

## Most relevant provisions of the new Social Security Law



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Before Law 87-01 was enacted, there was a social security system in our country created by Law 1896 of the year 1944. Said law never implemented a true social security system, because it excluded an important segment of our society, which had to resort at best to private insurance, also called medical service plan. We say at best because only a very reduced segment of our society had access to that kind of insurance; while the rest of the population was left without the proper social protection.

The aforementioned Law 1896 was based on an allotment system, e.g. where affiliates' contributions entered a common fund. The capital from this common fund was used to finance the affiliates' pension funds, health coverage, among others; all these proceedings were carried out regardless of individual contributions from each affiliate in the system; which became increasingly inefficient because, among other things, it did not encourage individual or extra savings-e.g., other than those imposed by law-in addition to contributions made by economically active citizens; which means that employees under a quota in the social security system could not provide for the health and pension funds required by the elderly.

The SDSS created by Law 87-01 is a mixed system, since the Old-age, Disability, and Survivorship Insurance contemplates that contributions from affiliates are credited in their own exclusive and individual account. At the same time, it allows affiliates to make extraordinary contributions, e.g. other than those imposed by the new Law 87-01; finally, the SDSS contemplates contributions for a Social Solidarity Fund with the same characteristics of an Allotment System.

In addition, the Occupational Hazard Insurance and the Family Health Insurance provided in the new law, operate under the allotment system. However, they enable affiliates to choose complementary health and pension plans in agreement with their possibilities and needs, on condition that the affiliates cover the additional costs implied.

The Social Solidarity Fund will have multiple purposes, such as:

- To ensure that every affiliate in the system enjoys a pension at the end of his/her productive life, in cases where for one reason or another the affiliate's individual account does not have enough funds; and
- To ensure that those individuals most in need in our society, that for some reason do not have a job or any other income source, can receive the necessary benefits from the system provided by the rest of the citizens.

In summary, this Fund aims at fulfilling the Solidarity Principle that should exist in every Social Security System.

### COSTS OF PREVIOUS LAW VS. COSTS OF NEW LAW

#### I. GENERAL INFORMATION

In order to keep our clients updated on new bills under study in our country; and, in this particular case, foreseeing the impact the new Social Security Law will have on their businesses, we have considered it timely and convenient to provide them with this bulletin about the most relevant aspects of the law concerning private employees.

#### A. Object of the Law

This law is intended to establish the Dominican System of Social Security (SDSS) to regulate and develop the mutual rights and duties of the State and citizens in regards to financing to protect the people against the risks of old age, disability, old-age severance, survivorship, illness, maternity, infancy and occupational hazards. This law passed on May 9th, 2001, is the basis for the SDSS. It takes into account drafting a series of rules, decrees, and resolutions aimed at regulating the system.

Specific periods for many of these norms to get into force have been established in the law itself; other complementary provisions are only set out in the law without specification of the time they must be put into force; therefore, and due to the length of citing them in detail, we have decided not to include them in this bulletin, but instead we will include their contents as they are enforced, so as to keep it up-to-date and so it can serve as a guide to our clients.

By adopting this modality in the new Dominican Social Security System, we are trying to bypass the defects and negative experiences of the Allotment and Individual Capitalization systems operated in other countries.

## **B. Bodies that form the SDSS**

The law that creates the SDSS at the same time institutes several bodies that will operate within that system. A group of bodies and institutions will have the task of managing, regulating, financing, and monitoring the system; another group of entities will have the task of risk management and service delivery.

The functions of managing, regulating, financing, and monitoring will be carried out, basically, by the following institutions:

- a) National Council of Social Security (CNSS)
- b) Social Security Treasury
- c) Pension Superintendency
- d) Health and Occupational Hazard Superintendency
- e) Direction of Information and Defense of the Affiliates

On the other hand, the following institutions will operate within the system with the functions of risk management and service delivery:

- a) Pension Fund Administrators (AFP)
- b) Health Risk Administrators (ARS)
- c) Health Service Providers (PSS)
- d) Public Pension Fund Administrators
- e) National Health Insurance (SNS)
- f) Dominican Institute of Social Security (IDSS)
- g) State Secretariat of Public Health and Social Assistance (SESPAS)
- h) National Council for the Elderly
- i) National Council of Child-Care Facilities
- j) Pension and insurance funds instituted by special laws for specific sectors or created through agreement between private institutions (associations, clubs, foundations, enterprises, and others).

Some of these institutions will be of a public nature, others will be of private origin or initiative. The system also allows the existence of mixed entities, public and private at the same time. These entities could operate as stock companies or as non-profit organizations, but in every case in order to operate within the system they will have to be authorized in conformity with the provisions of Law 87-01.

## **C. Principles that regulate the SDSS**

The SDSS's ruling principles of greater significance for employers are summarized below:

- a) **Universality:** by virtue of which the SDSS must protect all Dominicans and every resident in the country. This principle constitutes one of the core differences with Law 1896 on Social Security, which discriminated against beneficiaries, in regards to wages earned as well as to type of job.
- b) **Mandatory:** affiliation, quotation, and participation are all mandatory for all citizens and institutions.
- c) **Freedom of choice:** Affiliates have the right to choose any credited manager and provider of services, as well as to change it when they consider it convenient, in accordance with the conditions established in the law. In principle, one could understand that this freedom of choice would constitute in practice a difficulty for employers at the time of making monthly payments of the employees quotations, but as it is described below, the SDSS has a single payment mechanism that avoids such inconveniences.

## **D. System affiliation**

Every Dominican citizen must become affiliated to the system. Such affiliation is unique, permanent, and mandatory. This is so regardless of whether the person is active or not; has two or more jobs simultaneously, is working in the informal sector, migrates out of the country, or changes AFP.

The following people will enter the system:

- a) Every citizen working under employment, in the public or the private sector;
- b) Every person performing productive work on his/her own account;
- c) Employers receiving regular income from the enterprise, as workers, as managers, or owners;
- d) Dominican citizens residing abroad; and
- e) Foreign citizens with legal and permanent residence in the Dominican Republic.

Every Dominican citizen has the right and the duty to affiliate; to choose an AFP, and an ARS, and/or a PSS, in accord with their own convenience. No one could affiliate to more than one AFP or ARS, even in the case of serving more than one employer or performing other productive activities.

As regards the Contributive System, should a worker not affiliate within the given period stated by law, that is, 90 days from the time this law is enforced, the employer is obliged to register the employee in the AFP and in the ARS to which the majority of the employees have registered within the period prescribed by law - 10 days from expiration of the established date.

One year after this law enters into force, affiliates will have the right to change the Pension Fund Administrator once a year, with the only prerequisite of a thirty-day (30) notice according to the complementary norms. After transferring to another AFP, the affiliate must have quoted for at least six (6) months before having the right to a new change. However, they could do it any time if the AFP changes the cost of

administration of the services. Affiliates will have the right to receive information every six months on the status of their individual account, stating clearly the contributions made, variations of account balance, profitability of the fund, and commissions charged.

Every affiliate will be assigned an affiliation and identification number regardless of age or affiliation system. It should be compatible with the registration of the Identification and Electoral Card.

Quotes and contributions to Social Security and to the reserves and profits of the investment generated from pension funds of the affiliates will be exempt from taxes or any direct or indirect charges.

Also, those pensions whose monthly fees do not exceed an amount equal to five (5) national minimum wages will be exempt.

Affiliates serving more than one employer and/or receiving income for independent activities, should declare such income for accumulation purposes in their personal account.

When a worker is serving more than one employer he/she must choose one of them and inform the others the affiliation number so that they can in turn deliver the corresponding quotas to the same account. The employer who does not abide to this provision in the period established, e.g. during the first three (3) working days of every month, will be sanctioned with a monthly penalty of 5% of the amount of the withheld contributions.

Those who can contribute to two of the financing systems provided by law, will have to choose the financing system with the highest contribution.

People affiliated to systems existing prior to Law 87-01 being enacted:

The population presently affiliated to the IDSS system and those affiliated to the system of medical retainers and health insurance, are integrated with their characteristics to the SDSS in order to eliminate any duplicity in coverage and contributions.

Those affiliated to previously existing pension plans, prior to Law 87-01 goes into effect, instituted by specific laws and/or affiliated to corporate plans from retirement fund administrators, could remain in it on one condition: that they are guaranteed an equal or larger pension, are ensured their benefits in case they are changing jobs and/or activity, and comply with the provisions of Law 87-01 and its complementary norms.

**E. Contribution basis**

For employed workers, that is those under the Tax System, the quotation basis will be their ordinary wages, as stated in Article 192 of Law 19-92 which constitutes the Labor Code of the Dominican Republic. Said Article states that: "A wage is the retribution the employer must pay the worker in compensation for the work performed...it is integrated by the money in cash that must be paid.... to the worker, plus any other benefit obtained from his work."

For the purposes of contributions, tax exemptions and sanctions, the national minimum wage will be equal to the simple average of the

private sector legal minimum wages, established by the National Committee on Wages of the Secretariat of State of Labor.

For the Old-age, Disability, and Survivorship Insurance the maximum wage applicable would be the equivalent of 20 minimum wages. For the Family Health Insurance and in the Occupational Hazard Insurance, it would be the equivalent of 10 minimum wages.

Financing under the Contribution Schedule provided by Law 87-01 for the three types of insurance will be conducted gradually from joint contributions of employees and employers as follows:

Old-age, Disability, and Survivorship Insurance					
	1st year	2nd year	3rd year	4th year	5th year
Employee's contribution	1.98%	2.13%	2.28%	2.58%	2.88%
Employer's contribution	5.02%	5.37%	5.72%	6.42%	7.12%
Family Health Insurance					
	1st year	2nd year	3rd year	4th year	5th year
Employee's contribution	2.70%	2.85%	3.00%	3.00%	3.00%
Employer's contribution	6.30%	6.65%	7.00%	7.00%	7.00%

The Occupational Hazard Insurance will be financed with an average contribution of one point two percent (1.2%) of the applicable wages, totally covered by the employer.

The total contribution from the employer will have two components:

- a) A fixed base rate of one percent (1%), to be applied evenly to all employers; and
- b) A variable rate of up to zero point six percent (0.6%), established in agreement with the field of activity and risk factor of each enterprise. In both cases, said percentages shall be applied on the basis of the applicable wages.

Delays on the part of the employer to pay the Occupational Hazard Insurance fees shall in no way hinder the beginning of the employee's right to benefits guaranteed by law. In that case, it (SNSS) shall recognize and provide such benefits and immediately proceed to charge the employer with the amount of the fees due, plus the applicable sanctions and interests.

**F. Collection and Payment Process**

The Social Security Treasury will be in charge of the collection, distribution, and payment process. For this task, the Social Security Treasury will be assisted by the Social Security Collection and Computing Board (PRISS) which in turn controls the Consolidated Affiliation and Information System. The process is as follows:

- 1) Companies will act as retention agents of the workers' applicable wages. They will submit contributions within the first three working

days of each month to one of the entities accredited to receive such contributions;

- 2) The CNSS, together with the Consolidated Affiliation System, shall authorize the national banking system and other selected and authorized entities, to act as collectors of contributions, for the companies as well as for the self-employed workers;
- 3) After receiving the contributions, in the following two working days, the Treasury will transfer the payment to the AFPs, in the respective entries of Personal Account, Life Insurance, and AFP's Commission.
- 4) The AFPs will apply the resources to the Personal Accounts;
- 5) Then, the AFPs will immediately invest the resources corresponding to funds, according to the conditions and limits taxed by the Law;
- 6) Furthermore, and within the same period, the Treasury will transfer to the public AFP the "Social Solidarity Fund" entry into an account opened to that effect. The Treasury will also transfer the "Pension Superintendency Operations" entry into an account specialized to that effect.

## **II. FINANCING SYSTEMS**

- A. The Taxing System, the Subsidized System, and the Subsidized Taxing System.
- B. Types of insurance: Family Health Insurance; Old-age, Disability and Survivorship Insurance; and Occupational Hazard Insurance.
- C. Benefits in the different types of insurance.

The SDSS is integrated by following three financing systems:

- 1) The Taxing System, which includes those people working under the employ of a third party, e.g., subject to working contracts. This system is financed with contributions from workers and employers. It includes public and private salaried workers and employers; thus, it considers the Dominican Government as an employer.
- 2) The Subsidized System, which includes self-employed people, with unstable income below the national minimum wages, as well as unemployed, disabled, and indigent people. This system is basically funded with contributions from the Dominican government.
- 3) The Subsidized Taxing System, which includes independent professionals and technicians as well as self-employed workers with an average income equal to or greater than the minimum national wages. This system is financed with contributions from the affiliates and from the Dominican Government, whose contributions will make up for the absence of an employer.

The SDSS offers three types of insurance to cover against the risks that the human person is exposed to. These are:

- a) Old Age, Disability, and Survivorship: in order to compensate for the loss or reduction of income for old age, death, disability, old age severance, and survivorship.
- b) Family Health Insurance: aimed at protecting the integral physical and mental health of the affiliate and his/her family, as well as reaching universal coverage regardless of age, sex, or social, working, or territorial status, guaranteeing the most vulnerable social groups regular access to it, and watching for financial equilibrium through rationalization of the severance costs and the system's management. This insurance includes the promotion of health, disease prevention and treatment, rehabilitation, pregnancy, delivery, and all their consequences. It does not include treatments derived from traffic accidents, work-related accidents or occupational diseases, which are provided by Law 4117 on Motor Vehicles Mandatory Insurance, and by Law 87-01 on Occupational Hazard Insurance;
- c) The Occupational Hazard Insurance is aimed at preventing and providing coverage for accidents occurred in the work place and/or occupational diseases. It includes any corporal injury and any morbid status suffered by the worker as a consequence of his/her work on account of a third party. It also includes traffic accidents during working hours and/or in the way to or from the work place. The latter would only cover for employees affiliated under the Contributive System.

### **A. Family Health Insurance**

The peculiarity shown by the Family Health Insurance of the Contributive System is that it not only provides for the physical illnesses of its affiliates but also mental ones; which are not usually set out in the private health insurance policies in force up-to-date.

For all purposes of this law, the following are considered as family members of the affiliate:

- a) Spouse or mate;
- b) Children and stepchildren under 18 years of age, or under 21 years of age if they remain as students, or no age limit is applied if they are disabled and parent dependent, while they are not themselves affiliated to the SDSS.

Benefits under the Family Health Insurance of the contributive system could be paid in kind or in money, that is:

#### **1. BENEFITS PAID IN KIND**

- a) Basic Health Plan: it includes primary health care including emergencies, specialized care and complex treatments; hospitalization; surgical assistance; diagnostic tests; dental care; ambulatory pharmaceutical pay (beneficiary must only contribute 30% of the consumer price) complementary pay, including fixtures, medical prosthesis, and others.
- b) Child-care facilities: these services would be developed to tend to the affiliate's children from 45 days of birth up to five years of age.

## 2. BENEFITS PAID IN MONEY

- a) **Illness grant:** in the case of a non-occupational disease, if the affiliate has been contributing during the past twelve months, this grant will be paid beginning on the fourth day up to the twenty-sixth week, the equivalent of 60% of the applicable wages for the past six months if provided ambulatory assistance, and 40% if hospitalized.
- b) **Maternity grant:** this grant is the equivalent of three (3) months of applicable wages. The affiliate must have contributed during at least eight (8) months in the period of the past twelve months prior to the birth date. This grant exempts the company of the full wage payment established by Article 239 of the Labor Code.

The affiliate will have the option of contributing to contract Health Complementary Plans that would cover those services not provided by the Basic Health Plan detailed before, but the exercise of such faculty shall not imply in any case a double contribution, which is expressly eliminated by Article 141 of Law 87-01.

According to the provisions of the new law, without detriment of other relevant sanctions, the employer shall be responsible for damages and losses suffered by the affiliates and their relatives derived from noncompliance with (i) the obligation to enroll them; (ii) notifying cash wages or (iii) their changes; (iv) making their contributions to the corresponding institution; (v) providing health benefits; or (vi) when the grant to which they were entitled was diminished in quantity.

Also, this responsibility would correspond personally to the company's manager or to the institution's director.

### B. Old-age, Disability, and Survivorship

Intends to provide the affiliates and their relatives compensation for the loss or reduction of their income for old age, death, disability, old-age severance, and survivorship.

Each affiliate has an individual account where the funds of their eventual pension are deposited. This individual account is for the sole benefit of the affiliate and will be managed by an AFP; and the AFP will, in turn, be monitored and regulated by the Pension Superintendency.

The benefits of this insurance in the contributive system are as follows:

- a) **Old-age pension:** affiliates over 60 years of age who have made their contributions during at least 360 months, or who are 55 years old and have accumulated enough funds to allow them to enjoy a retirement annuity above 55% of the minimum pension;
- b) **Disability pension:** in case of complete disability-e.g., productive capacity reduced by two thirds-will receive 60% of the applicable base wage; if in part-productive capacity reduced between a half and two thirds-will receive 30% of the applicable base wage. In any case, the affiliate is required to have exhausted his/her right to every benefit provided for occupational disease or for occupational hazard;
- c) **Survivor pension:** 50% of the benefits correspond to the surviving spouse and the remaining 50% goes to the other beneficiaries as

described next. The following are considered as beneficiaries: (i) the surviving spouse -as long as he/she remains unmarried and does not maintain a new de facto union, and is not enjoying a minimum pension provided by the Social Solidarity Fund: if under 50 years of age, shall receive a pension during 60 months; during 72 months if 50-55 years of age; and if over 55 years of age will have the right to a life pension; (ii) single children under 18 years of age; (iii) single children over 18 and under 21 years of age, who can prove to have been studying in a regular basis during at least six (6) months prior to the affiliate's death; and (iv) disabled children of any age.

This new Social Security Law 87-01 provides two types of pensions to which the affiliate can opt at the time of retirement:

- a) A pension under a Planned Retirement, keeping his/her funds with the AFP, in which case the affiliate preserves ownership of same and takes the risk of longevity and future profitability; and
- b) A pension under a Life Annuity plan, in which case the affiliate yields full ownership of his/her personal account to the insurance company and in exchange the insurance company assumes the longevity risk and profitability, guaranteeing the affiliate the life annuity agreed upon.

Insurance companies offering such services shall be duly authorized and audited by the Pension Superintendency in coordination with the Insurance Superintendency.

In either plan, when establishing the amount of the monthly pension, an additional pay must be taken into account for the Christmas period.

Those entities responsible for delivering the monthly pensions, will act as retention agents of the contributions for the Family Health Insurance, and of the respective income tax retention whenever applicable.

There is no doubt that one of the subjects that raises more concern and calls the attention of employees as well as employers, is the disposition of the new Social Security Law that establishes in Article 58 the incompatibility of the pension and the severance caused by retirement, which states that the right to an old-age, disability, and survivorship pension in the Contributive System frees the employer from paying the indemnity established in the Labor Code with respect to retirement severance.

It must be pointed out that Article 83 of the Labor Code is modified by that provision. This article establishes that labor contracts ended by retirement generate the right to severance pay on account of the employer, in cases where the pension is provided by the IDSS. By virtue of Article 58 of Law 87-01, there will be no obligation to provide the worker with indemnity in the form of severance pay.

To that effect, the second paragraph of Article 83 of the Labor Code becomes ineffective, so when the contract comes to an end with the right to receive a pension from a private institution (which is not the IDSS), the employer is freed from the obligation to pay an indemnity equivalent to the severance pay, therefore, the option that the legal text provided the employee is eliminated.

Another provision that has caused uneasiness, particularly among the salaried population, is Paragraph II of Article 50 of said Law, because this Article states that the CNSS, in coordination with the Government, the employers, and the employees, must promote the creation of an Unemployment Insurance as well as everything concerning the severance pay within a period of eighteen (18) months-the starting point of that period is not defined.

The general appreciation is that from the creation of the Unemployment Insurance the severance pay will be eliminated-just as is the case in other countries where this insurance exists-; however, it must be stressed that the part in fine of the abovementioned Paragraph II, expressly specifies that workers will not lose their acquired rights. Therefore, one could understand that when drafting the guidelines that will create this insurance, its provisions must take into consideration: a) not to ignore the worker's acquired rights; and, at the same time, b) not to become a double burden for the employer-such as would be contributing to this insurance and also paying severance pay.

In any case, it is best to wait for the results of the negotiations between the parties described in the abovementioned paragraph of Article 50 of the law discussed.

#### C. OCCUPATIONAL HAZARD INSURANCE

The benefits provided under this insurance correspond to:

##### A) BENEFITS IN KIND

- Medical care and dental assistance
- Prosthesis, glasses, and orthopedic fixtures and their repair

##### B) BENEFITS IN MONEY

- Temporary disability allowance when the occupational hazard would cause a temporary disability for work;
- Disability compensation;
- Disability pension.

A disability can be classified as: a) permanent -partial, total or absolute; and b) great disability. Compensations vary according to the level of disability suffered by the affiliate. If the worker is not in agreement with the classification of the accident or illness, he/she can file a disagreement appeal, in the way and for the periods established in the Guidelines.

For the purpose of calculating compensations for this insurance, the base wage will be the average of the remunerations subject to contributions during the past six months prior to the accident or appearance of the disease.

Depending of the level of disability, compensations or pensions oscillate between five and ten times the base wage up to the equivalent of the full wages -the latter for the cases of a monthly pension for great disability, as well as those for children under 18 years of age, for total disability.

Among the employer's responsibilities concerning this insurance are: to register affiliates, notify the effective wages and their changes, and deliver contributions to the relevant institution. The employer will be responsible for any damages inflicted on the worker for noncompliance with any of the obligations described above. It is important to indicate that the owners of the work will be responsible for their contractors's noncompliance, and the latter will be responsible for of their subcontractors's.

The right of the worker to claim compensation or pensions from this insurance prescribes in five (5) years from the day after the event that caused such compensation took place.

#### III. SANCTIONS TO EMPLOYERS FOR NONCOMPLIANCE WITH PROVISIONS OF LAW 87-01

Noncompliance on the part of the employer with the obligations posed by the new social security law is a considered a violation rated as an offense punishable with correctional imprisonment and/or fines, in addition to the 5% accumulative monthly surcharge to the amount involved in the wrong retention, when the violation relates to lack of registration of the affiliate or lack of payment of the contribution in the period stated by law. In case of relapse or recidivism, the penalty will increase 50% with regards to the previous one.

The Social Security Treasury Department will act to detect evasion, delay, and avoidance, as well as to subject transgressors and collect fines and surcharges.

The faculty to impose sanctions prescribes in three years for the Family Health Insurance and the Occupational Hazard Insurance; and in five (5) years for the Old-age, Disability, and Survivorship Insurance. In every case, faculty to impose sanction prescribes five years after the sentence or resolution.

Each one of the Superintendencies created under this law, will hear and decide in first instance the disputes and disagreements that arise in their areas of interest, between insured employees, employers, as well as the ARSs, PSSs or AFPs, as the case may be.

The General Manager of the CNSS is responsible for trying, in first instance, disagreements arisen between insured employees and their employers on the application of the law and its guidelines.

The CNSS will hear at an appeal degree the decisions from its General Manager, the Superintendencies, and the Treasurer when such decisions are appealed by the interested party.

The Health and Occupational Hazard Superintendency will act arbitrator of the disagreements between the ARSs, the SNSs and the PSSs.

#### Costs of the previous law vs. costs of the new law

Given the strong impact that will have the increase in expenditures in the area of human resources, we will now show you a comparative table of costs between Law 1896 and Law 385 (previous ones) and the new law 87-01. On the other hand, we present a simulated payroll so as to make it easier to appreciate the difference in costs of both the old and the new law.



## COMPARACION ENTRE LEYES 1896, 385, DEC. 76/99 Y LEY 87-01 DE SEGURIDAD SOCIAL

### COMPARACION ENTRE LA NUEVA LEY DE SEG. SOC. # 87-01 Y LAS LEYES 1896 Y 385 A SER SUSTITUIDAS

#### PARA EL PLAN DE PENSIONES

#### LIMITE MÁXIMO PARA COTIZAR

Hasta 20 salarios mínimos

	Primer año	Segundo año	Tercer año	Cuarto año	Quinto año
Aporte del empleado	1.98%	2.13%	2.28%	2.58%	2.88%
Aporte del empleador	5.02%	5.37%	5.72%	6.42%	7.12%

#### PARA EL SEGURO MÉDICO

#### LIMITE MÁXIMO PARA COTIZAR

Hasta 10 salarios mínimos

	Primer año	Segundo año	Tercer año	Cuarto año	Quinto año
Aporte del empleado	2.70%	2.85%	3.00%	3.00%	3.00%
Aporte del empleador	6.30%	6.65%	7.00%	7.00%	7.00%

#### SEGURO DE RIESGOS LABORALES

#### LIMITE MÁXIMO PARA COTIZAR

Hasta 10 salarios mínimos

El seguro de riesgos laborales será financiado con una contribución promedio de un 1.2% del salario cotizante a cargo exclusivo del empleador.

En adición, el empleador aportará el 0.4% del salario cotizante para cubrir el fondo de solidaridad social del sistema previsional.

### LOS COSTOS DE LAS LEYES A SER SUSTITUIDAS

#### LEY 1896 SOBRE SEGUROS SOCIALES

#### LIMITE MÁXIMO PARA COTIZAR

Se debe cotizar de la manera sgte:

Hasta RD\$ 4,003.97 al mes si es empleado de oficina. Si es obrero siempre se cotizará pero solo hasta dicho límite.

Aporte del empleado	2.50%
Aporte del empleador	7.00%

#### LEY 385 Y DECRETO 76/99 SOBRE SEGUROS

#### LÍMITE MÁXIMO A COTIZAR

Contra accidentes del trabajo

hasta 4 veces el salario mínimo

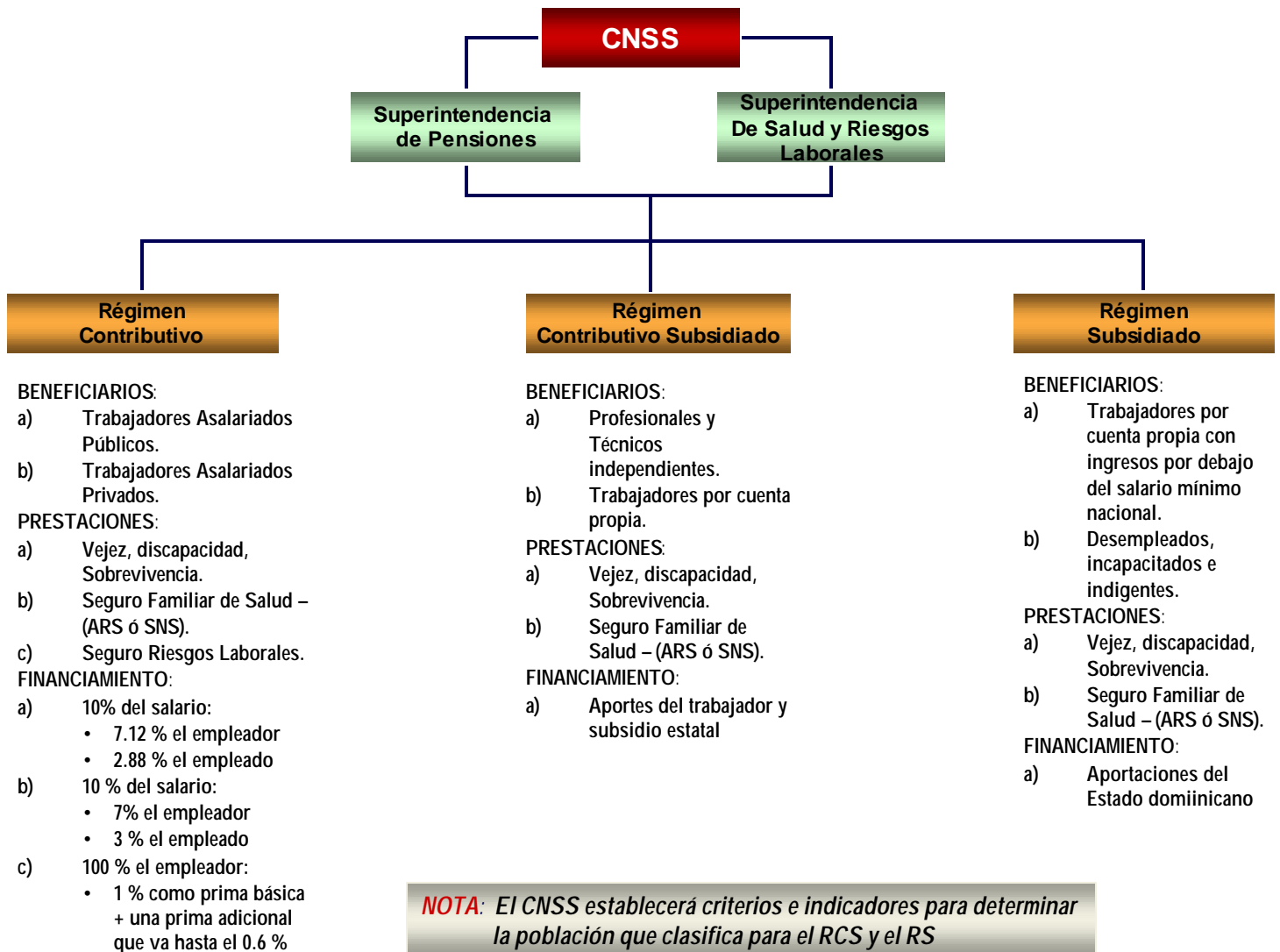
1% fijo mas una prima adicional que puede variar desde un 0.50% hasta un 1.50%

**SIMULACION DE NOMINA CON LA FINALIDAD  
DE COMPARAR LOS COSTOS DE LAS LEYES  
385 Y 1896 CON LA 87-01**

Juan Pérez	Gte. General	125,000.00		209.00	1,000.00	1,209.00	2,622.00	1,646.00	313.00	4,581.00	3,372.00
Isidro Rodríguez	Asist. Gte. Gen.	30,000.00		209.00	500.00	709.00	1,506.00	1,646.00	313.00	3,465.00	2,756.00
Victor Ramirez	Gte. De Auditoria Interna	90,000.00		209.00	1,000.00	1,209.00	2,622.00	1,646.00	313.00	4,581.00	3,372.00
Cecilio Santana	Gte. Financiero	75,000.00		209.00	1,000.00	1,209.00	2,622.00	1,646.00	313.00	4,581.00	3,372.00
Ivonne taveras	Contador General	60,000.00		209.00	1,000.00	1,209.00	2,622.00	1,646.00	313.00	4,581.00	3,372.00
Nidia Cruz	Gte. De Informática	55,000.00		209.00	1,000.00	1,209.00	2,622.00	1,646.00	313.00	4,581.00	3,372.00
AndresBautista	Gte. De Mercadeo	50,000.00		209.00	1,000.00	1,209.00	2,510.00	1,646.00	313.00	4,469.00	3,260.00
Awilda Alvarez	Gte. Administrativo	45,000.00		209.00	1,000.00	1,209.00	2,259.00	1,646.00	313.00	4,218.00	3,009.00
Ramón Alcantara	Sub- Contador	35,000.00		209.00	500.00	709.00	1,757.00	1,646.00	313.00	3,716.00	3,007.00
Hector Almonte	Asist. De Contabil.	20,000.00		209.00	500.00	709.00	1,004.00	1,260.00	240.00	2,504.00	1,795.00
Roberto Sánchez	Asist. Administrat.	15,000.00		209.00	500.00	709.00	753.00	945.00	180.00	1,878.00	1,169.00
Carmen Polanco	Asist. De Rec. Hum.	12,000.00		209.00	500.00	709.00	602.00	756.00	144.00	1,502.00	793.00
Bethania Reyes	Asist. De Mercadeo	13,000.00		209.00	500.00	709.00	653.00	819.00	156.00	1,628.00	919.00
Altagracia Salazar	Asist. Informática	14,000.00		233.00	500.00	733.00	703.00	882.00	168.00	1,753.00	1,020.00
Belkís Díaz	Secretaria	10,000.00		200.00	500.00	700.00	502.00	630.00	120.00	1,252.00	552.00
Clara Jimenez	Recepcionista	8,000.00		160.00	500.00	660.00	402.00	504.00	96.00	1,002.00	342.00
Mario Encarnación	Mensajero	6,000.00	280.00	120.00	1,000.00	1,400.00	301.00	378.00	72.00	751.00	(649.00)
José Rodríguez	conserje	5,000.00	280.00	100.00	1,000.00	1,380.00	251.00	315.00	60.00	626.00	(754.00)
<b>totales</b>		<b>668,000.00</b>	<b>560.00</b>	<b>3,530.00</b>	<b>13,500.00</b>	<b>17,590.00</b>	<b>26,313.00</b>	<b>21,303.00</b>	<b>4,053.00</b>	<b>51,669.00</b>	<b>34,079.00</b>

**NOTAS ACLARATORIAS:**

- 1) Hemos asumido un salario mínimo promedio de RD\$2,612.00.
- 2) Hemos asumido una tasa promedio de un 2% para el cálculo del valor a pagar por la ley 385.
- 3) Hemos asumido un seg./ med. Privado cuyo costo promedio es de RD\$500.00 para los empleados solteros y de RD\$ 1,000.00 para los empleados casados.
- 4) En adición, el empleador aportará un 0.4% del salario cotizable para cubrir el fondo de solidaridad social del sistema previsional.



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