

URGENT ACTION

COVID-19 HOSPITAL WORKERS FIRED; NOT PAID

46 facilities and cleaning staff of the public Industrial Park Temporary Hospital in Guatemala City were fired on 5 June and have not received pay since they began work on 23 March. The Ministry of Health that employs them said they needed a high school degree to continue working. We call on the authorities to urgently pay staff for the time worked and carry out an independent investigation into their dismissals which allows for remedies if the dismissals are found to be unfair.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister Hugo Monroy
Minster of Public Health and Social Assistance
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Guatemala City
Fax:
Email: hmonroy@mspas.gob.gt
With copy to Minister's assistant: lantonio@mspas.gob.gt
[@MinSaludGuate](https://twitter.com/MinSaludGuate)

Dear Minister Monroy:

I am gravely concerned about 46 facilities and cleaning staff fired on 5 June at the Industrial Park Temporary Hospital attending to COVID-19 cases in Guatemala City.

The only reason for dismissal given by the Ministry of Health is that administrative requirements meant they needed to present a high school or university degree to keep their job. Many of these workers only have a basic education and do not have these papers. They have not been paid since they began work from 24 March (just as several of the medical staff of the hospital). They have been given no unemployment compensation.

I call on you to protect all staff at the Industrial Park Hospital, in particular the 46 facilities staff fired on 5 June: by urgently paying them and carrying out an independent investigation on the circumstances of their terminations which allows for effective remedies.

Yours sincerely,

ADDITIONAL INFORMATION

Prior to the COVID-19 Pandemic, Guatemala was already receiving special support from the Pan American Health Organization (PAHO) due to its weak health system. As of 9 June, [Guatemala has reported](#) 7,055 cases of COVID-19 and 252 deaths.

The Government of Guatemala opened a temporary hospital in the “*Parque de la Industria*” in Guatemala City to receive and treat patients with COVID-19. This hospital, with an initial capacity of 319 beds, opened on 21 March. At the beginning of May, medical staff publicly denounced the lack of contracts, salaries and safe working conditions at the hospital. According to information reported in the press based from the Public Accounting Office, the Industrial Park Temporary Hospital of Guatemala City has executed less than 2% of the public budget that was assigned to it by the Congress, due to a lack of operative capacity and personnel to be able to carry out the functions of the hospital.

The authorities of the hospital reported that workers employed by the hospital through the Ministry of Health (MSPAS), need to be hired under a scheme allowed for in the Public Budget, under [Budget Line 189](#). (Titled “Other services”). Representatives of the MSPAS indicated that the Civil Service Law requires for people hired under this Budget Line, to have proof of high school or university diplomas. However, according to the National Human Rights Ombudsman’s office, these requirements were not requested at the time that the Ministry of Health contracted them, contrary to labour Guatemalan labour law requirements. Since the 46 facilities and cleaning staff of the Industrial Park Temporary Hospital did not present this paperwork, the employers have fired them, after almost three months of work in which the maintenance staff had to bring their own tools and equipment to work. The Ministry of Health noted 38 people who did not meet these requirements, however the Human Rights Ombudsman office documented 46 facilities staff who were terminated from their employment.

Despite the justification giving by the MSPAS, according to the [Classification Plan for Public employment](#), in line with Article 35 of the Civil Service Law, the series of “Operative posts” that require mostly “physical and repetitive labour”, do not require any education beyond that of a primary school level. Also, the Manual of Budget Classifications for the Civil Service (Ministerial Agreement 291-2012) makes no mention of the requirement for high school diplomas to be presented for hiring persons under Budget Line 189.

Finally, the Ministry of Health has announced a [public tender](#) in recent weeks, advertising to contract an outsourced company for the facilities and cleaning services of the hospital. Press reports have noted that no company has been assigned to the contract yet.

ILO Convention No. 158 concerning Termination of Employment (1982) defines the lawfulness of dismissal in its article 4 and imposes the requirement to provide valid grounds for dismissal as well as the right to legal and other redress in the case of unjustified dismissal. According to Article 9 of this Convention, the burden of proving the existence of a valid reason for the termination as defined in Article 4 of this Convention shall rest on the employer. Guatemala is a member of the International Labour Organization, and although it has not specifically ratified ILO Convention 158, as a member of the ILO it has pledged to a series of key labour commitments for example, the [ILO Declaration on Fundamental Principles and Rights at Work](#) adopted in 1998 – which “aims to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO.” In addition, as a state party to the International Covenant on Economic and Social Rights (ICESCR), the international human rights treaty which enshrines the rights of workers in its Articles 6, 7, Guatemala must ensure that the right to work is upheld and they are paid fair wages.

The rights of both facilities staff and medical staff are at grave risk at the Industrial Park Temporary Hospital, and leaving these workers unprotected in turn puts the health of the Guatemalan population at risk. Since the beginning of the pandemic, health workers across the country have publicly denounced the lack of protective equipment (PPE) in reiterated occasions. According to the Ombudsperson (Procuraduría de los Derechos Humanos), at least 49 nurses and doctors had been infected with COVID-19 by 24 May 2020. On 30 May 2020, the Constitutional Court ordered the Health Ministry to provide health personnel with PPE and other supplies without delay.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish. You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 June 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Workers at the Industrial Park Temporary Hospital (They, them, theirs).