

II. Costa Rica

1. Freedom of association, trade unions and labor relations

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948) and Convention No. 98 concerning the Right to Organize and Collective Bargaining (1949) are fundamental tools for guaranteeing full enjoyment of the rights to organize, to trade union membership, and to collective bargaining of workers and employers. To ensure their application, the States must adopt measures to harmonize their legal framework with these international instruments, and also provide the institutions responsible for promoting the effective enforcement of labor laws with the required human, material and financial resources.

In Costa Rica, the White Paper challenges and recommendations specifically with regard to freedom of association, trade unions and labor relations, refer to the need to provide judges and other officials responsible for labor laws with “*more detailed information about collective bargaining issues in the public sector and the different legal interpretations*” for dealing with this issue at the international level.¹⁴ Also identified was the need to promote greater support for the passage of several bills presented by the Government¹⁵ “*that would reinforce the law on public sector collective bargaining, increase protection against anti-union dismissals and interference, and remove restrictions on the participation of foreigners in trade unions.*”¹⁶ Another point highlighted was the need for the Labor Ministry “*to issue reports on the outcome of the 2005 inspection directive to monitor compliance with regard to reinstatement orders*” of illegally dismissed workers.¹⁷

Over the period August-December 2010, with regard to the annulment of clauses of public sector collective agreements, the Constitutional Chamber issued a ruling rejecting the action for unconstitutionality filed against the JAPDEVA collective agreement.

In relation to legislative reforms, on August 17, 2010, the Permanent Legal Affairs Committee of the Legislative Assembly issued a unanimous affirmative opinion on the draft reform of labor procedure, setting out some diverging positions on, among other matters, direct arrangements and strikes against public policies. At the last session of 2010, the bill was number 10 on the agenda of bills for preliminary discussion.

In addition, two activities were held (an international workshop and a conference, with a total of more than 100 participants); the topics discussed included collective labor relations in the draft reform of labor procedure, and social dialogue and collective bargaining from the ILO perspective. As a complement, an interactive workshop was held on the reform of labor procedures in the Legislative Assembly, with the participation of the advisors of the members of the Assembly on the Legislative Assembly’s Legal Affairs Committee.

14. The White Paper, p. 20.

15. The legislative bills referred to are the following: (a) proposed reform of several articles of the Labor Code, Law No. 2 of August 26, 1943, and articles 10, 15, 16, 17 and 18 of Decree law No. 832 of January 4, 1949, on the National Wages Council and the establishment of minimum wages (Dossier 13,475 of March 10, 1999); (b) bill to ratify ILO Convention 151 concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service (Dossier No. 14,542 of February 4, 2003); (c) bill to ratify ILO Convention 154 concerning Collective Bargaining in the Public Sector (Dossier 14,543, of February 4, 2003); (d) bill reforming article 192 of the Constitution to guarantee the right to public sector collective bargaining (Dossier No. 14,730 of May 15, 2002); (e) bill on the bargaining of collective agreements in the public sector and addition of a paragraph (5) to article 112 of the General Law of Public Administration (Dossier 16,640 of May 4, 2007, which substitutes the bill specifying collective bargaining procedures in the public sector – Dossier 14,676); (f) bill to reform labor procedures (Dossier No. 15,990 of August 25, 2005).

16. This is a direct quote from the White Paper, however, the restriction stipulated in article 345 of the Labor Code and article 60 of the Constitution, refers to the participation of foreigners on the board of directors of trade unions and not in trade unions in general; the text of the White Paper should therefore be amended to read: “...and should eliminate the restrictions to the participation of foreigners on the Boards of Directors of the trade unions.”

17. It was not possible to obtain the text of the “2005 Directive” mentioned in the White Paper.

In July 2010, with the signature of 10 members of the Assembly from 5 parties, the bill was submitted to reform article 60 of the Constitution eliminating the second paragraph of this article, which prohibits foreigners from occupying positions of direction or authority in trade unions.

The bill on trade unions and trade union rights is being processed by the Legislative Assembly, and is item 21 on the agenda of the Social Affairs Committee.

As regards following up on reinstatement orders in cases of unlawful dismissals owing to special regimes, a protocol of procedure was prepared, which is pending validation by MTSS.

The MTSS still does not have complete, systematized information for the monitoring of the reinstatement orders mentioned above. However, in 2010, only 10 special cases for unfair labor practices (trade union harassment) were dealt with by the administrative instances; the number of cases dealt with has decreased significantly since 2005 (41 cases) to date.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Continue training activities, using as inputs the studies and reports of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the opinions of the ILO Committee on Freedom of Association (CFA). This training should be addressed, in particular, to MTSS officials and agents of justice.
- Submit the conclusions of the study on the status of collective bargaining in the public sector to discussion by the Superior Labor Council (CST) as suggested in the previous report.
- Monitor the processing by the Legislative Assembly of the bill on the reform of labor procedure, the bill on the reform of article 60 of the Constitution, and of the bill on trade unions and trade union and prerogatives.
- Submit discussion of the ratification of the ILO Conventions 151 and 154 to discussion by the CST as recommended by the CEACR in its 2010 report on ILO Convention No. 98.
- Complete the pending procedures to ensure the entry into force of the protocol of procedure for reinstatement orders in case of unlawful dismissals based on special regimes.

Challenges and recommendations	Indicators	August - December 2010																																												
I. Constitutional Chamber Rulings																																														
Challenge: - Concern surrounding the legal status of collective bargaining agreements in the public sector is based upon rulings of the Constitutional Chamber in 2000 sought by the Costa Rican Ombudsman that certain provisions of collective bargaining agreements within the public sector violate the Constitution if they were unreasonable or disproportionate in terms of the use of public funds. These rulings of the independent judiciary were opposed by the Ministry of Labor in the court proceedings. Recommendation: - Request the ILO, as part of a series of seminars and training available to judges and other labor law officials, to provide more detailed information about the collective bargaining issue in the public sector and the different legal interpretations so that the courts of Costa Rica can be fully aware of the ILO's jurisprudence as future relevant cases come before the judicial branch.	Dissemination of international standards on collective bargaining in the public sector¹⁸																																													
	I.1. Number of events held on awareness-raising, dissemination and analysis of international standards on collective bargaining (indicate the total number of participants in the activities and include, if available, the results of the evaluation of the pertinent training events or programs). I.2. Number of clauses of public sector collective agreements annulled by judicial rulings.	- One of the principal topics of the International Workshop on Labor Law: examination of the reform of labor procedures in Costa Rica, held on December 2 and 3, 2010, was the analysis of collective labor relations under the bill to reform labor procedures.¹⁹ - With the support of the ILO, the office of the Ombudsman organized a conference on social dialogue and collective bargaining from the perspective of the ILO, with the participation of the heads of the labor unions of the Banco Popular, the Banco Nacional de Costa Rica and the National Insurance Institute (INS), the National Association of Public Employees (ANEP), and the Association of High School Teachers (APSE), among others.²⁰ - Over the period August–December 2010, the Constitutional Chamber rejected outright an action for unconstitutionality filed against articles 124 to 130 and 133 of chapter XVII of the collective agreement of the Board for Port Administration and the Economic Development of the Atlantic Coast (JAPDEVA), period 2010-2011. - Since 2000, 29 collective agreements and 166 articles of such agreements have been contested before the Constitutional Chamber; of these, 47 were declared unconstitutional (28% of the articles contested). Judgments of the Constitutional Chamber concerning contestations of public sector collective agreements. Period 2000 – 2010. <table><tr><th>Year</th><th>Admissible*</th><th>Partially Admissible*</th><th>Inadmissible*</th><th>Total</th></tr><tr><td>2000 - 2004</td><td>0</td><td>2</td><td>0</td><td>2</td></tr><tr><td>2005</td><td>0</td><td>0</td><td>1</td><td>1</td></tr><tr><td>2006</td><td>2</td><td>8</td><td>4</td><td>14</td></tr><tr><td>2007</td><td>1</td><td>5</td><td>1</td><td>7</td></tr><tr><td>2008</td><td>1</td><td>0</td><td>1</td><td>2</td></tr><tr><td>2009</td><td>0</td><td>0</td><td>1</td><td>1</td></tr><tr><td>2010</td><td>1</td><td>0</td><td>1</td><td>2</td></tr><tr><td>Total</td><td>5</td><td>15</td><td>9</td><td>29</td></tr></table> * This refers to the request made in the complaint. Source: Prepared by the authors based on the inventory included in the study on the status of collective bargaining in the public sector in Costa Rica of March 2010, and the 2010 opinions of the Constitutional Chamber. April 2011.	Year	Admissible*	Partially Admissible*	Inadmissible*	Total	2000 - 2004	0	2	0	2	2005	0	0	1	1	2006	2	8	4	14	2007	1	5	1	7	2008	1	0	1	2	2009	0	0	1	1	2010	1	0	1	2	Total	5	15	9
Year	Admissible*	Partially Admissible*	Inadmissible*	Total																																										
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18. In its 2010 report on Convention 98 concerning Right to Organize and Collective Bargaining, the CEACR asks the Government to refer this matter [constraints that the Committee on Policy Negotiation places in practice on negotiation procedures in the public sector] to the Higher Labour Council and to ask the latter and other relevant public authorities to undertake a thorough examination of the working of the current system, it being understood that state resources are not unlimited and that the Government has many social needs to meet."

19. This activity was organized by the Second Chamber of the Supreme Court of Justice, the labor Jurisdiction Committee, the Judicial School and the ILO. Two Spanish experts in labor laws took part in the workshop, which was attended by more than 100 Costa Rican agents of justice.

20. Event held on November 16, 2010.

21. Opinion 14184-10 of August 25, 2010

Challenges and recommendations	Indicators	August - December 2010
2. Legislative proposals		
Challenge: - The government has proposed draft bills that would consolidate the law on public sector collective bargaining, increase protections against anti-union dismissals and interference, and remove restrictions on foreign nationals in trade unions.²² Recommendations: - Promote broader support to enact these proposals. Request the ILO, in cooperation with Costa Rican employers and workers and with the support of the government, to undertake an awareness program on the importance of these proposals. Include outreach to the Legislative Assembly as part of this effort.	Reform of the Code of Labor Procedure (No. 15,990)	
	I.3. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	- The Permanent Legal Affairs Committee of the Legislative Assembly issued a “unanimous affirmative opinion” on the Bill for the reform of labor procedures (No. 15,990) on August 17, 2010.²³ Although the Committee members voted in favor of the opinion, they recorded their different positions on at least three aspects of the bill, related to: (a) the direct negotiation of the permanent workers committees and direct arrangements; (b) embargo and freezing of company bank accounts and those of State officials, and (c) strikes against public policies.²⁴ - The bill was submitted to the plenary session of the Legislature on August 31, 2010, and at the time of the last session of the year, it was number 10 on the agenda of bills waiting to receive their first reading.²⁵
	I.4. Number and type of promotional and lobbying activities to obtain approval of the draft bill.	- The Second Chamber of the Supreme Court of Justice, the Labor Jurisdiction Committee, the Judicial School and the ILO organized the interactive meeting on the reform of labor procedures in the Legislative Assembly,²⁶ with the participation of the advisers of the members of the Assembly on the Legislative Assembly’s Legal Affairs Committee. - The international workshop on labor law, held at the beginning of December 2010 and mentioned under indicator I.1., was dedicated to the examination and analysis of the reform of labor procedures in Costa Rica.
	I.5. Draft bill approved by the Legislative Assembly and published for execution.	The bill has not been approved.²⁷
	I.6. Number and type of information and training actions relating to the newly approved law.	

22. This is a direct quote from the White Paper, p. 20; however, it should read as follows: “remove restrictions on foreign nationals participating on union management boards,” according to Article 345 of the Labor Code and Article 60 of the Constitution.

23. See Minutes of regular meeting No. 22 of the Legal Affairs Committee of August 17, 2010.

24. Idem.

25. See Agenda, special meeting No. 004 of December 20, 2010.

26. The event was held on December 1, 2010, in the Beneméritos Hall of the Legislative Assembly.

27. In its 2010 report on Convention 98 concerning Right to Organize and Collective Bargaining, the CEACR indicates that it “hopes that the bill to reform labour procedures will be adopted in the near future and asks the Government to provide the text of the future Act as soon as it is adopted.”

Challenges and recommendations	Indicators	August - December 2010
	Reform of Article 192 of the Constitution: Collective Bargaining in the Public Sector (No. 14,730)	
	I.7. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	• Bill No. 14,730 submitted in 2003, which was intended to amend article 192 of the Constitution, was archived on May 16, 2006, owing to expiry of the four-year limit.
	I.8. Number and type of promotional and lobbying activities to obtain approval of the draft bill.	• No relevant actions were recorded.
	I.9. Draft bill approved by the Legislative Assembly and published for execution.	• The bill has not been approved.
	I.10. Number and type of information and training actions relating to the newly approved law.	
	Law on the negotiation of collective conventions in the public sector and addition of a paragraph 5 to Article 12 of the General Law of Public Administration (No 14,676 of 2002, currently substituted by the bill corresponding to No. 16,640 of May 4, 2007)	
	I.11. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	• Bill No. 16.640 concerning collective agreement in the public sector is inactive. • As mentioned in previous Verification Reports, the bill for the reform of labor procedures (No. 15,990): Title XI: Employment regime of employees of the State and its institutions, articles 678 to 712, includes content proposed in bill No. 16,640.
	I.12. Number and type of promotional and lobbying activities to obtain approval of the draft bill.	• No relevant actions were recorded for this period.
	I.13. Draft bill approved by the Legislative Assembly and published for execution.	• The bill has not been approved.
	I.14. Number and type of dissemination and training activities on the newly approved law.	

Challenges and recommendations	Indicators	August - December 2010
	Reform of several articles of the Labor Code, Law No. 2 of August 26, 1943, and articles 10, 15, 16, 17 and 18 of Decree Law No. 832 of November 4, 1949, and its reforms (File No. 13,475 of March 10, 1999)	
	I.15. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	• Bill No. 13.475, on trade union organizations and trade union prerogatives is being processed by the Legislative Assembly. At November 30, 2010, it was item 21 on the agenda of the Social Affairs Committee.²⁸
	I.16. Number and type of promotional and lobbying activities to obtain approval of the draft bill.	• In November 2009, a subcommittee composed of 3 members of the Legislative Assembly was established to consult the social actors and prepare a report on the bill before August 18, 2010. To date, the subcommittee has received input from the CST, the Supreme Court of Justice, the MTSS; the ILO and the UCCAEP, and is awaiting the response of the Confederation of the Costa Rican Workers Movement (CMTC) and the Rerum Novarum Workers Confederation (CTRN).²⁹
	I.17. Draft bill approved by the Legislative Assembly and published for execution.	• The bill has not been approved.³⁰
	I.18. Number and type of information and training actions relating to the newly approved law.	

28. See Minutes of regular meeting No. 49 of the Social Affairs Committee, of November 30, 2010.

29. Idem.

30. In its 2010 report on Convention 98 concerning Right to Organize and Collective Bargaining, the CEACR "notes with regret, however, that Bill No. 13475 to reform various provisions of the Labour Code and other legal texts has not as yet been discussed although it is high on the agenda of the Legislative Assembly's plenary session, and requests the Government to take steps to move the processing of the Bill forward, and to provide information in this regard. The Committee recalls that, at its session the Application of Standards asked the Government to submit, this year, a detailed time schedule of steps taken and future steps so that the legislative reforms were made a reality, and expressed the hope that the bills upon which tripartite consensus has been reached would be adopted without delay."

In its 2010 report on Convention 98 concerning Right to Organize and Collective Bargaining, the CEACR "asks the Government to do everything in its power to ensure that the bills to strengthen the right to collective bargaining in the public sector, including those relating to the ratification of Conventions Nos. 151 and 154 are examined and, it is to be hoped, adopted by the Legislative Assembly."

It was not possible to obtain the text of the "2005 inspection directive" mentioned in the White Paper.

Study prepared with the support of the Cumple y Gana project.

Published as MTSS Directive No. 15 in the Diario Oficial La Gaceta No. 88 of May 10, 2011. In June 2009, the Conference Committee on the Application of Standards asked the Government to submit, this year, a detailed time schedule of steps taken and future steps so that the legislative reforms were made a reality, and expressed the hope that the bills upon which tripartite consensus has been reached would be adopted without delay."

Challenges and recommendations	Indicators	August - December 2010
	Adoption of ILO Conventions No. 151 concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service and No. 154 concerning the Promotion of Collective Bargaining	
	I.19. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	• There are no draft bills in this regard • Bills Nos. 14,542 and 14,543, which had been submitted, were filed because the four-year time limit expired on May 31, 2005, and October 21, 2005, respectively.³¹
	I.20. Number and type of promotional and lobbying activities to obtain approval of the draft bill.	• No relevant actions were recorded during the period.
	I.21. Draft bill approved by the Legislative Assembly and published for execution.	• The bills have not been approved..
	I.22. Number and type of information and training actions relating to the newly approved law.	
3. Reinstatement of illegally dismissed workers		
Challenge: • Despite the fact that there is no record of administrative complaints regarding employer refusals to comply with court-ordered reinstatement of illegally dismissed workers, concerns exist about such possibilities. Recommendations: • Instruct the National Labor Inspectorate to issue reports on the outcome of the 2005 inspection directive³² to monitor compliance with regard to reinstatement orders.	Monitoring reinstatement orders	
	I.23. Existence and operation of a system for registering and monitoring reinstatement orders in cases of illegal dismissal of workers (in accordance with the procedure established in the 2008 Labor Inspection Procedures Manual).	• Over the verification period, a protocol was prepared of procedures in cases of reinstatement orders based on unlawful dismissals due to special prerogatives.³³ This document is pending validation by the MTSS and issue of the respective ministerial directive.³⁴

31. In its 2010 report on Convention 98 concerning Right to Organize and Collective Bargaining, the CEACR "asks the Government to do everything in its power to ensure that the bills to strengthen the right to collective bargaining in the public sector, including those relating to the ratification of Conventions Nos. 151 and 154 are examined and, it is to be hoped, adopted by the Legislative Assembly."

32. It was not possible to obtain the text of the "2005 inspection directive" mentioned in the White Paper.

33. Study prepared with the support of the Cumple y Gana project.

34. Published as MTSS Directive No. 15 in the Diario Oficial La Gaceta No. 88 of May 10, 2011.

Challenges and recommendations	Indicators	August - December 2010																																																																													
	I.24. Number of cases reported due to illegal dismissal / Number of court reinstatement orders / Number of reinstatements.	- Although the MTSS has implemented an automated inspection case management system, there is still no systematized and complete information to monitor reinstatement orders owing to the unlawful dismissal of workers protected by special prerogatives. In addition, there are no specific figures on the number of cases denounced and sanctioned for violation of such prerogatives. - The closest statistics to this indicator relate to reports on and authorizations for the dismissal of workers protected by special prerogatives, which are reflected in the following table provided by the MTSS National Inspection Directorate (DNI). - Between January and December 2010, 515 cases were handled concerning workers protected by special prerogatives; this figure represents 64% of the cases dealt with in 2009. - In 2010, 61% of the cases related to pregnant or nursing workers, 24% to situations of sexual harassment and discrimination in the workplace, 13% to adolescent workers, and 2% to unfair practices - In 2009, reinstatement of the worker based on an agreement between the parties was achieved in 19% of the special cases handled by the Labor Inspectorate. There is no data for other years. Number of special cases handled* by the Labor Inspectorate. Period 2005 – 2010. <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009**</th><th>2010</th></tr><tr><td>Cases of unfair labor practices (trade union persecution)</td><td>41</td><td>52</td><td>23</td><td>16</td><td>18</td><td>10</td></tr><tr><td>- Reinstatements by agreement between the parties</td><td>n.d.</td><td>3</td><td>2</td><td>2</td><td>0</td><td>n.d.</td></tr><tr><td>Cases of pregnant or nursing women</td><td>350</td><td>527</td><td>238</td><td>230</td><td>543</td><td>316</td></tr><tr><td>- Reinstatements by agreement between the parties</td><td>n.d.</td><td>61</td><td>49</td><td>20</td><td>113</td><td>n.d.</td></tr><tr><td>Cases of adolescent workers</td><td>161</td><td>165</td><td>97</td><td>70</td><td>78</td><td>67</td></tr><tr><td>- Reinstatements by agreement between the parties</td><td>10</td><td>n.d.</td><td>30</td><td>6</td><td>17</td><td>n.d.</td></tr><tr><td>Other special cases (trade union and sexual harassment, discrimination, etc.)</td><td>122</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>113</td><td>122</td></tr><tr><td>- Reinstatements by agreement between the parties</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>11</td><td>n.d.</td></tr><tr><td>Total: special cases handled</td><td>674</td><td>744</td><td>358</td><td>316</td><td>752</td><td>515</td></tr><tr><td>Total: reinstatement due to agreement between the parties</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>141</td><td>n.d.</td></tr></table> * The special cases include protection of pregnant or nursing workers, adolescent workers (15 to 18 years of age), trade union leaders, and victims of sexual harassment. The number of cases handled includes those related to: (a) dismissal by employer; (b) restriction of rights; (c) illegal dismissal (d) harassment in the workplace. At the administrative level, the possible results of these cases are: (a) approval or disapproval of the dismissal procedure; (b) agreement between the parties, reinstatement or compliance with a warning; (c) complaint before the courts; (d) dismissed, inadmissible, waived, rejected or filed. ** The figures for 2009 do not coincide with those published in the last Verification Report corresponding to the period February –July 2010, because the statistical data for 2009 was revised and corrected by MTSS. Source: MTSS. National Inspection Directorate. April 2011.	Year	2005	2006	2007	2008	2009**	2010	Cases of unfair labor practices (trade union persecution)	41	52	23	16	18	10	- Reinstatements by agreement between the parties	n.d.	3	2	2	0	n.d.	Cases of pregnant or nursing women	350	527	238	230	543	316	- Reinstatements by agreement between the parties	n.d.	61	49	20	113	n.d.	Cases of adolescent workers	161	165	97	70	78	67	- Reinstatements by agreement between the parties	10	n.d.	30	6	17	n.d.	Other special cases (trade union and sexual harassment, discrimination, etc.)	122	n.d.	n.d.	n.d.	113	122	- Reinstatements by agreement between the parties	n.d.	n.d.	n.d.	n.d.	11	n.d.	Total: special cases handled	674	744	358	316	752	515	Total: reinstatement due to agreement between the parties	n.d.	n.d.	n.d.	n.d.	141	n.d.
Year	2005	2006	2007	2008	2009**	2010																																																																									
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2. Ministry of Labor and Social Security

An essential function of the Labor Ministries is prevention, and monitoring compliance with labor laws. Under Convention No. 81 concerning Labor Inspection in Industry and Commerce (1947), these Ministries should have an system of inspection that is capable of securing “the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work”; consequently, they must be given the tools and the necessary legal, human, technical, financial and logistic resources to carry out their functions effectively. Furthermore, Labor Ministries should provide information and advice to employers and workers about the best way to comply with labor laws and to manage labor relations, as measures to prevent disputes.

The White Paper identified the shortage of infrastructure, and human and financial resources in the Labor Ministry, principally in the regional offices, as the principal obstacle to the satisfactory exercise of the functions of inspections, mediation and conciliation. In this regard, it suggested that, among other measures, personnel should be increased, their training improved, operations in these areas reorganized, and improved procedures for enforcing labor laws institutionalized.³⁵ In addition, all the Governments undertook to increase resources for endowing the Labor Ministries with trained personnel, and infrastructure and equipment to carry out their functions adequately.

Over the period August-December 2010, nine training and upgrading activities were held with the participation of 131 officials and a total of 260 hours of training. The topics covered were designed to improve their technical expertise in line with their functions, on occupational health and safety in the agricultural sector and on the minimum wages campaign.

In 2010, there were 101 inspectors, 8 more than in 2009 and 11 more compared to 2005. Conciliation and mediation personnel rose from 35 in 2005 to 49 in 2010; this was slightly less than in 2009 when there were 51 officials. Conciliators in regional offices increased from 12 to 27 between 2005 and 2010, when there was one less conciliator than in 2009. At the end of 2010, only 9 inspectors performed both conciliation and inspection functions, this is significantly less than the 35 officials who performed both functions in 2006. Nevertheless, in 7 regional offices there is only one official to carry out all the tasks.

In 2010, there was a significant increase in the number of inspections in relation to 2009; they increased from 7,415 in 2009 to 9,512 in 2010. 87% of inspections were *ex officio*, while 47% of inspections received a re-inspection visit. Inspections based on complaints continued to decrease. More than 70% of the inspections in 2010 were made in companies with 1 to 5 workers, continuing the tendency in this regard.

The percentage of workers covered by the inspections in relation to the working population continued its downward trend. From 6.11% in 2005 it fell to 4.66% in 2009 and to 4.07% in 2010. In addition, there was an improvement in the ratio of inspectors to working population; it decreased from 20,020 workers to each inspector in 2009 to 18,833 in 2010. The improvement was due to the increase in the number of officials performing this task.

Since the MTSS began recording conciliations conducted by the regional offices in 2010 (previously this data was not taken into account), a greater number of requests for conciliation has been revealed, rising from 6,316 in 2009 to 11,303 in 2010. Also, the number of hearings increased from 3,205 in 2009 to 5,007 in 2010, and the amount mobilized by agreements was 2,001 million colones in 2009 and 3,674 million colones in 2010.

The 400 collective bargaining meetings held in 2010 represented an increase compared to the 358 held in 2009. The collective agreements received decreased from 14 to 9 between 2009 and 2010, while those approved increased from 9 to 12; also the direct arrangements received decreased from 68 to 41 and those approved from 59 to 44.

35. The White Paper, p. 21

The computers available for inspection and conciliation work were increased by 37 units in the second half of 2010, giving a total of 207 computers at year's end. In addition, 31 of the 32 regional offices are connected to the Internet and all the inspectors were trained to use the automated case management system, which is installed in all the offices. There is also a specific web site for inspection and a first version of the MTSS web site was placed on line to facilitate procedures and consultations by users. Also, the number of vehicles in good condition for the exclusive use of inspection increased from 11 in 2009 to 22 in 2010.

The Call Center personnel increased from 2 to 6 officials. Between July and December 2010, it answered 29,535 calls, for a total of 47,465 calls for the whole of 2010.

In 2010, the annual percentage of the budget subject to verification increased in current terms by more than 30% in relation to 2009 and in more than 25% in real terms, at the level of the initial, modified and executed budget. However, the percentage of budget execution has decreased in the last 2 years compared to previous years, and is less than 90%. The percentage of the MTSS institutional budget subject to verification in relation to the National Budget continues its upward trend since 2005 (0.17%); it was 0.23% in 2009 and 0.28% in 2010.

The initial, modified and executed budget for the application of labor law increased from 2009 to 2010, by more than 25% in current terms and more than 18% in real terms. In 2010, the executed budget for the application of labor laws was 33% in relation to the MTSS initial budget and 35.1% in relation to the Ministry's executed budget.

Regarding procedures to improve the application of labor law, the most important is the priority given to this element in both the MTSS 2010-2015 Institutional Strategic Plan and in the 2011-2014 National Development Plan. Other activities included a campaign on the minimum wage, a workshop to improve the protocols for inspection and collective bargaining and a process to unify labor legal criteria.

A pilot plan was started in the Ministry's provincial office in Cartago, using efficient management methods and tools, in order to improve the population's access to MTSS services.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Take the necessary steps and lobby to obtain an increased budget for MTSS that will allow it to continue the effort to increase the number of inspectors and conciliators at the central level and in the regional offices, in order to eliminate the dual function, increase the coverage of inspection and prevention, and provide the inspection services with more equipment and vehicles.
- Make an effort to establish international cooperation agreements or to include Costa Rica as a beneficiary of regional technical cooperation, in order to finance priority activities that are not included in the Ministry's budget.
- Intensify training activities for inspectors and conciliators through a systematic and ongoing program linked to the strategic planning of inspection work.
- Enhance the quality of inspection services outside the metropolitan area, especially in the rural sector.
- Optimize the use of the financial, human and technological resources available in the MTSS by actions and commitments that promote the use of new working methods, as has occurred in the Cartago Pilot Plan and the National Minimum Wages Campaign.
- Continue the client service actions being taken through the Call Center and establish appropriate indicators to measure the users' degree of satisfaction.
- Take the necessary steps and lobby to obtain an increased institutional budget and channel the MTSS actions towards the priorities established in the current National Development Plan and other institutional plans to improve the effectiveness of services.
- Promote improvement in institutional productivity, working towards objectives and results by developing innovative methods, adapting the Ministry's organizational procedures and optimizing the use of information technology.
- Evaluate the Cartago Pilot Plan after it has been implemented for 12 months.

Challenges and recommendations	Indicators	August - December 2010																																																																																																																							
I. Mediation and conciliation																																																																																																																									
Challenge: • The Department of Labor Relations lacks sufficient capacity to effectively carry out its conciliation and mediation functions due to limitations in human and financial resources in the regional offices. • In many regional offices, the same officials are responsible for inspection and mediation/ conciliation tasks, and they lack adequate infrastructure. Recommendations: • Additional personnel, improved training, and adequate infrastructure are needed to assure sufficient capacity in all areas of the country. • Separate the labor inspection function and the mediation and conciliation functions of the personnel of the regional offices. • Strengthen the 800-Trabajo toll free telephone line for workers to bring complaints to the ministry by training a permanent staff to handle this compliant procedure.	Human resources																																																																																																																								
	2.1. Number of MTSS officials dedicated to the tasks of inspection and conciliation. (Indicate the number of inspectors found in single-person offices, the number of inspectors who visit places of work exclusively, and also the number of inspectors who carry out both inspection and conciliation, and the number of inspectors who perform other functions such as notification, advisory services, and customer service.)	• Between 2005 and 2010, the number of labor inspectors increased from 90 to 101, while conciliation personnel in the regional offices increased from 12 to 27 over the same period. This growth in personnel has permitted a gradual separation of the functions of inspection and conciliation, because in 2010 it was reported that only 9 inspectors performed both functions while, in 2005, the figure was 35 officials. • Even though personnel has increased, 7 of the 31 regional offices still have only one official, who must perform different types of functions, to the detriment of the tasks inherent in the profile for his post.³⁶ • The Labor Inspectorate administrative support personnel, responsible for office work, transport, cleaning and writ serving has also increased, rising from 19 staff in 2008 to 25 in 2010; this has freed up inspectors from having to perform those tasks.																																																																																																																							
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36. In its 2010 report on Convention 81 concerning Labor Inspection, the CEACR asked the Government "to take the necessary measures to ensure that labour inspectors spend most of their working time discharging their primary functions, as set out in Article 3, paragraph 1, of the Convention.

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	2.2. Number of training actions for inspectors and conciliators (number of officials trained and include, if available, the results of the participants' evaluation of the pertinent training events or programs).	Over the verification period, inspectors and conciliators took part in 9 training events, most of them related to inspection procedures and diverse management and computer tools. Training events for inspectors and conciliators. Period August-December 2010. <table><tr><th>Topic</th><th>Date</th><th>Duration</th><th>Participants</th></tr><tr><td>Course on basic aspects of occupational health and safety in the agricultural sector for labor inspectors</td><td>September 1 to October 8, 2010</td><td>120 hours</td><td>23</td></tr><tr><td>Seminar-workshop: zero-base budgeting</td><td>October 14 to 26, 2010</td><td>16 hours</td><td>1</td></tr><tr><td>Inspection workshop on the minimum wage campaign</td><td>October 23, 2010</td><td>8 hours</td><td>56</td></tr><tr><td>Seminar-workshop: preparation, implementation and control of procedures manuals</td><td>October 27 to December 1, 2010</td><td>40 hours</td><td>2</td></tr><tr><td>Seminar-workshop: management by competences and development of strengths</td><td>November 1 and 2, 2010</td><td>16 hours</td><td>6</td></tr><tr><td>Workshop to design, revise and approve the General Inspection Protocol</td><td>November 9, 2010</td><td>8 hours</td><td>12</td></tr><tr><td>Talk on the successful inspection experiences of Argentina</td><td>November 10, 2010</td><td>4 hours</td><td>17</td></tr><tr><td>Course on Word 2007</td><td>As of November 10, 2010</td><td>32 hours</td><td>7</td></tr><tr><td>Basic course on the Internet</td><td>December 8, 2010</td><td>16 hours</td><td>7</td></tr><tr><td>Tools for improving teamwork</td><td>November 17 to December 9</td><td>12 hours</td><td>8</td></tr><tr><td>Total</td><td></td><td>260 hours</td><td>131</td></tr></table>	Topic	Date	Duration	Participants	Course on basic aspects of occupational health and safety in the agricultural sector for labor inspectors	September 1 to October 8, 2010	120 hours	23	Seminar-workshop: zero-base budgeting	October 14 to 26, 2010	16 hours	1	Inspection workshop on the minimum wage campaign	October 23, 2010	8 hours	56	Seminar-workshop: preparation, implementation and control of procedures manuals	October 27 to December 1, 2010	40 hours	2	Seminar-workshop: management by competences and development of strengths	November 1 and 2, 2010	16 hours	6	Workshop to design, revise and approve the General Inspection Protocol	November 9, 2010	8 hours	12	Talk on the successful inspection experiences of Argentina	November 10, 2010	4 hours	17	Course on Word 2007	As of November 10, 2010	32 hours	7	Basic course on the Internet	December 8, 2010	16 hours	7	Tools for improving teamwork	November 17 to December 9	12 hours	8	Total		260 hours	131
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	2.3. Number of inspections (ex officio, by complaint, re-inspections) and number of cases sanctioned. Include details of inspections according to the size and sector to which the companies inspected belong.	- In 2010, the number of inspections made by the MTSS increased by more than 2,000 compared to the previous year and doubled in relation to 2007 and 2008. 87% of all inspections were made ex officio and almost half the inspections (47%) received a second visit or re-inspection by the MTSS. Number of inspections and violations. Period 2005 – 2010. <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009*</th><th>2010</th></tr><tr><td>Inspections based on complaint</td><td>2,118</td><td>1,584</td><td>1,692</td><td>1,799</td><td>1,305</td><td>1,201</td></tr><tr><td>Inspections ex officio**</td><td>4,126</td><td>3,481</td><td>2,836</td><td>3,200</td><td>6,110</td><td>8,311</td></tr><tr><td>Inspections</td><td>6,244</td><td>5,065</td><td>4,528</td><td>4,999</td><td>7,415</td><td>9,512</td></tr><tr><td>Special visits/others***</td><td>473</td><td>823</td><td>2,065</td><td>3,674</td><td>639</td><td>391</td></tr><tr><td>Re-inspections</td><td>4,525</td><td>4,080</td><td>3,346</td><td>3,652</td><td>4,061</td><td>4,493</td></tr><tr><td>Total visits</td><td>11,242</td><td>9,968</td><td>10,332****</td><td>12,325</td><td>11,476</td><td>14,396</td></tr><tr><td>% of inspections ex officio *****</td><td>66%</td><td>68,7%</td><td>62,6%</td><td>64%</td><td>85%</td><td>87%</td></tr><tr><td>Violations</td><td>5,052</td><td>n.d.</td><td>3,776</td><td>n.d.</td><td>n.d.</td><td>n.d.</td></tr><tr><td>Workers covered by the inspections</td><td>108,592</td><td>90,487</td><td>86,215</td><td>80,657</td><td>87,521</td><td>77,329</td></tr></table> * The 2009 data varies in relation to that published in the Verification Report February–July 2010 because MTSS cleansed its database. ** For 2009 and 2010, “inspections ex officio” include special visits to review payment of the Christmas bonus; in previous years, these had been classified as special visits. *** Most of the special visits correspond to ensuring payment of the Christmas bonus. **** For 383 visits, there is no information is available on the type of visits made; hence the numbers do not coincide. ***** Calculated based on the total number of inspections and not the total number of visits. Source: MTSS. National Inspection Directorate. April 2011. - According to MTSS data, from 70% to 75% of inspections are made in companies with from 1 to 5 workers, 10% in companies with 6 to 10 workers, 7% in companies with 11 to 25 workers, and 5% in companies with more than 26 workers.³⁷ - Although the MTSS changed the way it classified companies in 2010, the tendency persists to inspect companies with few workers. 73.1% of inspections are made in micro-companies (1 to 5 workers), 22.7% in small-sized companies (6 to 30 workers), 3.9% in medium-sized companies (31 to 100 workers) and 1.40% in large companies with more than 100 workers.	Year	2005	2006	2007	2008	2009*	2010	Inspections based on complaint	2,118	1,584	1,692	1,799	1,305	1,201	Inspections ex officio**	4,126	3,481	2,836	3,200	6,110	8,311	Inspections	6,244	5,065	4,528	4,999	7,415	9,512	Special visits/others***	473	823	2,065	3,674	639	391	Re-inspections	4,525	4,080	3,346	3,652	4,061	4,493	Total visits	11,242	9,968	10,332****	12,325	11,476	14,396	% of inspections ex officio *****	66%	68,7%	62,6%	64%	85%	87%	Violations	5,052	n.d.	3,776	n.d.	n.d.	n.d.	Workers covered by the inspections	108,592	90,487	86,215	80,657	87,521	77,329
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37. See 2009 Report on Inspections, of the Investigation and Management Quality Unit of the MTSS National Labor Inspection Directorate. November 2010.

Challenges and recommendations	Indicators	August - December 2010																												
	2.4. Ratio of inspectors / working population	• The ratio of inspectors to the working population improved over the last year, decreasing from 20,205 members of the working population for each inspector to 18,833. This improvement is based on two factors: on the one hand, the increase in the number of inspectors (from 93 in 2009 to 101 in 2010) and, on the other, the reduction in the working population, determined based on a change in the methodology used by the National Statistics and Censuses Institute (INEC) to conduct the National Household Survey.³⁸ Ratio of inspectors to the working population. Period 2005 – 2010. <table><tr><th>Years</th><th>Working population</th><th>Number of inspectors</th><th>Ratio</th></tr><tr><td>2005</td><td>1,776,903</td><td>90</td><td>19,743</td></tr><tr><td>2006</td><td>1,829,928</td><td>90</td><td>20,332</td></tr><tr><td>2007</td><td>1,925,652</td><td>88</td><td>21,882</td></tr><tr><td>2008</td><td>1,957,708</td><td>90</td><td>21,752</td></tr><tr><td>2009*</td><td>1,879,058</td><td>93</td><td>20,205</td></tr><tr><td>2010*</td><td>1,902,164</td><td>101</td><td>18,833</td></tr></table> * The new National Household Survey (ENAHQ) substitutes the Multi-purpose Household Surveys (EHPM), which was implemented continuously from 1976 to 2009. The 2009 data were re-calculated based on the methodology used in 2010, so that they differ from those published in the Verification Report for the period February–July 2010. Source: Prepared by the authors based on data from the Multi-purpose Household Surveys, 2005, 2006, 2007, 2008, 2009; the INEC National Household Survey 2010; statistics of the National Inspection Directorate. April 2011.	Years	Working population	Number of inspectors	Ratio	2005	1,776,903	90	19,743	2006	1,829,928	90	20,332	2007	1,925,652	88	21,882	2008	1,957,708	90	21,752	2009*	1,879,058	93	20,205	2010*	1,902,164	101	18,833
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	2.5. Percentage of the working population covered by inspections.	• Over the last 5 years, the percentage of workers covered by inspections has been less than 5% of the working population and a downward trend can be seen in the number of workers covered by inspections: from 108,592 in 2005 to 77,329 in 2010. Percentage of the population covered by inspections. Period 2005 – 2010. <table><tr><th>Years</th><th>Population employed</th><th>Workers covered by inspections</th><th>Percentage</th></tr><tr><td>2005</td><td>1,776,903</td><td>108,592</td><td>6.11%</td></tr><tr><td>2006</td><td>1,829,928</td><td>90,487</td><td>4.94%</td></tr><tr><td>2007</td><td>1,925,652</td><td>86,215</td><td>4.47%</td></tr><tr><td>2008</td><td>1,957,708</td><td>80,657</td><td>4.12%</td></tr><tr><td>2009*</td><td>1,879,058</td><td>87,521</td><td>4.66%</td></tr><tr><td>2010*</td><td>1,902,164</td><td>77,329</td><td>4.07%</td></tr></table> * The new National Household Survey (ENAHQ) substitutes the Multi-purpose Household Surveys (EHPM), which was implemented continuously from 1976 to 2009. The 2009 data were re-calculated based on the methodology used in 2010, so that they differ from those published in the Verification Report for the period February–July 2010. Source: Prepared by the authors based on data from the Multi-purpose Household Surveys, 2005, 2006, 2007, 2008, 2009; the INEC National Household Survey 2010; statistics of the National Inspection Directorate. April 2011.	Years	Population employed	Workers covered by inspections	Percentage	2005	1,776,903	108,592	6.11%	2006	1,829,928	90,487	4.94%	2007	1,925,652	86,215	4.47%	2008	1,957,708	80,657	4.12%	2009*	1,879,058	87,521	4.66%	2010*	1,902,164	77,329	4.07%
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38. The new National Household Survey includes has been updated as follows: (a) the use of a more recent sampling framework of houses and a new samplings design; (b) the use of the latest population projections to determine expansion factors and the formula for calculating this factor; and (c) a change in the age limit of the "Population of working age," which was increased from 12 to 15 years.

Challenges and recommendations	Indicators	August - December 2010																																																																													
	2.6. Number of requests for conciliation and number of cases resolved by individual and collective conciliation.	• The MTSS merged the individual conciliation service provided in the central offices and in the regional offices under the Labor Relations Department so that, as of April 2010, the statistics on individual conciliation in the different offices has been merged. In addition, the MTSS Alternative Dispute Resolution (ADR) Center still keeps its statistics separately from the Labor Relations Department, although both units offer the same service and form part of the Labor Affairs Directorate. • For the purposes of the White Paper verification, the data of both services has been added together for the period 2005–2010. It is important to point out that, for the period 2005–2009, and even the first quarter of 2010, the information was underestimated, because there is no information of the conciliations carried out in the regional offices. In this regard, the yearly data are not comparable, especially in the case of 2010 in relation to the previous years. • In 2010, the MTSS received 11,302 requests for individual conciliation, of which 44% had a conciliation hearing. Of the 5,007 hearings held, an agreement between the parties was achieved in 7 of every 10 cases. In the 6,295 cases in which a conciliation hearing was not held, 64% was due to the failure of the employer to attend the hearing. • The amount mobilized by the conciliation agreements of both MTSS services for 2010 was 3,674 million colones. MTSS individual conciliation service. Period 2005 – 2010. <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010*</th></tr><tr><td>With agreement</td><td>,</td><td>2,328</td><td>1,353</td><td>1,301</td><td>1,668</td><td>3,494</td></tr><tr><td>Without agreement</td><td>732</td><td>517</td><td>711</td><td>575</td><td>1537</td><td>1,513</td></tr><tr><td>Total hearings</td><td>1,960</td><td>2,845</td><td>2,064</td><td>1,876</td><td>3,205</td><td>5,007</td></tr><tr><td>Withdrawn</td><td>873</td><td>643</td><td>419</td><td>607</td><td>839</td><td>2,267</td></tr><tr><td>Non-presentation of employer</td><td>1,505</td><td>1,427</td><td>1,359</td><td>1,576</td><td>2,273</td><td>4,028</td></tr><tr><td>Total requests</td><td>4,338</td><td>4,915</td><td>3,842</td><td>4,059</td><td>6,317</td><td>11,302</td></tr><tr><td>Percentage of cases conciliated in relation to requests**</td><td>62.7%</td><td>81.8%</td><td>65.6%</td><td>69.3%</td><td>52.0%</td><td>69.8%</td></tr><tr><td>Effectiveness of the conciliation hearings***</td><td>28.3%</td><td>47.4%</td><td>35.2%</td><td>32.1%</td><td>26.4%</td><td>30.9%</td></tr><tr><td>Amount made available by agreements/millions of colones</td><td>470</td><td>1,088</td><td>1,489</td><td>1,570</td><td>2,001</td><td>3,674</td></tr><tr><td>Severance pay calculations & labor consultations</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>30,181</td><td>40,160</td><td>48,633</td></tr></table> * The data for 2010 corresponds to the conciliation actions carried out by the central office of the Labor Relations Department and the conciliations in the regional offices as of April 2010. For previous years, we have added the conciliations of the ADR Center and of the MTSS central office, because there were no records of the actions taken by the regional offices. ** Calculation made as follows: Total Agreements / Total requests *** Calculation made as follows: Total Agreements / Total hearings. Source: Prepared by the authors based on data provided by the MTSS ADR Center and the Labor Relations Department for the period 2005 – 2009. The data for 2010 were provided by the MTSS Labor Relations Department of the MTSS, April 2011.	Year	2005	2006	2007	2008	2009	2010*	With agreement	,	2,328	1,353	1,301	1,668	3,494	Without agreement	732	517	711	575	1537	1,513	Total hearings	1,960	2,845	2,064	1,876	3,205	5,007	Withdrawn	873	643	419	607	839	2,267	Non-presentation of employer	1,505	1,427	1,359	1,576	2,273	4,028	Total requests	4,338	4,915	3,842	4,059	6,317	11,302	Percentage of cases conciliated in relation to requests**	62.7%	81.8%	65.6%	69.3%	52.0%	69.8%	Effectiveness of the conciliation hearings***	28.3%	47.4%	35.2%	32.1%	26.4%	30.9%	Amount made available by agreements/millions of colones	470	1,088	1,489	1,570	2,001	3,674	Severance pay calculations & labor consultations	n.d.	n.d.	n.d.	30,181	40,160	48,633
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Challenges and recommendations	Indicators	August - December 2010																																																	
		• The Labor Relations Department is also responsible for the negotiation and conciliation of collective disputes. In 2010, 400 collective bargaining meetings were held; 17 workers' committees were established to review internal work regulations, 9 collective agreements were received and 12 were approved, while, regarding direct arrangements, 41 were received and 44 approved. Other services provided by the MTSS Labor Relations Department. Period 2005 –2010. <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Collective bargaining meetings</td><td>369</td><td>486</td><td>510</td><td>329</td><td>358</td><td>400</td></tr><tr><td>Forming worker committees to review labor regulations</td><td>23</td><td>14</td><td>22</td><td>23</td><td>17</td><td>17</td></tr><tr><td>Collective conventions received</td><td>15</td><td>11</td><td>9</td><td>9</td><td>14</td><td>9</td></tr><tr><td>Collective conventions approved</td><td>14</td><td>11</td><td>9</td><td>6</td><td>9</td><td>12</td></tr><tr><td>Direct arrangements received</td><td>32</td><td>75</td><td>52</td><td>39</td><td>68</td><td>41</td></tr><tr><td>Direct arrangements approved</td><td>30</td><td>20</td><td>25</td><td>35</td><td>59</td><td>44</td></tr></table> Source: Labor Relations Department, MTSS. April 2011.	Year	2005	2006	2007	2008	2009	2010	Collective bargaining meetings	369	486	510	329	358	400	Forming worker committees to review labor regulations	23	14	22	23	17	17	Collective conventions received	15	11	9	9	14	9	Collective conventions approved	14	11	9	6	9	12	Direct arrangements received	32	75	52	39	68	41	Direct arrangements approved	30	20	25	35	59	44
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	Infrastructure and equipment																																																		
	2.7. Number, type and amount of the budget for improvements in infrastructure, information technology, vehicles and training in inspection and conciliation case management. (Disaggregate the information by inspection or conciliation service and indicate the amount of the institutional budget allocated to the maintenance of these items).	• In the area of information technology for inspection and conciliation, the MTSS reported that it had taken the following measures during this period: - At December 2010 it had connected 31 of the 32 regional offices to the Internet. The only connection pending was with the Siquirres office.³⁹ - The automated inspection case management system, which was started with a pilot project in the Cartago office, is used by all inspection officials. All the inspectors were trained in its use and it can be accessed from the MTSS offices, or from other places in the case of the Siquirres office. - A specific web site was designed and uploaded for the Labor Inspectorate (www.mtssinspeccion.go.cr).⁴⁰ - The process of designing and implementing the MTSS web site was started, in order to create a virtual platform that expedites user procedures and inquiries. On December 21, 2010, a first version of the new institutional web site was made available (www.mtss.go.cr).⁴¹ • As regards the computers available for inspection and conciliation work, during the second half of 2010, the MTSS provided the National Inspection Directorate and the regional offices with 37 computers. At December 2010, 207 computers were available for inspection and conciliation; of these, 6 were laptops, one for each regional office.																																																	

39. With the support of the Cumple y Gana project.

40. Idem.

41. With the support of the ILO/Verification Project.

Challenges and recommendations

Indicators

August - December 2010

Number of computers available in MTSS offices. Period 2007 – 2010.

MTSS Offices*	Computers					Total
	Existing	New	New	New	Obsolete	
	2007	2008	2009	2010	2010	
DNI (Central Offices)	14	1	11	3	8	21
Central Region	21	1	12	20	4	50
North Huertar Region	13	3	6	12	0	34
Atlantic Region	12	1	6	7	5	21
Central Pacific	13	1	3	7	4	20
Brunca Region	10	1	3	6	0	20
Chorotega Region	9	2	2	6	0	19
Labor Relations Department	11	5	3	3	7	15
ADR Center	5	2	0	0	0	7
TOTAL	108	17	46	64	28	207

Source: MTSS, DNI, Labor Relations and ADR Center. April 2011.

- In 2010, the number of vehicles assigned to inspection tasks increased by 11, from 11 to 22 units. Of these vehicles, 17 form part of the National Inspection Directorate's own fleet, while 5 are cars ceded by the MTSS to support the Minimum Wage Campaign underway since August 2010.
- Of the 17 Inspection vehicles, 6 are assigned to the Central Region, 3 to the Central Pacific Region, 2 to the Chorotega Region, 2 to the Brunca Region, 1 to the Atlantic Region, 1 to the North Huertar Region, and 2 to the National Inspection Directorate.

Number of MTSS vehicles for the Labor Inspectorate's use. Period 2007 – 2010.

MTSS vehicles*	2007		2008		2009		2010	
	Good condition	Obsolete	Good condition	Obsolete	Good condition	Obsolete	Good condition	Obsolete
Total vehicles	32	6	33	6	31	8	43	10
MTSS	27	6	32	6	31	8	43	10
Agreement, INS	4	0	0	0	0	0	0	0
Agreement, INAMU	1	0	1	0	0	0	0	0
Motorcycles	1	4	0	3	0	2	0	3
Cars for exclusive use of Labor Inspectorate	12	0	13	2	11	2	22**	2
MTSS	8	0	13	0	11	2	17	0
Agreement, INS	4	0	0	0	0	0	0	0
Motorcycles for exclusive use of Labor Inspectorate	0	4	0	3	0	2	0	0

* Obsolete vehicles are those that were assigned to inspection work, but are now in poor condition and, therefore, cannot be used to comply with regular functions.

** Includes 5 vehicles that MTSS has assigned to the Minimum Wages Campaign, and although they have been available for the Labor Inspectorate, they do not form part of this office's fleet of vehicles.

Source: MTSS, Transport Department. April 2011.

Challenges and recommendations	Indicators	August - December 2010																															
	Call Center to respond to consultations																																
	2.8. Status of implementation of the service (installation, operation, quality of the service, number of officials trained to operate the service, number of officials who operate the service, operating budget available for the operation of the service and number of calls handled by the service).	- As of May 2010, the MTSS call center expanded its hours of attending labor inquiries s by 2 hours (from 7 am to 5 pm), throughout the verification period. In addition, the staff was increased from 2 officials to 6.⁴² - Between January and December 2010, MTSS responded to a total of 47,465 consultations via the phone line: 800-TRABAJO, an increase of 18% compared to the previous year. Number of calls handled Period 2008 – 2010. <table><tr><th>Year/Quarter</th><th>Calls handled</th></tr><tr><td>2008</td><td>35,159</td></tr><tr><td>January – March</td><td>2,405</td></tr><tr><td>April – June</td><td>11,952</td></tr><tr><td>July – September</td><td>15,335</td></tr><tr><td>October - December</td><td>5,467</td></tr><tr><td>2009</td><td>40,160</td></tr><tr><td>January – March</td><td>9,999</td></tr><tr><td>April – June</td><td>10,738</td></tr><tr><td>July – September</td><td>12,552</td></tr><tr><td>October - December</td><td>8,670</td></tr><tr><td>2010</td><td>47,465</td></tr><tr><td>January – March</td><td>7,255</td></tr><tr><td>April – June</td><td>10,675</td></tr><tr><td>July – September</td><td>12,086</td></tr><tr><td>October - December</td><td>17,449</td></tr></table> Source: MTSS, Labor Relations Department. April 2011.	Year/Quarter	Calls handled	2008	35,159	January – March	2,405	April – June	11,952	July – September	15,335	October - December	5,467	2009	40,160	January – March	9,999	April – June	10,738	July – September	12,552	October - December	8,670	2010	47,465	January – March	7,255	April – June	10,675	July – September	12,086	October - December
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2. Regional recommendations																																	
- Increase resources for key compliance functions, including inspectorates, and mediation and conciliation services. - Improve training of compliance personnel. - Improve infrastructure, information technology and	Core budget of the Labor Ministry																																
	2.9 Amount of the annual budget of the Labor Ministry.	- The MTSS budget is defined based on 5 programs: 729 central activities; 731 employment; 732 development and social security; 734 pensions and retirement benefits, and 735 miscellaneous transfers and contributions. Activities can be differentiated in the initial budget, but not in the modified and executed budget. - For the purposes of the verification process, only genuine labor-related activities are relevant; consequently, the following programs are included in this monitoring process: - Program 729 ‘central activities’: which includes technical and support services for the substantive																															

42. See MTSS Note OM-383-2011.

Challenges and recommendations	Indicators	August - December 2010
case management capacity. • Reorganize operations of labor ministries to effectively focus on key priorities. • Enhance or establish where necessary offices focused on women's workplace issues and child labor. • Enhance or establish offices where necessary of special advocates for worker rights who can further assist workers and employers on effective compliance with labor laws. • Institutionalize improved enforcement procedures and initiatives focused on high priority concerns such as the dismissal of workers for legitimate trade union activities and gender discrimination, including any illegal pregnancy testing.		areas of MTSS; legal services; information on the labor market; auditing services and investigations actions; training and dissemination with a gender perspective. - Program 731 'employment issues: which includes monitoring labor law and the workplace conditions and environment; labor matters (including alternative dispute resolution); and minimum wages. - Program 732 'development and social security': includes 4 activities: (i) special protection for workers (also 'development and social security'); (ii) management and administration of the Social Development and Family Allowances Fund (FODESAF); (iii) labor intermediation (and negotiating employment); and (iv) support for micro and small-size enterprise. Since MTSS does not monitor the budget at the activities level, we are taking into consideration the total amount of the program, even though the activities of management and administration of FODESAF and support for micro and small-sized enterprise are not really considered to be of a labor-related nature. In the initial budget, these two activities represent from 13.9% to 22.4% (2007 and 2008 respectively). However, in 2009, 2,625 million colones had to be excluded from program 732 'development and social security' because it corresponded to transfers unrelated to labor (1,500 million to the PRONAMYPE trust; 330 million for transfers to non-profit organizations, and 795 million for capital transfers to this type of organization). • The following table shows the initial MTSS budget by program, including both the budget items subject to verification and those excluded. The 167% increase in the total MTSS initial budget between 2009 and 2010 should be noted; this is due to an increased allocation for transfer programs and not for labor-related activities, whose budget grew by only 35%. In 2009, the budget subject to verification represented 10.5% of the total MTSS budget while, in 2010, it represents 5.3%.

Challenges and recommendations	Indicators	August - December 2010																																																																																																		
		MTSS initial budget subject to verification, by program (in millions of colones). Period 2005-2010. <table><tr><th>Programs</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Total MTSS budget</td><td>38,490</td><td>24,530</td><td>50,998</td><td>68,006</td><td>92,300</td><td>246,686</td></tr><tr><td colspan="7">Programs included for effects of verification:</td></tr><tr><td>729 central activities*</td><td>1,535</td><td>1,717</td><td>2,269</td><td>3,302</td><td>3,747</td><td>4,298</td></tr><tr><td>731 employment</td><td>1,512</td><td>1,651</td><td>1,942</td><td>2,110</td><td>3,437</td><td>4,298</td></tr><tr><td>732 development & social security**</td><td>973</td><td>1,282</td><td>1,440</td><td>2,058</td><td>2,478</td><td>4,425</td></tr><tr><td>Total for effects of verification</td><td>4,020</td><td>4,651</td><td>5,651</td><td>7,470</td><td>9,662</td><td>13,021</td></tr><tr><td colspan="7">Programs not included for effects of verification:</td></tr><tr><td>734 pensions & retirement payments</td><td>577</td><td>651</td><td>737</td><td>1,242</td><td>1,253</td><td>1,509</td></tr><tr><td>735 misc. transfers & contributions</td><td>33,893</td><td>19,228</td><td>44,610</td><td>0</td><td>0</td><td>0</td></tr><tr><td colspan="7">Current transfers and capital</td></tr><tr><td>729 central activities*</td><td>0</td><td>0</td><td>0</td><td>59,294</td><td>78,760</td><td>230,330</td></tr><tr><td>732 development & social security**</td><td>0</td><td>0</td><td>0</td><td>0</td><td>2,625</td><td>1,827</td></tr><tr><td>Total excluded from verification</td><td>34,470</td><td>19,879</td><td>45,347</td><td>60,537</td><td>82,638</td><td>233,665</td></tr></table> * In 2008, 2009 and 2010, the total amount of regular and capital transfers included in the program has been excluded, and now becomes part of the amount excluded from the verification process. ** In 2009, 2,625,000,000 colones was excluded from the budget for the effects of the verification; of this 1,500 million of this corresponded to transfers to the PRONAMYPE trust, 330 million to regular transfers to non-profit organizations, and 795 million to capital transfers to this type of organization. In 2010, 1,826,500,000 colones (1,000 million of this corresponds corresponded to transfers to the PRONAMYPE trust , 132 million to regular transfers to non-profit organizations, and 694 million to capital transfers to this type of organization). Source: Prepared by the authors based on the Budget Laws for 2005, 2006, 2007, 2008, 2009 and 2010. April 2011. • The budget subject to verification has grown constantly since 2005, in both current and real terms. In 2010, the current growth of the initial budget and also of the modified and executed budget, was over 30% compared to 2009 while, in real terms, it exceeded 25%.	Programs	2005	2006	2007	2008	2009	2010	Total MTSS budget	38,490	24,530	50,998	68,006	92,300	246,686	Programs included for effects of verification:							729 central activities*	1,535	1,717	2,269	3,302	3,747	4,298	731 employment	1,512	1,651	1,942	2,110	3,437	4,298	732 development & social security**	973	1,282	1,440	2,058	2,478	4,425	Total for effects of verification	4,020	4,651	5,651	7,470	9,662	13,021	Programs not included for effects of verification:							734 pensions & retirement payments	577	651	737	1,242	1,253	1,509	735 misc. transfers & contributions	33,893	19,228	44,610	0	0	0	Current transfers and capital							729 central activities*	0	0	0	59,294	78,760	230,330	732 development & social security**	0	0	0	0	2,625	1,827	Total excluded from verification	34,470	19,879	45,347	60,537	82,638	233,665
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		Annual MTSS budget subject to verification and its rates of growth. Period 2005–2010. <table><tr><th colspan="4">Initial budget</th><th colspan="3">Modified budget</th><th colspan="3">Executed budget</th></tr><tr><th rowspan="2">Year</th><th rowspan="2">million colones</th><th colspan="2">% annual increase</th><th rowspan="2">million colones</th><th colspan="2">% annual increase</th><th rowspan="2">million colones</th><th colspan="2">% annual increase</th></tr><tr><th>current</th><th>real*</th><th>current</th><th>real*</th><th>current</th><th>real*</th></tr><tr><td>2005</td><td>4,020</td><td>-</td><td>-</td><td>3,979</td><td>-</td><td>-</td><td>3,792</td><td>-</td><td>-</td></tr><tr><td>2006</td><td>4,651</td><td>15.7</td><td>3.8</td><td>4,649</td><td>16.8</td><td>4.8</td><td>4,152</td><td>9.5</td><td>-1.8</td></tr><tr><td>2007</td><td>5,651</td><td>21.5</td><td>11.1</td><td>5,674</td><td>22.1</td><td>11.6</td><td>5,170</td><td>24.5</td><td>13.9</td></tr><tr><td>2008</td><td>7,470</td><td>32.2</td><td>16.5</td><td>7,834</td><td>38.1</td><td>21.7</td><td>6,968</td><td>34.8</td><td>18.8</td></tr><tr><td>2009</td><td>9,662</td><td>29.4</td><td>19.9</td><td>9,347</td><td>19.3</td><td>10.6</td><td>8,361</td><td>20.0</td><td>11.3</td></tr><tr><td>2010</td><td>13,021</td><td>34.8</td><td>27.5</td><td>12,543</td><td>34.2</td><td>27.0</td><td>11,078</td><td>32.5</td><td>25.4</td></tr></table> * To calculate this increase, the inflation measured by the Consumer Price Index (base July 2006) is subtracted, using for each year the average annual index, based on data from the Costa Rican Central Bank (BCCR) from the National Statistics and Censuses Institute (INEC). Source: Prepared by the authors based on data provided by the MTSS Financial Department based on the Integrated Financial Administration Management System (SIGAF). April 2011. • As can be seen from the following table, the percentage of MTSS budget execution over the last two years has been less than 90%, which indicates that obstacles persist in the process of allocating and using the funds assigned to the institution. Percentage of execution of the MTSS annual budget subject to verification. Period 2005 – 2010. <table><tr><th>Budget</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>- Executed in relation to initial</td><td>94.3</td><td>89.3</td><td>91.5</td><td>93.3</td><td>86.5</td><td>85.1</td></tr><tr><td>- Executed in relation to modified</td><td>95.3</td><td>89.3</td><td>91.1</td><td>88.9</td><td>89.4</td><td>88.3</td></tr></table> Source: Prepared by the authors based on date provided by the MTSS Financial Directorate from the Integrated Financial Administration Management System (SIGAF). April 2011.	Initial budget				Modified budget			Executed budget			Year	million colones	% annual increase		million colones	% annual increase		million colones	% annual increase		current	real*	current	real*	current	real*	2005	4,020	-	-	3,979	-	-	3,792	-	-	2006	4,651	15.7	3.8	4,649	16.8	4.8	4,152	9.5	-1.8	2007	5,651	21.5	11.1	5,674	22.1	11.6	5,170	24.5	13.9	2008	7,470	32.2	16.5	7,834	38.1	21.7	6,968	34.8	18.8	2009	9,662	29.4	19.9	9,347	19.3	10.6	8,361	20.0	11.3	2010	13,021	34.8	27.5	12,543	34.2	27.0	11,078	32.5	25.4	Budget	2005	2006	2007	2008	2009	2010	- Executed in relation to initial	94.3	89.3	91.5	93.3	86.5	85.1	- Executed in relation to modified	95.3	89.3	91.1	88.9	89.4	88.3
Initial budget				Modified budget			Executed budget																																																																																																						
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	2.10. Percentage of annual budget dedicated to ensuring compliance with labor laws.	• The budget for the application of labor law includes all the Program 731 activities (Inspection, Employment, and Minimum Wages) and, since 2005, has revealed sustained growth in current and real terms (with some exceptions, in 2006 and 2008). In 2010, the current growth was in excess of 25% in relation to the previous year, and in real terms it remained around 20%.																																																																																																											

**MTSS budget for the application of labor law and its rates of growth (colones and percentages).
Period 2005 – 2010**

Year	Initial budget			Modified budget			Executed budget		
	million colones	% annual increase		million colones	% annual increase		million colones	% annual increase	
		current	real*		current	real*		current	real*
2005	1,512	-	-	1,495	-	-	1,429	-	-
2006	1,651	9.2	-2.0	1,647	10.2	-1.2	1,601	12.1	0.5
2007	1,942	17.6	7.5	1,965	19.3	9.1	1,794	12.1	2.5
2008	2,110	8.7	-4.2	2,264	15.2	1.6	2,127	18.6	4.5
2009	3,437	62.9	51.0	3,380	49.3	38.4	3,017	41.8	31.5
2010	4,298	25.1	18.4	4,253	25.8	19.1	3,884	28.7	21.8

* To calculate this increase, the inflation measured by the Consumer Price Index (base July 2006) was subtracted, using for each year the average annual index. Source: Prepared by the authors based on data provided by the MTSS Financial Department based on the Integrated Financial Administration Management System (SIGAF). April 2011.

- Over the last 6 years, this budget for the application of labor laws has represented more than one-third of the institutional budget subject to verification, with the exception of 2008, when it was 28%. In 2010, the executed budget for the application of labor laws was 33% in relation to the initial MTSS budget and its relative importance increased to 35.1% in relation to the budget executed by the institution.

Percentage of the budget dedicated to the application of labor law in relation to the MTSS institutional budget subject to verification. Period 2005 – 2010.

Budget	2005	2006	2007	2008	2009	2010
- Initial in relation to initial	37.6	35.5	34.4	28.2	35.6	33.0
- Executed in relation to executed	37.7	38.6	34.7	30.5	36.1	35.1

* The data on the percentage of executed in relation to executed for 2006 to 2009 varies in relation to the previous Verification Reports because those reports erroneously included the percentage of the executed budget in relation to the modified budget.

Source: Prepared by the authors based on data provided by the MTSS Financial Department based on the Integrated Financial Administration Management System (SIGAF). April, 2011.

2.11. Percentage of the MTSS budget in relation to the national budget.

- The MTSS institutional budget subject to verification increased from representing 0.17% of the National Budget in 2005 to 0.28% in 2010; this upward trend in the relative weight of the MTSS budget can be seen in both the initial and the executed budget.

Percentage of the MTSS institutional budget subject to verification in relation to the National Budget. Period 2005 – 2010.

Budget	2005	2006	2007	2008	2009	2010
- Initial in relation to initial	0.17	0.17	0.19	0.22	0.23	0.28
- Executed in relation to executed	0.17	0.15	0.18	0.21	0.22	0.24

Source: Prepared by the authors based on data provided by the MTSS Financial Department based on the Integrated Financial Administration Management System (SIGAF). April 2011

Challenges and recommendations	Indicators	August - December 2010
	Procedures for enforcement of labor laws 2.12. Number and type of actions to improve the procedures for applying labor legislation. Include: - Existence and approval of laws and regulations designed to improve the enforcement of labor laws. - Design of policies, plans, procedures and protocols. - Dissemination of policies, plans, procedures and protocols using manuals and training sessions. - Existence and operation of offices of labor lawyers or special defenders who provide additional support to workers and employers.	• The 2010–2015 MTSS Institutional Strategic Plan was endorsed by the Labor Minister's office on November 22, 2010. During November, the MTSS designed and printed the document.⁴³ • On December 14, 2010, the 2011–2014 National Development Plan was presented; it establishes as goals for the labor sector, the priorities of the MTSS Institutional Strategic Plan as regards the application of labor laws. The plan emphasizes the issues of promotion of a culture of compliance, inspection, and elimination of child labor. • The Strategic Inspection Plan was approved by the National Inspection Directorate at the end of 2010 and is pending official approval by the Minister's office.⁴⁴ • As part of the above plans, on August 9, 2010, the Minimum Wage Campaign started officially. The objectives of this initiative are to reduce the number of workers who fail to receive the minimum wage and to avoid vulnerable new workers from falling into a similar situation; to actively involve the employer and worker sectors in a national effort, and to avoid unfair competition and bring as many companies as possible into the formal sector. In addition to visits by the inspectors focused on this issue, the campaign has included the dissemination of information on the matter in different formats (including posters, flyers, web site, and inclusion of the issue in radio and television programs and in the press). According to MTSS data, of the 5,917 inspections focused on the issue of minimum wages, 1,146 detected non-compliance with the law. Of the re-inspections, 80% of the employers who had been warned complied with the MTSS indications. • A workshop was organized with the labor inspectors to analyze the labor investigation practices used by the MTSS in order to develop more effective protocols for labor inspection. The event was held on November 9 and 10, 2010, and allowed a draft protocol to be validated.⁴⁵ • A process was conducted to unify labor legal criteria, in order to create a compendium that allows MTSS officials to provide a homogeneous response to any legal matters they deal with. To do this, a committee was formed composed of officials from the Legal Affairs, Labor Affairs and Labor Inspectorate Directorates,⁴⁶ who prepared a compendium with at least 400 unified legal criteria. • Two protocols of procedures for collective bargaining, one on collective agreements and another on direct arrangements were drawn up. These protocols are pending a directive adopting them officially. • A working session was held with officials from the Legal Affairs, Labor Affairs and Labor Inspectorate Directorates in order to provide input to improve the automated system for the calculation of employment benefits offered on the web site: www.Leylaboral.com, which was developed to complement the calculation service that the MTSS offers to those who go to its offices.⁴⁷ • In August 2010 a pilot plan was initiated in the MTSS office in Cartago to design and implement a comprehensive management model for the labor administration system that, using innovative and efficient methodologies and tools, improves the population's access to the institutional services.⁴⁸ Between October and December an assessment was made of the region that this office handles, and the services it offers.

43. See Note OM-1249-2010 of November 22, 2010. The initiative was held with the support of the ILO/Verification Project.

44. With the support of the Cumple y Gana project

45. Idem.

46. Workshop to validate the compendium of labor legal criteria, November 17, 2010, 35 participants. With the support of the REAL-CARD project.

47. Session held on October 22, 2010, with the support of the Cumple y Gana project.

48. See Note OM-938-2010 of August 23, 2010. Initiative supported by the ILO/Verification Project.

3. Labor courts

To ensure an effective administration of labor justice for workers, the States should guarantee promptness in the proceedings, facilitate access to information and to the courts, provide legal assistance to the parties that require this, and ensure the aptness of the officials responsible for delivering justice. In this regard, the Judicial Branch should promote measures, in coordination with the other Branches of the State, to ensure that it has specialized labor courts throughout national territory; to offer a permanent training program on international conventions and current domestic legislation for judges and other labor justice administrators, and develop an efficient management model that includes systems that provide appropriate and timely information for decision-making.

The White Paper indicates that *“delays in labor court proceedings continue to be a concern”* due to the judicial backlog in labor courts, which explains the urgency expressed by the Judiciary and the Labor Ministry to pass the bill reforming labor procedures. Also, a need was identified for *“on-going training programs in national labor law and case law on international labor standards for Labor Ministry officials, labor judges and others involved in the administration of labor justice.”*⁴⁹ In addition, all the Governments undertook to increase resources destined to provide the Labor Courts with trained personnel, infrastructure and equipment to enable them to fully execute their functions.

Over the period August-December 2010, the bill to reform labor procedures (No. 15,990) was being processed by the Legislative Assembly. The Permanent Legal Affairs Committee issued a *“unanimous affirmative opinion”* retaining the differences indicated previously.

In 2010, it was recorded that 38,733 new labor cases were filed before the courts and 36,760 were concluded or decided, the highest figures since 2005. In 2009, the figures were 35,730 and 36,465 respectively. At December 31, 2009, 32,211 case files were active while, at the end of 2010, there were 37,116, which was 4,905 more than at the end of 2009, but less than the figure for 2005 (39,585). Of all the cases processed in 2010, 2,498 cases ended by judicial conciliation (8.4% of all cases settled, compared to 5.3% the previous year).

Other measures were adopted to reduce the case backlog, including assigning additional personnel, giving priority to the oldest matters, establishing performance standards for judges, signing an agreement to be able to access information on the National Electoral List; furthermore, a model for a virtual labor court was designed to be implement in the Second Judicial Circuit of San José, which will allow oral proceedings to be applied as well as “on line litigation.”

In addition, another court of first instance was created with single jurisdiction in labor matters, for a total of 15 courts, but the number of judges for these courts remained the same (57).

In the area of training, the Judiciary organized 7 training events, such as virtual forums, an interactive meeting, and workshops on prescription of labor violations and on oral proceedings; as well as the international workshop on labor law reported above. 171 agents of justice took part in these events.

The Judicial School prepared a proposal for an integral model to manage labor hearings for the judges and auxiliary personnel, and started to design the module on labor law violations.

49. The White Paper, p. 21.

In 2010, the budget dedicated to the labor jurisdiction grew by 11.5% compared to 2009. This represented 11.36% of the total executed budget in the Judiciary's Jurisdictional Area, which was less than in 2009 (13.25%), but more than in previous years

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Continue providing support to the Legislative Assembly to conclude the process of reforming the law on judicial proceedings in labor matters.
- Assess the judicial system's need for human and material resources in order to implement the eventual reform of labor procedures introducing oral proceedings.
- Continue trying to reach agreements within the CST that offer solutions to the issues that did not achieve consensus in the Legislative Assembly.
- Continue the coordination between the Judiciary, national academic establishments, and cooperation agencies in order to program adequate training for agents of justice on the new labor proceedings.
- Also continue coordinating training on international labor standards.
- Evaluate actions to reorganize the courts with jurisdiction in labor matters, in order to guide and expand those that offer results in terms of streamlining the process.
- Promote the collection and dissemination of case law on labor matters, in order to obtain conciliatory agreements that avoid an increase in judicial proceedings.
- Promote the consensus of the Judiciary, MTSS and representatives of employers and workers to achieve an adequate budget for the investments required in the labor jurisdiction.

Challenges and recommendations	Indicators	August - December 2010
I. Backlogs		
Challenge: - Delays in labor court proceedings continue to be a concern, despite recent increases in the number of judges to deal with labor matters and an increase in material resources for such courts. Recommendations: - Seek early action on a bill being prepared by the Ministry of Labor in coordination with the Supreme Court of Costa Rica, and with support from the ILO, to institute major reforms to the judicial process towards further reducing the backlog of cases. Complete technical review and consultation with major stakeholders and introduce in the Legislative Assembly in 2005. - In anticipation of the adoption of this legislation undertake the necessary training and a needs assessment for the proper implementation of the reforms.	Reform of labor procedures (the same as indicators I.3 to I.6)	
	3.1. Status of the draft bill in the current Legislative Assembly (commission reports, place on the agenda, position of the employer and worker sectors concerning the bill).	- The bill to reform labor procedures (No. 15,990) is being processed by the Legislative Assembly. - The bill was submitted to the plenary of the Legislature on August 31, 2010, and at the time of the final session that year, the bill was item 10 on the agenda of the bills waiting to receive their first reading.⁵⁰ - See Indicators I.3 to I.6 of this report.
	3.2. Number and type of promotional and lobbying activities to obtain approval of the bill.	
	3.3. Draft bill approved by the Legislative Assembly and published for execution.	
	3.4. Number and type of information and training actions relating to the newly approved law.	
	Situation of case backlog in the courts	
	3.5. Number of case files being processed and executed in the different entities.	- During 2010, 38,733 labor cases were filed⁵¹ in the different courts with jurisdiction in labor matters and 36,760 were concluded or decided; the highest figure recorded since 2005. Even though each year more cases have been concluded than the new ones filed, the number of pending files continues to grow. At December 31, 2009, the Judiciary was processing 28,256 labor cases and 3,955 with judgment being executed, for a total of 32,211 cases. - At the end of 2010, there were 32,614 labor files being processed and 4,502 being executed, for a total of 37,116 active files, 4,905 more than at the end of 2009, but less than the figure recorded in 2005 (39,585). - The increase in the active cases in 2010 was due to both the increase in the number of new cases in relation to 2009, and to the decline in the number of cases concluded, principally in the courts of first instance.

50. See Agenda, special session No. 004 of December 20, 2010.

51. Includes cases that are re-filed and judgments in execution.

Challenges and recommendations	Indicators	August - December 2010																																																																																																																																																																															
		Number of active files being processed and in execution, by type of court. Period 2005 – 2010.																																																																																																																																																																															
		<table><tr><th rowspan="2">Court</th><th rowspan="2">New cases*</th><th rowspan="2">Cases concluded</th><th colspan="3">Active**</th></tr><tr><th>In process</th><th>Execution</th><th>Total</th></tr><tr><td>Ist instance/major claims</td><td>10,940</td><td>9,774</td><td rowspan="2">29,397</td><td rowspan="2">4,537</td><td rowspan="2">33,924</td></tr><tr><td>Ist instance/minor claims</td><td>8,646</td><td>11,474</td></tr><tr><td>Labor courts</td><td>6,097</td><td>5,088</td><td>5,439</td><td>NA</td><td>5,439</td></tr><tr><td>Cassation Chamber</td><td>788</td><td>849</td><td>212</td><td>NA</td><td>212</td></tr><tr><td>Total to December 31, 2005</td><td>26,471</td><td>27,185</td><td>35,048</td><td>4,537</td><td>39,585</td></tr><tr><td>Ist instance/major claims</td><td>12,098</td><td>12,367</td><td rowspan="2">27,982</td><td rowspan="2">3,960</td><td rowspan="2">31,942</td></tr><tr><td>Ist instance/minor claims</td><td>8,698</td><td>10,609</td></tr><tr><td>Labor courts</td><td>4,533</td><td>6,694</td><td>3,309</td><td>NA</td><td>3,309</td></tr><tr><td>Cassation Chamber</td><td>1,040</td><td>970</td><td>282</td><td>NA</td><td>282</td></tr><tr><td>Total to December 31, 2006</td><td>26,369</td><td>30,640</td><td>31,573</td><td>3,960</td><td>35,533</td></tr><tr><td>Ist instance/major claims</td><td>13,658</td><td>13,208</td><td rowspan="2">26,675</td><td rowspan="2">4,518</td><td rowspan="2">31,193</td></tr><tr><td>Ist instance/minor claims</td><td>7,457</td><td>10,783</td></tr><tr><td>Labor courts</td><td>4,727</td><td>5,754</td><td>2,337</td><td>NA</td><td>2,337</td></tr><tr><td>Cassation Chamber</td><td>889</td><td>785</td><td>386</td><td>NA</td><td>386</td></tr><tr><td>Total to December 31, 2007</td><td>26,731</td><td>30,530</td><td>29,398</td><td>4,518</td><td>33,916</td></tr><tr><td>Ist instance/major claims</td><td>11,339</td><td>14,909</td><td rowspan="2">26,633</td><td rowspan="2">3,901</td><td rowspan="2">30,534</td></tr><tr><td>Ist instance/minor claims</td><td>10,648</td><td>10,243</td></tr><tr><td>Labor courts</td><td>4,843</td><td>5,327</td><td>1,889</td><td>NA</td><td>1,889</td></tr><tr><td>Cassation Chamber</td><td>920</td><td>850</td><td>457</td><td>NA</td><td>475</td></tr><tr><td>Total to December 31, 2008</td><td>27,750</td><td>31,329</td><td>28,979</td><td>3,901</td><td>32,880***</td></tr><tr><td>Ist instance/major claims</td><td>14,167</td><td>17,880</td><td rowspan="2">15,634</td><td rowspan="2">2,032</td><td rowspan="2">17,666</td></tr><tr><td>Ist instance/minor claims</td><td>14,905</td><td>12,269</td></tr><tr><td>Labor courts</td><td>5,534</td><td>5,269</td><td>2,202</td><td>NA</td><td>2,202</td></tr><tr><td>Cassation Chamber</td><td>1,124</td><td>1,047</td><td>552</td><td>NA</td><td>552</td></tr><tr><td>Total to December 31, 2009</td><td>35,730</td><td>36,465</td><td>28,256</td><td>3,955</td><td>32,211</td></tr><tr><td>Ist instance/major claims</td><td>16,887</td><td>15,428</td><td rowspan="2">20,111</td><td rowspan="2">1,882</td><td rowspan="2">21,993</td></tr><tr><td>Ist instance/minor claims</td><td>15,468</td><td>14,449</td></tr><tr><td>Labor courts****</td><td>5,353</td><td>5,513</td><td>2,106</td><td>NA</td><td>2,106</td></tr><tr><td>Cassation Chamber</td><td>1,025</td><td>1,370</td><td>207</td><td>NA</td><td>207</td></tr><tr><td>Total to December 31, 2010</td><td>38,733</td><td>36,760</td><td>32,614</td><td>4,502</td><td>37,116</td></tr></table>					Court	New cases*	Cases concluded	Active**			In process	Execution	Total	Ist instance/major claims	10,940	9,774	29,397	4,537	33,924	Ist instance/minor claims	8,646	11,474	Labor courts	6,097	5,088	5,439	NA	5,439	Cassation Chamber	788	849	212	NA	212	Total to December 31, 2005	26,471	27,185	35,048	4,537	39,585	Ist instance/major claims	12,098	12,367	27,982	3,960	31,942	Ist instance/minor claims	8,698	10,609	Labor courts	4,533	6,694	3,309	NA	3,309	Cassation Chamber	1,040	970	282	NA	282	Total to December 31, 2006	26,369	30,640	31,573	3,960	35,533	Ist instance/major claims	13,658	13,208	26,675	4,518	31,193	Ist instance/minor claims	7,457	10,783	Labor courts	4,727	5,754	2,337	NA	2,337	Cassation Chamber	889	785	386	NA	386	Total to December 31, 2007	26,731	30,530	29,398	4,518	33,916	Ist instance/major claims	11,339	14,909	26,633	3,901	30,534	Ist instance/minor claims	10,648	10,243	Labor courts	4,843	5,327	1,889	NA	1,889	Cassation Chamber	920	850	457	NA	475	Total to December 31, 2008	27,750	31,329	28,979	3,901	32,880***	Ist instance/major claims	14,167	17,880	15,634	2,032	17,666	Ist instance/minor claims	14,905	12,269	Labor courts	5,534	5,269	2,202	NA	2,202	Cassation Chamber	1,124	1,047	552	NA	552	Total to December 31, 2009	35,730	36,465	28,256	3,955	32,211	Ist instance/major claims	16,887	15,428	20,111	1,882	21,993	Ist instance/minor claims	15,468	14,449	Labor courts****	5,353	5,513	2,106	NA	2,106	Cassation Chamber	1,025	1,370	207	NA	207	Total to December 31, 2010	38,733	36,760	32,614	4,502	37,116
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Cassation Chamber	788	849	212	NA	212																																																																																																																																																																												
Total to December 31, 2005	26,471	27,185	35,048	4,537	39,585																																																																																																																																																																												
Ist instance/major claims	12,098	12,367	27,982	3,960	31,942																																																																																																																																																																												
Ist instance/minor claims	8,698	10,609																																																																																																																																																																															
Labor courts	4,533	6,694	3,309	NA	3,309																																																																																																																																																																												
Cassation Chamber	1,040	970	282	NA	282																																																																																																																																																																												
Total to December 31, 2006	26,369	30,640	31,573	3,960	35,533																																																																																																																																																																												
Ist instance/major claims	13,658	13,208	26,675	4,518	31,193																																																																																																																																																																												
Ist instance/minor claims	7,457	10,783																																																																																																																																																																															
Labor courts	4,727	5,754	2,337	NA	2,337																																																																																																																																																																												
Cassation Chamber	889	785	386	NA	386																																																																																																																																																																												
Total to December 31, 2007	26,731	30,530	29,398	4,518	33,916																																																																																																																																																																												
Ist instance/major claims	11,339	14,909	26,633	3,901	30,534																																																																																																																																																																												
Ist instance/minor claims	10,648	10,243																																																																																																																																																																															
Labor courts	4,843	5,327	1,889	NA	1,889																																																																																																																																																																												
Cassation Chamber	920	850	457	NA	475																																																																																																																																																																												
Total to December 31, 2008	27,750	31,329	28,979	3,901	32,880***																																																																																																																																																																												
Ist instance/major claims	14,167	17,880	15,634	2,032	17,666																																																																																																																																																																												
Ist instance/minor claims	14,905	12,269																																																																																																																																																																															
Labor courts	5,534	5,269	2,202	NA	2,202																																																																																																																																																																												
Cassation Chamber	1,124	1,047	552	NA	552																																																																																																																																																																												
Total to December 31, 2009	35,730	36,465	28,256	3,955	32,211																																																																																																																																																																												
Ist instance/major claims	16,887	15,428	20,111	1,882	21,993																																																																																																																																																																												
Ist instance/minor claims	15,468	14,449																																																																																																																																																																															
Labor courts****	5,353	5,513	2,106	NA	2,106																																																																																																																																																																												
Cassation Chamber	1,025	1,370	207	NA	207																																																																																																																																																																												
Total to December 31, 2010	38,733	36,760	32,614	4,502	37,116																																																																																																																																																																												
		* The new cases also include cases that have been re-filed and judgments in execution for 2009 and 2010. ** Regarding the active cases, some offices do not present the details of the active cases (processing and execution), so that they are included under processing. *** Does not include the cases of the Social Security Court created that year, because a process of cleansing and incorporation into the respective automated systems was being conducted. The calculation for 2010 includes these cases, so that there are a total of 35,079 active cases. **** There has been a decrease in the new cases in the Labor Court of the Second Judicial Circuit of San José owing to the decision of the Plenary Court that matters of improper priority (Jerarquía Impropia) will not fall within this Court's jurisdiction. In addition, according to the Processing Judge of the Labor Court of the Second Judicial Circuit of San José, the reduction in the number of cases concluded during this period results from the closing of the Fourth Section, composed of 3 special judges. Source: Statistics Section of the Judiciary. April 2011.																																																																																																																																																																															

Challenges and recommendations	Indicators	August - December 2010																																																																																																																				
	3.6. Percentage of labor cases resolved (decision rate). Include the pending rate, the backlog rate and the average duration of the proceeding in months, by type of court.	• The decision rate in first instance declined in 2010 compared to the previous year (from 50.6% to 46.2%), increasing the pending rate of labor cases (from 49.4 to 53.8). To the contrary, in second instance, the decision rate improved, rising from 70.5 in 2009 to 72.4 in 2010. Lastly, in cassation, the decision rate also improved considerably, rising from 66.5 in 2009 to 87 in 2010, and the average duration of decisions decreased from 6 months and 3 weeks to 5 months and 1 week over the same period. Rate of decision, pending and backlog, and average duration of labor cases, by type of court. Period 2005 – 2010. <table><tr><th>Type of court</th><th>First instance*</th><th>Second instance</th><th>Cassation**</th></tr><tr><td colspan="4">Decision rate**</td></tr><tr><td>2005</td><td>42.0</td><td>48.3</td><td>80.0</td></tr><tr><td>2006</td><td>45.1</td><td>66.9</td><td>77.5</td></tr><tr><td>2007</td><td>43.5</td><td>71.1</td><td>67.0</td></tr><tr><td>2008</td><td>45.3</td><td>73.8</td><td>65.0</td></tr><tr><td>2009</td><td>50.6</td><td>70.5</td><td>66.5</td></tr><tr><td>2010</td><td>46.2</td><td>72.4</td><td>87.0</td></tr><tr><td colspan="4">Pending rate ***</td></tr><tr><td>2005</td><td>58.0</td><td>51.7</td><td>20.0</td></tr><tr><td>2006</td><td>54.9</td><td>33.1</td><td>22.5</td></tr><tr><td>2007</td><td>56.5</td><td>28.9</td><td>33.0</td></tr><tr><td>2008</td><td>54.8</td><td>26.2</td><td>35.0</td></tr><tr><td>2009</td><td>49.4</td><td>29.5</td><td>33.5</td></tr><tr><td>2010</td><td>53.8</td><td>27.6</td><td>13.0</td></tr><tr><td colspan="4">Backlog rate****</td></tr><tr><td>2005</td><td>2.4</td><td>2.1</td><td>1.2</td></tr><tr><td>2006</td><td>2.2</td><td>1.5</td><td>1.3</td></tr><tr><td>2007</td><td>2.3</td><td>1.4</td><td>1.5</td></tr><tr><td>2008</td><td>2.2</td><td>1.4</td><td>1.5</td></tr><tr><td>2009</td><td>2.0</td><td>1.4</td><td>1.5</td></tr><tr><td>2010</td><td>2.2</td><td>1.4</td><td>1.2</td></tr><tr><td colspan="4">Average duration*****</td></tr><tr><td>2005</td><td>22 months and 3 weeks</td><td>n.d.</td><td>5 months 0 weeks</td></tr><tr><td>2006</td><td>25 months and 1 week</td><td>n.d.</td><td>4 months and 1 week</td></tr><tr><td>2007</td><td>23 months 3 weeks</td><td>n.d.</td><td>6 months 0 weeks</td></tr><tr><td>2008</td><td>22 months and 2 weeks</td><td>n.d.</td><td>6 months and 2 weeks</td></tr><tr><td>2009</td><td>24 months and 0 weeks</td><td>n.d.</td><td>6 months and 3 weeks</td></tr><tr><td>2010</td><td>n.d.</td><td>n.d.</td><td>5 months and 1 week</td></tr></table> * In 2005 and 2006, in the courts of first instance, only those cases that were being processed were considered active cases at the start and end of the period. For 2007, the same measure was applied to the cases at the start of the period. ** Decision rate: this is obtained by dividing the number of cases settled by the number of active cases at the beginning of the period, plus new cases, plus cases that are resubmitted, and the result is multiplied by 100. For 2009, in the courts of first instance, the rate was overestimated because all the cases which were forwarded to the Social Security Court were considered cancelled. *** Pending rate: this is obtained by dividing the number of active cases at the end of the period by the sum of the active cases at the beginning of the period, plus new cases, plus cases that are resubmitted, and the result is multiplied by 100. For 2009, in the courts of first instance, the rate was overestimated because the calculation included cases terminated for other reasons, which were eliminated from the Labor Court of the Second Judicial Circuit of San José, to create the Social Security Court. **** Backlog rate: this is obtained by dividing the number of active cases at the beginning of the period, plus the new cases and the cases resubmitted by the cases settled. ***** Only the ordinary proceedings were taken into account in order to calculate the average duration of the court cases. Source: Statistics Section of the Planning Department of the Judiciary. April 2011.	Type of court	First instance*	Second instance	Cassation**	Decision rate**				2005	42.0	48.3	80.0	2006	45.1	66.9	77.5	2007	43.5	71.1	67.0	2008	45.3	73.8	65.0	2009	50.6	70.5	66.5	2010	46.2	72.4	87.0	Pending rate ***				2005	58.0	51.7	20.0	2006	54.9	33.1	22.5	2007	56.5	28.9	33.0	2008	54.8	26.2	35.0	2009	49.4	29.5	33.5	2010	53.8	27.6	13.0	Backlog rate****				2005	2.4	2.1	1.2	2006	2.2	1.5	1.3	2007	2.3	1.4	1.5	2008	2.2	1.4	1.5	2009	2.0	1.4	1.5	2010	2.2	1.4	1.2	Average duration*****				2005	22 months and 3 weeks	n.d.	5 months 0 weeks	2006	25 months and 1 week	n.d.	4 months and 1 week	2007	23 months 3 weeks	n.d.	6 months 0 weeks	2008	22 months and 2 weeks	n.d.	6 months and 2 weeks	2009	24 months and 0 weeks	n.d.	6 months and 3 weeks	2010	n.d.	n.d.	5 months and 1 week
Type of court	First instance*	Second instance	Cassation**																																																																																																																			
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2010	n.d.	n.d.	5 months and 1 week																																																																																																																			

Challenges and recommendations	Indicators	August - December 2010
	Other actions to combat the case backlog in the courts	
	3.7. Number and type of actions for expediting administration of justice procedures.	The Judiciary took the following actions to reduce the case backlog between August and December 2010:⁵² • The measures to reduce the number of active cases continued in the courts of Puntarenas, Alajuela and the Second Judicial Circuit of San José; they consisted in measures such as assigning additional personnel, giving priority to the oldest matters, and establishing performance standards for judges. • The specialization process carried out in the Second Judicial Circuit of San José was evaluated. It consisted in separating public and private sector labor cases and creating the Social Security Court of the Second Judicial Circuit of San José.⁵³ • The signature of an agreement with Supreme Electoral Court so that the judges could access information on the National Electoral Roll, which includes data such as voters addresses and telephone numbers. • A virtual labor court was designed, to be implemented in the Second Judicial Circuit of San José; it will permit application of oral proceedings and “on-line litigation,” based on digital files and the automated case management system. The system was supposed to begin operating in April 2011. It will allow the parties to file a complaint, answer it, send evidence and take other steps that form part of labor proceedings.⁵⁴ • Refurbishing and furnishing the labor court and the Social Security Court of the Second Judicial Circuit of San José, in keeping with the new management model promoted in this jurisdiction. A total investment of US\$236,770 was made in these courts, with the financial and technical support of the project to strengthen labor justice in the countries of DR-CAFTA, executed by USAID/MSD.

52. The Judiciary. Note 333-PLA-2011, of March 11, 2011, sent to the ILO/Verification Project by the Planning Department of the Judiciary.

53. See Report 1312-PLA-2010 which was examined by the Superior Council of the Judiciary in session No. 110-10 of December 16, 2010, article LXXXVIII.

54. Initiative implemented with the support of the project to strengthen labor justice in the countries of DR-CAFTA, USAID/MSD.

Challenges and recommendations	Indicators	August - December 2010																																																																						
	3.8. Number of judges dedicated to labor proceedings.	- Between August and December 2010, the number of labor courts remained unchanged. The increasing specialization in labor matters of the courts of first instance since 2005 can be seen in the following table: Number of courts for labor matters, by type of court and jurisdiction. Period 2005 – 2010. <table><tr><th>Court and jurisdiction</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009***</th><th>2010****</th></tr><tr><td>First instance</td><td>94</td><td>95</td><td>95</td><td>95</td><td>97</td><td>98</td></tr><tr><td>Courts (single jurisdiction)*</td><td>7</td><td>7</td><td>8</td><td>11</td><td>14</td><td>15</td></tr><tr><td>Courts (combined jurisdiction)</td><td>87</td><td>88</td><td>87</td><td>84**</td><td>83</td><td>83</td></tr><tr><td>Second instance</td><td>10</td><td>10</td><td>12</td><td>13</td><td>13</td><td>13</td></tr><tr><td>Courts (single jurisdiction)</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td>Courts (combined jurisdiction)</td><td>9</td><td>9</td><td>11</td><td>12</td><td>12</td><td>12</td></tr><tr><td>Cassation</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td>Chamber (combined jurisdiction)</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td>Total</td><td>105</td><td>106</td><td>108</td><td>109</td><td>111</td><td>112</td></tr></table> * Includes Minor Claims Courts. ** This does not include the Minor Claims Courts of Alajuela, Cartago and Heredia, because they only function for six weeks, and the Parrita Minor Claims Court has combined jurisdiction. *** A recount of the 2009 List of Posts of the Judiciary revealed that there are 15 courts of first instance with single jurisdiction and not 14 as recorded in the previous period and, by province, they correspond to: 3 in San José, 2 in Alajuela, 2 in Cartago, 2 in Heredia, 1 in Guanacaste, 2 in Puntarenas, 2 in Limón and 1 in the Second Judicial Circuit of the Atlantic Region; in addition, it was shown that the Parrita Minor Claims Court had not been counted among the courts with combined jurisdiction, so that the number of courts in each instance has been adjusted for 2009. **** The Social Security Court was created in the San José First Judicial Circuit, specializing in this matters, attached to the Major Claims Court of the San José Second Judicial Circuit, using the latter's human resources. Source: Budget and Plans Section of the Planning Department of the Judiciary. April 2011. - Also, regarding regular posts of judges in courts specializing in labor matters, there was no variation compared to the previous verification period, with a total of 67 judges in regular posts (57 in first instance and 10 in second instance). In recent years, there has been a significant increase in the number of posts of judge in the minor claims courts, increasing from 7 in 2005 to 25 in 2010, and from 30 to 32 in the major claims courts.	Court and jurisdiction	2005	2006	2007	2008	2009***	2010****	First instance	94	95	95	95	97	98	Courts (single jurisdiction)*	7	7	8	11	14	15	Courts (combined jurisdiction)	87	88	87	84**	83	83	Second instance	10	10	12	13	13	13	Courts (single jurisdiction)	1	1	1	1	1	1	Courts (combined jurisdiction)	9	9	11	12	12	12	Cassation	1	1	1	1	1	1	Chamber (combined jurisdiction)	1	1	1	1	1	1	Total	105	106	108	109	111	112
Court and jurisdiction	2005	2006	2007	2008	2009***	2010****																																																																		
First instance	94	95	95	95	97	98																																																																		
Courts (single jurisdiction)*	7	7	8	11	14	15																																																																		
Courts (combined jurisdiction)	87	88	87	84**	83	83																																																																		
Second instance	10	10	12	13	13	13																																																																		
Courts (single jurisdiction)	1	1	1	1	1	1																																																																		
Courts (combined jurisdiction)	9	9	11	12	12	12																																																																		
Cassation	1	1	1	1	1	1																																																																		
Chamber (combined jurisdiction)	1	1	1	1	1	1																																																																		
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Challenges and recommendations	Indicators	August - December 2010																																																																																																		
		Number of judges with regular post in courts with single jurisdiction in labor matters. Period 2005 - 2010. <table><tr><th>Court</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>First instance</td><td>37</td><td>37</td><td>39</td><td>48</td><td>57</td><td>57</td></tr><tr><td>Major claims courts</td><td>30</td><td>30</td><td>32</td><td>32</td><td>32</td><td>32</td></tr><tr><td>Minor claims courts*</td><td>7</td><td>7</td><td>7</td><td>16</td><td>25</td><td>25</td></tr><tr><td>Second instance</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td></tr><tr><td>Court</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td><td>10</td></tr><tr><td>Total</td><td>47</td><td>47</td><td>49</td><td>58</td><td>67</td><td>67</td></tr></table> * Corresponds to minor claims courts. For 2008 and 2009, some special posts were added in the minor claims courts; and, since they were established after the budget had been approved, they became ordinary posts the following year. Source: Budget and Planning Section of the Planning Department of the Judiciary. April 2011. The number of ordinary posts for support personnel in courts with single jurisdiction in labor matters did not vary over the period August–December 2010, but the growth experienced between 2005 and 2010 is congruent with the increase in the number of courts of first instance. Support personnel with ordinary posts in the courts of single jurisdiction in labor matters, by court. Period 2005 - 2010. <table><tr><th>Court</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>First instance</td><td>64</td><td>69</td><td>73</td><td>87</td><td>97</td><td>98</td></tr><tr><td>Major claims courts</td><td>49</td><td>54</td><td>58</td><td>59</td><td>59</td><td>60</td></tr><tr><td>Minor claims courts*</td><td>15</td><td>15</td><td>15</td><td>28</td><td>38</td><td>38</td></tr><tr><td>Second instance</td><td>9</td><td>9</td><td>9</td><td>9</td><td>9</td><td>9</td></tr><tr><td>Court</td><td>9</td><td>9</td><td>9</td><td>9</td><td>9</td><td>9</td></tr><tr><td>Total</td><td>73</td><td>78</td><td>82</td><td>96</td><td>106</td><td>107</td></tr></table> * Corresponds to minor claims courts. For 2008 and 2009, some special posts were added in the minor claims courts; and, since they were established after the budget had been approved, they became ordinary posts the following year. Source: Budget and Planning Section of the Planning Department of the Judiciary. April 2011.	Court	2005	2006	2007	2008	2009	2010	First instance	37	37	39	48	57	57	Major claims courts	30	30	32	32	32	32	Minor claims courts*	7	7	7	16	25	25	Second instance	10	10	10	10	10	10	Court	10	10	10	10	10	10	Total	47	47	49	58	67	67	Court	2005	2006	2007	2008	2009	2010	First instance	64	69	73	87	97	98	Major claims courts	49	54	58	59	59	60	Minor claims courts*	15	15	15	28	38	38	Second instance	9	9	9	9	9	9	Court	9	9	9	9	9	9	Total	73	78	82	96	106	107
Court	2005	2006	2007	2008	2009	2010																																																																																														
First instance	37	37	39	48	57	57																																																																																														
Major claims courts	30	30	32	32	32	32																																																																																														
Minor claims courts*	7	7	7	16	25	25																																																																																														
Second instance	10	10	10	10	10	10																																																																																														
Court	10	10	10	10	10	10																																																																																														
Total	47	47	49	58	67	67																																																																																														
Court	2005	2006	2007	2008	2009	2010																																																																																														
First instance	64	69	73	87	97	98																																																																																														
Major claims courts	49	54	58	59	59	60																																																																																														
Minor claims courts*	15	15	15	28	38	38																																																																																														
Second instance	9	9	9	9	9	9																																																																																														
Court	9	9	9	9	9	9																																																																																														
Total	73	78	82	96	106	107																																																																																														
	3.9. Number of cases dealt with and resolved by alternative dispute resolution and by conciliation.	In 2010, an increase was report in the number of cases ending in conciliation, rising from 1,607 cases in 2009 to 2,498 in 2010. This number of cases corresponds to 8.4% of the cases concluded in 2010, which is a higher percentage than in previous years, when it ranged between 4.9% (2006) and 5.7% (2007).																																																																																																		

Challenges and recommendations	Indicators	August - December 2010																																																	
		Cases completed in the courts of first instance with jurisdiction in labor matters and cases concluded by conciliation. Period 2005 – 2010. <table><tr><th>Year</th><th>Cases completed</th><th>Ending by conciliation</th><th>Percentage</th></tr><tr><td>2005</td><td>21,248</td><td>1,056</td><td>5,0</td></tr><tr><td>2006</td><td>22,976</td><td>1,117</td><td>4,9</td></tr><tr><td>2007</td><td>23,991</td><td>1,359</td><td>5,7</td></tr><tr><td>2008</td><td>25,152</td><td>1,413</td><td>5,6</td></tr><tr><td>2009</td><td>19,557</td><td>1,117</td><td>5,7</td></tr></table> Source. Statistics Section, Planning Department. April 2011 For its part, the Judiciary's Conciliation Center concluded 34 labor cases through alternative dispute resolution. No information was obtained on the number of labor cases handled; consequently, it is not possible to determine the percentage of effectiveness of conciliation. Labor cases heard and decided by alternative dispute resolution in court. Period 2007 – 2010. <table><tr><th>Labor cases</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Heard</td><td>82</td><td>236</td><td>84</td><td>n.d.</td></tr><tr><td>Conciliated</td><td>50</td><td>142</td><td>52</td><td>34</td></tr><tr><td>Filed</td><td>2</td><td>0</td><td>1</td><td>0</td></tr><tr><td>Percentage of cases conciliated</td><td>61.0%</td><td>60.2%</td><td>61.90%</td><td>n.d.</td></tr></table> Source: The Judiciary's Conciliation Center. April 2011.	Year	Cases completed	Ending by conciliation	Percentage	2005	21,248	1,056	5,0	2006	22,976	1,117	4,9	2007	23,991	1,359	5,7	2008	25,152	1,413	5,6	2009	19,557	1,117	5,7	Labor cases	2007	2008	2009	2010	Heard	82	236	84	n.d.	Conciliated	50	142	52	34	Filed	2	0	1	0	Percentage of cases conciliated	61.0%	60.2%	61.90%	n.d.
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2. Training

Challenge: There is a need for adequate technical training on labor law, including international labor standards, for those involved in the administration of labor justice.	Training of labor justice agents	
	3.10. Existence of a permanent training program for labor justice administrators that includes: Existence of a training needs assessment.	- As part of the Judicial School's specialization program in labor matters, the design of the individual law module was completed and design of the module on labor law violations was started. - Over the period August–December 2010, the Judiciary organized 7 training events with the participation of 171 agents of justice: - Three virtual forums on the following topics: (a) prescription of labor offenses; (b) What is public management? and (c) oral proceedings in labor actions. The events were held as part of a cycle of five forums (2 were held in May and June 2010). The forums were held on the following dates: August 2 to 13, September 6 to 17, and October 1 to 22, with 24 participants. - An interactive workshop on the prescription of labor offenses (August 20), with the participation of 23 officials.⁵⁵

55. With the support of the project to strengthen labor justice in the countries of DR-CAFTA, USAID/MSD.

Challenges and recommendations	Indicators	August - December 2010
Recommendation: Establish on-going training programs in national labor law and the jurisprudence of international labor standards for labor ministry officials, labor judges, and others involved in the administration of labor justice.	- Number and type of workshops, forums and training and dissemination activities on the subject by year. - Number of judicial officials participating in the training. - Number of academic establishments participating in training initiatives for labor justice agents.	- A workshop to draw up a protocol on oral proceedings (September 28 and 29) with the participation of 25 officials. - A workshop on techniques for oral proceedings for labor judges (December 6 to 9), with 27 participants.⁵⁶ - The international workshop on labor law (December 2 and 3), with the participation of 72 agents of justice (mentioned in indicators 1.1 and 1.4 of this report). - The elaboration of a proposal for an integral model for managing labor hearings, for judges and support personnel from the labor jurisdiction. This model emphasizes the issues of new technologies, oral proceedings, and conciliation.⁵⁷

3. Regional recommendations

- Make further investments in labor courts, judges, and other personnel and equipment. - Enhance operation of the labor courts. - Establish comprehensive labor standards training initiative for judges, prosecutors, government officials, and others involved in labor law administration. - Involve appropriate academic organizations in establishing a network of labor law training centers in each country. - Establish a regional labor law center to integrate best practices and assist in the harmonization of training capacity and other practices in the labor law administration area. - Establish additional Alternative Dispute Resolution centers in countries that do not have one, and assure that the resources and training are available to make them successful.	Institutional strengthening of the justice sector																																											
	3.11. Amount of the annual operating budget of the labor courts.	- The information presented in the following table varies in relation to that published in previous years, because it has been updated based on the amounts executed rather than on the amounts initially allocated. - In 2010, the budget for the labor jurisdiction was 11.36% of the total executed budget of the Judiciary's Jurisdictional Area, a lower percentage than the one recorded in 2009 (13.25%), but higher than the percentage in previous years. Budget executed by the Judiciary for the labor jurisdiction. Period 2006 – 2010. <table> <tr> <th rowspan="2">Year</th><th colspan="2">Total executed budget of the jurisdictional area</th><th colspan="2">Executed budget in the labor jurisdiction*</th><th rowspan="2">Percentage in relation to the budget of the Jurisdictional Area in millions of dollars**</th></tr> <tr> <th>in millions of colones</th><th>in millions of dollars**</th><th>in millions of colones</th><th>in millions of dollars**</th></tr> <tr> <td>2006</td><td>36,295</td><td>70.61</td><td>3,796</td><td>7.39</td><td>10.46%</td></tr> <tr> <td>2007</td><td>42,118</td><td>80.88</td><td>4,590</td><td>8.81</td><td>10.90%</td></tr> <tr> <td>2008***</td><td>56,348</td><td>107.77</td><td>6,099</td><td>11.66</td><td>10.82%</td></tr> <tr> <td>2009***</td><td>59,598</td><td>104.23</td><td>7,897</td><td>13.81</td><td>13.25%</td></tr> <tr> <td>2010***</td><td>77,486</td><td>149.57</td><td>8,802</td><td>16.99</td><td>11.36%</td></tr> </table> * This calculation includes the Human Resources and Miscellaneous Expenses described below. Human Resources includes the amounts corresponding to base wage, annual installment payments, liability for the exercise of the judicial function, professional career, full-time employment, bonuses, and other extra payments and incentives that exist in the institution and which go towards the salary of the judicial personnel. The cost of special services is also included: Christmas bonuses, vacations, salary retentions for education, and social benefits. Miscellaneous Expenses cover all the other expenses incurred by the institution to perform its functions and implement its daily activities and projects, such as expenses for security, technology, transport, construction, office rental, public services, consultancies, maintenance and reparation of furnishing and equipment, materials and supplies, equipment and machinery. ** Based on the exchange rate of July 1 each year, according to the Central Bank: http://www.bccr.fi.cr/flat/bccr_flat.htm (2006: \$ = 514.01; 2007: \$ = 520.72; 2008: \$ = 522.81; 2009: \$ = 571.81, and 2010: \$ = 518.09). *** These figures are based on the records of the report "Costo de la Justicia 2006-2009", consequently, the budgets were adjusted as of 2008 as advised in previous periods. Source: Budget and Planning Section of the Planning Department of the Judiciary.. April 2011.				Year	Total executed budget of the jurisdictional area		Executed budget in the labor jurisdiction*		Percentage in relation to the budget of the Jurisdictional Area in millions of dollars**	in millions of colones	in millions of dollars**	in millions of colones	in millions of dollars**	2006	36,295	70.61	3,796	7.39	10.46%	2007	42,118	80.88	4,590	8.81	10.90%	2008***	56,348	107.77	6,099	11.66	10.82%	2009***	59,598	104.23	7,897	13.81	13.25%	2010***	77,486	149.57	8,802	16.99
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56. Idem.

57. Idem.

4. Gender and discrimination

The right of women and other discriminated groups, such as indigenous people, ethnic minorities and people living with HIV/AIDS, to receive equal treatment, free from discrimination based on sex, ethnic origin, religion, political opinions, age, or any other reason that is irrelevant to their job performance is embodied in numerous instruments of international law, such as ILO Convention No. 100 concerning Equal Remuneration (1951); ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958); the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and the Convention for the Elimination of all Forms of Discrimination against Women (United Nations General Assembly, Resolution 34/180, 18 December 1979). On ratifying the said instruments, the States are bound to formulate and implement national policies that promote equal opportunities and the elimination of discrimination in the workplace.

The main challenge for the country identified in the White Paper was the “*need to reinforce national policies against pregnancy testing and conduct enforcement initiatives to improve compliance.*”⁵⁸ In addition, the need to establish a regional center on employment equality was underscored, to provide training, and educational and informative material designed to help efforts to eliminate discrimination in the workplace.⁵⁹

Over the period August - December 2010, the MTSS organized 5 talks on gender-based discrimination in the workplace with a total of 111 participants (58 women and 53 men).

The MTSS Institutional Policy for Gender Equality and Equity was officially presented and the Technical Committee on Gender Equality and Equity was established. Two training workshops were held for members of the Committee.

Regarding laws, in September 2010 the obligation to adapt the internal regulations of companies, public institutions and agencies in order to improve guarantees for the protection of women workers victims of workplace harassment came into force under Law No. 8805, which amends the law against sexual harassment in the workplace and in educational establishments (No. 7476).

Of all the special cases handled by the Inspectorate in 2010, 61 % were related to pregnant or nursing workers, 24% to situations of harassment or discrimination in the workplace, and 13% to adolescent workers. These cases included dismissal requests from employers.

Regarding access to employment for people with disabilities, the MTSS conducted a process of awareness-raising and training for MTSS officials (440 participants); counseled 40 companies on employing people with disabilities, and provided direct attention to the population of people with disabilities

In addition, Law No. 8862 on employment inclusion and protection for people with disabilities in the public sector was approved (September 2010); it reserves 5% of vacancies in the Public Administration to people with disabilities, based on certain conditions; the Inter-institutional Technical Committee to promote the employment of people with disabilities, that was wound down in November 2006, was reactivated, and, in December 2010, the Network of Inclusive Companies, to be known as “INCLUIRSE,” was established in Costa Rica.

Finally, regarding the migrant population, in September 2010, the MTSS signed a letter of understanding with the Trust Foundation for the Americas to promote compliance with labor standards for migrant workers.

58. The White Paper, p. 21.

59. Ibid, p. 68

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Continue applying and disseminating the MTSS Institutional Policy for Gender Equality and Equity.
- Coordinate the relevant efforts and activities by the different national and municipal institutions with the participation of social organizations, incorporating gender and non-discrimination as a cross-cutting perspective based on the principles of decent work.
- Strengthen the Technical Committee on Gender Equality and Equity, providing support for infrastructure and training for its members.
- Publicize Law No. 7476 against sexual harassment in the workplace and in educational establishments, with the amendments introduced by Law No. 8805; also, provide advisory services to potential complainants, promote the measures of prevention established in the law, and monitor its correct application.
- Monitor progress in relation to the letter of understanding signed by the MTSS and the Trust Foundation for the Americas.
- Continue the training and awareness-raising activities relating to the promotion of equal opportunities in the workplace.
- Strengthen the Inter-institutional Technical Committee for the employment of people with disabilities.
- Follow up on and implement the agreements and declarations on gender and non-discrimination that exist in the region.

Challenges and recommendations	Indicators	August - December 2010
I. Pregnancy testing		
Challenge: - There is a need to reinforce national policies against pregnancy testing and conduct enforcement initiatives to improve compliance. Recommendation: - Based on the reports to be completed by the National Labor Inspectorate identify patterns and practices on pregnancy testing in order to develop additional policies and initiatives to address any concerns.	Prohibition of pregnancy tests	
	4.1. Number and type of activities designed to prevent, detect, attend, sanction and sanction gender discrimination, principally towards pregnant women ⁶⁰ (include the number of persons participating in the activities from public institutions, trade unions, employers and, if available, the results of the participants' evaluation of the pertinent training event or program).	- The MTSS organized 5 talks on gender-based discrimination in the workplace for personnel of the Integral Program of the Agriculture Market (PIMA) of the National Center for the Provision and Distribution of Food Supplies (CENADA);⁶¹ users of the Employment Intermediation Service of Escazú,⁶² and women trade unionists who form part of the Occupational Health Committees.⁶³ A total of 111 people attended the talks (58 women and 53 men). - The MTSS Institutional Policy for Gender Equality and Equity was presented officially on September 16, 2010, and the institutional Technical Committee on Gender Equality and Equity was established by Executive Decree No. 36,244.⁶⁴ In addition, in November, 2 training workshops on gender-based planning and budgeting were held for committee members.⁶⁵ - On September 12, 2010, Law No. 8805, which amends the law against sexual harassment in the workplace and in educational establishments, entered into force. This reform includes a chapter regulating the complaint procedure for workplace harassment in both public and private entities in general terms; establishes the employers' obligation to draw up an institutional policy for the prevention of harassment, and reinforces the protection regime for victims of this situation. - No information was provided on the measures taken under the action plan of the 2007–2017 National Policy for Gender Equality and Equity or on the Management System for Gender Equality and Equity (SIGEG).
	4.2. Number of cases detected by the National Inspection Directorate denounced and sanctioned in relation to violation of the special prerogatives of pregnant or nursing workers.	- The MTSS has no specific data on the number of cases reported and sanctioned for violation of the special prerogatives of pregnant or nursing workers. - The closest statistics to this indicator are those presented under indicator 1.24, from which it can be seen that, in 2010, 61% of the special cases handled by the Labor Inspectorate concerned requests for the intervention of this department in cases involving pregnant or nursing workers, while 24% of the cases reviewed by the Inspectorate related to complaints of sexual harassment and discrimination in the workplace.

60. The MTSS mentioned that there are very few cases in which complaints are filed because of requests for pregnancy testing as a requirement for hiring. To monitor this issue, it was agreed that cases reported or detected for violation of the special prerogatives of pregnant or nursing workers would be monitored, because this is the main problem encountered by inspectors.

61. Two talks were organized: August 6 (9 participants) and September 13 (21 participants).

62. Held on August 18 (23 participants).

63. Two talks were organized: August 24 (26 participants) and October 15 (32 participants).

64. Published in La Gaceta No 216 of November 8, 2010.

65. Events held on November 4 and 11, 2010, with the participation of 21 MTSS officials. The workshop was organized by the Planning Ministry (MIDEPLAN) and was supported by the ILO/Verification Project

Challenges and recommendations	Indicators	August - December 2010
2. Regional recommendations		
- Establish a regional center for employment equality that would provide training, educational materials, a clearinghouse on best practices and other information, and support other programs focused on the elimination of employment discrimination concerns. - Undertake targeted training and enforcement support initiatives for the ministries of labor on effective compliance strategies for violations that might involve pregnancy testing or the exploitation of migrant or indigenous workers.	Regional Center for Employment Equality	
	4.3. Number and type of actions for establishing the regional center, including: - Number of coordination activities for the design, establishment and functioning of the Regional Center. - Existence of a sustainable conceptual, operational and financial proposal for the Center for Employment Equality. - The Regional Center in operation. - Existence of agreements between the countries (formal and informal).	The MTSS signed a letter of understanding with the Trust Foundation for the Americas to promote compliance with labor standards in the case of migrant workers. The project, which started in September 2010, provides technical assistance to enhance the capabilities of the Labor Ministries, employer organizations and civil society of Costa Rica, Dominican Republic and El Salvador. In addition, it will encourage the exchange of best practice among the actors in these countries.
	4.4. Number and type of actions to promote equality in the workplace.	The actions implemented in the country to raise awareness and promote equality in employment include the following: - The MTSS Social Security Department reported the following actions regarding access to employment for people with disabilities: - A process of awareness-raising and training for MTSS officials to improve their knowledge of and attitudes towards the challenge of ensuring non-discrimination towards this population and its satisfactory insertion in the labor market. The process involved a course on Costa Rican Sign Language – LESCO I (20 participants); several awareness-raising workshops “Improve the image, creating opportunities” (210 participants); two seminars on the role of Job Coach, its supporting role in the Central and Brunca regions (56 participants); several talks to promote the employment of people with disabilities in the Central and Brunca regions, and also the improvement in the job training of this population and the development of their job skills (134 participants), and a seminar on providing services to clients with disabilities under Law No. 7600 on equal opportunities for people with disabilities (20 participants). - Advisory services to 40 companies regarding the employment of people with disabilities, as regards both the legal framework and with regard to human resource management and administration. - Direct attention to the population with disabilities by assessment of the employability of 43 people with disabilities to include them on the MTSS

Challenges and recommendations	Indicators	August - December 2010
		registers;⁶⁶ monitoring of 7 complaints based on workplace discrimination of people with disabilities, and the organization of a marketing module for a group of 20 indigenous people with disabilities from the Térraba sector • In December 2010, the Network of Inclusive Companies, to be known as "INCLUIRSE," was established officially; its purpose is to improve public policies and mechanisms concerning the insertion of people with disabilities in the labor force, in partnership with the business sector and civil society. • The approval of Law No. 8862 entitled the law on the labor inclusion and protection of people with disabilities in the public sector;⁶⁷ which establishes that "in the offers of public employment in the Branches of the State, at least five per cent (5%) of vacancies in each Branch shall be reserved to be filled by people with disabilities, provided that there are candidates and that these candidates pass the selective and aptness tests established by the personnel regime of each Branch." • The reactivation of the Inter-institutional Technical Committee for the Employability of People with Disabilities, a collegiate body created and composed in accordance with Directive 014-MTSS of November 20, 2006.

66. In alliance with the POETA/OAS project.

67. Published in La Gaceta No 219 of November 11, 2010.

5. Worst forms of child labor

ILO Convention No. 182 on the Worst Forms of Child Labor (1999) establishes that the States are obliged to adopt immediate and effective measures to prohibit and eliminate the worst forms of child labor, which include: (a) slavery or similar practices, such as the sale and trafficking of children, forced labor and forced recruitment for use in armed conflict; (b) use of children and adolescents for commercial sexual activities; (c) their use in illicit activities, such as the production and trafficking of drugs, and (d) work, which by its nature or by the circumstances in which it is carried out is likely to harm the health, safety or morals of children. Upon ratification of this convention, as well as ILO Convention No. 138 concerning the Minimum Age for Work (1973) and other instruments for the protection of children and adolescents, Governments undertake to implement policies to promote the rights of the child, such as the right to education, health and protection from mistreatment.

The White Paper expressed concern about the shortage of human and financial resources allocated to the Labor Ministry for fulfilling its responsibilities in this area; in particular for implementing effectively the 2005-2010 Second National Plan for the Elimination of Child Labor.⁶⁸ At the regional level, the commitment was made to establish a child-labor-free zone consistent with ILO Convention 182 concerning the worst forms of child labor by the end of the decade.

Over the period August-December 2010, the MTSS and the National Statistics and Censuses Institute (INEC), with the support of ILO/IPEC, were defining the proposed module on child and adolescent labor for the 2011 National Household Survey.

The Office for the Care of Child Workers, Elimination of Child Labor and Protection of Adolescent Workers (OATIA) had 10 officials, 2 more than in 2009.

In both the 2011–2014 National Development Plan and in the 2010–2015 MTSS Institutional Strategic Plan, the issue of child and adolescent labor is one of the priority elements for Government action.

In addition, the 2011-2014 program of the Road Map to make Costa Rica a country free of child labor and its worst forms was prepared; it has 6 elements: poverty, education, health care, legal and institutional framework, awareness-raising and social mobilization, and the generation of knowledge and monitoring. Eleven public institutions have incorporated the Road Map commitments into their institutional programs, as have the Union of Private Chambers, two trade union confederations and one civil organization.

Regarding legislation, the respective legislative committee approved the law on the prohibition of hazardous and unhealthy work for adolescent workers, in compliance with ILO Convention 182 concerning the worst forms of child labor.

The most important initiatives to prevent this problem include the Avancemos program of conditioned monetary transfers, which benefited 185,214 students and their families in 2010. The net rate of enrolment throughout the education system remained the same in 2010 as in 2009 (86.3%). Although enrolment was almost 100% in cycles I and II, in cycle III and in diversified education, the rates were considerably less (ranging from 94.1% for children aged 13 years to 54.9% for those of 17 years).

68. White Paper, p. 22.

Over the verification period covered by this report, the MTSS detected 105 minors involved in child labor and 52 adolescents in hazardous activities. This population was counseled and referred to the protection and education systems. Meanwhile, the National Child Welfare Board (PANI) recorded the detection of and attention to 104 girls, boys and adolescents in situations of commercial sexual exploitation; however, there was no report of any child removed from this activity.

At the regional level, representatives of the Government, employers and workers of Costa Rica took part in a subregional workshop to prepare a report on the conventions on child labor; an international seminar on good practice, and a regional research project on the relationship between education and child labor.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Coordinate the operational and financial planning of the different institutions in keeping with the program for the Road Map, based on a results-based evaluation.
- Apply the module on child and adolescent labor in the 2011 National Household Survey, in order to gather current information on the number of child and adolescent workers.
- Reinforce the leading role of PANI and the MTSS in the fight to eliminate child labor and in the supervision of adolescent labor, ensuring an adequate programming of inspections in this regard, especially in the informal sector of the economy, and the development of the necessary social policies to provide comprehensive attention to the situation of this population.
- Ensure the necessary coordination with the Judiciary to provide adequate monitoring of the sanctions resulting from child labor and its worst forms.
- Coordinate with the office of the Prosecutor of Sexual Offenses to provide support for the prosecution of offenses relating to the commercial sexual exploitation of children and adolescents, monitoring the results.
- Promote opportune lobbying to guarantee the necessary financial resources to carry out the plans and programs to combat hazardous child and adolescent labor.
- Publicize the new law on the prohibition of hazardous and unhealthy work for adolescent workers among all sectors working in the area of protection and attention to children and adolescents, in order to comply with the provisions of the new law.
- Raise the population's awareness of the need to retain children and adolescents within the education system, in coordination with representatives of employers and workers.
- Ensure sufficient funding for the programs of conditioned transfers in order to maintain the impact required to retain children within the education system, evaluating these programs from time to time.

Challenges and recommendations	Indicators	August - December 2010																																		
I. Additional resources																																				
Challenge: The commitments by the government of Costa Rica to address the problems of child labor in the country, including the Second National Plan for the Elimination of Child Labor 2005–2010, the ILO/ IPEC Time-Bound Program for the Brunca region, and other responsibilities placed upon the Ministry of Labor means that additional resources are needed for their effective implementation.	Strengthening OATIA																																			
	5.1. Amount of MTSS institutional budget dedicated to child labor issues.	In 2010, the Office for the Care of Child Workers, Elimination of Child Labor and Protection of Adolescent Workers (OATIA) had 9 officials, 1 more than in 2009, but 3 less than in 2005. Number of officials who work in OATIA. Period 2005 – 2010. <table><tr><th>Year</th><th>Coordination</th><th>Technical personnel</th><th>Administrative personnel</th><th>Total</th></tr><tr><td>2005</td><td>1</td><td>11</td><td>0</td><td>12</td></tr><tr><td>2006</td><td>1</td><td>11</td><td>0</td><td>12</td></tr><tr><td>2007</td><td>1</td><td>10</td><td>0</td><td>11</td></tr><tr><td>2008</td><td>1</td><td>9</td><td>0</td><td>10</td></tr><tr><td>2009</td><td>1</td><td>7</td><td>0</td><td>8</td></tr><tr><td>2010</td><td>1</td><td>9</td><td>0</td><td>10</td></tr></table> Source: MTSS, OATIA. April 2011.	Year	Coordination	Technical personnel	Administrative personnel	Total	2005	1	11	0	12	2006	1	11	0	12	2007	1	10	0	11	2008	1	9	0	10	2009	1	7	0	8	2010	1	9	0
Year	Coordination	Technical personnel	Administrative personnel	Total																																
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Recommendations: - Increase Ministry of Labor personnel to implement responsibilities on child labor, including additional personnel in the Office of Child and Adolescent Labor of the Ministry responsible for program implementation. - Undertake a needs assessment and allocate additional resources to effectively implement the National Plan for 2005–2010 and the ILO/IPEC Time-Bound Program.	National Plan for the prevention and elimination of child labor																																			
	5.2. Existence and status of implementation of the National Plan (date formulated, percentage of financing, percentage of compliance with the goals, principal results, existence of periodic evaluations).	- The 2008–2010 National Plan on Child and Adolescent Labor concluded in December 2010; however, there is no information that permits evaluating the results of the plan.⁶⁹ According to the MTSS, “the principal constraints to its implementation were: one year after the plan had been in force, it had to be reformulated owing to the change in Government, so that it had to be adapted to the requirements of the new administration. Nevertheless, the reformulation was unable to incorporate the commitments made in the 2006-2010 National Development Plan, and this limited its implementation.”⁷⁰ Over the verification period, the 2011–2014 National Development Plan was prepared and presented; it includes the issue of child labor under the social welfare chapter. In addition, the issue of child and adolescent labor appears as a priority for the period 2010–2015 in the MTSS Institutional Strategic Plan. - The program of the 2011-2014 Road Map to make Costa Rica a country free of child labor and its worst forms was elaborated. The Road Map is a public policy that integrates into a single effort the initiatives of public and private entities to prevent and eliminate child labor and its worst forms, as well as to protect adolescent workers. The purpose of this instrument is to re-prioritize the national actions to achieve the goals established in the Hemispheric Agenda for Decent Work, and																																		

69. ILO. Application of the international labour standards 2011 (I). CEACR Report. Report III (Part 1A), 2011. Page 307. Regarding the Minimum Age Convention, 1973 (No. 138), it indicates that: “The Committee requests the Government to provide detailed information on the impact of the measures taken in the context of the National Action Plan for the prevention and elimination of child labour and the special protection of young workers as soon as the results of the evaluation become available. It also expresses that firm hope that statistics disaggregated by sex and age group and on the nature, extent and trends of work by children and young persons below the minimum age will be provided in the near future.

70. Answer forwarded by the national Social Security Directorate, Department for the Special Protection of the Worker, OATIA, MTSS, to the request for information: Progress in the implementation of the White Paper. Period August–December 2010, of March 7, 2011.

Challenges and recommendations	Indicators	August - December 2010
		its strategic framework includes 6 elements: poverty reduction, education, health care, legal and institutional framework, awareness-raising and social mobilization, and generation of knowledge and monitoring, with their respective objectives, results, indicators and goals, and fundamental strategies to achieve the latter. Starting in 2011, the Road Map will be the plan used by the MTSS to guide and monitor efforts concerning child labor and its worst forms at the national level. • The 2008–2010 National Plan against commercial sexual exploitation ended in December 2010, and a new plan will be developed based on the Road Map.
	5.3. Number of meetings of the bodies responsible for the issue of child labor and its worst forms: (1) Steering Committee for the Prevention and Elimination of Child Labor and the Protection of Adolescent Workers; (2) Technical Secretariat (OATIA) with the liaison mechanisms of other key institutions; (3) the National Commission to combat Sexual Exploitation (CONACOES); (4) the National Coalition to combat the Illegal Smuggling of Migrants and People Trafficking (CNCTIMTP). Include the level of tripartite participation in the meetings, the number and type of agreements reached, the level of implementation of these agreements.	• The Steering Committee for the Prevention and Elimination of Child Labor and Protection of Adolescent Workers met once (August 10, 2010), with the participation of 14 representatives of institutions with responsibilities relating to the problem. During this meeting, it was agreed that the institutions would issue a directive to guarantee that the actions of the Road Map were included in the National Development Plan and in the institutional plans of operation. It was also decided that the Committee would meet every six months. • The National Commission to combat Commercial Sexual Exploitation (CONACOES) met twice during this period (September 23 and December 9).
	5.4. Number of State institutions that have incorporated actions to prevent and eliminate child labor in their annual plans of operation.	• The following institutions have incorporated actions for the prevention and elimination of child and adolescent labor in their plans of operation or sectoral or institutional policies in keeping with the commitments of the Road Map: the MTSS, the National Child Welfare Board (issue of commercial sexual exploitation), the Ministry of Health (health policy), the Ministry of Education (education policy), MIDEPLAN (National Development Plan); the Ministry of Culture, Youth and Sports, the Social Assistance Institute (IMAS), the CCSS (health policy); the National Vocational Training Institute (INA), the National Scholarship Fund (education policy), and the Directorate General of Migration and Aliens' Affairs (issue of people trafficking). • The UCCAEP and the trade union organizations CTRN and CMTC included social mobilization actions to promote the prevention and elimination of child and adolescent labor, as did the civil society organization DNI/CESECODENI.

Challenges and recommendations	Indicators	August - December 2010																									
	5.5. Number of children and adolescents recorded as being removed from child labor and its worst forms by actions under the existing national plans.	• It has not been possible to make a new survey on child labor at the national level; therefore, the available statistics date from 2002. According to the survey conducted at that time, there were 113,523 child and adolescent workers, which represented a frequency rate of 10.2. 43% of these minors were aged from 5 to 14 years, which meant that they were involved in the worst forms of child labor. • In November and December 2010, the MTSS, in coordination with the National Statistics and Censuses Institute (INEC) and the technical and financial support of the ILO/IPEC, organized 2 meetings to define the proposal to incorporate and apply the child and adolescent labor module in the 2011 National Household Survey. • Over the period August–December 2010, MTSS detected 105 minors engaged in child labor, and proceeded to refer them to the Ministry of Education and the National Scholarship Fund for their assisted reinsertion in the education system. In addition, 52 adolescents were detected employed in hazardous activities, and they were counseled in their search for personal development alternatives in the area of education and training. • Regarding the commercial sexual exploitation of minors, 104 girls, boys and adolescents were detected and provided with attention, but none of them were removed from the activity. Children and adolescents detected, attended and removed from commercial sexual exploitation. Period 2007 –2010. <table><tr><th>Children and adolescents</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Detected in commercial sexual exploitation</td><td>165</td><td>96</td><td>152</td><td>104</td></tr><tr><td>Attended</td><td>165</td><td>96</td><td>152</td><td>104</td></tr><tr><td>Removed from commercial sexual exploitation</td><td>0</td><td>0</td><td>0</td><td>0</td></tr></table> Source: CONACOES. May 2011.	Children and adolescents	2007	2008	2009	2010	Detected in commercial sexual exploitation	165	96	152	104	Attended	165	96	152	104	Removed from commercial sexual exploitation	0	0	0	0					
Children and adolescents	2007	2008	2009	2010																							
Detected in commercial sexual exploitation	165	96	152	104																							
Attended	165	96	152	104																							
Removed from commercial sexual exploitation	0	0	0	0																							
	5.6. Number of cases sanctioned for using boys, girls and adolescents in child labor and its worst forms (include the cases recorded by MTSS and the criminal cases recorded by the Public Prosecutor's Office)/	• The MTSS has no data on the number of cases sanctioned for employing minors in child and adolescent labor, because it is the labor courts that impose the sanctions. • It was not possible to obtain information on the number of complaints filed before the office of the Prosecutor of Sexual Offenses and the respective sanctions in such cases. Persons denounced, accused and convicted for commercial sexual exploitation. Period 2007 –2010. <table><tr><th>Aspect</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Number of complaints filed</td><td>1,689</td><td>2,538</td><td>2,821</td><td>n.d.</td></tr><tr><td>Persons detained</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td></tr><tr><td>Persons criminally accused</td><td>109</td><td>155</td><td>156</td><td>n.d.</td></tr><tr><td>Persons convicted</td><td>0</td><td>1</td><td>8</td><td>n.d.</td></tr></table> Source: CONACOES. May 2011.	Aspect	2007	2008	2009	2010	Number of complaints filed	1,689	2,538	2,821	n.d.	Persons detained	n.d.	n.d.	n.d.	n.d.	Persons criminally accused	109	155	156	n.d.	Persons convicted	0	1	8	n.d.
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Challenges and recommendations	Indicators	August - December 2010																																																																																																																								
	5.7. Rate of coverage of the educational system for the population under 18 years of age, by age range and sex.	- The enrolment rate has been increasing since 2005, growing from 82.6 to 86.3; however, it remained stationary between 2009 and 2010. Net rate of coverage of the educational system by age group.* Period 2005-2010. <table><tr><th>Level</th><th>Age groups</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td rowspan="2">Interactive II</td><td>4 years</td><td>33.0</td><td>37.2</td><td>29.8</td><td>41.5</td><td>42.6</td><td>43.8</td></tr><tr><td>5 years</td><td>78.9</td><td>83.4</td><td>76.3</td><td>80.5</td><td>82.8</td><td>83.1</td></tr><tr><td>Transition</td><td>6 years</td><td>86.3</td><td>90.1</td><td>91.6</td><td>91.4</td><td>89.8</td><td>89.2</td></tr><tr><td rowspan="3">First cycle</td><td>7 years</td><td>98.3</td><td>96.5</td><td>96.7</td><td>97.1</td><td>97.3</td><td>97.0</td></tr><tr><td>8 years</td><td>100.0</td><td>100.0</td><td>98.6</td><td>100.0</td><td>100.0</td><td>100.0</td></tr><tr><td>9 years</td><td>99.8</td><td>100.0</td><td>99.5</td><td>98.7</td><td>100.0</td><td>100.0</td></tr><tr><td rowspan="3">Second cycle</td><td>10 years</td><td>100.0</td><td>100.0</td><td>100.0</td><td>100.0</td><td>100.0</td><td>100.0</td></tr><tr><td>11 years</td><td>99.6</td><td>98.8</td><td>98.0</td><td>99.4</td><td>100.0</td><td>98.1</td></tr><tr><td>12 years</td><td>93.6</td><td>96.6</td><td>96.3</td><td>97.0</td><td>98.8</td><td>99.2</td></tr><tr><td rowspan="3">Third cycle</td><td>13 years</td><td>91.6</td><td>92.8</td><td>93.6</td><td>93.8</td><td>93.9</td><td>94.1</td></tr><tr><td>14 years</td><td>83.2</td><td>82.8</td><td>82.7</td><td>83.9</td><td>86.0</td><td>86.7</td></tr><tr><td>15 years</td><td>75.6</td><td>74.8</td><td>77.7</td><td>78.1</td><td>82.0</td><td>82.5</td></tr><tr><td rowspan="2">Diversified education</td><td>16 years</td><td>65.7</td><td>65.6</td><td>69.5</td><td>69.8</td><td>74.7</td><td>75.5</td></tr><tr><td>17 years</td><td>48.2</td><td>48.0</td><td>50.0</td><td>51.1</td><td>55.6</td><td>54.9</td></tr><tr><td colspan="2">TOTAL</td><td>82.6</td><td>83.7</td><td>83.1</td><td>84.6</td><td>86.3</td><td>86.3</td></tr></table> * The data includes public, private and subsidized private educational establishments and is based on the enrolment recorded by these centers in March each year. In August 2009, the data on school coverage was corrected based on new population estimates calculated by the Central American Population Center (CCP), so that the rates reported in this table vary from those published in the previous verification report. Source: MEP. Statistics Analysis Department. Central American Population Center. 2009 Expansion of the Educational System of the MEP Statistics Analysis Department, 2005-2010. Table 80. August 2011. - In 2010, the <i>Avancemos program</i> of conditioned monetary transfers benefited 185,214 students and their families, covering 43.4% of enrolment at the secondary level. The total investment in 2010 was 49,520 million colones, around 5,000 million more than in 2009.	Level	Age groups	2005	2006	2007	2008	2009	2010	Interactive II	4 years	33.0	37.2	29.8	41.5	42.6	43.8	5 years	78.9	83.4	76.3	80.5	82.8	83.1	Transition	6 years	86.3	90.1	91.6	91.4	89.8	89.2	First cycle	7 years	98.3	96.5	96.7	97.1	97.3	97.0	8 years	100.0	100.0	98.6	100.0	100.0	100.0	9 years	99.8	100.0	99.5	98.7	100.0	100.0	Second cycle	10 years	100.0	100.0	100.0	100.0	100.0	100.0	11 years	99.6	98.8	98.0	99.4	100.0	98.1	12 years	93.6	96.6	96.3	97.0	98.8	99.2	Third cycle	13 years	91.6	92.8	93.6	93.8	93.9	94.1	14 years	83.2	82.8	82.7	83.9	86.0	86.7	15 years	75.6	74.8	77.7	78.1	82.0	82.5	Diversified education	16 years	65.7	65.6	69.5	69.8	74.7	75.5	17 years	48.2	48.0	50.0	51.1	55.6	54.9	TOTAL		82.6	83.7	83.1	84.6	86.3	86.3
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2. Regional recommendations																																																																																																																										
- Establish a child labor-free zone consistent with ILO Convention 182 by the end of the decade. - Develop viable timelines, needs assessments, and location of resources to accomplish the objective.	Child-labor-free zone at the national and regional level																																																																																																																									
	5.8. Number and type of national and regional actions to establish a child-labor-free zone by the end of the decade.	Bill No. 17,507 on the prohibition of hazardous and unhealthy work for adolescent workers was approved by the Legislative Assembly in second reading on December 21, 2010, after passing several years undergoing processing by the Assembly. With the approval of this law, ILO Convention 182 concerning the worst forms of child labor has been complied with.⁷¹																																																																																																																								

71. On March 25, 2011 Law No. 8922 on prohibition of hazardous and unhealthy work for adolescent workers entered into force. Published in La Gaceta No. 60 on March 25, 2011.

Challenges and recommendations	Indicators	August - December 2010
		• In August 2010, Law No. 8842 amending the Children's and Adolescents' Code, protection of adolescents engaged in domestic work entered into force; it added an article prohibiting adolescents (15-18 years) engaged in domestic work from sleeping at their place of work, looking after children or the elderly or people with disabilities, and carrying out work that involves supervision.⁷² • The regional activities concerning child labor and its worst forms in which representatives of the Costa Rican Government, employers and workers took part included the following:⁷³ - Subregional workshop to prepare a report on the ILO international labor conventions on child labor. San José, Costa Rica, August 16 and 17, 2010. - International Seminar on Best Practice for the Prevention and Elimination of Child Labor in Latin America. Bogotá, Colombia, October 29, 2010. - In August 2010, the start of a regional research project on the relationship between education and child labor in 10 countries (Argentina, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay and Peru).

72. Published in La Gaceta No. 157 of August 13, 2010.

73. Actions organized by the ILO/IPEC.

6. Promotion of a culture of compliance

Compliance with labor rights calls for a population that is informed, educated, aware and trained about these rights and obligations and their implementation in daily life. It is also necessary to develop awareness in society so that it demands compliance with those rights and monitors their effective implementation in both the formal and the informal sector. All social sectors must participate in order to achieve this culture of compliance, including: public institutions, the media, trade unions, employer organizations, non-governmental organizations (NGOs) and other social actors. Moreover, this culture is only possible if there is a solid base of social dialogue; it is therefore vital to strengthen the tripartite consultative councils on labor issues.

In the White Paper, the Government acknowledged the need to “broaden the understanding among workers and employers about their labor rights and obligations”, “to promote the principles of social corporate responsibility within the business community to improve compliance with labor laws,” and to strengthen the Superior Labor Council as a mechanisms for social dialogue, with a view to promoting a culture of compliance with and respect for workers’ rights.⁷⁴

Over the period August-December 2010, the Occupational Health Council held 3 workshops on legal aspects of occupational health, gender-based discrimination and HIV/AIDS, with the participation of 81 trade unionists. In addition, the HIV/AIDS workplace guidelines were validated with the participation of 24 representatives of the government, worker and employer sectors.

Several MTSS units took part in dissemination and awareness-raising activities on labor rights in workshops and talks involving more than 900 participants. In addition, posters with information on the Christmas bonus campaign were set up on hoardings; information was distributed and consultations were answered by e-mail and using the social networks. Also, the MTSS prepared a compendium of legal rulings in keeping with the unified criteria, which is available on CD.

The employer sector, through UCCAEP, organized 4 training activities on labor issues, and several technical cooperation projects helped disseminate labor rights and provided legal assistance to more than 700 workers. They also organized trainer training activities, benefiting around 1,000 people.

In addition, a seminar was held to share experiences of corporate social responsibility.

In the context of enhancing social dialogue mechanisms, the decree was signed on the new rules of procedure for the functioning of the CST. The Council held 5 meetings, adopting, among other decisions, the approval of the reform of the CST rules of procedure and the CST agenda, which includes in particular the National Decent Work Plan and Bill No. 15,160 on the minimum percentage of women members of the Boards of solidarity associations, trade unions and associations.

74. The White Paper, p. 22.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Continue institutional efforts to disseminate and raise awareness about labor rights through systematic campaigns. These campaigns should form part of an institutional communications policy and have the support and participation of the employer and worker sectors.
- Evaluate, with employers and workers, the impact of the dissemination and awareness-raising activities on compliance with labor rights.
- Organize training and awareness-raising activities on compliance with labor rights for the employer and worker sectors.
- Coordinate with cooperation agencies and academic establishments, and lobby government agencies and the Legislature in order to obtain increased financial resources that permit an increase in actions on compliance with labor rights.
- Examine the possibility of incorporating the issue of compliance with labor rights into the curriculum of all levels of the national education system.
- Continue publicizing labor rights and responding to questions on this issue through web pages and social networks.
- Prepare an awareness-raising program for MTSS officials on HIV/AIDS, based on the ILO repertory of practical recommendations on HIV/AIDS and the world of work, and Recommendation No. 200 on HIV and AIDS and the world of work (2010).
- Continue the efforts to raise awareness of the advantages of complying with the law, and draw up the proposed public policy on corporate social responsibility, with the support of the private sector and other social sectors.
- Continue efforts to strengthen and intensify the work of the CST, providing it with the human, technical and financial resources required for it to perform its tasks satisfactorily.
- Establish a training program for the members of the CST.
- Monitor and evaluate the functioning of the CST and compliance with the decisions it adopts.

Challenges and recommendations	Indicators	August - December 2010
I. Information and training on fundamental labor rights		
Challenges: - There is still a need to broaden the understanding among workers and employers about their labor rights and obligations. Recommendations: - Develop a national program of public education and awareness-raising to expand and strengthen workers and employers' understanding and compliance with labor rights and obligations.	Dissemination of labor rights	
	6.1. Number and type of social information and awareness-raising actions on labor rights (include the number of persons benefiting from these actions and, if available, the results of the participants' evaluation of the pertinent training event or program).	- Regarding awareness-raising and dissemination of labor rights, the MTSS implemented the following actions between August and December 2010: - The Labor Inspectorate gave 15 talks on labor rights in which around 400 students, public officials, members of community organizations and workers from different companies took part. - The Legal Affairs Department organized 5 talks on labor rights in the Municipality of Escazú⁷⁵ and for the National Teachers' Association,⁷⁶ with a total of 109 participants. - The MTSS Labor Education Program organized 9 workshops on labor education and promotion in the technical and professional colleges of Heredia, Desamparados, San José and San Carlos (with a total participation of 415 students). - The Administration of Information Resources Department coordinated the process of revising and updating a series of informational leaflets with frequently asked question (FAQs) on labor rights and obligations. A committee composed of 11 MTSS officials took part in the elaboration and publication of these leaflets, and the following topics were covered: the Christmas bonus, vacations, paid holidays, pregnant and nursing workers, domestic work, the minimum wage, payments for advance notice and termination of employment. - Nine giant posters were erected on hoardings with information on the Christmas bonus campaign conducted between November 27 and December 15, during which 796 inquiries and calculations of the Christmas bonus were handled.⁷⁷ - The use of digital means to disseminate information and deal with labor consultations by e-mail through the Punto de Enlace Permanente (pep@mtss.go.cr) [permanent liaison point],⁷⁸ the social networks Facebook (www.facebook.com/TrabajoCR),⁷⁹ and Twitter (www.twitter.com/MTSS_CR), and the YouTube website (www.youtube.com/TrabajoCostaRica).⁸¹ - According to data from the MTSS Planning Department, a total of 264,738 people received labor training and advisory services from MTSS on the different issues that fall within its terms of reference.⁸² - The MTSS Press Office published 34 communiqués in the different mass media, principally related to the minimum wage campaign, the Christmas bonus, and the reforms to the law on sexual harassment in the workplace and in academic establishments.

75. The talks were given to the users of the municipality's employment agency: August 18 (27 participants); September 22 (16 participants); October 20 (17 participants) and November 24 (17 participants).

76. Held on August 32 (32 participants).

77. The posters on hoardings were put up in Pérez Zeledón, Liberia, San José, Puntarenas, Heredia, Alajuela, Cartago and Limón.

78. Answer to 1,096 consultations between August 16 and December 31, 2010.

79. Subscribed to by 1,780 users.

80. The channel has 496 copies of the videos available.

81. The channel has 496 copies of the videos available.

82. See information on monitoring in indicator 4.1.3 of the 2010–2015 MTSS Institutional Strategic Plan.

Challenges and recommendations	Indicators	August - December 2010
		• The Occupational Health Council organized 3 workshops on basic aspects of occupational health, especially in relation to the legal framework, the prevention and handling of HIV/AIDS, and gender-based discrimination. 81 representatives of different trade union organizations took part in the workshops.⁸³ In addition, the guidelines for the application of the directive on the prevention and handling of HIV/AIDS in the world of work were validated with the participation of 24 representatives of the Government, worker and employer sectors.⁸⁴ • The employer sector, through UCCAEP, organized 4 training activities on labor issues: (a) seminar on labor inspections in the construction sector: CCSS; MTSS and the Directorate of Migration and Aliens' Affairs;⁸⁵ (b) The authority to discipline and dismiss; how to apply them in my company;⁸⁶ (c) the most recent labor legislation to combat sexual harassment in employment,⁸⁷ and (d) national workshop on collective bargaining in the business sector.⁸⁸ • Between August and December 2010, the Labor Rights Center of the <i>"Todas y todos trabajamos. Derechos laborales para todas y todos"</i> project, executed by Caritas, provided legal advice to 401 workers; legal assistance to 394 workers who had denounced violations of their labor rights; trained 44 trainers on labor rights and they, in turn, organized 19 training activities for 274 workers. In addition, it held 16 workshops on labor rights (322 participants); organized 4 public fairs to promote labor rights (335 participants), and broadcast 7 radio programs dedicated to analyzing labor issues and responding to questions on legal matters submitted by 441 listeners.⁸⁹
	6.2. Existence and operation of a database of MTSS legal rulings developed.	• The Internet database on legal rulings was not updated during this period. • Owing to the process to unify legal criteria, a new inventory of legal rulings was drawn up, organized according to unified criteria; however, it was not designed as a database that could be placed on Internet, but as an Excel document available on CD.

83. The workshops were held on August 23 and 24; October 14 and 15, and November 22 and 23, 2010.

84. Consultation carried out on November 17, 2010.

85. Held on November 18, 2010, for managing directors, human resource managers, administrative managers and staff responsible for attending the inspectors in the companies (35 participants).

86. Held on August 30 and 31, 2010, for those responsible for applying the disciplinary regime in companies; personnel responsible for the functions supervision, monitoring and control; and for the technical or legal advisers of the company (30 participants).

87. Held on September 24, 2010, with the participation of 9 company representatives, whose principal function is to apply the disciplinary regime, supervise personnel or provide legal advisory services to the company.

88. Held on September 7 and 8, 2010, with the participation of 17 representatives of member organizations of UCCAEP, and was supported by the ILO.

89. Weekly program Derechos sin Fronteras, Radio Cucú.

Challenges and recommendations	Indicadors	August - December 2010
2. Corporate social responsibility		
Challenges: • There is a need to promote the principles of corporate social responsibility within the business community to improve compliance with labor laws. Recommendations: • Develop a Plan of Action to promote the engagement of the business community on corporate social responsibility programs.	Promotion of the principles of corporate social responsibility	
	6.3. Number and type of actions for the promotion and participation of the business community in the programs of corporate social responsibility. (Include the number of persons and/or companies that participate in these actions).	• The seminar on “ Executive Training: competitiveness through labor responsibility; regional experiences,” was held on August 17, 2010; its purpose was to share advice and lessons learned to improve the strategies for approaching employers regarding the issue of labor responsibility.⁹⁰
3. Regional recommendations		
• Implement comprehensive training on labor rights for workers and employers. • Strengthen tripartite labor councils and make more effective use of their output.	Functioning of the Supreme Labor Council	
	6.4. Number of ordinary and extraordinary meetings held by CST (include the level of tripartite participation in the meetings, the number and type of agreements reached within CST, the level of execution of these agreements), and the number of dissemination and training events held by CST on compliance with labor standards (include the level of tripartite participation and, if available, the results of the participants' evaluation of the pertinent training event or program).	• On August 24, 2010, the decree on the new rules of procedure of the Supreme Labor Council (CST) was issued; the intention is to expedite the negotiations and improve the dialogue of this tripartite mechanism. • During this verification period, the CST held 5 meetings:⁹¹ the most relevant decisions reached by consensus included: - Approval of the reform of the CST rules of procedure; - Appointment of the CST Executive Director and swearing in of the Council's members; - Approval of the CST agenda items: National Employment Plan, decent work, and Bill No 15,160 on the minimum percentage of women who should be members of the Boards of associations, trade unions and solidarity associations.

90. The event was organized by the Asociación Empresarial para el Desarrollo (AED) with the support of the Responsible Competitiveness in DR-CAFTA project of BSR.

91. Session 06-2010 of August 5 (11 participants); session 07-2010 of August 12 (9 participants); session 08-2010 of November 11 (16 participants); session 09-2010 of November 18 (11 participants), and session 10-2010 of December 9 (11 participants).