

Ecuador

General information

The Ecuadorian social security system consists of the following institutions: a) IESS (Instituto Ecuatoriano de Seguridad Social), b) Armed Forces Social Security Institute (ISSFA), and c) National Police Social Security Institute (ISSPOL) (Durán-Valverde, 2008). The IESS is the country's main social security institution, and it administers the following insurance and short term benefits: individual and family health insurance (prevention and protection), including cash benefits; general employment injury insurance; general insurance for disability, old age, and survivors pensions; reserve funds (short term saving fund); Peasants' Social Insurance (health and pensions, among other short term cash benefits).

Basic information of domestic workers

Information for 2010:

- Number of domestic workers: 210.000 (ILO, 2010)
- Percentage of women domestic workers: 97

Legislation

- Labour Code. 1997
- Childhood and Adolescent Code. Law No.2002-100.
- Ley de Seguridad Social. Ley No. 2001-55.

National definition of domestic work

National definition of domestic work (Labour Code):

Labour Code, art 262: "Servicio doméstico es el que se presta, mediante remuneración, a una persona que no persigue fin de lucro y sólo se propone aprovechar, en su morada, de los servicios continuos del trabajador, para sí solo o su familia, sea que el doméstico se albergue en casa del empleador o fuera de ella".

The labour code does not define a typology for the occupational category of domestic work.

In Ecuador, the labour legislation has assimilated domestic work to common salaried work, so all the insurances that the salaried worker has are automatically extended to domestic workers.

Other benefits included in the Labour Code for domestic workers:

- Vacations
 - Days off
 - Minimum wage
 - Annual bonus (thirteenth month)
 - Weekly rest
 - Extra hours
 - Notice periods and unemployment
 - Social Security
 - Risk work Social insurance.
- (Labour Code, 1997)

Excluded population according legislation:

People who are younger than 15 years (Art 262. Labour Code).

Workers under 18 years of age:

The legislation has restrictions according to Childhood and Adolescent Code (Ley No.2002-100). (Art. 262. Labour Code).

Regime of protection

Coverage through **general scheme** of social security managed by social security administration (IESS, Instituto Ecuatoriano de Seguridad Social) under the category of "Domestic Workers".

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Contingencies covered

Covered Contingencies:

- Health care, through social insurance institution (IESS)
- Sickness benefit, through social insurance institution (IESS)
- Employment injury benefit, through social insurance institution (IESS)
- Maternity benefits, through social insurance institution (IESS)
- Old-age benefits, through social insurance institution (IESS)
- Invalidity benefits, through social insurance institution (IESS)
- Survivors' benefits, through social insurance institution (IESS)

Are there provisions for maternity protection: pre, during and post natal care, income replacement during maternity leave? Yes, the female worker has the right to a 12 weeks maternity license; 2 weeks before the birth and 10 weeks after it. In case of multiple births the term will be extended for 10 more days. (Art. 152. Labour Code and Social Security Law).

Prescribed qualification period (maternity): For a domestic worker to qualify for cash subsidies for maternity leave, it is necessary that it has provided at least twelve (12) consecutive instalments immediately preceding the license or birth (Art. 107. Social Security Law).

Are the dependents of domestic workers covered? Yes. It includes the spouse or partner and her children under 18 years old. (Social security Law).

Complementary protection: IESS has an individual savings fund called: Reserve Fund which is a right that the salaried workers have, after their first worked year with the same employer (Chapter XI. Labour Code). The resources can be withdrawn in case of unemployment; death, and the benefits will be transferred to direct beneficiaries; or when the worker in a voluntary basis has accumulated 36 or more contributions.

Administration

Social Security Institute (IESS) administers the programs.

Social security coverage

Coverage of domestic workers as a % of employed domestic workers: 11.3 (2005) (Durán-Valverde, 2008: 37).

Financing issues

Is the contribution rate differentiated? No, it is the same as to the general regime for salaried workers.

Reference wage for contribution payments: Gross wage of the worker, according to articles 11-12 of the Social Security Law.

Are there state subsidies for contributions? No.

Total contribution rate: 20.6 per cent (IESS (Board of Directors), Resolution 466).

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Contribution rate for domestic workers

Detail	Total	Employer	Employee
Total	20.6	11.15	9.45
IVM Insurance	9.74	3.1	6.64
Organic Law of Disabilities	0.1	-	0.1
Health Insurance	5.71	5.71	-
Risk employee Insurance	0.55	0.55	-
Saving Fund	3.0	1.0	2.0
Peasants' Social Insurance	0.7	0.35	0.35
Administration expenditures	0.8	0.44	0.36

Source: IESS (Directing Council IESS, Resolution 466).

Registration practices

Are there tax incentives for employers to pay contributions? Yes, the employer did not commit tax evasion or underreporting for a period of 5 years, they will be exempt from 0.44 per cent in administrative costs, for 3 months. (Art. 6 (e). Social Security Law).

Is the affiliation mandatory? Yes, for all contingencies described above (Art. 34 and 367. Constitution of the Republic of Ecuador y Art. 4. Labour Code).

Registration procedure: The employer must enrol the employee from the first day of the beginning of the employment relationship. (Art. 73. Social Security Law).

Whose is the accountability of registering the worker? The employer.

Entities involved: IESS.

Registration of domestic workers: Same procedures that other workers have. When the employer has been registered, and the institution assigned them a Single Taxpayers' Register (RUC).

Is there a unique system of registration? Yes (Art. 19, 50 and 167. Social security Law).

Is there portability in the contributions between the schemes? Yes, when domestic workers change their occupational category, they are still protected under the same social security scheme.

Are there complaint mechanisms available (in case of non-compliance with social security legislation)? Yes, the worker can complain to IESS, by phone or in person.

Are there inspection mechanisms to enforce the compulsory coverage? Yes, through IESS and Ministry Labour Relations (MRL).

Are there rules for affiliation and payment of specific contributions to domestic workers working on a part time and/or multiple employers bases? The contribution could be part-time or for hours, and it could include more than one employer. Each employer has a specified number contributor (Single Taxpayers' Register, RUC).

The salary base of contribution of the part-time employee can be calculated to the number of hours worked per day.

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Collection of contributions	Contributory minimum wage: No, but in no case the contributory wage should be less than the minimum wage established (Basic Unified Salary) defined by the government (Art. 11-12. Social Security Law). In 2014, el SBU was US\$340. What is the process for registering domestic workers? The registration is under employer responsibility, at the social security offices or online. What are the specific requirements for registering? • Fill out an application, which must be signed by the employer. • Identification of the employer. • Identification of the worker. • Electricity bill corresponding to the house of the employer. • Present a copy of the Single Taxpayers' Register, RUC. Are there any mechanisms in place to facilitate registration for domestic workers? • Online administration: http://hl5.iess.gob.ec/emp/PrjEmpRegJSPhtml/ksempm0410a.jsp Is there a single national system for the collection of contributions? Yes (Art. 19, 50 and 167. Social security Law). Are there measures to facilitate the payment of contributions? • A web platform (E-services). The web platform link is available in: https://www.iess.gob.ec/afiliado-web/pages/principal.jsf • Some commercial establishments such as pharmacies and supermarkets. • Through the financial system. Are there sanction mechanisms for employers? Yes. Sanction for omission of information or late submission of documents (same applicable for the rest of employers) (Art. 127. Social security Law).
Coverage of women domestic workers	Are there special provisions in the law for women domestic workers? No. Does the state subsidize contributions of (women) domestic workers? No, same as others workers.
Migrant domestic workers	Are there problems of discrimination against women? What are these problems? No documentation / no evidence. Is there a difference between national and non-national domestic workers in terms of protection? No. By constitutional provision, foreigners have the same rights in social security. Is there a difference between resident and non-resident domestic workers in terms of protection? Yes. Ecuadorian domestic workers working abroad can contribute to the social insurance voluntarily (Resolution C.D 324, in 2010). Are there special provisions in the law for coverage of migrant domestic workers? There is not enough information. Distinction between de jure coverage and de facto coverage: There is not enough information. Are there any agreements on portability with other countries? N.A.

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	Is coverage of migrant domestic workers working well? No, they have similar problems as the rest of domestic workers (legal coverage but lack of effective coverage).
Specific provisions or agreements with regards to migrant domestic workers	Ecuadorian domestic workers working abroad can register voluntarily in the Ecuadorian social security (IESS); according to the regulations, they must be over 18 and 60 years. Contribution rate is lower (Resolution C.D 324, in 2010).
Good practices	• The social insurance institute (IESS) has conducted several communication strategies (brochures, TV ads, website, etc.) for disseminating information on the rights and obligations of its affiliates. • Availability of loans for unionized insured workers. • Single national and centralized system for the collection of contributions. • National domestic workers working abroad can register voluntarily. • E-services through a web platform for the registration, affiliation and payment of contributions. • Access to a supplementary savings. • Sanction for the employers when they omitted information, when contributions are evaded and in case of late submission of documentation. • High coordination of social security administration with the tax authority (SRI)
Barriers	• The contribution rate is equivalent to that of other occupational categories. • It is necessary to incorporate mechanisms for affiliation and contributory control for workers who are not registered. • Inspection service concentrated in urban areas.
Challenges	• Improving articulation between the social security and the Ministry of Labour. • Negation of multilateral and bilateral agreements on social security.
ILO standards ratification and application	• Social Security (Minimum Standards) Convention, 1952 (No. 102) • Invalidity, Old-Age and Survivors' Benefits Convention, 1964 (No. 121) • Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) • Medical Care and Sickness Benefits Convention, 1969 (No. 130) • Domestic Workers Convention, 2011 (No. 189). In force: 18 Dec 2014.
Reference	Childhood and Adolescent Code. Law No.2002-100. Código de Trabajo. Registro Oficial Suplemento 167 de 16-dic-2005. Ecuador. Durán-Valverde, Fabio. 2008. Diagnóstico del Sistema de Seguridad Social del Ecuador. Oficina Internacional del Trabajo. IESS. 2014. Información del afiliado. Instituto Ecuatoriano de Seguridad Social. Available in: http://www.iesse.gob.ec/en/web/afiliado/afiliado# IESS. S. f. Afiliación voluntaria al IESS para ecuatorianos residentes en el exterior. Instituto Ecuatoriano de Seguridad Social. ILO. 2010. Decent work for domestic workers. International Labour Organization. ISSA. Social Security Country Profiles, Ecuador. Ley de Seguridad Social. Registro Oficial No. 465 de 30 de noviembre del 2001. Macassi, Ivonne. Regímenes jurídicos sobre trabajo doméstico remunerado en Colombia, Ecuador, Perú y Venezuela. AFM and OXFAM. OISS. 2012. Banco de información de los sistemas de Seguridad Social Iberoamericanos.