RELATIONSHIP BETWEEN LABOR CONTRACTING AND LABOR RIGHTS OF PUBLIC SECTOR WORKERS, PERU

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ABSTRACT

Purpose: To determine the relationship between labor contracting and the labor rights of public sector workers in Peru.

Theoretical framework: The theory found allowed us to delve deeper into the topic of hiring and labor rights, but not from theory on employee perception but from specialists in legal matters, which is why in this research it was decided to take into account the perception of public sector employees.

Design/methodology/approach: A quantitative study was considered, under an applied type of research, with a descriptive correlational non-experimental design, so the surveys were applied to 25 public sector workers.

Results: The findings revealed a bilateral sigma much lower than 0.05, allowing the null hypothesis to be rejected and the alternative hypothesis to be accepted, likewise, it is observed that the Spearman's Rho reached 0.815 between labor contracting and labor rights. In addition, the variables reached 92% in the inadequate level, of the three dimensions, the one that presents the greatest difficulties was subordination because it obtained 92% in the inadequate level, on the other hand, onerosity reached 88% in the inadequate level, followed by exclusivity which obtained 76% in the inadequate level, thus revealing that within the institution there is no internal discipline that allows workers to comply with the provisions of the superiors assigned to each office.

Research, practical and social implications: It is shown that when labor contracting is carried out efficiently, considering the legal bases and respecting the established clauses, then the labor rights of workers will be protected and protected, thus revealing that within the institution there is no internal discipline that allows workers to comply with the provisions of the superiors assigned to each office, this result could be argued in the legal basis of Law 29783.
Originality/value: The purpose of an employment contract is to outline the rights and responsibilities of both the employer and the employee, as both parties will sign the contract. However, employers will always look for ways to undermine their workers' protections under the law, as current labor laws leave many workers unprotected.

Keywords: contracting, labor rights, exclusivity, subordination.

RELACION ENTRE CONTRATAÇÃO TRABALHISTA E DIREITOS TRABALHISTAS DOS TRABALHADORES DO SETOR PÚBLICO, PERU

RESUMO

Objetivo: Determinar a relação entre a contratação de trabalho e os direitos trabalhistas dos trabalhadores do setor público no Peru.

Estrutura teórica: A teoria encontrada nos permitiu aprofundar no tema da contratação e direitos trabalhistas, mas não a partir da teoria da percepção do empregado, mas de especialistas em questões legais, razão pela qual nesta pesquisa foi decidido levar em conta a percepção dos empregados do setor público.

Design/metodologia/abordagem: Foi considerado um estudo quantitativo, sob um tipo de pesquisa aplicada, com um desenho descritivo correlacional não experimental, de modo que os inquéritos foram aplicados a 25 trabalhadores do setor público.

Resultados: Os achados revelaram um sigma bilateral muito inferior a 0,05, permitindo que a hipótese nula fosse rejeitada e a hipótese alternativa fosse aceita, da mesma forma, observa-se que o Rho do Spearman alcançou 0,815 entre a contratação do trabalho e os direitos trabalhistas. Além disso, as variáveis atingiram 92% no nível inadequado, das três dimensões, a que apresenta as maiores dificuldades foi a subordinação porque obteve 92% no nível inadequado, por outro lado, o oneroso atingiu 88% no nível inadequado, seguido da exclusividade que obteve 76% no nível inadequado, revelando assim que dentro da instituição não há disciplina interna que permita aos trabalhadores cumprir as disposições dos superiores designados para cada escritório.

Pesquisa, implicações práticas e sociais: Está demonstrado que quando a contratação de trabalho é realizada de forma eficiente, considerando as bases legais e respeitando as cláusulas estabelecidas, então os direitos trabalhistas dos trabalhadores serão protegidos e protegidos, revelando assim que dentro da instituição não há disciplina interna que permita aos trabalhadores cumprir as disposições dos superiores atribuídos a cada escritório, este resultado poderia ser argumentado na base jurídica da Lei 29783.

Originalidade/valor: O objetivo de um contrato de trabalho é descrever os direitos e responsabilidades do empregador e do empregado, uma vez que ambas as partes assinarão o contrato. No entanto, os empregadores sempre buscarão maneiras de minar as proteções de seus trabalhadores nos termos da lei, já que as atuais leis trabalhistas deixam muitos trabalhadores desprotegidos.

Palavras-chave: contratação, direitos trabalhistas, exclusividade, subordinação.
INTRODUCTION

Labor contracts were created with the purpose of establishing the rights and duties of the employer and the employee because they are the ones who participate in the signing of such document, but in spite of this, the employer always looks for ways to violate the rights of its employees because the existing labor laws have legal loopholes that make the worker vulnerable.

In the international context, specifically in the city councils of Uruguay, according to Ubilla (2021) mentions that the remuneration of administrative workers is not equitable because although they perform the same functions, have the same levels of education and the necessary experience, they do not receive the same salary.

Likewise, the International Labor Organization (ILO, 2020) mentions that in Latin America there is a relationship of unequal power between the worker and the employer because the latter can impose abusive and miserable working conditions. In addition, government entities do not have an action plan that allows employees and their families to achieve their material and spiritual well-being because they do not consider the collaborators as a fundamental part of the institution. (Moreno & Caisachana, 2021)

In the same way Yugsi and Pinos (2021) reveal that in Ecuador the abuse of power by the authorities in office because they enjoy discretion has caused them to fall into arbitrariness on some occasions, thus violating the principle of labor stability of their employees.

In Peru, Mendoza (2021) states that the lack of knowledge on the part of employees about their labor rights has caused employers to violate their rights, since not knowing exactly what, when, how and where they should claim has generated that when renewing their contracts they are dismissed or simply hired for a minimum period with the purpose that they do not reach their labor stability.

On the other hand, Cáceres (2020) states that most of the problems that occur in the municipalities is that every change of municipal government, positions are relocated, where people without the experience and profile required by the position proceed to occupy positions that other collaborators had been occupying due to their professional capacity and work experience, thus generating discrimination and violation of the labor rights of public servants.

In Peru's public sector there are several lawsuits on labor rights issues, where the vast majority have been for arbitrary dismissals, abuse of authority, breach of
employment contracts and for assigning excessive functions to some employees for the benefit of others who belong to the political party of the authorities in office. The lack of knowledge of labor issues on the part of the authorities, civil servants and legal advisors has caused labor contracts to be denaturalized, seriously impacting the labor rights of the administrative personnel of this municipality.

This work was justified in the social value because through the authorities’ compliance with all the legal clauses stipulated in the labor contracts, the labor rights of the workers will be protected, causing them to fully comply with their functions for the benefit of all citizens. Next, this work was justified in the theoretical value because through the knowledge published by different authors in books, magazines, scientific articles, jurisprudence and others, they give scientific support to each of the variables being studied. Likewise, it was justified in the practical value because through the application of the questionnaires of each variable, the perception of the collaborators on the labor contracts and labor rights will be known, allowing the authorities to know the real problems and thus make better decisions for the benefit of their collaborators and their citizens.

Likewise, this work is supported by the legal value because it was justified by the legal labor base composed of Legislative Decrees Nº 728, 276, and D.L. 1057 and Law 31131, as well as Supreme Decree Nº 001-96-TR, and Laws Nº 31131 and Nº 30057. Finally, this work was methodologically justified because the findings obtained in this work will serve as background for those researchers who decide to study one or both study variables, allowing them to compare their results with those obtained in this research.

The main objective was to determine the relationship between labor contracting and labor rights of public sector workers in Peru. The main hypothesis was: There is a significant relationship between labor contracting and labor rights of public sector workers in Peru.

2 LITERATURE REVIEW

In the world, Llerena y Molina (2022) revealed that states that have labor laws attract more new firms than those that do not. Employers value the predictability of labor management inherent in stable right-to-work states. Employers in right-to-work states are not harmed by labor disputes or the threat of them caused by unions. Likewise, Ruiz...
(2022) noted that there is little evidence of labor protection actions that have resulted in the restoration of a violated right, so the country's lines of jurisprudence remain an open question for our constitutional order.

Next, Reyes (2022) stated that during the COVID19 pandemic, the country affected and violated the right to work of civil servants, which was caused by a misunderstanding of Article 6, 169 of the Labor Code. This fundamentally violates an inherent right under humanitarian support laws.

But Cherrez (2021) since the professional services contract lacks essential solemnities for its improvement, it is frequently used by mistake or with the clear intention of causing an improvement to the worker, thus constituting a contractual simulation. On the other hand, Miranda and García (2021) mentioned that the Ecuadorian State has developed a set of actions and means to ensure the effective protection of the rights of migrant workers in the country, however, it is necessary to implement control mechanisms to guarantee these rights.

In addition, Garcia and Pin (2021) mentioned that the principles of In Dubio Pro-Operario should be applied to situations in which workers' rights are clearly affected by atypical forms derived from emerging special contracts, thus filling legal gaps and resulting contradictions until their unconstitutionality as such is declared.

As a final part Sinalín (2021) pointed out that the economic situation in which the states find themselves has given rise to a large number of foreign citizens seeking economic advancement in our country; today, there are foreign workers in the country who do not receive a fair wage for their work; causing violations of foreign workers' rights to be widespread and occur as a result of ignorance of the law.

In Peru, Salas (2021) concluded that these variables maintain a significant and positive association given that it reached an Rho=0.845. Likewise, Vásquez (2021) revealed that the types of contracts have a direct impact on labor rights, since there is no single labor regime in Peru; there are several, and there is discrimination between the rights of one worker and those of another. In addition, Huertas (2021) indicated that the reality of part-time workers in Chiclayo, who currently lack adequate benefits and protection; According to the tabulation carried out, only half are aware that their rights are not recognized as they should, and the rest lack the capacity to demand them, since they work only for financial support and are unaware that they have social benefits; a situation exploited by malicious employers.
On the other hand, Castillo (2021) mentioned that labor violations occur in the declaration of fraudulent outsourcing when there is a denaturalization of work, there are limits of work intensity and these limits of work can be abused by labor control, because these cases of fraud involve liability and professional loss. But Cabanillas and Lavado (2020) determined that the labor rights violated by this entity are in the hiring of workers in 2017-2018: labor stability and remuneration Social benefits such as vacations, compensation for hours, Christmas bonuses, family allowances, social security and indemnities.

For the theoretical bases of labor contracting, we first proceed to know the conceptualization of contract where Ponder et al. (2020) mention that it is an agreement between two people. With respect to the contracting of workers, refers to the act celebrated verbally or in writing between the employer and the worker creating a legal link where there is exclusive subordination that becomes onerous for the company and whose purpose is to provide security and legal protection to both parties (Allam et al. 2021).

In addition, it is said to be establishing a legal relationship between two subjects in which each is obligated to provide certain benefits to the other (Briggs, 2022). The collection of these benefits is referred to as an employment relationship. (Solomon, 2021). In contrast, Makoya (2021) defines it as an agreement whereby an employee undertakes to render a personal service to another natural or legal person (employer), under his or her continuous dependence and in exchange for compensation (salary) (Albattah et al. 2022).

Maintaining an employment contract allows the employee to have certain labor benefits established by law, such as a minimum living wage, health insurance, compensation for time of service, bonuses, profits, family allowance in the case of minor children, vacations, training and paid leave (Digennaro, 2020). (Digennaro, 2020). Likewise, hiring benefits the employer because the document stipulates the obligations of each worker, who must fully comply with the established schedule otherwise they will be fired if they are residents of the facts (Heywood, 2021). (Heywood, 2021).

The subordination which according to Haglund and Bostrom (2022) is the result of the subordination of the employment contract. The employee must follow the orders and instructions of the company's management, representatives and superiors (Wolkowitz, 2020). Likewise, the employee must adhere to the decisions of his or her
hierarchical superiors (Prikh, 2020). The duty of obedience implies submission to the master's authority and strict bounding of the instructions given to the worker in relation to the execution of his work (Adisa et al. 2019).

By signing an employment contract, the employee undertakes to perform his or her duties diligently and efficiently, in accordance with the company's average performance standards and in accordance with the employer's instructions (Acemoglu, 2022). This obligation can be characterized as an exercise in doing, as it requires the deployment of an activity that is even present in seemingly inactive occupations, such as those of watchmen (William et al. 2019). It is also a continuous and subordinate service, whose fulfillment is not instantaneous, but cumulative over time (Borolla et al. 2021).

The provision of goods emphasizes the worker's behaviors, activities, or behaviors at work, while the provision of services emphasizes the worker's outputs or products (Jabeen & Rahim, 2021). However, in both cases, the employee has a duty to act in the manner determined by the employer, never a simple delivery. This duty of obedience is a direct result of the subordination assumed when the employment contract is signed and serves as a differentiating factor in comparison to civil service provisions that place the employer above the tenant (Fernandez, 2021).

The exclusivity that makes it possible for an employer to prohibit its employees from entering into additional employment contracts or performing the same services for a company other than their employer. (Haglund & Bostrom, 2022). In employment contracts, the term "exclusive contract" refers to an agreement between the employer and the employee on the employee's exclusive and complete dedication to the company (Roba, 2020). The employee may not perform services for another company or even on his own account (Haglund & Bostrom, 2022).

Onerousness, are contracts in which both parties have mutual economic obligations and benefits (Handy et al., 2020). The object of the employment relationship between the employer and the worker is one of obligations and two of rights, which is a kind of remuneration (Haglund & Bostrom, 2022).

Regarding the theoretical basis of labor rights, it is said that is a set of rules governing the relationship between two social groups, employers and employees, either individually or collectively, in order to achieve a balance between capital and labor as factors of production. (Ciravegna & Nieri, 2021). It is also understood as a collection of
rules that, in exchange for human labor, attempt to realize man's right to a dignified existence (Dahan et al. 2021).

Moreover, it is the set of principles, rules and institutions that protect, degenerate and tend to reclaim all those who live by their material and intellectual labor in pursuit of their historical destiny: human life must be socialized (Wilhelm et al. 2020). On the other hand, Castillo (2022) is a group of laws that regulate the relationship between worker and employer, through the intervention of the State, to protect anyone who performs a dependent service, allowing the worker to defend his rights individually, collectively, his social security and procedural labor that allow him to live in the way that corresponds to him as a person in dignified conditions to achieve his destiny.

Finally, Vinueza et al. (2021) is a set of relational rules derived immediately or secondarily from the free, subordinated and remunerated provision of personal services, and its function is to balance the factors of interest by achieving social justice.

The approach considered for the labor contracting variable was the information economy theory of Sarmiento (2005) since it studies the consequences of the existence of information asymmetry between different economic agents (employer - worker) on the efficiency of the relationship they establish.

The individual labor law Gonzalez and Trelles (2021) are those legal norms that intervene in the collective bargaining agreement entered into between the employer and the worker through a written or verbal document, where it must be stated that both have the rights that the legal bases of the country require, having a balance of forces for each of the parties involved.

Collective labor law according to Gonzalez and Trelles (2021) is the section of labor law that deals with trade union organizations, collective bargaining, collective bargaining agreements, collective conflicts and the exercise of the right to strike. It is also a vital area of labor law because it regulates relations between employers and employees not directly, but through organizational relations, in which organized workers have the ability to negotiate with their employers respected (Cruz & Barrionuevo, 2021). In addition, it is the one that encompasses the examination of the legal norms that govern the relations between groups of workers and employers, the main subjects of which are the trade union organizations, whose fundamental act is the collective bargaining agreement (Velastegui & Santamaría, 2021).
Social security law is the collection of activities carried out by society to prevent social risks and mitigate their consequences, which are integrated into a system of policies, rules, administration, procedures and techniques. In addition, it is the protection that a society provides to individuals and families to ensure access to health care and security of admission, especially in the case of old age, unemployment, illness, disability, occupational accidents, pregnancy or loss of family support (Velastegui & Santamaría, 2021).

On the other hand, Loayza (2021) mentions that it is a fundamental right that all individuals have. Social security is a component of the public social protection policies of each State. Its design must prioritize the protection of the human being as a whole.

Labor procedural law, according to Velastequi and Santamaría (2021), is the branch of law that deals with activities governed by the state, it involves the rules that govern labor relations from a legal and economic point of view. In addition, it is the branch of legal science that prescribe instrumental rules for the application of the law; it disciplines the activities of the judges and the parties in all matters related to labor matters. (Távara & Chira, 2020).

In contrast, García et al. (2021) indicate that it is a collection of very peculiar legal norms that regulate the resolution of labor conflicts, individual or collective, both during the existence of the labor relationship and after its termination, in order to achieve harmony and, therefore, social peace.

The case law considered in these variables is the judgment of the Constitutional Court in case No. 3012-2004-AA-TC of January 18, 2005, in which the Second Chamber of the Constitutional Court requested that the plaintiff be reinstated as a nurse and that she be paid costs and expenses because her constitutional rights to work and to protection against arbitrary dismissal had been violated, where judges Bardelli Lartirigoyen, Gonzales Ojeda and Vergara Gotelli resolved to declare the amparo action founded, ordering the reinstatement of the plaintiff and that she be paid the costs and expenses of the entire legal process.

For this variable, we considered the theory of own acts of López (2016) since this doctrine is a manifestation of the general principle of good faith, which can be applied in labor law. The unwaivability of labor rights is a surmountable obstacle for the application of such theory, to the extent that a distinction is made between exercise of unwaivable rights versus abusive exercise of unwaivable rights.
3 DATA AND METHODS

It was an applied type of research since its purpose was to find ways of satisfying specific needs recognized through scientific knowledge (Puican et al., 2023).

Likewise, it was descriptive because it only described what happens in the variables that were studied, in the same way it was correlational because the degree of relationship that exists between these study variables was known. (Puican et al., 2023).

It was also considered a non-experimental cross-sectional research design because the variables were not deliberately manipulated, and were used in a single instant and at a single time.

![Non-experimental design scheme - descriptive correlational.](source: Own elaboration (2023))

A sample of 25 workers working in the public sector, Peru, was considered as a sample. The technique used in this work was the survey, then, the questionnaire will be used as an instrument composed of 12 items in each variable serving as a tool that was validated by three lawyers with extensive professional experience in the subject studied. In addition, the reliability was achieved through Cronbach's Alpha, since it allowed to know the confidence level of each question asked in the questionnaire.

A pilot test was conducted with 15 workers to acquire and verify that the project is reliable, the indicator until reaching a level close to 1. Subsequently, the questionnaire was applied to all workers participating in the sample, then the answers were added to an Excel sheet, and such data were subsequently transferred to SPSS v.26 which allowed obtaining tables and graphs for the set of objectives, such as data normality tests and correlation coefficients until reaching conclusions and recommendations.
Descriptive statistical methods were used since the data obtained will be organized, presented and described in tables and graphs with numerical measures. Again, inferential statistical methods were used, since a normality test of the data was obtained, and the samples of this survey took into account the results of the Shapiro Wilk test and were compared with it. As ethical aspects, the principles embodied by CONCYTEC were considered. (2018) such as integrity, intellectual honesty and objectivity and impartiality. With respect to integrity since all programmed activities were carried out in a transparent and truthful manner opposing the falsity of any information recorded in the present work.

Likewise, intellectual honesty was considered because mistakes made in the development of this work are accepted and corrected in a timely manner with the guidance of our teacher. In addition, objectivity and impartiality were considered because all decisions made in this work will be carried out independently.

4 RESULTS AND DISCUSSION

Table 1 shows that the bilateral sigma reached is much lower than 0.05, allowing us to reject the null hypothesis and accept the alternative hypothesis, likewise, it is observed that the Spearman's Rho reached was 0.815, thus indicating that labor contracting and labor rights maintain a very strong positive correlation, this shows that when labor contracting is carried out efficiently, considering the legal bases and respecting the established clauses, then the labor rights of the workers will be protected and protected.

These results are supported by the study of Salas (2021), because he concluded that these variables maintain a significant and positive association given that he reached an Rho=0.845. Likewise, so does Vasquez (2021), since he concluded that the types of contracts have a direct impact on labor rights, since there is not a single labor regime in Peru; there are several, and there is discrimination between the rights of one worker and those of another.

Likewise, so does Huertas (2021), as he concluded that the reality of part-time workers in Chiclayo, who currently lack adequate benefits and protection; According to the tabulation made, only half are aware that their rights are not recognized as they should, and the rest lack the capacity to demand them, as they work only for financial support and are unaware that they have social benefits; a situation exploited by malicious employers.
This work was based on jurisprudence for both variables, taking into account the decision of the Constitutional Court in case No. 3012-2004-AA-TC of January 18, 2005, where the Second Chamber of the Constitutional Court requested that the plaintiff be reinstated as a nurse and that she be paid costs and expenses because her constitutional rights to work and to protection against arbitrary dismissal had been violated, where judges Bardelli Lartirigoyen, Gonzales Ojeda and Vergara Gotelli resolved to declare the amparo action founded, ordering the reinstatement of the plaintiff and that she be paid the costs and expenses of the entire legal process.

The theoretical bases considered in labor contracting were from Allam et al. (2021), they mentioned that it is the act celebrated verbally or in writing between the employer and the worker creating a legal bond where there is exclusive subordination that becomes onerous for the company and whose purpose is to provide security and legal protection to both parties. On the other hand, in labor rights, the theory of Ciravegna & Nieri (2021) was taken, because they argue that it is a set of rules that govern the relationship between two social groups, employers and employees, either individually or collectively, in order to achieve a balance between capital and labor as factors of production.

The reflected data show that a p=0.000<0.005 was reached, allowing to accept the positive hypothesis and reject the null hypothesis, in addition, a Spearman's Rho of 0.812 was obtained between the variables, thus confirming that subordination and labor rights maintain a very strong positive correlation, indicating that if subordination is fulfilled according to the indications set forth in the labor contracts, then labor rights will be protected based on the laws and policies of the same institution.

These data are supported by the research of Castillo (2021), since he concluded that labor violations occur in the declaration of fraudulent outsourcing when there is a denaturalization of work, there are work intensity limits and these work limits can be abused by labor control, because these cases of fraud imply liability and professional loss. It is also supported by Miranda and Garcia (2021), since they concluded that the Ecuadorian State has developed a set of actions and means to ensure the effective protection of the rights of migrant workers in the country, however, it is necessary to implement control mechanisms to guarantee these rights.
The theory considered at this point was Haglund and Bostrom (2022), where it mentions that labor contracting has three dimensions. The first is subordination, which is the result of the subordination of the labor contract.

This table shows that the bilateral sigma reached was much lower than 0.05, allowing to accept the positive hypothesis and reject the null hypothesis, also, it can be seen that the Spearman's Rho reached was 0.580, demonstrating that exclusivity and labor rights maintain a considerable positive correlation, this means that while workers perform functions according to the position they have been assigned, that their work schedule is respected and above all that they are treated with respect and tolerance then their labor rights would be protected.

These data are supported by the work of Cabanillas and Lavado (2020), because they concluded that the labor rights violated by this entity are in the hiring of workers in 2017-2018: labor stability and remuneration Social benefits such as vacations, compensation for hours, Christmas bonuses, family allowances, social security and indemnities. Likewise, so does Sinalin (2021), as it concluded that the economic situation in which the states find themselves has resulted in a large number of foreign citizens seeking economic advancement in our country; today, there are foreign workers in the country who do not receive a fair wage for their work; causing that violations of the rights of foreign workers are widespread and occur as a result of ignorance of the law.

The theory considered at this point was Haglund and Bostrom (2022), where he mentions that exclusivity makes it possible for an employer to prohibit its employees from entering into additional employment contracts or providing the same services for a company other than their employer.

According to the table the p-value=0.000<0.05, allowing the null hypothesis to be rejected and the alternative hypothesis to be accepted, it can also be seen that Spearman's Rho reached 0.647, demonstrating that there is a considerable positive correlation between onerousness and labor rights, thus indicating that the labor relationship between workers and employees is not conditioned to the type of contract or labor regime, and as long as workers who perform the same functions receive the same remuneration, then it would be demonstrated that all labor rights are being fulfilled as established by law.

These results are defended by the work of Garcia and Pin (2021), because they concluded that the principles of In Dubio Pro Operario should be applied to situations in which the rights of workers are clearly affected by atypical forms derived from emerging
special contracts, thus filling the legal gaps and the resulting contradictions until their unconstitutionality as such is declared. This is even done by Cherrez (2021), since he concluded that, since the professional services contract lacks essential solemnities for its improvement, it is frequently used by mistake or with the clear intention of causing an improvement to the worker, thus constituting a contractual simulation. The theory considered at this point was Haglund and Bostrom (2022), where he mentions that onerousness is the object of the labor relationship between the employer and the worker is one of obligations and two of rights, which is a kind of remuneration.

Table 1. Level of relationship between labor contracting and violation with their dimensions

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<th>Labor contracting</th>
<th>Labor rights</th>
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<tr>
<td>Spearman's Rho</td>
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<tr>
<td>Labor contracting</td>
<td>Correlation</td>
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<td>N</td>
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Subordination & Labor Rights

| Spearman's Rho            |                   |                  |
| Subordination             | Correlation       | Spearman's Rho   |
|                           | coefficient       |                  |
|                           | 1.000             | .812**           |
| Sig. (bilateral)          | .000              | .000             |
| N                         | 25                | 25               |
| Labor Rights              | Correlation       |                  |
|                           | coefficient       |                  |
|                           | .812**            | 1.000            |
| Sig. (bilateral)          | .000              | .000             |
| N                         | 25                | 25               |

Exclusivity & Labor Rights

| Spearman's Rho            |                   |                  |
| Exclusivity               | Correlation       | Spearman's Rho   |
|                           | coefficient       |                  |
|                           | 1.000             | .580             |
| Sig. (bilateral)          | .001              | .001             |
| N                         | 25                | 25               |
| Labor Rights              | Correlation       |                  |
|                           | coefficient       |                  |
|                           | .580              | 1.000            |
| Sig. (bilateral)          | .001              | .001             |
| N                         | 25                | 25               |

Source: Own elaboration with SPSS version 26 - 2023 data.

Table 2 shows that labor contracting reached 92% in the inadequate level, of the three dimensions, the one that presents the greatest difficulties was subordination because it obtained 92% in the inadequate level, on the other hand, onerousness reached 88% in the inadequate level, followed by exclusivity which obtained 76% in the inadequate level, thus revealing that within the institution there is no internal discipline that allows workers to comply with the provisions of the superiors assigned to each office.

These findings are supported by the Llerena and Molina (2022) study, as studies show that states with labor laws attract more new firms than those without. Employers value the predictability of labor management inherent in stable right-to-work states.
Employers in right-to-work states are not harmed by labor disputes or the threat of labor disputes caused by unions.

Considering the data shown in the table, it is revealed that labor rights reached 88% in the inadequate level, while its dimensions obtained different levels: collective rights obtained 92% in the inadequate level, followed by the individual labor rights dimension with 88% in the inadequate level. This shows that they have the perception that their labor rights are not adequately reflected in the legal bases of labor law, and that the guarantee of freedom is not respected in all the labor regimes in which the district municipality of Las Pirias is immersed.

Given this, it is important to take into account Ruiz (2022), because he found that there is little evidence of labor protection actions that have resulted in the restoration of a violated right, so the country's lines of jurisprudence remain an open question for our constitutional order. In addition, Reyes (2022), since during the COVID19 pandemic, the country affected and violated the right to work of public servants, which was caused by a misunderstanding of Article 6, 169, of the Labor Code. This fundamentally violates an inherent right under humanitarian support laws.

<table>
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<th>Respondents</th>
<th>Levels</th>
<th>Labor contracting</th>
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<th>Exclusivity</th>
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Source: Own elaboration with SPSS version 26 - 2023 data.

5 CONCLUSIONS

It is shown that when labor contracting is carried out efficiently, considering the legal bases and respecting the established clauses, then the labor rights of the workers will be protected and protected, thus revealing that within the institution there is no internal discipline that allows workers to comply with the provisions of the superiors assigned to each office, this result could be argued in the legal basis of Law 29783.
When the officials of the District Municipality of Las Pirias abide by all the legal labor standards that exist in our country since this allows avoiding legal problems with any worker in a short time and also because it allows the provision of service by the employees to be in accordance with the policies and needs of the entity since this generates a good working relationship between both parties.

It was determined that if the subordination is fulfilled according to the indications embodied in the labor contracts then the labor rights will be protected based on the laws, such as labor regimes like 276, 728, and 1057 medicated by Law 31131 and the policies of the same institution, thus demonstrating that they have the perception that their labor rights are not adequately embodied in the legal bases of labor law, in addition, that the guarantee of freedom is not respected in all labor regimes that the district municipality of Pirias is immersed.

The head of human resources should prepare a triptych containing information on the rights and duties of workers and distribute it every two weeks to all offices of this municipality, this will allow workers to be informed and identified with the vision of the public institution itself for the benefit of all citizens.

It was demonstrated that exclusivity and labor rights maintain a considerable positive correlation, which means that as long as the workers fulfill their functions according to the position they have been assigned, that their work schedule is respected and above all that they are treated with respect and tolerance, then their labor rights are being protected. This is regulated by the TUO of Supreme Decree 007-2002-TR.

When area managers decide to promote within the work teams that the rights of each worker is a collective interest because this allows employees to see that the entity is interested and concerned about complying with and enforcing their labor rights as established in the legal framework.

The labor relationship between workers and employees is not conditioned to the type of contract or labor regime, and as long as workers who perform the same functions receive the same remuneration, then it would be demonstrated that all labor rights are being complied with as established by law.
REFERENCES


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