

## estudios y perspectivas

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# **N**orms, regulations, and labour standards in Central America

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## **Abstract**

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This report addresses the organization, nature, and prospects for labour law enforcement in Central America and the Dominican Republic. It draws a distinction between the Anglo-American approach to enforcement, which is rooted in deterrence and punishment, and the Latin alternative, which is rooted in conciliation and training. And it argues that the Latin approach is—at least in theory—better able to reconcile the labour force’s need for protection with the economy’s demand for flexibility. Finally, it reviews recent changes in the subregion’s labour inspection systems, many inspired by transnational political pressure, and makes systematic recommendations for further improvements.



## Executive summary

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This report addresses the process of labour inspection in Central America and the Dominican Republic (i.e., the so-called CAFTA countries). It begins by drawing a distinction between the Anglo-American approach to labour law enforcement, which is designed to deter transgressions by raising the likelihood and cost of prosecution, and the Latin approach, which is designed to facilitate compliance by raising the knowledge, productivity, and sensitivity of the employer. While labour standards and competitiveness are potentially antagonistic or incompatible goals under the Anglo-American model, and thus force policymakers to make pernicious choices, they are potentially complementary outcomes in the Latin system—where government officials are expected to bring firms up to the standards imposed by their regulatory obligations rather than to bring regulatory obligations down to the knowledge and productivity levels characteristic of firms.

The question, therefore, is how to best tailor the Latin approach to the particular needs and capabilities of the CAFTA countries. We address the question by carrying out detailed case studies of the inspection arms of the Costa Rican Ministry of Labour and Social Security (MTSS), the Dominican Secretary of State for Labour (SET) and the Guatemalan Ministry of Labour and Social Provision (MINTRAB). Costa Rica represents traditional “best practices” in the subregion. The Dominican Republic has made remarkable gains in recent years. And Guatemala continues to lag behind. Nonetheless, we find valuable lessons and foundations on which to build in all three countries—and in other countries we have visited or studied. And we therefore provide a series of policy recommendations for the

recruitment (i.e., competitive examinations), training (i.e., life-long learning), and organization (i.e., preventive rather than post hoc inspections) of labour inspectors and inspection services. The centrepiece of our recommendations is a Central American Institute for Labor Inspection. Such an institute would be modelled upon (and draw upon expertise developed in) the academy for labour inspectors in Lyon, France and would fulfil at least three pressing needs. First, it would provide initial training and continuing education for inspectors and administrators from all of the CAFTA countries and thereby build capacity and esprit d'corps in the national inspection services themselves. Second, it would carry out research and performance evaluation that would facilitate the perfection of the Latin model more generally. And, third, it would help disseminate the best practices identified through the research and thereby inhibit beggar-thy-neighbour competition.

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