

108th Session, Geneva, June 2019

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**Committee on the Application of Standards**

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*Following the decisions made during the informal tripartite consultations on the working methods of the CAS in March 2019, governments appearing on the preliminary list of individual cases have now the opportunity, if they so wish, to supply on a purely voluntary basis, written information before the opening of the session of the Conference.*

## **Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases**

### **Argentina**

#### **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**

**Argentina** (ratification: 1960). The Government has provided the following written information:

##### **1. COMMITMENTS MADE IN NOVEMBER 2018 WITHIN THE FRAMEWORK OF THE REPORT ON CONVENTION 87**

In the Report on Convention 87, the Argentine government committed itself to two clear lines of action, in order to overcome the dysfunctional conditions of the Argentine Republic based on the observations reported by the Commission of Experts on Conventions and Recommendations. These remarks are detailed below:

- First Line of Action. This is the TRIPARTITE SOCIAL DIALOGUE at the national level. It consists on the implementation of a methodology promoted by the ILO to achieve the necessary consensus required by the government's position; both in the responses to the ILO itself and in any other institutionalized position required by this Government Secretariat of Labour and Employment. This is intended to strengthen the obligations of the Argentine State as a member of the ILO, in accordance with its Constitution and since our country has ratified ILO Convention 144.
- Second Line of Action. It lies in the creation of a national body to deal with pending issues with that Organization in the normative field. In this regard, we also wish to be explicit. Although what was approved by the Governing Body at the November meeting of GB Doc.382/INS 5 promoting the possibility of having a national body to deal with complaints under article 24 of the ILO Constitution, the Argentine Government committed itself to addressing at the national level all issues that directly or indirectly may be the subject of some type of international treatment under the entire ILO supervisory system.

Consequently, two Commissions were proposed in the Report on Convention 87: the first one for the treatment of issues arising in the periodic control system (art. 19, 22 and 23) and in the special procedure arising under art. 24, all from the ILO Constitution; the second sub-commission for the special procedure for lodging complaints regarding freedom of association.

## **2. EVOLUTION TOWARDS COMPLIANCE WITH THE COMMITMENTS ASSUMED AS OF MAY 13, 2019**

The Report on Convention 87 examines the vicissitudes that act as an obstacle to the conditions of Social Dialogue. Reference is made to previous initiatives taken by the Government on the issue of Social Dialogue: creation of the Salary Council with its tripartite subcommittees, the Dialogue for Production and Work created by Decree 1092/16, the promotion of sectoral roundtables and the renegotiation of wage parities.

In short, the report proposes the solidification of a national Tripartite Consensus. It focuses on the treatment of pending, current or future, issues in compliance with the Organization's international standards in accordance with ILO Convention No. 144.

As we shall see below, this social dialogue, which had already been broadly discussed, has been overcome in recent events.

By Resolution 225-2019 of the Ministry of Production and Labour, published in the Official Journal on 8 April 2019, the "Social Dialogue Commission for the Future of Labour" was created. The ILO also participates in it.

This Committee has incorporated the tripartite treatment of issues related to the future of work and other normative provisions and policies that this Administration must adopt, linked to labour modernization in general. Fundamentally, the treatment of pending issues of the ILO control system.

The Argentine Government has taken into account the recommendations of the 103rd and 107th ILO Conference on social dialogue in the creation of this Committee. The call has been broad, generating at the same time a favourable legal and international environment to promote social dialogue, since the first meeting was chaired by the Minister of Production and Labour himself.

It is a continuity of what this Labour Office has been doing, expanding its Tripartite Social Dialogue proposals. Such is the case of the changes brought about by the fourth industrial revolution, in line with the "Working for a brighter future" report of the ILO's 2019 World Commission on the Future of Work.

### **2.1 The first meeting of 8 April 2019**

On the same day that Resolution 225-2019 was published in the Official Journal, the first meeting of the Commission on Social Dialogue for the Future of Work took place.

The Commission was chaired by Dante Sica.

As a result of the meeting, different commissions were formed. In the exchange of positions, the intention of promoting changes for the improvement and updating of labour standards, in line with the ILO conventions, ratified by our country, was highlighted, as well as debating the impact on the world of work of technological progress and its effects on employment and labour

regulation, in order to ensure a fair transition in accordance with the principles upheld by the ILO in the above-mentioned report.

## **2.2- The second meeting of 13 May 2019**

The second meeting of the Social Dialogue Commission was chaired by the Head of the General Coordination Unit of the Government Secretariat of Labour and Employment.

This public official has stated that the Government's will is to strengthen social dialogue, with an absolute openness to debate and to the issues to be dealt with in plenary. In addition, it proposed to provide the technological means and upload the minutes of the plenaries as a shared work file, in order to make the access to the minutes and the result of the debate transparent.

Based on the reports of previous meeting and the thematic proposals of the different representatives of the employers' and workers' sectors, it was established that the plenary work will be articulated in three areas or subcommittees:

1. Labour Standards.
2. Public policies or public management
3. ILO particular cases

It should be noted that representatives of the Employers' sector emphasized the need to promote policies on new technologies and to protect vulnerable sectors that are left out of the labour market as a result of the prevailing technological changes. It has also been requested to consider the situation of SMEs.

The representatives of the workers' sector expressed their hope for concrete progress in which labour reforms would be based on a tripartite consensus, so that they would not be detrimental to the rights acquired by workers in history. They also stated that the work of the ILO should not be overloaded when it is not necessary; that is why some cases should be dealt with in the Social Dialogue Committee.

Pedro Furtado de Oliveira, Director of the ILO Office in Buenos Aires, said that the establishment of the Committee represented concrete progress towards the objectives proposed by the Organization. He offered the necessary technical and financial support.

The next meetings will be held on 28, 30 and 31 May 2019 in which the following topics will be discussed:

1. ILO Committee on Particular Cases, 30 May from 2 p.m. to 4 p.m.:
  - a. Instance of Social Dialogue for the treatment of the legal situation of FETERA, currently in the Supreme Court together with the two trade unions involved.
  - b. Treatment of Case 3115 requested by the Autonomous Argentine Workers Union (CTA).
2. Labour Standards, 28 May: Observations on ILO Conventions 29 and 111.

It will be considered, in the treatment of all these issues, the ILO's offer of technical assistance made by the Head of the Buenos Aires office and its eventual implementation.

At the conclusion of the second meeting, the Government undertook to circulate a proposal for internal regulations and to prepare a report with the public policies that the Ministry of Production and Labour is carrying out in order to respond to the issues brought forward by the employers' and workers' sectors, which will be mentioned in the next meetings.

The National State wants to strengthen the path of social dialogue in accordance with the background of the debate that took place in the "Commission of recurrent discussion: social dialogue and tripartism", of the 107th Conference of the ILO in 2018.

### **3. THE WAY FORWARD**

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The National State wants to strengthen the path of social dialogue in accordance with the background of the debate that took place in the "Commission of recurrent discussion: social dialogue and tripartism", of the 107th Conference of the ILO in 2018.

In fact, taking the Report on Convention 87 as a parameter, the recent creation of the Commission is a point of progress as an instance of approach between social actors and the Government. Therefore, this Secretariat emphasizes the need for the Commission to meet and work frequently.

The path to follow also implies the strengthening of the three subcommittees, which the Government intends to incorporate into the National Decent Work Agenda. This gives continuity to the institutional body responsible for dealing with issues related to the future of work and the national body for dealing with international conflicts, always ensuring plurality and respect for the principles of freedom of association.