

## Cabo Verde

### General information

This country's social protection system includes three schemes: a contributory scheme, the Compulsory Social Protection, a non-contributory scheme called: Rede de Segurança (Safety Network), and a Supplementary Social Protection scheme.

The social protection scheme is the responsibility of the Ministry of Youth, Employment and Human Resources Development. However, management is shared between the National Social Welfare Institute (INPS), who is responsible for managing the contributory scheme and the National Centre for Pensions (CNPS), who is in charge of managing the non-contributory pension scheme. There is also a group of social assistance programmes regarding issues such as education, health, employment, and housing, the management of which is shared by several public institutions (Durán, *et al.*, 2013).

### Basic information of domestic workers

- Number of domestic workers: N/A
- Percentage of EAP: 7.0 (Pena, Durán y Castillo, 2012).
- Percentage of women domestic workers: N/A
- Percentage of urban domestic workers: N/A
- Percentage of migrant domestic workers: N/A
- Median/average income of domestic workers: N/A

### Legislation

- Decree Law No 62/1986. General Legal Regime of Work Relations
- Decree Law No 5/2004. (Regulations for the scheme for salaried workers)
- Labour Code of Cabo Verde (5/2007).
- Decree Law 43/2009.
- Decree Law 49/2009. Professional in domestic work in General Social Worker Protection for another person

### National definition of domestic work

#### **National definition of domestic work (Labour Code):**

Labour Code (Decree Law No.5/2007) article 286: “Considera-se trabalho doméstico o que é prestado na residência do empregador para satisfação das necessidades pessoais que normal e permanentemente se ligam com a vida deste e do seu agregado doméstico.”

According to the Labour Code, domestic work includes the following categories (Art. 286, Decree Law No.5/2007; Art. 3, Decree-law No.49/2009):

- Prepare the meals,
- Washing and dressing,
- Clean and tidy the house,
- Monitoring and caring of the young, elderly and sick,
- External task related to the foregoing
- Gardening services,
- Coordination and supervision of the tasks referred above.

According to the Labour Code (Art. 287), the trial period of an employment contract of a domestic worker cannot exceed 15 days.

#### **Other benefits included in the Labour Code for domestic workers:**

- Vacations
- Days off
- Annual bonus (thirteenth month)
- Weekly rest
- Extra hours (overtime pay)
- Social Security coverage

## Cabo Verde

### Regime of protection

- And other benefits provided in the Decree Law No 5/2007.

**Excluded population according legislation:**

The minimum age to serve as domestic helpers is eighteen years (Art. 27, Decree Law No.5/2007).

**Workers under 18 years of age:**

If the worker is older than 15 years, according to the Labour Code, the worker must have the consent of parents (Art. 27/3, Decree Law No.5/2007).

Coverage through **general scheme** of social security managed by National Social Insurance Institute (INPS) under the category of “Domestic Service”.

**Covered Population:**

- Cooks
- Gardeners
- Housemaid
- Porters private
- Laundresses
- Guardians
- Seamstresses
- Other

Scope of coverage, according to the C.189

Convention 189	Labour Code	Social security legislation
Cooking	Yes	Yes
Cleaning	Yes	Yes
Taking care of children, the elderly, others	Yes	Yes
Gardeners	Yes	Yes
Guardians	Yes	Yes
Family chauffeurs	No	No

## Cabo Verde

### Contingencies covered

#### Covered Contingencies:

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

**Are there provisions for maternity protection: pre, during and post natal care, income replacement during maternity leave?** Yes, the benefits are granted for a period of four months (Art. 37-38, Decree-law No.5/2004).

**Prescribed qualification procedure (maternity):** For domestic workers to qualify for cash subsidies for maternity leave, they must provide in at least four consecutive instalments immediately preceding the license or birth, or prior to the start of the license or birth (Art. 4, Decree-law No.5/2004).

**Are the dependents of domestic workers covered?** Yes. (Art. 5, Decree-law No.49/2009).

### Administration

National Social Insurance Institute administers the program.

Ministry of Labour, Family, and Solidarity provides general supervision.

### Social security coverage

Coverage of domestic workers as a % of employed domestic workers: 9.0 (Durán, Pacheco y Borges, 2012).

### Financing issues

**Is the contribution rate differentiated?** No. The contribution rate is the same all salaried workers.

**Reference wage for contribution payments:** Gross wage of the worker. (Art. 11, Decree-law No. 5/2004).

**Are there state subsidies for contributions?** No.

**Total contribution rate:** 23%. The employer pays 15 percent, while the employee pays 8 percent.

Reference wage. CVE	Domestic workers (8 %)	Employer (15 %)
11.000 (\$US125) -11.999	880	1.650
12.000 (\$US136) – 12.999	960	1.800
13.000 (\$US148) – 13.999	1.040	1.950
14.000 (\$US159) – 14.999	1.120	2.100
15.000 (\$US170)	1.200	2.250

Source: INPS.

There is a contributory minimum wage, which is defined in CVE 11,000 (\$ US125), and there are five reference wages. For example, if the employee earns between CVE 11,000 and CVE 11,999, the contributory salary is set in CVE

## Cabo Verde

11,000.

In the coverage of occupational risks (Employment injury), the employer must pay CVE 50 (Cabo Verdian Escudos) (\$ 0.66 USD) a month for each full time worker, or 30 CVE (\$ 0.40 USD) a month for each part-time worker.

Employment Injury is administrated by private insurance companies.

**Are there tax incentives for employers to pay contributions?** No.

## Cabo Verde

### Registration practices

**Is the affiliation mandatory?** Yes, for all contingencies described above (Art. 3, Decree-law No.5/2004; Art. 1, Decree-law No.49/2009).

**Registration procedure:** The employer must enrol the employee no later than 15 business days after the beginning of the employment relationship (Art. 12, Decree-law No.5/2004).

**Whose is responsible for registering the worker?** The employer.

**Entities involved:** INPS. Insurance companies (employment injury).

**Affiliation of domestic workers:** The same as to the rest of employees (salaried workers).

**Is there a unique system of registration?** Yes. Except for EI.

**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 social insurance's offices and Ministry of Labour and Social Solidarity (Ministério do Trabalho e da Solidariedade Social).

**Are there inspection mechanisms to enforce the compulsory coverage?** Yes, through social insurance administration and the Ministry of Labour (Labour Inspectorate (IGT)) (Art. 96, Decree-law No.5/2004).

**Are there rules for affiliation and payment of specific contributions to domestic workers working on a part time and/or multiple employers bases?** No, INPS does not have regulated this type of affiliation.

**Contributory minimum wage:** Yes, it was equivalent to 11.000 (\$US 125) in 2014. The contributory minimum wage is equivalent to 80 per cent of the minimum wage established by the Government (Art. 6 Decree-law No.49 / 2009).

**What is the process for registering domestic workers?** The registration is under the employer's responsibility, at the social security offices.

**What are the specific requirements for registering?**

- Fill out an application form, which must be signed by the employer.
- Identification number of the employer.
- Identification number of the worker.
- Tax Identification Number (employer).

More information:

[http://www.inps.cv/index.php?option=com\\_content&view=article&id=184&Itemid=37](http://www.inps.cv/index.php?option=com_content&view=article&id=184&Itemid=37)

**Are there any mechanisms in place to facilitate registration for domestic workers?**

- There are local offices in all the islands and municipal territories.

## Cabo Verde

### Collection of contributions

**Is there a single national system for the collection of contributions?** Yes, the contributions are collected by the INPS.

**Are there measures to facilitate the payment of contributions?** Yes.

- Through the financial system (More information: [http://www.inps.cv/index.php?option=com\\_content&view=article&id=182&Itemid=200010#\\_ftn1](http://www.inps.cv/index.php?option=com_content&view=article&id=182&Itemid=200010#_ftn1)).

**Are there sanction mechanisms for employers?** Yes, sanctions for omission of information, incorrect information, non-registration of workers, and late submission of documents (same applicable for the rest of employers). The sanctions are in monetary terms, previously defined by law. (Art. 87-91, Decree-law No.5/2004).

### 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.

**Are there problems of discrimination against women?** No documentation / no evidence.

### Migrant domestic workers

**Is there a difference between national and non-national domestic workers in terms of protection?** No (Art. 2, Decree-law No.5/2004).

**Is there a difference between resident and non-resident domestic workers in terms of protection?** No.

**Are there special provisions in the law for coverage of migrant domestic workers?** No, according to Article 2 of Decree-law No.5/2004).

**Distinction between de jure coverage (legal coverage) and de facto (effective) coverage:** There is not enough information.

**Are there any agreements on portability with other countries?** Yes, Cape Verde has international social security agreements with six countries: Portugal, Netherlands, France, Luxembourg, Sweden, Italy, Senegal and Angola, and there are on-going negotiations with Brazil, Spain, Mozambique and Guinea Bissau.

**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).

**Migrant domestic workers as % of domestic workers:** N/A

**Female migrant domestic workers as % of migrant domestic workers:** N/A

**Urban migrant domestic workers as % of migrant domestic workers:** N/A

**% migrant domestic workers contributing to social security (salaried):** N/A

## Cabo Verde

### Good practices

- Single national and centralized system for the registration and collection of contributions.
- Sanction for the employers when they omitted information, when contributions are evaded and in case of late submission of documentation.
- A contribution scheme based on reference wages (categories for payment).
- Promotion campaigns on the rights of workers to social security.
- Online Service for payment of contributions, including workers living abroad.

### Barriers

- Improving articulation between the inspection service of the social security and the Ministry of Labour.
- There is a link (no coordination) between social insurance and the Ministry of Finance to control the evasion of employers of domestic workers.

### Challenges

- Increase the coverage rate of the social insurance scheme (still very low).
- Evaluate using a differentiated contribution rate for domestic workers.
- Designing an insurance system for domestic workers working for hours.
- Create a system of multi-employer insurance.
- Management system for multi-employer insurance

### ILO standards ratification and application

- The country has no ratified any ILO Convention in the field of social security.
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)

### Reference

- BIT. 2010. Plano Operacional para a Extensão da Segurança Social aos Trabalhadores independentes e domésticos. Bureau Internacional do Trabalho.
- Decree Law 43/2009.
- Decree Law 49/2009. Profesionales del Servicio Doméstico en Régimen General de Protección Social de los Trabajadores por Cuenta de Otros.
- Decree Law No 5/2004. (Regulations for the scheme for salaried workers)
- Decree Law No 62/1986. Régime Jurídico Geral das Relacoes de Trabalho.
- Durán Valverde, Fabio, Flores, Jorge; Ortiz, José Francisco; Muñoz, Daniel; de Lima, Ana Carolina; Tessier, Lou. 2012. Innovations in extending social insurance coverage to independent workers: experiences from Brazil, Cape Verde, Colombia, Costa Rica, Ecuador, Philippines, France and Uruguay. International Labour Office. Geneva. Available in: <http://www.socialsecurityextension.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=42119>
- Durán-Valverde, Fabio; Pacheco, José Francisco; Borges-Henrique, Joana. 2012. A Proteção Social em Cabo Verde: situação e desafios. Departamento de Segurança Social. Bureau Internacional do Trabalho.
- INPS. 2009. A Reforma e modernização institucional. 2009-2010. Instituto Nacional de Previdência Social. Cabo Verde.
- INS. n.d. Guia do segurado e do Contribuinte. Protegendo Hoje e Sempre. Instituto Nacional de Previdência Social. Cabo Verde. Available in: [http://www.inps.cv/index.php?option=com\\_docman&task=doc\\_download&gid=37&Itemid=200142](http://www.inps.cv/index.php?option=com_docman&task=doc_download&gid=37&Itemid=200142)
- INS. n.d. Profissionais do serviço doméstico na Previdência social. Instituto Nacional de Previdência Social. Cabo Verde. Available in: [http://www.inps.cv/index.php?option=com\\_docman&task=doc\\_download&gid=32&Itemid=200142](http://www.inps.cv/index.php?option=com_docman&task=doc_download&gid=32&Itemid=200142)
- Labour Code of Cabo Verde (5/2007).
- Pena, Durán y Castillo. 2012. A cobertura contributiva do INPS de Cabo Verde: Análise e recomendações. Departamento de Segurança Social. Bureau Internacional do Trabalho.