

Committee on the Application of Standards

Date: 18 May 2024

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2024.

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

Netherlands – Sint Maarten (ratification: 1951)

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

The Government has provided the following written information.

The Government has taken note of the observations published in the report of the Committee of Experts and the fact that Sint Maarten has been placed on the preliminary list of individual cases for possible discussion at the ILC 2024, as submitted by the social partners. The Government respectfully requests the Committee for consideration to not place Sint Maarten on the final list for the following reasons:

On 3 May 2024, a new Government took office on Sint Maarten. The Government was informed of the ongoing case and has committed itself to give this matter its highest priority. International as well as local labour issues are highly regarded by the Government and will be dealt with the utmost urgency. In order to give the necessary attention to this subject matter, the new Ministers are in the process of a rigorous onboarding within which the ongoing labour dispute is featured, with the intent of ensuring that all parties are heard. It is important to underscore the Government's commitment to recognizing and supporting social dialogue as part and parcel of good governance.

Furthermore, it should be stated that the Government, upon recommendation of the Committee, has contacted the ILO Regional Office in Trinidad with a request for technical assistance on this matter, and has been in constant contact with said office. The Government assures the Committee that the matters addressed in its recommendations will be duly dealt with in accordance with approved and accepted international standards.

The Government is therefore of the opinion that a third appearance before the Committee will be counterproductive at this time.

Actions undertaken by the Government since the 2023 session of the Conference include:

- The Government in its quest to resolve the Committee's case kept in contact with the ILO Regional Office.
- The ILO Regional Office concluded that the Soualiga Employer Association (SEA) is not recognized by the ILO as an employers' organization and therefore requested the assistance of the Government in facilitating the consultation with them.
- The Government complied with the request of the ILO Regional Office to facilitate a discussion with both the SEA and Employers Council of Sint Maarten (ECSM). These meetings were held separately and were facilitated by the Honourable Minister of Labour on 3 August 2023 and 11 September 2023.
- As a result of these discussions, the SEA amended their statutes/articles of incorporation in order to be in compliance with the Convention and the amended articles were sent to the ILO Regional Office on 5 December 2023.
- The ILO Regional Office confirmed receipt of the amended statutes/articles of incorporation on 5 December 2023, and said that the documents will be shared with colleagues at headquarters, Geneva, for their review and advise on follow-up.
- The Government met with the ILO Regional Office in December 2023 to discuss the amended statutes/articles of incorporation. The ILO Regional Office took note of the changes and indicated that these were to be sent to headquarters, Geneva, for an expert to review.
- On Wednesday, 31 January 2024, a follow-up meeting with the ILO Regional Office and an ILO expert from headquarters, Geneva, regarding the statutes/articles of incorporation was held.
- The Government was informed that the amended statutes/articles of incorporation were sent to the Conference Committee and/or Committee of Experts and that within ten days the Government will receive recommendations from the Committee of Experts on how best to proceed. The expert suggested that the Government meet with the social partners (ECSM) to get their feedback on the matter.
- The Director of the ILO Regional Office concluded that it is the Government's responsibility to appoint the members of the Social Economic Council (SER) Board. As such the Government has begun the process.

The Government requests the Conference Committee's indulgence and understanding with the hope for a positive consideration of its request. The Government will continue to strive for full compliance with international standards as stipulated in the respective ILO Conventions that are applicable to Sint Maarten.