

ALTERNATIVE REPORT

Fulfilment of the compromises of the Convention on the Elimination of All Forms of Discrimination Against Women by the state of Guatemala.

CEDAW

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All currency figures cited are equivalent to; Guatemalan Quetzales (GTQ, Q) and United States Dollars (USD, \$)

1. Justification

The civil society of organized women advocates for labour human rights in favor of working women in vulnerated branches; like Domestic Work, Maquila and Agriculture. We have gathered to elaborate the present alternative report, to make evident and argue with Committee of the Convention on the Elimination of All Forms of Discrimination Against Women, that in Guatemala our labour rights keep being violated.

- 2. Guatemalan general context:** Guatemala, according with the last census undertaken by the Instituto Nacional de Estadística (National Institute of Statistics), in 2014, the population was 15.8 million of inhabitants, with a high proportion of youngsters. The main economic activities are the agricultural growths for exportation: coffee, sugar cane, banana, cardamom. Growths destined to the production of agro fuels (african palm) and products of export industry, maquilas like textile, cybernetic and mining exploitation. More than 60% of the population lives in the rural areas, 64% is indigenous population, which makes Guatemala one of the most populated countries by indigenous people; four ethnies, maya, xinka, garifuna and mestizo. It is a country in Development process, it is estimated that 51.5% of the population are women. Guatemala is one of the countries that has an internal population migration flux that moves internally because of violence and poverty, the lack of development oportunities, and the migrations to North America in search of better economic opportunities, from which there have been more than 200 thousand deportations in the last two years, these migrations have represented the second place for foreign exchange to the country, being family remittances a considerable income for guatemalan homes.

In 2015 Guatemala lived a social convulsion that hasn't been seen for more than 70 years, all of the social sectors, supported by the international community, and the Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala) of the United Nations, CICIG, with the Ministerio Público (Public Ministry), put in the judicial agenda the denounce of the regime of the Partido Patriota's government, about serious, evil and perverted processes of corruption from former President Otto Pérez Molina and former Vice President Roxana Baldetti and great part of their cabinet, leaving the people in poverty and debt.

In 2017 Guatemala is living a hard political conjuncture, the Congreso de la República (Republic's Congress) is emplaced by the people demanding the resignation of more than 107 corrupt congressmen and congresswomen for authority abuse, discrimination, and prepotency. It is also being demanded the resignation of the Republic's President, for his implication in the lack of transparency to declare the use of the funds by the FCN Nación party, during the 2015 electoral campaign, and for the decision of ousting the Commissioner Iván Velasquez of CICIG from the country, and for pretending to reform the law that allows him to fire the Fiscal General (Attorney General), head of the Public Ministry, Thelma Aldana. There is a system of ungovernability, there are no programs for employment, education, health and development for Guatemalan citizens; extortion, armed robbery, hired assassins, public transportation drivers assassinated, bombs installed in buses, gangs, drug trafficking, and organized crime have the working population on their knees, the security forces have made their best but it is not enough.

3. ***Characterization of the guatemalan working market:*** We must consider that the situation for women in the working market is established by determining factors of poverty and lack of opportunities, which makes an 80% of children and teenagers to quit studying and lend their workforce and help their homes, up to 72% are motivated by violence of different aspects. Therefore in their productive ages women do not get to complete their elementary studies, since only 10% of women with better opportunities get to finish their academic studies, which disables Guatemala of generating professional women that compete with international markets in the professional and scientific fields.

According with the Encuesta Nacional de Empleo e Ingresos (National Survey of Employment and Income) (ENEI 2-2014), the working age population (WAP) is 10 million 509 thousand 644 people – 52.7 percent are women -, while the economically active population (EAP) is 6 millions 316 thousand 5 people, 65 percent are men. Estimating that the male –EAP- surpasses the 72% that is working, in contrast to the approximate 28% of women and young women in productive ages that are in search of jobs, compared to women of 25 to 45 years of age, that still get to work, although women continue with the bigger load of responsibility of non remunerated domestic work and care.

In the ambit of access to decent and living employment, both men and women see unfulfillment of their labour human rights in their contracts, as in minimum wage, even though the daily wage is Q86.90 for agricultural and non agricultural activities, while in the export industry and maquila sectors it is Q79.48, both make an average of \$11.7 and \$10.7 respectively, which doesn't allow to cover the costs of the basic food basket Q4,098.60 = \$552.3, and the basic vital basket Q7,479.20 = \$1,024.54.

In January 2017, the Republic's Congress approved ILO C-175, Part-time work convention, which enables companies to hire part time, without major responsibilities of paying the full payroll and employment benefits or overtime, in this aspect the Ministerio de Trabajo (Ministry of Labour) has been involved for its ratification, now it is pending to be put in to effect, elaborating from now the ruling for its application in February 2018.

4. **Labour branches: Domestic workers**

Definition: "Domestic workers are those who dedicate in habitual and continuous form to labouring in cleaning, assistance and other proper of a household or other place of residence or particular house-room, that do not import profit or business to the employer" (Article 161).

Domestic work in Guatemala as in the rest of the world is still a form of slavery, exploitation and labour trafficking, a dehumanized labour. It has its origins from the colonial age, that continues to our age, with cases of women that work in houses with their daughters inheriting the labour from generation to generation. It is ruled in the Código de Trabajo (Work Code) Decree 330, reformed by the Accord 1441, in which it has a special regime from 73 years, the same that has not been reformed since its creation. According to the National Survey of Employment and Income, ENEI, in Guatemala by 2016 there were more than 242 thousand domestic workers. From ATRAHDOM it has been established by researching, that 92% of this population are women, 62% are migrant indigenous people, displaced for violence, war and the lack of opportunities of development in their villages,

43% are children and teenagers from ages between 14 to 26 years, 70% has not been able to finish elementary school and only 10% is able to finish 9th grade; 80% receive wages below the ruling minimum wage, 70% work schedules are from 12 to 22 daily hours without remuneration of overtime, 73% is victim of sexual, physical, verbal and psychological abuse, 39% of the population receives benefits such as the christmas bonus and year bonus, 19% receives paid vacations, 65% doesn't receive paid days off, only 2% is benefited by Social Security, because their employers include them in their company's employee list but not as a domestic worker.¹

5. Job Opportunities:

Domestic work is an alternative income generation measure for women of scarce economic resources, predominantly in marginal and rural areas with preeminence of young and indigenous women. In Guatemala there are about 6 companies that recruit and place domestic workers, which are investigated and subjects to recruiting and placing standards, for example they must not have a criminal or police record, references from previous employers, sanitation papers in order, and the wage is negotiated with employers in the majority of cases, the employers pay to the company for the worker they hired, and they can dismiss her if she doesn't fill the expectations of the employer. These companies are not in a verified list by the Ministry of Labour.

The Ministry of Labour does not contemplate the generation of job opportunities for domestic work in its employment policy.

While the domestic workers keep getting hired under the dispositions of the employers, which subjects the needs of the workers, since it lacks a better legislative ruling in favor of the workers.

6. Income Generation:

In Guatemala, most domestic workers are found in wage precariousness, since 3 of 5 obtain less than Q1,000² a month in the capital city, meanwhile in the interior the wages are still Q300 to Q400³ a month, without paid benefits, while for 2017 the legal minimum wage for non agricultural activities (in which domestic work is categorized) is Q2,893.21⁴ including the incentive bonus of Q250 monthly. "Only one in every one hundred domestic workers have an income of the same value or higher than the minimum wage"⁵

7. Available mechanisms of labour inspection:

There is no mechanism available for domestic work inspection by the Inspección General de Trabajo (General Labour Inspection); In particular domestic work, which is considered as inviolability of the household, the inspectors can not enter the house of employers, because according to the Constitution this disposition is prohibited, unless there is a judge order.

¹ Asociación de Trabajadoras del Hogar a Domicilio y de Maquila, ATRAHDOM, reference of country on domestic work.

² \$135 monthly approximate.

³ \$ 54 monthly approximate.

⁴ \$ 391 monthly.

⁵ Source, Trabajo Doméstico en Guatemala ASIES, Año 29, #3 2014.

8. Labour conditions:

There are no mechanisms that investigate or inspect the forms of recruiting and the labour conditions of domestic work, this is undertaken in subhuman conditions by the norms established by employers. Like the salary being less than the minimum wage, long labour schedules above average, no social security, no child and teenage protection and migrants in the national territory.

9. Health and Security:

Certification of good health: the employer may demand, prior to formalizing the labour contract, the presentation of a certification of good health (Article 163).

10. Termination of the labour relation for illness: according to subsection c) of article 165, the employer may terminate the labour relation, if illness incapacitates the worker for more than one week (unless the employer uses what is stipulated in article 67 of the same code) once said time period is passed, without any other obligation than to pay the other part of a month of salary for every year of continuous work, or a fraction of time no less than three months, and the compensation can not exceed the corresponding import of four months of salary.

There is the Programa de Prevención para la trabajadora de casa particular PRECAPI (Prevention Program for the household worker) in the Instituto Guatemalteco de Seguridad Social –IGSS- (Guatemalan Institute of Social Security), which only covers capital city, in accidents, maternity, and healthy child (only covers healthy children if they are ill they will not be covered) which is dysfunctional, there is no demand for this due to the precariousness of the service, and the IGSS has not worried in improving the coverage for the workers, like the right to common illness and the right to quotation for retirement.

11. Minimal rules of domestic work (special regime of domestic work in the Work Code)

Domestic work is regulated in the Work Code in the chapter titled “Trabajo sujeto a regímenes especiales” (Work subject to special regimes), the norms contained in the fourth chapter – Domestic Work-

12. Remuneration: unless otherwise agreed, the retribution of domestic workers comprehends besides payment with money, the provision of habitation and maintenance by the employee (Article 162). The Work Code calls economic advantages to this part of the salary, and in article 90 points out that “the economic advantages, of any nature they may be, that are awarded to the workers in general for their services, unless otherwise agreed, must be understood that they constitute thirty percent of the total salary import accrued”.

13. Schedules and Working days: domestic work is not subject to schedules or limitations of working day and neither it is applicable to the articles 126 and 127 of the Work Code (article 164), but the workers have the following rights: a) Absolute minimum and compulsory resting time of 10 daily hours, from which 8 must be at night and continuous, and 2 must be destined for food intake. b) During Sundays and holidays they must have an additional resting time of 6 daily hours. Special cause of dismissal: the lack of respect or the notorious abuse by the worker towards the people that inhabit the house where they lend their services and “the manifested negligence of fulfilling their duties” (Article 166).

14. Ratification of ILO-C189.

- Convention 189 and the recommendation 201, Convention concerning decent work for domestic workers, was brought to Guatemala by Chancellery in August 2011.
- Three consultations were undertaken. One to the Secretaria Presidencial de la Mujer (Women's Presidential Secretary), issued a favorable dictum, other to the Procurador de los Derechos Humanos (Human Rights Advocate) with favorable dictum, and the other to the Ministerio de Trabajo y Previsión Social (Ministry of Labour and Social Security) for it to issue the dictum of the tripartite commission of International Affairs, conformed by the Government, Private Sector⁶, and the Workers Sector⁷
- 4 Consultations were made to the population: one in the capital city, the others in the west, east and north of the country, all were issued favorable.
- In February 2015, the Tripartite Commission of International Affairs issued their favorable dictum for the ratification solicitation.
- After the social convulsion lived in Guatemala, Lic. Carlos Contreras Minister of Labour resigned to his charge, therefore the new Minister Lic. Carlos Ulban sends the Convention to the Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs), which sends it to the back then still President Otto Pérez Molina.
- On August 13th 2015, Pérez Molina sends it to the Congreso de la República (Republic's Congress), entering as Iniciativa de ley 4981 (Bill 4981).
- In 2016 a new government started by the Frente de Convergencia Nacional –FCN- (National Front of Convergence) with the actual President Jimmy Morales Cabrera.
- Now in Congress the Convention is sent to the Labour Commission, presided by Congressman Ovidio Monzón who gives it a favorable dictum on March 8th 2016 on the International Women's day.
- Congresswoman Sandra Morán from Partido Convergencia (Convergence Party) manages to put the convention in the legislative agenda. By the end of October the Bill 4981 passes second reading in which it is still.
- 80 votes are required for it to be approved in a 3rd reading.
- It is subject to the congressmen to be put in the main points of the legislative agenda.
- A few congressmen and congresswomen of the Official party have manifested against the ratification of ILO-C189 through its Bill 4981.

15. Workers in the Textile Maquila

Labour Exploitation and precarious work

For decades the women that work in Guatemala's textile industry, have pointed out that they have no decent labour conditions. Sadly the majority of women that suffer labour rights violations do not denounce for fear or the lack of credibility by the institutions encharged of ensuring the fulfillment of the labour legislation.

⁶ Represented by the Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras –CACIF-

⁷ Represented by the Union Movement, from both currents, Autonomous and Global.

In the General Labour Inspection, from 2013 to may 2017 it was recorded 353 withdrawals, 116 absences, 185 non reconciliated, 506 did not continue their denounce.

From the 5 thousand 788 denounces presented in the same period, 3 thousand 301 were presented by women.

The textile industry sector is still one of the ambits were in great measure labour rights are violated and is the one that hires more female workforce.

The ENEI 2013 informs that 754,927 people work in the sector of “Manufacturing industry, mining exploitation and quarries and other industrial activites”, constituting 13% of working population. According with the study “Una aproximación al salario de vida en el sector maquila en Centroamérica”, a little more than half of generated jobs by the maquila sector (55%) is conformed by women, who besides of being full time workers, generally are mothers and heads of household.⁸

16. Job Opportunities

The workforce in the companies of the subsector of clothing manufacturing comes from the municipalities of Amatitlán, Mixco, Villa Nueva and other neighbor municipalities. This reveals that, in the lack of job opportunities in their birthplaces, the working population finds the need of migrating to the central zone of the country. The people or families that migrate to the capital city are far from reaching the necessary development, they live in poverty and extreme poverty conditions, with what little they obtain is not enough for a decent life. Their daily struggle against misery worsens with labour exploitation and social violence arising in the last years.

Another form of recruiting are underground workshops: A precarious form of labour for women, it is constituted by “underground” workshops that are subcontracted by maquila owners. Their form of operation is to accept any women without requiring anything from them and paying them a daily wage ranging from Q50.00 to Q75.00, with the condition that there are no benefits and no labour guarantees. There is no control by institutions that must ensure their funcionability at a level of their registration in the Merchant Registry and the tutelation of labour rights of the people that work there, some hold 20 to 70 people, according to the workers.

17. Income Generation

In the matter of income generation, the clothing and textile sector, like the export industry, are categorized as privileged, since they count with a bipart comission in benefit of employers, not only they get to pay a wage that is lower than the minimum wage in effect for agricultural and non agricultural activites and they benefit with tax exemption.⁹

The workers in the manufacturing and textile maquila have reiterated their disapproval of this wage differentiation, manifesting that to them the cost of the basic basket is not differentiated, they have to pay just like all the Guatemalan people.

⁸ COVERCO, EMIH, PASE, Sergio Chávez y Red de solidaridad de la maquila. Una aproximación al salario de vida en el sector maquila en Centroamérica. Octubre 2015.

⁹ By national urgency, with 109 votes, Congress approved Bill 5007, “Emerging law for the conservation of employment”, which maintains the benefits and fiscal exemptions up to 10 years to the textile industry and call centers. Decree 19-2016, Dario digital la Hora, 25 de febrero 2016.

This differentiation of minimum wage for the workers of the clothing manufacturing and textile maquila has been lowered in relation to the minimum wages of the other economic activities, a situation that puts the workers of this economic activity in disadvantage and inequity to provide for their basic needs and their families, denying them a way to improve their level of life and to get over the levels of poverty in which they are.

In the matter of overtime pay, the employers change tactics to avoid this payment, they require workers to have an assistance card at the time they leave and the time corresponding to overtime is not paid in full, though most say that they work a minimum of 10 daily hours. The unfulfillment of overtime payment is daily and the workers endure this labour conditions because of the levels of unemployment in the country, this does not allow other forms of work.

18. Available mechanisms of labour inspection.

It has been reported that many workers have been dismissed in an unjustified way without payment of their benefits and compensation. However, if they go to the General Labour Inspection to present their corresponding complaint, the Inspection being saturated with complaints finds it difficult to work and the workers find it difficult to access justice.

In the last 5 years the Inspection recorded only 220 denunciations for rights violations specific to women. Women continue to be dismissed in gestation or lactation state, the employer will not fulfill the payment of maternity leave, the workers will not get a lactation schedule and are forced to do inadequate work in gestation state.

There is abuse of the contract for the test period. Labour flexibility is a mechanism implemented in the recruiting of workers for maquilas. The workers are accepted as workers for two months and at the end they are notified that they did not pass the test period and that they will not be hired. However, they are indicated that they can return a few days later to start a new test period. With these mechanisms, employers avoid paying benefits mandated in the Work Code, using the figure of test period that exempts the employer of paying compensations when they dismiss a worker in the first two months of contract.

19. Labour conditions

The workers of factories where maquilas work, have pointed out their inadequate conditions for work, such as: overcrowding, lack of proper lighting and ventilation, scarcity of toilets and drinking water, inexistence of a first aid kit, etc. All this contradicts what is established in the Reglamento General sobre Higiene y Seguridad en el Trabajo from 1957 (General Regulations of Hygiene and Security in the workplace).

-ENEI 2016- Recorded the main risks to which the working population is exposed:

31.2% are exposed to high temperatures, 26.4% to dust and smoke, 22.5% to humidity, 16.9% to high noise, others percentages refer to toxic substances, vibrations and deficient lighting.¹⁰

In the research “Los Rostros Ocultos en la Maquila” elaborated by ATRAHDOM in 2012, it is pointed out the diverse discriminatory practices in the access to employment in maquilas.

- No recruiting women older than 30 years of age, due to that the employers say they may not be able to fulfill the work goals.

¹⁰ Encuesta Nacional de Empleo e Ingresos –ENEI 2016- (National Survey of Employment and Income)

- A service called Infornet is utilized, it is a data base of people that have had credit trouble with banks, or data of people that have been fired for demanding the fulfillment of their rights.
- Prior to recruiting a person a research is conducted to check their history. This database is utilized as a black list.
- It has been denounced the use of a lie detector in the process of recruiting.

20. Health and Security

In the last 7 years more than one thousand complaints were presented because employers will not give a job certificate to their workers, so they can receive medical consultations in the Guatemalan Institute of Social Security.

Many of the companies do not fulfill the payment of minimum wage, making discounts to salaries and not paying legal benefits. Some of the employers force workers to sign blank papers, hold their personal documentation, threaten them and force them to sign resignation letters.

Another of the factors that affects working women is the labour instability, being that in the months of november and december of every year it is recorded rises to the number of dismissals in factories.

The workers have spoken about illness in the respiratory tract and muscle and skeletal disorders (associated with the repetitive movements and inadequate postures in their workplaces, also the continuous exposure to foreign agents like cotton, dust, fabric particles). The constant violation of their sexual and reproductive rights, have repercussions in illness like urinary infection, dysmenorrhoea and even kidney disease, these are products of the lack of access to a toilet, given that in some places they are only open at noon, while others are open one hour after morning entrance and one hour before lunch, given this condition workers stop drinking water to avoid going to the toilet.

Many workers say that the water they drink inside the factory is harmful, in some factories water is only present when external actors such as inspectors are present.

Another factor that also presents health issues is that workers make use of energizing drinks to stay awake and to endure the long work schedules that they are forced to work in the factories until the work goals are met. The health of workers is going to worsen if immediate attention is not given at both prevention and healing levels. Many of the workplaces do not have special areas or the equipment for medical care in case of an emergency, they don't authorize workers to go to social security to be attended in an integral form.

21. Agricultural, camp or rural workers

Agricultural work and cattle breeding, Article 138. *“Camp workers are farmhands, servers, day laborers, cattle breeders, team laborers and other analogs that work in an agricultural or cattle breeding company and do the proper and habitual works of this one.”*

Article 139. *“All agricultural or cattle breeding done by women or minors with the employer’s consent, gives character to those or these camp workers, although said work it is attributed the quality of coadyuvancy or complementary of the work executed by the camp worker head of household. In consequence, these camp workers are considered bound to said employer by a working contract.”¹¹*

Temporary agricultural worker is a camp person, that lacks land or has it in an insufficient amount to satisfy their family needs, generally resides in rural communities, who migrate from them to other regions of the country where agricultural commerce predominates, with the end of undertaking linked activities to the management and harvest of crops. In other studies it is called; temporero (seasonal), trabajador migratorio (migrant worker), migrante interno (internal migrant), jornalero (day laborer) or in the labour lingo was called cuadrillero (team laborer).¹²

22. Job opportunities

Women’s workforce as day laborers or camp workers is significantly lower to men’s, constituting, according to ENEI 2013 to just 8% of the total. This number might make invisible the work of women in the camp, due to the many times that husband coadyuvancy is the role given to them, without having a direct salary for their work. It is very significant that the Economically Active Population (EAP) in the rural ambit 25% is considered as non remunerated workers. Under this entry it is possible to hide the work that women do and that is not salaried directly to them.

The most used recruiting is the called Plan 21 or Plan 56, contracts are made to work 21 or 56 days and at the end of the term the contract is terminated to later have a new one created for a similar period of time. With this type of contract it is simulated a legal contract, because in reality the activity undertaken by the workers continues more than the contract time. Additionally, in some cases exists the abuse of the test period, contained in article 81 of the Work Code, given that the recruiting happens for less time to avoid the responsibility of employers to compensate their workers in the termination of their contract without a justified cause.

23. Income Generation

Women do not get paid a minimum wage. 14% of the laborers receives 35% of the minimum wage, and 73% receives almost half of the minimum wage.

Even though there is a minimum wage in effect for the categories of agricultural work, the real salary for camp work is lower than the one assigned, so the majority of the working population gains an illegal salary established by contractors or farm owners. This situation is exposed by the statistics about employment and income measured in the country. The ENEI 2013 establishes that the economic activity with the lowest incomes is agriculture, reporting an average income of Q1,101 (\$148.78). In a more specific manner establishes that the paid workers in the rural area receive an average monthly Q1,631 (\$220) significantly lower than the minimum wage in effect from 2013, set at Q2,421.75 (\$327.26).

¹¹ Código de Trabajo, Decree 330 Reform 1441, page 36, Ministerio de Trabajo y Previsión Social.

¹² Historias de Vida Laboral, Trabajadores Agrícolas Temporales, ASIES, September 2016

Meanwhile ENEI 2012, establishes that the average minimum wage for the agricultural sector was Q746 (\$100.08) this is the lowest average income in the country.

According to the information from the Food and Agriculture Organization (FAO) and the monthly monitoring that it does in various municipalities that the average daily was Q54 (\$7.29) being the daily minimum wage according to the Ministry of Labour, for 2014 in agricultural activities must be Q74.97 (\$10.13). For 2014 the daily minimum wage in effect is Q86.90 (\$11.74).

24. Available mechanisms of labour inspection

The work of women in the camp is subject to the legal dispositions governed by the Ministerio de Trabajo y Previsión Social (Ministry of Labour and Social Security). We can say that in reality the dispositions are others, since women in the camp under the economical need are subject or are repressed by the rules and norms that the employers, landlords or bosses impose in the farms or factories like the packing industry.

Therefore why there are no recurring complaints in the Inspección General de Trabajo (General Labour Inspection) or their department offices, due to the lack of trust in the operators of labour justice, or they are intimidated by their employers or bosses to not issue a complaint when their rights are violated.

These rights range from the unfulfillment of the payment of the minimum wage in effect, to the right of social security, protection to maternity, accident insurance, violence, harassment and sexual abuse, labour harassment, among others of importance.

It seems that labour life in the camp is a different sector in which laws and norms are not in place.

A single female worker that has been victim of rights violations will not file a complaint alone, they lack of knowledge of their rights and suffer the lack of legal accompaniment.

Only when they are part of an organization and the demands are made by a union, they will file a complaint.

25. Labour conditions

The difference that exists with the average income of a rural worker Q1,470.50 (\$198.71) is around half in contrast to the urban worker Q2,930.43 (\$396).

These differences are even greater when the rural worker is indigenous and when they are indigenous women, they are the ones that have the lowest income, approximately a third of the average urban salary.

The average rural income for an indigenous woman is Q1,128.42 (\$152.48) meanwhile a non indigenous woman in the urban area obtains Q2,776.11 (\$375.15). "In average a women has around 84%; but if we go to the rural area and the woman is indigenous, her salary revolves around 60% in contrast to a man's salary in the same activity".

There is no protection to social security, they don't have a schedule for food intake, they work in bad conditions, and are stalked, harassed and abused of their human rights, they are victims of sexual abuse, and subjects to the weather conditions.

The contracts are verbal, arbitrary tasks, no overtime payment, no paid vacations, no payment for benefits like christmas bonus or year bonus.

The labour instability in farms is stimulated and created by the same system of the labour market. The motives for dismissal of the workers, 44% say is because avoidance of paying benefits. 15% of dismissals are because of the end of harvesting season. 12% for demanding their rights. According to this data, only 15% of dismissals would be justified because of the end of the agricultural season, 85% are unjustified. In the case of dismissals for demanding

rights the workers are registered and enter a “black list”, these ones will find it difficult to find a job in the same farm or in a neighbor farm, because employers share this information.

26. Health and Security

According to Article 100 of the Constitución Política del Estado (Political Constitution of the State), social security is a public function, instituted at a national level, unitary and obligatory, and it's application corresponds to the Instituto Guatemalteco de Seguridad Social IGSS (Guatemalan Institute of Social Security). However, the State has created another parallel programs like the Régimen de Clases Pasivos Civiles del Estado (Regime of Civil Passive Classes of the State) and the Instituto de Previsión Militar (Military Pension Institute).

90% of agricultural workers are not affiliated in the IGSS, only a minimum of 5% says they are affiliated. 76% of agricultural workers has a verbal contract. Seems like this general practice of having only verbal contracts is a mechanism, to not only exploit indigenous and non indigenous workers in farms, but also is an efficient tool that enables farmers to avoid their legal obligations to their workers.

27. Conclusions and Recommendations for the CEDAW Committee:

Domestic Work Conclusions: That the State recognizes the input of domestic workers in the development, economy and the production of the country, since in reiterated opportunities it has been recommended, establishing mechanisms, instruments and institutional tools so that there can be reforms to the aspects related to improving the labour life of the workers in an effective way, that promote equality in opportunities, equality of salary and contributes to end the discrimination and prejudices that block the development of the female domestic worker mainly.

Domestic Work Recommendations: To the State of Guatemala, the ratification of ILO-C189, Convention concerning decent work for domestic workers, to eliminate the gaps of inequality in human labour rights, starting from the evident legislative deprotection and the lack of protection and disadvantages of the economical and social benefits, the discrimination and the lack of equality in relation to the rest of labour branches.

Textile Maquila Conclusions: The female workers of the textile industry are people of scarce resources and low scholarship, a situation that forces them to work in this economical sector, given that the income is not enough to have an economical solvency more or less stable, being women in their majority who make an economic input to their households.

Textile Maquila Recommendations: The salary for the textile industry is Q2,417.52 (\$331.16) plus an incentive bonus of Q250 (\$34.24), a situation that makes evident the discrimination in this labour sector, so the minimum wage must be leveled to the agricultural and non agricultural activities that is Q2,643.21 (\$362.08) plus the incentive bonus of Q250 (\$34.24).

Agricultural work Conclusions: They keep being a disqualified workforce, badly remunerated and subject to the male force, the violence and all sorts of abuses; even though their input to the production in the camp is ancestral it keeps being effective, to guarantee the maintenance of their households; they do not obtain organizative protection specific to women, and lack the formation in labour rights for their empowerment.

Agricultural work Recommendations: It is necessary the reform of Article 139 of the Work Code, for women to stop being considered Coadyuvants in the work of men and that it is

recognized their work with equal salary. Rural women must obtain the same labour rights as men and the same as women in the city (right to healthcare, maternity protection, benefits, general labour protection conditions in the workplaces).