



Targeted Surveys on application of core labour standards Honduras

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Targeted Surveys on application of core labour standards, Honduras

This report has been developed to provide a picture of the application of core labour standards in Honduras. The report is based on a combination of desk research and stakeholder interviews. The assessments of the issues covered in the report are based on the views of credible international organisations, national governments, employer organisations, trade unions, experts and other stakeholders.

Progress

- Powers of the labour inspectorate, including higher fines for violations
- Efforts to combat child labour
- Measures on employment discrimination, particularly gender discrimination

Challenges

- Precarious conditions of work across all sectors
- Legal restrictions on union formation and the right to strike
- Anti-union discrimination, blacklisting, reprisals & protection unions
- High rates of child labour

Key context

Honduras has been in a state of political, humanitarian and economic crisis since the 2009 change in government, which many observers, including the EU, characterised as a coup d'état. According to the US Department of State (USDoS) corruption and institutional weakness are widespread (USDoS, 2016). Poverty affects 66% of the population, with extreme poverty being a particular concern in rural areas (World Bank, 2017). International observers also report extensive violence, insecurity and influence of organised crime. Concerns have also been raised over the reported lack of government control over the armed forces and private security. A contested presidential election in 2017, followed by violent clashes between security forces and protesters, has been noted by local media and trade unions to cause business closures, higher rates of unemployment, and more precarious conditions of work more broadly.

Honduras' principal source of revenue are exports, of which almost 50% are derived from agribusiness. The country's dependence on agricultural exports makes it highly vulnerable to external impacts, such as natural disasters, fluctuation in prices or changes in trade relations.

A new Labour Inspection Law was passed in Honduras in 2017. It introduces higher fines for violations of labour laws. It also includes specific provisions related to denying a labour inspector access to establishments, a practice noted by stakeholders in the country. The ILO CEACR had expressed concern in the past regarding what it considered to be merely symbolic fines, particularly for anti-union discrimination. The new law also introduces technological improvements to the process of union registration, guaranteeing workers and inspectors' safety when registering organisations. National government, worker, and employer sectors agree on the importance of the law and international observers have welcomed its passing.

Freedom of association and collective bargaining

The legal framework is considered broadly consistent with international standards on freedom of association and collective bargaining. Trade unions and international observers report low levels of unionisation due to discrimination and retaliation against unionised workers, including killings and other forms of violence. The USDoS and trade unions also report the existence of employer-controlled unions in the agricultural and export-processing sectors. They also report that certain employers also refuse to engage in collective bargaining and attempt to block trade union registration. Similar issues have also been reported in the public sector.

Trade unions have welcomed advances in the new Labour Inspection Law which imposes more stringent fines for interfering in union matters, ignoring collective bargaining agreements and denying labour inspectors' access to establishments.

Forced labour

The risk of forced labour is generally considered low in Honduras, and the legal framework is considered broadly in line with international standards. The main concern, rather, is the large number of Honduran migrant workers who may fall victim to forced labour in other countries. However, international observers, including the UN Human Rights Committee, have expressed some concerns regarding practices that could amount to forced labour in Honduran maquiladoras, domestic work and the fishing industry.

The ILO CEACR has noted efforts to combat the practice, such as the adoption of a Trafficking in Persons Law; the creation of a committee against trafficking; and mechanisms to collect data and assist victims.

Child labour

A joint study by the ILO, UNICEF and the World Bank revealed high rates of child labour in Honduras, with 70% of working children believed to carry out hazardous work (UCW, 2015). International observers report that criminal organisations recruit children into the worst forms of child labour, including recruiting children to commit violent crimes.

Despite legislative protections being in place, the ILO, UNICEF and the World Bank point out inconsistencies in the legislative framework on child labour: while the minimum age for work is set at 14, minors under 14 are allowed to work with government authorisation, and without distinctions for the worst forms of child labour. Minors under 18 may not carry out hazardous work, however, those over 16 may do so with authorisation. Stakeholders from the national government, trade union and employer sectors report that a majority of minors who work do not have such authorisation. Finally, the Labour Code does not cover agricultural undertakings with less than 10 workers, where most child labour is reported to occur, and inspections are limited.

Nevertheless, the national and municipal governments and other actors have recently made efforts to address child labour. The ILO CEACR noted the establishment of committees and directorates focusing on protecting children and eradicating child labour, educational efforts and a National Plan and Roadmap to eliminate the practice.

Discrimination

Despite broad reaching legislation that generally aligns with international standards on discrimination, international observers, including the ILO CEACR and UN agencies, report difficulties for minorities and women to obtain and keep jobs, a disparity in wages with the rest of the workforce, and pregnancy related discrimination. Women in rural areas, indigenous women and women of African descent are particularly affected. The Labour Code also limits the work women can perform. Indigenous peoples, persons with disabilities and HIV-Aids, and LGBTI persons also suffer from discrimination in employment.

There have been some improvements in combating discrimination, including plans on gender equality, against racial discrimination and for the inclusion of people living with HIV/Aids. Honduras has also increased fines for sexual harassment and wage discrimination.

Other working conditions

Apart from issues regarding core labour standards, there are significant challenges regarding other working conditions. The labour market is characterised by high levels of informality and poor conditions of employment, especially in the agricultural and maquila sectors. Underemployment is high, and youth, women and indigenous people face the greatest challenges in accessing decent work. Local media reports also highlight that the Hourly Employment Law is being used by employers to avoid complying with regulations regarding other working conditions.

Occupational safety and health. Local trade unions and international observers, report concerns regarding safety and health in the construction, maquila, agriculture (where the use of chemicals without protective measures is extensive), and dive fishing sectors (where there have been reports of employers selling drugs to indigenous workers). The new Labour Inspection Law is set to increase enforcement in this area.

Working time. Worker organisations in the field, international observers and local media report violations of maximum working hours in the maquila and agriculture sectors, particularly on sugarcane and palm oil plantations. Workers in these sectors are paid at a piece rate, which in turn encourages them to work overtime without receiving compensation. Workers hired under the Hourly Employment Law work may also work longer hours than legally permitted.

Wages. Local media reports that 71% of workers in Honduras do not receive a minimum wage (Mejía, 2017) and that the minimum wage does not allow a decent standard of living. Maquila and agriculture workers – particularly in melon, sugarcane, coffee and palm oil – are most affected. The minimum wage in specially regulated Employment and Economic Development Zones, where most garment factories are located, is lower than the national minimum wage (Oxfam, 2015).

Social security coverage. A large portion of the population lacks access to social security. Despite government efforts to improve the system, trade unions and local media have noted that resources will be insufficient to fund universal access and denounced a persisting lack of transparency in the social security system.

Status of ratification and reporting

Honduras has ratified all eight ILO fundamental (core) labour conventions. Honduras has also ratified three of the four ILO governance (priority) conventions, the exception being C129 on Labour Inspection (Agriculture). Honduras is up-to-date with all of its reporting obligations to the monitoring bodies of the ILO in relation to these conventions.

		Application issues - latest ILO CEACR observations and direct requests on core conventions
Freedom of association & collective bargaining	C87	(2018): Noted that the Labour Code does not apply to agricultural enterprises with less than 10 permanent employees; government officials can end disputes in the oil industry; there are excessive requirements for union leaders and union formation; and a 2/3 majority requirement and other procedural requirements deemed excessive to call a strike.
	C98	(2018): Noted that legislation does not expressly prohibit employer intervention in union matters. There are also significant limitations on the collective bargaining rights of public employees.
Forced Labour	C29	(2016): Noted an unclear protection of prisoners' free and informed consent and labour rights when working for the private sector. Also noted the lack of a national plan against trafficking and that no resources were allocated to a program for victim assistance.
	C105	(2016): Noted an unclear provision mandating compulsory prison labour that could be used to punish freedom of expression-related offences.
Child labour	C138	(2016): Noted that the labour Code does not apply to minors working in agricultural establishments with less than 10 employees. Child labour norms only appear to apply to contractual labour relations.
	C182	(2016): Noted a low number of convictions for sexual exploitation in relation to the number of cases reported. Also, insufficient services and assistance for child victims of trafficking and sexual exploitation.
Discrimination	C100	(2017): Noted that the principle of equal pay for work of equal value is not in line with C100. Noted a tendency to "undervalue" work in sectors dominated by women.
	C111	(2017): Noted that Honduras' laws do not contain the legal concept of a hostile working environment. Also, access to recourse for victims of sexual harassment is not ensured.

References

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World Bank, 2017, [Overview – Honduras](#).