



Governing Body

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Institutional Section

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Developments in the full implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144

1. In the context of its evaluation, in March 2024, of the actions taken by the Government of the Bolivarian Republic of Venezuela to comply with the recommendations of the Commission of Inquiry set up to examine the complaint relating to 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 Labour Standards) Convention, 1976 (No. 144), at its 350th Session, the Governing Body:
 - (a) took note of the report on the fourth Social Dialogue Forum held from 1 to 2 February 2024 while reiterating, once again its call to the Government of the Bolivarian Republic of Venezuela to accept and implement in full the recommendations of the Commission of Inquiry adopted in 2019;
 - (b) urged the Government to further accelerate the implementation of all the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2024, in order to achieve tangible results without delay, in particular in relation to areas in which no progress has been made;
 - (c) noted with appreciation that an ILO special adviser was posted in the country since November 2023 and that his support in the implementation of the action plan and the preparation of the fourth session of the social dialogue forum had been greatly valued by all constituents;

- (d) requested the Government to make the necessary arrangements allowing the ILO special adviser to continue providing the said support on a constant basis in the country, including in relation to the preparation of the next social dialogue forums;
- (e) requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry, the related Governing Body decisions and the effective application of Conventions Nos 26, 87 and 144 in law and practice, and to submit to the 352nd Session (October–November 2024) of the Governing Body a further report on any developments concerning the above.¹

► Report of the Director-General on developments in the Bolivarian Republic of Venezuela

2. In follow-up to the Governing Body's decision and to continue giving his full support to the process, the Director-General maintained communication with the social partners in the country and with the Government.
3. On 18 March 2024, the Director-General sent a letter to the Minister of People's Power for the Social Process of Labour noting the different elements of the Governing Body's decision and recalling that the Governing Body had requested the Government to make the necessary arrangements to ensure that the ILO Special Adviser could continue to provide support on an ongoing basis in the country. The Director-General pointed out to the Government that it would be of the utmost importance for it to take the necessary steps to ensure that the ILO Special Adviser on Social Dialogue could provide support at and attend in person the quarterly plenary meetings and bimonthly technical meetings that the participants at the fourth in-person session of the Social Dialogue Forum had agreed to hold in 2024. The detailed timetable of meetings that was agreed upon is set out at the end of the appendix to this document.
4. In a communication dated 5 April 2024, in response to the above-mentioned letter, the Government reiterated that it was ready and willing to comply fully with the international labour standards and the commitments undertaken in the decision adopted by the Governing Body. In that communication, the Government stated, as it had done previously, that it wished to continue to benefit from the support in a virtual format provided by the ILO Special Adviser on Social Dialogue in the quarterly plenary meetings and bimonthly technical meetings to be held during the first half of the year.
5. The Government sent the ILO Special Adviser on Social Dialogue and officials of the ILO's International Labour Standards Department at headquarters and in the field invitations to connect virtually to the quarterly plenary meetings and the bimonthly technical meetings on compliance with Conventions Nos 26, 87 and 144.
6. To date, however, the Government has not made the necessary arrangements to enable the ILO Special Adviser to continue to provide ongoing support in the Bolivarian Republic of Venezuela, including in relation to the preparation of the next sessions of the Social Dialogue Forum, as requested by the Governing Body.

¹ GB.350/PV, para. 532.

7. Since the last session of the Governing Body and to date, the following meetings have been held in the Bolivarian Republic of Venezuela: (i) two technical meetings on Convention No. 26, on 21 June and 25 September 2024; (ii) three technical meetings on Convention No. 87, on 10 April, 10 July and 11 September 2024; (iii) two technical meetings on Convention No. 144, on 28 May and 7 August 2024; and (iv) a plenary meeting on the world of work, on 8 May 2024.
8. The ILO Special Adviser on Social Dialogue and officials from the International Labour Standards Department at headquarters and in the field joined these meetings using a link on the Zoom platform, participating as observers only.
9. The Government was represented at the meetings by the Minister of People's Power for the Social Process of Labour and/or the Deputy Minister for the Integrated System of Labour Inspection and Social Security, the Deputy Minister for Labour Rights and Relations and their advisers, and by officials from other State entities who had been invited by the Ministry of People's Power for the Social Process of Labour (MPPPST) to provide input at the technical meetings.
10. The spokespersons of the following employers' and workers' organizations participated in the majority of meetings: the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS); the Venezuelan Federation of Craft, Micro, Small and Medium-Sized Business Associations of Venezuela (FEDEINDUSTRIA); the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers of Venezuela (CBST-CCP); the Independent Trade Union Alliance Confederation of Workers of Venezuela (CTASI); the Confederation of Workers of Venezuela (CTV); and the General Confederation of Labour of Venezuela (CGT).
11. All meetings were held at the MPPPST headquarters, for the most part on the dates scheduled in the timetable provided in the appendix. Some meetings were rescheduled in order to coincide with others, including the session of the ILO Governing Body. Three trade union confederations requested the Government to postpone a technical meeting scheduled for 7 August 2024, citing, among other reasons, difficulties in travelling to the capital because of the difficult circumstances in the country following the presidential elections of 28 July 2024. The meeting took place on the scheduled date and the Government gave the spokespersons of the employers' and workers' organizations the option of participating in it remotely. The three trade union confederations mentioned above did not participate in the meeting.
12. On the occasion of the 112th Session (June 2024) of the International Labour Conference, the Director-General met with the Minister of Labour. At that meeting, they discussed the follow-up to the Governing Body's decisions, including the presence of the ILO Special Adviser in the Bolivarian Republic of Venezuela, and the human rights situation of the trade union officials who are in prison or whose freedom is restricted. Moreover, the Director-General reiterated the Office's commitment to continue providing technical assistance to the Social Dialogue Forum.
13. A new Minister of People's Power for the Social Process of Labour of the Bolivarian Republic of Venezuela was appointed in late August 2024. The Director-General had a meeting with him on 2 October 2024 to ensure the continuity of the conversation held with the previous Minister. At that meeting, issues such as the continued ILO technical assistance and the role of the ILO Special Adviser on Social Dialogue in the Bolivarian Republic of Venezuela were discussed. In addition, the Director-General referred to a request for urgent intervention sent by the CTASI to the ILO in August 2024 in respect of the cancellation of the passport of its president, Leida Marcela León, a member of the ILO Governing Body and titular member of the Trade Union Confederation of the Americas and the International Trade Union Confederation.

14. A summary of the above-mentioned plenary meeting and technical meetings that have been held to date on compliance with Conventions Nos 26, 87 and 144 is provided below.
15. At the technical meetings on **Convention No. 26**, held on 21 June and 25 September 2024, the following subjects were discussed:
 - *The need to make progress in determining the method for fixing the minimum wage in compliance with the provisions of the plan of action agreed upon by the Social Dialogue Forum.* In this respect, at both meetings, the CTASI stated that the development of the method for fixing the minimum wage had been partially accomplished in respect of what had been agreed in point 2 I of the plan of action and that it was necessary to update the indicators so that the minimum wage proposals would be prepared taking into account economic growth and the impact of sanctions on the country. Furthermore, it called for the publication of the updated indicators. It proposed that, upon completion of the consultation process and after the stipulated 90 days, workshops should be held with the ILO on best practices for updating the indicators with a view to submitting new proposals and to holding a special consultation with the National Executive. It added that the relevant report had not been produced, to which the Government responded that the report in question, which contained references to different proposals for minimum wage fixing, had been submitted and was under consideration by the stakeholders concerned.
 - *The need to implement this method effectively in order to fix an updated minimum wage.* In this regard, the CTASI, the CTV and the CGT pointed out that a national minimum wage had not been fixed, and therefore Convention No. 26 was not being complied with. They added that it was necessary to fix a minimum wage that would reflect the country's economic and social circumstances, as the current minimum wage was not enough to cover the basic food basket. At both meetings, they reiterated their proposal to fix a monthly minimum wage of US\$200 and called for the minimum wage to be effectively fixed at that amount for all active and inactive workers in the public and private sectors. The CTV added that the fact that collective agreements were blocked also affected the increase in the minimum wage. For its part, the CBST-CCP noted that it was incorrect to say that private sector workers were paid only a minimum wage of US\$3, and that returning to the minimum wage conditions of 2013 was hard, but that efforts were being made to that end. At the meeting on 25 September, the CGT stated that, despite the efforts made, no definitive solution had been reached on the issue of the minimum wage and that it was necessary to find a temporary remedial solution for the coming months to cover the basic needs of workers. FEDECAMARAS pointed out that the reason for the minimum wage freeze was the structure of labour liabilities established by law. With regard to the proposal to fix a minimum wage of US\$200, FEDECAMARAS stated that, while the proposal was legitimate, there were 3 million workers in the public sector, which would mean that around 60 per cent of the budget would be used to pay public sector workers; it considered that no one could be forced to take on an unforeseen liability as a result of a recalculation of social obligations and benefits of unknown value. In this regard, FEDEINDUSTRIA pointed out that private sector enterprises took on labour liabilities, and that those must be predictable, which was why it was necessary to be conservative in terms of wage increases, which must be gradual and must not destabilize the economic situation. For its part, the CBST-CCP stated that it did not agree with the amount proposed by the other confederations, as consideration had to be given to the fact that the Venezuelan economy was under pressure owing to the unilateral measures against the country. In this regard, the Government stated that the discussion laid the groundwork for the written consultation to be held in January 2025.

- *The indexed comprehensive income proposed by the Executive.* The workers' organizations the CTASI and the CTV said that they were opposed to the indexed comprehensive income because it essentially consisted of bonuses that are of a non-wage nature, as confirmed by the Government. For its part, the CBST-CCP stated that the indexed comprehensive income was a temporary response to a difficult situation created by the unilateral coercive measures. FEDECAMARAS stated that the indexed comprehensive income sought to reflect the country's market situation according to the income level of workers, which is why it was not opposed to it, although it stressed the importance of discussing the adequacy of the working conditions established by law. At the meeting on 25 September, the CTASI requested that, in addition to the minimum wage, the economic war bonus should continue to be paid to all active and inactive workers in the public and private sectors, as should the end-of-year bonus. For its part, the CGT stated that, while it was not opposed to the bonuses, it was nevertheless necessary to talk about the minimum wage.
- *The Pension Act and its impact on the world of work.* In this regard, FEDECAMARAS stated that the Pension Act did not reflect reality and expressed concern regarding the determination of the basis for calculations provided for therein. FEDECAMARAS stated that the contributions provided for by the Act, which were fiscal in nature, affected the cash flow of enterprises and represented a significant burden for them given the scarcity of bank credit available to them. The CTASI expressed its dissatisfaction that the Act had not been discussed in good time in the tripartite forum that existed for that purpose and the CGT expressed the hope that its voice would be heard by the National Assembly and the Executive in order to improve the content of the Act, in particular with regard to the restoration of the minimum wage. In response, the Government stated that the information had been sent to the stakeholders as soon as possible after the announcement had been made by the Executive.

16. At the three technical meetings on **Convention No. 87**, held on 10 April, 10 July and 11 September 2024, the Government and the social partners referred to the commitments undertaken in the plan of action and to the actions taken by the MPPPST in this respect.

- *Promote, through the MPPPST before the National Electoral Council (CNE) the uniform application of the criteria regarding the optional nature of the CNE's participation in the electoral processes of trade union organizations in the exercise of their autonomy and make this widely known in a clear manner, in accordance with the competences of the body concerned:* the Government stated that, while respecting the separation of powers, but drawing on the collaboration between them, the MPPPST was awaiting a response on the consultation carried out with the CNE on 25 January 2024. The Government recalled that the CNE provided technical support or assistance only upon request and only if stipulated in the statutes of the trade unions, and stated that the trade unions should consult the CNE to get confirmation in that regard. The CTV asked the Minister to expedite the process to clarify matters relating to the trade union elections at the CNE. For its part, the CTASI stated that, although consideration might be given to asking the CNE to provide a legal opinion, it was actually the electoral political chamber of the Supreme Court of Justice that had the authority to issue an opinion on that subject. The CTASI therefore suggested that the officers of the Forum should make a request to the Supreme Court regarding the optional nature of the CNE's support.
- *As part of the cooperation between the authorities, hold meetings between the MPPPST and the Office of the Public Prosecutor as well as with employers' and workers' organizations to report on cases of arrest and judicial proceedings or preventive non-custodial measures presumed to relate to the exercise of trade union activities:* the Government stated that, although individuals were

not arrested in the country on the grounds of trade union activity, but only when presumed to have committed an offence provided for and punishable by law, the MPPPST had taken steps, while respecting the principle of separation of powers, to obtain updated information on the legal proceedings brought by the social partners, which would be examined in the framework of due process. The Government indicated that Mr Azocar and Mr Tremaria had been released. The workers' organizations the CTASI, the CTV and the CGT expressed serious concern about the situation of trade union officials who had been arbitrarily arrested and imprisoned. They referred to the situation of Robert Franco, general secretary of the Union of Education Professionals, who had been arrested in 2020 and sentenced in August 2024 to 30 years in prison. They also referred to the situation of the trade union and social leaders Gabriel Blanco, Emilio Negrín, Reinaldo Cortes, Néstor Astudillo, Alcides Bracho and Alonso Meléndez, who had been sentenced to 16 years in prison in a ruling handed down on 1 August 2023, but granted conditional release on 20 December 2023, without having been given a release order or any document guaranteeing their freedom from prison; they had simply been informed through the director of the detention centre that they were being released. The aforementioned workers' organizations emphasized that the conditions imposed, namely the obligation to appear regularly in court, prevented the officials from carrying out trade union activities and they stated that, although they welcomed the release of *those* colleagues, it was essential that those individuals were able to enjoy full freedom. They also recalled that the trade union officials Mr Franco, Mr Tarazona and Mr Romero were still in custody. The workers' organizations asked for a visit to be made to their colleagues in detention, for a report to be drawn up and for an inter-institutional commission to be set up. They also asked the MPPPST to advocate for humanitarian aid.

- *Hold meetings at the request of the interested parties on the activity of the Workers' Production Councils (CPTTs) and their possible interference in freedom of association:* the Government stated that it had not received any request for a meeting or any complaint regarding alleged or possible interference by the CPTTs, although it remained open to addressing any situation that might arise in relation to possible interference in the area of freedom of association. The Government stated that the issue of the CPTTs was a subject to be discussed. The workers' organizations the CTASI, the CTV and the CGT stated that there had been cases in which the CPTTs had not allowed the unions to operate. For its part, the CBST-CCP noted that the CPTTs had initially been set up because the Venezuelan people were under siege, that they were devoted purely to production-related matters and that they were not hampering or trying to supplant trade union activities. FEDECAMARAS recalled that the authority of the CPTTs was being questioned, as stated in the report of the Commission of Inquiry, even though no complaints had been filed. It also stated that it was going to request a bilateral meeting with the Minister on that issue.
- *Hold meetings with the MPPPST and the trade union confederations to discuss and follow up on issues related to the withholding of trade union dues in order to regularize the deduction and payment of such dues:* the Government stated that it had set up a task team with the authorities of the National Treasury in order to regularize the situation regarding trade union dues and that progress had been made in that regard, and it also indicated that although financial resources were available, it was essential for the trade unions to confirm what was owed by means of a simple letter indicating the corresponding amount. Recalling that the percentage of the wage to be deducted was fixed in the statutes, the Government suggested that a single payment should be made and put this to the trade unions for their consideration. All the workers' organizations stressed the importance of regularizing the payment of union dues. The CTASI mentioned that it was difficult to determine the amount

of the outstanding debt due to the difficulties encountered in requesting this information from employers and because of the diversity of salaries. The CGT appreciated the Government's willingness to resolve the problem, but pointed out that, until there was an increase in incomes, the amounts proposed would remain insufficient, whether or not a single payment was made. A suggestion was made to set up a working group and to establish a timetable for solving the problem, provided that the Government was willing and had the necessary funds.

- *Identify, by means of regular meetings, institutional methods or processes to strengthen the functioning of the National Trade Union Registry and address particular cases submitted by workers' organizations:* the Government stated that it had established a work plan to improve the functioning of the National Trade Union Registry and to make progress in processing the applications submitted by the trade unions, and that it had responded to each of the requests that had been made. The CTASI stated that some organizations had held independent trade union elections and that upon, notifying the Registry, they had received the response that the Registry had "received no guidelines from the MPPPST on independent elections". The CTV requested that consideration be given to reviewing the Registry's rules, beyond the specific cases that might arise.
 - *Strengthen the relationship between the National Land Institute (INTI) and FEDECAMARAS concerning the cases raised, with a view to their resolution:* the Government stated that it was liaising with the authorities of the INTI to hold meetings with a view to finding solutions to the eight pending land cases. FEDECAMARAS welcomed the information on the pending land cases and indicated that it would send a document requesting a meeting with the INTI.
 - The workers' organizations the CTASI, the CTV and the CGT also referred to the problem of mandatory retirements leading to the dismantling of trade unions, in particular the mandatory retirement of the president and general secretary of a trade union of workers of the Office of the Mayor of Caracas. In this regard, they stated that the mandatory retirement of trade unionists meant in concrete terms the dissolution of a national trade union.
 - For its part, FEDEINDUSTRIA reiterated its continued willingness to engage in dialogue to resolve problems of any kind and recalled that the objective was to resolve cases on their merits and for the country to set an example on labour matters.
17. At the last technical meeting on Convention No. 87, the CTASI, the CTV, the CGT and FEDECAMARAS expressed concern about the cancellation in August 2024 of the passport of Leida Marcela León, President of the CTASI and member of the Governing Body. The CTASI, the CTV and the CGT requested that measures be taken to resolve that situation and to guarantee Ms León's safety and freedom of movement.
18. Technical meetings on **Convention No. 144** were held on 28 May and 7 August 2024.
- At these meetings, the Government stated that the scheduled meetings had been held within the stipulated time frames and that the draft reports due for the current year had been shared in part with the social partners. Furthermore, it stressed the importance of the social partners' comments for improving the quality of the reports and added that the employers' and workers' organizations sometimes participated in the dialogues without having first reviewed the reports, which hindered the discussion of substantive matters raised in the reports.
 - Some of the social partners, who confirmed receipt of the draft reports, asked for at least two weeks to read the reports, in particular the more technical ones, and asked for the

opportunity to clarify any doubts with the relevant government agencies. Some workers' organizations (the CTASI and the CTV) requested the continuation of training workshops on the application of Convention No. 144, and on other ratified and unratified Conventions. Reference was also made to the content of certain reports, such as the one on the Indigenous and Tribal Peoples Convention, 1989 (No. 169). FEDEINDUSTRIA stated that major steps had been taken towards compliance with Convention No. 144.

- At both meetings, some workers' organizations (the CTASI, the CGT and the CTV) and employers' organizations (FEDECAMARAS) stressed that the presence of the ILO Special Adviser on Social Dialogue in the country was necessary to ensure the application of the Conventions, since the effectiveness of his contribution depended on him being physically present. The organizations called on the authorities to take the necessary steps to that end. In response, the Government said that each technical meeting had benefited from the remote support of the ILO, but that the conditions were not suitable for the support to be provided face-to-face.
- Concerning the Pension Act, FEDECAMARAS stated that, despite the adjustment of the contribution rate from 15 per cent to 9 per cent, certain fundamental factors had not been taken into account: the contribution had to be proportionate and encourage compliance by employers; the Act encouraged informality, as only formal enterprises that filed tax returns would comply with the prescribed contribution rate; the Act did not set a contribution ceiling, unlike most other systems in the world; and the application of tax laws should be reviewed, taking into account the efforts required of enterprises whose cash flow was affected due to the absence of a policy on bank credit. For its part, the CBST-CCP pointed out that the Pension Act established a scale that took into account the fact that not all enterprises could contribute the same proportion, with those with higher profits having to contribute more; also, it recalled that the Act reflected current conditions and could be amended if the economic situation improved. The CGT indicated that it had made substantive comments on the Act, including with regard to the authority of the Executive to exempt enterprises that were unable to meet their tax obligations, and expressed regret that small and medium-sized enterprises would have to close down because they could not pay the taxes. The CTV stated that certain articles of the Pension Act were not compatible with the Social Security Act, questioned the fact that the application of the Pension Act was governed by the National Service for the Administration of Customs and Excise (SENIAT) and expressed doubts about the way in which it would be applied.
- In general, with regard to consultation on legislation, the CTASI proposed that a channel of communication be opened with the National Assembly through the MPPPST, in order to follow up on legislation and bills concerning economic, social and labour issues. It expressed concern that it had not received any requests for consultation during the various processes of drafting previous bills. The CGT added that the CPTTs continued to draft laws that did not promote harmony in the world of work.

19. At the **plenary meeting on the world of work** held on 8 May 2024, the Government and the social partners took stock of the situation regarding the commitments made at the last session of the Social Dialogue Forum and the action taken to date. All the participants expressed their full readiness to continue the dialogue. The Government indicated that, although the ILO Special Adviser on Social Dialogue was not in the country, ILO technical assistance had not stopped, and it further indicated that, after the national elections, the possibility of allowing for face-to-face technical assistance at the plenary meetings of the world of work would be raised. The Government also indicated that it had complied with the points set out in the plan

of action in relation to Convention No. 26. It also referred to the points raised at the technical meetings concerning Conventions Nos 87 and 144.

20. As well as referring to the specific issues relating to the Conventions mentioned above, the workers' organizations the CTASI, the CTV and the CGT, together with the employers' organization FEDECAMARAS, recalled that the Governing Body had requested that the ILO Special Adviser on Social Dialogue be present in the country, and they asked that arrangements be made for his return. They stressed the need for the ILO Special Adviser to be permanently present in the Bolivarian Republic of Venezuela, especially at events such as the plenary meetings. The workers' organizations the CTASI, the CTV and the CGT stated that, while they were ready and willing to engage in social dialogue, a dialogue without results was meaningless, and they underlined that the dialogue was having no visible effect on the situation of workers. In this respect, they said that the meetings should include an evaluation of the actions that had been taken and those that had not. For its part, the workers' organization the CBST-CCP pointed out that the meetings that had taken place further to the forum had enabled a joint reflection on ways to improve quality of life. It emphasized the progress that had been made, while recalling that continued efforts were needed to find solutions to the various problems. The employers' organization FEDEINDUSTRIAS stated that the fact that the dialogue was taking place showed that everyone could express their concerns and make their demands.

► Information received between March and October 2024

Information sent by the Government

21. In a communication dated 7 October 2024 addressed to the Director-General, the Government stresses that it has fully complied with the timetable of meetings set out in the plan of action agreed upon by the Social Dialogue Forum in February 2024. It states that the scheduled tripartite meetings have taken place, as have the bilateral meetings with the organizations that requested them. The Government attached to its communication the minutes it prepared of each of the tripartite meetings.
22. With regard to Convention No. 26, the Government states that, based on the method developed with the social partners in the context of the Social Dialogue Forum, preparations are under way for the consultation on fixing the minimum wage. It adds that, at the meetings to consult on the minimum wage held in the first quarter of the year, several representatives of the social partners submitted proposals to increase the incomes of workers in the light of the current economic situation in the country. It also notes that, with a view to restoring the incomes and living conditions of workers and their families, an anti-blockade bill was recently submitted for consultation with the social partners, and that it is waiting for their input.
23. With regard to Convention No. 144, the Government states that progress has been made in enhancing the consultation process for reports on ratified and unratified Conventions and Recommendations, and that the intention is to continue to improve these procedures. It also states that progress has been made in respect of consulting on laws and regulations for instruments relating to the world of work. In this regard, it reports that consultations have been held as follows: (i) on 3 May 2024, the bill on the protection of social security pensions against the imperialist blockade and the questionnaire pertaining to the bill were shared with the social partners; and (ii) on 27 September 2024, the questionnaire pertaining to a special anti-blockade bill for the working class was sent to the social partners, with a request for them

to share their expectations, comments and suggestions on the matter. Lastly, the Government states that the expectation is for the dialogue with the social partners on this Convention to be further intensified.

24. With regard to Convention No. 87, the Government states that certain procedures fall beyond the competence of the executive branch and that, in accordance with the principle of separation of powers, every effort is made to ensure due process, through collaboration between the moral, judicial and electoral branches, as well as the executive branch as necessary. Concerning the cases of persons with links to trade unions who are involved in legal proceedings for matters that, in its view, are unrelated to their trade union activity, the Government states that freedom of association cannot be used as a form of protection for citizens who violate the law of the land, as is clearly established in Article 8, paragraph 1, of the Convention.
25. With regard to the applications submitted to the National Trade Union Registry, the Government states that it has implemented a plan for processing outstanding applications, which has made it possible to issue responses, and that, at present, there are no cases pending an administrative decision. The Government adds that the Supreme Court of the Bolivarian Republic of Venezuela, through Ruling No. 0170 issued by the Constitutional Chamber on 4 June 2019, has clearly established that in no way does the Registry through its functioning restrict the free exercise of trade union activity or the autonomy of trade union organizations.
26. With regard to the payment of trade union dues, the Government states that it has informed all the organizations that participate in the Social Dialogue Forum of the steps taken to resolve this issue. It states that it set up a working group with the National Treasury that has allowed certain situations to be brought to light, that it was found that the “Sistema Patria” platform had not withheld union contributions and that there were therefore no outstanding amounts owed to the organizations concerned. With regard to determining the amount of the outstanding debts, the Government states that it asked the trade union confederations to provide confirmation of the amounts owed to each of their affiliated unions, and points out that, to date, only one trade union has provided this information. The Government adds that the dues have been paid to the trade unions concerned, including the Single National Union of the Teaching Profession, the Union of Metro Workers of Caracas, the Single Union of Public Employees of the Carabobo State Government and the Union of Health Workers.
27. With regard to trade union elections, the Government emphasizes the optional nature of the participation of the CNE in trade union election processes and states that, at a technical meeting on Convention No. 87, it referred to the reply given by a regional office of the CNE, confirming the position of that body with regard to the freedom of trade unions with respect to requesting or not the technical assistance of the CNE, in accordance with the provisions of their statutes.
28. With regard to the land cases, the Government states that FEDECAMARAS has once again requested mediation with the Ministry of People’s Power for Agriculture and Land and the INTI in relation to the pending land cases concerning individuals with links to FEDECAMARAS. The Government states that the necessary arrangements are being made with the new authorities in the INTI to find possible solutions.
29. The Government also refers to the urgent request for ILO intervention made in August 2024 by the CTASI in relation to the cancellation of the passport of its president, Leida Marcela León, a member of the ILO Governing Body and titular member of the Trade Union Confederation of the Americas and the International Trade Union Confederation. The Government reports that this case is under investigation and that it does not wish to divulge information that could

interfere with this process. It states that it is aware of the commitments and obligations that it has undertaken as a Member of the ILO and hopes that, between now and the next session of the Governing Body, it will be able to provide more details on this case.

30. The Government also refers to the technical assistance of the ILO and the role of the Special Adviser on Social Dialogue, who was appointed further to the decision adopted by the Governing Body. It reiterates its appreciation to the ILO for its support, but stresses the need to explore other ways of providing it, as the fact that such support is not provided face-to-face should not prevent it from being effective. The Government asks for the understanding of the Director-General and the members of the Governing Body in this regard.

Information sent by the workers' organizations

31. In a joint communication dated 13 June 2024, the workers' organizations the CTASI and the CTV state that the Government has not yet expressly accepted the recommendations of the Commission of Inquiry and that no official statement has been issued that would make the ILO's presence in the country feasible. In this regard, the aforementioned workers' organizations indicate that, during the fourth session of the Social Dialogue Forum, in February 2024, the Government asked the ILO Special Adviser on Social Dialogue to leave the country, which he did do immediately after the session. They therefore consider that the agreement reached by the Governing Body in November 2023, concerning the deployment of an ILO special adviser to the country, has not been fulfilled.
32. With regard to Convention No. 26, the above-mentioned workers' organizations indicate that: (i) since March 2022, the minimum wage has been set at 130 bolivars per month, which at the time of their communication was equivalent to less than US\$4; (ii) at the fourth session of the Social Dialogue Forum, the method for fixing the minimum wage was approved by consensus, on the basis of which the workers' organizations the CTV, the CTASI and the CGT proposed a monthly minimum wage equivalent to US\$200 as an initial figure for a wage restoration process; (iii) although the planned meetings did take place, the Government did not present updated indicators, did not respond to the workers' proposal to fix the minimum wage at US\$200, did not make any proposal and did not apply the agreed method for setting the minimum wage; rather than fixing a new minimum wage, on 1 May 2024 the Government introduced an income consisting of bonuses, which excluded workers in the private sector; (iv) in view of this situation, on 16 May 2024, the workers' confederations the CTASI, the CTV and the CGT took joint action, delivering to the country's 22 regional labour inspectorates a document describing the impact of the wage freeze on workers and their families, retirees and pensioners, as a source of inequality, extreme poverty and insecurity (one of the documents handed out during this unitary action was attached to the communication).
33. With regard to Convention No. 87, the CTASI and the CTV state that the following individuals are in custody or on conditional release for exercising their freedom of association: (i) Robert Franco and Javier Tarazona, workers in the teaching profession, who have been in custody for the past three years; (ii) Leonardo Azocar and Daniel Romero, officials of the Single Union of the Steel Industry and Associated Workers (SUTISS), in respect of whom an urgent action has been filed and a complaint has been presented to the Committee on Freedom of Association, and who were transferred to a high-security prison more than 600 km from their homes; (iii) Carlos Julio Rojas, director of the National College of Journalists, who has been in custody since 15 April 2024; (iv) Ada Macuare of the College of Nurses of Anzoátegui State, whose case is ongoing, and Omar Escalante, president of the Federation of Workers of the State of Carabobo (FETRACARABOBO), who has been required to present himself to the authorities regularly for more than four years; (v) Reynaldo Cortes, Gabriel Blanco and Emilio Negrín, trade

union officials, and three other social leaders, who are the subject of ongoing criminal cases and are under conditional release, required to present themselves regularly to the court and prohibited from leaving the country, and whose appeal hearing has been postponed several times; the prosecutor upheld on appeal their sentence of 16 years in prison; and (vi) Víctor Venegas, who holds a trade union leadership position in the education sector and who is under conditional release.

34. The organizations also point out that: (i) for three years, the National Assembly has refused to comply with the reinstatement order issued by the Labour Inspectorate for the unjustified dismissal of almost 300 workers. These dismissals are part of the decision to dismantle the union by removing all its members; (ii) with a view to leaving independent unions without a board of directors, the mandatory retirement of union leaders with union privileges continues to be enforced, especially in the public sectors of health and basic education; (iii) the participation of the CNE in electoral processes continues to be mandatory, as the CNE has not scrapped the rules for trade union electoral processes, and there is no political will to comply with the recommendation to eliminate anti-union legislation, as the Government has not even agreed to include the issue in agendas and plans of action; (iv) the National Trade Union Registry continues to apply all the rules that violate trade union freedom, and there is also a delay in the issuance of decisions on trade union registration and concerning the recognition of autonomous trade union elections; and (v) the policy of withholding trade union dues and contributions to savings banks and other social security organizations continues.
35. Lastly, the above-mentioned workers' organizations state that Rodney Álvarez, released after 11 years of imprisonment, has not received reparation, as the State-run enterprise FERROMINERA refuses to reinstate him and the Minister of Labour claims that it is for the worker to initiate proceedings against the State if compensation is to be paid; in the opinion of the workers' organizations, the State could provide such reparation ex officio.
36. With regard to Convention No. 144, the CTASI and the CTV point out that: (i) the scheduled meetings and workshops have been held; (ii) the draft reports were submitted extremely late, without sufficient verifiable and updated information; (iii) the trade union organizations submitted their observations, which were not incorporated into the Government's reports, but were sent as annexes; (iv) the ratifications of several Conventions, such as Conventions Nos 151, 154 and 190, among others, were not approved; and (v) the reforms of the Housing and Habitat Act and the Protection of Social Security Pensions Act in May were carried out without consultation.
37. In a communication dated 5 August 2024, the CTASI requested the urgent intervention of the ILO following the cancellation of the passport of its president, Leida Marcela León, a member of the ILO Governing Body and a titular member of the Trade Union Confederation of the Americas and the International Trade Union Confederation. The CTASI stated that Ms León had been checking the status of her passport on the website of the national identification and immigration service, when she discovered that her passport had been cancelled.
38. In a communication dated 30 August 2024, addressed to the Director-General for transmission to the Committee of Experts, the CTV, the National Union of Workers of Venezuela (UNETE), the CGT, the Confederation of Autonomous Trade Unions (CODESA), the United Federation of Workers of Venezuela (CUTV) and the Federation of University Teachers' Associations of Venezuela (FAPUV) state that the sessions of the Social Dialogue Forum had no practical effect in 2024, since there had been no increase in the minimum wage. They add that, in May 2024, the value of the CestaTicket food voucher was increased and a decision was made to pay a bonus, in both cases with no effect on salaries. According to the aforementioned organizations,

the consultations held in the framework of the Social Dialogue Forum concerned only the method of fixing the minimum wage and not the fixing of the minimum wage itself.

39. In a communication dated 25 September 2024, addressed to the Minister of People's Power for the Social Process of Labour, the workers' organizations the CGT, the CTV and the CTASI stated that, within the framework of the timetable of meetings on the consultation method for fixing the national minimum wage, and specifically at the tripartite meeting convened on the same date, and taking into account the current value of the minimum consumption basket for workers and inflation, the lack of an increase in the minimum wage and the failure to comply with the method for fixing the minimum wage, they called for: (i) an end to the policy of freezing the national minimum wage, which has remained the same since March 2022; (ii) an end to the policy of paying wages in the form of bonuses, which were of a non-wage nature; and (iii) the adjustment of the minimum wage to US\$200 per month for all active and retired workers, in both the public and the private sectors. They also called for: (i) this wage to be considered as an initial amount subject to progressive readjustments in line with economic growth and the value of the basic basket; (ii) the publication of the official economic indicators agreed upon during the dialogue on fixing the national minimum wage; (iii) the initiation of discussions on collective agreements at the national, state and municipal levels; (iv) the continued payment of the economic war bonus and the CestaTicket food voucher to supplement the wages of all active and inactive workers in the public and private sectors; and (v) the lump-sum payment of end-of-year bonuses and shares in enterprise earnings, calculated on the basis of the increase in the national minimum wage.
40. In a joint communication dated 18 October 2024, the workers' organizations the CTASI, the CTV and the CGT refer to the blatant non-compliance with the recommendations of the Commission of Inquiry, which have not been accepted by the Government, and express concern at the regression in all of the subjects addressed within the Social Dialogue Forum regarding freedom of association and civil liberties in general, the method of fixing the minimum wage and the matter of tripartite consultation.
41. The trade union confederations indicate that all matters concerning Convention No. 87 have stagnated: they consider that there has been no progress on the issues that have been under discussion since the first Social Dialogue Forum and highlight the fact that this is occurring within a national context characterized by restrictions on the exercise of civil liberties. Above all, the confederations refer to the prosecution of trade union officials, in particular the 30-year custodial sentence imposed without evidence against Robert Franco, General Secretary of the Union of Education Professionals – Association of Teachers of Venezuela (SINPRODO-CPV), Carúpano branch, and the 16-year custodial sentences imposed in 2023 on union officials Reynaldo José Cortés Gutiérrez, Gabriel Blanco, Emilio Negrín, Alonso Meléndez, Néstor Astudillo and Alcides Bracho. The confederations indicate that although they had been granted conditional release, a ruling of 4 October dismissed the application for the protection of constitutional rights (*amparo*) and the appeal against the conviction and upheld the 16-year sentence, and that consequently the proceedings are now at the judicial review stage. The trade union confederations indicate that the convictions of all of the aforementioned union officials were for terrorism-related offences, which is the current pattern for prosecuting persons arrested on trade union, social, electoral or political grounds. The confederations also refer to the criminal proceedings against trade union officials Daniel Romero and Leonardo Azocar and report acts of persecution or harassment of public sector trade union officials in various forms, such as arrest, attempted arrest and police harassment outside the homes of union leaders from various regions of the country.

42. The trade union confederations also reiterate their concern at the cancellation of the passport of Leida Marcela León, General Secretary of the ASI, and again denounce the compulsory retirements of union officials in the public sector. The confederations emphasize that: (i) the Government has not made the slightest attempt to address either the legislative matters that are inconsistent with the Convention or the laws used to criminalize trade union action; (ii) the Government has declined to raise in the Forum outstanding issues concerning the interference of the National Electoral Council in trade union elections and the interference of the National Trade Union Registry in trade union organizations; (iii) the problem of reimbursement of deducted union contributions remains unresolved; and (iv) not only has there been no indication from the Government of any intention to comply with the recommendations of the Commission of Inquiry in relation to the Workers' Production Councils, the intention is instead to encourage and strengthen them. The confederations indicate that the Government does not have the slightest interest in resolving the outstanding problems and complying with the recommendations of the Commission of Inquiry. The confederations refer to an atmosphere of increasing restrictions on civil liberties, control and censorship of the media, and a wave of arrests and prosecutions of persons on electoral, political or social grounds.
43. In relation to Convention No. 26, they reiterate that despite the fact that the minimum wage has been frozen at 130 bolivars (equivalent to US\$3.50) for two years, the method agreed by the Social Dialogue Forum of fixing the minimum wage is not being applied and its proposal to set the monthly minimum wage at the equivalent of US\$200 has been ignored by the Government. In relation to the special anti-blockade bill for the working class, they indicate that: (i) on 22 July 2024, the Vice-President of the Republic established a technical committee to discuss the anti-blockade bill; (ii) on 27 September 2024, a communication was sent that included a questionnaire for consultation with workers' and employers' organizations on the bill; and (iii) by a communication of 7 October 2024, the aforementioned workers' organizations replied, expressing their deep concern at the unconstitutionality of some aspects of the bill. The CTASI, the CTV and the CGT consider that the foregoing implies a regression in the matter of consultation and a failure to comply with the terms of reference of and agreements reached by the Social Dialogue Forum, in the framework of which the technical committees on Conventions Nos 26 and 144 were established; according to the aforementioned workers' organizations, it is within those tripartite committees that the aspects of the bill pertaining to those Conventions are supposed to be discussed, not in parallel technical committees created within the framework of the Forum.
44. In relation to Convention No. 144, the aforementioned workers' organizations indicate that in 2024, the reports were not submitted sufficiently in advance and their content was not discussed on a tripartite basis. They consider that there has also been a regression in compliance with this Convention, given that: (i) the methodology is not being complied with and is not producing results; (ii) meetings are arranged without a prior agenda establishing the priorities to be addressed; (iii) in the majority of meetings no minutes are taken; (iv) the measures to be taken on the issues subject to dialogue and the expected results have not been defined; and (v) the timelines have not been completely respected. Accordingly, they are of the view that a timeline and methodology must be established as a matter of urgency with a view to improving consultation and making it effective.
45. In general, they consider that the process of social dialogue must be urgently revised with the technical assistance of the ILO present in the field because the workers' situation is worsening every day, which could lead to various actors withdrawing from social dialogue as a result of the failure to comply with the commitments undertaken. The confederations indicate that although the Social Dialogue Forum, with the valuable assistance of the ILO, has enabled the

creation of a space for bipartite and tripartite dialogue, the Forum is not taken into account by the Government, and technical committees and dialogue bodies have been created in parallel to the Social Dialogue Forum, which undermine it further.

46. Lastly, in a communication dated 21 October 2024, the UNETE and CODESA reiterate that they do not participate in the social dialogue because of being excluded by the Government. In addition, those workers' organizations indicate generally that there has been a regression in the matters of the minimum wage, freedom of association and tripartite consultation, and reiterate their concern about the non-compliance with the recommendations of the Commission of Inquiry. They also state that they align themselves with the content of the joint observations submitted by the CTASI, the CTV and the CGT on 13 June and 18 October 2024 in relation to Conventions Nos 26, 87 and 144. In addition, the UNETE and CODESA lament the fact that the Government has not allowed the ILO Special Adviser to provide assistance in person in the country, and recall in this connection that his supporting meetings online as an observer is not what was decided by the Governing Body at its March 2024 session.

* * *

47. It is now for the Governing Body to decide how to proceed, in the light of the available information, in follow-up to its previous discussions in November 2020; March, June and November 2021; March, June and November 2022; March and November 2023; and March 2024.²

► Draft decision

48. The Governing Body:

- (a) **took note of the Director-General's report on developments in the Bolivarian Republic of Venezuela and reiterated once again its call to the Government to accept and implement in full the recommendations of the Commission of Inquiry adopted in 2019;**
- (b) **strongly urged the Government to strengthen its efforts to accelerate further the implementation of all commitments made in the plan of action as updated by the Social Dialogue Forum in February 2024, in order to achieve concrete results without further delay, in particular with regard to those areas where no progress has been made;**
- (c) **deeply regretted that the Government had not made the necessary arrangements to ensure that the ILO Special Adviser on Social Dialogue could continue to provide support on a constant basis in the country, mindful that ILO technical assistance, especially in relation to social dialogue, can only be effective if delivered in person on the ground;**
- (d) **recalling the decision adopted in November 2023 concerning the posting of an ILO special adviser to the country to accompany and support the implementation of**

² GB.340/PV, paras 181–264; GB.341/PV, paras 286–389; GB.342/PV, paras 118–142; GB.343/PV, paras 267–307; GB.344/PV, paras 434–480; GB.345/PV, paras 68–118; GB.346/PV, paras 421–460; GB.347/PV(Rev.), paras 576–615, GB.349/PV(Rev. 1), paras 463–498 and GB.350/PV, paras 513–532.

the plan of action and preparation of the Social Dialogue Forum meetings, called on the Government to take immediate steps to facilitate the ILO Special Adviser's presence in the country to that end;

- (e) requested the Director-General to continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela on the full implementation of the recommendations of the Commission of Inquiry, the related Governing Body decisions and the effective application of Conventions Nos 26, 87 and 144 in law and practice, on the condition that the ILO Special Adviser could continue to provide support on a constant basis in the country and to submit to the 353rd Session (March 2025) of the Governing Body a further report on any developments concerning the above;
- (f) invited the Government to submit to the Director-General by 15 January 2025 information on any new concrete steps taken to implement the recommendations of the Commission of Inquiry and the commitments made in the plan of action as updated by the Social Dialogue Forum in February 2024, as well as to organize the fifth session of the Social Dialogue Forum in 2025 with a view to transmitting the information to the Governing Body at its 353rd Session (March 2025).

► Appendix

Follow-up to and updating of the plan of action resulting from the Social Dialogue Forum in the Bolivarian Republic of Venezuela – fourth in-person session of the Social Dialogue Forum (Caracas, 1 and 2 February 2024)

The ILO constituents in the country, meeting in the city of Caracas on 1 and 2 February 2024, in the framework of the fourth session of the Social Dialogue Forum and represented by the authorities and organizations indicated below, agree to continue taking measures to expand and strengthen social dialogue in the country and to update the plan of action relating to Conventions Nos 26, 87 and 144, in accordance with the recommendations of the Commission of Inquiry, as follows:

- (i) hold quarterly plenary meetings, as well as bimonthly technical meetings with the social partners in the world of work on compliance with Conventions Nos 26, 87 and 144, in 2024. The timetable of the agreed meetings appears at the end of this document. It is also agreed that in 2024 bilateral meetings will be held at the request of the parties.
- (ii) record the establishment of the technical body responsible for agreeing on a method for holding consultations on and fixing the minimum wage. This body met its objective with the approval of the consultation method. On 15 January 2024, the advisory group met and formally established the procedure for the consultation method, which will be carried out in accordance with the timetable, with a view to holding consultations on the adjustment of the national minimum wage, and presenting the report on their outcome, taking into account the relevant economic and social and labour indicators and variables, including the impact of the illegal unilateral coercive measures on the country.
- (iii) continue to improve and strengthen consultation mechanisms on international labour standards, including the process for the preparation and sending of reports for the 2024 period at least one month in advance.
- (iv) continue to promote consultation with the National Assembly on legislation that affects the world of work.
- (v) promote, through the Ministry of People's Power for the Social Process of Labour before the National Electoral Council, the unification of the criteria regarding the optional nature of its participation in the electoral processes of trade union organizations in the exercise of their autonomy and make this widely known in a clear manner, in accordance with its competences.
- (vi) hold meetings at the request of the interested parties on the activity of the Workers' Production Council and its possible interference in freedom of association.
- (vii) hold meetings with the Ministry of People's Power for the Social Process of Labour and the trade union confederations to discuss and follow up on issues related to the withholding of trade union dues in order to regularize the deduction and payment of such dues.
- (viii) identify, by means of regular meetings, institutional formulas or processes to strengthen the functioning of the National Register of Trade Union Organizations and continue to address particular cases submitted by workers' organizations.

- (ix) encourage the relationship between the National Land Institute and FEDECAMARAS on the cases raised with a view to their resolution.
- (x) as part of cooperation between the authorities, the Ministry of People's Power for the Social Process of Labour will hold meetings between the Office of the Public Prosecutor and employers' and workers' organizations to report on cases of arrest and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of trade union activities.
- (xi) emphasizing the significant role played by the ILO special adviser in promoting social dialogue and supporting the implementation of the plan of action and the preparation of the fourth session of the Social Dialogue Forum, it is agreed to continue relying on his technical assistance for the next Social Dialogue Forum.
- (xii) the Government and the social partners agree to hold a session of the Social Dialogue Forum soon and will assess possible dates.
- (xiii) it is agreed to continue receiving ILO technical assistance on matters relating to the implementation of the plan of action, as well as training on international labour standards and social dialogue.

Ministry of People's Power for the Social Process of Labour (MPPPST)

Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS)

Federation of Craft, Micro, Small and Medium-Sized Business Associations of Venezuela (FEDEINDUSTRIA)

Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers of Venezuela (CBST-CCP)

Independent Trade Union Alliance Confederation of Workers (CTASI)

Confederation of Workers of Venezuela (CTV)

General Confederation of Workers (CGT)

► **Timetable of meetings to be held in 2024**

Months	1st week	2nd week	3rd week	4th week
February				Technical meeting on Convention No. 144
March			Technical meeting on Convention No. 26	
April		Technical meeting on Convention No. 87.		
May	Plenary meeting on the world of work			Technical meeting on Convention No. 144
June			Technical meeting on Convention No. 26	
July		Technical meeting on Convention No. 87		
August	Plenary meeting on the world of work		Technical meeting on Convention No. 26	Technical meeting on Convention No. 144
September		Technical meeting on Convention No. 87		
October			Technical meeting on Convention No. 26	
November	Plenary meeting on the world of work	Technical meeting on Convention No. 87		
December				

* Bilateral meetings at the request of the parties.