

**Employing Workers Survey**

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Dear Contributor,

We would like to thank you for your cooperation with the *Doing Business* project. The information you provide is analyzed and presented in the *Doing Business* report, an annual publication of the World Bank and the International Finance Corporation that benchmarks business regulation in 178 economies worldwide.

Last year's report, *Doing Business 2008*, was a great success and inspired more than 3500 articles in the press, thanks to the generous contribution of 5000 experts like yourself in 178 economies. Since its inception in 2004, *Doing Business* has inspired or informed 113 reforms around the world. These reforms make it easier to do business in countries as diverse as Egypt and Estonia.

Thanks to reforms of business regulation, more businesses are starting up, finds *Doing Business 2008*. Your participation has been essential to this success.

For *Doing Business 2009*, we are honored to be able to count on your expertise. We would be interested in understanding if reforms affecting labor laws and regulations in your country have been implemented since June 2007.

Please return the completed questionnaire within the next 20 working days, to César Chaparro Yedro at [cchapparoyedro@worldbank.org](mailto:cchapparoyedro@worldbank.org) or by Fax at 1 202 473 5758. If you have any questions, please do not hesitate to contact us.

The World Bank has also recently launched a blog that offers you the possibility to read about experiences and insights of the *Doing Business* team, its local partners, private sector specialists and reformers.

Please visit our blog at <http://blog.doingbusiness.org>, and exchange views or comments with specialists like you from around the world.

Thank you again for your invaluable contribution to the World Bank's work.

Sincerely,

César Chaparro Yedro

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## How to proceed

1. Please review the assumptions of the case study in order to fully understand the context of the survey.
2. Provide or update your contact information, the information you would like us to publish, and the information regarding others who contributed to the completion of this survey.
3. The first section asks generally about currently applicable labor laws and recent or prospective labor law reforms. In the second section, please update last year's information for this year's report to reflect any changes that took place **between June 2007 and now**, and also correct the information provided if you consider it is inaccurate. Please provide the legal basis for your answers. In the third section, please respond to some additional questions on collective bargaining agreements. In the Annex, we ask you to answer some questions on gender issues and opportunities for women at work.
4. Please insert this year's answers in the blank spaces between the brackets. Please justify your answers, including any necessary calculations. If any additional assumptions are necessary to provide answers to any of the questions, please make what you consider to be the most reasonable assumption and inform us of the choice you have made and why it was necessary.
5. When amending any answer, please keep in mind the following definitions:  
**Correction:** A correction results from an error in the data presented (i.e., a wrong information). Please keep in mind that the data is current as of June 2007.  
**Reform:** A reform results from a modification in practice or by law, which occurred after June 2007.
6. If more than 50% of the manufacturing sector in your country is covered by collective bargaining agreements and these agreements are applicable even to firms not party to them, please begin the survey by first answering question 9 and continue by filling in the rest of the survey from question 1. Otherwise, please begin the survey at question 1.

## Case study

We study a standard labor relation, subject to the following assumptions on the worker and the employer:

### ***The worker:***

- Is a non-executive employee who primarily works in the **manufacturing** sector.
- Is a 42-year-old, **full-time, male** employee who has worked at the same company for **20 years**.
- Earns a salary plus benefits equal to the country's average wage during the entire period of his employment.
- Has the pay period that is most common to workers in country.
- Resides in (most populous city).
- Is a lawful citizen who belongs to the same race and religion as the majority of country's population.
- Is **not** a member of a labor union, unless membership is mandatory.

### ***The employer:***

- Is a limited liability company (or the equivalent in country).
- Operates in (most populous city).
- Operates in the manufacturing sector.
- Has **201 employees**.
- Is subject to collective bargaining agreements in countries where collective bargaining covers more than half the manufacturing sector and apply even to firms not party to them.
- Abides by every law and regulation but does not grant workers more benefits than mandated by law, regulation or (if applicable) collective bargaining agreement.

Existing Contact information:

	Please provide us with your updated information, if any.	Please mark the information you would like published?
<b>Title (Mr., Ms., etc.)</b>	[    ]	<input type="checkbox"/>
<b>Name</b>	[    ] (first/given) [    ] (last/family)	<input type="checkbox"/>
<b>Position</b>	[    ]	<input type="checkbox"/>
<b>Firm</b>	[    ]	<input type="checkbox"/>
<b>Mailing Address</b>	[    ] (street) [    ] (city) [    ] (state/province) [    ] (country) [    ] (zip/postal)	<input type="checkbox"/>
<b>Phone</b>	[    ]	<input type="checkbox"/>
<b>Cell Phone</b>	[    ]	<input type="checkbox"/>
<b>Fax</b>	[    ]	<input type="checkbox"/>
<b>E-Mail</b>	[    ]	<input type="checkbox"/>
<b>Website</b>	[    ]	<input type="checkbox"/>

Additional Contributors:

	Name	Firm and Position	Email	Phone
<b>1<sup>st</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>2<sup>nd</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>3<sup>rd</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>4<sup>th</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]
<b>5<sup>th</sup> participant</b>	[    ] (first/given) [    ] (last/family)	[    ] (firm) [    ] (position)	[    ]	[    ]

## I. REFORMS, LAWS AND REGULATIONS

<b>1. Reforms in labor law(s) or regulations</b>
<p><b>a. Has there been any reform in labor laws or regulations over the last year?</b>  <i>(The answer is Yes if a new labor law or regulation or amendment to the existing laws and regulations has been adopted <b>between June 2007 and now</b>. If Yes, please describe in detail and, if possible, attach a copy of the new legislation or regulation. Please also consider any relevant court decisions)</i></p>
<p>Answer:                      [            ]</p>
<p><b>b. Are you aware of any plans to change the labor laws or regulations in your country between now and June 1, 2008?</b>  <i>(If your answer is Yes, please describe in detail, providing dates when possible)</i></p>
<p>Answer:                      [            ]</p>
<b>2. Current labor law(s) and regulations</b>
<p><b>a. Which is the main labor law applicable in your country?</b>  <i>(Please indicate its name and date)</i></p>
<p>Answer:                      [            ]</p>
<p><b>b. What are your country's other major labor laws and regulations in the areas of individual and collective labor relations?</b>  <i>(Please list their names and dates)</i></p>
<p>Answer:                      [            ]</p>

## II. SURVEY UPDATE

### II. A. DIFFICULTY OF HIRING

<b>3. Fixed-term contracts</b>	
<b>a. Are fixed-term contracts prohibited for permanent tasks?</b>	
Last year's answer:	This year's answer: [     ]
<b>b. What is the maximum duration for a single fixed-term contract (in months), not including any renewals?</b>	
Last year's answer:	This year's answer: [     ]
<b>c. What are the rules for renewing a fixed-term contract beyond the original maximum term?</b> <i>(Please specify the number and duration of renewals permitted)</i>	
Last year's answer:	This year's answer: [     ]
<b>d. What is the maximum cumulative duration of a fixed-term employment relationship (in months), including all renewals?</b>	
Last year's answer:	This year's answer: [     ]
<b>Legal basis:</b> [     ]	
Did you make any changes from last year's answer? Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, please indicate whether it is a correction or a reform and explain</b> Correction <input type="checkbox"/> or Reform <input type="checkbox"/> [     ]	

<b>4. Minimum Wage</b>	
<b>a. What is the minimum wage applicable to the worker assumed in this case study as described on page 2 ("our worker")?</b> <i>(Please provide the gross minimum wage and specify the currency unit and time period (e.g., euro/month). If there are multiple minimum wage levels that could apply to our worker, please provide the minimum wage applicable to the greatest number of workers in manufacturing. If there are no minimum wages in your country or if the minimum wage applies only to the public sector, please answer N/A)</i>	
Last year's answer:	This year's answer: [     ]
<b>b. What is the minimum wage for a 19-year-old worker in his or her first job?</b> <i>(Please provide the minimum wage for a 19-year-old with exactly one year minus one day (i.e. 364 days) of work experience in his or her first job. Alternatively, you may express the amount as a percentage of the wage listed in question 4.a)</i>	
Last year's answer:	This year's answer: [     ]

**c. Are there any compensations or mandatory salary-related benefits requirements applicable to either our worker or the 19-year-old worker?**

*(Examples of these benefits are: holiday bonuses, housing or food allowances, reimbursement of commuting expenses and 13th-month salaries. Please do not take into account taxes or social security benefits paid by employers on behalf of workers)*

Last year's answer:

This year's answer:

[     ]

**Legal basis:**

[     ]

Did you make any changes from last year's answer? Yes  No

**If yes, please indicate whether it is a correction or a reform and explain**

Correction  or Reform

[     ]

## II.B. RIGIDITY OF HOURS

### 5. Work scheduling

**a. What is the length of the standard workday?**

*(This is the number of hours a manufacturing employee can work in a single day before earning overtime pay)*

Last year's answer:

This year's answer:

[     ]

**b. How much overtime can an employee generally agree to work?**

*(Please indicate all overtime limits, not including exceptional circumstances as defined in question 5.d)*

Last year's answer:

This year's answer:

[     ]

**c. How much overtime can the company generally require an employee to work?**

*(Please indicate all overtime limits, not including exceptional circumstances as defined in question 5.d)*

Last year's answer:

This year's answer:

[     ]

**d. How much overtime can an employee agree to work in exceptional circumstances?**

*(Exceptional circumstances are (for example but not limited to): replacement of an absent employee, performance of work during a natural disaster, evacuation of a warehouse that would otherwise run out of space. Please indicate the amount of overtime allowed in such situations and list what those situations are)*

Last year's answer:

This year's answer:

[     ]

**e. How much overtime can the company require an employee to work in exceptional circumstances?**

*(Exceptional circumstances are defined in question 5.d)*

Last year's answer:

This year's answer:

[

**f. What is the minimum number of hours of rest required by law between workdays?**

Last year's answer:

This year's answer:

[     ]

**g. What is the maximum number of working hours allowed in a day?**

*(This is the sum of normal working hours plus maximum overtime hours allowed in a single day, subject to any minimum daily rest requirements)*

Last year's answer:	This year's answer: [    ]
<b>h. How many days are there in the typical workweek in manufacturing?</b> <i>(Please answer on the basis of customary or typical business practice as opposed to any legal provision)</i>	
Last year's answer:	This year's answer: [    ]
<b>i. What is the maximum number of working days per week?</b> <i>(The answer to this question is 7 minus the number of weekly rest days required by law)</i>	
Last year's answer:	This year's answer: [    ]
<b>j. What is the maximum number of hours in a normal workweek?</b> <i>(This variable measures the legal maximum duration of the regular workweek, excluding overtime)</i>	
Last year's answer:	This year's answer: [    ]
<b>k. What are the provisions for averaging standard work hours?</b> <i>(Please indicate if your country allows standard (i.e., non-overtime) weekly working hours to be calculated on an average basis; for example, the number of standard hours worked must average 40 over the course of a year or quarter but may be greater or less than 40 in any given week)</i>	
Last year's answer:	This year's answer: [    ]
<b>l. Can the workweek for a single worker extend to 50 hours per week (including overtime) for 2 months each year to respond to a seasonal increase in production?</b> <i>(Please consider all relevant provisions, including the types of exceptions and restrictions examined in the previous questions. Assume that: (i) the company has the flexibility to take advantage of relevant provisions; (ii) the workers agree to work the overtime required; and (iii) the company has attained any third-party consent for the use of overtime to which it may be entitled. If compensatory time off is required for overtime work in your country, please make sure to mention it in your analysis)</i>	
Last year's answer:	This year's answer: [    ]
<b>m. Are there restrictions on night work that would apply to our worker?</b> <i>(The answer is Yes if: (i) there are particular restrictions on the maximum number of hours of work that can be performed at night; and/or (ii) there are specific premiums for night-time work. The answer is No if: (i) there are such restrictions but they would not apply to our worker due to his sex (male) and age (42); or: (ii) the only restriction is a higher pay for night overtime than for day overtime. Please explain any restrictions)</i>	
Last year's answer:	This year's answer: [    ]
<b>n. Are there restrictions on "weekly holiday" work that would apply to our worker?</b> <i>(The answer is Yes if there are restrictions on work during the weekly holiday (Sunday, Saturday or Friday, depending on the country). Restrictions, for example, include: (i) complete prohibition; (ii) express designation of certain day(s) of the week as weekly holiday, which the employer cannot change without the worker's consent; (iii) specific maximum hours of work on such a day; (iv) special premiums for work on such a day; (v) and compensatory leave. The answer is No if the only restriction is a higher pay for overtime on the rest day. Please explain any restrictions)</i>	
Last year's answer:	This year's answer: [    ]
<b>o. What is the premium for overtime work?</b> <i>(If there are multiple levels of mandatory overtime premium, please list them and explain what they are based on; e.g., 15% for the first 8 hours, 35% after, 60% Sundays and holidays)</i>	

Last year's answer:	This year's answer: [    ]
<p><b>p. What is the mandatory paid annual vacation (in working days) after 20 years of continuous employment?</b>  <i>(If the legal provision is in calendar days, please provide that number as well as your conversion to working days, considering actual practice in your country. Please specify if the worker is required to take the vacation in particular "blocks" or groups of days or can freely choose)</i></p>	
Last year's answer:	This year's answer: [    ]
<p><b>Legal basis:</b> [    ]</p>	
<p>Did you make any changes from last year's answer? Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>If yes, please indicate whether it is a correction or a reform and explain</b>                  Correction <input type="checkbox"/> or Reform <input type="checkbox"/>                  [    ]</p>	

**II.C. DIFFICULTY OF FIRING**

*Questions 6, 7, and 8 refer to requirements to which employers must adhere in order to legally terminate the employment contracts of workers who are redundant. The terminology for this process differs substantially across countries. For the purposes of this survey, we have termed this process "redundancy dismissal" or "redundancy termination", but please do not be constrained by this wording. Rather, in answering these questions, consider the legal process that an employer would use in your country to terminate the contracts of redundant workers: whether it be dismissal for economic, business or technical reasons; dismissal without cause; retrenchment; redundancy dismissal; collective dismissal; or something else.*

<b>6. Redundancy termination</b>	
<p><b>a. Is it legal for an employer to terminate the employment contract of a worker on the basis of redundancy?</b>  <i>(Please answer No to this question and N/A to questions 7.a through 7.j if: (1) a cause for dismissal is required and redundancy is not one of the allowable causes, (2) redundancy is only allowed as a cause for dismissal in the case of a plant closing or similar large event, or (3) redundancy is allowed as a ground for dismissal only for workers of certain income levels. Otherwise, answer Yes to this question and N/A to question 6.b)</i></p>	
Last year's answer:	This year's answer: [    ]
<p><b>b. If your answer to 6.a is No, what penalty would a company incur for violating the law?</b>  <i>(Please explain the size and nature of both the civil and criminal liability in this case)</i></p>	
Last year's answer:	This year's answer: [    ]
<p><b>Legal basis:</b> [    ]</p>	
<p>Did you make any changes from last year's answer? Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>If yes, please indicate whether it is a correction or a reform and explain</b>                  Correction <input type="checkbox"/> or Reform <input type="checkbox"/>                  [    ]</p>	

### 7. Redundancy procedures

*(The next six questions ask about required interactions with third parties for employers wanting to terminate employees' contracts on the basis of redundancy. Some examples of such third parties are labor unions, workers' councils and government agencies. However, please remember that in our standardized case, the workers affected are not themselves labor union members, unless membership is mandatory).*

**a. Must the employer notify a third party before dismissing one redundant worker?**

Last year's answer:	This year's answer: [     ]
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**b. Must the employer consult with a third party before dismissing one redundant worker?**

Last year's answer:	This year's answer: [     ]
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**c. Does the employer need the approval of a third party in order to dismiss one redundant worker?**

Last year's answer:	This year's answer: [     ]
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**d. Must the employer notify a third party before dismissing a group of 25 redundant workers?**

Last year's answer:	This year's answer: [     ]
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**e. Must the employer consult with a third party before dismissing a group of 25 redundant workers?**

Last year's answer:	This year's answer: [     ]
---------------------	--------------------------------

**f. Does the employer need the approval of a third party in order to dismiss a group of 25 redundant workers?**

Last year's answer:	This year's answer: [     ]
---------------------	--------------------------------

**g. Would your answers for questions 7.d, 7.e and 7.f change if the number of redundant workers were different from 25? If yes, please provide the number of workers at which the requirements change.**

*(If the number varies with the size of the company, please provide all brackets. If the requirements change at a certain percentage of the workforce –as opposed to a specific number of workers–, please specify)*

Last year's answer:	This year's answer: [     ]
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**h. Is there a retraining or reassignment obligation before an employer can make a worker redundant?**

*(The answer is Yes if the employer must consider retraining or reassignment alternatives for redundant employees prior to dismissal)*

Last year's answer:	This year's answer: [     ]
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**i. Are there priority rules that apply to redundancy dismissals or lay-offs?**

*(The answer is Yes if, in order to terminate redundant employees, the employer must follow a specific order of seniority, marital status, number of dependants, or other objective priority criteria)*

Last year's answer:	This year's answer: [     ]
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**j. Are there priority rules that apply to re-employment?**  
*(The answer is Yes if employers are required to first offer any positions that become available to workers previously dismissed for redundancy (potentially with limitations based on the qualifications required for the post) before opening the positions to a wider applicant pool)*

Last year's answer:	This year's answer: [ ]
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**Legal basis:**  
[ ]

Did you make any changes from last year's answer? Yes  No   
**If yes, please indicate whether it is a correction or a reform and explain**  
 Correction  or Reform   
 [ ]

**II.D. FIRING COST**

**8. Notice and severance payment**

**a. What is the legally mandated notice period for redundancy dismissal after 20 years of continuous employment?**  
*(Please provide the notice period in the unit of time formally specified by law or collective agreement. If the answer is in days, please specify if they are calendar days or business days)*

Last year's answer:	This year's answer: [ ]
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**b. What is the severance pay for redundancy dismissal, expressed in terms of the period of time for which full wages are payable, after continuous employment of 20 years?**  
*(Please provide (1) the formula(s) used to calculate mandatory severance payments and (2) the result of the calculation for workers having 20 years of employment with the same company. Please provide the severance payment in the unit of time formally specified by law or collective agreement. If the answer is in days, please specify if they are calendar days or business days)*

Last year's answer:	This year's answer: [ ]
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**c. Please list any additional payments required of employers in the case of terminating a redundant worker.**  
*(Additional payments are (for example but not limited to): an amount the company must pay to all workers at the end of their employment, as opposed to just redundant ones, or an obligation to continue paying the worker's wages until the worker finds a new job)*

Last year's answer:	This year's answer: [ ]
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**Legal basis:**  
[ ]

Did you make any changes from last year's answer? Yes  No   
**If yes, please indicate whether it is a correction or a reform and explain**  
 Correction  or Reform   
 [ ]

### III. ADDITIONAL QUESTIONS

#### 9. Collective bargaining agreements

Please complete the following questions on the structure of collective bargaining in your country. When answering the questions, please use the following definitions of collective agreement types:

- **National-level:** applicable to the private sector (and possibly public sector) in general.
- **Industry-level:** applicable to specific private sector industries (e.g., textile, metals, manufacturing, chemicals).
- **Manufacturing-sector:** applicable to private sector (and possibly public sector) manufacturing in general but not other areas.
- **Firm-level:** applicable within a single private sector company or facility.

**For countries where collective agreements cover more than 50% of the manufacturing sector and apply even to firms not party to them, please base your answers for all the survey on provisions contained in the relevant collective agreement when applicable.**

Question	National	Industry	Manufacturing	Firm
a. Do collective agreements exist?	[ ]	[ ]	[ ]	[ ]
b. Do collective agreements apply to firms that were not a party to the agreement?	[ ]	[ ]	[ ]	[ ]
c. Do collective agreements apply to workers who are not union members?	[ ]	[ ]	[ ]	[ ]
d. What percentage of workers in your country is covered by each type of collective agreement?	[ ]	[ ]	[ ]	[ ]
e. What percentage of manufacturing workers in your country is covered by each type of collective agreement?	[ ]	[ ]	[ ]	[ ]

Additional **comments** (including types of collective agreements in your country that are not mentioned above):

[ ]

## ANNEX

### 10. Employment of Women

Doing Business is conducting a unique research effort focused on opportunities for women in business. The following section will help inform that research effort, and is separate from the rest of this survey. Please disregard the standardized case study and its assumptions you used in the rest of this survey to complete this section. The information being gathered here **will not impact the indicator of your country**. We would appreciate you taking the time to answer this section relating to the provisions of employment laws applicable to women. Please answer accordingly, justify and provide the legal basis when applicable.

Question	Answer
Does your country have laws addressing nondiscrimination in hiring or equal pay practices?	[ ]
Do your country's laws addressing minimum wage differentiate between men and women?	[ ]
Do your country's laws addressing minimum wage differentiate between sectors?	[ ]
Is there a general or specific sector prohibition on night work for women?	[ ]
Are there any specific working time restrictions for women?	[ ]
What is the length of maternity leave?	[ ]
What is the employers' financial obligation during maternity leave?	[ ]
Which maternity benefits from the government are women entitled to?	[ ]
Are there laws addressing paternity leave?	[ ]
Are there priority rules that apply to redundancy dismissals or lay-offs based on gender?	[ ]
Can an employer dismiss a woman during pregnancy or maternity leave?	[ ]
What is the mandatory retirement age for men and for women?	[ ]

## Referrals

The Doing Business project covers several topics of business regulation from start-up to closing. Please let us know whether you would like to contribute to any of the following topics in addition to this survey or whether you would like to recommend one of your colleagues.

I would like to contribute to the following topic	I would like to recommend :		
	Name	Firm and Position	Contact Information
<input type="checkbox"/> Starting a business	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Construction licenses/ building regulation (including Architects and Engineers)	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Labor and social security regulation	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Registering property	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Collateral laws/secured transactions	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Protecting investors, (Corporate and Securities law)	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Enforcing contracts/ commercial disputes	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Closing a business/ bankruptcy law	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Transparency/ Public interest law (including NGO's, Academics and Practitioners)	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Trade ( including Freight forwarders, Importers and Exporters)	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
<input type="checkbox"/> Infrastructure/ Electricity (including Architects, Engineers, Electrical utility personnel)	[ ] (first name) [ ] (last name)	[ ] (firm) [ ] (position)	[ ] (phone) [ ] (e-mail)
Other comments: [ ]			

### Thank you for completing the survey!

We appreciate your contribution to the Doing Business project.  
The results will appear in *Doing Business 2009* and on our website: <http://www.doingbusiness.org>.  
Your work will be gratefully acknowledged in both.