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Chairperson: Mr Różycki

Président: M. Różycki

Presidente: Sr. Różycki

Chairperson – Before we start our work this afternoon, I would like to inform the Committee that the new D document with the written information submitted by the Government of the Philippines on Convention No. 87 is now available on our Committee's web page. Also for your information the verbatim PV opening sitting is now available on the Committee's web page. The Committee members may submit amendments to their own statement appearing in this verbatim PV for the Committee's secretariat by tomorrow, 5 June at 3 p.m. I would like to remind you that the procedure for amendments to verbatim draft minutes is available on the web page. Please read this document and ensure that you

understand the procedure clearly. Delegates should submit the amendments to the secretariat electronically via the Committee mailbox. We still have ten speakers registered to take the floor so now I invite distinguished Workers' delegate from Argentina to take the floor. Sir you have the floor.

Miembro trabajador, Argentina (Sr. Roberto BARADEL) - Buenas tardes señor Presidente, en primer lugar felicitaciones por su elección, su designación y de toda la mesa que preside esta Comisión, además destacar el trabajo de la Comisión de Expertos, un trabajo exhaustivo, preciso y que es muy importante en sus aportes a nuestro trabajo; y permítanme en saludar y reconocer al Dr. Carlos Tomada que está presente en esta sala y que fue muchos años Ministro de Trabajo de la Argentina e hizo un aporte muy importante ante la OIT, liderando el grupo de los Estados de América Latina y el Caribe (GRULAC) y también Presidente del Consejo de Administración de esta casa.

Nos encontramos en esta Conferencia para discutir el Estudio General sobre «La administración del trabajo en un mundo del trabajo en transformación», examinando y analizando el Convenio (núm. 150) y la Recomendación (núm. 158) sobre la administración del trabajo, 1978 en los distintos Estados Miembros.

Sin duda, ambos documentos y los principios que consagran son de vital relevancia y constituyen una piedra angular para el desarrollo sostenible y la justicia social. El Estudio General resalta la importancia del Convenio y su Recomendación para la Organización y el funcionamiento eficiente de los sistemas de administración del trabajo.

Es necesario recordar que el Convenio núm. 150 y la Recomendación núm. 158 definen la administración del trabajo como «actividades de la administración pública en materia de política nacional del trabajo» y destacan fundamentalmente la necesidad de recursos

materiales y financieros adecuados para la creación de mecanismos de coordinación dentro y fuera de los organismos de administración del trabajo.

El Estudio General revela la importancia de que la administración del trabajo se adapte a los cambios o la evolución del mercado laboral, respondiendo a estos con la promoción del diálogo social, la evolución en normas laborales y la coordinación de políticas de empleo y desarrollo de recursos humanos.

Con base en lo recabado en el Estudio General, no puedo dejar de mencionar la situación actual de la Argentina, la cual contradice la lógica de este Estudio, ya que el Gobierno ha promovido distintas políticas que han destruido la administración del trabajo y las políticas de empleo en general.

La nueva administración ha implementado su plan económico y social mediante normas de rango inferior, en clara violación a la Constitución argentina, es decir, ignorando al Poder Legislativo. En este sentido, se han multiplicado y propagado una serie de decretos, resoluciones, disposiciones y decisiones administrativas que, analizadas en conjunto, constituyen un plan sistemático de cambio del patrón de acumulación que beneficia a los sectores más concentrados de la economía y viola de forma sistemática derechos y garantías sociales que gozan de la más alta protección constitucional.

El actual Gobierno ha realizado reducciones de programas, eliminación de instituciones, desprendimiento de áreas dedicadas a derechos humanos y desarrollo social, y modificación de estructuras ministeriales dedicadas a la planificación federal, a la inversión pública, a la producción y a las políticas de empleo en general. Así como se ha degradado el Ministerio de Trabajo, Empleo y Seguridad social en una Secretaría, en conjunto con la falta de nombramientos de funcionarios públicos con firmas en las distintas direcciones de la administración del trabajo.

Al mismo tiempo, mediante el Decreto de Necesidad y Urgencia núm. 70/2023 de diciembre de 2023, desreguló el comercio, los servicios y la industria, liberando la fijación de precios a los privados, lo cual ha resultado en la reducción de la oferta en el mercado interno y el inevitable aumento de los precios, afectando el nivel salarial real de los trabajadores y trabajadoras.

Asimismo, mediante el Decreto de Necesidad y Urgencia núm. 84/2023, el Poder Ejecutivo Nacional ha destruido el empleo público con más de 20 000 despidos, cifra que sigue en aumento, desmantelando la administración del trabajo, especialmente en un mundo laboral en transformación, como establece el documento en estudio.

Además, ha pulverizado los salarios de los y las docentes, suprimiendo el Fondo Nacional de Incentivo Docente, que había sido parte de su salario durante más de 25 años, eliminando el presupuesto destinado a ello.

Es crucial señalar que el Estado argentino, a través de los masivos despidos y la eliminación de áreas gubernamentales, está violando concretamente el Convenio en estudio, al vaciar las políticas destinadas a favorecer una administración del trabajo eficaz. El 60 por ciento de los trabajadores y trabajadoras son informales. ¿Qué pensarían los participantes de esta Conferencia si alguno de sus miembros afirma que la justicia social es una aberración? Con mucho pesar y vergüenza quiero decirle que es uno de los principios rectores del actual Gobierno argentino que debemos rechazar de forma unánime.

Para finalizar, quiero destacar que, si buscamos la creación de un futuro más inclusivo y justo, debemos asegurar, desde esta casa, que nuestros sistemas de administración del trabajo sean capaces y eficientes para enfrentar un mundo laboral en constante transformación a través de la planificación, el diálogo social y la concreción de la justicia social.

Worker member, Philippines (Mr MATULA) – Greetings from the Workers' group in the Philippines.

I congratulate the Chairperson and the leadership of this Committee for leading this Committee.

The Philippines has not yet ratified the Labour Administration Convention (No. 150) and we take this opportunity to urge our Government to ratify it, comply with its provisions, and foster a fair and efficient labour administration system.

We welcome the Report of the Committee of Experts, we agree with the importance of participation, meaningful participation. One critical area requiring attention is the representation and administration within tripartite bodies. Despite purported appointments from labour and employer sectors in institutions like the Social Security System, Government Service Insurance System, and PhilHealth, many appointees do not truly represent the most significant workers' and employers' organizations. This lack of genuine representation undermines the integrity and effectiveness of these bodies. Both trade unions and employers' groups expressing concerns on this matter.

We agree with the call for good governance and the need for transparency. The labour justice administration also demands significant reform and needs transparency in the appointment of tripartite representatives. Also, there is a structural problem. Unlike the regular courts, which operate with three layers, the labour justice system in the Philippines has four, leading to prolonged dispute resolutions. On average, it takes about seven years to resolve labour disputes, from the Labour Arbitration Branch through to the Supreme Court. This added layer contributes to unnecessary delays and inefficiencies.

The sorry state of labour justice administration in the public sector is also concerning. The Public Sector Labour Management Council (PSLMC) under Executive Order 180 on "The Right

to Self-Organization by Government Employees” is chaired by the Civil Service Commission and vice-chaired by the Department of Labor and Employment (DOLE). However, it does not recognize labour representatives as members of the Council. It takes 7–15 years for cases to be resolved. Though we welcome the Philippines’ ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151), Executive Order 180 remains misaligned and non-compliant with Convention No. 151.

Furthermore, the Labour Education Act, passed by Congress in 2021, has yet to be implemented due to the absence of implementing rules and regulations. Similarly, the *Trabaho Para sa Bayan* Act (or Employment for the Nation Act), which passed last year as a priority law, lacks the necessary implementing rules. Until now, no workers’ and employers’ sectors have been appointed representatives. The Philippine Export Zone Authority (PEZA) established as early as 1995, has barely started appointing workers representatives to its boards as mandated by law.

Assistance to migrant workers - Nearly 5,000 cases of maltreatment of Overseas Filipino Workers (OFWs) were reported in 2020, the majority of which came from the Middle East. Lately, approximately 60,000 OFWs in South Korea are facing issues such as illegal recruitment, human trafficking, contract switching, and labour standard violations. This highlights the urgent need for increased government assistance and budget allocation to address the welfare and protection of OFWs.

Additionally, thousands of Filipino workers in foreign artificial intelligence (AI) companies reportedly earn below minimum wage. The inability to inspect these foreign employers is allegedly due to their location abroad. Filipino workers earn as low as \$6–\$10 daily for outsourced work from the US-based AI company, a wage significantly below the minimum wage in Metro Manila.

DOLE needs to ensure Filipino workers' rights amid the rise of AI, particularly given the country's high rate of digital platform work outsourced by the global North.

Chairperson – Now I give the floor to the distinguished representatives of Workers from Poland.

Worker member, Poland (Ms KEDZIOR) – I am speaking on behalf of Polish representative trade union organizations: the Independent Self-Governing Trade Union 'Solidarity' (NSZZ 'Solidarność'), the Poland Alliance of Trade Unions and Trade Unions Forum.

At the beginning, let me thank the Committee of Experts for preparing a very detailed and comprehensive Report. This is a very timely report.

Labour administration covers a wide range of issues, including labour inspection.

In the 2022 report, State Labour Inspection pointed out the increasing range of issues that labour inspectors have to examine during inspection, the burden of tasks that, in its opinion, should be performed by other services and the need to allow labour inspectors to use modern electronic data analysis tools, using information remaining in the resources of other services. Recent years has shown that inspection activities in the field of legality of employment are no longer quick inspections at the place of work, but arduous, time-consuming and interdisciplinary proceedings, requiring deep data analysis and drawing conclusions based on information and evidence from various sources.

I would like to draw your attention to the problem of additional authorization of labour inspection of entrepreneurs which was introduced in 2004 and had a significant and negative impact on the effectiveness of the labour inspections.

Under the current law, inspections of employers who are not entrepreneurs, are carried out upon presentation of a labour inspector's work ID card, which confirms inspector's identity

and authority. In the case of employers who are entrepreneurs, the labour inspector must be additionally equipped with an authorization which indicates, among other things, the scope of the inspection. So in the event of the need to expand the scope of the inspection, the inspector must apply for a new authorization.

Labour inspectors sometimes find it difficult to provide an authorization, or to determine which entrepreneur is to be indicated on the authorization. This is the case of construction sites. A labour inspector, entering a construction site, has an authorization to inspect a given company. On this part, it often turns out that there are many subcontractors on the site, and more authorizations are required.

For more than a dozen years, both the Chief Labour Inspector and the Labour Protection Council, have repeatedly called on to abolish the obligation of this additional authorization.

As a result of the petition of the Association of Labour Inspectors of the Republic of Poland, a bill amending the Law on the State Labour inspection and the Law on Entrepreneurs abolishing the additional authorization was presented at the sitting of the Parliamentary Committee on Petitions in May this year.

The bill was supported by the State Labour Inspectorate, but the Ministry of Economic Development and Technology spoke against the bill, indicating that the proposed changes are not pro-enterprise.

The Committee passed a resolution for further work on the bill and it was forwarded to the speaker of the Parliament, for further proceedings. The bill was sent to consultation. The information on the Parliament web page indicates that the bill is to be sent, among others, to the employers' organizations but not to trade unions. Trade unions are not scheduled to be consulted despite the fact that they are keenly interested in the subject. A significant number

of labour inspections are carried out at the request of trade unions as a consequence of irregularities occurring at workplaces observed by unions.

The abovementioned issues are just some examples of challenges which the Labour Administration in Poland faces. Especially when it comes to the work of Labour Inspectorate inspections, which is much appreciated.

Chairperson – And now I invite the distinguished representative of North Korea to take the floor. Madame, the floor is yours.

Government member, Republic of Korea (Ms KWON) – Thank you Chair for giving me the floor, but I am from South Korea.

Korea would like to thank the Committee of Experts for preparing this report on labour administration. At the outset, the Korean Government has increased the number of OSH inspectors annually to prevent occupational accidents, reaching 814 inspectors as of March 2024, compared to 448 in 2017. Efforts will continue to increase the number of inspectors and provide them with specialized training to enhance their expertise. This effort is in line with the spirit and content of Convention No. 150.

The Korean Government, while sparing no effort to improve and expand its labour administration to cover all working people in Korea, would like to make some comments on the opinions expressed today. First, the union's bylaw is legally binding on its members and cannot violate the Constitution of Korea and its laws. The Korean law provides that if a union's bylaw or resolution or union activity violates the Trade Union Act or the Constitution of Korea, the Government may order corrections.

The correction order system against bylaws is a minimum intervention by the administrative authority in cases where the democracy or independence of trade unions is undermined by illegal bylaws that restrict the free withdrawal of members or unfairly restrict

electoral rights, and ensures procedural fairness, such as obtaining a decision from the Labour Relations Commission.

In practice, Korean administrative offices do not issue corrective orders on union bylaws unless there are special circumstances, such as a complaint from a union member. From 2019 to 2023, competent authorities have ordered 11 amendments to illegal bylaws restricting the free withdrawal of members from the union or restricting the right of members to vote without just cause, all of which were the result of complaints from union members or trade unions.

Second, the current paid time-off system hours was introduced in 2010 through a labour management agreement to address the excessive number of paid full time officers in Korea and unreasonable practices such as undermining the autonomy and independence of trade unions, and to reflect the ILO's recommendation to stop legislative involvement in the issue of wage payment to full time union officers.

The ILO has also expressed the view that it is necessary to take into account the specificities of industrial relations in Korea and that the provision of facilities such as payment of wages to trade union representatives by the employer should not interfere with the efficient operation of the enterprise, taking into account the needs, size and capacity of the enterprise, and that reasonable limits can be placed on the scope of the time-off system.

On the other hand, the Korean Government amended the Trade Union Act in 2021 to allow the Economic, Social and Labour Council, a neutral and independent body for social dialogue, to autonomously decide on operational matters such as setting the limit of time off with the participation of labour and management.

Chairperson – Now I give the floor to distinguished Employer delegate from Argentina. Madam, you have the floor.

Miembro empleadora, Argentina (Sra. Laura Ruth GIMENEZ) - En esta oportunidad quisiera hacer algunas reflexiones en nombre del sector empleador argentino. En particular, queremos reconocer la importancia de articular las políticas de empleo con los actores sociales a través de la consulta efectiva a las organizaciones más representativas de trabajadores y de empleadores, así como el valor de contar con fuertes instituciones democráticas que garanticen el adecuado funcionamiento de los sistemas de contrapesos y las vías, tanto administrativas como judiciales, para la resolución de conflictos vinculados al mundo del trabajo.

El Estado argentino cuenta con espacios institucionalizados de consulta para el diseño de políticas de empleo y otras políticas vinculadas con el mercado de trabajo. El ejemplo más paradigmático que queremos destacar es el Consejo Nacional del Empleo, la Productividad y el Salario Mínimo Vital y Móvil, que funciona como un ámbito de negociación bipartita con amplia representación de los empleadores y de los trabajadores a través de las organizaciones más representativas de los distintos sectores del entramado productivo.

Como empleadores, queremos además poner en valor que, para contar con una administración efectiva y eficiente, también es necesario contar con un marco regulatorio que promueva el desarrollo de las empresas sostenibles, en especial en contextos de grave crisis económica como la que atraviesa nuestro país. Sostener el funcionamiento de las pequeñas y medianas empresas se vuelve una eficaz estrategia, quizás la más eficaz, para proteger las fuentes de trabajo de calidad y libremente elegido, para combatir la informalidad e implementar políticas que permitan aprovechar el potencial de sectores estratégicos, como las economías verdes y las herramientas industria 4.0, que permiten mejoras tanto en la calidad de las condiciones de trabajo como en la productividad. Para esto, el diálogo social institucionalizado es una herramienta fundamental, ya que permite contar con información actualizada sobre los desafíos prevalentes en el mercado de trabajo y diseñar herramientas

que sean sostenibles y que tengan en cuenta los puntos de preocupación de los actores sociales.

Chairperson – Now I give the floor to the representative of International Trade Union Confederation (CSI-ITUC). Sir you have the floor.

Interpretation from Portuguese: **Observer, International Trade Union Confederation (CSI-ITUC) (Mr MENDONCA)** – Good afternoon Chairperson, distinguished representatives of Member States, workers' and employers' organizations in the largest tripartite organization on the planet.

Dear fellow trade union leaders, I would like to thank you for giving me this great opportunity to underscore some of the important aspects that compromise a labour administration that is intended to be efficient and effective, in line with the guidance set out in Convention No. 150 on the Labour Administration system and its decisive role in creating objective conditions to promote and improve standards of living of workers and their families. In Guinea-Bissau, after the first administrative reforms had been undertaken in an open and multiparty fashion, important measures were adopted, which, had they been applied by successive governments, would mean that we would not be calling for the implementation of the ILO Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), on the minimum wage, which has not been updated since 1988. Decree No. 12-A/94 from 28 February on the Statute of Personnel in Public Administration states that staff will be hired through public competition, with a periodic assessment on performance of personnel as well as career progression. Unfortunately, successive governments in Guinea-Bissau have not respected these legal requirements, which has led to stagnation of the career of civil servants. Despite the revision of the statute through Decree Laws Nos 4, 5, 8 and 11 of 19 October 2012, no progress has been made and these provisions have been forgotten. If there were performance appraisals

and career progression for workers, wages would not be so low in relation to the cost of living. That is why we need to also ensure that Convention No. 26 is implemented. It was ratified by Guinea-Bissau in 1977 and it was in 1988, through Decree 17/88 of 4 April, that the last definition of the minimum wage in the country was made.

The lack of a definition of a national minimum wage has serious consequences on the lives of workers, employers and the state itself because workers, for example, cannot meet the expenses they need for a period of two weeks. There is also no incentive for productivity.

The State and the employers pretend to pay, the workers pretend to work. In addition, without assessment of performance and career progression for workers and officials, we cannot ensure greater productivity. Faced with this fragile situation of disregard for administrative rules, the State was led to failure. If there had been the respect of the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by the State of Guinea-Bissau, we would not be seeing the people and workers in general suffering and living in poverty. In 2001 the Government of Guinea-Bissau created a tripartite body called the Standing Council for Social Cooperation. If this body had functioned properly, with a serious and responsible social dialogue, we would have had solutions that could have minimized the suffering of workers in Guinea-Bissau. The question of a national minimum wage is fundamental for Guinea-Bissau given that the new Labour Code from 18 July 2022, in its articles 153 and 154, states that the executive must define a national minimum wage with social partners. That is why it is vital that social dialogue be promoted so that we can respect the principle of freedom of association as well as other fundamental rights which are established in Law No. 8/91 from 3 October and Law No. 3/92 of 6 April.

The State also has the obligation to honour the commitment assumed with the ratification of Convention No. 87, which was ratified in June 2023.

Chairperson – I give the floor to the representative of the International Transport Workers' Federation.

Observer, International Transport Workers' Federation (Mr SUBASINGHE) – My intervention will focus on the challenges and opportunities for labour administrations in the context of global supply chains and labour administration activities relating to non-standard forms of employment.

As highlighted in paragraphs 185–188 of the General Survey, labour inspectors have a direct and essential role in protecting the rights of workers in global supply chains. As a representative of transport and logistics workers – a heavily subcontracted workforce found in almost every product supply chain – we know too well the essential role of labour inspection in upholding the rights of these key workers. However, as noted in the excellent ILO Labour Inspection Technical Note on Global Supply Chains, a major challenge faced by labour inspectorates is their inability to hold multinational enterprises accountable for labour law violations in the lower tiers of their supply chains due to jurisdictional limitations. This is due to the fact that enforcement powers of labour inspectorates cover only workplaces located in their country and that are under national labour laws. Indeed, inspectorate mandates may also be limited in Special Economic Zones.

Another major challenge faced by labour inspectorates in some countries is the weakness of national regulations concerning non-standard forms of employment, such as permissible disguised employment through labour-only contracting, or informal work arrangements, which could be linked to global supply chains.

These limitations on a labour inspectorate's mandate within global supply chains can lead to adverse outcomes for workers, especially where private compliance initiatives seek to fill

this regulatory gap. Of course, these initiatives themselves have significant limitations, not least the fact that they may have vested interests due to their funding arrangements.

For these reasons, we fully endorse the Committee of Experts' conclusion that labour administrations need to promote effective governance of global supply chains based on the primary role of the State to ensure enforcement. Indeed, we would call on states to recognize the cross-border nature of global supply chains and facilitate mutual assistance in monitoring, inspections, investigations and enforcement actions, where appropriate. The ILO can also promote cooperation, assistance and capacity-building between competent authorities in this regard.

Turning now to Chapter 1.84 of the General Survey, we agree with the Committee of Experts that non-standard employment features prominently in the digital economy and that one of the main questions that labour administrations face, while dealing with digital platform work is the classification of the employment relationship. Indeed, as the Committee of Experts concludes at paragraph 167, it is imperative that inspectorates are adequately resourced to tackle, among other things, the expansion of non-standard forms of employment with a high incidence of non-compliance with labour legislation.

Here, we would note the significant role played by labour inspectorates in several countries.

In 2021, the Italian labour inspectorate collaborated with the public prosecutor in a major investigation into platform work. The Milan prosecutor then ordered four food delivery companies to officially hire more than 60,000 misclassified workers and to pay a total of €733 million in fines.

In Spain, the labour inspectorate has issued several fines against food delivery platform companies over unlawful misclassification – both before and after the adoption of the country's Rider Law, most recently in January this year.

In 2021, the Brazilian labour inspectorate issued a 219-page report on the employment practices of a large food delivery platform and concluded that the company's riders were in a "subordinate job where the platform was in total control over their tasks".

And finally in 2023, the Dutch labour inspectorate concluded an investigation into food delivery platforms that found instances of child labour, low pay and occupational safety and health violations.

These examples demonstrate the key role labour inspectorates play in a segment of the economy where workers do not have adequate recourse to labour justice. But labour inspectors in this space work in the dark as they do not have access to a platform's algorithmic black box. Automated monitoring and decision-making systems powered by algorithms are replacing functions that human managers usually perform, including allocating tasks, pricing assignments, determining work schedules, giving instructions and imposing sanctions. Therefore, it is essential that digital labour platforms are required to provide information on algorithmic management practices to labour inspectorates so that they can perform their duties properly.

Chairperson – I am informed that the Government of Argentina has requested the right of reply in respect of the intervention by the Workers' delegate of Argentina. I shall accord the right at the end of the present session, after completion of the speakers list. The reply must be brief, no longer than two minutes, and it must be in the parliamentary language. Following the custom of the ILO, there will be no reply to the reply. And now I would like to invite the

representative of the Confederation of Workers of the Universities in the Americas to take the floor.

Observador, Confederación de los Trabajadores de las Universidades de las Américas (CONTUA) (Sr. Marcelo, DI STEFANO) - En primer lugar, representando a los trabajadores públicos de los ministerios de Trabajo, en nuestra región, queremos destacar en este foro el grave déficit en cuanto a la garantía de estabilidad laboral, el respeto a la carrera administrativa, incluyendo el derecho a la negociación colectiva, y la casi inexistencia de políticas de formación continua para el personal de la administración del trabajo. Esta situación, sumada a los bajos salarios y las malas condiciones laborales, presenta un escenario contradictorio con la imagen que muchos Estados nacionales pretenden proyectar ante la OIT.

Exceptuando en muy pocos casos, podemos afirmar sin lugar a dudas que los Estados han debilitado sus estructuras de administración del trabajo. En gran parte, esto se debe a la reducción tanto en cantidad como en calidad de sus recursos humanos y a la falta de inversión en tecnología. Sin el cumplimiento efectivo de la garantía de las condiciones de trabajo decente que acordamos en la OIT para los trabajadores públicos de los ministerios de Trabajo, resultará imposible alcanzar los objetivos que nos fijamos con la aprobación del Convenio núm. 150 y la Recomendación núm. 158.

Resumiendo, aquellos que deben velar por las condiciones de trabajo justas son víctimas de condiciones de trabajo injustas.

El segundo aspecto que queremos comentar se refiere a la captura política de las estructuras del Estado, incluidas las de administración del trabajo, para interferir en la vida interna de los sindicatos. Lamentablemente, en numerosos casos y de manera mayoritaria, observamos cómo los Gobiernos de América Latina utilizan su capacidad de fiscalización ejercida por los ministerios de Trabajo para interferir en los procesos electorales sindicales,

retrasar arbitrariamente el reconocimiento jurídico y perjudicar a las organizaciones sindicales.

En tercer lugar, queremos centrarnos en el diálogo social y el tripartismo. Los ministerios de Trabajo y sus máximos funcionarios repiten aquí, en la OIT, el mantra del diálogo social, «el tripartismo», y «el trabajo no es una mercancía»; sin embargo, algún raro fenómeno de orígenes aún desconocidos parece ocurrir en el Océano Atlántico, más precisamente en el trayecto Ginebra-América Latina, porque cuando los funcionarios aterrizan y ponen un pie en tierra, olvidan sus discursos, se encierran en una lógica unilateral y prescinden del diálogo social que doce horas antes pregonaban en Europa.

Como define mi maestro el compañero Gerardo Martínez, el diálogo social institucionalizado no es ni más ni menos que el diálogo real, el fruto del consenso que parte del reconocimiento de la diversidad, en el que se comparten las decisiones y los riesgos, el que perdura en el tiempo, y se consolida como política de Estado.

Hasta hace muy poco tiempo los argentinos estábamos orgullosos del tripartista del consejo del salario mínimo vital; no obstante, más allá de lo que se quiso adelantar aquí, lo que estamos viviendo en las últimas dos reuniones del salario mínimo vital inmóvil, rompiendo la lógica histórica del consenso no llegamos a un acuerdo y eso nos pone claramente en un camino de retroceso e incumplimiento con los acuerdos que firmamos en esta casa.

A riesgo de ser parte también de la intervención que sugirió el Presidente iba a tomar el Gobierno argentino, no puedo dejar de mencionar la degradación jerárquica que el área laboral ha sufrido con el actual Gobierno, el desmantelamiento del ex Ministerio de Trabajo y el despido arbitrario de miles de trabajadores públicos, muchos de ellos del área de la administración del trabajo, en un camino que claramente contradice los objetivos que

defendemos quienes creemos en las bases constituyentes de la Organización en la que nos encontramos hoy.

Chairperson – As this was the last speaker, I now give the floor to Mr Paul Noll, the Employer spokesperson, for his concluding remarks.

Employer members – The Employers' group would like to thank the governments and all speakers which have contributed to this debate. Considering all contributions and remarks, the Employers wish to address the following points.

- First, effective labour administration systems are vital for good governance of labour matters as well as for economic and social progress. On the one hand, labour administration systems along with public employment services and labour inspection, can make decent work a reality in the workplace by enforcing labour standards. On the other hand, labour administration systems can contribute to economic growth by increasing competitiveness and productivity, ensuring a predictable environment for business, as well as developing and implementing policies and producing higher employment rates and social cohesion. Labour administration plays a key role in ensuring decent work by stimulating economic growth by levelling the playing field, promoting business predictability, sustainable enterprises and inclusive economies. Therefore a well-organised labour administration that takes equal account of the needs of workers and employers is the be-all and end-all of good labour market governance and thus the key to achieving decent work sustainable companies and economic stability.
- Second, crises can provide an opportunity to strengthen or reform labour administration and modernise labour policies so that they are better prepared to anticipate and respond effectively to future events. Today, labour administration systems operate in a rapidly changing economic, social and technological environment. The world of work is

experiencing profound changes, as has been recently the case as a result of the Covid-19 pandemic. Further significant transformations are to be expected, with the spread of artificial intelligence applications in the workplace. It is therefore essential that labour administrations are constantly modernised and adapted to be able to cope with such transformations. Modernization of labour administration may require exploring new methods of governance and management, including adopting new policies, services and enforcing mechanisms but also building effective public and private partnerships. Any modernization effort, however, must respect values such as the rule of law, tripartism, social dialogue, public interest, good governance and transparency. The Employers consider, that in a post-pandemic world, modernizing and strengthening the capacity of labour administration is essential not only to address crises but also to ensure more resilience, sustainable and inclusive economies for the future. In this sense, we welcome this examination of the two ILO instruments in the General Survey as a timely opportunity to take a fresh look at the important role of labour administration systems, to see how they can best meet future challenges and needs.

- Third, as foreseen in Convention No. 150 and Recommendation No. 158, labour administrations need to engage independently and representative employers' and workers' organization closely in the activities through consultation, cooperation and negotiation. Employers' and workers' organizations have comprehensive and in-depth knowledge and experience in labour matters, and can, and should, assist labour administrations in providing relevant and balanced responses to the transformative changes in the world of work.

- Finally, labour administrations should pay due attention to the importance of the role of sustainable enterprises, as generators of employment and promoters of innovation and decent work, as recognized in the ILO Centenary Declaration.

In conclusion, having reviewed the General Survey, the Employers consider that the positive potential of labour administrations, as reflected on Convention No. 150 and Recommendation No. 158 is not yet fully recognized and developed in all ILO Member States. The Employers trust that this discussion of this General Survey can and will contribute to further progress in this regard.

Chairperson – I give the floor to Mr Leemans, the Worker Vice-Chairperson for his concluding remarks.

Membres travailleurs – Au vu de la centralité de l'administration du travail pour la réalisation de tous les objectifs poursuivis par l'OIT, selon nous, cette convention devrait faire l'objet d'une campagne visant à en promouvoir la ratification.

Et outre le caractère à jour de la convention (n° 150) sur l'administration du travail, 1978, et de la recommandation n° 158, ces instruments se caractérisent par une grande souplesse qui permet aux États Membres d'adapter la politique nationale du travail aux évolutions rapides du monde du travail. Cette souplesse permet également de concevoir l'administration du travail en tenant compte des besoins spécifiques de chaque État Membre.

Il conviendra que le système d'administration mis en place réponde aux exigences formulées par la convention. L'étude d'ensemble a démontré que des solutions tout à fait modernes peuvent être trouvées pour la mise en place d'une administration du travail efficace.

Il serait utile que les États Membres réexaminent l'opportunité de ratifier la convention n° 150 à la lumière de cette nouvelle étude d'ensemble.

Dans cette perspective, il est important que le BIT maintienne et renforce l'assistance technique fournie aux gouvernements et aux partenaires sociaux pour garantir le progrès économique et social dans un contexte inclusif, durable et résilient. Et cela se fera notamment en renforçant les mécanismes permettant une consultation et une participation des partenaires sociaux à l'élaboration de politiques nationales relatives au travail et à l'emploi ainsi que la mise en œuvre coordonnée et cohérente de ces politiques et leur révision.

Le rôle primordial de l'inspection du travail ne peut être oublié et devrait être renforcé par le développement de ses capacités.

Les pays en développement ont tout particulièrement besoin d'assistance technique en ce qui concerne l'acquisition de systèmes informatisés d'information sur le marché du travail. Il est en effet important pour ces pays, mais pour les autres également, de disposer de statistiques nationales actualisées sur l'emploi et les tendances en matière d'emploi afin d'identifier les lacunes dans la protection des travailleurs. C'est grâce à ces outils qu'ils auront la capacité de remédier et de concevoir et mettre en œuvre des politiques nationales de l'emploi et du travail cohérentes, complètes et efficaces pour combler les lacunes et en évaluer les résultats.

Puisque nous évoquons l'évaluation des politiques et stratégies d'emploi, il nous semble important de rappeler que la mission de l'administration du travail étant de créer des emplois décents et stables, d'améliorer les conditions de vie et de promouvoir le progrès social et la justice sociale, les méthodes d'évaluation propres au secteur privé sont inadéquates à l'évaluation de tels objectifs.

C'est également à la lumière de cette mission fondamentale que la notion d'entreprise durable mentionnée à plusieurs reprises dans l'étude d'ensemble doit être abordée. Une entreprise durable est donc une entreprise qui permet de créer des emplois décents et stables,

d'améliorer les conditions de vie et de promouvoir le progrès social et la justice sociale. Ce n'est qu'en gardant ces objectifs à l'esprit que l'administration du travail pourra éventuellement aborder cette notion.

Le champ d'action de l'administration du travail est déjà très large, mais il se doit de continuer à s'étendre au gré des évolutions du monde du travail. L'étude d'ensemble évoque la nécessité d'adapter les mécanismes d'administration du travail à ces nouvelles évolutions pour que l'ensemble des travailleurs puisse bénéficier des politiques et services qu'elle met en place.

Au rang des travailleurs encore trop peu couverts, nous trouvons les travailleurs de l'économie informelle, les travailleurs occupés dans des formes précaires d'emploi comme les contrats temporaires, les temps partiels, les contrats à l'appel, le travail intérimaire ou à domicile, sans oublier les travailleurs des plateformes numériques ou encore les travailleurs indépendants.

Les activités de l'administration du travail devraient couvrir ces travailleurs si l'on veut accroître la fiabilité, l'importance et la crédibilité de l'administration du travail. Ce faisant, l'administration du travail peut être engagée dans la lutte contre les déficits de travail décent de ces formes d'emploi par l'adaptation des réglementations et des politiques.

Nous devons toutefois constater que d'importantes lacunes législatives et politiques persistent et privent ces travailleurs d'une protection adéquate. Il faut combler ces lacunes.

L'administration du travail joue un rôle prépondérant en matière de respect des normes du travail. En prévoyant des mécanismes qui permettent de renforcer la portée et le respect des normes du travail, l'administration du travail contribue à l'établissement de conditions de travail décentes et à un «level playing field» pour l'ensemble des acteurs économiques.

Mentionnons notamment les mécanismes d'extension obligatoire des conventions collectives de travail qui permettent à des instruments librement et volontairement négociés entre représentants des travailleurs et des employeurs de s'appliquer à l'ensemble des entreprises. La commission d'experts rappelle par ailleurs que la promotion de la négociation collective et de la conclusion de conventions collectives de travail ne peut avoir pour effet d'abaisser le niveau de protection prévu par la réglementation sociale.

Il ressort de l'étude d'ensemble qu'il est rare que les ministères du travail rédigent un document définissant de manière exhaustive une politique nationale du travail. Il est pourtant primordial de disposer d'un tel document, certainement compte tenu de la nécessité d'assurer une coordination et une cohérence, à tous les niveaux, de toutes les initiatives de tous les acteurs concernés par la mise en œuvre de la politique du travail et de l'emploi. L'étude d'ensemble rappelle que les États Membres peuvent utilement recourir à l'assistance technique du BIT pour réaliser cet exercice.

La promotion de la ratification que j'évoquais au début de mon intervention est tout à fait en ligne avec les autres engagements pris par les États Membres au sein de l'OIT, notamment dans la résolution de la Conférence de 2011, la Déclaration du centenaire de 2019 et l'Appel mondial à l'action de 2021. Le développement d'un système d'administration du travail efficace est un élément indispensable à la réalisation des objectifs formulés dans ces instruments et, plus largement, à la réalisation des objectifs de développement durable.

L'assistance du BIT sera primordiale en la matière. Un plan d'action et des outils pourraient être développés par le BIT afin d'aider les gouvernements à identifier les possibilités dont ils disposent pour renforcer l'administration du travail au niveau national. Cela supposera également que les États Membres soient convaincus de la nécessité d'investir dans leur administration du travail, tant en moyens financiers et humains, qu'en formation des

fonctionnaires de l'administration du travail ou encore en réformes législatives, et ceci pour avoir la pleine capacité de promouvoir le travail décent et la justice sociale. Cette étude d'ensemble en est un excellent plaidoyer.

Chairperson – Earlier in this sitting the Government of Argentina requested the right to reply in respect to the intervention by the Workers' delegate of Argentina. I now give the floor to the Government of Argentina to exercise the right to reply. The reply must be no longer than two minutes and must be in parliamentary language. No "right to reply" to the reply will be granted.

Miembro gubernamental, Argentina (Sr. Carlos FORADORI) – Hemos oído más temprano un catálogo completo de imprecisiones vinculadas al Gobierno de la Argentina expresadas por el distinguido representante del sector de los trabajadores de la educación. En otros aspectos, se señaló que el 60 por ciento de los trabajadores son informales y también se criticaron los parámetros económicos. Vengo a decir que el distinguido representante de los trabajadores de la educación en la Argentina tiene razón. La economía heredada implicaba que mi país transitaba por un camino de cornisa y a punto de llegar al precipicio. Voy a agregar algunos otros datos indicadores.

El 10 de diciembre pasado, cuando el nuevo Gobierno asumió, la Argentina lucía una patética fotografía. El 50 por ciento de pobreza, 10 por ciento de indigencia y una inflación que, a precios mayoristas, a fin de año estaba en 54 por ciento mensual. Pero lo que es peor, los niños, lo máspreciado de la Argentina, sumidos en la absoluta pobreza y más grave aún en la triste pobreza educativa.

Le voy a pasar algunos datos: en algunas provincias del sur de la Argentina, la cantidad de clase que ha tenido la escuela primaria alcanza los 80 días, señor Presidente, cuando lo normal hubiese sido 190.

Lo que está tratando de hacer este Gobierno es superar los déficits sociales sin que devenga en una banca rota nacional. Lo máspreciado es la educación pública, ¿sabe por qué, señor Presidente? Porque es la más democrática de todas, porque es gratuita y obligatoria. ¿Es democrático que quienes tengan el poder adquisitivo para poder asistir a una escuela privada tendrán más posibilidades justamente en el ámbito laboral? Eso no es democrático, señor Presidente, y tampoco es justo. La educación debiera ser un servicio esencial.

Después de esta herencia, lo que el Gobierno argentino está haciendo desde su humildad con firmeza, desde su sensibilidad con audacia, desde su prudencia con valentía, es implementar una estrategia terapéutica para curar el dolor con justicia, la frustración con mucha confianza en millones de argentinos, quienes el pasado octubre pusieron, junto con la boleta del voto, la esperanza de un futuro mejor.

Chairperson – Thank you, Ambassador, for your statement, and it concludes our discussion on the General Survey. I would like to inform the Committee that the adoption of the outcome of the discussion of the General Survey will be planned for the afternoon of Wednesday, 12 June.

The sitting closed at 4 p.m.

La séance est levée à 16 h 00.

Se levantó la sesión a las 16 horas.