

# “We guards don’t rest”

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Photo: Kirstin Garrison

**On their feet for 12 hours without eating. That’s the reward for those who work to defend the safety of others.**

Growing up in poverty, she did not have access to education past elementary school. She stands at an average height with a thin build, dark skin and a cheerful disposition. Erika Sánchez (a pseudonym used for her protection), is a simple and kind 28-year-old woman, but given the nature of her job, she goes through most of her day with a straight face and an unfriendly stare. With a firm step she spends 12 consecutive hours, from Monday to Saturday, walking the halls of the National Autonomous University of Honduras (UNAH) ensuring that everything is in order.

She is a security guard and she works for a private security company that has a million dollar contract to provide security to the different university facilities of the main campus in Tegucigalpa and other sites in the surrounding area. The same company is in charge of providing private security to various state institutions. It is also one of the companies with the most reports filed against it for the violation of employee’s labor rights. Erika is no exception.

“**We guards don’t rest**”, complains Erika, with good reason. She tells of one occasion when her supervisor caught her eating some tacos on the job. The supervisor humiliated her in front of the university students and her fellow security guards.

***“He grabbed me by my shirt and shook me to make me get up from the table, and he yelled and asked why I was eating in my uniform” said the UNAH guard.***

Guards interviewed by Revistazo state that the substantial unemployment rates in the country give their supervisors room to treat employees with hostility. **“The just say that the office is filled with people that want to work and they don’t respect the employee,”** says Érika, whose reprimands came from the simple act of sitting down to eat.

However, the grievances do not stop there. The bosses write down details about the employees that are then discussed in meetings with the entire personnel. Erika recognizes that **“as a worker, one has her rights, one isn’t a slave”**, but the need of a stable monthly income forces her to endure the inhumane conditions set before her.

## **A Strenuous Workday and a Miserable Salary**

From Monday to Friday, Erika and her colleagues have to work **twelve hours straight and eleven hours on Saturday. In total, they work 71 hours during their six-day week. The Labor Law states that a legal workday is 8 hours, with a maximum of 44 hours per week.** This indicates the Erika and her fellow employees **work 27 hours of overtime weekly.** By law, their pay should be increased by 25% for each hour of overtime that they work.

**Every month, overtime for the employees of this this security company adds up to 108 hours.** According to Erika her contract stipulates a salary of **8,000 lempiras** (about \$324) – 489.28 lempiras less than legally established minimum wage for a standard work week of 44 hours. If Erika and the other employees assigned to security at UNAH work 108 hours of overtime every month, the company should be paying them a salary of **12,500 lempiras** (\$534) instead of the 8,000 they currently receive. That is to say that based on the amount of overtime the employees work, the company should raise employee salaries by **4,499.28 lempiras** (\$210).

From this perspective, Erika loses 4,499.28 lempiras monthly in overtime that company owes her. Multiplied it by 12 months and you can see that the annually the **company is robbing 53,991.36 lempiras** (\$2,307) from its employees. How much could she do with that much money?

A few questions emerge from this analysis – for example, who protects the rights of the workers in a country where they have the constitutional right to organize but are repressed when they try to do so? Even the centers for workers do nothing to fight it.

For 2013, the contract that the company signed with UNAH was for 36,040,840 lempiras (\$1.54 million) with the condition that they would maintain 216 security guards. Dividing that amount between 14 annual salaries for each of those 216 guards, comes out to 11,918.27 lempiras (\$509) – which shows that if the company paid a just salary according to our calculations (L. 12,500), their contract with the State would not cover the salaries of their employees, and it is much less than the amount necessary to cover the manager’s salaries as well as administrative expenses and a profit for the business owners.

### **Article 3**

All of the acts or stipulations are null ipso jure if they imply relinquishment, decrease or misrepresentation of the rights that the constitution, the present Law, its regulations or the rest of the labor laws or social welfare granted to workers, even those expressed in a contract or another agreement of any kind.

This analysis leads to the discovery of a broken system where to win a bid with the State, companies offer exaggeratedly low prices, and later, to be able to make a profit from these contracts, they pay their employees less than what they owe them and deny them rights like health care. This practice goes directly against the Labor Law which in Article 3 overrides any clause of a contract that

diminishes worker's rights. But in Honduras there is no authority with real power to see that the Labor Law is enforced.

**Article 7**

Any natural person or legal entity, individual or public law that contracts in his/her own name the services of one or more workers to perform a job for the employer is an intermediary. The latter is jointly and severally liable for the management of that which, for the worker, refers to the legal effects that are derived from the constitution, the present Law and social welfare provisions.

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Despite the Labor Law's clear statement in Article 7 establishing that the contracting party is liable for the workers of the subcontracted company, for many years, State institutions have argued that they are not responsible for the labor conditions of the workers that have been subcontracted. In doing so, the institutions place the blame for the ever worsening labor conditions on the companies that directly hire the workers. .

### **Every Six Months They Return to a Trial Period**

She was unemployed, with no money to buy food and months of rent piling up. Desperate, she went out to search for a job as a cleaning worker because that was her only area of experience. All day she walked the streets of Tegucigalpa visiting different state institutions. She arrived at the teaching hospital and the guards did not let her in. She told them that she was looking for a job and one of them informed her that there were no jobs there, but the security company contracted by UNAH was looking for security guards. They gave her a telephone number to call.

**“I called and they told me that there was an interview, and I didn't know anything about security, but before he left my uncle, who is a guard, taught me a few terms that they use and that's how I was hired,”** says Erika, not very satisfied with the treatment she has received. For her safety we cannot give the exact date, but she started her job with the security company on the 27<sup>th</sup> of the month and she was never paid for her first four days of work. Instead, she was added to the payroll the following month.

During the first two trial months Erika was only paid 6,000 lempiras (\$256) monthly and after that, her salary was raised to 8,000 lempiras (\$341). Illegally, the company renews its workers contracts every six months, and every time the contract is renewed the employees go through another trial period of two months during which their salary is reduced to 6,000 lempiras. From the meager 6,000, the company also takes out Social Security fees and fees for a life insurance policy they have with Davivienda, a Honduran bank.

**“And this month I only got 4,800 [\$205], which doesn't even cover the cost of food. I said to a friend, I don't who should be more ashamed, those who deposit so little money or me who picks it up. ,”** expressed Erika without hiding her anger.

### **Buy a Gift and Go without Food**

Erika remembers that last year close to Christmas when she received her pay check she bought a lotion for 180 lempiras for her mother knowing that the next day she would go hungry because the rest of her money was spoken for. Sometimes her salary does not cover her expenses. She says, **“When they pay me, I buy some chilaquiles (a Honduran snack), but I know I won't be able to buy more until they paid me again, two weeks later.”**

She says that sometimes they are behind a day on paying salaries and **“this is serious for us, because sometimes we don't have enough to pay for bus ride home”**.

She feels frustrated from how difficult life can be without an education. She says that she would like to study nursing, but working all week with only Sundays off, going back to school would be difficult. **“And that’s why I want to help my sister so she can move forward”**, she says. Her sister is currently in high school.

### **Everyone is equal**

From Erica’s experiences it is clear that a common characteristic shared by all companies, whether cleaning or security is the **violation of the rights of their workers**. Her first job was with a cleaning company in the capital’s teaching hospital and there, **“I got sick and went to the doctor. He sent me to get an x-ray. I asked permission from the supervisor and her response was clear – that I could have three days of sick leave, but without pay.”**

To avoid a reduction in her salary, Erika decided not to go but to keep working while sick. **“To me it was unjust,”** says Erika, who because of her need for a job, could not claim her rights. At that time, it was her responsibility to support her three siblings and her ailing mother.