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Challenges to the right to work in Ecuador

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The right to work is important for refugees and asylum seekers – to support themselves, to facilitate local integration and to contribute to the host society. However, they often face obstacles in accessing work in host societies and their experience is frequently characterised by poor working conditions and discriminatory practices.

Ecuador is one example where refugees' right to work and their potential positive contribution to the host society were recognised with the introduction of universal citizenship in the Constitution of 2008. As a result, refugees and asylum seekers enjoy the same rights as Ecuadorian nationals, including the right to work.¹ In order to assess the labour situation of refugees in various cities within the country, the NGO Asylum Access Ecuador in October 2013 conducted a study² of individuals living in Ecuador with various forms of migration status: recognised refugees, asylum seekers, failed asylum seekers, and people with other migratory statuses.

The survey results suggest that there are a number of difficulties that make it challenging for refugees and asylum seekers in Ecuador to achieve fulfilment of their right to access work. The results reveal four main factors restricting their access to work and full enjoyment of their labour rights: official documentation which encourages discrimination; widespread discrimination on the basis of nationality or refugee status; inadequate translation of rights and principles guaranteed in Ecuador's Constitution into effective laws and policies; and, finally, ignorance of refugees' labour rights in public and private institutions, at the workplace and among refugees themselves. On the last point, it is often the administrative obstacles that dissuade employers from hiring refugees and formalising their conditions of employment. Furthermore, there is evidence of institutionalised discrimination due to administrative barriers and widespread unawareness of refugee rights.

Although nearly 60% of the participants report that they are working, only a third are employed on a contract and the majority

work in the most vulnerable sectors of the economy where there is little job stability. Mostly those working in the agricultural sector or as day labourers indicated that their current economic activity matches their previous experience. In contrast, most participants in urban areas indicated that their previous experience did not correspond with the economic activity they pursue in Ecuador. About 47% reported their income to be below Ecuador's minimum wage, and 31% of the participants considered that they had different working conditions from Ecuadorian nationals. Participants reported across all sectors incidents of extended working hours, non-payment of salaries, harassment and intimidation.

Based on the accounts of participants, the study allows for some recommendations to ensure the application of constitutional rights in practice and facilitate the integration of displaced persons in the Ecuadorian labour market. This will require establishing the formal right of refugees to be granted a foreigner's identity card or identity document – which does not show their migratory status but which incorporates an individual identification number corresponding to the systems used in public and private institutions – to be issued for an adequate period of time. Additionally, officials must be trained in how to correctly interpret the law, acknowledging that both asylum seekers and refugees have the right to work. More specifically this includes:

- training of public officials in institutions instructed with guaranteeing and monitoring the right to work (for example, the Ministry of Labour Relations and the Ecuadorian Social Security Institute) on labour rights of refugees, while taking into

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consideration the regular turnover rate of staff in these institutions

- supporting access to decent work through government-led strategies, such as the Ministry of Labour Relations' current initiatives to include refugees in its programmes linking employers with job seekers
- targeted dissemination of information to private employers on the labour rights of refugees.

The right to work along with decent work conditions allow refugees and asylum seekers to preserve their dignity and rebuild their lives. In order to achieve this, states need to generate policies and implementation plans that facilitate access

to work and enhance working conditions, while both the public and private sectors need to endorse these conditions and promote greater job stability to facilitate greater integration into the host society.

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1. This does not include political rights. Arnold-Fernández E and Pollock S (2013) 'Refugees' rights to work', *Forced Migration Review* issue 44 www.fmreview.org/detention/arnoldfernandez-pollock

2. The study on which this article is based comprised a sample of 119 participants: 60 men and 59 women (110 Colombians, four Nigerians, two Cubans, two Sri Lankans and one Angolan).

