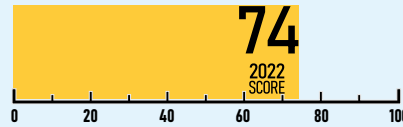


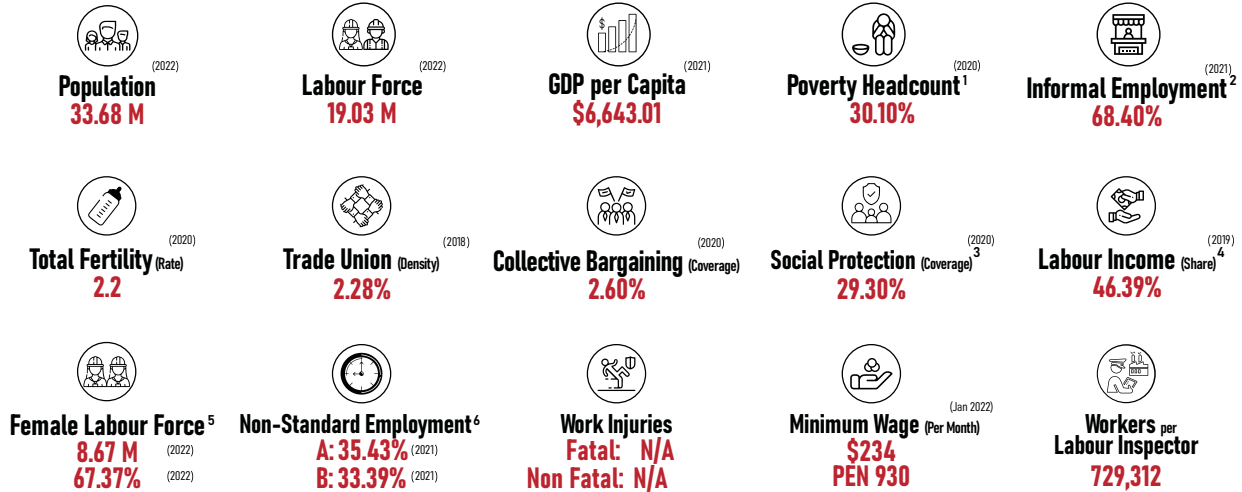


Peru



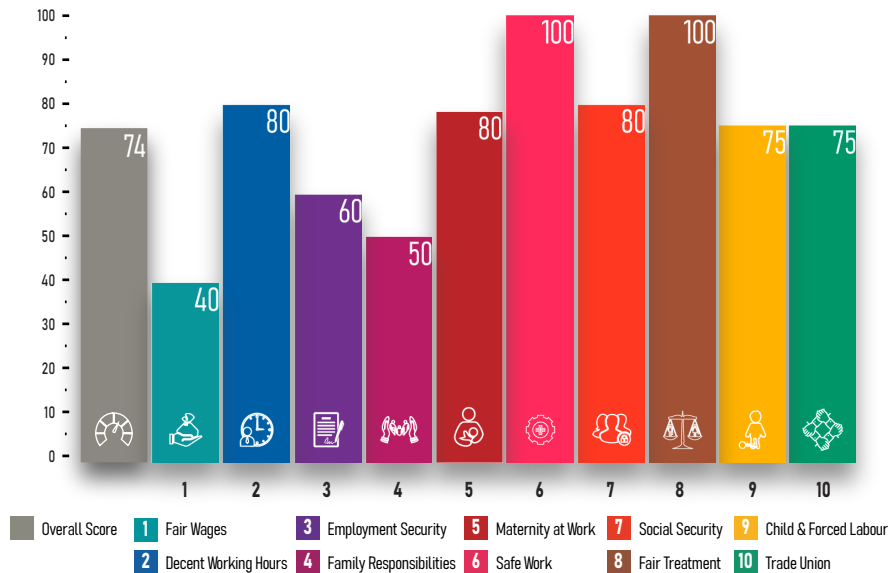
78 2020 SCORE
Latin America and The Caribbean
Upper-middle income
Reasonable Access to Decent Work
LRI RATING

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.

Peru's overall score is 74 out of 100. The overall score for Peru is higher 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? | No | §24 & 118 of the Political Constitution of Peru, 1993; Supreme Decree No. 003-2022-TR | ● |
| | Does the law require regular payment of wages? | No | §66 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| | Does the law require overtime compensation be at least 125% of the regular hourly rate? | Yes | §10 of the Legislative Decree No. 854 on Working Time and Overtime | ● |
| | Does the law require additional compensation for working on a weekly rest day? | No | §03 of the Legislative Decree No. 713 on paid breaks for workers in the private sector | ● |
| 2. Decent Working Hours | Does the law require additional compensation for night work? | Yes | §08 of the Legislative Decree No. 854 on Working Time and Overtime | ● |
| | Does the law stipulate general working hours as 48 hours or lower? | Yes | §6-10 of the Legislative Decree No. 854 on Working Time and Overtime 1996; Regulating Legal Decree n° 27671 of 2002 | ● |
| | 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 | §1 of the Legislative Decree No. 713 on paid breaks for workers in the private sector | ● |
| 3. Employment Security | Does the law require a weekly rest of at least 24 hours? | Yes | §5-8 of the Legislative Decree No. 713 on paid breaks for workers in the private sector | ● |
| | Does the law require paid public holidays? | Yes | §10-23 of the Legislative Decree No. 713 on paid breaks for workers in the private sector | ● |
| | Does the law require at least three working weeks of paid annual leave? | Yes | §10-23 of the Legislative Decree No. 713 on paid breaks for workers in the private sector | ● |
| | Does the law require written employment contracts or at least written employment particulars? | Yes | §4-5 & 72-73 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| | Does the law restrict the hiring of fixed-term contract workers? | Yes | §53-74 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| 4. Family Responsibilities | Does the law limit the length of probation period including renewals to a maximum of 3 months? | No | §10 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| | Does the law require a 30-day notice before contract termination? | Yes | §16, 22-24 & 31-32 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| | Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service? | No | §34 & 38 of the Productivity and Labour Competitiveness Law No. 728/1997 | ● |
| | 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? | Yes | §02 of the Law No. 29409 of 2009 | ● |
| 5. Maternity at Work | 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 | §01 of the Act No. 27240 of granting Permission for Women to Nurse their Babies, 1999 | ● |
| | Does the law prohibit inquiring about pregnancy during recruitment? | No | §6 of the Law No. 30709, of December 26, 2017, on Prohibition of Remunerative Discrimination between Men and Women | ● |
| | Does the law require paid maternity leave of at least 14 weeks? | Yes | §1-3 of the Law No. 26644; §1 of the Act No. 27409; Law no. 30367 of November 24, 2015 | ● |
| | Does the law require cash maternity benefit be at least 67% of a worker's former wage? | Yes | §8-12 of Law No. 26790 of the Modernising Social Security for Health, 1997 | ● |
| 6. Safe Work | Does the law require maternity benefit be paid through contributory social insurance or universal benefits system? | Yes | §8-12 of Law No. 26790 of the Modernising Social Security for Health, 1997 | ● |
| | Does the law protect workers from dismissals during or on account of pregnancy? | Yes | §29(e) of the Law on Productivity & Labour Competitiveness, No. 728/1997; Law No. 30709 | ● |
| | Does the law require provision of free personal protective equipment to workers from employer? | Yes | §60-62 of the Occupational Safety and Health Law No. 29783/2011 | ● |
| | Does the law require the employer to train workers on health and safety issues? | Yes | §19-27, 49 & Principle IV of the Occupational Safety and Health Law No. 29783/2011 | ● |
| | Does the law restrict work that is prejudicial to the health of the mother or the child? | Yes | §1-9 of the Supreme Decree No. 009-2004-TR | ● |
| 7. Social Security | Does the law provide for employment injury benefit? | Yes | Law on Social Security Modernization of Public Health No. 26790; ISSA Country Profile for Peru | ● |
| | Does the law provide for an old age pension? | Yes | §1 of the Decree Law No. 25967; ISSA Country Profile for Peru | ● |
| | Does the law provide for a dependants/survivors' pension? | Yes | §54-59 & 62 of the Decree Law No. 19990; ISSA Country Profile for Peru | ● |
| | 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 | §12 of the Law on Social Security Modernization of Public Health No. 26790; ISSA Country Profile for Peru | ● |
| 8. Fair Treatment | Does the law provide for invalidity benefit? | Yes | §27 of the Decree Law No. 19990; ISSA Country Profile for Peru | ● |
| | Does the law require equal remuneration for work of equal value? | Yes | §24 of the Political Constitution 1993; §6(F) of the Law No. 30709/2017; Law No. 28983/2007 | ● |
| | Does the law prohibit sexual harassment in employment? | Yes | Law no. 27942/2003 on anti-harassment; §176B of the Penal Code, 635/1991 | ● |
| | Does the law prohibit discrimination in employment matters? ¹⁰ | Yes | §29 & 03 of the Productivity & Labour Competitiveness Law No. 728/1997; Law No. 26772; Law No. 30709 | ● |
| | Does the law allow women to do the same jobs as men? | Yes | No restrictive legal provisions could be located | ● |
| 9. Child and Forced Labour | Does the law guarantee basic labour protections for gig economy workers? | Yes | Decree Law No. 19990; ISSA Country Profile for Peru | ● |
| | Does the law prohibit employment of children? | Yes | §17 of the Constitution, 1993; §51-57 of the Code of Children & Adolescents Law, 2000 | ● |
| | Does the law set employment entry age equal to or higher than the compulsory schooling age? | No | §12 & 36 of the General Education Law, 2003; §61 of Supreme Decree No. 011-2012-ED | ● |
| | Does the law prohibit the employment of children in hazardous work under the age of 18 years? | Yes | §58, Child & Adolescent Code, 2000; §A & B of Supreme Decree No. 003-2010-MIMDES, 2020 | ● |
| 10. Trade Union | Does the law prohibit forced labour? | Yes | §4 of the Child & Adolescent Code, 2000; §128, 129, 153, 168, & 182 of the Penal Code, 2016 | ● |
| | Does the law allow workers to form and join unions of their own choice? | Yes | §28 of the Political Constitution 1993; Title II of Supreme Decree 010-2003-TR; §168 of Penal Code, 1991 | ● |
| | Does the law allow workers to bargain collectively with employers through their representative unions? | Yes | §28 of the Political Constitution 1993; § Title III of Supreme Decree 010-2003-TR; Decreto Supremo N° 001-2005-TR | ● |
| | Does the law provide for the right to strike? | No | §28 of the Political Constitution 1993; Title IV & §73b of Supreme Decree 010-2003-TR | ● |
| | Does the law prohibit employers from terminating employment contracts of striking workers? | Yes | §28 of the Political Constitution 1993; § Title IV of Supreme Decree 010-2003-TR | ● |

Covid 19 and Labour Market in Peru*

| | |
|--------------------|--------------|
| Total Covid Cases | 3.77 Million |
| Total Covid Deaths | 213,870 |
| Partial Vaccinated | 91.0% |
| Fully Vaccinated | 85.0% |

| | |
|---|---|
| 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 Peru on SDG 8.8.2 is 4.2 (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