

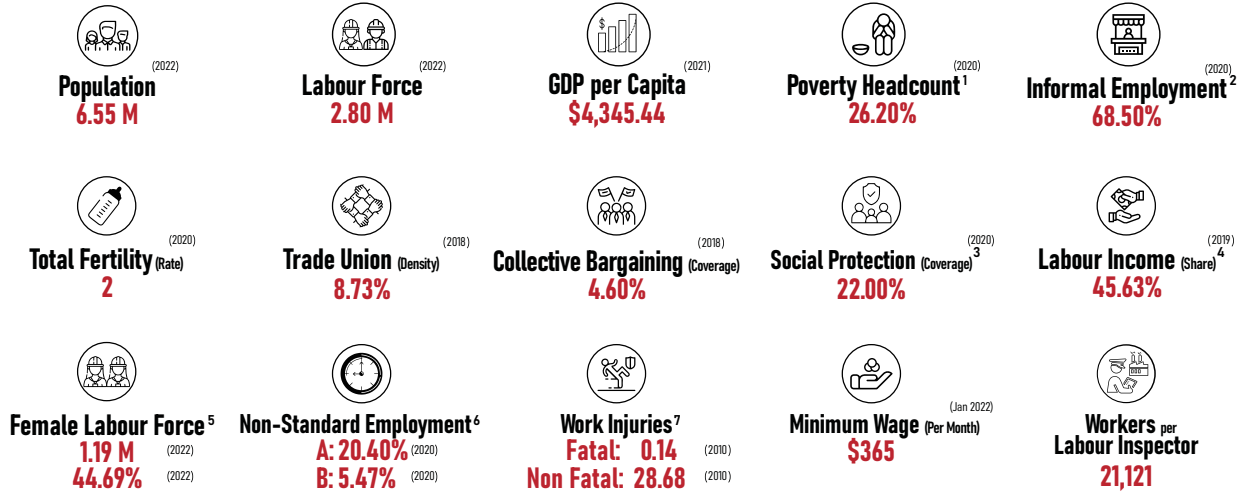


El Salvador



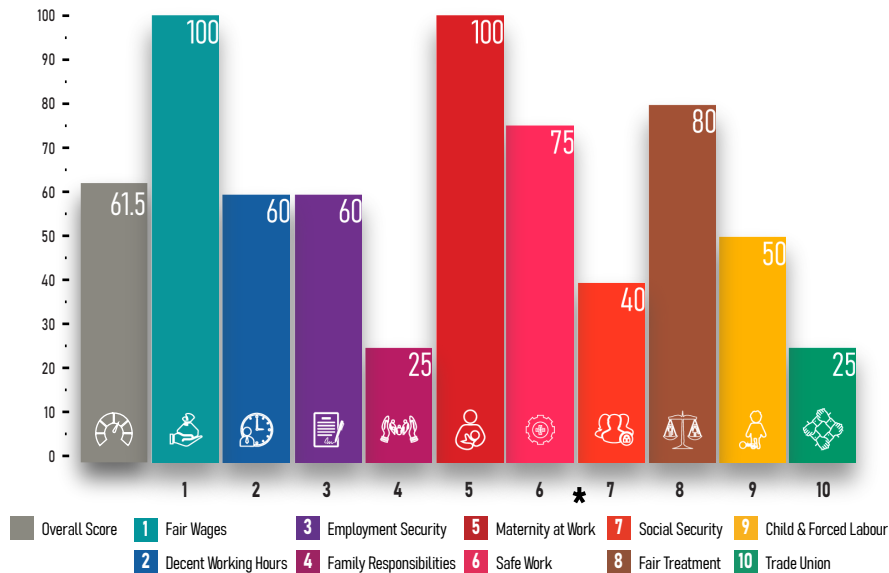
61.5 2020 SCORE
Latin America and The Caribbean
Lower-middle income
Limited Access to Decent Work
LRI RATING

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.

El Salvador's overall score is 61.5 out of 100. The overall score for El Salvador 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 | §38(2) & 44 of the Constitution of El Salvador, 1983; §144-159 of the Labour Code 1972 | ● |
| | Does the law require regular payment of wages? | Yes | §119-136 and 198 of the Labour Code 1972 | ● |
| | Does the law require overtime compensation be at least 125% of the regular hourly rate? | Yes | §169 of the Labour Code 1972 | ● |
| | Does the law require additional compensation for working on a weekly rest day? | Yes | §175 & 192 of the Labour Code 1972 | ● |
| | Does the law require additional compensation for night work? | Yes | §161,162 & 168 of the Labour Code 1972 | ● |
| 2. Decent Working Hours | Does the law stipulate general working hours as 48 hours or lower? | Yes | §161-176 of the Labour Code 1972 | ● |
| | Does the law restrict maximum working hours including overtime to 56 hours per week? | No | No applicable legal provisions could be located. | ● |
| | Does the law require a weekly rest of at least 24 hours? | Yes | §80, 166, 167 and 171-173 of the Labour Code 1972 | ● |
| | Does the law require paid public holidays? | Yes | §190 of the Labour Code 1972 | ● |
| | Does the law require at least three working weeks of paid annual leave? | No | §177-189 of the Labour Code 1972 | ● |
| 3. Employment Security | Does the law require written employment contracts or at least written employment particulars? | Yes | §17-23 of the Labour Code 1972 | ● |
| | Does the law restrict the hiring of fixed-term contract workers? | No | §25-27 of the Labour Code 1972 | ● |
| | Does the law limit the length of probation period including renewals to a maximum of 3 months? | Yes | §28 of the Labour Code 1972 | ● |
| | Does the law require a 30-day notice before contract termination? | No | §26 & 49-57 of the Labour Code 1972 | ● |
| | Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service? | Yes | §38 of the Constitution of El Salvador 1983; §58 & 59 of the Labour Code 1972 | ● |
| 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 | §29(6b & d) of the Labour Code 1972; Decree No. 376 of 2015 | ● |
| | 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 | §43 of the Constitution of El Salvador, 1983; §35 of the Decree No. 404 | ● |
| | Does the law prohibit inquiring about pregnancy during recruitment? | Yes | §30(13) of the Labour Code 1972 | ● |
| 5. Maternity at Work | Does the law require paid maternity leave of at least 14 weeks? | Yes | §42 of the Constitution of El Salvador, 1983; §309 & 312 of the Labour Code 1972; Decree no. 143 of 2015; Decree No. 174 of 2015 | ● |
| | Does the law require cash maternity benefit be at least 67% of a worker's former wage? | Yes | §309(6b) & 311 of the Labour Code 1972; §100 of Law No. 1263; §25-26 of the Executive Decree No. 37 | ● |
| | Does the law require maternity benefit be paid through contributory social insurance or universal benefits system? | Yes | §309(6b) & 311 of the Labour Code 1972; §100 of Law No. 1263; §25-26 of the Executive Decree No. 37 | ● |
| | Does the law protect workers from dismissals during or on account of pregnancy? | Yes | §42 of the Constitution of El Salvador, 1983; §113 of the Labour Code 1972 | ● |
| | Does the law require provision of free personal protective equipment to workers from employer? | Yes | §38 of the Law on Safety and Health at Work, 2010 | ● |
| 6. Safe Work | Does the law require the employer to train workers on health and safety issues? | Yes | §13, 39, 52 & 79 of the Law on Safety and Health at Work, 2010 | ● |
| | Does the law restrict work that is prejudicial to the health of the mother or the child? | No | §110 of the Labour Code 1972 | ● |
| | Does the law provide for employment injury benefit? | Yes | Decree no. 1263 of 1953 by which the Social Security Law is dictated; ISSA Country Profile for El Salvador | ● |
| | Does the law provide for an old age pension? | Yes | §104 of Law No. 927 of 1996 | ● |
| | Does the law provide for a dependants/survivors' pension? | No | §106-108 of Law No. 927 of 1996 | ● |
| 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 | §307 of the Labour Code 1972 | ● |
| | Does the law provide for invalidity benefit? | No | §105 of Law No. 927 of 1996; ISSA Country Profile for El Salvador | ● |
| | Does the law require equal remuneration for work of equal value? | No | §38(1) of the Constitution of El Salvador; §29(11 & 12) and 123 of the Labour Code 1972 | ● |
| | Does the law prohibit sexual harassment in employment? | Yes | §8 of the Law of Health & Safety at Workplace, 2010; §165 of the Penal Code, 2004 | ● |
| 8. Fair Treatment | Does the law prohibit discrimination in employment matters? ¹⁰ | Yes | §1A, 03, 29-30 of the Constitution of El Salvador; §123 of the Labour Code 1972; Decree No 227 of 2015 | ● |
| | Does the law allow women to do the same jobs as men? | Yes | No restrictive legal provisions could be located | ● |
| | Does the law guarantee basic labour protections for gig economy workers? | Yes | Law No. 927 of 1996; ISSA Country Profile for El Salvador | ● |
| | Does the law prohibit employment of children? | Yes | §114 & 627, Labour Code, 1972; §59, Comprehensive Protection of Children & Adolescents Law 2009 | ● |
| | Does the law set employment entry age equal to or higher than the compulsory schooling age? | No | §56 of the Constitution, 1983; §5, 18, 20, & 22 of the General Education Law, 1996; §82 of LEPINA, 2009; | ● |
| 9. Child and Forced Labour | Does the law prohibit the employment of children in hazardous work under the age of 18 years? | Yes | §38 of the Constitution, 1983; §105 & 627 of the Labour Code, 1972; §1 & 2 of Agreement 241 of 2011 | ● |
| | Does the law prohibit forced labour? | No | §3 & 54-55, Special Law Against Trafficking in Persons, 2014; §13, Labour Code, 1972; §56, LEPINA, 2009 | ● |
| | Does the law allow workers to form and join unions of their own choice? | No | §7 & 47, Constitution 1983; §204-219 & 248 of the Labour Code 1972; CEACR C87 Obs. 2020 | ● |
| 10. Trade Union | Does the law allow workers to bargain collectively with employers through their representative unions? | No | §39, Constitution 1983; §268-287, Labour Code 1972; Presidential Decree No. 64 of 2009; CEACR C98 Obs. 2019 | ● |
| | Does the law provide for the right to strike? | No | §48 of the Constitution 1983; §527-538 & 553 of the Labour Code 1972; CEACR C87 Obs. 2020 | ● |
| | Does the law prohibit employers from terminating employment contracts of striking workers? | Yes | §48 of the Constitution 1983; §535 of the Labour Code 1972; USDOS CRHRP 2021 | ● |

Covid 19 and Labour Market in El Salvador*

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|--------------------|--------------|
| Total Covid Cases | 0.18 Million |
| Total Covid Deaths | 4,178 |
| Partial Vaccinated | 72.0% |
| Fully Vaccinated | 67.0% |

| | |
|---|---|
| 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). No score is available for the El Salvador on SDG 8.8.2

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