

Social security for unpaid domestic workers: Death benefits, relevant protection in the pandemic

La seguridad social de los trabajadores domésticos no remunerados: las prestaciones por fallecimiento como protección relevante en las pandemias

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Artículo original (análisis)

RFJ, No. 10, 2021, pp. 265-293, ISSN 2588-0837

ABSTRACT: This article analyzes the current protection of unpaid domestic workers through social security. The Organic Law for Labor Justice and Acknowledgement of Unpaid Domestic Work has included unpaid domestic workers in social security, thus assuring them financial protection against old-age, disability, and death. Analyzing the target population of such a law, as well as its intent and conditions for accessing benefits, specifically regarding death, shows that this protection is adequate for safeguarding those who perform unpaid domestic work, and mainly their right-holders because the pandemic caused by SARS-coV2 virus has impacted families not only in terms of health but also in terms of their economic situation.

KEYWORDS: Social security, work, pensions, widow's pension, orphan's pension, COVID-19.

RESUMEN: El presente artículo analiza la protección de las personas trabajadoras no remuneradas del hogar a través de la seguridad social en el contexto actual. La Ley Orgánica para la Justicia Laboral y el Reconocimiento del Trabajo en el

Hogar incorporó a las personas trabajadoras no remuneradas del hogar a la seguridad social garantizándoles una protección económica frente a las contingencias de vejez, invalidez y muerte. El análisis de la población objetivo de dicha ley, de su espíritu así como de las condiciones de acceso a las prestaciones establecidas para tales contingencias, específicamente para la contingencia de muerte, muestran que dicha protección resulta adecuada para proteger en la actual coyuntura a las personas que realizan trabajo no remunerado en el hogar y principalmente a sus derechohabientes, considerando que la pandemia causada por el coronavirus denominado SARS-coV2 ha impactado a las familias no sólo en su estado de salud sino también en su situación económica.

PALABRAS CLAVE: Seguridad social, trabajo, pensiones, viudedad, orfandad, COVID-19.

CÓDIGO JEL: O15, P14.

INTRODUCCIÓN

The Organic Law for Labor Justice and the Recognition of Household Work passed on 14 April 2015 and published on 20 April 2015 in the Official Gazette Third Supplement No. 483, incorporated persons performing unpaid household work into the social security system.

The objective of this law was to protect people who perform unpaid work in the household against the contingencies of old age, disability, and death through economic benefits granted by the Ecuadorian Institute of Social Security -IESS- and financed both by the family economic unit, according to its contributive capacity, and by the State.

This protection scheme is particularly important in the current situation since the COVID-19 pandemic has caused a

large number of deaths in the Ecuadorian population, as a result of which many families have lost their income to support their families and have even been unable to pay the funeral expenses. In this context, it is therefore relevant to analyze the social security protection scheme for people who do unpaid work in the home and to identify whether the benefits provided by law are indeed accessible and can fulfill their purpose, i.e. to protect unpaid domestic workers and their families against the social risks provided by law, in this case exclusively the contingency of death.

Although old age and permanent incapacity are also part of the social risks foreseen by the Organic Law for Labor Justice and the Recognition of Work in the Home, they will not be analyzed for two reasons: firstly, because the specific conditions for accessing the old-age benefit, i.e. being 65 years of age or older and accrediting a minimum of 240 monthly contributions, prevent the existence of unpaid domestic workers as pensioners by 2020, since the Organic Law for Labor Justice and the Recognition of Domestic Work was approved in April 2015 and the affiliation process started in October 2015; and secondly, because permanent disability benefits cover the most severe disabilities, i.e. total permanent disability¹ and absolute permanent disability², which do have not been recorded in any COVID-19 survivors.

For this reason, we will analyze exclusively the protection of unpaid domestic workers in the event of the contingency of death. This protection consists of the widow's and orphan's pensions and the funeral allowance whose access conditions

1 Total permanent incapacity implies the loss of all capacity to carry out the protected person's usual activity but does not prevent the carrying out of a different activity.

2 Absolute permanent incapacity implies the loss of all capacity to carry out any activity.

established by the Organic Law for Labor Justice and the Recognition of Work in the Home allow them to be applied for as of this date by the beneficiaries of the right derived from the deceased unpaid domestic worker.

Thus, our analysis will be developed in two parts: a first part devoted to the spirit of the Organic Law for Labor Justice and the Recognition of Domestic Work, i.e., the intention of the legislator, the reasons behind its action, as well as its target population; and a second part devoted to the functioning of death benefits and their relevance in the current situation caused by the COVID-19 pandemic.

11. THE CHARACTERISATION OF UNPAID DOMESTIC WORKERS

The laws of positive law are framed in a specific context that takes into consideration the lifestyle of its population, its freedom, its religion, its activities, its uses, and customs, as well as their relationship with each other, their origin, and the objective that the legislator seeks to achieve through them (De Secondat de Montesquieu, 1995, p. 24). This set of elements is what Montesquieu calls the spirit of the law.

Furthermore, in analyzing the spirit of the Organic Law for Labor Justice and the Recognition of Work in the Home, we will study both the social characterization of people who carry out unpaid work in the home and the intention of the legislator in the drafting and approval of the law.

1.1. The social characterization of persons engaged in unpaid work in the household

Based on the studies presented for the elaboration of the aforementioned draft law, the people who carry out unpaid work in the household are those who call themselves, housewives³.

According to the Financial and Actuarial Sustainability Study of the Coordinating Ministry of Social Development (2015), with data from 2013, 99.8% of the people who self-identify as housewives in the National Survey of Employment, Unemployment, and Underemployment -ENEMDU- are women and less than 0.2% are men (p. 38). Sixty-six percent of this population is between fifteen and forty-nine years old, while 34 percent is fifty years old or older. If this percentage is calculated only concerning the total number of people between fifteen and sixty-five years of age, it rises to 87% (p. 39).

For the year 2019⁴, this reality is maintained, although with a slight variation, thus about the total population of housewives, 61% are between fifteen and thirty-nine years old and 39% are fifty years old or older; and concerning the total number of people between fifteen and sixty-five years old, this percentage rises to 85%.

Regarding the marital status of this population, the aforementioned study shows that 78% of housewives are married or live in a consensual union, while 9% are single.

3 The term used by the Ecuadorian Institute of Statistics and Census in the National Survey of Employment, Unemployment, and Underemployment -ENEMDU- in which the interviewee is asked to indicate his/her activity and self-identify in one of the activity categories. In the case of the economically inactive population -PEI- these categories are: income earner, retired, student, housewife

4 According to the ENEMDU as of December 2019, the PEI aged 15 years and over was 4,303,536 persons of whom 1,691,567 self-identify as housewives.

This situation remains the same for the year 2019, which shows that the sexual division of labor persists as well as the inequalities derived from it.

On the other hand, and concerning the geographical concentration of this population, the same study indicates that people who perform unpaid work in the household are mainly concentrated in the provinces of Guayas, Pichincha, and Manabí, followed by the provinces of Los Ríos, El Oro, Esmeraldas, Azuay, Santa Elena and Santo Domingo de los Tsáchilas (Ministerio Coordinador de Desarrollo Social, 2015, p. 41), a situation that has not changed for 2019 according to the National Survey on Employment, Unemployment, and Underemployment - ENEMDU - as of December 2019. 41), a situation that has not changed for 2019 according to the National Survey of Employment, Unemployment, and Underemployment - ENEMDU - as of December 2019.

As we can see, this is a population made up of a large majority of women, of different ages but mostly young, mostly married or in a free union, who carry out activities in and for the benefit of their households such as housekeeping and maintenance, and caring for people (children, the elderly and the sick), who do not receive any remuneration or economic compensation and whose territorial concentration follows the national concentration of the population.

From these data, it can be inferred that this population is particularly vulnerable, given their economic dependence on the person or persons who carry out paid work and on whom the economic survival of this population and, in general, of the household depends.⁵ This vulnerability is accentuated

5 According to the Gender Equality Observatory for Latin America and the Caribbean (2017), 29% of women over the age of 15 in the region had no income of their own in 2017, which means that “almost one-third of wo-

by the loss of the “provider” and with age⁶, as women’s life expectancy is longer, i.e., “women live longer, with less income than men, and this income also decreases significantly over the years” (Gender Equality Observatory for Latin America and the Caribbean, 2013).

1.2. The spirit of the Organic Law for Labor Justice and the Recognition of Homework

The Organic Law for Labor Justice and the Recognition of Domestic Work defines an unpaid domestic worker as a person who “carries out exclusively domestic care tasks without receiving any remuneration or economic compensation and does not carry out any of the activities contemplated in the previous paragraphs”.

Consequently, for a person to be considered as an unpaid household worker for social security affiliation, three conditions must be met:

- a. To devote themselves solely and exclusively to the performance of household tasks. Such homework shall be care refers both to the activities formerly known as household chores and to the tasks of caring for family members such as the elderly, people with disabilities, or minors;

men in the region had no income of their own in 2017.

women in the region depend on others for their subsistence, which makes them economically vulnerable and dependent on income earners, who are usually men. “If we refer only to Ecuador, 33.8% of women over 15 years of age have no income of their own, while the percentage of men of the same age with no income of their own is 10%.

- 6 In this regard, see Huenchuan S. (2010), “Envejecimiento y género: acercamiento a la situación específica de las mujeres mayores en América Latina y Recomendaciones Internacionales”, where the author points out that “in old age, women can see the problems they face worsen (...)”, that women “receive less income than men during their working lives and reach old age with economic and social disadvantages” and that “even in old age, they can be the only source of care in situations of illness and disability” (p.16).

- b. That these activities are carried out without receiving any remuneration or economic compensation, which is different from paid work in the home or better known as domestic work, which is carried out for others and, therefore, the type of affiliation that corresponds is that intended for dependent workers; and,
- c. Not being a dependent worker, which excludes both workers in the private sector, including those engaged in paid domestic work, and in the public sector; not being self-employed or independent, which excludes professionals in free practice, owners of companies, businesses, associations, artisans, agricultural and fishing workers, the “head” of a family⁷ in the peasant social security system and, in general, any person who carries out a paid activity.

As can be seen, the legal qualification of unpaid work in the household does not differ from the social characterization of this activity. On the contrary. The law takes this reality in its specificity and creates a specific form of affiliation that is consistent with the other forms of affiliation. Thus, by using a descriptive definition (what it is) combined with a negative or exclusive definition (what it is not), the Law prevents fraudulent affiliations, i.e., that this type of affiliation is used as a means to evade social security affiliation under another type; and, on the other hand, that there be simultaneous affiliations to take advantage of the system and improve the basis for calculating pensions.

⁷ Note that, in the case of the special peasant social insurance scheme, only the “head” of the family is protected against old age, death, and disability contingencies, including disability, but not the spouse or partner, who enjoys only health care.

If we refer to the draft law submitted on 15 November 2014 by the President of the Republic to the National Assembly in the exercise of the provisions of Article 134, paragraph 2 of the Constitution of the Republic, we can appreciate the will of the co-legislator to recognize the value of unpaid work in the home and to protect those who are engaged in it in the most vulnerable situations. Thus, the explanatory memorandum states that, even though unpaid work in the home fulfills an important economic and social function for society, the majority of people who carry out such work are outside any protection, which increases the risk of social exclusion, especially for the elderly (p. 2). This is in line with the Report for the first debate of the Permanent Specialised Commission on Workers' Rights and Social Security of the National Assembly, which points out the need to protect people doing unpaid work in the household through pensions to break the cycle of poverty in old age (p. 42).

This motivation is made more explicit in the interventions made by representatives of the executive, in which it was specified that unpaid work in the home is socially useful work that contributes to the economic and productive development of the country. However, despite this contribution, housewives have historically been excluded from the right to social security (Vaca, 2014; Vaca, 2015).

Likewise, the classification of unpaid work in the home within the economically inactive population -PEI- was questioned, i.e. within the population that groups together "people aged 15 and over who are not employed, are not looking for work and were not available for work" (National Institute of Statistics and Censuses, 2018), since such categorization considers only market or paid work as productive work and makes invisible the work of housewives who work from Monday to Sunday, without working hours and who will surely

die working without receiving a pension (Correa, 2015). This affirmation is consistent with the economic doctrine that promotes the recognition of the value of unpaid work in the home and criticizes the economic thinking that invisibility and normalizes the sexual division of labor and the situation of women in the home. Already in the 19th century, as Carrasco (2006) points out, the statistical categorization of women in censuses was questioned and the fact that work in the home was not considered as real work was criticized (p. 36).

In the same vein, reference was made to the opportunity cost ⁸ that unpaid household work represents for the people who carry it out (Vaca 2014; Correa, 2015) and the fact that unpaid household workers do not have access to a pension as right-holders was questioned, in contrast to their spouse who, thanks to the work of the unpaid household worker, can exercise a remunerated activity that opens up access to obtaining a pension (Correa, 2015).

These clarifications once again show the intention of the legislator and the Executive, as co-legislator, to recognize the contribution and importance of unpaid domestic work for the country's economy, as well as to make the mandate of the 2008 Constitution viable to make effective the enjoyment of the right to social security for unpaid domestic workers.

It is therefore understandable that the Law is called "Law for [...] the recognition of work in the home", that the contribution to finance this affiliation scheme falls on the family economic unit and the State as the direct beneficiaries of unpaid work in

8 In Ecuador, the legislator decided to universalize pensions, considering that the health system is universal and free at all levels of care for all people without any distinction whatsoever. Consequently, health care, through the services of the Ministry of Public Health, depends only on the condition of being a human being and not on the quality of affiliation, migratory status, or employment situation.

the home, that this contribution depends on the contributory capacity of the family economic unit and that the risks covered are those that have the greatest impact on people's lives⁹.

Consequently, based on the characterization of the target population and the intention of the legislator, in a broad sense, it can be concluded that the spirit of the Organic Law for Labor Justice and the Recognition of Household Work was first recognized as socially useful and economically productive the unpaid household work performed mostly by women, who do not receive any income and are therefore outside any social security protection; and secondly, to recognize people who perform unpaid work in the home as entitled to social security and to make this right effective through the creation of a specific form of affiliation that takes into account their contributory capacity and the social risks that perpetuate and accentuate their vulnerability and that of their families, namely old age, permanent incapacity, and death.

1.3. The affiliation process for unpaid domestic workers

The fourth transitory provision of the Organic Law for Labor Justice and the Recognition of Domestic Work granted the IESS sixty days from the issuance of the Law to issue all the necessary regulations for the implementation of this new affiliation modality. Accordingly, Resolution C.D. 492 of 18 June 2015 and Resolution C.D. 496 of 18 September 2015 were issued.

Resolution C.D. 492 regulates the affiliation process for unpaid household workers and establishes the contribution

9 In Ecuador, the legislator decided to universalize pensions, considering that the health system is universal and free at all levels of care for all people without any distinction whatsoever. Consequently, health care, through the services of the Ministry of Public Health, depends only on the condition of being a human being and not on the quality of affiliation, migratory status, or employment situation.

tables and the distribution of the corresponding contributions. Resolution C.D. 496 amends Resolution C.D. 492 to facilitate the affiliation of unpaid household workers beneficiaries of the Bono de Desarrollo Humano who will be automatically registered in compliance with the inter-institutional interoperability between the Ecuadorian Institute of Social Security, the Ministry of Economic and Social Inclusion, and the Coordinating Ministry of Social Development.

Affiliation under this modality has been open to the public since the beginning of October 2015. According to public data available to date, two hundred and twelve thousand and thirty-three people nationwide were affiliated under the modality of unpaid work in the home in 2017 (Instituto Ecuatoriano de Seguridad Social, 2017, p. 18). Most of those affiliated were concentrated in the provinces of Manabí (49,790), Guayas (44,923), Los Ríos (24,071), Esmeraldas (16,414) and Loja (10,361). The provinces of Santo Domingo, Azuay, Imbabura, Pichincha, Santa Elena, Orellana and Sucumbíos had an average of 4,500 members (Instituto Ecuatoriano de Seguridad Social, 2017, p. 21).

In addition, and following Resolution C.D. 496, it is important to consider that a large part of these affiliations corresponds to beneficiaries of the Bono de Desarrollo Humano, whose territorial concentration is similar to the concentration of affiliates presented in the previous paragraph. Thus, according to the Interconnected Registry of Social Programmes, beneficiaries of the Bono de Desarrollo Humano in 2017 are concentrated in the provinces of Guayas (77,962), Manabí (73,766), Los Ríos (40,875), Esmeraldas (28,166), Loja (21,354). This distribution is maintained for 2020¹⁰.

10 For 2020, this distribution is maintained with variations in the number of beneficiaries: Guayas 89,889 beneficiaries, Manabí 71,766, Los Ríos 41,494, Esmeraldas 26,218, Loja 19,143 (Registro Interconectado de Pro-

Finally, regarding the contribution base recorded, the Ecuadorian Institute of Social Security (2017) does not present data according to the socio-economic level of the family economic unit but only an average contribution base, which for 2017 was USD 94.28 (p. 24).

2. PROTECTION ON THE DEATH OF THE UNPAID WORKER IN THE HOUSEHOLD

The death contingency protects the situation of need caused by the death of the member or pensioner that results in the loss or reduction of family income (González and Barcelón, 2015, p. 332). It is a classic contingency of social security systems whose origin, of welfare and mutualist nature, seems to date back to the time of classical Greece where craftsmen in the same branch of activity contributed to help each other and protect their orphans (Borgetto and Lafore, 2019, p. 13).

Under the Bismarckian model, the death contingency was included in the occupational hazard insurance. However, it was not until the *Reichsversicherungsordnung* (¹¹ Social Insurance Code) of 1911 that death insurance became institutionalized in the 20th century, providing for widows' and orphans' benefits for both occupational and common causes, and would henceforth be included in most social security systems.

In Ecuador, the creation of this contingency followed the Bismarckian model. The Law on monetary compensation to the worker or day laborer for accidents at work, issued on 30 September 1921 and published in the Official Register No. 316 of 1 October 1921, provided for the employer's obligation to

gramas Sociales, 2020).

11 The "Reichsversicherungsordnung" or Social Insurance Code of 1911 codifies three laws of 1883 on health insurance, the law of 1884 on occupational hazard insurance, the law of 1889 on invalidity and old-age insurance; it creates widows' and orphans' pensions and extends the subjective scope of protection of these laws.

cover funeral expenses and the right of the widow, legitimate or natural descendants under the age of sixteen or ascendants unable to work to receive compensation in the event of the death of the worker, the amount of which depended on the number of dependants.

From the Law of Retirement, Civil Montepío, Savings, and Cooperative approved on March 8, 1928, the contingency for death would be institutionalized and with the Supreme Decree No. 12 that creates the General Compulsory Insurance and establishes the National Welfare Institute of October 2, 1935, for “public and private employees and salaried workers, regardless of the order of activities in which they are engaged. 12 that creates the General Compulsory Insurance and establishes the National Welfare Institute of October 2, 1935, for “public and private employees and salaried workers, whatever the order of activities in which they are engaged, regardless of their nationality” and the approval of the Statutes of the Private Employees and Workers Insurance Fund by Supreme Decree No. 63 of March 31, 1937, its coverage would be extended.

Under the same model, the Organic Law for Labor Justice and the Recognition of Work in the Home provided for this contingency and the consequent economic benefits in the event of the death of the pensioner or member of the modality of unpaid work in the home, namely: the widow’s pension, the orphan’s pension, and the funeral allowance.

2.1. Widow’s and orphan’s pensions

2.1.1. Conditions of access to widows’ and orphans’ pensions

According to the provisions of this law, to be entitled to widow’s and orphan’s pensions, as the case may be, the unpaid work in the household at the time of death must meet both

the general conditions and the specific conditions of access to these benefits, except in the case of a person who is a pensioner for retirement or for total or absolute permanent disability under this type of affiliation, in which case these conditions do not apply¹².

Regarding the general conditions¹³, the unpaid work of the household at the time of death must be affiliated, registered as active in the system, and up to date with his or her obligations to the IESS.

As far as the specific conditions are concerned¹⁴, the unpaid household worker at the time of death must prove a certain number of contributions according to his or her age. Thus, the unpaid household worker who at the time of death is between fifteen and twenty-five years old must credit six-monthly contributions (six months); those between twenty-six and forty-five years old will credit thirty-six monthly contributions (three years), and those who are sixty years old or older must credit sixty contributions (five years).

2.1.2. Beneficiaries of widow's, widower's and orphan's pensions

The Organic Law for Labor Justice and Domestic Work Recognition identifies three beneficiaries of death pensions:

- The surviving spouse or legally recognized common-law partner provided that he/she has not remarried or entered into a new common-law union; or the common-law partner who,

12 The fifth paragraph of the first unnumbered article of Chapter IV On widows', widowers' and orphans' pensions of the Organic Law on Labor Justice and Recognition of Domestic Work.

13 First unnumbered article of Chapter I General Provisions of the Organic Law for Labor Justice and the Recognition of Domestic Work

14 First unnumbered article of Chapter IV On widow's, widower's and orphan's pensions of the Organic Law for Labor Justice and Recognition of Domestic Work.

without having lived with the deceased for at least two years, proves the existence of children in common.

- The parents of the unpaid member of the deceased household provided that three cumulative requirements are met: a) they have lived under the care of the deceased, b) they do not receive any other pension from the Social Security System, and c) there is no surviving spouse or legally recognized common-law partner as beneficiaries.

2.1.3. The amount and distribution of widows' and orphans' pensions

The amount of widows, widower, and orphan pensions varies according to the contributory effort of the family unit. However, they may not be less than a minimum amount established by law, i.e. seventy dollars at the first level of the contribution base, one hundred and six dollars at the second level, one hundred and forty-six dollars at the third level, and one hundred and ninety-four dollars at the fourth level of the contribution base.

Once the death pension has been calculated, it will be allocated to the beneficiaries described above. Thus, 60% of the pension will be awarded to the surviving spouse or the legally recognized common-law partner or to the common-law partner who, without having lived with the deceased for at least two years, proves the existence of children in common; and in their absence, to the dependent parents of the deceased. The difference, i.e. the remaining 40%, will be divided proportionally between minor children and children with severe disabilities.

2.2. The funeral allowance

The funeral allowance is a benefit intended to cover the funeral expenses of IESS beneficiaries, i.e. both affiliated persons and pensioners.

The Social Security Act generally describes the funeral allowance as a “cash benefit”, a description that has been maintained since 1942¹⁵ and reflects the intention of the legislator at the time to assist the entitled persons to ensure a dignified burial of the insured person or pensioner.

2.2.1. Conditions of access to the funeral allowance

To be eligible for the funeral allowance, the insured person must have made six monthly contributions during the twelve months preceding the death of the insured person.

2.2.2. Beneficiaries of the funeral grant

This allowance is granted to the person who can prove that he or she has paid the funeral expenses of the deceased member or pensioner of the unpaid family work scheme. This means that not only the deceased’s dependants but also any person who is not a member of the deceased’s family and can prove that he or she has paid the funeral expenses can be a beneficiary.

2.2.3. The amount and expenses covered by the funeral grant

The amount of the funeral allowance is a maximum of four unified basic salaries. Although the Board of Directors of the IESS has not reformed Resolution C.D. 100 to include the pension scheme for unpaid work in the home, and considering

15 Article 27 of the Compulsory Social Security Law issued on 14 July 1942 and published in the Official Register No. 574 of 25 July 1942, provided: “In the event of the death of a member or pensioner, the bereaved shall be entitled to a cash allowance, under the title of a mortuary fund or funeral allowance (...)”.

that this form of affiliation is part of the compulsory general insurance, we would understand that this benefit would follow the same logic, i.e. funeral expenses would be considered to be the expenses for the purchase of a coffin, wake services, carriage, religious service, burial or cremation costs, and costs for the rental or purchase of a niche, columbarium or ash heap, and would be covered either in the form of reimbursement or the form of a refund; and would be covered either in the form of reimbursement or through external funeral service providers accredited by the IESS.

Finally, it is important to mention that the Organic Law for Labor Justice and the Recognition of Work in the Home introduced the figure of portability of contributions. This figure applies to all subjects of IESS protection and implies that all contributions made under any affiliation modality will be counted to calculate the contribution periods necessary to access the economic benefits of social security. Undoubtedly, the portability of contributions facilitates access to benefits in general, and specifically, in our case study, it facilitates even more access to death benefits; however, the IESS Board of Directors, to date, has not issued the necessary secondary regulations for its application.

CONCLUSIONS

Before the passing of the Organic Law for Labor Justice and the Recognition of Domestic Work, people who perform unpaid work in the home could only access social security through voluntary affiliation with a contribution base equal to or greater than the unified basic wage. Such a contribution base undoubtedly constitutes a limitation to the affiliation of this group, not only because it is an activity that is carried out without

income, but also because the amount of the contribution is still perceived as high, even for those who receive their income¹⁶.

The design of a contribution base according to the contributory capacity of the family economic unit made it possible for unpaid household workers in poverty or extreme poverty to access social security protection. This is mainly the case for unpaid household workers who receive the Bono de Desarrollo Humano, but also for those whose family economy is not sufficient to cover the common social security contribution amount¹⁷.

In the case of deaths caused by COVID-19, the protection for the cause of death provided by the Organic Law for Labor Justice and the Recognition of Work in the Home is undoubtedly relevant. According to the statistics of deaths caused by COVID-19 of the Ministry of Public Health (2020), most deaths have occurred in the provinces of Guayas, Manabí, Santa Elena, Pichincha, Los Ríos, and El Oro. These provinces, which happen to be the most affected by the pandemic, coincide with the provinces with the highest concentration of people affiliated under the modality of unpaid work in the home. Although we cannot affirm that the deceased persons were affiliated or were pensioners of the unpaid domestic work affiliation modality, some of the families affected by the pandemic may be beneficiaries of the benefits for widowhood, orphanhood, and the funeral subsidy created by the Organic Law for Labor Justice and the Recognition of Domestic Work.

16 For more information see Results of Focus Groups of Employers' and Insured Representatives on the Governance, Coverage, Quality, and Sustainability of the Ecuadorian Social Security Institute May 2020. A survey was conducted by the International Labor Organization (ILO) and published on the ILO Andean Countries website.

17 For the year 2020, the contribution base is USD 400 which implies a monthly contribution of USD 70.40.

In the same sense, we can affirm that it is very likely that these benefits will reach the most vulnerable households, since according to Resolution C.D. 496, the affiliation of beneficiaries of the Bono de Desarrollo Humano - BDH - is automatic, and if we analyze their territorial concentration, we can see that this coincides both with the provinces most affected by the pandemic and with those with the highest concentration of affiliates in this modality.

Furthermore, the specific conditions of access to widowhood and orphan's pensions for unpaid work in the household show that persons insured under this scheme enjoy better protection than those insured under other forms of compulsory general insurance or the special peasant social insurance scheme, since entitlement to these benefits depends not only on the number of contributions but also on the age of the insured, unlike the other forms of insurance, which do not take into account the age of the insured but only the number of contributions¹⁸. Widow's and orphan's benefits for unpaid work in the household are therefore more accessible and allow wider coverage of beneficiaries.

Consequently, the death protection for unpaid domestic workers established by the Organic Law for Labor Justice and the Recognition of Domestic Work, i.e., widow's and orphan's pensions, as well as the funeral allowance, is relevant protection for their families in the current situation.

18 Article 203 of the Social Security Act stipulates that other persons covered by the compulsory general insurance scheme must pay at least 60 monthly contributions to qualify for widow's, widower's, and orphan's pensions.

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Received: 19/06/2020

Approved: 02/11/2021

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