

LEGAL FRAMEWORKS FOR WOMEN'S ECONOMIC AUTONOMY AND EMPOWERMENT IN IBERO-AMERICA AND THE CARIBBEAN



Ecuador*

* information updated as of August 2019

INTERNATIONAL CONVENTIONS RATIFIED BY THE COUNTRY

CEDAW

(Convention on the Elimination of All Forms of Discrimination Against Women)



Convention SIGNATURE 1980 / RATIFICATION 1981

Protocol SIGNATURE 1999 / RATIFICATION 2002

ILO Conventions

related to gender equality



C100 Equal Remuneration Convention, 1951 ✓ 2000

C111 Discrimination (Employment and Occupation) Convention, 1958 ✓ 1962

C156 Workers with Family Responsibilities Convention, 1981 ✓ 2013

C183 Maternity Protection Convention, 2000 ! Not ratified

C189 Domestic Workers Convention, 2011 ✓ 2013

C190 Violence and Harassment Convention, 2019 ! Not ratified



BINDING NATIONAL LEGISLATION

- ✓ Constitution of the Republic of Ecuador, 28 September, 2008.
- ✓ Labour Code (16 December, 2005, last amendment 26 September, 2012).
- ✓ Organic Law for the Defence of Labour Rights (25 September, 2012).

- ✓ Ministerial Accord No. MDT-2016-0158.
- ✓ Ministerial Accord No. MDT-2017-0082.
- ✓ Law on Social Security (30 November, 2001, last amendment 31 March, 2011).

Areas for women's economic empowerment

1 Gender equality and non-discrimination

- ✓ Regulated by the Constitution (Art. 11 and 331) and by Ministerial Accord No. MDT2017-0082.



Art. 331. The State shall guarantee women equality in access to work, training and career and personal advancement, equal pay, and the initiative of self-employment. All necessary measures shall be adopted in order to eliminate inequalities. All forms of discrimination, harassment or act of violence of any nature, either direct or indirect, which affects women in the workplace, are prohibited.

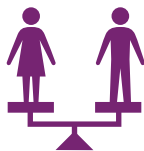
2 Freedom of choice of employment

- ✗ Regulated by the Constitution (Art. 33 and 66) and by the Labour Code (Art. 3), although the latter establishes **maximum load limits** for women working in manual transport (Art. 139).



3 Equal pay

! Regulated by the Constitution (Art. 33, 326 and 331) and by the *Labour Code* (Art. 79).



Although **Article 326 of the Constitution** includes a correct application of ILO **Convention 100 on equal remuneration for work of equal value**, Article 79 of the *Labour Code* limits equal remuneration for equal work.

4 Maternity protection

Regulated by the Constitution (Art. 43 and 332), by the *Labour Code* (Art. 92 and 152-156) and by the *Law on Social Security* (Art. 105).



! Maternity leave: **12 weeks**.

Minimum amount established by the ILO in its Convention No. 183: 14 weeks.

Amount and financing: 100% paid, 75% by Social Security and 25% by the employer.

✓ **Protection against dismissal:** during pregnancy and maternity leave.

During the twelve (12) months following the birth, the working hours of the breastfeeding mother shall be six (6) hours, in accordance with the needs of the beneficiary.

5 Paternity leave

! Regulated by the Constitution (Art. 332) and by the *Labour Code* (Art. 152).



Duration: 10 days (extendible to 15 days in the case of multiple births or cesarean).

Amount and financing: 100% paid, 75% by Social Security and 25% by the employer.

6 Social security

✓ Regulated by the Constitution (Art. 34 and 367-369) and by the *Law on Social Security*.



Same rights for women and men on protection against illness, occupational risks, unemployment, old age, disability and death.

The **age of retirement for both sexes is 60**, with a minimum of 360 monthly contributions or a minimum of 480 contributions without any age limit (Art. 185).

7 Care

✓ **Recognition of unpaid domestic work** regulated in the Constitution (Art. 34, 333 and 369) and by the *Law on Social Security*, where unpaid domestic workers are subject to compulsory social protection within the Compulsory General Insurance with the right to contingencies for disability, old age, and death. (Art. 2, 9 and 10).



The Constitution establishes that the Estate shall promote **shared responsibility of fathers and mothers in care work** (Art. 69) and an **employment regime that is compatible with care needs** (Art. 333).

Right recognized in the *Labour Code* to a paid **leave of 25 days** for mothers and fathers for medical treatment for their children suffering from a degenerative disease and **obligatory childcare service** near to the workplace, in companies with more than 50 workers (Art. 155).

Leave of nine months without remuneration, for mothers and fathers (Art. 17 of Ministerial Accord No. MDT-2016-0158).

8 Protection of domestic workers

✓ Regulated by the *Labour Code* (Art. 14, 113 and 262-270).



Unified Basic Salary, working hours, breaks, holidays, employment stability, maternity rights and right to Social Security, equal to the general regime.

Ecuador: Action points to accelerate progress

+ **ADOPT:** • Ratify ILO Conventions 183 and 190.

! **REFORM:** • Extend the principle of equal remuneration for work of equal value in the *Labour Code*.
• Increase maternity leave to the minimum amount of 14 weeks, financed completely by Social Security.
• Extend paternity leave, financed completely by Social Security.

✗ **ELIMINATE:** • Eliminate restrictions on freedom of choice of employment for women, related to the maximum loads that women can handle in their jobs.

