

## ▶ Appendix I

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### Amendments to the draft decision concerning the reply of the Government of the Bolivarian Republic of Venezuela to the report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance of Conventions Nos 26, 87 and 144 (GB.340/INS/13)

1. Amendment submitted by Peru, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Paraguay as subamended by the United States and by the Employers' group

***Proposal to replace the text of the draft decision with the text below (changes suggested by the United States are in blue and those suggested by the Employers' group are in red)***

The Governing Body:

1. endorsed the report and recommendations of the Commission of Inquiry, to put an end to violations of labor rights in the Bolivarian Republic of Venezuela by all appropriate means;
2. expressed its deep concern about the response of the Bolivarian Republic of Venezuela of 10 August 2020, by which, explicitly, the report and the recommendations of the Commission of Inquiry are not accepted;
3. deplored that the Bolivarian Republic of Venezuela has failed to implement the recommendations contained in ~~paragraph 497~~ 497 of the report of the Commission of Inquiry, ~~by as the deadline expired on~~ 1 September 2020;
4. decided to include on the agenda of its 341st Session (March 2021) an item entitled "Measures including recommendations under article 33 of the ILO Constitution to secure the Government of Venezuela's compliance with the recommendations of the Commission of Inquiry";
5. decided to place on the agenda of the 109th Session of the International Labour Conference (June 2021) an item entitled "Measures to be taken under article 33 of the ILO Constitution to secure compliance by the Bolivarian Republic of Venezuela of the recommendations of the Commission of Inquiry appointed to examine the complaint regarding the non-compliance by the Bolivarian Republic of Venezuela with the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 ( No. 87), and the Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144)";
6. recommended to the Conference that it adopt the following measures:

#### **Measures recommended by Governing Body under article 33 of the Constitution:**

- (a) to consider that the attitude and behavior of the Bolivarian Republic of Venezuela are grossly incompatible with the conditions and principles governing membership of the Organization;

- (b) to decide that the question of the application of the recommendations of the Commission of Inquiry and of Conventions No. 26, 87 and 144 by the Bolivarian Republic of Venezuela must be dealt with in future meetings of the International Labor Conference, until it has been demonstrated that this Member complies with its obligations;
- (c) to recommend to all the constituents of the Organization, governments, employers and workers that, taking into account the conclusions of the Commission of Inquiry, they examine the relations they may maintain with the Member State in question and adopt the appropriate measures in order that the said Member may not use those relationships to perpetuate or develop the system of violation of labor rights highlighted denounced by the Commission of Inquiry, and to contribute as much as possible to the application of its recommendations;
- (d) to decide that the Bolivarian Republic of Venezuela should cease to benefit from any technical cooperation or assistance from the ILO, except for the purpose of direct assistance to implement immediately the recommendations of the Commission of Inquiry, until such time as it has implemented the said recommendations;
- (e) to resolve that the Bolivarian Republic of Venezuela should henceforth not receive any invitation to attend meetings, symposia and seminars organized by the ILO, except such meetings that have the sole purpose of securing immediate and full compliance with the said recommendations, until such time as it has implemented the recommendations of the Commission of Inquiry;
- (f) with regard to international organizations, to invite the Director General to:
  - (i) circulate without delay the report of the Commission of Inquiry to the international organizations referred to in Article 12, paragraph 1, of the Constitution, and inform those organizations on the refusal of the Bolivarian Republic of Venezuela to comply with the recommendations issued by the Commission; ~~and~~
  - (ii) request the competent bodies of these organizations to examine, without delay and within the framework of their mandate and in the light of the conclusions and recommendations of the Commission of Inquiry, the cooperation links that they may have with the Member in question and, where appropriate, put an end as quickly as possible to any activity that could result in the consolidation of the violation of the imputed labor rights, directly or indirectly;
- (g) regarding the United Nations specifically, to invite the Director-General to transmit the report of the Commission of Inquiry without delay to the Human Rights Council, the relevant Special Procedures of the Human Rights Council, and the United Nations High Commissioner for Human Rights, and to inform them of the refusal of accepting the recommendations of the ILO Commission of Inquiry-compliance;

(h) to request the Director-General to give without delay wide visibility to the Report of the Commission of Inquiry through a communication campaign including in the ILO webpage;

~~(h)~~(i) to invite the Director General to present an annual report to the Governing Body and update the International Labour Conference in the reports of the Director-General on the results of the actions undertaken in accordance with the objectives of subparagraphs (c) and (d) above, and to inform the relevant international organizations of any progress made by the Bolivarian Republic of Venezuela in applying the recommendations of the Commission of Inquiry.

## 2. Amendment submitted by the Workers' group

The Governing Body:

- (a) expressed its deepest concern regarding the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) decided to include an item on the agenda of its 341st Session (March 2021) entitled "Consideration of all possible measures required to secure the Government of Venezuela's compliance with the recommendations of the Commission of Inquiry";
- (c) requested the Director-General to urgently intervene with the Government and discuss an agreement on establishing a Special Representative of the Director-General in Venezuela by March 2021 to ensure effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country; and
- (d) requested the Director-General to present a report to its 341st Session (March 2021) on the results of the actions undertaken in accordance this decision.

## 3. Revised draft decision put forward jointly by the Employers' and Workers' groups, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Paraguay, Peru, the United States and the European Union and its Member States to be considered by the Governing Body on 14 November 2020

The Governing Body:

- (a) deplored the Government's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
- (b) decided to include an item on the agenda of its 341st Session (March 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Government's compliance with the recommendations of the Commission of Inquiry";
- (c) requested the Director-General to engage with the Government on the full implementation of the recommendations of the Commission of Inquiry by March 2021, and on the effective application of Conventions Nos. 26, 87 and 144 in law and in practice in the country, including by discussing a possible agreement on establishing a Special Representative of the Director-General;

- (d) requested the Government to establish and convene, with the support of the Office, before March 2021, a social dialogue forum, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
- (e) requested the Director-General to present a report to its 341st Session (March 2021) on actions taken by the Director-General, measures referred to in paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry, including any progress made by the Government in implementing those recommendations.