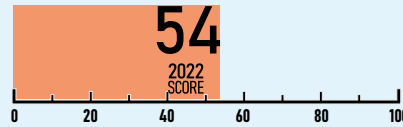


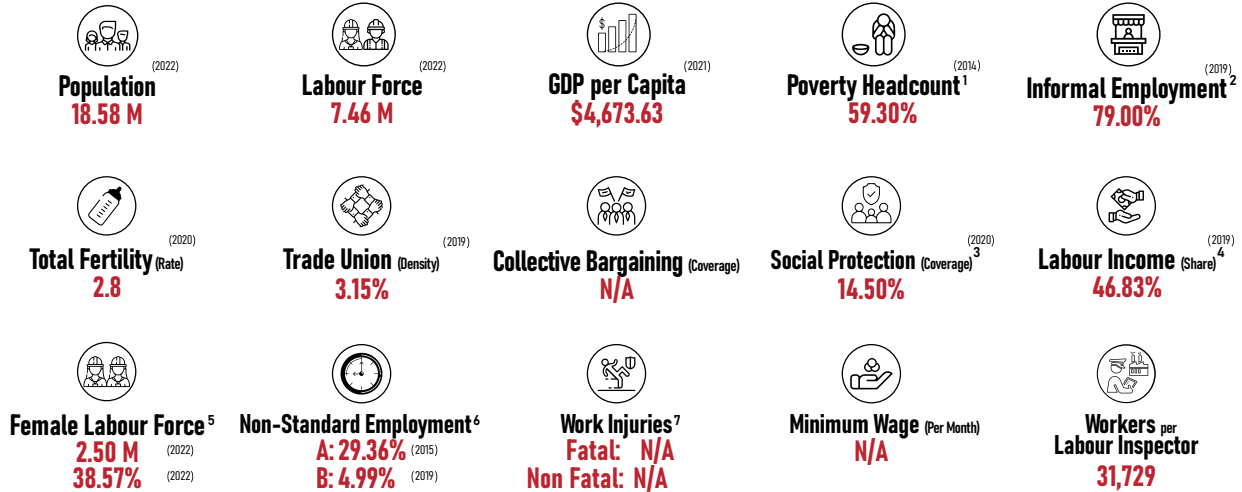


Guatemala



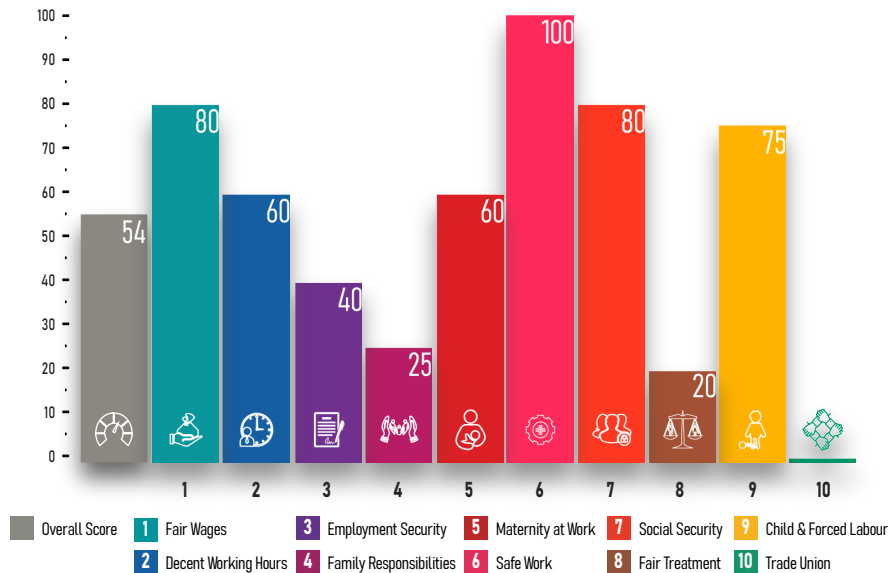
58.5 2020 SCORE
 Latin America and The Caribbean
 Upper-middle income
 Basic Access to Decent Work
 LRI RATING

Contextual Indicators



Sources: World Bank
 International Labour Organization
 WageIndicator Minimum Wages and Living Wages Database
 M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Guatemala's overall score is 54 out of 100. The overall score for Guatemala is lower than the regional average observed across Latin America and The Caribbean (71). Within the Latin America and The Caribbean region, the highest score is observed for Paraguay (82.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§102(f) of the Constitution of Guatemala, 1985; §103-115, 272(2), 283, and 374 of the Labour Code (Decree No. 1441)	●
	Does the law require regular payment of wages?	Yes	§88 & 90-102 of the Labour Code (Decree No. 1441); §102 (d) of the Constitution of Guatemala; §12, 8, 10 of Law No. 5477	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§121 of the Labour Code (Decree No. 1441)	●
	Does the law require additional compensation for working on a weekly rest day?	No	§128 & 129 of the Labour Code (Decree No. 1441)	●
	Does the law require additional compensation for night work?	Yes	§116-117 of the Labour Code (Decree No. 1441)	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§116, 121 & 122 of the Labour Code (Decree No. 1441); Acuerdo Gubernativo Numero 368-2010	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§122 of the Labour Code (Decree No. 1441)	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§ 126 of the Labour Code (Decree No. 1441)	●
	Does the law require paid public holidays?	Yes	§ 127 of the Labour Code (Decree No. 1441)	●
	Does the law require at least three working weeks of paid annual leave?	No	§102 (l) of the Constitution of Guatemala 1985; §130-137 of the Labour Code (Decree No. 1441)	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§25-29 of the Labour Code (Decree No. 1441)	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§25-26 of the Labour Code (Decree No. 1441)	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§79-81 of the Labour Code (Decree No. 1441)	●
	Does the law require a 30-day notice before contract termination?	No	§78 & 83 of the Labour Code (Decree No. 1441)	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	No	§ 77-82 of the Labour Code (Decree No. 1441)	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	No	§61 of the Labour Code (Decree No. 1441)	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	Yes	§153 & 154 of the Labour Code (Decree No. 1441); §1-3 of the Regulation on Breastfeeding	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	No	No applicable legal provisions could be located	●
	Does the law require paid maternity leave of at least 14 weeks?	No	§152 of the Labour Code (Decree No. 1441)	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§152 of the Labour Code (Decree No. 1441); §28 & 38 of the Decree No. 295	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§152 of the Labour Code (Decree No. 1441); §28 & 38 of the Decree No. 295	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§151(c) of the Labour Code (Decree No. 1441)	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§197(e) of the Labour Code (Decree No. 1441); § 7 & 94 of the Reglamento General sobre Higiene y Seguridad en el Trabajo	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§197 of the Labour Code (Decree No. 1441); §5(b) of the Reglamento General sobre Higiene y Seguridad en el Trabajo	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§122, 148 & 197 of the Labour Code (Decree No. 1441)	●
	Does the law provide for employment injury benefit?	Yes	Agreement No. 1002 of the Board of Directors on work-related and nonwork-related accidents, 1994; ISSA Country Profile for Guatemala	●
	Does the law provide for an old age pension?	Yes	Agreement No. 1124 of the Board of Directors on Regulations on Disability, Old age, and Survivors, 2003	●
	Does the law provide for a dependants/survivors' pension?	Yes	§24-25 of the Agreement No. 1124 of the Board of Directors on Regulations on Disability, Old-age, and Survivors, 2003	●
7. Social Security	Does the law provide for unemployment benefit?	No	No applicable legal provisions could be located	●
	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§28 & 31 of the Decree No. 295; ISSA Country Profile for Guatemala	●
	Does the law provide for invalidity benefit?	Yes	§9 of the Agreement No. 1124 of the Board of Directors on Regulations on Disability, Old-age, and Survivors, 2003	●
	Does the law require equal remuneration for work of equal value?	Yes	§102 (c) of the Constitution of Guatemala 1985; §89 of the Labour Code (Decree No. 1441)	●
	Does the law prohibit sexual harassment in employment?	No	No applicable legal provisions could be located	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? ¹⁰	No	§04 of the Constitution of Guatemala 1985; §14 (a) of the Labour Code (Decree No. 1441)	●
	Does the law allow women to do the same jobs as men?	No	§102 (a) of the Constitution of Guatemala 1985; §06 of the Labour Code (Decree No. 1441)	●
	Does the law guarantee basic labour protections for gig economy workers?	No	No applicable legal provisions could be located	●
	Does the law prohibit employment of children?	Yes	§74, Constitution 1985; §31-32 & 148, Labour Code; §6 & 32 of Government Accord 112-2006	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	No	§33 of the National Education Law, 1991; Ministerial Agreement 1055-2009	●
9. Child and Forced Labour	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§148, Labour Code 1995; §1, Government Accord 250-2006; §4, Ministerial Accord 154-2008	●
	Does the law prohibit forced labour?	Yes	§04 of the Labour Code; §202 of the Penal Code, 1973; Decree 10-2015	●
	Does the law allow workers to form and join unions of their own choice?	No	§102 (r), Constitution 1985; §206 & 218, Labour Code (Decree No. 1441)	●
10. Trade Union	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§6, Constitution 1985; §38-56, Labour Code (Decree No. 1441); Decreto Numero 2-2012; USDOS CRHRP 2021	●
	Does the law provide for the right to strike?	No	§104 & 116, Constitution 1985; §239-244, Labour Code (Decree No. 1441); CEACR C87 Obs. 2021	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	No	§390(2) & 430 of the Penal Code No. 17-73; CEACR C87 Obs. 2021	●

Covid 19 and Labour Market in Guatemala*

Total Covid Cases	0.99 Million
Total Covid Deaths	18,851
Partial Vaccinated	50.0%
Fully Vaccinated	38.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✗
Add. Unemployment Benefits	✗

Protection from Dismissals	✓
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✗

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Guatemala on SDG 8.8.2 is 5.38 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change