VI. Nicaragua

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.

For Nicaragua, the main challenge established by the White Paper with regard to freedom of association, trade unions, and labor relations is the dissemination and application of the Acquired Labor Rights Act,[266] approved to safeguard workers' rights within the specific context of DR-CAFTA.

Over the period August-December 2010, no decisions were recorded concerning the actions on unconstitutionality filed against the Acquired Labor Rights Act since 2005.

Two training workshops on labor rights were held for the trade union sector with the participation of 65 workers. The topics dealt with included: oral labor administrative proceedings, the General Law on Labor Inspection, gender, HIV/AIDS, and social security.

In addition, it was reported that 4 training workshops on labor rights were held for the employer sector with 51 participants. The topics dealt with in the workshops included: oral labor administrative proceedings, the General Law on Labor Inspection, and the Occupational Health and Safety Law.

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

- Disseminate the Acquired Labor Rights Act in the different tripartite mechanisms and ensure its application by the Labor Inspectorate.
- Continue training activities on labor rights for the trade union and employer sectors when requested by the social actors, with equal access to men and women.

266. The purpose of the Act on Acquired Labor Rights, Act No. 516, promulgated by the National Assembly on December 3, 2004, and published in Official Gazette No. 11 on January 17, 2005, is to "ensure that none of the rights of Nicaraguan workers are reduced under CAFTA, and [it] establishes sanctions to prevent employers from limiting or disregarding workers' rights alleging reasons of competitiveness" (The White Paper, page 59). The complete version of the Act (in Spanish) can be consulted on the following website: http://legislacion.asamblea.gob.ni/Normaweb.nsf/Normas?openview

Challenges and recommendations	Indicaors	August 2009 – January 2010
1. Labor Law Reforms		
Challenge: • Nicaragua reviewed the ILO labor law study, considered the issues contained in it, and recently enacted changes to respond to all the concerns raised. • An additional law was recently passed to safeguard worker rights in the context of the CAFTA specifically. • However, since the changes are recent, they are not widely known yet in Nicaragua. **Recommendations:** • Hold a series of tripartite fora in the country during 2005 to explain the new legal changes to all interested parties, including employers and trade union representatives, as well as ministry officials and lawyers and judges involved in the administration of the labor law.	**Dissemination of reforms to the law**	
	1.1. Status of the Acquired Labor Rights Act (indicate the status of the actions on unconstitutionality pending a decision by the Supreme Court of Justice).	• The Acquired Labor Rights Act remains in force and the actions on unconstitutionality filed against it were not decided during this period.
	1.2 Number of public fora or other informative events held to disseminate labor rights, including the Acquired Labor Rights Act (including the number of participants in the activities of the public institutions, trade unions and employer organization and, if available, the results of the participants' evaluation of the pertinent event or training activity).	• Two training workshops on labor rights were held for the trade union sector (August 5 and 17, 2010) with the participation of 65 members of the different national trade union organizations. The topics dealt with included: oral labor administrative proceedings, the General Law on Labor Inspection, gender, HIV/AIDS, and social security.[267] • Four training workshops on labor rights were held for the employer sector (October 12, 19 and 26, and November 9, 2010), with the participation of 51 representatives. The topics dealt with included: oral labor administrative proceedings, the General Law on Labor Inspection, and the Occupational Health and Safety Law.[268]
	1.3. Number of rulings or judgments that mention the Acquired Labor Rights Act to support administrative or judicial decisions in cases involving labor-related complaints.	• Over the verification period no relevant information was recorded.

267. With the support of the ILO/Verification Project.
268. Idem.

2. Ministry of Labor

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 established the need to increase the resources allocated to inspection in order to cover the costs of staff, training, transport, information technology and infrastructure, as well as to separate the functions of inspection from those of mediation and conciliation. In addition, it emphasized the need to enact the new law that will reinforce the powers of the labor inspectors, including the authority to impose penalties for failure to comply with labor laws.[269] In addition, all the Governments undertook to increase resources so as to provide the Labor Ministries with trained personnel, infrastructure and equipment to enable them to perform their functions satisfactorily.[270]

Over the period August-December 2010, a seminar was held on inspection systems for 59 officials, and also 5 regional workshops to decentralize the collective bargaining service. In addition, the Labor Information System (SISLAB) is being designed in the areas of occupational health and safety, labor inspections, collective rights, and employment and salaries.

The 2010 MITRAB budget subject to verification decreased in nominal terms in relation to the previous year. The reduction represented 6.15% in the initial budget, 5.3% in the modified budged and 0.9% in the executed budged. In real terms, the growth percentages were -14.1%, -13.3 and -9.0 respectively. In 2010, 97% of the budget subject to verification was executed; this exceeded the percentage for 2009.

In 2010, the initial MITRAB budget for the application of labor law increased in real terms by 11.1% in relation to the previous year, while there was an increased of 8.6% in the executed budget for the same period. However, in real terms, the respective rates of growth were 1.7% and -0.6%.

The percentage of the initial MITRAB budget subject to verification in relation to the total national budget was 0.15% in 2010; this was lower than the figure for 2009 (0.17%).

In 2010 there was an increase of 4 inspectors in the regional offices. The total number of inspection positions increased to 99 (3 more than in 2009); however, to December 2010, the 3 vacant position in the central office had not been filled. The significant increase in the working population has meant that, in 2010, there was one inspector for every 26,179 workers, compared to one for every 21,839 in 2009, and this despite the increase in the number of inspectors.

In 2010, 8,433 inspection visits were made (10% more than in 2009) and 55 fines were levied (0.84% of violations compared to 0.65% in 2009). The percentage of the working population covered by inspections remained at 11% over this period.

269. The White Paper, p. 61.
270. Ibid. p. 64.

Regarding conciliation, there is one more conciliator; giving a total of 11 positions in 2010. In addition, there were 11% more requests for individual conciliation, but the percentage of cases conciliated fell to 47% (56% in 2009). MITRAB reported 50 collective agreements in 2010 (6 less than in 2009), involving 117,306 workers (43,481 workers more than in 2009).

A total of 495 decisions were issued under oral labor administrative proceedings in 2010, at the request of the employer party (696 in 2009).

Furthermore, MITRAB responded to 73,056 consultations in writing, in person and by telephone, which was more than the previous year (68,040 in 2009).

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

- Draw up a plan of operations for the Ministry that facilitates prioritizing the existing resources and seeking an increased budget.
- Develop the SISLAB so that it is able to achieve its objective to provide information for decision-making in the different areas it covers.
- Continue trying to open more places for regular labor inspectors and fill the vacant positions in this area.
- Design and implement a training and specialization plan (sectoral or by subject matter) for labor inspectors on procedures, substantive norms and the standardized application, as well as on their functions of monitoring compliance with norms and providing information and advisory services, preceded by an assessment of their knowledge and attitudes.
- Prepare inspection guidelines and technical criteria, with the support of international cooperation.
- Develop dialogue mechanisms that promote the standardized application of labor legislation.
- Provide technical support, with the assistance of International cooperation, to expand training and dissemination activities on inspection and labor legislation to representatives of the workers' and the employers' sectors.

Challenges and recommendations	Indicators	August 2009 – January 2010
1. Inspectorate and mediation and conciliation		
Challenges: • The labor ministry suffers from a significant limitation on resources, including the inspectorate and the mediation and conciliation operations. As in a number of countries, turnover is high, and salary levels low. These same problems also impact other functions of the labor ministry. • The limitations on inspectorate resources has led to concerns about the ability to assess whether the laws in free trade zones with regard to night work and overtime are being properly applied. • Consultations are underway on a new labor inspection law to enhance the authority of the inspectorate through stronger enforcement powers and higher penalties. **Recommendations:** • Additional resources for inspection and mediation are needed for salaries, training, transportation, information technology and basic infrastructure. Separate personnel need to be designated for mediation and conciliation functions. • The new law providing enhanced authority for the labor inspectorate, including the power to issue penalties for illegal dismissals, failure to provide reinstatement, and other trade union rights violations, should be adopted in 2005.	**Core budget of the Labor Ministry**	
	2.1. Amount of the annual core budget of the Labor Ministry.	• The MITRAB budget is defined on the basis of 6 programs: Central activities, Labor Inspectorate General, Collective rights and legal assistance, Occupational health and safety, Employment and salaries and Budgetary items that cannot be allocated to programs. • For the purposes of the verification process, only activities that are truly labor-related are relevant; hence, only the following programs are included: - Central activities - Labor Inspectorate General - Collective rights and legal assistance - Occupational health and safety - Employment and salaries • The following programs are not included for the effects of the verification: - Cooperative organization and work/INFOCOOP: this program appeared in the MITRAB budgets for 2005, 2006, 2007 and 2008. The previous Verification Report included this program in the institutional Budget for 2005, 2006 and 2007; however, as it does not correspond to activities that are strictly labor-related, it will not be included for the effects of verification. This entails a modification in the amounts published for these years in previous reports. - Amounts that cannot be allocated to programs, which each year refer to resources for the National Technological Institute (INATEC). • The following table shows the Initial budget by program, noting those activities or items that require special treatment.

Challenges and recommendations	Indicators	August - December 2010

Initial MITRAB budget by programs (in thousands of córdobas). Period 2005-2010.

Programs	2005	2006	2007	2008	2009	2010
Total MITRAB budget	**86,526**	**104,199**	**95,754**	**97,734**	**232,543**	**170,063**
Programs included in the verification:						
Central activities	20,100	20,651	24,617	42,958	25,353	22,244
Labor Inspectorate General	7,254	9,932	10,915	13,942	13,927	15,712
Collective labor rights and advisory services*	1,170	1,880	2,112	2,210	2,660	2,567
Occupational health and safety	1,153	1,603	1,825	1,960	1,894	2,249
Employment and salaries	1,784	2,120	2,286	2,804	4,536	2,624
Total for the purposes of verification	**31,460**	**36,185**	**41,756**	**63,874**	**48,370**	**45,396**
Programs not included in the verification:						
Cooperative organization and work/ INFOCOOP**	687	874	3,081	2,651	0	0
Items that cannot be allocated to programs***	54,378	67,139	50,917	31,209	184,173	124,667
Total excluded from the verification	**55,065**	**68,013**	**53,998**	**33,860**	**184,173**	**124,667**

* Called "Labor relations" in 2005, 2006 and 2007.

** MITRAB managed a program of "Cooperative organization and work" and its activities were taken over by the Nicaraguan Institute to Promote Cooperative Movements (INFOCOOP) constituted towards the end of 2007. In the previous Verification Report, this item was included in the amount to verify for 2005, 2006 and 2007, but it has been excluded from this report, because it corresponds to a transfer.

*** Each year, this refers to resources for the National Technological Institute (INATEC).

Source: Prepared by the authors based on data provided by the Ministry of Finance and Public Credit. General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009, 2010. Ministry of Finance and Public Credit. Analytical execution of the budget, February 22, 2011.

Challenges and recommendations	Indicators	August - December 2010

- The MITRAB budget subject to verification revealed a sustained yearly growth between 2005 and 2008; however, in the last two years, the initial budget declined, in both current and real terms.

MITRAB budget subject to verification and percentages of annual growth. Period 2005 – 2010.

Year	Initial budget			Modified budget			Executed budget		
	Total amount	% annual increase		córdobas	% annual increase		córdobas	% annual increase	
		current	real*		current	real*		current	real*
2005	31,460,282	-	-	33,666,347	-		33,374,697	-	-
2006	36,185,486	15.0	5.4	36,474,042	8.3	-0.8	35,148,106	5.3	-3.5
2007	41,756,021	15.4	3.8	41,081,395	12.6	1.4	39,321,525	11.9	0.7
2008	63,873,698	53.0	27.7	51,529,707	25.4	4.7	45,391,778	15.4	-3.6
2009	48,370,188	-24.3	-27.0	47,935,988	-7.0	-10.3	44,423,564	-2.1	-5.6
2010	45,395,941	-6.15	-14.1	45,395,939	-5.3	-13.3	44,022,578	-0.9	-9.3

* To calculate this increase, inflation was deducted, measured by the National Consumer Price Index (baseline 1999), using the average annual rate each year.
Source: Prepared by the authors based on data provided by the Ministry of Finance and Public Credit. General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009, 2010 (initial budget). Ministry of Finance and Public Credit. Analysis of budget execution. February 22, 2011 (modified and executed budget).

- The following table reflects the levels of MITRAB budget execution, which have exceeded 90%, with the exception of 2008. For the last year verified, 97% of the budget was executed.

Percentage of execution of budget subject to verification. Period 2005 – 2010.

	2005	2006	2007	2008	2009	2010
Executed in relation to initial	106.1%	97.1%	94.2%	71.1%	91.8%	97.0%
Executed in relation to modified	99.1%	96.4%	95.7%	88.1%	92.7%	97.0%

Source: Prepared by the authors based on data provided by the Ministry of Finance and Public Credit. General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009, 2010 (initial budget). Ministry of Finance and Public Credit. Analysis of budget execution. February 22, 2011 (modified budget).

Challenges and recommendations	Indicators	August - December 2010

- The MITRAB budget is financed from five sources, of which three are relevant for the verification exercise: Finance Ministry resources, Earmarked income, and External donations. Over the last two years, resources from the Finance Ministry have represented more than 80% of the initial budget relevant for the White Paper verification.

Initial MITRAB budget, by source of financing. Period 2005-2010.

Source de financing	2005	2006	2007	2008	2009	2010
Total MITRAB	**86.525.632**	**104.198.587**	**95.754.208**	**97.733.550**	**232.543.188**	**170.062.806**
Finance Ministry	36,600,043	49,568,587	71,517,964	49,266,607	44,737,188	76,981,375
Earmarked income	2,547,739	3,177,000	3,640,244	4,012,943	4,287,000	4,287,000
Finance Ministry/relief	20,976,260	20,270,000	0	25,085,000	39,123,000	0
External loans	1,708,290	10,000,000	0	0	117,619,000	28,115,000
External donations	24,693,300	21,183,000	20,596,000	19,369,000	26,777,000	60,679,431

Source: Ministry of Finance and Public Credit. Books of the General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009 and 2010.

Initial MITRAB budget relevant for the verification process.* Period 2005-2010.

Source de financing	2005	2006	2007	2008	2009	2010
Total MITRAB	**31.460.282**	**36.185.486**	**41.756.021**	**63.873.698**	**48.370.188**	**45.395.941**
Finance Ministry	n.d.	n.d.	n.d.	n.d.	38,950,188	38,103,510
Earmarked income	n.d.	n.d.	n.d.	n.d.	4,287,000	4,287,000
Finance Ministry/relief	n.d.	n.d.	n.d.	n.d.	0	0
External loan	n.d.	n.d.	n.d.	n.d.	0	0
External donation	n.d.	n.d.	n.d.	n.d.	5,133,000	3,005,431

* Includes the following programs: Central activities, Labor Inspectorate General, Collective labor rights and advisory services, Occupational Health and Safety, and Employment and Salaries.

Source: Ministry of Finance and Public Credit. Books of the General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009 and 2010.

Challenges and recommendations	Indicators	August - December 2010
	2.2. Percentage of institutional annual budget allocated to compliance with labor laws.	• The following table shows the trend towards an annual increase in current terms of the initial budget allocated to the application of labor laws, which includes the following areas: Labor Inspectorate General; Collective labor rights and advisory services, and Occupational health and safety. • In the case of the modified and executed budget in 2010, there was an increase in current terms of 18% and 20% respectively in relation to 2009.
	2.3. Percentage of the Ministry budget in relation to the National Budget.	• The initial MITRAB budget subject to verification fell from representing 0.20% of the National Budget in 2005 to 0.15% in 2010. However, in terms of the executed MITRAB budget, there has been an increase of from 0.18% to 0.21% in relation to the executed National Budget over this period.

Budget allocated to application of labor laws and rates of growth. Period 2005-2010.

Year	Initial budget			Modified budget			Executed budget		
	Total amount	% annual increase		córdobas	% annual increase		córdobas	% annual increase	
		current	real*		current	real*		current	real*
2005	9,576,774	-	-	10,558,940	-	-	10,284,893	-	-
2006	13,414,619	40.1	28.3	12,801,480	21.2	11.1	11,740,761	14.2	4.6
2007	14,852,652	10.7	-0.4	14,702,689	14.9	3.4	13,835,441	17.8	6.0
2008	18,112,422	21.9	1.8	19,738,660	34.3	12.1	18,678,394	35.0	12.7
2009	18,481,714	2.0	-1.6	18,833,254	-4.6	-8.0	17,759,998	-4.9	-8.3
2010	20,528,057	11.1	1.7	21,098,880	12.0	2.6	19,281,818	8.6	-0.6

* To calculate this increase, the inflation measured by the National Consumer Price Index (baseline 1999) was deducted, using the average annual rate each year.
Source: Prepared by the authors based on data provided by the Ministry of Finance and Public Credit, Books of the General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009, 2010 (initial budget). Ministry of Finance and Public Credit. Analysis of budget execution. February 22, 2011 (updated and executed budget).

National Budget:* initial, updated and executed (in thousands of córdobas). Period 2005-2010.

Budget	2005	2006	2007	2008	2009	2010**
Initial	15,785,537	21,382,209	24,931,205	28,618,106	32,522,686	31,093,535
Updated (modified)	19,657,197	23,094,896	25,518,321	29,705,886	35,089,676	31,190,800
Executed	18,343,414	21,157,968	23,819,334	28,182,240	33,228,547	21,171,300

* Does not include amortization of the debt.
** Data to September 2010.
Source: Ministry of Finance and Public Credit. Books of General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008, 2009, 2010 (initial budget). Report on budget execution January-September 2010 (updated and executed).

Challenges and recommendations	Indicators	August - December 2010

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

Year	2005	2006	2007	2008	2009	2010
Initial in relation to initial	0.20%	0.17%	0.17%	0.22%	0.17%	0.15%
Executed in relation to executed	0.18%	0.17%	0.17%	0.16%	0.13%	n.d.

* The budget subject to verification includes the budgetary items allocated to: Central activities, Labor Inspectorate General, Collective labor rights and advisory services (in 2005, 2006 and 2007 this was called Labor relations), Occupational health and safety, and Employment and Salary.

Source: Ministry of Finance and Public Credit. Books of General Budget of the Republic of Nicaragua 2005, 2006, 2007, 2008 and 2009 (initial budget); and Reports on execution of the General Budget of the Republic 2005, 2006, 2007, 2008, 2009 and 2010 (budgets updated and executed). Ministry of Finance and Public Credit. Analysis of budget execution, February 22, 2011.

Human resources

2.4. Number of Ministry inspectors and conciliators. (Indicate the number of inspectors who visit places of work exclusively, as well as the number of inspectors who carry out both inspection and conciliation functions, and the number of inspectors who perform other types of function such as notifications, advisory services, and customer service).

- The following table shows that the number of inspectors in the regional offices increased by four in 2010. This increase was due to the hiring of one inspector each for the Matagalpa, León, Masaya and Bluefields offices. The three vacant positions of inspector in the central office in 2010 had not been filled at December 2010.

Labor inspection personnel, by positions and offices. Period 2005 –2010

Year	2005	2006	2007	2008	2009	2010
Inspectors, Central Office	n.d.	n.d.	n.d.	23	26	23
Head of Regional Offices	n.d.	n.d.	n.d.	16	14*	16
Inspectors in departments	n.d.	n.d.	n.d.	55	56	60
Total	57	57	92	94	96	99

* The Masaya and Río San Juan offices do not have a regional head.

Source: Labor Inspectorate General. MITRAB.

Collective and individual conciliation personnel. Period 2005 –2010.

Year	2005	2006	2007	2008	2009	2010
Conciliators in the Central Office	n.d.	n.d.	n.d.	9	7	8
Heads of collective/individual conciliation	n.d.	n.d.	n.d.	1	1	1
Office and miscellaneous staff	n.d.	n.d.	n.d.	2	2	2
Total	n.d.	n.d.	n.d.	12	10	11

Source: Collective Labor Rights and Advisory Services Directorate. MITRAB.

Challenges and recommendations	Indicators	August 2009 – January 2010
	2.5. Number of training activities each year for inspectors and conciliators (number of officials trained, and if available, the results of the participants' evaluation of the pertinent event or training activity).	• The National Seminar on Inspection Systems was held with the participation of 59 officials from the MITRAB Labor and the Health and Safety Inspectorates (August 19 and 20, 2010).[271] • A time and motion study was prepared in order to determine the obstacles in the inspection process and to identify the next steps to implement improvements in the inspection system (August-November 2010).[272] • MITRAB initiated the process of decentralizing the collective bargaining service so as to establish a decentralized collective conciliation system with unified procedures. The training workshops were held in Granada (November 16 and 17), Matagalpa (November 18 and 19), Estelí (November 25 and 26), Juigalpa December 2 and 3), and Bilwi (December 14 and 15).[273]
	Infrastructure and equipment	
	2.6. Number and type of improvements to infrastructure, transportation, information technology, computer equipment, and training in case management, to assist the work of inspection and conciliation in the regional offices and in the Central Office (disaggregate the information by inspection or conciliation service and indicate the about of the institutional budget allocated for maintenance of these items).	• Thirteen spaces were equipped for the area of collective rights and MITRAB labor advisory services, distributed in the following departmental delegations: Chontales (1), Puerto Cabezas (1), Boaco (1), León (1), Chinandega (1), Granada (1), Carazo (1), Bluefields (1) and Managua (5).[274] • Acquisition of a "Take-a-Ticket" system for the area of collective rights and MITRAB labor advisory services at the central level.[275]
	2.7. Number of cases entered into the automated system for managing inspection cases (include, if available, the results of the evaluation of the use of the system).	• The automated case system is not in operation. • Currently, the Labor Information System (SISLAB) is being developed; it will permit the automated recording and processing of statistics in the areas of occupational health and safety, labor inspection, collective rights, and employment and salaries.

271. With the support of Phase 3 of the Cumple y Gana project: strengthening inspection in Central America, Panama and Dominican Republic.
272. Idem.
273. With the support of the ILO/Verification Project.
274. With the support of the program for the implementation of alternate commercial and labor dispute resolution methods.
275. Digital screen for the central office. With the support of the program for the implementation of alternate commercial and labor dispute resolution methods.

Challenges and recommendations	Indicators	August 2009 – January 2010
	Labor Inspection Act	
	2.8. Number and type of dissemination and training activities on the Labor Inspection Act (indicate the number of participants and, if available, the results of the participants' evaluation of the pertinent event or training activity).	• The training workshops mentioned in indicator 1.2 included the topic of the General Labor Inspection Law.
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 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	**Coverage of inspection and conciliation services**	
	2.9. Number of inspections (ex officio, based on complaints, re-inspections) and number of cases sanctioned. Include details of inspections by size of the companies inspected and sector to which they belong.	• Inspection data for 2010 reflect a 14.7% increase in inspections compared to the previous year. The increase responded to the changes being made in the MITRAB inspection system as regards expanding coverage by focusing it, and modifying inspection protocols. In addition, in 2010, the number of visits increased by 10.5% compared to 2009. • Of the companies inspected, 29.3% received a re-inspection visit and 0.84% of those inspected were fined as a result of the labor inspection. • When dividing the number of workers covered by inspections by the total number of inspections, in 2005 the average number of workers for each inspection was 75, while in 2010, the figure was 43; this may be the result of a policy of inspecting smaller enterprises than those traditionally inspected in 2005.

Number of inspections made by MITRAB. Period 2005 – 2010.

Year	2005	2006	2007	2008	2009	2010
Scheduled inspections	1,549	2,186	2,511	3,330	4,120	4,633
Inspections based on complaints*	171	461	828	1,810	1,568	1,891
Total inspections	**1,720**	**2,647**	**3,339**	**5,140**	**5,688**	**6,524**
% scheduled inspections**	90%	86%	75%	65%	72%	71%
Re-inspections	689	954	1,044	1,576	1,941	1,909
Total visits	**2,409**	**3,601**	**4,383**	**6,716**	**7,629**	**8,433**
Fines	3	21	65	47	37	55
Proportion sanctions / inspections	0.17%	0.67%	1.83%	0.91%	0.65%	0.84%
Number of workers covered by inspections	129,545	156,864	204,268	310,349	229,391	281,582

* The data on the number of inspections based on complaints and re-inspections in 2006, 2007 and 2009 included in previous reports contained errors that have been corrected in this report.

** The percentage is calculated based on the total number of inspections and not on the total number of visits, because it does not include re-inspections; hence the variation between these percentages and those reported in the previous Verification Report

Source: Ministry of Labor. Agenda Laboral. Informe de Gestión 2010.

Challenges and recommendations	Indicators	August - December 2010
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. •	2.10. Ratio of inspectors / working population.	• The increase in the number of inspectors in 2007 helped improve the ratio of inspectors to working population; this decreased from around 36,500 workers per inspector in 2005, to around 26,179 per inspector in 2010; this contributes to the increase in labor inspection coverage.

Ratio of inspectors to the working population. Period 2005-2010.

Year	2005	2006	2007	2008****	2009*****	2010******
Working population	2,080,900*	2,089,800*	2,079,000***	2,168,368	2,096,500	2,591,700
Number of inspectors**	57	57	92	94	96	99
Ratio	**36,507**	**36,663**	**22,598**	**23,068**	**21,839**	**26,179**

Sources: *Bank of Nicaragua, Anuario de Estadísticas Económicas 2001-2006.
** Human Resource Department, Labor Ministry.
*** This figure differs from the one reported in the Verification Report for August 2007-January 2008, because the latter used the Central Bank of Nicaragua as its source: Macroeconomic situation: November 2007, and the figures used were only up to July 2007. The source of this figure is the 2001-2007 Financial Statistics Yearbook of the Central Bank of Nicaragua.
**** National Development Information Institute (INIDE). XXV Household Survey to measure Employment. February 2010..
***** Banco Central of Nicaragua. Nicaragua en Cifras. April 2010.
****** Banco Central of Nicaragua. Anuario de Estadísticas Macroeconómicas 2010.

	2.11. Percentage of working population covered by the inspections.[276]	• The percentage of the working population covered by MITRAB inspections increased from 6.2% in 2005 to almost 11% in 2010, with a maximum of 14.3% in 2008.

Percentage of the working population covered by inspections. Period 2005-2010.

Year	2005	2006	2007	2008***	2009	2010******
Working population	2,080,900*	2,089,800*	2,079,000**	2,168,368****	2,096,500*****	2,591,500
Workers covered by inspections	129,545	156,864	204,268	310,349	229,391	281, 582
Percentage	6.22%	7.50%	9.9%	14.28%	10.94%	10.86%

Source: * Central Bank of Nicaragua, Anuario de Estadísticas Económicas 2001-2006. **This figure differs from the one reported in the Verification Report for August 2007-January 2008, because the latter used the Central Bank of Nicaragua as its source: Macroeconomic situation: November 2007, and the figures used were only up to July 2007. The source of this figure is the 2001-2007 Financial Statistics Yearbook of the Central Bank of Nicaragua. ***Agenda Laboral 2008. Informe de Gestión. The 2008 figure corresponds to the period January-December 2008 ****National Development Information Institute (INIDE). XXV Household Survey to Measure Employment. February 2010. ***** Central Bank of Nicaragua. Nicaragua in Cifras. April 2010. ******Banco Central of Nicaragua. Anuario de Estadísticas Macroeconómicas 2010.

276. This is calculated as follows: percentage covered = number of workers inspected/working population x 100.

Challenges and recommendations	Indicators	August - December 2010
	2.12. Number of cases handled and resolved by individual and collective conciliation.	• The number of individual conciliations requests has increased since 2006, and also the number of hearings held. In 2009, 68% of all the hearings concluded in an agreement, while in 2010, 58.62% ended in an agreement.

Individual conciliation service. Period 2005 – 2010.

Year	2005	2006	2007	2008	2009	2010***
With agreement	3,212	3,518	4,637	6,033	6,391	5,891
Without agreement	1,966	2,059	2,969	2,666	3,032	4,157
Total hearings	**5,178**	**5,577**	**7,606**	**8,699**	**9,387**	**10,048**
Withdrawn	3,092	2,547	1,747	2,477	1,974	2,555
Failure to appear of employer	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.
Total requests	**8,270**	**8,124**	**9,353**	**11,176**	**11,361**	**12,603**
Percentage of cases conciliated in relation to requests*	38.8%	43.3%	49.6%	54.0%	56.3%	46.7%
Effectiveness of the conciliation hearings**	62.0%	63.1%	61.0%	69.4%	68.1%	58.6%

* The calculation was made as follows: Total Agreements / Total Requests X 100.
** The calculation was made as follows: Total Agreements / Total Hearings X 100.
*** Data corresponding to January 2010.
Source: Ministry of Labor. Agenda Laboral. Informe de Gestión 2010.

• Regarding collective bargaining, there has been an increase in the number of collective agreements received and signed, rising from 19 and 34 in 2005 to 47 and 50 in 2010, respectively. Similarly, the number of people covered by this type of instrument has increased from slightly more than 24,000 to more than 117,000 over the last 5 years.

Collective negotiation service. Period 2005 – 2010.

Year	2005	2006	2007	2008	2009	2010
Collective agreements received*	19	15	14	38	67	47
Collective agreements registered**	34	59	38	58	56	50
Workers included in collective agreements	24,514	86,283	40,964	106,882	73,825	117,306

* Collective agreements received are understood to be the number of applications received by the labor inspection offices.
** Collective agreements registered are understood to be the number of agreements that have been negotiated and signed, the direct agreements submitted to MITRAB, previously revised to ensure that they comply with the legal requirements, and also agreements that have been extended.
Source: Agenda Laboral. Informe de Gestión I Semestre 2010.

Challenges and recommendations	Indicators	August - December 2010
	Procedures for enforcing labor laws	
	2.13. Number and type of actions for improving the procedures for enforcing labor laws. Include: - Existence and approval of laws and regulations aimed at improving the enforcement of labor laws. - Design of policies, plans, procedures and protocols. - Dissemination of policies, plans, procedures and protocols through manuals or training events. - Existence and functioning of offices of labor lawyers or special defenders that provide additional support to workers and employers.	• Implementation of the oral labor administrative proceedings in administrative proceedings continued at the request of the employer party. During 2010, 495 decisions were issued at the national level.[277] • In August 2010, the National Minimum Wage Commission approved the minimum legal wage, agreeing to an increase of 6% for the period August 15, 2010, to February 15, 2011. [278] • Regarding response to labor consultations and counseling, MITRAB answered 73,056 consultations presented by different users in writing, in person and by telephone. Of the total number of consultations, 83% were presented by workers, 16% by employers and 1% by trade union associations.

Month/Year	2009	2010
January	n.d.	5,064
February	5,242	6,730
March	7,018	6,461
April	6,375	5,400
May	6,250	7,478
June	6,768	6,313
July	6,042	5,304
August	6,314	6,506
September	5,637	6,100
October	6,101	6,023
November	7,452	6,492
December	4,841	5,185
Total	**68,040**	**73,056**

Source: Ministry of Labor. Agenda Laboral. Informe de Gestión 2010.

277. Ministry of Labor. Agenda Laboral. Informe de Gestión 2010.
278. Ministerial decision JCHG-08-08-10, on the application of the minimum wages approved by the National Minimum Wage Committee.

3. Labor Courts

To ensure an effective administration of labor justice for workers, the States must 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 expressed concern about the lack of personnel and resources as regards the number of specialized judges, court facilities, and case management, among other matters, as well as the *"relatively little attention"* that the Supreme Court pays to labor courts.[279] Mention was also made of the need to develop a permanent and ongoing training program for labor judges and other officials involved in the administration of labor justice and the need to *"reform labor laws in order to implement oral proceedings during labor cases",*[280] so as to reduce the backlog of cases. 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 fulfill their functions satisfactorily.[281]

Over the period August-December 2010, no training was recorded for justice agents. There was only an international seminar on the preliminary draft of the Nicaraguan Code of Labor Procedure to obtain information of international experiences in order to improve the draft – basically with regard to oral proceedings.

To December 2010, the initiative to reform Law 260 on the Organization of the Judiciary, which creates a labor court of appeal, was still being examined by the Legal Affairs and Justice Committee.

In 2010, the executed budget of courts with jurisdiction in labor matters was 16.6 million córdobas, an increase of 30.36% in relation to 2009.

There were 185 courts of first and second instance in 2010; two more than in 2009. In addition, the number of judges with regular posts in the courts with single jurisdiction in labor matters increased from 8 in 2009 to 13 in 2010. Support personnel also increased from 42 officials in 2009 to 57 in 2010.

The number of new cases in first instance decreased by 116 in 2010 compared to 2009. However, in 2010, the number of cases decided (1,132) was considerably lower than in 2009 (2,325), thus contributing to increase the case backlog. Over the period 2005–2010, 25,402 cases were pending a decision in first instance. This figure does not include the cases pending a decision from previous years.

In second instance, fewer cases were pending a decision in 2010 than in 2009 (84 and 120 respectively).

The cases decided by conciliation in court decreased in 2010 compared to 2005, declining from 134 to 76. In 2010, 44 fewer cases were decided than in 2009 (76 and 120 respectively).

279. The White Paper, p. 62.
280. The original text of the White Paper (page 62) states: "Establish a small claims system for labor disputes, so that judicial processes for modest sums are accelerated and rights of appeal limited." In the Supreme Court's review of the White Paper at the beginning of 2007, a request was made to replace the original text with the following: "Reduce judicial delays by reforming the Labor Act, in order to implement an oral proceedings in labor cases," as it considered that the original text violated the constitutional principles contained in articles 158 and 159 of the Nicaraguan Constitution. "Labor Act" should be understood to be the Nicaraguan Labor Code, Act No. 185, published in the Official Gazette of October 30, 1996.
281. The White Paper, p. 64.

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

- Continue the budget execution effort, applying it adequately to priority actions to remedy the judicial backlog and to provide specialized training in labor matters.
- Design an ongoing training program in labor law for judges with jurisdiction in labor matters, and also for other agents of justice
- Establish effective coordination between the Judiciary, academic institutions and international cooperation agencies in order to develop training and education activities on labor matters, as suggested in previous Verification Reports.
- Carry out (the social actors) the necessary lobbying to ensure the improvement and approval of the preliminary draft of the Code of Labor Procedure that is currently before the Legislative Assembly.
- Obtain the necessary financial resources for the application, dissemination and implementation of the law to reform Law 260 and the installation of the national labor court of appeal.
- Organize training activities for the sectors on the reform of the organization of the Judiciary and on the national labor court of appeal.
- Continue the effort to create new labor courts and provide the necessary infrastructure, obtaining the required financial resources.
- Improve the statistical information systems on the case backlog and seek pertinent mechanisms to implement oral proceedings.

Challenges and recommendations	Indicators	August 2009 – January 2010
1. Capacity		
Challenges: • The labor courts in Nicaragua are understaffed and under-resourced in terms of number of judges, court facilities, case management and other needs. • In Nicaragua, labor matters are not appealable to the Supreme Court so there is no national jurisprudence, and relatively little attention paid to labor courts by the national court administration run by the Supreme Court. **Recommendations:** • Allocate more resources to the labor court system. • Establish a permanent and on-going training program for labor judges, lawyers and government officials involved in the administration of labor justice.	**Infrastructure and equipment**	
	3.1. Amount of annual operating budget for labor courts.	• Budget execution of the courts of first and second instance with single jurisdiction in labor matters increased from 12.7 million córdobas in 2009 to 16.6 million in 2010.

Budget execution of the courts with single jurisdiction in labor matters (in thousands of córdobas). Period 2005 – 2010.

	2005	2006	2007	2008	2009	2010
First instance	4,323	5,223	7,546	7,065	7,297	10,672
León	785	877	978	1,155	1,232	1,377
Matagalpa	0	154	1,202	1,202	1,472	1,715
Nejapa Complex (Managua)	2,618	3,150	3,174	2,226	1,772	5,308
Chinandega	920	1,042	2,192	2,482	2,821	2,135
Managua ad hoc labor courts *	0	0	0	0	0	136
Second instance	4,696	5,655	5,821	5,785	5,398	5,877
Managua appeals court	4,696	5,655	5,821	5,785	5,398	5,877
Total	**9,019**	**10,878**	**13,367**	**12,850**	**12,695**	**16,549**

* The ad hoc labor courts are courts created in order to reduce the case backlog and they only review and deliver judgment in files that are part of the backlog in the Managua labor courts. One of the 3 ad hoc courts created in Managua has a budget. The staff of the other two courts continue receiving their salary from the posts from which they were transferred.

Source: Financial Directorate of the Judiciary. January 2011.

	Strengthening the capabilities of justice agents	
	3.2. Existence of a permanent training program for labor justice administrators, which includes: - Existence of a permanent monitoring and evaluation system on training (indicate the results of the monitoring and evaluation of the activities). - Number and type of training and dissemination workshops, forums and activities on this topic each year. - Number of judicial officials taking part in the training sessions. - Number of academic establishments taking part in training initiatives for operators of labor justice.	• No training activities for administrators of labor justice were reported during the period verified.

Challenges and recommendations	Indicators	August 2009 – January 2010
2. Procedural reform		
Challenge: • Proposals have been considered to improve labor justice. **Note:** The original text published in the White Paper is as follows: "Proposals have been considered to improve labor justice by establishing a mechanism to deal with small claims (White Paper, page 62). **Recommendations:** • Reduce the judicial backlog through a reform process for Labor Act, implementing orality in the labor trials. **Note:** The original text published in the White Paper is as follows: "Establish a small claims system for labor disputes, so that judicial processes for modest sums are accelerated and rights of appeal limited." (White Paper, page 62). The Supreme Court of Justice considers that the original texts violate the Constitutional Principles found in Articles 158 and 159 of the Constitution of the Republic of Nicaragua, as a result of which it has requested that the original text be replaced by that appearing above.	**Labor law procedural reform**	
	3.3. Existence of a bill to modify labor law procedure in order to make it more efficient, especially to facilitate oral proceedings.	• In June 2009, the Supreme Court of Justice appointed the Labor Committee to reform the Second Book of the Labor Code, to examine matters such as the inclusion of oral proceedings in labor cases.[282] • On August 24 and 25, 2010, an international seminar was held on the preliminary draft of the Nicaraguan Code of Labor Procedure in order to present the participants with comments on the preliminary draft based on the experience of Ecuador, Chile and Spain. 80 representatives of the Government, as well as officials from the judicial system, jurists, academics and representatives of worker organizations took part in the event.[283] • At December 2010, the "Law to reform Law 260 on the Organization of the Judiciary and to create the Superior Labor Court," which was submitted to the National Assembly in November 2007, was still being examined by the Legal Affairs and Justice Committee.[284]
	3.4. Status of the bill in the legislature (report of commissions, place on agenda, position of employer and worker sectors with regard to the bill)	
	3.5. Number and type of promotion and lobbying actions to seek approval of the draft bill.	
	3.6. Draft bill approved by the Legislative Assembly and published for execution.	
	3.7. Number and type of dissemination and training activities on the new law.	

282. The Committee is composed of members of the Judiciary and academics.
283. With the support of the ILO/Verification Project.
284. The bill was approved on February 16, 2011, Law No. 755.

Challenges and recommendations	Indicators	August - December 2010

Expansion of coverage of the labor courts

3.8. Number of labor courts (courts and tribunals).

- In 2010, the number of courts with single jurisdiction in labor matters increased; this was due to the creation of two courts with single jurisdiction in Managua (Third and Fourth) and the opening of 3 ad hoc courts, also in Managua. These new courts were opened by transferring places for judges from courts with combined jurisdiction, which were reduced from 169 to 166 between 2009 and 2010.

Number of courts with jurisdiction in labor matters, by court and type of jurisdiction. Period 2005-2010.

Court and jurisdiction	2005	2006	2007	2008	2009	2010
First	**173**	**176**	**175**	**174**	**174**	**176**
Courts w/single jurisdiction*	3	4	5	5	5	7
Courts w/combined jurisdiction	170	172	170	169	169	166
Ad hoc courts**	NA	NA	NA	NA	NA	3
Second	**9**	**9**	**9**	**9**	**9**	**9**
Chambers w/single jurisdiction***	1	1	1	1	1	1
Chambers w/combined jurisdiction	8	8	8	8	8	8
Total	**182**	**185**	**184**	**183**	**183**	**185**

* First and second of Managua, León, Matagalpa and Chinandega.
** The ad hoc courts were created in 2010 and are located in the Nejapa Judicial Complex (they only deliver judgment).
*** Managua.
Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

- The number of judges with full-time positions in labor courts of single jurisdiction in labor matters increased from 8 in 2009 to 13 in 2010. Similarly, there was an increase in the support staff in these courts, where the ratio between judges and support staff is an average of 4 support staff for each judge.

Number of judges with full-time posts in the labor single jurisdiction courts, by court. Period 2005-2010.

Court	2005	2006	2007	2008	2009	2010
First instance	3	4	5	5	5	7*
Second instance	3	3	3	3	3	3
Ad hoc courts**	NA	NA	NA	NA	NA	3
Total	**6**	**7**	**8**	**8**	**8**	**13**

* First, second, third and fourth of Managua, and León, Matagalpa and Chinandega.
** The ad hoc courts were created in 2010 and are located in the Nejapa Judicial Complex (they only deliver judgment).
Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

Challenges and recommendations	Indicators	August - December 2010

Support staff with full-time posts in the single jurisdiction labor courts, by court.
Period 2005-2010.

Court	2005	2006	2007	2008	2009	2010
First instance	19	23	32	26	33	43
Second instance	7	9	12	12	9	14
Total	**26**	**32**	**44**	**38**	**42**	**57**

Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

3.9. Number of active files being processed and executed in the different courts.

- The following table shows that the number of new cases in first instance has been increasing each year since 2005, rising from 2,567 cases that year to more than 4,115 in 2010. Although there are only 7 courts with single jurisdiction for labor cases compared to 166 with combined jurisdiction, more than 50% of labor cases are heard by the former. In 2010, 55% of the new cases in first instance (59%) were heard by the specialized labor courts.

New cases on labor matters, by court and type of jurisdiction.
Period 2005-2010.

Courts and jurisdiction	2005	2006	2007	2008	2009	2010
First	**2,567**	**2,872**	**3,689**	**3,427**	**4,231**	**4,115**
Courts with single jurisdiction*	1,227	1,539	2,317	1,871	2,499	2,296
Courts with combined jurisdiction	1,340	1,333	1,372	1,556	1,732	1,819
Second	**745**	**638**	**884**	**835**	**603**	**797**
Chambers with single jurisdiction	252	249	225	277	74	358
Chambers w/combined jurisdiction	493	389	659	558	529	439
Total	**3,312**	**3,510**	**4,573**	**4,262**	**4,834**	**4,912**

* The ad hoc courts are not included because they do not process cases, but merely deliver rulings.
Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

- The statistical information on labor cases recorded by the Nicaraguan Judiciary does not permit determining the total number of active cases (either being processed or at the execution stage), because it is only possible to determine the number of new cases and those decided in any specific year, since the number of cases pending a decision from previous years is not recorded.
- As can be seen in the following table, each year the number of new labor cases exceeds those decided by about 1,000, and this number doubled in 2009 and almost tripled in 2010. If, for each year, we add the pending cases from previous years to the new cases and subtract those decided that same year, a total of 25,402 labor cases were pending a decision over the period 2005 – 2010.

Challenges and recommendations	Indicators	August 2009 – January 2010

New cases decided in the courts of first instance with jurisdiction in labor matters, by year, and the difference at the end of each year. Period 2005-2010.

Year	Cases pending from previous years	New cases during the year	Cases decided during the year	Difference between new and decided cases*
2005	0**	2,567	1,438	1,129
2006	1,129	2,872	1,806	2,195
2007	2,195	3,689	2,733	3,151
2008	3,151	3,427	2,471	4,107
2009	4,107	4,231	2,325	6,013
2010	6,013	4,115	1,321	8,807
Total	**16,595**	**20,901**	**12,094**	**25,402**

* The difference results from adding cases pending from previous years to new cases, less the cases decided during the year.
** In 2005, pending cases were not taken into account.
Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

- Regarding new cases in second instance, the numbers have fluctuated between 603 and 884 over the last 5 years. Between 2005 and 2008, the courts of second instance were able to conclude more cases that the new ones filed; however, the situation has been inverse since 2009. Even so, the number of cases pending a decision at the end of 2010 is relatively low (65 cases).

New cases decided in the courts of second instance with jurisdiction in labor matters, by year, and the difference at the end of each year. Period 2005-2010.

Year	New cases	Cases decided	Difference
2005	745	751	-6
2006	638	829	-191
2007	884	938	-54
2008	835	853	-18
2009	603	483	120
2010	797	713	84
Total	4,502	4,567	65

Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011

	3.10. Percentage of labor cases decided (decision rate).[285] Include rate of pending[286] cases , rate of backlog[287] and average duration in months of proceedings, by type of court.	• Since the Judiciary does not have information on the number of cases that are active or being processed, the rates of decision, pending and backlog cannot be calculated. In addition, there are no statistics on the duration of proceedings that conclude with a judgment in either first or second instance. Consequently, the status of the case backlog in Nicaragua cannot be determined.

285. Calculated as follows: Decision rate = Total files concluded during the period / Total work load of the period X 100.
286. Rate of pending cases: indicates the percentage of files pending processing and those in which processing has begun but has not finished.
287. Backlog rate: determines the level of backlog or delay. If the rate of backlog is greater than 1, there is a backlog in the office; if it is equal to 1, there is no backlog. In this case, if the backlog is 2.2, this indicates that the office needs to process 2.2 times more cases than those settled in order to eliminate the backlog.

Challenges and recommendations	Indicators	August 2009 – January 2010
	Alternative dispute resolution	
	3.11. Number of cases handled and decided by the conciliation procedure in court.	• The percentage of cases concluded by conciliation has revealed a downward trend since 2005, declining from 9.3% in 2005 to 5.8% in 2010, with the lowest figure in 2008 (4.3%).

Percentage of cases concluded by conciliation in the labor courts of first instance.Period 2005-2010.

Year	Cases concluded	By conciliation	Percentage
2005	1,438	134	9.3
2006	1,806	139	7.7
2007	2,733	225	8.2
2008	2,471	107	4.3
2009	2,325	120	5.2
2010	1,321	76	5.8

Source: Prepared by the authors based on information provided by the Information and Statistic Department. January 2011.

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.	**Network of training centers**	
	3.12. Number of academic establishments taking part in training initiatives for operators of labor law (include, if available, the results of the evaluation of these initiatives).	• No relevant information was obtained for this period.

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 White Paper identifies the need to implement initiatives to prevent discrimination in the workplace and, in particular, the use of pregnancy tests for hiring or dismissing women.[288] Also, at the regional level, the establishment of a regional center on equal employment offering training, and educational and informative material designed to support efforts to eliminate discrimination in the workplace should be underscored.[289]

Over the period August-December 2010 four seminars on labor rights were held for women with the participation of 302 representatives of different sectors.

In 2010, the cases inspected involving women led to the detection of 14,538 violations of the technical inspection guidelines. Of these, 6,542 corresponded to the first half of the year and 7,993 to the second half. During the second half of the year, violations related to the issues of equality and non-discrimination involved 10,020 individuals (15,643 in the first half). During inspections conducted in the second half of 2010, orders were given to adjust the wages of 3,765 women who were being paid less than the minimum legal wage.

In addition, the eighth and ninth meetings of the Inter-institutional Network for liaison and coordination on Equality and Non-discrimination in the Workplace took place. The eighth meeting was held on July 15 with the participation of 19 representatives of different institutions, while the ninth was held on November 25 with 22 members of the network.

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

- Continue and increase training activities on gender and non-discrimination, emphasizing the relevant aspects indicated in the Equal Rights and Opportunities Law and maternity protection.
- Increase monitoring and information actions to avoid discrimination in employment.
- Promote the participation of women and other vulnerable groups in training sessions and activities to share experiences at the subregional level, as suggested in the previous Verification Report.
- Encourage a greater incorporation of the social sectors, trade unionists and employers in the Inter-institutional Network for liaison and coordination in the workplace.

288. The White Paper, p. 62.
289. Ibid., p. 65.

Challenges and recommendations	Indicators	August 2009 – January 2010
1. Pregnancy testing		
Challenges: • Assure compliance with prohibitions on pregnancy testing. • In addition, a special unit of labor inspectors was established by ministerial decree to supervise compliance in the maquila sector. **Recommendations:** • Convene public fora and work with NGOs to publicize the circular issued by the Minister of Labor in March 2005 establishing enforcement of the law prohibiting pregnancy testing as a priority. **Note:** The White Paper recommendations establish the promotion of a law and a circular that prohibit pregnancy tests; since these instruments do not exist, it is proposed to promulgate a Ministerial Agreement guaranteeing non-discriminatory practices in the workplace, with special emphasis on pregnancy tests."	**Dissemination of existing laws**	
	4.1. Number and type of activities to prevent discrimination in the workplace, and publicize the existing norms concerning gender-based discrimination, in particular in relation to the use of pregnancy tests (include the number of participants in the activities organized by public institutions, trade unions and employer organizations, and if available, the results of the participants' evaluation of the pertinent event or training activity).	• During the verification period, 4 seminars on labor rights were held for women for a total of 16 hours (302 women trained). The seminars were addressed to women working in domestic service, trade unionists, agricultural workers organized in cooperatives, women with disabilities, and women living with HIV/AIDS.[290]
	4.2. Number of cases detected, reported and sanctioned for gender-based discrimination in the workplace (indicate the cases of discrimination by requesting pregnancy testing).	• During 2010, the population covered by inspections numbered 281,582, of which 39.6% were women (111,609). Of all the violations detected, 206 (1.4%) related to issues of equality and non-discrimination, involving 25,663 women workers (9.1%). During these inspections, orders were given to adjust the wages of 3,765 women who were being paid less than the minimum legal wage.[291]

290. Bluefields: August 17, 2010 (60 women), La Cruz de Río Grande: August 19, 2010 (50 women), District 7: November 18, 2010 (47 women), Ciudad Sandino: December 3, 2010 (145 women).
291. Ministry of Labor. Labor Agenda. Informe de Gestión 2010.

Challenges and recommendations	Indicators	August 2009 – January 2010
	4.3. Number of institutions that make up the inter-institutional liaison and coordination network for equality and non-discrimination in the workplace.	• The eighth and ninth meetings of the Inter-institutional Network for liaison and coordination on Equality and Non-discrimination in the Workplace were held on July 15 and November 25, 2010, respectively, with the participation of 19 representatives of different institutions in the first and 22 in the second.[292]
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 centre for employment equality**	
	4.4. 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 (informal or formal).	• No relevant actions were recording during this period.

292. The following institutions are members of the Network: (1) the Ministry of Labor (MITRAB) (Office for Equality and Non-discrimination in the Workplace); (2) the Ministry of Agriculture and Forestry (MAGFOR); (3) the National Assembly; (4) the National Technological Institute (INATEC); (5) the Institute for Gender Studies; (6) the Solidez Foundation; (7) the Association of Men against Violence; (8) the Danish Association for the Disabled; (9) Handicap International; (10) the Los Pipitos Youth Center (Estelí); (11) Different Capabilities Program (CAPADIFE); (12) the Association of People with Physical and Motor Disabilities (ADIFIM); (13) the Ministry of the Interior (MIGOB); (14) the Office of the Ombudsman; 15) the Nicaraguan Association for the Blind (ANNV); (16) the Federation of Women with Different Capabilities (FEMUCADE) (17) the Nicaraguan Institute for Women (INIM); (18) the General Directorate of Customs (DGA); (19) the Nicaraguan Coordination Federation of Rehabilitation and Integration Organizations (FECONORI); (20) he Nicaraguan Institute of Agricultural Technology (INTA); (21) the National Prevention, Rehabilitation and Equal Opportunities Council for People with Disabilities (CONARE); (22) the Nicaraguan Association for the Deaf (ASNIC); (23) the Ministry of the Environment and Natural Resources (MARENA); (24) the Universidad Politécnica (UPOLI); (25) the Nicaraguan Association for Community Attention (AUSONIC); (26) Citizen Power Coordinators from different regions; (27) the "Marisela Toledo Asensio" Nicaraguan Organization for the Blind (28) the Organization of Women with Disabilities/Managua; (29) the Nicaraguan Association of People with Physical and Motor Disabilities (ANIDAR).

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 care and protection from mistreatment.

The main challenge identified by the White Paper in this area is to establish a child-labor-free zone consistent with ILO Convention 182 on the Worst Forms of Child Labor by the end of the decade.[293]

Over the period August-December 2010, the Road Map to make Nicaragua a country free of child labor and its worst forms was signed on December 2, 2010; it had been presented to several public institutions and to employers' and workers' organizations.

In the context of the implementation of the National Strategic Plan to combat Child Labor, various activities were implemented under the headings of education, awareness-raising, and employment and income generation. Fifteen institutions have incorporated actions to prevent and eliminate child labor into their plans of operation.

Regarding the restitution of the rights of the child and the protection of the labor rights of adolescent workers, during 2010, MITRAB made 624 special inspections. 64 boys and girls were withdrawn from child labor and 203 adolescent workers in the domestic labor sector had their labor rights restituted. No MITRAB fines were recorded during this period.

Diverse actions were taken concerning the prevention and elimination of child labor; in particular the plans of immediate integral attention in the municipalities of Chinandega, El Rama and El Bluff, and the Amor program designed to encourage minors to remain within the school system.

Following implementation of the program for a coffee harvest free of child labor for the 2010/2011 agricultural cycle, 1,350 children were attended in the municipalities of Jinotega, Matagalpa and Carazo.

The Continuous Household Survey, conducted by INDE in the fourth quarter of 2010, included a child labor module.

As a way of promoting the transformation of labor relations and monitoring compliance with the labor rights of adolescent workers, employers signed 1,774 undertakings.

293. The White Paper, p. 65

The National Anti-trafficking Coalition (attached to the Ministry of the Interior) finished drawing up the National Guidelines to strengthen institutional coordination in order to combat people trafficking.

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

- Program the implementation of the Road Map, coordinating the activities of the competent agencies and institutions, the workers' and employers' organizations, and other social organizations, and carrying out the necessary public dissemination.
- Continue relevant awareness-raising and training activities and train MITRAB inspectors on the issue of the list of hazardous work.
- Coordinate with the private sector awareness-raising campaigns and training activities on the elimination of child labor and the labor rights of adolescents.
- Continue the social policies and programs of conditioned monetary transfers that promote the school enrolment of boys, girls and adolescents; verify they remain in school and their performance, and implement the policy of employment and income generation for the families.
- Monitor and support restituted children and, if appropriate, their families.
- Continue implementing the plans of immediate integral attention, applying the corresponding protocols for inter-institutional and intra-institutional attention.
- Evaluate the data resulting from the child labor module in the Continuous Household Survey, using it as an input for the elaboration and implementation of relevant policies.

Challenges and recommendations	Indicators	August 2009 – January 2010
1. 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 allocation of resources to accomplish the objective. National and regional child-labor-free zone	**National and regional child-labor-free zone**	
	5.1. Existence and status of implementation of the National Plan (date formulated, percentage of financing, percentage of compliance with goals, principal results, existence of periodic evaluations).	• The Road Map to make Nicaragua a country free of child labor and its worst forms was signed[294] in order to provide a strategic framework encompassing the measures that the different Government institutions, workers' and employers' organizations, and social organizations are taking and will take with regard to child labor.[295] • The following activities were implemented in the context of the National Strategic Plan to combat Child Labor: - Education component: 13,163 child and adolescent workers and at risk were retained within the school system; 5,530 children and adolescents received remedial classes through solidarity social promoters and family counselors (supported by MINED); 9 Child Development Centers in the departments of Estelí, León, Madriz (2), Managua, Matagalpa, Jalapa, and the North Atlantic Autonomous Region (2) were refurbished. - Awareness-raising component: 58,512 visits were made to homes and schools to verify the school attendance and performance of the students and to raise the awareness of their parents and teachers of the importance of children remaining in school and participating in cultural activities; 10,855 solidarity social promoters received training designed to restore the rights of children and adolescents using the "Training manual on solidarity promotion for solidarity promoters," and with regard to the Children's Ombudsman, the Amor Program for infants, group training on family values for parents, the right to a name, community planning, remedial classes, and HIV/AIDS. - A process to promote and disseminate the updated list of hazardous work (Ministerial Decision JCHG-08-06-10) was carried out at the national level).[296] - Meetings were held with coffee producers to promote the labor rights of adolescents, and to raise awareness that employers should not hire child labor.[297] - Employment and income-generation component: 772 adolescents, and 1,644 fathers and mothers received training in different occupations such as: baking, hairdressing, making piñatas and flower arrangements, mechanics, and handcrafts (jewelry, greetings cards). • The National Strategic Plan to combat Child Labor does not have a specific budget for its implementation or a system to monitor its goals and indicators.

294. The Road Map is a public policy that incorporates the initiatives of public and private entities in order to prevent and eliminate child labor and its worst forms, as well as to protect adolescent workers. The Road Map rearranges national action to achieve the goals established in the Hemispheric Agenda for Decent Work, and its strategic framework has six dimensions: poverty reduction, education, health, normative and institutional framework, awareness-raising and social mobilization, and generation of information and monitoring – with their respective objectives, results, indicators, and goals and basic strategies to achieve them.
295. December 2, 2010.
296. León and Chinandega (October 19), Juigalpa and Boaco (October 22), Nueva Segovia and Madriz (October 25), Jinotega and Matagalpa (October 27), Estelí (October 29), MIFAMILIA officials (November 29).
297. MAGFOR (October 28), Pochocuape (November 4), Ticuantepe (November 9), El Crucero (November 10 and 30).

Challenges and recommendations	Indicators	August 2009 – January 2010
	5.2 Existence and operation of the special inter-institutional committees on child labor and its worst forms (include the level of tripartite participation in the meetings, the number and type of agreements achieved, the degree of compliance with the agreements made).	• During October 2010, the contents of the Road Map were presented to public institutions (MINED, MINSA, MIFAMILIA, MAGFOR, the Public Prosecution Service, the Office for Women and Children, INIFOM, INIDE and CONAPI). In addition, it was presented to the workers' organizations (ATC, CTCP, CUS and CST-JBE) and to the employers' organization (COSEP).
	5.3. Number of public institutions that have incorporated child labor prevention and elimination actions into their annual plans of operation.	• The institutions that have incorporated measures to prevent and eliminate child labor into their plans of operation are: the Labor Ministry, the Ministry for the Family, the Ministry of Health, the Ministry of the Interior, the Ministry of Agriculture and Forestry, the Ministry of Energy and Mines, the National Institute of Development Information (INIDE), the Nicaraguan Institute for Municipal Promotion (INIFOM), the National Chamber for Small-sized Industry (CONAPI), the Office for Women and Children, the Public Prosecution Service, the workers' organizations: CTCP , CUS and CST/JBE-FNT, and the Association of Agricultural Workers (ATC).
	5.4. Amount of MITRAB institutional budget allocated to the issue of child labor.	• MITRAB has not allocated a specific budget envelope to develop issues related to child labor. • The CNEPTI Executive Secretariat has one official responsible for coordinating its actions.
	5.5. Number of underage persons recorded as withdrawn from child labor and its worst forms by means of the actions of the existing national plans (use as reference the plans reported in indicator 5.1).	• Regarding restitution of the rights of the child and the protection of the labor rights of adolescent workers, during 2010, MITRAB carried out 624 special inspections. As a result of this activity, it counseled the immediate withdrawal of 64 boys and girls in the departments of Madriz, Estelí, Chinandega, Managua, Masaya, Carazo, Granada, Boaco, Chontales and Jinotega. • The labor rights of 203 adolescents working in the domestic sector were restituted (179 girls and 24 boys).
	5.6. Number of cases sanctioned for using underage boys, girls and adolescents in child labor and its worst forms (including the cases recorded by MITRAB and the criminal cases recorded by the Public Prosecutor's office.	• No MITRAB fines were recorded in this regard during this period.

298. Ministry of Labor. Agenda Laboral. Informe de Gestión 2010.

Challenges and recommendations	Indicators	August 2009 – January 2010
	5.7. Net rate of schooling by educational level, by sex.	Net rate of enrolment, by level of education, and by sex. Period 2005 - 2010.

Program	2007*	2008**	2009***	2010
Pre-school				
Boys	53.2	58.5	52.9	n.d.
Girls	54.1	53.9	53.8	n.d.
Primary				
Boys	86.7	87.5	87.2	n.d.
Girls	86.3	88.9	87.0	n.d.
Secondary				
Boys	43.4	42.9	42.6	n.d.
Girls	48.7	48.1	47.6	n.d.

Source:* MINED in figures. National Statistics System, 2007. **MINED. Statistics Division. ***Department of Institutional Evaluation and Education Statistics, MINED.

5.8. Number and type of national and regional actions aimed at establishing a child-labor-free zone by the end of the decade.

- The following actions were taken in the area of the prevention and elimination of child labor in general:
  - MITRAB, with the assistance of IPEC and in coordination with MIFAMILIA, MINED, local governments, MINSA, the Police, and parents and guardians of child and adolescent workers, implemented a plan of immediate integral attention, the main purpose of which was to restore the rights to education, health care, recreation and a decent life of the children and adolescents who perform hazardous work (cutting stones) in the municipalities of Chinandega, El Rama and El Bluff.[299]
  - Following up on the plan of immediate integral attention to boys and girls, the MITRAB General Directorate for Employment and Wages made an assessment of the employment situation of families in the municipality of Rama in order to define and implement regional strategies to improve the working conditions, productivity and income of beneficiary families. Three training workshops were held on cooperative rights for the parents of children who cut stones in this region.
  - The Amor program designed to restore the right to education, and to ensure permanence in the school system, catered to 13,163 girls, boys and adolescents who work or live on the street. Of this population, 85% completed the school year successfully (11,128). In addition a training activity entitled "Education on Values" was offered, benefitting 8,215 fathers and mothers with awareness-raising sessions on the issue of child labor and its worst forms.
  - As a follow-up to the implementation of the Coffee Harvest Free of Child Labor Program for the 2010/2011 agricultural cycle, attention was provided to 1,350 boys and girls in the municipalities of

299. Sonia Sevilla. National Coordinator, ILO/IPEC.

Challenges and recommendations	Indicators	Febrero 2009 – Julio 2009
		Jinotega, Matagalpa and Carazo. This program provides integral attention that includes: education, health care, and recreational activities so that the children do not incorporate the coffee harvest with their parents.[300] - A child labor module was applied in the Continuing Household Survey conducted by INIDE in the fourth quarter of 2010. The results of this module will provide updated national information on the dimensions, characteristics, conditions and effects of the employment of children and adolescents aged 5 to 17 years, and this will permit the definition of strategies and the implementation of programs to restore their rights.[301] - As part of the promotion of the transformation of labor relations and the monitoring of compliance with the labor rights of adolescent workers, 1,774 undertakings were signed with employers. • The following actions were taken with regard to the prevention and elimination of the commercial sexual exploitation of children: - The National Anti-trafficking Coalition (attached to the Ministry of the Interior) finished drawing up the national guidelines to strengthen institutional coordination in order to combat people trafficking; the document is pending publication.

300. Ministry of Labor. Labor Agenda. Informe de Gestión 2010.
301. dem.

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 of Nicaragua mentioned the need to implement a public information campaign on the country's labor laws, and to establish an official tripartite structure to develop consensus on issues of labor law and compliance.[302]

Over the period August-December 2010, MITRAB organized different actions to promote labor legislation on occupational health and safety; in particular, advisory services in response to 3,835 requests, and 3 seminars for people with disabilities (121 participants). However, MITRAB does not have specific data on the budget for education and awareness-raising on labor rights.

The technical and financial cooperation projects implemented within the framework of DR-CAFTA and the White Paper included various dissemination and awareness-raising actions, such as talks and workshops on women's labor rights, freedom of association and collective bargaining, and occupational risks for the employer sector; publication of the Labor Code in Miskito, and a meeting of the National Committee of Women Trade Unionists.

The National Labor Council was constituted during the first half of 2010, and met three times during the second half of the year to discuss issues related to internal organization and the Council's agenda. There is still no specific budget for the Council's operation.

In August 2010, the National Minimum Wage Commission approved, tripartitely, an increase in the minimum legal wage.

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

- Promote an institutional policy to promote the culture of compliance with the labor laws in force, with the participation of trade unions and private enterprise employers, so that they can act as multipliers.
- Provide technical and financial support to the National Labor Council so that it can perform its tripartite functions independently, and schedule and hold its meetings based on its agenda of work. This agenda should include the issues established in its statute.
- Guarantee the participation of organizations that represent employers and trade unions in the territorial committees that are set up.

302. The National Labor Council was created by Law 547 of July 6, 2005, published in Official Gazette No. 152 on August 8, 2005.

Challenges and recommendations	Indicators	August 2009 – January 2010
1. Education on fundamental rights		
Challenge: • Although there has been a lot of progress on national reconciliation since the end of the civil war, the impacts on the labor relations environment still exist. Concerns about the application of basic labor rights in the free trade zones also continue to exist. Far too many workers and employers are uncertain about the law and its requirements. **Recommendations:** • Launch a broad-based public information campaign on the requirements of the labor laws of Nicaragua.	**Dissemination of labor rights**	
	6.1. Number and type of actions related to public education and social awareness of labor rights (include number of participants in the activities organized by the public institutions, the trade unions and the employer organizations and, if available, the results of the participants' evaluation of the pertinent event or training activity).	• During 2010, MITRAB carried out the following activities to promote labor legislation, through the General Directorate of Occupational Health and Safety:[303] - Advisory services in response to 3,835 requests. - Constitution of 647 Joint Occupational Health and Safety Committees.[304] - Approval of 433 annual plans of the joint committees. - Revision of 474 rules of procedure of joint committees and approval of 312 of them. - Issue of 42 decisions ordering payment of compensation for occupational risks in favor of workers (7 women and 35 men), who had suffered workplace accidents and who were not covered by the social security system. Of these decisions, an agreement between the parties was reached in 9 cases, and the remainder will be decided by the courts. • Three seminars on occupational health and safety were held for people with disabilities, with a total of 121 participants.[305] • In compliance with Law 637 on professional accreditation for labor and social security agents, 105 labor agents were accredited (41 women, 64 men). • The technical and financial cooperation projects implemented in the context of DR-CAFTA and the White Paper organized the following activities: - The *Todas and todos trabajamos: derechos para todas and todos* project[306] trained 588 people in talks and workshops on issues such as women's labor rights, labor rights and obligations, and occupational risks. - Phase 3 of the *Cumple y Gana* Project on strengthening inspection in Central America, Panama and Dominican Republic, held a workshop to validate the updating of the content of the website: www.leylaboral.com with representatives of the COSEP Labor Committee, workers' organizations and MITRAB officials (August 11); and published 2,000 copies of the Labor Code translated into Miskito and 500 copies of the 2010 Thesaurus of Administrative Case Law, which includes administrative decisions of both the Labor Inspectorate and the Occupational Health and Safety Inspectorate. • The Nicaraguan office of the Friedrich Ebert Foundation and the National Committee of Women Trade Unionists of Nicaragua organized the sixth national meeting of women trade unionists (November 26), with the participation of women representatives of different national trade union organizations. • A workshop was held to follow up on the plans for the dissemination of the labor rights of workers' organizations. 23 representatives of the national workers' organizations took part in the event (August 4).[307]

303. Ministry of Labor. Labor Agenda. Informe de Gestión 2010.
304. Art. 40 of General Occupational Health and Safety Law (No. 118) defines it as "a peer group, composed of representatives appointed by places of work and those named by trade unions with a presence in the workplace."
305. The seminars were held in Managua at the Universidad Central de Managua, on June 30 and July 1 (40 participants), July 30 and 31 (41 participants) and September 2 and 3 (40 participants).
306. The Todas y todos trabajamos: derechos laborales para todas y todos project (USDOL). Executed by Catholic Relief Services.
307. With the support of the ILO/Verification Project.

Challenges and recommendations	Indicators	August 2009 – January 2010
		• The ILO organized the National Workshop on International Standards for Freedom of Association and Collective Bargaining, Social Dialogue and Non-discrimination. 15 representatives of the business sector took part in the activity (November 10 and 11).[308]
	6.2. Amount of the budget allocated to education and awareness-raising actions on labor rights.	• MITRAB does not have specific information on the budget dedicated to education and awareness-raising activities on labor rights.
2. Tripartite Council		
Recommendation: • Nicaragua lacks a formal tripartite consultative mechanism and it would be useful to further social consensus building. The ILO has recommended Nicaragua establish a National Labor Council. **Challenge:** • Establish a formal tripartite structure to build consensus on issues.	**Functioning of National Labor Council (CNT)**	
	6.3. Establishment of the CNT	• The National Labor Council (CNT) was installed on March 10, 2010.
	6.4. Budget allocated to the establishment and operation of the CNT.	• MITRAB does not have specific data on the budget for the CNT.
	6.5. Number of ordinary and extraordinary meetings held by the CNT (including the level of tripartite participation in the meetings, the number and type of agreements reached within the CNT, the degree of compliance with the agreements made), and the number of dissemination and training events held by CNT on compliance with labor norms (include the degree of tripartite participation and, if available, the results of the participants' evaluation of the training event or program referred to in this indicator).	• Three meeting were held during the second half of 2010: - On August 17, a meeting of the CNT Executive Committee. - A meeting on November 26, when the CNT agenda was defined; it includes the issue of the Council's rules of procedure, among other matters. - During the meeting on December 2, the structure of the CNT rules of procedure was approved, establishing how this tripartite mechanism will function.

308. Event organized by the ILO/Verification Project and ILO/Social Dialogue Project.