth.</p> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>  |
|   | Care<br><b>7</b>                            | Reform<br> | <p><b>Article 243.</b> During the first year following the child's birth, the female worker may have one half day per month, at her convenience, for taking the child to the paediatrician.</p> <p><b>RECOMMENDATION:</b> Extend the right to half day permits to accompany children to paediatric consultations to fathers.</p>  |
|   | Protection of domestic workers<br><b>8</b>  | Reform<br> | <p><b>Article 4.</b> Contracts relating to domestic work, field work, home working, transport, sellers, travelling salespersons and other similar work, and relating to disabled people, are subject to the special regime established for each of them in this Code.</p> <p><b>Article 259.</b> The employment contract of domestic workers is governed exclusively by the provisions of this Title.</p> <p><b>Article 260.</b> Unless otherwise agreed, payment of domestic workers comprises, in addition to monetary payments, standard quality food and accommodation. Food and accommodation which are provided to the domestic worker are calculated as equivalent to fifty per cent of the salary that they receive in cash.</p> <p><b>Article 261.</b> The labour of domestic workers is not subject to any fixed hours, but they must enjoy, between working days, an uninterrupted rest period of at least nine hours.</p> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> |



# Ecuador \*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 1999 / RATIFICATION 2002

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 2000

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1962

C156 Workers with Family Responsibilities Convention, 1981 ✓ 2013

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2013

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic of Ecuador, 28 September, 2008.
- ✓ Labour Code (16 December, 2005, last amendment 26 September, 2012).
- ✓ Organic Law for the Defence of Labour Rights (25 September, 2012).
- ✓ Ministerial Accord No. MDT-2016-0158.
- ✓ Ministerial Accord No. MDT-2017-0082.
- ✓ Law on Social Security (30 November, 2001, last amendment 31 March, 2011).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 11 and 331) and by Ministerial Accord No. MDT2017-0082.

**Art. 331.** The State shall guarantee women equality in access to work, training and career and personal advancement, equal pay, and the initiative of self-employment. All necessary measures shall be adopted in order to eliminate inequalities. All forms of discrimination, harassment or act of violence of any nature, either direct or indirect, which affects women in the workplace, are prohibited.

### 2 Freedom of choice of employment

- ✗ Regulated by the Constitution (Art. 33 and 66) and by the Labour Code (Art. 3), although the latter establishes **maximum load limits** for women working in manual transport (**Art. 139**).

### 3 Equal pay

- ⚠ Regulated by the Constitution (Art. 33, 326 and 331) and by the *Labour Code* (Art. 79).

Although **Article 326 of the Constitution includes a correct application of ILO Convention 100 on equal remuneration for work of equal value**, Article 79 of the *Labour Code* limits equal remuneration for equal work.

### 4 Maternity protection

Regulated by the Constitution (Art. 43 and 332), by the *Labour Code* (Art. 92 and 152-156) and by the *Law on Social Security* (Art. 105).

- ⚠ Maternity leave: **12 weeks**.

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid, 75% by Social Security and 25% by the employer.

- ✓ **Protection against dismissal:** during pregnancy and maternity leave.

**During the twelve (12) months following the birth, the working hours of the breastfeeding mother shall be six (6) hours, in accordance with the needs of the beneficiary.**

### 5 Paternity leave

- ⚠ Regulated by the Constitution (Art. 332) and by the *Labour Code* (Art. 152).

**Duration:** 10 days (extendible to 15 days in the case of multiple births or cesarean).

**Amount and financing:** 100% paid, 75% by Social Security and 25% by the employer.

### 6 Social security

- ✓ Regulated by the Constitution (Art. 34 and 367-369) and by the *Law on Social Security*.

Same rights for women and men on protection against illness, occupational risks, unemployment, old age, disability and death.

The **age of retirement for both sexes is 60**, with a minimum of 360 monthly contributions or a minimum of 480 contributions without any age limit (Art. 185).

### 7 Care

- ✓ **Recognition of unpaid domestic work** regulated in the Constitution (Art. 34, 333 and 369) and by the *Law on Social Security*, where unpaid domestic workers are subject to compulsory social protection within the Compulsory General Insurance with the right to contingencies for disability, old age, and death. (Art. 2, 9 and 10).

The Constitution establishes that the Estate shall promote **shared responsibility of fathers and mothers in care work** (Art. 69) and an **employment regime that is compatible with care needs** (Art. 333).

Right recognized in the *Labour Code* to a paid **leave of 25 days** for mothers and fathers for medical treatment for their children suffering from a degenerative disease and **obligatory childcare service** near to the workplace, in companies with more than 50 workers (Art. 155).

**Leave of nine months without remuneration, for mothers and fathers** (Art. 17 of Ministerial Accord No. MDT-2016-0158).

### 8 Protection of domestic workers









Regulated by the *Labour Code* (Art. 14, 113 and 262-270).

- ✓ Unified Basic Salary, working hours, breaks, holidays, employment stability, maternity rights and right to Social Security, equal to the general regime.

## Ecuador: Action points to accelerate progress

- +** **ADOPT:** · Ratify ILO Conventions 183 and 190.
- !** **REFORM:** · Extend the principle of equal remuneration for work of equal value in the *Labour Code*.  
· Increase maternity leave to the minimum amount of 14 weeks, financed completely by Social Security.  
· Extend paternity leave, financed completely by Social Security.
- ×** **ELIMINATE:** · Eliminate restrictions on freedom of choice of employment for women, related to the maximum loads that women can handle in their jobs.

REFORM AGENDA

| LEGAL TEXT                       | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|----------------------------------|--|--|---|
| Labour Code (16 December, 2005). | <b>Freedom of choice of employment</b><br><b>2</b>  | Eliminate<br> | <p><b>Article 139. Maximum load limits for women and adolescents aged fifteen upwards. In the manual transport of load where women and minors are employed, the following maximum limits shall be observed:</b></p> <p><b>MAXIMUM LOAD LIMITS POUNDS</b></p> <p><b>Males up to age 16, 35 lb;</b></p> <p><b>Females up to age 18, 20 lb;</b></p> <p><b>Males between the ages of 15 and 18, 25 lb;</b></p> <p><b>Women from 15 to 18, 20 lb;</b></p> <p><b>Women aged 21 and over, 25 lb.</b></p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Eliminate restrictions that limit women's freedom of choice of employment and that assimilate minors with women in terms of labour protection.</p> </div> |
|                                  | <b>Equal pay</b><br><b>3</b>                       | Reform<br>   | <p><b>Article 79. Equal pay. Equal pay must be awarded for equal work,</b> without discrimination based on birth, age, sex, ethnicity, colour, social origin, political affiliation, economic position, sexual orientation, state of health, disability, or any other type of difference; furthermore, specialization and practice in the performance of the work shall be taken into consideration for the purposes of remuneration.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>   |
|                                  | <b>Maternity protection</b><br><b>4</b>           | Reform<br>  | <p><b>Article 152. All working women have the right to paid leave of twelve (12) weeks for the birth of their child;</b> in cases of multiple births this period is extended by ten additional days. Absence at work shall be justified by the presentation of a medical certificate granted by a practitioner of the Ecuadorian Institute of Social Security and, in the absence thereof, by another professional; the certificate must include the expected due date or the date on which the birth took place.</p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183.</p> </div>                              |
|                                  | <b>Paternity leave</b><br><b>5</b>                | Reform<br>  | <p><b>Article 152. The father has the right to leave with remuneration for ten days for the birth of their daughter or son in the case of a normal birth; in cases of multiple births or cesarean births, the leave is extended by five days.</b></p> <div style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p> </div>  |

# El Salvador\*

\* information updated as of October 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 2001 / RATIFICATION NOT RATIFIED

### ILO Conventions related to gender equality



- C100 Equal Remuneration Convention, 1951 ✓ 1960
- C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1995
- C156 Workers with Family Responsibilities Convention, 1981 ✓ 2000
- C183 Maternity Protection Convention, 2000 ! Not ratified
- C189 Domestic Workers Convention, 2011 ! Not ratified
- C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic of El Salvador (Act No. 38, 29 July, 1983).
- ✓ Labour Code (Act No. 15) 31 July, 1972 (last reform March 2019).
- ✓ Act No. 645 (8 April, 2011) which enacts the Law on equality, equity, and the eradication of discrimination against women.
- ✓ Act No. 143 (8 October, 2015) amending paragraph one of Article 309 of the Labour Code, on maternity leave.
- ✓ Act No. 1.263 (10 May, 1954) on the Social Security Law.
- ✓ Act No. 117 (25 September, 1968). Implementing regulation of disability, old age, and death insurance.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 2 and 3), by the *Labour Code* (Art. 1, 12, 29 and 30), and by the *Law on equality, equity and the eradication of discrimination against women* (Art. 24 and 25).

**Art. 30.** Employers are forbidden from: 12<sup>a</sup>) Establishing any distinction, exclusion or preference based on reasons of race, colour, sex, religion, political opinion, national extraction or social origin, except the exceptions provided for by law for the protection of the worker.

### 2 Freedom of choice of employment

- ✓ Regulated by the *Labour Code* (Art. 12).

**Art. 12.** The State shall ensure the respect of the principle of equal opportunities and equal work in employment and professions, including access to professional training.

### 3 Equal pay

Regulated by the Constitution (Art. 38) and by the *Labour Code* (Art. 123).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value** establishing the principle of equal pay between men and women only for equal work.

### 4 Maternity protection

Regulated by the Constitution (Art. 42) and by the *Labour Code* (Art. 110 to 113 and Art. 309).

Maternity leave: **16 weeks**  
(10 obligatory weeks after birth).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

Amount and financing: 75% paid, by the employer.

Protection against dismissal: during pregnancy and maternity leave.

### 5 Paternity leave

Regulated by the *Labour Code* (Art. 29).

Duration: 3 days.

Amount and financing: 100% paid, by the employer.

### 6 Social security

Regulated by the *Law on Social Security* (Art. 1 to 3), by the *Implementing regulation of disability old age and death insurance*, and by the *Law on equality, equity and the eradication of discrimination against women* (Art. 32 to 40).

Same rights to insurance for illness, common accidents, occupational accidents, occupational illness, disability, death and involuntary severance.

Age of retirement for men is 60, and 55 for women, with an equivalent of 750 full weekly contributions.

### 7 Care

Recognition of the value of care work in the *Law on equality, equity and the eradication of discrimination against women*.

**Art. 27.** The State recognizes the economic value and the essential and equivalent contribution of reproductive, domestic and care work, with regard to paid productive work.

### 8 Protection of domestic workers

Regulated by the *Labour Code* (Art. 76 to 83).

During the workday, 2 hours of rest period for meals.  
Uninterrupted rest period of 10 hours between workdays, which shall be nocturnal and continuous.  
One obligatory day of rest per week.  
Holiday similar to the general regime.  
Maternity rights equal to the general regime.

Minimum wage not obligatory.  
Provision of meals included within salary remuneration.  
Right to service premium (bonus) not recognized.  
They do not have the right to paid overtime.  
They do not have the right to limits on working hours.  
They do not have the right to time off on public holidays.  
Regulatory exclusion from social security from the ISSS (Salvadoran Institute of Social Security) and from the System of Pension Savings.

## El Salvador: Action points to accelerate progress







**ADOPT:**

- Ratify the CEDAW Protocol.
- Ratify ILO Conventions 183, 189 and 190.







**REFORM:**

- Extend the principle of equal remuneration for work of equal value.
- Fully finance maternity leave through Social Security system.
- Extend paternity leave and fully finance through Social Security.
- Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage
- Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|--|--|---|
| Constitution of the Republic of El Salvador (Act No. 38, 29 July, 1983) | <b>Equal pay</b><br>              | <b>Reform</b><br>   | <p>Article 38. Labour is regulated by a Code, the main objective of which shall be to harmonize relations between employers and workers, establishing their rights and obligations. It is based on general principles that strive for the improvement of living conditions of workers, and shall include, in particular, the following rights:</p> <p><b>1º.</b> Within any company or establishment and in the same circumstances, equal pay must be awarded for equal work, regardless of sex, race, creed or nationality.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div> |
| Labour Code (Act No. 15) 31 July, 1972 (last reform March 2019)         | <b>Equal pay</b><br>              | <b>Reform</b><br>   | <p><b>Article 123.</b> Workers who carry out equal work in a single company or establishment, and in identical circumstances, shall receive the same remuneration, regardless of their sex, age, race, colour, nationality, political opinion or religious beliefs.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>  |
|   | <b>Maternity protection</b><br> | <b>Reform</b><br> | <p><b>Article 309.</b> The employer is obliged to give pregnant female workers, as maternity leave, sixteen weeks of leave, ten of which shall be taken compulsorily after the birth; in addition, the employer is obliged to pay such workers in advance an allowance equivalent to seventy-five per cent of the basic salary during such leave.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Increase or fully fund maternity leave through the Social Security system, to prevent any source of indirect discrimination for women.</p> </div>  |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|--|---|---|---|
|  | Paternity leave<br>                  | Reform<br>   | <p>Article 29. The obligations of employers are:</p> <p>6<sup>a</sup>) Grant leave to the male and female worker:</p> <p>d) For three days in the event of paternity leave as a result of a birth or adoption; such leave shall be granted either continuously from the day of the birth, or distributed among the first fifteen days from the day of the birth, to be chosen by the worker. In the case of adoptive parents, the term shall be counted from the date on which the respective adoption act is signed. In order for this leave to be enjoyed, a birth certificate or certificate of the adoption act must be presented, as applicable.</p> <p>The employer is obliged to recognize an economic benefit equal to the ordinary salary for three days for such leave;</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave and fully fund by Social Security.</p> </div>   |
|  | Protection of domestic workers<br> | Reform<br>  | <p>CHAPTER III ON DOMESTIC WORK</p> <p><b>Article 76.</b> Employment contracts for domestic work may be concluded verbally. In such cases, the employer is obliged to issue, every thirty days, at the request of the worker, a written record on plain paper and signed by them, stating:</p> <p>the name and surname of both parties, the length of service, the salary received during the last month and the place and date of issue of the document.</p> <p><b>Article 78.</b> Unless otherwise agreed, payment of domestic workers comprises, in addition to the salary agreed, the provision of food and accommodation.</p> <p><b>Article 80.</b> Domestic workers are not subject to schedules, but shall enjoy a minimum rest period of twelve hours per day, of which ten shall be overnight and continuous, and the other two must be used for meals, and in addition one paid day of rest per week, which can be accumulated up to three days. It is understood that workers contracted on the basis of a monthly salary have pay for rest days incorporated into this salary.</p> <p><b>Article 81.</b> Domestic workers are obliged to provide their services on days of rest, whenever the employer so requests. In such cases, they shall have the right to a premium in their daily salary for the work carried out on these days.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |
| Act No. 117. (25 September, 1968).<br>Implementing regulation of disability, old age and death insurance | Social security<br>                | Reform<br> | <p><b>Article 32°.</b> In order to have the right to the old-age monthly pension, the person must satisfy the following requirements:</p> <p>a) For men, to be at least 60 years old, and for women, to be at least 55 years old; and,</p> <p>b) Pay a minimum period of contributions equivalent to 750 full weeks.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div>   |

# Guatemala\*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1981 / RATIFICATION 1982

Protocol SIGNATURE 2000 / RATIFICATION 2002



### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1961

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1960

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1994

C183 Maternity Protection Convention, 2000 ❗ Not ratified

C189 Domestic Workers Convention, 2011 ❗ Not ratified

C190 Violence and Harassment Convention, 2019 ❗ Not ratified

## BINDING NATIONAL LEGISLATION

✓ Constitution of the Republic of Guatemala, (31 May, 1985).

✓ Labour Code of Guatemala. Act No. 1.441 (16 June, 1961).

✓ Organic Law on Social Security. Act No. 295 of the Congress of the Republic (30 October, 1946).

✓ Guatemalan Institute of Social Security. Agreement of the Council No. 1.124. Regulation on Protection Relating to Disability, Old Age and Survivorship.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

✓ Regulated by the Constitution (Art. 4) and by the *Labour Code* (Art. 151).

**Article 151.** Employers are forbidden from: a) Advertising by any means, their offers of employment, specifying the person's sex, race, ethnicity, and marital status as a requirement for filling the vacancies, except in the event of it being due to the specific nature of the job, should this require a person with specific characteristics. In this case, the employer must request authorization from the General Labour Inspectorate and the National Office on Women.

### 2 Freedom of choice of employment

✗ Regulated by the Constitution (Art. 102), although the *Labour Code* establishes that:

**Art. 147.** The work of women and minors must be suitable, especially with regard to their age, their fitness or physical condition and their intellectual and moral development.



### 3 Equal pay

Regulated by the Constitution (Art. 102) and by the *Labour Code* (Art. 89).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, associating equal salaries to equal work.

### 4 Maternity protection

Regulated by the Constitution (Art. 52 and 102) and by the *Labour Code* (Art. 151 to 154), and by the *Organic Law on Social Security* (Art. 28).

**Maternity leave: 84 days** (30 before birth and 54 after birth)

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks (equivalent to 112 days).**

**Amount and financing:** 100% paid, 2/3 by Social Security and 1/3 by employer.

**Protection against dismissal:** during pregnancy and breastfeeding.

### 5 Paternity leave

Regulated by the *Labour Code* (Art. 61).

**Duration:** 2 days.

**Amount and financing:** 100% paid, 75% by Social Security and 25% by employer.

### 6 Social security

Regulated by the Constitution (Art. 100) and by the *Organic Law on Social Security* (Art. 27 and 28). The *Agreement of the Council No. 1.124* on the Guatemalan Institute of Social Security outlines the rules on *Protection Relating to Disability, Old Age and Survivorship*.

In principle, the same rights for women and men on protection against illness, occupational risks, old age, disability and death.

The minimum age of retirement is **60 for both men and women**, providing they have 240 contributions paid (Art. 15 of Agreement 1.124).

The amount of old-age pension includes a family allowance, calculated according to the members of the family group, but this shall only consider **wives, partners or mothers of the member, and men only in cases of total disability** (Art. 16 of Agreement 1.124).

### 7 Care

Article 155 of the *Labour Code* also establishes the obligation to set up an area for feeding and looking after children under 3 for employers who have **more than 30 female workers working for them**.

### 8 Protection of domestic workers









Regulated by the *Labour Code* (Art. 162 and 164).

- Maternity rights equal to the general regime.
- Without statutory right to the legal minimum salary.
- Remuneration includes the provision of board and lodging.
- No right to paid overtime.
- Not subject to limits on working hours.
- They do not have the right to obligatory weekly rest nor time off on public holidays.
- Right to holidays not expressly recognized.
- Exclusion from cover against risk of common illness and pension for disability, old age and survivorship.









## Guatemala: Action points to accelerate progress

- +** **ADOPT:**
  - Ratify ILO Conventions 183, 189 and 190.
- !** **REFORM:**
  - Extend the principle of equal remuneration for work of equal value.
  - Increase maternity leave to the minimum amount of 14 weeks.
  - Extend paternity leave.
  - Extend family allowance during old-age, regardless of the sex of dependants.
  - Extend childcare centers for minors under the age of three, regardless of the sex of the employees.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.
- ×** **ELIMINATE:**
  - Eliminate restrictions on freedom of choice of employment for women.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
| Constitution of the Republic of Cuba (31 May, 1985).     | Equal pay<br>3                        | Reform<br>    | <b>Article 102.</b> Minimum social rights under labour law. Minimum social rights are the basis of labour law and the activity of the courts and authorities.<br><br>b. All work shall be paid equally, except where the law determines otherwise;<br><br>c. <b>Equal pay for equal work, performed in conditions, efficiency and conditions length of service that are also equal;</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.  |
| Labour Code of Guatemala. Act No. 1.441 (16 June, 1961). | Freedom of choice of employment<br>2  | Eliminate<br> | <b>Article 147.</b> The work of women and minors must be suitable, especially with regard to their age, their fitness or physical condition and their intellectual and moral development.<br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women, and that assimilate minors with women in terms of social protection.   |
|  | Equal pay<br>3                      | Reform<br>  | <b>Article 89.</b> In order to determine the salary amount in each type of work, it is necessary to take into consideration the intensity and quality of said work, the climate and living conditions.<br><br><b>Equal pay for equal work, performed in positions and conditions of efficiency and length of service in the same company, also equal, where such pay must include the payments made to the worker in exchange for their ordinary work.</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100. |
|  | Maternity protection<br>4           | Reform<br>  | <b>Article 152.</b> Working mothers shall enjoy paid leave with one hundred per cent (100%) of their salary for a period of <b>thirty (30) days preceding the birth and 54 days following the birth;</b> any days of leave that she is not able to take before the birth shall be accrued to be taken in the post-partum stage, so that the working mother enjoys eighty-four (84) effective days of rest during this period.<br><br><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183.   |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|--|---|---|--|
|  | Paternity leave<br>                  | Reform<br>   | <p><b>Article 61.</b> In addition to those contained in other Articles of this Code, in its regulations and in the laws on social security and pensions, the obligations of employers are:</p> <p><b>ñ) Grant paid leave to workers in the following cases:</b></p> <p><b>3. For the birth of a child, two (2) days.</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p> </div>   |
|  | Care<br>                             | Reform<br>   | <p><b>Article 155.</b> Any employer who has more than thirty (30) female employees is obliged to set up an area especially for mothers to safely feed their children under the age of three (3) and so that they can leave them there during their working hours, under the care of a suitable person appointed and paid to do so. Such works must be carried out simply, within the economic means of the employer, according to the judgement and approval of the General Labour Inspectorate.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend childcare centers for minors under the age of three, regardless of the sex of the employees.</p> </div>   |
|  | Protection of domestic workers<br> | Reform<br> | <p><b>Article 162.</b> Unless otherwise agreed, payment of domestic workers comprises, in addition to monetary payments, the provision of meals and accommodation.</p> <p><b>Article 164.</b> Domestic work is not subject to schedules, limits on working hours, nor are applicable to domestic work Articles 126 and 127.</p> <p>However, domestic workers enjoy the following rights:</p> <p>a) They must enjoy a minimum rest period of ten hours per day, of which at least eight shall be overnight and continuous, and the other two must be used for meals; and</p> <p>b) On Sundays and the public holidays as indicated by this Code, they must enjoy an additional and compulsory rest period of six hours, with pay.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |
| Guatemalan Institute of Social Security. Agreement of the Council No 1.124 Regulation on Protection Relating to Disability, Old Age and Survivorship | Social security<br>                | Reform<br> | <p><b>Article 16.</b> The old age pension is comprised of:</p> <p>a. 50% of the base remuneration;</p> <p>b. 0.5% of the base remuneration for each six months of contributions that the person covered by social security has made in excess of the first 120 months of contributions; and,</p> <p>c. A family allowance equivalent to 10% of the amount calculated in accordance with sections a. and b. above, for each of the people comprising the family group, which are considered to be the beneficiaries:</p>  |

| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT | ACTION | CURRENT TEXT (TO BE REFORMED)   |
|------------|---------------------------------------|--------|---|
|            |                                       |        | <p>c.1. The wife or woman whose union with the receiver/deceased has been legalized in accordance with the Civil Code, providing that one or the other lived with him up until the date of the risk. If the union (or situation of living together) is not proven, the family allowance may be granted providing that the person covered by social security in this context provides essential economic assistance for the satisfaction of their basic needs.</p> <p>c.2. In the absence of the beneficiary referred to in the section above, the female partner who has lived together conjugally and uninterruptedly for not less than two years from the date of the contingency, even when there is still a marital link with a third party that has not been dissolved.</p> <p>c.3. With relation to sections c.1. and c.2., there is also considered to be cohabitation when, as a result of the employment of the person covered by social security, they are residing somewhere different to their family, if this does not impede the fulfilment of the majority of their domestic obligations.</p> <p>c.4. The man, in order to be included in the family group receiving a family allowance, must be completely unable to work and meet the requirements listed in the three previous sections.</p> <p>c.5. Children under the age of 18, providing they are single and not receiving welfare in their own right.</p> <p>c.6. Children under the age of 18 who are unable to work, providing they are single and not receiving welfare in their own right.</p> <p>c.7. Children legally adopted by the person covered by social security in this context, if they are under the age of 18 or adults who are not able to work, providing they are single and not receiving welfare in their own right.</p> <p>c.8. Children, by being born to the person covered by social security, shall receive a family allowance, from their date of birth.</p> <p>For the purposes of the Institute and the preceding paragraph, parentage shall be proven with the certificates of the documents from the National Register of Persons.</p> <p>In the absence of these or in the event that they are defective, incomplete or questionable, the Institute shall carry out an administrative investigation with the sole purpose of determining the condition of the children with regard to the right to the pension. The Institute shall rule on whether the proof established through this procedure is suitable, appropriate and sufficient, in order to grant the corresponding family allowance.</p> <p><b>c.9. Mothers who are not receiving welfare in their own right in this Program, and who depend economically on the person covered by social security.</b></p> <p><b>c.10. Fathers who are not receiving welfare in their own right in this Program, who are totally and permanently unable to work, and who depend economically on the person covered by social security.</b></p> <p>The pension for Total Disability, Old Age and Severe Disability shall not exceed 80% of the base remuneration.</p> <p>In the event of this limit being exceeded, family allowances shall be reduced proportionally and shall be readjusted as the beneficiaries comprising the family group of the person covered by social security decrease.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend childcare centers for minors under the age of three, regardless of the sex of the employees.</p> </div> |

# Honduras\*

\* information updated as of September 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1983

Protocol SIGNATURE NOT SIGNED / RATIFICATION NOT RATIFIED



### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1975

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1960

C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ! Not ratified

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

✓ Constitution of the Republic of Honduras, Act No. 131 (11 January, 1982).

✓ Labour Code of Honduras, Act No. 189 of 1959.

✓ Act on Equal Opportunities for Women, Act No. 34-2000 (22 May, 2000).

✓ Social Security Law and Act No. 080-2001 containing the reforms thereof (1 June, 2001).

✓ General Regulation on the Social Security Law, Accord No. 003-JD-2005 on the Honduran Institute of Social Security (29 June, 2005).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

✓ Regulated by the Constitution (Art. 60 and 61) and by the *Law on Equal Opportunities for Women* (Art. 1 to 4, 6, 46 and 48).

! Although Article 60 of the Constitution is still formulated as follows: *"All men are born free and equal in rights. In Honduras there are no privileged classes. All Hondurans are equal before the law."*

The Civil Code contains discriminatory provisions with regard to the heads of households (Art. 167, 168, 239, 960).

### 2 Freedom of choice of employment

✗ Regulated by the Constitution (Art. 127), although the *Labour Code* establishes that: **the work of women must be suitable** especially with regard to their age, their fitness of physical condition and their intellectual and moral development (Art. 127); **women cannot carry out work that is unhealthy or dangerous** (Art. 128); and that, within ordinary working hours, **women shall enjoy a period of rest in the middle of the day of two hours** (Art. 130).

### 3 Equal pay

- ! Regulated by the Constitution (Art. 3), by the *Labour Code* (Art. 367) and by the *Law on Equal Opportunities for Women* (Art. 44 and 53).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, associating equal salaries to work that is equal in intensity and quality, climate and standard of living, and the length of service of the worker within the company.

### 4 Maternity protection

Regulated by the Constitution (Art. 111 and 128), by the *Labour Code* (Art. 124 and from 137 to 148), by the *Law on Equal Opportunities for Women* (Art. 51) and by the *Law on Social Security* (Art. 39 to 41).

- ! **Maternity leave: 10 weeks** (4 before birth and 6 after).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid, mixed (66% by Social Security and the rest by the employer).

- ✓ **Protection against dismissal:** during pregnancy and the three months following the birth.

### 5 Paternity leave

- + **Not established by Law.**

### 6 Social security

Regulated by the Constitution (Art. 142 and 143) and by the *Law on Social Security*.

- ✓ Same rights to insurance for illness, old age, unemployment, occupational accidents and death.
- ! **Different age of retirement for women (60) and men (65)** with the obligation, in both cases, of having fulfilled the contribution requirement of 180 months (Art. 116 of the *Regulation on the Social Security Law*).

### 7 Care

- ✓ The *Law on Equal Opportunities for Women* establishes that the national policy must consider the creation of measures that ensure shared responsibility within family life (Art. 10, 11 and 56).

- ! The *Law on Equal Opportunities for Women* (Art. 59) and the *Labour Code* (Art. 142 and 143) regulate the obligation of establishing **childcare centres for employers who have more than 30 women working for them.**

### 8 Protection of domestic workers







Regulated by the *Labour Code* (Art. 149 to 165 and Art. 325), by the *Law on Equal Opportunities for Women* (Art. 50) and by the *Law on Social Security* (Art. 4).

- ✓
- During the workday, 2 hours for meals.
  - Uninterrupted rest time between workdays of at least 8 hours.
  - On public holidays, additional rest time of 6 hours.
  - On paid day of rest for each 6 days of work.
  - Right to holidays equal to the general regime.
- !
- Without the right to minimum salary.
  - Payment in kind (board and food) included within remuneration.
  - No right to paid overtime.
  - Not subject to limits on working hours.
  - Rest during working hours is not specified.
  - Excluded from the obligatory social security regime.
  - Written contract not obligatory.







## Honduras: Action points to accelerate progress

- + **ADOPT:**
- Sign and ratify the CEDAW Protocol.
  - Ratify ILO Conventions 156, 183, 189 and 190.
  - Adopt a paternity leave.
- ! **REFORM:**
- Reform the Constitution to include that women are born free and equal in rights.
  - Extend the principle of equal remuneration for work of equal value.
  - Increase maternity leave to the minimum amount of 14 weeks and fully fund by Social Security.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
  - Extend childcare centers for minors under the age of seven, regardless of the sex of the employees.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.
  - Reform discriminatory provisions related to heads of households in the Civil Code.
- ✗ **ELIMINATE:**
- Reform discriminatory provisions related to heads of households in the Civil Code.







## REFORM AGENDA



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
| Constitution of the Republic of Honduras, Act No. 131 (11 January, 1982) | Equality and non-discrimination<br>1  | Reform<br>    | <b>Article 60.</b> All men are born free and equal in rights. In Honduras there are no privileged classes.<br>All Hondurans are equal before the law<br><br><b>RECOMMENDATION:</b> Reform the Constitution to include that women are born free and equal in rights.   |
| Labour Code of Honduras, Act No. 189 of 1959                             | Freedom of choice of employment<br>2  | Eliminate<br> | <b>Article 127.</b> The work of women and minors must be suitable, especially with regard to their age, their fitness or physical condition and their intellectual and moral development.<br><b>Article 128.</b> Minors below the age of sixteen (16) and women may not carry out work that this Code, the Health Code and the hygiene and safety regulation deem to be unhealthy or dangerous.<br><b>Article 130.</b> Within the ordinary workday, women and minors shall enjoy a break of two (2) hours.<br><br><b>RECOMMENDATION:</b> Eliminate restrictions on freedom of choice of employment for women.   |
|  | Equal pay<br>3                      | Reform<br>  | <b>Article 367.</b> In order to determine the salary amount in each type of work, it is necessary to take into consideration the intensity and quality of said work, the climate and living conditions, and the length of service of the worker. There must be equal pay for equal work, without any discrimination, providing that they position, working hours, and conditions of efficiency, time and service, within the same company, are also equal, including both the payments made at the daily rate as well as bonuses, non-wage payments, board and any other amount that may be given to a worker in exchange for their ordinary work.<br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100. |



| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|------------|---|---|--|
|            | <b>Maternity protection</b><br><b>4</b>              | Reform<br>   | <p><b>Article 135.</b> All pregnant workers shall enjoy compulsory leave, paid in the same way as their work, for a period of four (4) weeks preceding the birth and the six (6) weeks following the birth, and they shall keep their job and the rights under their employment contract.</p> <p>(...)</p> <p>Employers shall cover any difference between the maternity allowance from the Honduran Institute of Social Security, and the remuneration which, in accordance with the previous Article, the pregnant worker is due.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183 and fully fund through the Social Security system, to prevent any source of indirect discrimination for women.</p> </div>  |
|            | <b>Care</b><br><b>7</b>                             | Reform<br>  | <p><b>Article 142.</b> Any employer who has more than twenty (20) female employees is obligated to set up an area especially for mothers to safely feed their children under the age of three (3) and so that they can leave them there during their working hours, under the care of a suitable person appointed and paid to do so. Such works must be carried out simply, within the economic means of the employer, according to the judgement and approval of the General Labour Inspectorate.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend childcare centers for minors under the age of seven, regardless of the sex of the employees.</p> </div>   |
|            | <b>Protection of domestic workers</b><br><b>8</b>  | Reform<br> | <p><b>Article 153.</b> Unless proven otherwise, it is presumed that the payment of domestic workers comprises, in addition to monetary payments, the provision of food and accommodation.</p> <p><b>Article 154.</b> There shall be no provisions applicable to days of rest with regard to the work of domestic workers, but they shall enjoy a minimum rest period of ten hours per day, of which at least eight shall be overnight and continuous, and two (2) must be used for meals. On Sundays and the public holidays as indicated by this Code, they must enjoy an additional and compulsory rest period of six (6) hours and they shall have the right to one (1) day of paid rest for each six (6) days of work.</p> <p><b>Article 163.</b> Any illness of the domestic worker that is not mild and that incapacitates them with regard to their work for more than one (1) week, shall give the employer the right, if the limitations of Article 104 are not invoked, to terminate the contract once such time has passed, without any other obligation than to pay the other party one (1) month of salary for each consecutive year of work, or fraction of time not less than three (3) months. Such compensation may not exceed the amount corresponding to four (4) months of salary.</p> |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|--|--|--|--|
|  |  |  | <p><b>Article 325.</b> The following workers are excluded from the regulation on maximum legal workday:</p> <p>b) Domestic work, either in cities or in the countryside;</p> <p>However, these persons shall not be required to stay for longer than twelve (12) hours per day at work, and during the workday they shall have the right to a minimum rest period of one and a half hours (1h30m) which can be split into periods not shorter than thirty (30) minutes.</p> <div data-bbox="794 696 1426 775" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div>   |
| <p>Law on Equal Opportunities for Women, Act No. 34-2000 (22 May, 2000)</p>  | <p>Care</p> <p>6 </p>                   | <p>Reform</p> <p></p>   | <p><b>Article 59.</b> Employers are obliged to promote the adaptation of spaces that permit the satisfaction of basic needs in workplaces (sanitary services, canteens, provisions, infirmary and childcare centres).</p> <p>With regard to childcare centres, all employers who have more than 30 women workers working for them shall be obliged to set up such centre, with the support of the fathers, in accordance with their economic capacity, in order to look after children under the age of seven (7), who are the children of the male and female workers.</p> <div data-bbox="794 1178 1377 1279" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Extend childcare centers for minors under the age of seven, regardless of the sex of the employees.</p> </div> |
| <p>General Regulation on the Social Security Law, Accord No. 003-JD-2005 on the Honduran Institute of Social Security, (29 June, 2005)</p> | <p>Maternity protection</p> <p>4 </p> | <p>Reform</p> <p></p> | <p><b>Article 67.</b> The maternity allowance shall be equal to sixty-six (66%) of the base monthly reference salary and shall be granted to the woman who is covered and who complies with the requirements of Article 59 of this Regulation. The employer shall pay the remainder of the total salary that the employee earns.</p> <div data-bbox="794 1518 1469 1637" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183 and fully fund through the Social Security system, to prevent any source of indirect discrimination for women.</p> </div>  |
|  | <p>Social security</p> <p>4 </p>      | <p>Reform</p> <p></p> | <p><b>Article 116.</b> In order to have the right to the old-age monthly pension, the person must satisfy the following requirements:</p> <p>a) For men, to be at least 65 years old, and for women, to be at least 60 years old; and,</p> <p>b) Pay at least 180 monthly contributions.</p> <div data-bbox="794 1906 1469 2007" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div>   |

| LEGAL TEXT                      | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|---------------------------------|---|--|--|
| Civil Code of Honduras, of 1906 | <p data-bbox="395 398 603 450"><b>Equality and non-discrimination</b></p> <p data-bbox="395 465 507 533"><b>1</b> </p> | <p data-bbox="660 398 746 421">Reform</p> <p data-bbox="683 434 730 488"></p> | <p data-bbox="783 398 1485 479"><b>Article 167.</b> Spouses are obliged to be faithful to each other and help one another. The husband is the head of the household, and in his absence, the wife.</p> <p data-bbox="783 501 1485 703"><b>Article 168.</b> The husband is required to live with his wife and she is required to live with her husband and to follow him wherever he wishes to move. These rights cease when the execution thereof entails grave danger to the wife or to the husband. Under no circumstances may the security forces be used to enforce these rights, nor shall they be subject to police procedures.</p> <p data-bbox="783 725 1485 927"><b>Article 239.</b> The mother shares parental rights and must be heard in anything relating to the interests of the children; however, the father has a particular right during the marriage, as the head of the family, to direct, represent and defend their children who are minors, both inside and outside court. In the event of conflict between the interests of the father and the child, a special steward shall be appointed to them.</p> <p data-bbox="783 949 1485 1008"><b>Article 960.</b> In the event of intestate succession, the following are called:</p> <ol data-bbox="783 1016 1326 1299" style="list-style-type: none"> <li>1.- The legitimate descendants of the deceased.</li> <li>2.- Their legitimate ascendants.</li> <li>3.- Their legitimate distant relatives.</li> <li>4.- Their natural children or natural grandchildren.</li> <li>5.- Their natural parents or natural grandparents.</li> <li>6.- Their natural siblings.</li> <li>7.- The surviving spouse.</li> <li>8.- The municipalities.</li> </ol> <div data-bbox="794 1339 1377 1435" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p data-bbox="804 1346 1334 1420"><b>RECOMMENDATION:</b> Reform provisions that are discriminatory against women in relation to obligations under marriage and heads of households.</p> </div> |

# Mexico\*

\* information updated as of December 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 1999 / RATIFICATION 2002

### ILO Conventions related to gender equality



C100 Equal remuneration convention, 1951 ✓ 1952

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1961

C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2020

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the United Mexican States of 1917 (last reform: DOF 6 June, 2019).
- ✓ Federal Labour Law (1 April, 1970) (last amendment: DOF 2 July, 2019).
- ✓ Federal Law for the prevention and elimination of discrimination (11 June, 2003) (last amendment published: DOF 14 June, 2018).
- ✓ General Law for Equality between Women and Men (2 August, 2006) (last amendment published: DOF 21 June 2018)
- ✓ Federal Law on the Remuneration of Public Servants, regulating Articles 75 and 127 of the Political Constitution of the United Mexican States (5 November, 2018) (last reform published: DOF 12 April, 2019).
- ✓ Social Security Law (1 April, 1970) (last amendment: DOF 2 July, 2019)

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination



- ✓ Regulated by the Constitution (Art. 1 and 4), by the *Federal Labour Law* (Art. 2, 56, 133, 164, 541 and 995), and by the *Federal Law for the prevention and elimination of discrimination* (Art. 9).

The *Federal Law for the prevention and elimination of discrimination* establishes, furthermore, that federal government authorities are **required to carry out measures for equalization, inclusion, and affirmative actions necessary to guarantee all people real equality of opportunity and the right to non-discrimination** (Art. 15 bis).

### 2 Freedom of choice of employment



- ✓ Regulated by the Constitution (Art. 5), and by the *Federal Law for the prevention and elimination of discrimination* (Art. 9).

**Article 5.** No person can be impeded from working in any profession, industry, trade or job that they prefer, providing it is legal.

### 3 Equal pay

- ! Regulated by the Constitution (Art. 123), by the *Federal Labour Law* (Art. 5 and 86), and by the *Federal Law on the Remuneration of Public Servants* (Art. 3).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, associating equal salaries to equal work (in functions, responsibility, working hours, efficiency, etc.).

### 4 Maternity protection

Regulated by the Constitution (Art. 123), by the *Federal Labour Law* (Art. 126, 132 and 165-172), and by the *Law on Social Security* (Art. 11, 85, 94 and 101-103).

- ! **Maternity leave: 12 weeks** (6 before birth and 6 after).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

- ✓ **Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** keep their job and any rights they may have acquired in relation to the job; same position providing that not more than one year has passed since the birth.

### 5 Paternity leave

- ! Regulated by the *Federal Labour Law* (Art. 132), and by the *Law on Social Security* (Art. 11, 85, 94 and 101-103).

**Duration:** 5 days.

**Amount and financing:** 100% paid by the employer.

### 6 Social security

Regulated by the *Law on Social Security*.

- ✓
- Same rights to insurance for: occupational risk; disability and life; and retirement, old age severance and old age. Contribution-paying member and spouses, regardless of their sex.
  - Same age of retirement for women and men: 65 (Art. 162).

### 7 Care

- ✓ *The General Law for Equality between Women and Men* establishes that national policy shall consider the creation of measures that ensure shared responsibility in work and in the personal and family life of women and men (Art. 17, VIII).

- ! *The Law on Social Security* recognizes the right to nurseries for female workers who are not able to provide care to their children during working hours in early childhood (and only in her absence to the widowed or divorced male worker or he who has been legally granted custody of his children).

### 8 Protection of domestic workers

Regulated by the *Federal Labour Law* (Art. 127 and from 331 to 343), and by the *Law on Social Security* (Art. 12).

- ✓
- Right to Minimum Salary.
  - Insurance under the obligatory social security regime.
  - Limitations on the working day and right to payment for overtime.
  - Regulated rest period during working hours and weekly.
  - Rest on recognized official holidays.
  - Right to holidays.
  - Compensation for unfair dismissal, equal to the general regime.
  - Prohibition of dismissal due to pregnancy.
  - Maternity rights recognized.









- !
- Payment in kind (board and food) calculated at 50% of the salary in cash.
  - Excluded from the right to profit sharing.
  - They do not have the right to reinstatement in the event of unfair dismissal.









## Mexico: Action points to accelerate progress

+ **ADOPT:** • Ratify ILO Conventions 156, 183 and 190.

! **REFORM:** • Extend the principle of equal remuneration for work of equal value.  
• Increase maternity leave to the minimum amount of 14 weeks.  
• Extend paternity leave financed by Social Security.  
• Extend childcare centers for minors, regardless of the sex of the employees.  
• Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|---|---|---|--|
| Political Constitution of the United Mexican States of 1917 (last reform: DOF 6 June, 2019) | Maternity protection<br>4    | Reform<br>   | <p><b>Article 123 A.</b> Among workers, day workers, domestic workers, artisans and, more generally, all employment contracts:</p> <p>V. During pregnancy, women shall not perform jobs that require considerable effort and represent a danger to their health with regard to the pregnancy; they shall enjoy a compulsory rest period of <b>six weeks before the approximate expected due date and six weeks after the same</b>, and must receive their full salary and keep their job and any rights they may have acquired in relation to the job (...).</p> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183.</p>   |
| Federal Labour Law (1 April, 1970) (last amendment: DOF 2 July, 2019)                       | Equal pay<br>3               | Reform<br>   | <p><b>Article 5.</b> The provisions of this Law are on Public Order, meaning that the stipulation shall not have any legal effect, nor shall it prevent the enjoyment and exercise of rights, either written or verbal, establishing:</p> <p><b>XI. A salary that is less than the salary paid to another worker in the same company or establishment with equal performance, in the same type of work or the same working hours, on the grounds of age, sex or nationality.</b></p> <p><b>Article 86. Equal pay for equal work, performed in positions, working hours and efficiency conditions that are also equal.</b></p> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> |
|   | Maternity protection<br>4  | Reform<br> | <p><b>Article 170.</b> Working mothers shall have the following rights:</p> <p><b>II. They shall benefit from a break of six week prior to the birth and six weeks after the birth.</b></p> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183.</p>  |
|   | Paternity leave<br>5       | Reform<br> | <p><b>Article 132.</b> The obligations of employers are: XXVII Bis. <b>To grant paternity leave of five working days, with pay, to male workers, for the birth of their children and equally in the event of adoption of an infant.</b></p> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>  |

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|---|--|---|---|
|   | Protection of domestic workers<br><b>8</b>  | Reform<br>   | <p><b>Article 127.</b> The right of workers to participate in profit sharing shall be revised in the following regulations: VI. Domestic workers shall not participate in profit sharing.</p> <p><b>Article 334.</b> Except where expressly agreed, the remuneration of domestic workers comprises, in addition to the cash payment, food and board. For the purposes of this Law, food and board shall be estimated as equivalent to 50% of the salary that is paid in cash.</p> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p>                         |
| Federal Law for the prevention and elimination of discrimination (11 June, 2003) (last reform: DOF 21 June, 2018)   | Equal pay<br><b>3</b>                       | Reform<br>   | <p><b>Article 9.</b> Based on the provisions of the first constitutional article and Article 1, paragraph 2, section III of this Law, discrimination shall be considered, among others, to be:</p> <p>IV: Establishing differences in remuneration, provisions and working conditions <b>for equal work.</b></p> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p>   |
| Federal Law on the Remuneration of Public Servants, Regulating Articles 75 and 127 of the Political Constitution (5 November, 2018) (last reform published on 12 April, 2019) | Equal pay<br><b>3</b>                     | Reform<br> | <p><b>Article 3.</b> All public servants must receive an appropriate and irrevocable remuneration for the performance of their function, job, position or commission, which is proportional to their responsibilities.</p> <p><b>V. Labour equality: Remuneration compensates in equal conditions jobs that have equal functions, responsibility, working hours and efficiency conditions, without prejudice to the rights acquired.</b></p> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> |
| Social Security Law of 1995) (last amendment: DOF 2 July, 2019)   | Care<br><b>7</b>                          | Reform<br> | <p><b>Article 201.</b> The branch of nurseries covers the risk of not being able to provide care during working hours for their children during early childhood, on the part of working women, widowed or divorced male workers, or those who have been legally entrusted with looking after the children, through the granting of the provisions established in this chapter.</p> <p><b>RECOMMENDATION:</b> Extend childcare centers for minors, regardless of the sex of the employees.</p>   |

# Nicaragua\*

\* information updated as of November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE NOT SIGNED / RATIFICATION NOT RATIFIED



### ILO Conventions related to gender equality



- C100 Equal remuneration convention, 1951 ✓ 1958
- C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1967
- C156 Workers with Family Responsibilities Convention, 1981 ❗ Not ratified
- C183 Maternity Protection Convention, 2000 ❗ Not ratified
- C189 Domestic Workers Convention, 2011 ✓ 2013
- C190 Violence and Harassment Convention, 2019 ❗ Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of the Republic of Nicaragua (with reforms incorporated in 2014).
- ✓ Labour Code, Law No. 185 (approved 5 September, 1996).
- ✓ Law on Equal Rights and Opportunities, Law No. 648 (14 February, 2008).
- ✓ Family Code, Act No. 870 (24 June, 2014).
- ✓ Law on Social Security, Law No. 539 (12 May, 2005).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 27 and 48), by the *Labour Code* (Section XI and Art. 138) and by the *Law on Gender Rights and Opportunities* (Art. 19).

**Article 27.** All persons are equal before the law and have the same right to equal protection. There shall be no discrimination for reasons of birth, nationality, political creed, race, sex, language, religion, opinion, origin, economic position or social condition.

### 2 Freedom of choice of employment

- ✓ Regulated by the Constitution (Art. 86).
- ❗ Article 193 of the *Labour Code* establishes limits for women in the handling of loads.

**Article 193.** Handling loads that are not light shall be limited in weight for women and minors under the age of 18, as compared to male workers.

### 3 Equal pay

Regulated by the Constitution (Art. 82), by the *Labour Code* (Section XII and Art. 138) and by the *Law on Equal Rights and Opportunities* (Art. 19 and 20).

Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value, establishing the principle of equal pay between men and women only when they carry out equal work.

### 4 Maternity protection

Regulated by the Constitution (Art. 74), by the *Labour Code* (Art. 52 and 140 to 144) and by the *Law on Social Security* (Art. 88 to 92).

Maternity leave: 12 weeks (6 before birth and 8 after).

Minimum amount established by the ILO in its Convention No. 183: 14 weeks.

Amount and financing: 60% of the average weekly remuneration, with 60% paid by Social Security and 40% by the employer.

Protection against dismissal: during pregnancy and maternity leave.

### 5 Paternity leave

Regulated by the *Family Code*.

Duration: 5 days.

Amount and financing: 100% paid by Social Security.

### 6 Social security

Regulated by the Constitution (Art. 61 and 82) and by the *Law on Social Security*.

Same rights to benefits for illness, disability, old age, death and occupational risks.

Age of retirement is 60, both for men and women, with a contributions period not lower than 750 weeks (Art. 49 and 50).

Art. 96 of the *Law on Social Security* establishes that the life partner of the worker, shall enjoy all the rights of the Law, providing they live in the same nucleus, with two years of living together or has had a child with the person covered by social security.

### 7 Care

Art. 139 of the *Labour Code* establishes that, in the case of the work of women who have family commitments the laws, collective agreements and internal regulations may provide for the adoption of systems of reduced or limited working hours.

Art. 13 of the *Law on Equal Rights and Opportunities* establishes that public bodies and authorities must establish accounting systems for unpaid domestic work, through a Satellite Account.

The *Family Code* establishes the mutual sharing of family responsibilities of men and women (Art. 2 and 79).

### 8 Protection of domestic workers

Regulated by the *Labour Code* (Art. 24 and from 145 to 154) and the *Law on Social Security* (Art. 5).

Right to daily rest period.  
Incorporated in the regime of minimum salaries.  
Maternity rights equal to the general regime.  
Inclusion in the Social Security system.

Verbal employment contract permitted.  
Payment in kind calculated at 50% of the salary in cash.  
No right to paid overtime.  
Not subject to limits on working hours.  
Right to holidays not expressly recognized.

## Nicaragua: Action points to accelerate progress

**ADOPT:**







- Ratify the CEDAW Optional Protocol.
- Ratify ILO Conventions 156, 183 and 190.

**REFORM:**







- Eliminate restrictions that limit the freedom of choice of employment for women.
- Extend the principle of equal remuneration for work of equal value.
- Extend maternity leave and fully fund by Social Security.
- Extend paternity leave.
- Extend social security rights to life partner of workers, regardless of their sex.
- Recognize reduced working hours or limited working hours for workers with family responsibilities, regardless of their sex.
- Ensure domestic workers the same conditions and labour rights enjoyed by other workers.










## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|---|--|---|--|
| Political Constitution of the Republic of Nicaragua (with reforms incorporated in 2014) | Equal pay<br>3                        | Reform<br>   | Article 82. Workers have the right to working conditions that ensure, in particular:<br><br><b>1. Equal pay for equal work in identical conditions, appropriate for workers' social responsibilities, without discrimination for political, religious or social reasons, or for reasons of sex or any other kind, which ensures them a level of well-being that respects human dignity.</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100. |
| Labour Code, Law No. 185 (approved 5 September, 1996)                                   | Freedom of choice of employment<br>2  | Reform<br>   | <b>Article 193. Handling loads that are not light shall be limited in weight for women and minors under the age of 18, as compared to male workers.</b><br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women.   |
|   | Equal pay<br>3                      | Reform<br> | <b>XIII. Workers are guaranteed equal pay for equal work in identical working conditions, appropriate for workers' social responsibilities, without discrimination for political, religious or racial reasons, or for reasons of sex or any other kind, which ensures them a level of well-being that respects human dignity.</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.   |



| LEGAL TEXT | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|------------|--|---|--|
|            | Maternity protection<br><b>4</b>              | Reform<br>   | <p><b>Article 141.</b> Pregnant workers shall have the right to rest during the four (4) weeks prior to the birth, and the eight (8) weeks following the birth, or ten (10) weeks in the case of multiple births, with the enjoyment of the last or best salary, without prejudice to the medical assistance that the social institutions responsible for protecting maternity are required to provide. The period of rest shall be computed as effective work for the purposes of the rights of length of service, holidays and the thirteen-month bonus.</p> <p>In the event of the birth occurring before the expected due date as indicated by the doctor, the amount of prenatal leave that was not used shall be added to the post-natal leave.</p> <p>In the event of an accidental interruption of the pregnancy, a non-viable birth or any other abnormal birth, the female worker has the right to paid leave in accordance with the requirements of the medical certificate.</p> <p>It is compulsory to take the leave and compulsory for the employer to grant it.</p> <div data-bbox="790 1016 1482 1095" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of 14 weeks established in ILO Convention 183.</p> </div> |
|            | Care<br><b>7</b>                            | Reform<br> | <p><b>Article 139.</b> In the case of the work of women who have family commitments, the laws, collective agreements and internal regulations may, taking into account the particularities of the work activity, provide for the adoption of systems of reduced or limited working hours.</p> <div data-bbox="790 1330 1428 1431" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Recognize reduced working hours or limited working hours for workers with family responsibilities, regardless of their sex.</p> </div>  |
|            | Protection of domestic workers<br><b>8</b>  | Reform<br> | <p><b>Article 146.</b> Payment of domestic workers comprises, in addition to monetary payments, the provision of standard quality food, and accommodation when the worker sleeps in the house where they work.</p> <p>For the payment of the benefits, the food and accommodation provided to the domestic worker shall be considered, with an estimated value equivalent to 50% of the salary that they receive in cash.</p> <p><b>Article 24.</b> The employment contract may be concluded verbally when it refers to:</p> <ul style="list-style-type: none"> <li>a) To work in the field;</li> <li><b>b) To domestic work; and</b></li> <li>c) To temporary or occasional jobs that do not exceed ten days.</li> </ul> <div data-bbox="790 1998 1434 2076" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div>  |

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|---|---|---|---|
| Law on Equal Rights and opportunities, Law No. 648. (14 February, 2008) | Equal pay<br>3               | Reform<br>   | <p>Article 19. In employment policies and plans, programs and projects for labour integration, the following guidelines shall be applied:</p> <p>2) Women and men must receive equal pay for equal work, in line with their work experience, academic training, level of responsibility in the job, as well as enjoying the labour rights and social benefits that they are due.</p> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p>   |
| Family Code, Law No. 870 (24 June, 2014)                                | Paternity leave<br>5         | Reform<br>   | <p>Article 79. Rights and responsibilities of spouses (...)</p> <p><b>The spouse or partner in a legally declared stable union, shall have the right to five calendar days of leave with pay and without losing any social benefit, when their spouse or partner gives birth.</b></p> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>   |
| Law on Social Security, Law No. 539 (12 May, 2005)                      | Social Security<br>6       | Reform<br> | <p><b>Article 96.</b> For all purposes under this Law, the life partner of the worker shall have all the rights, providing they live in the same family nucleus, with two (2) years of living together, or they have had a child with the person who is covered by social security, within the conditions established in the specific regulations.</p> <p><b>RECOMMENDATION:</b> Extend social security rights to life partner of workers, regardless of their sex.</p>   |
| Law on Social Security, Law No. 539 (12 May, 2005)                      | Maternity protection<br>4  | Reform<br> | <p><b>Article 88.</b> The Nicaraguan Social Security Institute (INSS) shall pay 60% of the allowance for maternity leave, to any active or inactive worker who has proof of sixteen (16) weekly contributions within the last thirty-nine (39) weeks preceding the due date of the birth, and the employer shall provide the other 40%. In the event that contribution requirements have not been met, the employer shall be responsible for paying 100%, in accordance with the Labour Code. Any severed female worker shall keep this right for twenty-three (23) weeks following the severance.</p> <p><b>Article 89.</b> Pay for maternity leave shall be equivalent to 60% of the average weekly remuneration, calculated in the same way as indicated for sick pay, and shall be granted during the four (4) weeks preceding and the eight (8) weeks following the birth, which shall be compulsory rest periods.</p> <p><b>RECOMMENDATION:</b> Fully fund maternity leave through the Social Security system to prevent any source of indirect discrimination for women.</p> |

# Panama\*

\* information updated as of September 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 2000 / RATIFICATION 2001

### ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1964

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1966

C156 Workers with Family Responsibilities Convention, 1981 ! Not ratified

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2015

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic of Panama, of 1972.
- ✓ Labour Code, Cabinet Act No. 252 (30 December, 1971, containing the amendments to Law No. 44 of 12 August, 1995).
- ✓ Law No. 4 (29 January, 1999) which establishes Equal Opportunities for Women.
- ✓ Law No. 27 (23 May, 2017) establishing paternity leave for male workers in private companies and public servants.
- ✓ Law No. 51 (27 December, 2005) which reforms the Organic Law on the Social Security Fund and establishes other provisions.
- ✓ Resolution No. 52, 805-2018-J.D. on the Social Security Fund (29 August, 2018).
- ✓ Law No. 56 (11 July, 2017). Establishing the participation of women in Government boards of directors.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 19) and by *Equal Opportunities for Women* (Art. 1 and 8).

Panama has, in addition, *Law No. 56* (11 July, 2017), which establishes the participation of women in Government boards of directors, which sets a **minimum quota of 30% female representation in Boards of Directors** in Central Government institutions, decentralized institutions, public companies, financial intermediaries and companies governed by these.

### 2 Freedom of choice of employment

- ✗ Article 104 of the *Labour Code* establishes that:

**Women are prohibited from working in unhealthy activities determined by the Ministry of Labour and Social Well-being**

### 3 Equal pay

- Regulated by the Constitution (Art. 67), by the *Labour Code* (Art. 10) and by the *Law on Equal and Opportunities for Women* (Art. 8).

**Application of a more restrictive criterion than that of ILO Convention 100 on equal remuneration for work of equal value**, associating equal salaries to work that is equal in terms of position, working hours, efficiency conditions and length of service.

### 4 Maternity protection

Regulated by the Constitution (Art. 56 and 72), by the *Labour Code* (Art. 105 to 116) and by the *Law on the Social Security Fund* (Art. 139 and 146).

- Maternity leave: **14 weeks** (6 before birth and 8 after).
- Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**
- Amount and financing:** 100% paid, mixed (by Social Security and by the employer).
- Protection against dismissal:** during pregnancy and maternity leave.

### 5 Paternity leave

- Regulated by the *Law* that establishes paternity leave.
- Duration:** 3 working days.
- Amount and financing:** 100% paid by the employer.

### 6 Social security

Regulated by the Constitution (Art. 113) and by *Law on the Social Security Fund*.

- Same rights to insurance for occupational risk and disability, and retirement and severance. Contribution-paying member and spouses, regardless of their sex.
- Different age of retirement for women (57) and men (62)** with the obligation, in both cases, of having made a minimum of 240 contributions.

The amount of old-age pension includes a family allowance, according to the members of the family group, but this shall only consider **wives or partners of the member, and men only in cases of total disability** (Art. 176).

### 7 Care

- The *Law on the Social Security Fund* (Art. 79) recognizes the **right to voluntary membership for men and women who dedicate themselves exclusively to caring for and looking after their family.**

The *Law on Equal Opportunities for Women* guides the creation and expansion of **child and community support centres** which allow women to join social and economic life. In the context of family, it establishes that the State shall favour the **equitable distribution of responsibilities between both members of the couple.**

### 8 Protection of domestic workers









Regulated by the *Labour Code* (Art. 127 and from 331 to 343), by the *Law on Social Security* (Art.12) and by *Resolution N.º 52, 805- 2018-J.D. on the Social Security Fund* (Art.61 to 72).



- Uninterrupted daily rest period from 9:00 pm to 6:00 am.
- One obligatory day of rest per week.
- Rest on public holidays.
- Right to holidays equal to the general regime.
- Maternity rights equal to the general regime.
- Compulsory membership of the Social Security Fund.
- Legal minimum salary.
- Payment in kind (board and food) included within remuneration.
- Not subject to limits on working hours.
- Rest during working hours is not specified.
- Written contract not obligatory.



## Panama: Action points to accelerate progress

- ADOPT:**
  - Ratify ILO Conventions 156, 183 and 190.
- REFORM:**
  - Extend the principle of equal remuneration for work of equal value.
  - Extend maternity leave and fully fund by Social Security.
  - Extend paternity leave and fully fund by Social Security.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.
  - Ensure domestic workers the same conditions and labour rights enjoyed by other workers.
- ELIMINATE:**
  - Eliminate restrictions that limit the freedom of choice of employment for women.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|--|--|---|
| Political Constitution of the Republic of Panama, of 1972  | Equal pay<br>3                          | Reform<br>      | <b>Article 67. Equal work in identical conditions always corresponds to equal salary or pay, whoever carries it out, without distinction of sex, nationality, age, race, social class, political or religious ideas.</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.   |
| Labour Code, Cabinet Act No. 252 (30 December, 1971, containing the amendments to Law No. 44, 12 August, 1995) | Maternity protection<br>4               | Reform<br>      | <b>Article 107. All pregnant workers shall enjoy compulsory leave, paid in the same way as their work, for a period of six (6) weeks preceding the birth and the eight (8) weeks following the birth. Under no circumstances may the total rest period be less than fourteen (14) weeks, however, in the event of the birth being delayed, the female worker shall have the right to being granted, as paid leave, the eight (8) weeks following the birth.</b><br><br><b>Employers shall cover any difference between the maternity allowance from the Social Security Fund, and the remuneration which, in accordance with this Article, the pregnant worker is due.</b><br><br>(...)<br><br><b>RECOMMENDATION:</b> Fully fund maternity leave through the Social Security system to prevent any source of indirect discrimination for women. |
|  | Freedom of choice of employment<br>2  | Eliminate<br> | <b>Article 104. Women are prohibited from working in: 2. Unhealthy activities determined by the Ministry of Labour and Social Well-being.</b><br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women.  |
|  | Equal pay<br>3                        | Reform<br>    | <b>Article 10. The principle of equal pay is guaranteed. Equal work carried out for the same employer, in the same job, for the same hours and under the same criteria of efficiency and length of service, shall receive equal pay, which includes ordinary and special payments, entitlements, gratuities, bonuses, services and any other amounts or payments awarded to a worker through their employment.</b><br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.   |

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|--|---|---|--|
|  | Protection of domestic workers<br> | Reform<br>   | <p>Article 67. The employment contract shall be made in writing; it shall be signed at the start of the employment in three copies, one for each party. The company shall keep its copy, it shall give the employee their copy at the time of signature and the other shall be submitted to the General Directorate of Labour, or to the regional directorates of the Ministry of Labour and Social Well-being, which shall keep a daily record of the contracts received.</p> <p><b>Contracts which shall be exempt are those relating to:</b></p> <p><b>2. Domestic work.</b></p> <p>Article 211. The employer may not terminate the employment indefinitely, without a justified cause as specified by law and in accordance with the formalities thereof.</p> <p><b>Article 212. The provisions of the previous Article shall not apply in the following cases:</b></p> <p><b>2. Domestic workers.</b></p> <p>Article 231. The relations of domestic workers shall be governed by the following regulations:</p> <ol style="list-style-type: none"> <li>1. The contract may be verbal or in writing but shall always be governed by the presumption provided for in Article 69.</li> <li>2. <b>The labour of domestic workers shall not be subject to a schedule</b>, but they shall enjoy at least an uninterrupted rest period between 9:00 p.m. and 6:00 a.m. as well as a weekly rest period and annual paid holiday. Domestic workers shall enjoy paid rest periods on national public holidays or days of national mourning, except when the employer orders or permits the provision of service, in which case the work shall be paid with a bonus of one hundred per cent on the salary earned.</li> </ol> <p><b>9. Unless otherwise agreed, it is presumed that the payment of domestic workers comprises, in addition to monetary payments, the provision of food and accommodation.</b> The food must be healthy, plentiful and nutritious, and the accommodation must be comfortable and hygienic.</p> <div data-bbox="799 1559 1465 1637" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |
| Law No. 4 (29 January, 1999) which establishes Equal Opportunities for women | Equal pay<br>                    | Reform<br> | <p>Article 8. The State shall ensure the fulfilment and exercise of citizens' rights for women, through the following public policy actions:</p> <ol style="list-style-type: none"> <li>5. Incorporate the recommendations of the international conventions of the International Labour Organization <b>on equal remuneration for equal work for men and women</b> and on discrimination for reasons of sex in employment and professions.</li> </ol> <div data-bbox="799 1955 1465 2056" style="border: 1px solid purple; padding: 5px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>   |

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|---|--|---|
| <p>Law No. 27 (23 May, 2017) establishing paternity leave for male workers in private companies and public servants</p>          | <p>Paternity leave</p> <p>5 </p> | <p>Reform</p> <p></p> | <p>Article 3. The paternity leave established by this Law shall be for three working days, which shall be counted as effective time of service, during which period the beneficiary shall not be able to work for another employer or independently.</p> <div data-bbox="798 546 1418 624" style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave and fully fund by Social Security.</p> </div>  |
| <p>Law No. 51 (27 December, 2005) which reforms the Organic Law on the Social Security Fund and establishes other provisions</p> | <p>Social Security</p> <p>6 </p> | <p>Reform</p> <p></p> | <p>Article 170. Calculation of Old-Age Retirement Pension. Within the band indicated in Article 168, the monthly amount of the Old-age Retirement Pension shall be calculated based on the base salary indicated in the previous Article, with the application of the increases or deductions indicated in this Article, in accordance with the replacement rate corresponding to the conditions of contributions and age at the time of retirement, as follows: The basic replacement rate shall be sixty per cent (60%) for reference ages and contributions. <b>The reference age shall be fifty-seven (57) for women and sixty-two (62) for men. The reference number of contributions shall be eighty-eight up to 31 December 2007; Two hundred and sixteen from 1 January 2008 until 31 December 2012, and two hundred and forty contributions from 1 January 2013.</b></p> <p>(...)</p> <p>Article 176. Right to receive the family allowance. Persons covered by social security who receive a disability pension and old-age pensioners, upon reaching or exceeding the reference age for the Old-Age Retirement Pension, shall have the right to receive, on a monthly basis and in addition to their pension:</p> <p><b>1. Twenty balboas (B/.20.00) if the pensioner has a spouse or if the spouse of the beneficiary of the pension is disabled. Any pensioner living with their partner in free union shall also have the right to this benefit, on the condition that there is no legal impediment to marriage and that they began living together at least five years before the award of the pension. There shall be a test on the status of living together in accordance with the regulatory standards on this matter issued by the Social Security Fund. If the partner is pregnant by the pensioner or if they have children together, the requirement of prior declaration shall be waived.</b></p> <p>(...)</p> <div data-bbox="798 1744 1431 1848" style="border: 1px solid purple; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div> |



# Paraguay\*

\* information updated as of November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE — / RATIFICATION 1987

Protocol SIGNATURE 1999 / RATIFICATION 2001

### ILO Conventions related to gender equality



**C100** Equal remuneration convention, 1951 ✓ 1960

**C111** Discrimination (Employment and Occupation) Convention, 1958 ✓ 1967

**C156** Workers with Family Responsibilities Convention, 1981 ✓ 2007

**C183** Maternity Protection Convention, 2000 ! Not ratified

**C189** Domestic Workers Convention, 2011 ✓ 2013

**C190** Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ National Constitution (20 June, 1992).
- ✓ Law No. 213, establishing the Labour Code (29 October, 1993).
- ✓ Law No. 5.508 on the Promotion, Protection of Maternity and Support for Maternal Breastfeeding (28 October, 2015).
- ✓ Act No. 7.550, regulating Law No. 5.508 (28 October, 2015), on the Promotion, Protection of Maternity and Support for Maternal Breastfeeding (8 August, 2017).
- ✓ Act-Law No. 1.860, amending Act Law No. 18.071 (18 February, 1943) on the establishment of the Social Security Institute, 1 December, 1950.
- ✓ Law No. 98/92 (31 December, 1992), establishing the unified regime of retirement and pensions and amending the provisions of Act-Law No. 1.860/50 approved by Law No. 375/56 and complementary laws No. 537 (20 September, 1958), No. 430 (28 December, 1973) and No. 1.286 (4 December, 1987). Amended by Law No. 2.263 (16 October, 2003).
- ✓ Law No. 3.338/2007 approving Convention 156 on equal opportunities and equal treatment for men and women workers: Workers with family responsibilities (22 October, 2007).
- ✓ Law No. 4.933, authorizing the voluntary incorporation of independent workers, employers, housewives and domestic workers to social security - retirement and pensions fund of the social security institute (14 March, 2013).
- ✓ Law No. 5.407 on Domestic Work (13 October, 2015). Amended by Law No. 6.338 (1 July, 2019).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 46-48 and 88) and by the *Labour Code* (Art. 9 and 128).

**Art. 88.** There shall be no discrimination permitted between workers for reasons of ethnicity, sex, age, religion, social condition and political or union preferences.

### 2 Freedom of choice of employment

- ! Regulated by the Constitution (Art. 86) and by the *Labour Code* (Art. 47).

**Prohibits women from carrying out dangerous or unhealthy work.**

### 3 Equal pay

- ✓ Regulated by the Constitution (Art. 92) and by the *Labour Code* (Art. 67).

**Art. 229.** (...) Equal pay for work of equal value, of the same nature or not, the same duration and efficiency, except for where a higher salary is based on length of service and merit.

### 4 Maternity protection

- ✓ Regulated by the Constitution (Art. 89), by the *Labour Code* (Art. 129-136), by the *Law on the Promotion and Protection of Maternity and Maternal Lactation* (Art. 1, 5, 10-17, 60, 70, 80 and 90) and by the *Act which regulates the Law*, and by the *Law on Social Security* (Art. 36-39).

**Maternity leave:** 18 weeks

**Minimum amount established by the ILO in its Convention No. 183:** 14 weeks.

**Amount and financing:** 100% paid by the Social Security Institute.

**Protection against dismissal:** until the end of the maternity leave.

### 5 Paternity leave

- ! Regulated by the *Labour Code* (Art. 89), by the *Law on the Promotion and Protection of Maternity* (Art. 13) and by the *Act which regulates the Law* (Art. 14 and 15)

**Duration:** 15 working days.

**Amount and financing:** 100% paid by the employer.

### 6 Social security

- ✓ Regulated by the Constitution (Art. 95), by the *Labour Code* (Art. 67 and 382), by the *Act on Social Security* (Art.1 and 2) and the *Law on Pensions and Retirement* (Art. 2, 59 and 60).

Same rights to insurance for non-occupational illness, occupational accidents, occupational illnesses, disability, old age and death. Contribution-paying member and spouses, regardless of their sex.

**Retirement at the age of 60 for both sexes** with 25 years of contributions or at the age of 55 with 30 years of contributions and a reduction of 20%.

### 7 Care

- ✓ Regulated by the Constitution (Art. 50 and 55), by the *Labour Code* (Art. 134, 261 to 271) and by the *Law on Workers with Family Responsibilities* (Art. 1 to 8).

Obliges companies with more than 50 workers to have **nurseries in the place of work** or to substitute this with an amount of money.

Regulates the right to receive a sum equivalent to **5% of the minimum inter-professional salary (SMI) for each dependent child**, from the Social Security Institute.

Recognizes the same rights and obligations for both parents.

### 8 Protection of domestic workers







Regulated by the *Labour Code* (Art. 148 to 156) and by the *Law on Domestic Work* (Art. 1 to 24) (amended by *Law No. 6.338*).

- ✓
- Right to service premium (bonus).
  - Legal paid rest period official or public holidays and daily and weekly rest periods.
  - Right to holidays.
  - Maternity rights recognized.
  - Paid overtime.
  - Limit on working hours.
  - Legal minimum salary.
  - Social Security aligned with the General Regime.
- !
- Meal and board included in salary if it is a "live in" arrangement.

## Paraguay: Action points to accelerate progress

- +** **ADOPT:**
  - Ratify ILO Conventions 183 and 190.
- !** **REFORM:**
  - Extend paternity leave.
  - Eliminate meal and board as a form of payment for "live-in" domestic workers.
- ×** **ELIMINATE:**
  - Eliminate restrictions that limit the freedom of choice of employment for women.

## REFORM AGENDA

| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|---|---|--|--|
| Law No. 213, which establishes the Labour Code (29 October, 1993)   | Freedom of choice of employment<br>2   | Eliminate<br> | <b>Article 47.</b> The following conditions shall be null and void and shall not imply any obligation for the contracting parties, except where expressed in the contract:<br><br>b) those that establish dangerous or unhealthy jobs for women and minors under the age of 18;<br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women and that assimilate minors with women in terms of labor protection.  |
| Law No. 5.508. on Promotion, Protection of Maternity, and Support for the Maternal Breastfeeding (28 October, 2015) | Paternity leave<br>5                   | Reform<br>    | <b>Article 13.</b> Other types of Employment Leave.<br><br>In addition, the following types of employment leave are established, in relation to maternity and paternity leave:<br><br>b. Paternity leave: all fathers with newborn babies shall be granted, irrevocably, 2 (two) weeks after the birth, with pay, to be paid by the employer.<br><br>During this period, the father must register the child with the General Directorate of the Civil Registry of Persons, and process the documents required to begin the request for the identity document with the Department of Identification of the National Police.<br><br><b>RECOMMENDATION:</b> Extend paternity leave. |
| Law No. 5.407. on Domestic Work (13 October, 2015, smended by Law No. 6.338, 1 July, 2019)                          | Protection of domestic workers<br>8  | Reform<br>  | <b>Article 12.</b> Right to food and board.<br><br>Unless proven otherwise, it is presumed that the normal payment of domestic workers comprises, in addition to monetary payments, the provision of food and, for those who provide their services on a live-in basis, the provision of accommodation.<br><br><b>RECOMMENDATION:</b> Eliminate meal and board as a form of payment for "live-in" domestic workers.  |

## Peru \*

\* information updated as of August 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



## CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1981 / RATIFICATION 1982

Protocol SIGNATURE 2000 / RATIFICATION 2001

## ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1953

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1970

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1986

C183 Maternity Protection Convention, 2000 ✓ 2016


C189 Domestic Workers Convention, 2011 ! Not ratified

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Political Constitution of Peru 1993.
- ✓ Unique Ordered Text of Leg. D. No. 728, Law on Productivity and Employment Competitiveness Supreme Act No. 003-97-TR (21 March, 1977).
- ✓ Law No. 28.983 Law on Equal Opportunities between Women and Men (12 March, 2007).
- ✓ Law No. 26.772 Stipulates that offers of employment and access to educational training facilities may not contain requirements that constitute discrimination, denial of equal opportunity or treatment (14 April, 1997).
- ✓ Law No. 30.709 which Prohibits Remunerative Discrimination between Women and Men (26 December 2017).
- ✓ Law No. 30.367 which Protects Working Mothers from Arbitrary Dismissal and Extends their Rest Period (6 November, 2015).
- ✓ Law No. 26.644 Specifies the enjoyment of the right to prenatal and post-natal leave for pregnant female workers (19 June, 1996).
- ✓ Law No. 29.409 which Grants the Right to Paternity Leave for Workers in Public and Private Activities (18 September, 2009).
- ✓ Law No. 26.504 Amending the Health Benefits System, the National Pension System, the System of Private Pension Funds and the structure of contributions to FONAVI (National Housing Fund) (8 July, 1995).
- ✓ Law No. 24.705 Recognition of housewives and full-time mothers as Independent Workers (22 June, 1987).
- ✓ Law No. 27.986 on Domestic Workers (2 July, 2003).

## Areas for women's economic empowerment

1 Gender equality and non-discrimination 

- ✓ Regulated by the Constitution (Art. 2 and 26), by the *Law on Labour Productivity and Competitiveness* (Art. 29), by the *Law on Equal Opportunities among Women and Men* (Art. 1 and 2), by the *Law that Stipulates that offers of employment and access to educational training* (Art. 1 and 2) and by the *Law which Prohibits Remunerative Discrimination between Women and Men* (Art. 5).

2 Freedom of choice of employment 

- ✓ There are no regulations that restrict freedom of choice of employment for women in Peru.

### 3 Equal pay

- Regulated by the Constitution (Art. 24), by the *Law on Equal Opportunities among Women and Men* (Art. 6f) and by the *Law Prohibiting Remunerative Discrimination between Women and Men* (Art. 1, 2 and 3).

The *Law on Equal Opportunities* establishes **identical remuneration for work of equal value**.

### 4 Maternity protection

Regulated by the Constitution (Art. 23), by the *Law on Labour Productivity and Competitiveness* (Art.29), by the *Law on Equal Opportunities among Women and Men* (Art. 6), which *Prohibits Remunerative Discrimination between Women and Men* (Art. 6) and by the *Law specifying the enjoyment of the right to pre-natal and post-natal rest for pregnant workers*.

- Maternity leave: 90 days** (45 before birth and 45 after).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks (equivalent to 112 days).**

- Amount and financing:** 100% paid by Social Security.
- Protection against dismissal:** the mother is protected against dismissal from pregnancy up to 90 days after the birth.

### 5 Paternity leave

- Regulated by the *Law that Grants the Right to Paternity Leave*.

**Duration:** 10 working days.

**Amount and financing:** 100% paid by Social Security.

### 6 Social security

Regulated by the Constitution (Art. 10) and by *Law No. 26.504 Amending the Health Benefits System, the National Pension System, the System of Private Pension Funds and the structure of contributions to FONAVI (National Housing Fund)* (Art. 9).

- Same rights to insurance for illness, disability, maternity, old age, death and other contingencies as determined by law.

The minimum age of retirement is **65 for both men and women**. Twenty years of contributions are required.

### 7 Care

- The Constitution establishes **shared responsibility in maternity and paternity** (Art. 6).

Likewise, there is the *Law recognizing housewives and/or full-time mothers as independent Workers* (Art. 1 and 2), granting them the right to access the pension system and the health insurance system.

Lastly, the *Law including Unpaid Work in the National Accounts* recognizes **the economic value of housework as a source of wealth**, and which must be quantified in public finances (Art.1).

### 8 Protection of domestic workers

- Right to paid overtime. Working hours, weekly rest period and maternity rights equal to the general regime.







- Minimum living wage not obligatory.
- Rest during working hours and daily rest period not provided for.
- Right to holidays below the general regime.
- Inclusion in social security obligatory, but with risks only in the short term.
- Included in the compulsory social security regime, providing they work a minimum of 4 hours per workday.

## Peru: Action points to accelerate progress

**+** **ADOPT:** · Ratify ILO Conventions 189 and 190.

**!** **REFORM:** · Increase maternity leave to the minimum amount of 14 weeks.  
· Extend paternity leave.  
· Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|--|---|---|---|
| Law No. 26.644 specifies the enjoyment of the right to prenatal and post-natal leave for pregnant female workers (19 June, 1996) | Maternity protection<br>4              | Reform<br>   | <p><b>Article 1.</b> It is specified that pregnant female workers have the right to enjoy forty-nine (49) days of prenatal rest and forty-nine (49) days of postnatal rest. The enjoyment of the prenatal rest may be deferred, partially or totally, and accrued to the postnatal rest, which is the decision of the pregnant female worker. Such decision must be communicated to the employer at least two (2) months in advance of the expected due date.</p> <p><b>RECOMMENDATION:</b> Increase maternity leave to the minimum amount of fourteen (14) weeks as established in ILO Convention 183.</p>   |
| Law No. 29.409 which Grants the Right to Paternity Leave for Workers in Public and Private Activities (18 September, 2009)       | Paternity leave<br>5                   | Reform<br>   | <p><b>Article 2.</b> On paternity leave</p> <p><b>2.1</b> Paternity leave as referred to in Article 1 is granted by the employer to the father for ten (10) consecutive calendar days in cases of natural birth or caesarean.</p> <p><b>2.2</b> In the following special cases, the length of the leave is:</p> <ul style="list-style-type: none"> <li>a) Twenty (20) consecutive calendar days for premature births and multiple births.</li> <li>b) Thirty (30) consecutive calendar days for births with terminal congenital condition or severe disability.</li> <li>c) Thirty (30) consecutive calendar days for serious complications to the mother's health.</li> </ul> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p>  |
| Law No. 27.986 on Domestic Workers (2 July 2003)   | Protection of domestic workers<br>8  | Reform<br> | <p><b>Article 3.</b> Conclusion of employment contract. The employment contract for the provision of services in the home shall be concluded verbally or in writing.</p> <p><b>Article 5.</b> The remuneration amount for domestic workers in any form shall be indicated by free agreement of the parties. The employer is obliged to provide food and accommodation to the domestic worker, which shall be fitting of the economic status of the employer. Such concepts shall not be considered as an integral part of the remuneration. Remuneration shall be paid in monthly, fortnightly, or weekly periods.</p> <p>Domestic workers must provide a record of the payments they receive, which shall serve as proof of the granting of remuneration. <b>The minimum specifications thereof shall be set by the Ministry of Labour and Employment Promotion.</b></p> <p><b>Article 12.</b> Holidays. Domestic workers are entitled to paid annual leave of fifteen days after one full year of continuous service.</p> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> |

# Portugal \*

\* information updated as of December 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1980

Protocol SIGNATURE 2000 / RATIFICATION 2002

### ILO Conventions related to gender equality



C100 Equal remuneration convention, 1951 ✓ 1967

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1959

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1985

C183 Maternity Protection Convention, 2000 ✓ 2012

C189 Domestic Workers Convention, 2011 ✓ 2015

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Portuguese Republic, of 1976.
- ✓ Law No. 7/2009 (12 February) which approves the revision of the Labour Code.
- ✓ Law No. 60/2018 (21 August) which approves measures to promote equal pay for men and women for equal work or work of equal value.
- ✓ Act Law No. 89/2009 (9 April) governing the protection of maternity, paternity and adoption for workers who perform public functions as part of the system of convergent social protection.
- ✓ Law No. 90/2019 Strengthening the Protection of fathers.
- ✓ Law No. 110/2009 (16 September) Code on contributory schemes from the Social Security System.
- ✓ Ordinance No. 50/2019 (8 February) determining the factor of sustainability and the normal age for accessing the old age pension.
- ✓ Act Law No. 235/92 (24 October) establishing the legal regime on the labour relations governing contract of domestic work.

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 9, 13 and 58) and by the Labour Code (Art. 23 to 28, 30, 32, 35).

**Art. 58.2.** In order to guarantee the right to work, the State is responsible for promoting:

- b) Equal opportunities in the choice of profession and conditions without access to any position, job or professional category being denied or limited for reasons of gender.

### 2 Freedom of choice of employment

- ✓ Regulated by the Constitution (Art. 47, 58)

**Art. 47.1** Everyone has the right to freely choose their profession or type of work, except subject to the legal restrictions imposed in the public interest or restrictions inherent to their own ability.

### 3 Equal pay

- ✓ Regulated by the Constitution (Art. 59), by the *Labour Code* (Art. 23 and 31) and by *Law No. 60/2018* (Art. 1-13).

**Art. 23** - For the purposes of this Code, it is considered that: d) Work of equal value is that in which the functions performed at the service of one employer are equivalent, taking into consideration the qualification(s) and/or experience required, the responsibilities involved, the physical and mental exertion and the conditions in which the work is carried out.

### 4 Maternity protection

- ✓ Regulated by the Constitution (Art. 59 and 68), by the *Labour Code* (Art. 13, 34 to 48, 52, 58 to 63 and 65) and by the *Law No. 89/2009* (Art. 7, 11 and 23).

**Maternity leave:** parental leave of 120 days or 150 days (can be taken by the mother or the father). **Obligatory leave for the mother for 6 weeks following the birth. Minimum amount established by the ILO in its Convention No. 183: 14 weeks (equivalent to 98 days).**

**Amount and financing:** 100% paid by Social Security if opting for 120 days or 80% if opting for 150 days (except if the mother and the father each take exclusively at least 30 consecutive days or two periods of 15 consecutive days, in which case the amount is 100%).

**Protection against dismissal:** during pregnancy and maternity leave.

### 5 Paternity leave

- ! Regulated by the Constitution (Art. 68) and by the *Labour Code* (Art. 13, 34, 40 to 43, 52, 65 and 127).

**Duration:** parental leave of 120 days or 150 days (can be taken by the mother or the father). **Obligatory leave for the father of 20 working days (5 immediately after the birth).**

**Amount and financing:** 100% paid by Social Security if opting for 120 days or 80% if opting for 150 days (except if the mother and the father each take exclusively at least 30 consecutive days or two periods of 15 consecutive days, in which case the amount is 100%).

### 6 Social security

Regulated by the Constitution (Art. 63), the *Labour Code* (Art. 34), by *Law No. 110/2009* (Art. 19, 84 and 89) and by *Ordinance No. 50/2019*.

- ✓ Same rights to benefits under old age, survivorship, illness, accidents, disability, death, retirement and unemployment or forced unemployment.

**Same retirement age for men and women:** 66 years and 5 months, with reduction from 41 years of contributions. The age is updated in accordance with life expectancy.

### 7 Care

Regulated by the Constitution (Art. 59 and 67) and by *Labour Code* (Art. 33, 49, 50-56 and 127).

- ✓ The Labour Code establishes rights such as: **mandatory and indispensable assistance** for minors throughout the period of hospitalization (15 or 30 days per year depending on the age of the minor); right to **part-time flexible working hours** until the minor reaches the age of 12; grandparents may be absent from work in order to take care of their grandchildren; extension of **parental leave** by three months to care for a child under the age of 6 and, once this right has been exhausted, right to leave for the care of children aged up to 2. The employer must provide the employee with **conditions that facilitate conciliation** and grant them the option of **remote working** when they have a child under the age of 3.

### 8 Protection of domestic workers

Regulated by *Law No. 235/92*.



- ✓
- Minimum salary, overtime, holiday pay and weekly rest period similar to those of the general regime.
  - They can choose between two forms of social security coverage: the declaration of their actual salary or a predefined amount, but only the first option gives them the right to unemployment benefit. All other benefits are the same.
- !
- Christmas Bonus equivalent to the general regime from the fifth year of employment.
  - Maximum duration of working hours above the general regime (44 hours/week in the annual calculation).
  - Rest period between workdays below the general regime (8 hours).

## Portugal: Action points to accelerate progress

- + **ADOPT:** · Ratify ILO Convention 190.
- ! **REFORM:** · Ensure domestic workers the same conditions and labour rights enjoyed by other workers.



## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|--|---|---|---|
| Act-Law No. 235/92 (24 October) establishing the legal regime on the labour relations governing the contract of domestic work. | Protection of domestic workers<br> | Reform<br> | <p><b>Article 12. Extra pay at Christmas</b></p> <ol style="list-style-type: none"> <li>1 - Domestic workers have the right to an extra payment at Christmas not less than 50% of the financial part of their remuneration for one month, which must be paid no later than 22 December each year.</li> <li>2 - When domestic workers have completed five years of length of service, the amount of the payment specified in the previous point shall be equivalent to the remuneration for one month.</li> <li>3 - The extra Christmas payment is proportional to the time worked in the year it is given.</li> </ol> <p><b>Article 13. Working hours</b></p> <ol style="list-style-type: none"> <li>1 - Normal weekly working hours cannot exceed forty-four (44) hours.</li> <li>2 - In the case of workers who live in the employer's home, for the purposes of the previous point, only hours actually worked are considered.</li> <li>3 - When the worker is in accordance, normal working hours are observed in terms of average.</li> </ol> <p><b>Article 14. Breaks for meals and rest</b></p> <ol style="list-style-type: none"> <li>2 - Workers who live in the home of the employer have the right to night-time rest of, at least, eight (8) consecutive hours which must not be interrupted, except for reasons that are serious, unexpected or force majeure, or when the worker has been contracted to help with ill people or children under the age of 3.</li> </ol> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |

## Spain\*

\* information updated as of November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



## CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1984

Protocol SIGNATURE 1984 / RATIFICATION 2001

## ILO Conventions related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 1971

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1971

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1994

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ! Not ratified

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION


- ✓ Spanish Constitution of 1978.
- ✓ Royal Legislative Act 2/2015 (23 October) approving the consolidated text of the Law on the Statute of Workers (last amendment 12 March, 2019).
- ✓ Organic Law 3/2007 (of 22 March) for effective equality between women and men.
- ✓ Royal Act-Law 6/2019 (1 March) on urgent measures to guarantee equality of treatment and opportunities between women and men in employment and work.
- ✓ Law 39/1999 (5 November) for the promotion of the reconciliation of family and work life for workers.
- ✓ Royal Legislative Act 8/2015 (30 October) approving the consolidated text of the General Law on Social Security.
- ✓ Law 39/2006 (14 December) on the Promotion of Personal Autonomy and Care for people in situations of dependency (Last amendment on 14 July, 2018).
- ✓ Royal Act 1620/2011 (14 November) regulating the special employment relationship of domestic work in family homes (Official Spanish Gazette -BOE- 17 November, 2011).
- ✓ Royal Act-Law 29/2012 (28 December) on improved management and social protection in the Special System for Domestic Workers and other economic and social measures (Official Spanish Gazette -BOE- 31 December, 2012).

## Areas for women's economic empowerment

1 Gender equality and non-discrimination 

- ✓ Regulated by the Constitution (Art. 1, 9, 14 and 149), by the *Statute of Workers* (Art. 4, 12, 17, 22, 24, 53, 64, 85 and 90) and by the *Law on Equality* (1-3, 5, 6, 8, 10, 11, 13, 42, 43, 45-47, 49).

The *Law on Equality* establishes the **obligation to design an Equality Plan** for companies with more than 50 workers, and that this is voluntary for smaller companies (Art.45).

2 Freedom of choice of employment 

- ✓ Regulated by the Constitution (Art. 35) and by *Workers' Statute* (Art. 4).

**Article 4.** The following are basic workers' rights: a) Work and free choice of profession or job.

### 3 Equal pay

- Regulated by the Constitution (Art. 35) and by the *Statute of Workers* (Art. 28).

Article 28 of the *Workers' Statute* includes a **correct application of ILO Convention 100 on equal remuneration for work of equal value**.

**Art. 28.1.** Business owners are obliged to pay the same remuneration for a work of equal value (...).

### 4 Maternity protection

- Regulated by the *Statute of Workers* (Art. 37, 45, 48, 53, 55), by the *Law on effective equality* (Art. 88 and 44) and by the *Law on Social Security* (Art. 165, 177, 178, 179, 181-189, 248).

**Maternity leave:** 16 weeks (6 weeks obligatory).

**Minimum amount established by the ILO in its Convention No. 183:** 14 weeks

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** up to twelve months after the date of birth or adoption (Art. 53).

### 5 Paternity leave

- Regulated by the *Statute of Workers* (Art. 48 and 48bis) and the *Law on Effective Equality* (Art. 44).

**Duration:** 16 weeks which shall be established progressively until 2021 (Art. 48bis).

**Amount and financing:** 100% by Social Security.

### 6 Social security

Regulated by the Constitution (Art. 41) and by the *Law on Social Security* (Art. 42 and 205).

- Same rights to benefits under old age, survivorship, illness, accidents, disability, death, retirement and severance or forced unemployment.

**Same age of retirement for women and men, 67, or 65 if they have a minimum of 38 years and 6 months of contributions.**

### 7 Care

- The *Workers' Statute* regulates the **right to distance working and adaptation of working hours** for children under the age of 12 and people with disabilities (Art.13,34,37, 40,46).

The *General Law on Social Security* contains an **economic benefit** for reduced working hours as a result of a hospitalized child, **extraordinary contributions** for mothers for each birth or **effective contributions** for fathers and mothers, during the years of leave as a result of caring for children (Art. 60, 190 to 192, 235 to 237).

The *Law on Dependency* establishes services and assistance for dependants and carers.

### 8 Protection of domestic workers

Regulated by the *Special Law 29/2012 and 1620/2011 on Household Service*.





- Minimum salary, paid overtime, daily rest period for external workers, holidays, bonuses, working hours, similar to the general regime.
- Inclusion in the Social Security System with benefits including medical assistance, maternity leave, old-age and disability pension.
- Obligation to join and make independent contributions to the Social Security System for workers who work less than 60 hours per month in one home.
- Without the right to unemployment benefit.
- The period of rest time between workdays for in-house workers is 10 hours (12 hours in the general regime), although it must be compensated in the 4 weeks following.
- Less weekly rest than the general regime.

## España: Action points to accelerate progress



**+** **ADOPT:** · Ratify ILO Conventions 183, 189 and 190.

**!** **REFORM:** · Ensure domestic workers the same conditions and labour rights enjoyed by other workers.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)  |
|--|--|---|--|
| Royal Legislative Act 8/2015 (30 October) approving the consolidated text of the General Law on Social Security  | <b>Protection of domestic workers</b><br>   | Reform<br>   | <p><b>Article 251. Protective action.</b></p> <p>Workers included in the Special System for Domestic Employees shall have the right to Social Security benefits under the terms and conditions established in this General Social Security Regime, with the following particulars:</p> <p><b>d) Protective action under the Special System for Domestic Employees shall not include action on unemployment.</b></p> <p><b>4.</b> Between the end of one workday and the start of the following, there must be a rest period of twelve hours. The rest period between workdays for in-house employees may be reduced to ten hours, with the remainder up to twelve hours being compensated in up to four weeks.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |
| Royal Act 1620/2011 (14 November) regulating the special employment relationship of domestic work in family homes (Official Spanish Gazette, BOE, 17 November, 2011) | <b>Protection of domestic workers</b><br> | Reform<br> | <p><b>Article 9. Working hours</b></p> <p><b>4.</b> Between the end of one workday and the start of the following, there must be a rest period of twelve hours. The rest period between workdays for in-house employees may be reduced to ten hours, with the remainder up to twelve hours being compensated in up to four weeks.</p> <p><b>5.</b> Domestic employees have the right to a weekly rest period of thirty-six consecutive hours which shall include, as a general rule, the Saturday afternoon or the Monday morning and the whole Sunday.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div>  |



| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|---|--|---|
| <p>Royal Act-Law 29/2012 (28 December) on improved management and social protection in the Special System for Domestic Workers and other economic and social measures (Official Spanish Gazette, BOE, 31 December, 2012)</p> | <p>Protection of domestic workers</p> <p><b>8</b> </p> | <p>Reform</p> <p></p> | <p><b>2. Workers included in the Special System for Domestic Employees established in the General Social Security Regime and which provide their services for less than 60 hours per week per employer, must process their membership, registration and de-registration and date changes directly, when they so agree with such employers. However, the latter shall also submit the request for withdrawal in the event of the termination of the employment relationship.</b></p> <p><b>Article 34 bis. Contributions to the Special System for Domestic Employees.</b></p> <p><b>2. Domestic workers who provide their services for less than 60 hours per month per employer and who have agreed with the latter to assume the obligations in relation to being part of this special system, shall be responsible for fulfilling the obligation of contributing to this system, with the obligation to pay in their own contribution and the contribution corresponding to the employer or employers with whom such agreement is made, both for common contingencies and professional contingencies.</b></p> <div data-bbox="788 1048 1310 1155" style="border: 1px solid black; padding: 5px;"> <p><b>RECOMMENDATION:</b> Ensure domestic workers the same conditions and labour rights enjoyed by other workers.</p> </div> |

# Uruguay\*

\* information updated as of February 2020

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1981 / RATIFICATION 1981

Protocol SIGNATURE 2000 / RATIFICATION 2001

### ILO Conventions related to gender equality



**C100** Equal remuneration convention, 1951 ✓ 1989

**C111** Discrimination (Employment and Occupation) Convention, 1958 ✓ 1989

**C156** Workers with Family Responsibilities Convention, 1981 ✓ 1989

**C183** Maternity Protection Convention, 2000 ! Not ratified

**C189** Domestic Workers Convention, 2011 ✓ 2012

**C190** Violence and Harassment Convention, 2019 ✓ 2019

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic (Constitution 1967 as amended on 26 November 1989, 26 November 1994, 8 December 1996 and 31 October 2004).
- ✓ Law No. 19.846 Equality and non-discrimination between women and men (19 December, 2019).
- ✓ Law No. 18.065 Domestic work regulatory standards (26 November, 2006).
- ✓ Law No. 16.045 Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector (2 June, 1989).
- ✓ Law No. 19.161 Grants for maternity leave and paternity leave for workers in private business (1 November, 2013).
- ✓ Law No. 19.121 on the Statute of Civil Servants of the Central Public Administration (20 August, 2013).
- ✓ Law No. 17.215 Enacting standards that include all public or private female worker who is pregnant or breastfeeding (24 September, 1999).
- ✓ Law No.18.345 Workers in private business granting of special leave for specific cases (11 September, 2008)
- ✓ Law No. 16.713 Social Security Establishing the welfare system which is based on the principle of universality and comprises, immediately and compulsorily, all activities covered by the Social Welfare Bank (3 September, 1995).
- ✓ Law No. 18.395 Retirement benefits relaxation of access conditions (24 October, 2008).
- ✓ Law No. 19.353 which establishes the National Comprehensive Care System (27 November, 2015).
- ✓ Law No. 5.032 on Occupational Accidents. Prevention measures (21 July, 1914).
- ✓ Law No. 18.065 Domestic work regulatory standards (26 November, 2006).
- ✓ Act No. 224/007 Regulation of Law No. 18.065 on the Regulation of Domestic Work (27 November, 2006).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 8), by the *Law No. 19.846 Equality and non-discrimination between women and men* and in *Law No. 16.045 Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector* (Art. 1 and 2).

### 2 Freedom of choice of employment

- ! Article 54 of the Constitution establishes that the **work of women and minors under the age of eighteen shall be particularly regulated and limited.**

The *Law No. 5.032, on Occupational Accidents*, in Article 4, establishes that **women and children cannot be employed in the cleaning or repair of running engines, machines or other dangerous transmission agents.**

### 3 Equal pay

- ⚠ Regulated by the Constitution (Art. 54) and in *Law No. 16.045 Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector* (Art. 1 and 2).

Discrimination in the criteria determining remuneration is prohibited, **although the principle of equal remuneration for work of equal value under the terms of ILO Convention 100 is not specified.**

### 4 Maternity protection

- ✓ Regulated by the Constitution (Art. 42), by the *Law No. 19.161 Grants for maternity leave and paternity leave for workers in private business*, by the *Law No. 11.577 which regulates the dismissal of pregnant female workers*, by the *Law No. 18.868 Prohibition on the requirement of carrying out a pregnancy test and by Law No. 17.215 Enacting standards that include all public or private female worker who is pregnant or breastfeeding.*

**Maternity leave:** 14 weeks (6 before birth and 8 after).

**Minimum amount established by the ILO in its Convention No. 183:** 14 weeks.

**Amount and financing:** 100% paid by the Social Welfare Bank (BPS).

**Protection against dismissal:** During pregnancy and for a period of six months subsequently, (it is not established by law, but it is interpreted through jurisprudence as indicated based on *Law No 11.577 on Unhealthy Industries*, Article 17 of which prohibits the dismissal of pregnant workers in this type of industries, transferring said protection to all female employees).

- ⚠ *Law No. 19.121* establishes maternity leave of **13 weeks for female civil servants in the Central Administration.**

### 5 Paternity leave

- ⚠ Regulated by *Law No. 19.161 Grants for maternity leave and paternity leave for workers in private business* (Art.7 to 9) and by *Law No. 18.345 Workers in private business granting of special leave for specific cases.*

**Duration:** 13 consecutive days for dependent workers (10 days for non-dependants covered by the Social Welfare Bank (BPS) with up to one dependant and independent workers and for civil servants in the Central Administration).

**Amount and financing:** the first three days are payable by the company and the following ten days are payable by Social Security.

### 6 Social security

- ✓ Regulated by *Law No. 16.713 Social Security and by Law No. 18.395 Retirement benefits relaxation of access conditions.*

Same rights for women and men on protection against illness, occupational risks, old age, disability and death.

**The right of women to register one additional year of services for each live birth is recognized** or for each child they adopt, with a maximum total of five years (Art. 14 of *Law No. 18.398*).

### 7 Care

- ✓ *Law No. 19.353 which establishes the National Comprehensive Care System* establishes **the right to care for children, people with disabilities and those aged over 65** (Art. 5). The National Care System also includes gender and generational perspectives (Art. 4).

The *Law No. 19.161 Grants for maternity leave and paternity leave* establishes a grant for the care of the newborn up to the age of 6 months, which the father and mother may use interchangeably and alternately, whose working hours may not exceed half of the normal working hours nor four hours per day (Art. 12 and 13).

**Amount and financing:** 100% paid by the Social Welfare Bank (BPS).

### 8 Protection of domestic workers

Regulated by the *Law No. 18.065 Domestic work regulatory standards and by Act No. 224/007* which governs it.



- ✓ Minimum national salary, paid overtime, working hours (for those who do not live in), paid rest period during working hours and weekly, right to holidays, right to Social Security, maternity rights, equal to the general regime.

- ⚠ Work carried out by rural domestic workers shall not be considered to be domestic work.

## Uruguay: Action points to accelerate progress







- ⊕ **ADOPT:**
  - Ratify ILO Convention 183.
- ⚠ **REFORM:**
  - Include the principle of equal remuneration for work of equal value in the Constitution.
  - Extend paternity leave.
  - Increase maternity leave for all female civil servants to 14 weeks.
  - Ensure rural domestic workers the same conditions and labour rights enjoyed by other workers.
- ⊗ **ELIMINATE:**
  - Eliminate restrictions that limit the freedom of choice of employment for women.

## REFORM AGENDA

| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)  |
|--|---|--|--|
| Constitution of the Republic<br>Constitution 1967 as amended on 26 November 1989, 26 November 1994, 8 December 1996 and 31 October 2004)   | Freedom of choice of employment<br><b>2</b>  | Eliminate<br> | <b>Article 54.</b> The law must recognize, for anyone in a labour or service relationship, as a worker or employee, the independence of the moral and civic consciousness; fair remuneration; limits on working hours; weekly rest periods, and physical and moral hygiene.<br><br><b>The work of women and minors under the age of eighteen shall be particularly regulated and limited.</b><br><br><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women and that assimilate minors with women in terms of labour protection. |
| Law No. 16.045. Employment activity Prohibiting any discrimination which violates the principle of equal treatment and opportunities for both sexes in any sector (2 June, 1989) | Equal pay<br><b>2</b>                        | Reform<br>    | <b>Article 2.</b> The prohibition referred to in the previous article shall also be applicable to: K) Remuneration criterion;<br><br><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value, in line with the provisions of ILO Convention 100.   |
| Law No. 19.161. Grants for maternity leave and paternity leave for workers in private business (1 November, 2013)  | Paternity leave<br><b>5</b>                | Reform<br>  | <b>Article 8.</b> (Compensated period of inactivity). The rest period referred to in the previous article shall have the following durations:<br><br>A) A maximum of three (3) consecutive days, from the entry into force of this law.<br><br>B) A maximum of seven (7) consecutive days, from 1 January 2015.<br><br>C) A maximum of ten (10) consecutive days, from 1 January 2016.<br><br><b>RECOMMENDATION:</b> Extend paternity leave.   |
| Law No. 19.121 on the Statute of the Civil Servant in the Central Administration (20 August, 2013)   | Paternity leave<br><b>5</b>                | Reform<br>  | <b>Article 15.</b> (Special leave). Civil servants shall also have the right to the following leave:<br><br>Ten working days for paternity leave.<br><br><b>RECOMMENDATION:</b> Extend paternity leave.  |





| LEGAL TEXT   | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|--|---|--|---|
|  | Maternity protection<br><b>4</b>               | Reform<br>      | <p><b>Article 15.</b> (Special leave). Civil servants shall also have the right to the following leave:</p> <p>Maternity leave. All pregnant female civil servants shall have the right, through the presentation of a medical certificate indicating the expected due date, to maternity leave. <b>The duration of this leave shall be thirteen (13) weeks.</b> For these purposes the pregnant female civil servant must cease working one week before the birth and may not begin work again until after twelve (12) weeks after the birth. Any pregnant civil servant may bring forward the start of their maternity leave, up to six (6) weeks prior to the expected due date. When the birth comes after the expected due date, the leave taken previously shall be extended up to the date of the birth, and the duration of the post-partum leave shall not be reduced. In the event of any illness resulting from the pregnancy, an additional prenatal leave can be arranged. In the event of any illness resulting from the birth, the female civil servant shall have the right to extended post-partum leave, the duration of which shall be set by the respective medical services.</p> <p><b>RECOMMENDATION:</b> Increase maternity leave for all female civil servants to guarantee to 14 as weeks established in ILO Convention 183.</p> |
| Law No. 5.032 on Occupational Accidents. Prevention measures (21 July, 1914)                           | Freedom of choice of employment<br><b>2</b>  | Eliminate<br> | <p><b>Article 4.</b> Women and children cannot be employed in the cleaning or repair of running engines, machines or other dangerous transmission agents.</p> <p><b>RECOMMENDATION:</b> Eliminate restrictions that limit the freedom of choice of employment for women and that assimilate minors with women in terms of labour protection.</p>  |
| Act No. 224/007 on the Regulation of Act 18.065 on the Regulation of Domestic Work (27 November, 2006) | Protection of domestic workers<br><b>8</b>   | Reform<br>    | <p><b>Article 2.</b> (Exclusions). Work not considered to be domestic work shall be that carried out by:</p> <p>b) rural domestic workers.</p> <p><b>RECOMMENDATION:</b> Ensure rural domestic workers the same conditions and labour rights enjoyed by other workers.</p>  |

# Venezuela\*

\* information updated as of November 2019

## INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY



### CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)

Convention SIGNATURE 1980 / RATIFICATION 1983

Protocol SIGNATURE 2000 / RATIFICATION 2002

### ILO Conventions related to gender equality



C100 Equal remuneration convention, 1951 ✓ 1989

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1971

C156 Workers with Family Responsibilities Convention, 1981 ✓ 1984

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ! Not ratified

C190 Violence and Harassment Convention, 2019 ! Not ratified

## BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Bolivarian Republic of Venezuela (15 December, 1999).
- ✓ Organic Law of Labour and Workers (7 May, 2012).
- ✓ Law on Equality for Women (26 October, 1999).
- ✓ Law for the protection of families, Maternity leave and Paternity leave (20 September, 2007).
- ✓ Reform Law on the Organic Law on the Right of Women to a life free from Violence (25 November, 2014).
- ✓ Organic Law on the Social Security System (7 May, 2012).
- ✓ Special Law for the Dignification of Residential Workers (19 May, 2011).

## Areas for women's economic empowerment

### 1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 21 and 88), by the *Organic Labour Law* (Art. 18, 20, 21) and by the *Law on Equality* (1, 2, 4, 5 to 7, 12, 16 and 17).

**Art. 88.** The State shall guarantee the equality and equity of men and women in the exercise of the right to work.

### 2 Freedom of choice of employment

- ✓ Regulated by the *Organic Labour Law* (Art. 30) and by the *Law on Equality* (Art. 11 and 12).

**Art. 30.** Freedom of employment. All persons are free to choose to carry out any employment activity without any other limitation than those provided for under the Constitution and those established by law.

### 3 Equal pay

- Regulated by the *Organic Labour Law* (Art. 100 and 109), by the *Law on Equality* (Art. 12) and by the *Reform Law on the Right of Women to a life free from Violence* (Art. 15 and 49).

More restrictive criterion than that of ILO Convention 100 on **equal remuneration for work of equal value**, establishing the principle of equal pay between men and women only for equal work.

### 4 Maternity protection

- Regulated by the Constitution (Art. 76), by the *Organic Labour Law* (Art. 72, 74, 76, 331 to 338, 343, 345, 346), by the *Law on Equality* (Art. 13 to 15), by the *Law for the protection of families, Maternity leave and Paternity leave* (Art. 1 and 18) and by the *Law on Social Security* (Art. 11 and 12).

**Maternity leave: 26 weeks** (6 before birth and 20 after).

**Minimum amount established by the ILO in its Convention No. 183: 14 weeks.**

**Amount and financing:** 100% paid by Social Security.

**Protection against dismissal:** during pregnancy and maternity leave, pregnant workers shall enjoy special protection non-removability from the start of the pregnancy and up to two years after the birth.

### 5 Paternity leave

- Regulated by the Constitution (Art. 76), by the *Organic Labour Law* (Art. 72, 74, 75, 339) and by the *Law on Maternity leave and Paternity leave* (Art. 8, 9 and 18).

**Duration:** 14 days.

**Amount and financing:** 100% paid by Social Security.

### 6 Social security

Regulated by the Constitution (Art. 83 and 85), by the *Organic Labour Law* (Art. 141), by the *Law on Equality* (Art. 42), by the *Law on Maternity and Paternity Leave* (Art. 12 and 13) and by the *Law on Social Security* (Art. 1, 2, 27, 31).

- Same rights to benefits under old age, survivorship, illness, accidents, disability, death, retirement and severance or forced unemployment.
- Different age of retirement, 60 for men and 55 for women, with a minimum of 750 weekly contributions paid.**

### 7 Care

- The Constitution recognizes **work in the home as an economic activity** and the right of housewives to Social Security (Art. 88).

The *Organic Labour Law* also recognizes work in the home as an economic activity, establishes the **obligation of Early Years Education Centres in companies** with more than 20 workers, and **special leave** for the care of minors and spouses (Art. 17, 72, 330, 348, 343 and 344).

The *Law on Equality* establishes that the State and the business sector are obliged to promote **social and community services** that allow women to achieve unimpeded development of their personality and access the country's development (Art. 39).

The *Law on Social Security* recognizes **Voluntary Social Security for women who do not work** with maternity leave (Art. para. 1 and 2).

### 8 Protection of domestic workers







- Regulated by the Constitution (Art. 88), by the *Organic Labour Law* (Art. 206 to 208), by the *Law on Residential Workers* (Art. 1 to 8, 16, 17, 23 to 30) and by the *Law on Social Security* (Art. para. 1 and 2).

- Ensure domestic workers the same conditions enjoyed by other workers.






## Venezuela: Action points to accelerate progress

- ADOPT:**
  - Ratify ILO Conventions 183, 189 and 190.
- REFORM:**
  - Extend the principle of equal remuneration for work of equal value.
  - Extend paternity leave.
  - Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.

## REFORM AGENDA

| LEGAL TEXT                                      | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT  | ACTION  | CURRENT TEXT (TO BE REFORMED)   |
|---|--|---|---|
| Organic Law of Labour and Workers (7 May, 2012) | Equal pay<br><b>2</b>         | Reform<br>   | <p><b>Article 109.</b> Principle of equal pay for equal work Equal pay for equal work, performed in positions, working hours and efficiency conditions that are also equal. For such purposes, the capacity of the worker with regard to the type of work they carry out shall be taken into consideration.</p> <p>The above does not exclude the possibility of granting social incentives based on length of service, assiduousness, family responsibilities, economy of premiums and other similar circumstances, providing that these premiums are general for all male and female workers that are in similar conditions.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div> |
|   | Paternity leave<br><b>5</b>  | Reform<br>  | <p><b>Article 339.</b> Paternity leave</p> <p>All male workers shall have the right to paid paternity leave, of fourteen days counted from the birth of their son or daughter or from the date on which he or she is given to him under family placement by the competent authority on children and adolescents.</p> <p>In addition, he shall enjoy special protection non-removability during his partner's pregnancy and up to two years after the birth. The father shall also enjoy this protection during the two years following the family placement of children under the age of three.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p> </div>   |
| Law on Equality for Women (26 October, 1999)    | Equal pay<br><b>2</b>       | Reform<br> | <p><b>Article 11.</b> The normative bases of the labour relations of women comprise the right to urban and rural work, equal access to all jobs, positions, promotions, opportunities, and the same pay for equal work. The State shall ensure equal employment opportunities.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>   |



| LEGAL TEXT  | AREA FOR WOMEN'S ECONOMIC EMPOWERMENT   | ACTION   | CURRENT TEXT (TO BE REFORMED)   |
|---|---|--|---|
| <p>Law for the protection of families, Maternity leave and Paternity leave (20 September, 2007)</p>         | <p>Paternity leave</p> <p>5 </p> | <p>Reform</p> <p></p>   | <p><b>Article 9.</b> The father shall enjoy paid paternity leave of fourteen (14) consecutive days, counted from the birth of their child, in order to take responsibility during the event, in equal conditions with the mother, the obligations and responsibilities arising with regard to caring and looking after the child.</p> <div data-bbox="788 568 1401 618" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend paternity leave.</p> </div>  |
| <p>Reform Law on the Organic Law on the Right of Women to a Life Free from Violence (25 November, 2014)</p> | <p>Equal pay</p> <p>2 </p>       | <p>Reform</p> <p></p>   | <p><b>Article 15.</b> The following shall be considered to be forms of gender-based violence against women.</p> <p><b>Work-related violence:</b> Discrimination against women in places of work, either public or private, which hinder their access to employment, or their progress or stability therein, such as imposing requirements on marital status, age, physical appearance or good appearance, or the request of medical examinations or tests, which influence the appointment, progress or permanence in the employment. Violating the right to equal pay for equal work also constitutes gender discrimination in the workplace.</p> <div data-bbox="788 1077 1458 1182" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Extend the principle of equal remuneration for work of equal value (and not only for equal work), in line with the provisions of ILO Convention 100.</p> </div>  |
| <p>Organic Law on the Social Security System (7 May, 2012)</p>  | <p>Security</p> <p>6 </p>      | <p>Reform</p> <p></p> | <p><b>Article 27.</b> Persons covered by social security, after having reached the age of 60 for men, and 55 for women, has the right to an old-age pension providing they have paid a minimum of 750 weeks' contributions. If the enjoyment of the old-age pension were to start after the date on which the person covered by social security reaches the age of 60, for men, or 55, for women, the amount of such pension shall be increased by 5 per cent per year in excess of those stipulated.</p> <p><b>Article 31.</b> Persons covered by social security, after having reached the age of 60 for men, and 55 for women, who have not paid a minimum of 750 weeks' contributions in order to have the right to an old-age pension may choose to wait until this requirement has been met, or to receive an immediate single compensation equivalent to ten per cent (10%) of the sum of the salaries corresponding to the contributions they have made.</p> <p>When the beneficiary, after receiving the single compensation, makes new contributions, these shall be added to those that caused it, if with these, the beneficiary achieves the right to pension, although by granting this, the compensation that they received shall be discounted.</p> <div data-bbox="788 1899 1458 2004" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>RECOMMENDATION:</b> Review contributory requirements in pension systems in line with gender-differentiated retirement ages to prevent discriminations in pension coverage.</p> </div> |



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