

Institutional Mapping of OHS in Peru

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1. Informal employment and profile of informal workers in Peru

- The Economically Active Population in Peru, EAP: 14.9 million people
- Only 31% of those are salaried workers in the private sector (of which, half are informal workers as per the wider definition of the ILO)
- 79.4% of the EAP is in informal employment in Peru, about 12.3 million people
- The average in Latin America is 54%
- 70% of urban employment in Peru is informal
- 94% of rural employment is informal
- In urban areas, 52% are men and 48% are women



Profile of informal workers:

Categories of Workers

	Urban	Rural	Total Peru
Informal Employment			79.4% EAP
Salaried workers	22%	16.1%	19.8%
Employers	5.1%	5%	5%
Unqualified Independent W	30.4	42.2	34.8
Qualified Independent W	2	1.2	1.3
Unpaid Family Worker	6.5	29.1	14.9
Domestic Worker	4.3	1.3	3.2
Other	0.4	0.5	0.4
Formal Employment			20.6% EAP
Salaried	28.5	5.6	20
Other	0.9	0.1	0.6
Total	100%	100%	100%



Profile of informal workers

- 37% of informal workers nationwide are poor (as opposed to 10% of those in formal employment), 12.5% are in extreme poverty
- Poverty has gone down significantly in Peru over the last years (50% of informal workers were poor in 2005)
- Independent workers (self-employed) represent 36% of the informal workforce, they are of older age, almost half of them are poor, their education and income level is lower, and they work in more precarious conditions than others
- Younger informal workers tend to be salaried workers, more women in the child-rearing age



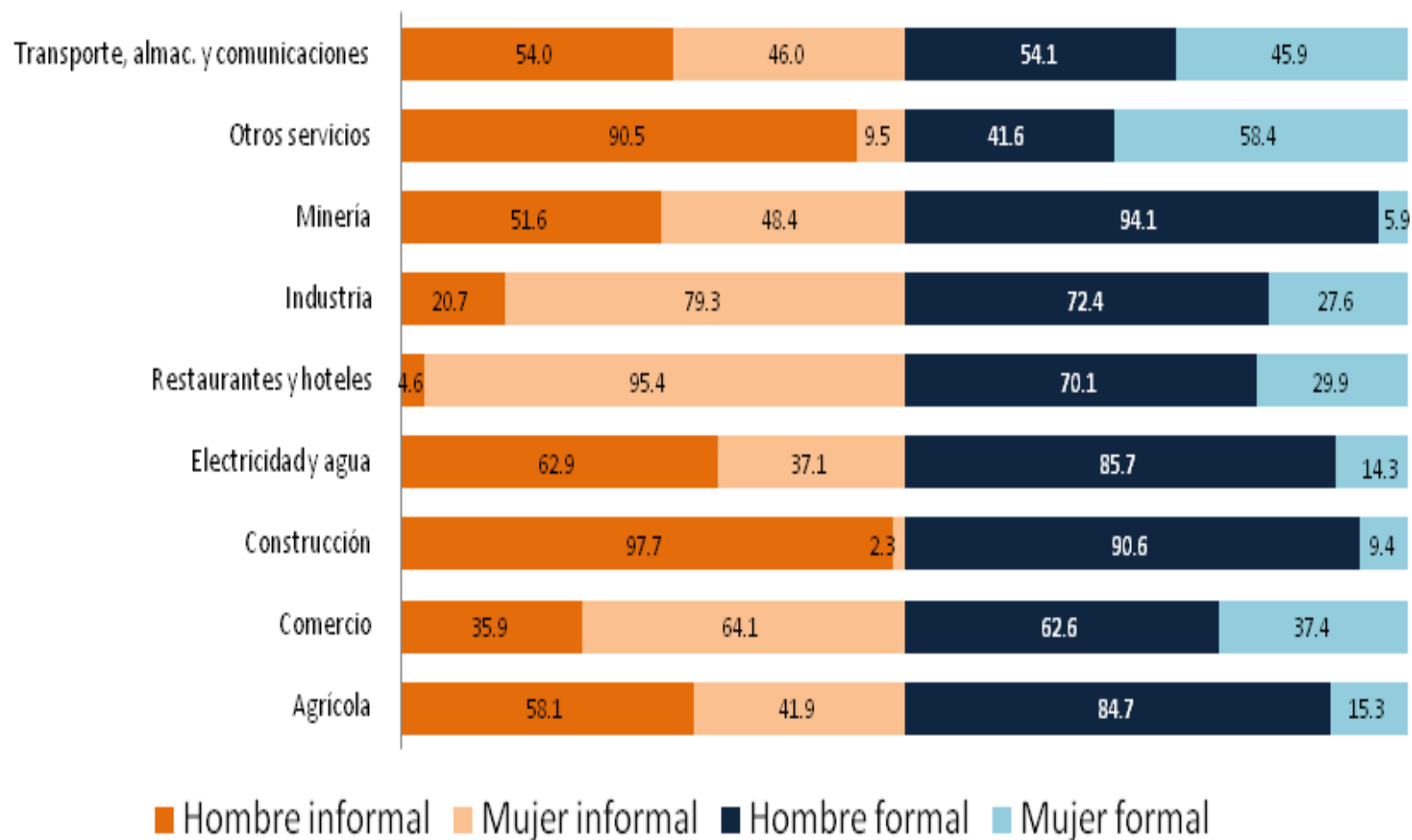
Informal employment by Economic Activity

Economic Activity	Sex		Poverty		Ambit		Total
	Men	Women	Not Poor	Poor	Lima Metropolitan	Rest of Peru	
Agriculture	44.2	35.4	25.8	64.0	0.8	51.7	40.0
Mining	1.1	0.1	0.6	0.7	0.1	0.8	0.6
Industry	8.8	9.1	10.0	7.2	13.8	7.5	9.0
Commerce/Trade	13.0	25.7	23.8	10.9	26.6	16.7	19.0
Construction	8.6	0.2	5.4	3.5	7.5	3.8	4.6
Electricity and water	0.4	0.2	0.3	0.3	0.6	0.2	0.3
Restaurants and hotels	2.6	11.2	8.8	3.1	10.7	5.5	6.7
Transportation, storage and communications	12.2	1.5	8.8	4.4	12.0	5.7	7.1
Otros services	8.8	8.4	11.4	3.9	18.6	5.6	8.6
Homes	0.4	8.1	5.2	2.1	9.4	2.4	4.0
Total absoluto	6,501,453	5,854,290	7,766,749	4,588,994	2,840,875	9,514,868	12,355,743
Total relativo	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Fuente: ENAHO 2009-INEI.
Elaboración: Gamero, Julio.

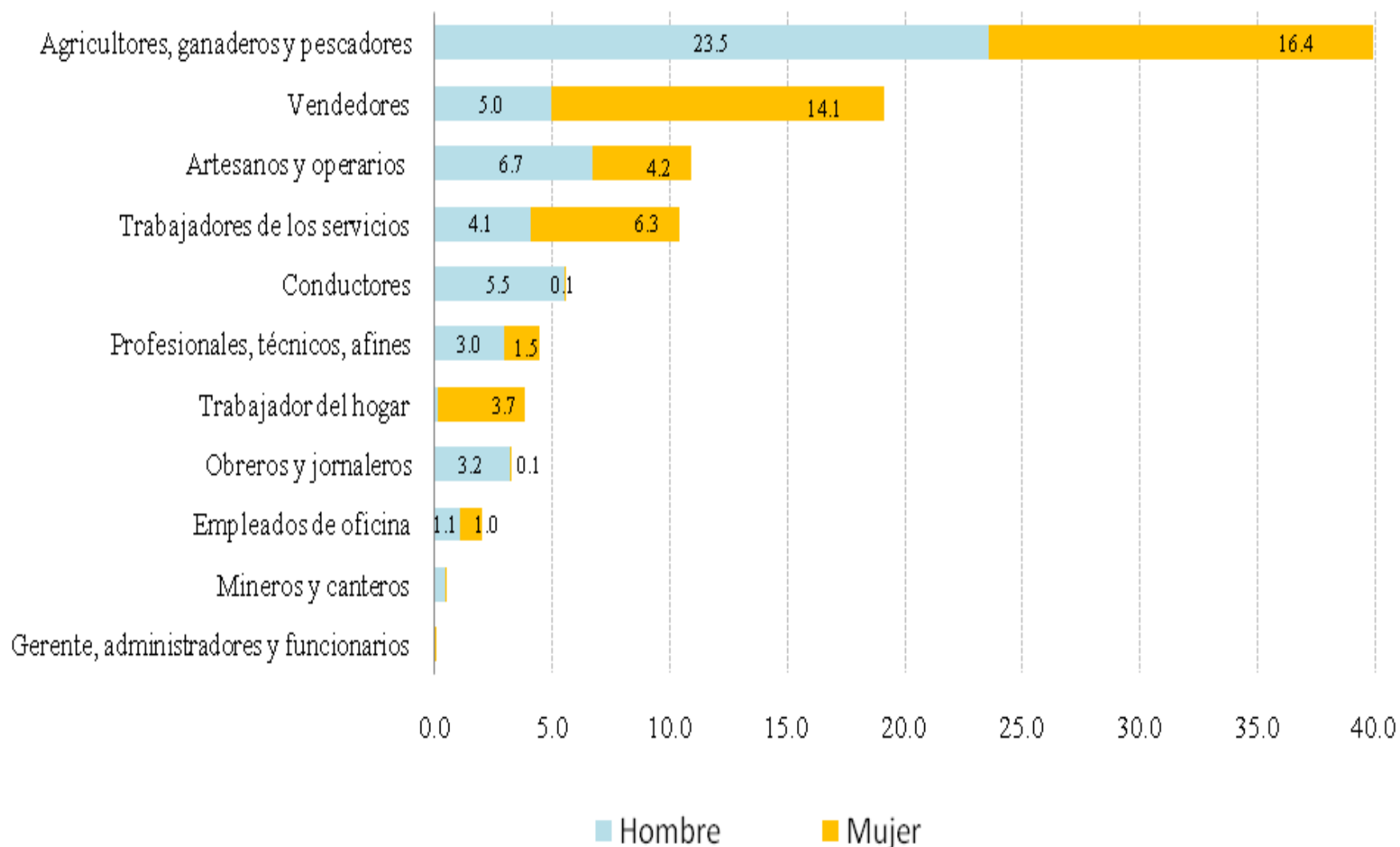
Formal/informal work by economic activity and sex

Perú: Distribución de la PEA ocupada por sexo según condición de formalidad y actividad económica, 2009
(En %)



Informal Employment, by occupation and sex, 2008

Perú: PEA ocupada informal según sexo y grupo ocupacional, 2008
(En %)



2. Selection of 4 occupational groups of focus

- a) Occupations with significant numbers of workers nationwide, considered to be “informal employment”
- b) Presence of men and women, but with emphasis in occupations where women are over represented
- c) History and capacity of the workers organization, and progress or vulnerability in OHS issues

4 groups selected:

- a) Newspaper vendors - family
- b) Women workers in Agro processing for export
- c) Waste-pickers – men and women
- d) Market porters and Manual transport workers at markets – men, with legal progress in OHS

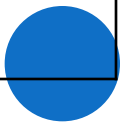


3. Results of the Mapping



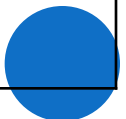
3. a. Institutions in charge of OHS regulation and enforcement

Ministry of “Labor and Employment Promotion”	Other
<p>Vice Ministry of Labor: Directorate of Fundamental Rights and OHS, and Directorate of Inspection.</p> <p>The role of Inspection is:</p> <ul style="list-style-type: none">○ Information dissemination to workers and enterprises○ Supervision of legal compliance○ Advisory to enterprises	<p>Social Security System (ESSALUD):</p> <ul style="list-style-type: none">○ For labor risks <p>By sector</p> <p>Regulatory Body for Energy and Mining (OSINERGMIN):</p> <ul style="list-style-type: none">○ For mining, oil and electricity sectors



3. a. Institutions in charge of OHS regulation and enforcement

Ministry of Health	Min. of Environment
<p>Two offices for OHS</p> <p>the National Center for OH and Protection of the Environment for Health, CENSOPAS (part of the National Health Institute, which performs research on occupational risks and illnesses, for prevention and regulation); and,</p> <p>the Executive Directorate of Occupational Health, DESO, which is part of the General Directorate for Health.</p>	<p>Vice Ministry of Environmental Matters, where sets of rules are developed, as in the case of Waste-pickers regulation</p>



3. b. Collection of OHS Data

- Ministry of Labor: SAT System and Labor Inspection
 - 2 responsible agents to report on OHS:
 - Dangerous or death-related incident, the employer
 - Work accident or occupational illness, the health centre/post
- Ministry of Health / Health Centres, Social Security System (ESSALUD), and the Regulatory Body for Energy and Mining (OSINERGMIN), issue “Notices” on work accidents - different from Ministry of Labor report
- No official data on informal work
- Most of workers who go to Health centres/post of the Ministry of Health come from micro-enterprises and workshops (affiliated to the non-contributory health system)
- Last 10 years, quantitative improvement; more offices collecting OHS data
- No integrated information or National System for recording and notifying of work accidents and Occupational illnesses



3. b. Collection of OHS Data

- ESSALUD, the Social Security System, reported 19,148 work accidents in 2009, 73% of the workers were not enrolled in the supplementary Insurance for Dangerous Work (SCTR).
- From 2004 to 2009, the Ministry of Health had 29,487 work accidents registered at its health centres / posts
- There is an increase in the incidents reported

Reported Work Accidents, Ministry of Health						
Year	2004	2005	2006	2007	2008	2009
N° of Cases	80	1350	3912	7235	8217	8693

Fuente: 23 Direcciones de Salud (DISAS). DIGESA. MINSA.



3. c. National OHS Legislation

- There are differences with the legal systems of Anglo countries.
- There is an important body of international framework regulations: Human Rights Treaties, ILO Conventions, and important agreements or “decisions” of the CAN, Community of Andean Nations
- Peru lacks a single- focus Law for OHS
- There is a good body of national legislation with defined rules, and a set of legislation by sector: for mining, construction, electricity, hydrocarbons and others.
- Great majority of focus is on formal work



3. c. National OHS Legislation

- Our 4 occupational groups
- Market porters: have a national law, not enforced due to lack of an approved set of rules for implementation at Parliament. Have some municipal regulations and by-laws.
- Newspaper vendors: have a Law, not enforced, some Municipal by-laws
- Waste-pickers: recently approved law +set of rules at Parliament. Plenty of Local Government intervention required. Some municipal by-laws exist
- Agro processing for export: a Law for the sector was eliminated.



3. c. National OHS Legislation

Just for perspective, by sector.....

○ **CONSTRUCTION**

- Resolución Suprema N° 021-83-TR, normas básicas de seguridad e higiene en obras de edificación.
- Resolución Ministerial N° 011-2006-VIVIENDA, norma G 050, seguridad durante la construcción.
- Resolución Ministerial N° 010-2009-VIVIENDA, modifica la G 050 que forma parte del Reglamento Nacional de Edificaciones.

○ **MINING**

- Decreto Supremo N° 014-92-EM, TUO de la ley general de minería
- Decreto Supremo N° 055-2010-EM, reglamento de seguridad y salud ocupacional minera.



3. c. National OHS Legislation

○ **INDUSTRY**

- Ley N° 23407, ley general de industrias: Artículos 103° Y 104°.
- Decreto Supremo N° 029-65-DGS, reglamento para la apertura y control sanitario de plantas industriales de conformidad con el artículo N° 160° del título "X" de la ley N° 13270 de promoción industrial.
- Decreto Supremo N° 42-F, reglamento de seguridad industrial.
- Decreto Supremo N° 88/67-DGS, amplían reglamento para apertura y control sanitario de plantas industriales y establece "tarifa de derechos"

○ **ELECTRICITY**

- Resolución Ministerial N° 161-2007-MEM/DM, reglamento de seguridad y salud en el trabajo de las actividades eléctricas.

○ **HIDROCARBONS**

- Decreto Supremo N° 043-2007-EM, reglamento de seguridad para las actividades de hidrocarburos.



3. d. OHS Policy

From the State

- Public policy for OHS develops in the formal sector as part of:
- Global market demands: requirements for quality, environment, OHS, and Social Responsibility
- Regional integration processes: to avoid social dumping, and as part of the discourse for attaining goals related to the health and life of citizens
- Free Trade Agreements (FTAs), many signed in the last 5 years, which include OHS norms as part of the labor clauses (verification and controversy processes if needed)

From the side of Trade Union organizations:

- Inclusion of informal economy workers in legislation (market-porters, waste-pickers) is result of pressure of the workers organizations
- It is part of the collective defense of health and life at work



3. e. OHS Resourcing

- Resourcing is insufficient
- Disaggregate information is not available, only figures of allocations by Ministry
- Not possible to estimate funds assigned to departments or provinces, even less to the informal economy
- 443 inspectors nationwide
- 50 more should be added by July this year.
- Since March, there have been budget restrictions and all training activities have been cancelled, only inspection activities carry on
- Inspections have stopped 412 construction projects this year



3. f. OHS in Local Government

- Decentralization process in Peru since 2008
- Health provision will be a responsibility of sub-national and local governments, including OHS
- Health and labor authorities – should be implemented during 2011 and 2012
- Sub-national and local governments are starting to implement some initiatives to the benefit of informal workers, but by sector or occupational group.
- There are sectors with more policy influence capacity than others, such as waste-pickers, and market porters.



WIEGO: MUCHAS GRACIAS!!

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