

## Universal Periodic Report

### Labor Report

Prepared by the Asociación de Trabajadoras del Hogar, a Domicilio y de Maquila –  
ATRAHDOM

The Asociación de Trabajadoras del Hogar, a Domicilio y de Maquila – ATRAHDOM is a non-profit, apolitical, and activist association, defenders of labor human rights, which was legally organized in November 2009 and has Consultative Status before the Economic and Social Council of the United Nations. It is a national reference organization on the issue of labor rights of working women. And is part of the women's and trade union movements at national level.

The Association has submitted reports to:

- 4-11-2014, ICESCR report session
- 6-11-2017, CEDAW session
- 8-11-2017, UPR session
- In June and November 2020, an alternative medium-term monitoring report was presented

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### Introduction

#### Current situation of labor rights in general in Guatemala

1. A before and after the COVID-19 pandemic can be defined, as the situation of the working class worsened, as labor relations become precarious and mass layoffs occurred, which to date has not recovered, even though the Ministry of Labor and the employer sector represented by the Chambers of Industry and Agriculture have generated the National Policy on Decent Employment 2017-2032, focused on safeguarding the economic interests of the business sector. Since the trade union movement is not considered for consultation in such documents that involve the working class.
2. The lack of social security coverage, due to the failure of some employers not to pay the fee, has left many workers without access to this right, as is the right to access health services that workers have already paid.
3. The wage is precarious by employers by staying below the legal minimum and not according to the costs of the basic food basket, which violates food security for workers and their families.
4. In Guatemala, the employer sector continues to have privileges in exempting the payment of taxes in industry, export and textile maquila, since, during the beginning of the pandemic, they were granted greater tax benefits, bonuses, etc., the quality of jobs has not been improved, in how much or salary, benefits, social security, breaks,

especially in the private sector.

### **Employability:**

1. In 2017, the Ministry of Labor and Social Security, in coordination with the private sector, developed the National Decent Employment Policy 2017-2032. This policy bilaterally between the government and employers violates the precepts of the International Labor Organization on tripartism and social dialogue since the trade union sector was not considered in its preparation.
2. At present the gross employment rate is 61.6%, the division by sex, 84% of men and 42% of women have a formal job. Although the employment rate reflects that more than half of the population is employed and has a formal job, the data does not reflect adherence to and compliance with national labor standards or International Labor Standards, such as equal pay, decent treatment, or equal opportunities. The open unemployment rate 2.2% of the population, 1.8% of men and 2.9% of women do not have a job.
3. Although Guatemala has low unemployment rates, it does not mean that full employment is being created, but the precariousness of the labor market pushes the population to conduct activities of informal economy through entrepreneurship. While government has generated some employment programs through the "My first job" scholarships, which only contemplate young people, to avoid crime and migration.
4. Currently the social situation is faced between the effects of the pandemic, with social violence, the fall of the economy, which has generated unemployment and poverty, food insecurity, all of them convulse, causing the population to migrate to the United States and other countries in Europe, this irregular migratory flow has put at risk the lives of many young working women, in the face of the indifference or lack of capacity to face the problem on the part of the authorities, in the departments of migration index, of the west of the country.
5. The government has implemented the search for loans, to cover the needs of the population, but to support or encourage the economy by supporting private sector in their majority, granting them tax exemption, and loans to sustain their businesses. This is how the government plans an urgent strategic agenda ten social programs, which would be essential. Legislative Decree 13-2020, for an amount of **11,650,000,000 million quetzals**. (USD \$1,493,589,743.58)

Some of these programs, referring to labor:

1. **Employment Protection Fund:** Intended for companies that sought to retain their employees. Authorized the payment of Q75 (approx. USD \$9.6) per day for workers

who have signed the suspension of contract that their employer had to process in the Ministry of Labor. The regulations of the employment protection fund established that employers had to enter a form on the site [www.mineco.gob.gt](http://www.mineco.gob.gt). The Ministry of Economy was responsible for approving the application to distribute the funds through the National Mortgage Credit. Many of these programs did not reach the population, they were managed, by officials, of the central government, where mayors and governors, elaborated lists in which women workers from vulnerable sectors, such as domestic work, or the informal economy, were not included.

2. **The Unemployment Bonus:** to attend by dismissal for three months to the workers, it worked coordinated between the Ministry of Economy and the Ministry of Labor who received the payrolls or payroll of employees dismissed in their functions, so that they were granted the bonus of the unemployment.  
During 2020, we gave accompaniment to workers who informed us that their employers altered payrolls, did not place the real workers who were dismissed, but were fired, and in these payrolls appeared other people who were not even workers of the companies; to our analysis, there was misuse of the unemployment bonus, cases of corruption and abuse were evidenced, in the misuse of the fund.

## Wage

1. According to the latest Government Agreement No. 278-2021, the minimum wages set monthly are agricultural activities Q3,122.55 (USD \$400.32), Non-Agricultural and Industry and export of maquila Q2,954.35 (USD \$378.76). While, by April 2022 the costs of the basic food basket amount to Q3,218.03 (USD \$412.56) and the expanded vital basket Q7,430.22 (USD \$952.59), so the current minimum wage does not evidence the sustainability of access to food security, health, housing, services, education and transportation for the working class and their families.
2. Since the adoption of ILO Convention 175 on part-time work, the employer sector has been hiring only for short periods, which does not generate labor sustainability, since the population must work in two jobs a day or more, in order to reach income equivalent to the minimum wage in force, although in the agricultural issue the wages in the field continue to be paid below the legal minimum, which can be up to 60% less. In Guatemala, there is still no regularization of telework (or work from home), which has increased since the beginning of the Covid-19 pandemic, which does not allow workers the social relationship between them, avoiding union organization and minimizing the right to organize. Likewise, there is non-compliance with the recognition of the worker's expenses in terms of electricity, internet signal and telecommunication, services, and the lack of adequate equipment on the part of the companies.
3. Faced with these situations, the General Labor Inspection finds it difficult to cover all complaints received. In its 2021 work report, the IGT reports having assigned; twenty-three departmental delegates and 178 labor inspectors, which are insufficient for the aggregate demand for labor inspection, and for better wages for such staff. The precariousness of wages means that the population is subject to accept the conditions that employers establish for hiring, abusing the need of workers.

"In 2021, the dynamics of a progressive recovery of economic activity and employment have been related to the implementation and extension of vaccination programs, along with the productive and labor adaptation that was generated by the need to continue functioning (and living) with the virus. As a result, the aggregate shows that although employment, in particular salaried employment, shows better levels in 2021 compared to 2020, it is still far from recovering the levels it had before the pandemic, with marked sectoral differences and with groups of workers, such as women and young people, more affected. "(International Labour Organization, 2021)

### **Social security:**

1. While the Guatemalan Social Security Institute reports that prior to the pandemic it had 1.3 million workers affiliated, during the pandemic it reports falling to 1.28 million and during 2021 with the economic recovery it amounts to 1.38 million affiliated workers. This figure is only one seventh of the employed population nationwide. This can give an idea of the number of people who lack formality and non-compliance with access to Social Security.
2. Currently for domestic work, the Guatemalan Institute of Social Security - IGSS maintains the Prevention Program for Domestic Workers (PRECAPI), which attends only in accidents, maternity and healthy child, there is no extension to the coverage of prevention, such as care in common illness, as in the case of Covid-19; did not attend in cases of domestic or domestic workers, only opened or supported the coverage of vaccination against Covid-19. The PRECAPI of IGSS for domestic workers, needs a better restructuring in the allocation of funds, by the government, so that it can be functional for women workers, who exceed 240 thousand women in Guatemala according to the National Institute of Statistics, in the 2016 census of occupation.
3. The situation of the social sector of the elderly and disabled people does not have wide coverage in social protection programs due to lack of employment or income, the Program of the elderly of the Ministry of Labor requires a greater expansion of funds, to cover the aggregate demand of applicants to the program.
4. Another fundamental issue of a social nature is that the possibility of access to seed capital by the Ministry of Economy is not handled for the populations of female entrepreneurs who due to the covid-19 pandemic were left without a job and who are trained to open their own micro and medium businesses, which is difficult due to the lack of resources for the purchase of raw materials, for production, and the ability to enter in markets other than local ones. The promotion of micro and medium enterprises as entrepreneurs is part of the future of work, which must be implemented in the absence of employment opportunities, which makes it necessary to have State subsidies for its promotion.

### **Migration and work**

1. Over the past decade, northern triangle countries have suffered from waves of migration stemming from poor living conditions, insufficient labor markets to meet demand, excessive costs in the prices of essential goods and services. Many people decide to migrate irregularly using coyotes and recently the migration in massive caravans, which did not stop even at the height of the third and fourth waves of Covid19 in the region. The Guatemalan Migration Institute reports that some 57,000 deportees have entered the country as of January 2022 from Mexico, and the U.S., is of great concern since, there are no socio-economic conditions necessary for their resettlement at the national level, through access to decent and full employment, and it is alarming that a large part of these are unaccompanied minors (5,182).
2. Migrations have generated in Guatemala, a hope of flight, in the face of poverty, lack of opportunities, kidnappings, extortion, social violence, organized crime, the largest number of the migrant population are young people, women and children who have thrown themselves into the desert, where many have lost their lives, and most have been captured by the border guard in Mexico and deported. The migration of women deceived to be domestic workers, are taken for human trafficking, organ trafficking, as well as children. The central government seeks solutions with countries such as Mexico, and the recommendations of the US government, which are fruitless in the face of waves of migrants, if better conditions are not guaranteed in the country, in all social aspects, this migration cannot be stopped.

### **Recommendations**

- That the central government respects and complies with international labor conventions in relation to social dialogue and tripartism to address labor problems in the country that affects all sectors.
- That the State of Guatemala assume responsibly the corruption that has been exercised by handing over to the authorities the main detractors of the law.
- Invest in social security for health care, employment, and support for vulnerable sectors such as women, the elderly, young people, and indigenous people in

conditions of poverty and extreme poverty or due to lack of income and unemployment.

- That the Congress of the Republic resume legislative work based on a development and human rights agenda, to improve national human development metrics with international standards.
- That both the Private Sector and the Government of Guatemala make payments owed to the Guatemalan Social Security Institute.
- That the financing and budget be extended to the Ministry of Labor and its dependencies, especially the General Labor Inspectorate, so that it can improve its operation in the interior of the Republic.
- That the Ministry of Labor pursue a new policy of generating full and dignified employment based on the tripartite precepts of the ILO, in proper consultation with the Organized Trade Union Movement.

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