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Guinée-Bissau (ratification: 1977)

Convention (n° 26) sur les méthodes de fixation des salaires minima, 1928

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Convenio sobre los métodos para la fijación de salarios mínimos, 1928 (núm. 26)

Discussion par la commission

Président – Nous allons commencer l'examen du cas Guinée-Bissau sur l'application de la convention n° 26 sur les méthodes de fixation des salaires minima. J'ai donc l'honneur de donner à la parole à l'honorable représentante du gouvernement de la Guinée-Bissau, Madame la Directrice générale du travail.

Interpretation from Portuguese: **Government representative** – First of all, Chairperson, congratulations to you on your election. The Government of Guinea-Bissau has requested the Director-General of the ILO through the office in Dakar to provide us technical assistance including a feasibility study to support our constituents in the process of setting and adjusting our national minimum wage. This request was made so that we could have a better picture of the state of the labour market in Guinea-Bissau, and we could look at various possibilities of setting a new minimum wage. We wanted to have more statistics on the labour market in our country so that we could then proceed to the setting of a new minimum wage.

Setting a new minimum wage requires taking into account the national context. You know what our business and economic situation is. We do unfortunately face difficulties in all sectors because our country in general is fragile. The main employer is the State and the minimum wage in the public sector at the moment is 50,000 CFA francs but we feel that what we need is a new concept for the setting of the minimum wage with more updated statistics on which to rely. We do have a standing council on social issues in Guinea-Bissau whose responsibility it is to deal with the minimum wage in the public sector and we have had technical assistance from the ILO when it comes to setting our minimum wage in the private sector.

As I said, most of those who do have work in Guinea-Bissau are working in the public sector. Circumstances in the private sector are somewhat different and so is the picture with regard to the minimum wage. Then there is the informal economy and agriculture which unfortunately is not at the moment covered by the setting of the minimum wage rules and regulations.

We have held discussions with the representative employers' and workers' organizations in our country but unfortunately it was difficult for us to reach a compromise that would take into account the need to have sustainable businesses, growing businesses in the private sector which is already very weak and fragile and the interests of workers and their families.

We are trying to improve the minimum wage in the private sector but generally speaking it is lower than the minimum wage which is guaranteed in the public sector.

The study which we used for updating the minimum wage was submitted to our tripartite social partners and a presentation was made on exactly what the proposal for a more viable figure for the private sector would be. We want to have the same level of minimum wage in both sectors, public and private, and we hope that that figure would be 50,000 CFA francs. However for that to happen we need to have the approval of our tripartite constituents.

We realize that the 50,000 figure is going to have to be revised for the public sector as well. We cannot just leave it eternally unchanged. When we make the change for the public sector, we will do it for the private sector as well, so we do not have a discrepancy between the two sectors.

We have a study on raising the minimum wage level in the private sector. We are now working with relevant bodies in Guinea-Bissau to establish a wage structure for both sectors, public and private, so that we do not have these differences. We hope we will be able to do this by the end of 2026 at the latest. The problem is that we are a bit short of funds in our national budget to do this. We have taken the decision to do it but we are not absolutely certain we will be able to when we want to.

Of course, we know we have responsibilities to guarantee fundamental rights at work, because we support the ILO policy. That means that we have to do what the Conventions we have ratified stipulate, and that goes for the Convention as well.

Naturally the issue is that our circumstances do not always allow us to do it as and when we would have wanted. We have observed that companies pay over the minimum wage, although there are companies that pay less than the minimum wage as well.

Often, when that happens, it happens in the informal sector and we are trying to work to remedy the situation in that sector and encourage companies and businesses that are working in the informal sector to come in to the formal economy because there their workers would have much better guarantees of receiving the minimum wage as set than they do at the moment in the informal sector. They would enjoy better rights at work too.

If we are going to reduce poverty and improve social and economic conditions in Guinea-Bissau then we really do have to do something about the minimum wage, because we are not going to achieve very much if we do not. At the moment, we have a high level of extreme poverty in our country as I am sure you are aware of. If we can get more companies into the formal sector and cut down on the size of the informal sector we will increase tax income, we will be able to provide better working conditions, but at the moment, the whole situation is very fragile.

We do want to make it including with this issue of the setting of the minimum wage but in our circumstances it really is very, very difficult.

We might get more companies and enterprises into the formal sector if we could give them an incentive to move over from the informal sector but that is equally difficult.

Regarding this Convention and its application by our country we have been encouraged by the ILO to promote and increase social dialogue. We are strong believers in it. We are great supporters of it. Our tripartite constituents, of course, are our partners in trying to promote and further development in Guinea-Bissau. We cannot get sustainable development and growth unless we have the support and involvement of our tripartite partners. We are well

aware of that. So we are doing our best to involve employers and workers and their organizations and civil society in improving the situation.

Our Standing Social Conciliation Council which is responsible for these issues has met about three times this year. Everybody there has the right to contribute. We have freedom of association in Guinea-Bissau so that means we can involve the workers' representatives as well.

We had a few difficulties which caught up with the smooth operation of the Chamber of Commerce, our business association. At the moment, we are intending to adjust the minimum wage for the private sector to bring it into line with the one in the public sector by the end of 2026 and we are then going to look at the possibility of increasing it again.

We would be very grateful for further technical assistance from the ILO regarding the formalization of the informal economy because it has always been a strong partner when it comes to creating and furthering decent work in our country, and with respect to trying to cut down on the size of the informal sector we are trying to do something about it but without technical and financial support it is very, very difficult because the size of our informal economy is huge. When it comes to social security only 2 per cent, I repeat, 2 per cent of our workers are actually covered by it. So you can see how fragile and difficult this situation really is.

I take advantage of having the floor at this meeting to urge the ILO to give our Government the support it desperately needs.

I said we have freedom of association and that is true. We have legislation on the statute books on the protection of workers' rights in Guinea-Bissau. There are no legal restrictions on the freedom of association at home but unions have to organize, they have to get workers to affiliate and they need support as well. If they are to develop and strengthen the workers' organizations and movement again they are going to need assistance to do it, and I request the workers' group representatives to support them.

Sometimes indeed we have differences within and between trade union organizations and that can complicate tripartite dialogue and the efforts that we, as constituents in Guinea-Bissau, and the ILO make to meet our obligations and develop our country.

We have a programme which is under way in Guinea-Bissau at the moment to help us reduce the scale of child labour which is a real scourge in our country with the aim to eradicate it entirely.

In conclusion, we want to sort out the situation with respect to minimum wage setting in our country and we hope to make progress over the next year, with ILO support.

Employer members – We have noted with interest the information that was shared by the Government of Guinea-Bissau. This case was previously discussed in the Committee in 2023 and there have been multiple observations involving this case in each of the years from 2019 to 2024. This case involves the application and law and practice of the Convention, in Guinea-Bissau. The Convention is a technical Convention adopted in 1928. The Convention remains one of the most widely ratified ILO Conventions with 105 ratifications demonstrating a broad consensus for its mandates and, in our estimation, reflecting the flexibility with which its mandates can be achieved.

Guinea-Bissau has ratified 34 Conventions including eight of the ten ILO fundamental Conventions. Although Guinea-Bissau ratified the Convention in 1977, it has not ratified the Minimum Wage Fixing Convention, 1970 (No. 131), which has much broader application. Notably Convention No. 26 was designed to apply to workers in certain sectors where no arrangements exist for the effective regulation of wages by collective agreement or otherwise

and wages are exceptionally low. Convention No. 131 by contrast covers all wage earners and requires the consideration of certain relevant socio-economic factors such as the needs of workers and their families, general wages, the cost of living, social security benefits and the relative living standards of other social groups.

Convention No. 26 instead requires ratifying countries to create or maintain machinery whereby minimum rates of wages can be fixed for workers in those discrete sectors that are covered in Article 1 of the Convention. According to Article 2 of the Convention, ratifying countries shall be free to decide in which trades or parts of trades the minimum wage-fixing machinery shall be applied. The Convention also carries certain consultation requirements.

According to Article 3(2)(1) representatives of the employers and workers concerned including representatives of their respective organizations, if any, shall be consulted before the minimum wage-fixing machinery is applied in a sector or a part of a sector. Under Article 3(2)(2), the employers and workers concerned shall be associated in the operation of the minimum wage-fixing machinery. Under Article 3(2)(3), minimum wage rates which have to be fixed shall be binding on the employers and the workers concerned.

It is Guinea-Bissau's failure to set minimum wage-fixing machinery for its private sector that brings us here today. The Employers' group notes that the Committee of Experts has again observed that Guinea-Bissau has not provided any information on the operation of the minimum wage-fixing machinery.

We also note that the Government has failed to provide its required report in 2024 and we further note with regret the reports of insufficient consultation and perhaps most problematically that a planned ILO mission scheduled for April 2024 was postponed when the Government refused to include the participation of the most representative labour organization in Guinea-Bissau. We further note our trade union colleagues' reports of violence and threats against workers.

The Government's compliance with Article 3 of the Convention has been stalled for some time. We note that 14 years ago a study regarding the development of national minimum wage standards was being finalized. That study, as we understand, was not finalized. We further note that publicly available sources indicate that Guinea-Bissau has fixed the minimum wage for public sector workers, yet notably minimum wages for the private sector were last set over 30 years ago.

Technical assistance has been requested – including today – and has been provided with the exception of the notable example I just mentioned, including in the form of a one week tripartite workshop in November 2022 and then again in 2023.

Although we can appreciate that making and implementing policy can take time and other resources and that political and other realities can complicate and delay this already difficult process, we urge the Government to finalize this important work with all deliberate speed in consultation with the social partners and without engaging in violence or threats in a manner befitting a sovereign state responsible for its people's working lives.

The time to finalize this work is now. Under its relatively new labour code, at sections 153 and 154, the minimum wage shall be payable to all workers including rural workers without distinction based on sex or any other grounds in an amount fixed annually by the Government after consultation with the social partners.

We look forward to hearing the views of other groups on this case.

Miembros trabajadores - Esta es la segunda vez que nuestra Comisión examina la aplicación del Convenio por parte del Gobierno de Guinea-Bissau. Este caso ya fue debatido en esta Comisión en 2023. Lamentablemente, nos vemos obligados a abordar este caso nuevamente debido a la falta de avances.

Los hechos son muy claros. El Convenio es un convenio técnico sobre el mecanismo de fijación del salario mínimo. Fue ratificado por Guinea-Bissau en 1977. Un decreto que fijaba el salario mínimo fue adoptado en 1988. Desde esa fecha, hace ya 37 años, los salarios mínimos se han estancado sin adaptaciones significativas, salvo un pequeño ajuste para el sector público en 2018, que sigue siendo claramente insuficiente en comparación con los precios reales.

La Comisión de Expertos ha planteado varias preocupaciones desde 2019 sobre el retraso en el reajuste del salario mínimo en el sector privado y la falta de funcionamiento adecuado del mecanismo de fijación del salario mínimo por parte del Gobierno, en consulta con las organizaciones representativas de empleadores y trabajadores.

Nuestra discusión en 2023 llevó a conclusiones claras que exigían una revisión del salario mínimo para los sectores público y privado sin demora, de conformidad con el Convenio, el establecimiento del mecanismo de fijación del salario mínimo en consulta con los interlocutores sociales para fijar y actualizar el salario mínimo de forma regular, y el fortalecimiento del diálogo social, incluyendo el mecanismo de consulta con las organizaciones de trabajadores y empleadores, garantizando su independencia y autonomía en la ley y en la práctica. Además, esta Comisión solicitó al Gobierno que proporcionara a la Comisión de Expertos una copia de la versión promulgada y publicada del nuevo Código Laboral. Para ello, solicitamos al Gobierno que recurriera a la asistencia técnica de la OIT en estrecha cooperación con organizaciones de trabajadores y empleadores libremente establecidas e independientes.

Ninguna de estas solicitudes ha sido realizada.

En el informe de la Comisión de Expertos, para la Conferencia de 2024, se puede leer que el Gobierno indicó que el Ministerio está trabajando con los interlocutores sociales y está en proceso de contratar a un consultor para realizar un estudio preliminar y determinar los criterios del salario mínimo, de conformidad con el artículo 154 del Código Laboral. Entendemos que el Gobierno ha solicitado asistencia técnica, pero ha rechazado incluir al sindicato más representativo, la Unión Nacional de los Trabajadores de Guinea-Bissau – Central Sindical (UNTG), en las consultas previstas, así como a su secretario general el Sr. Júlio Mendonça, lo cual constituye una violación de la libertad sindical y del Convenio núm. 87.

Sin embargo, no se ha proporcionado tampoco más información desde entonces y, según las observaciones de los miembros sindicales, no se ha logrado ningún avance adicional. Por lo tanto, el mecanismo de fijación del salario mínimo aún no está en funcionamiento y los salarios siguen disminuyendo.

Expresamos nuestra profunda preocupación por el incumplimiento del Gobierno con los requisitos del Convenio y por no establecer un mecanismo eficaz para la fijación del salario mínimo, así como por la falta de voluntad política para garantizar salarios dignos para los trabajadores y trabajadoras. La situación se vuelve cada vez más insostenible para los trabajadores debido a la inflación y al aumento del costo de vida lo que los empuja a la pobreza.

Además, el diálogo social sigue siendo difícil. Nos preocupa profundamente la continua hostilidad y los ataques del Gobierno contra la organización sindical independiente del país. El

sindicato representativo UNTG sigue siendo objeto de sospechas y hostilidad abierta por parte del Gobierno.

Recordamos que el 4 de mayo de 2023, las oficinas de la UNTG fueron atacadas y tomadas por la fuerza por individuos bajo el control y la dirección del Gobierno con el objetivo de reemplazar a la dirección sindical democráticamente elegida por una dirección afín al Gobierno. En términos más generales, nos preocupa el estado actual de la democracia ya que el Parlamento ha estado suspendido desde diciembre de 2023.

Por último, el Gobierno ha descuidado por completo proporcionar cualquiera de las informaciones solicitadas sobre este tema. Esta falta de informes es preocupante.

Observamos que actualmente hay 20 comentarios pendientes de la Comisión de Expertos sobre diversos convenios, incluidos 11 del año pasado a los que el Gobierno no ha respondido.

Parece que el Gobierno está, por tanto, descuidando completamente sus obligaciones de presentación de informes.

Los trabajadores y las trabajadoras de Guinea-Bissau se enfrentan a salarios persistentemente bajos debido al incumplimiento del Gobierno con las obligaciones del Convenio para implementar un mecanismo de fijación de salario mínimo. Además, el diálogo social sigue siendo difícil con presiones ejercidas sobre la UNTG y su liderazgo legítimo.

Instamos al Gobierno de Guinea-Bissau a tomar las medidas necesarias para reajustar el salario mínimo para los sectores público y privado sin más demora en consulta tripartita.

Instamos al Gobierno a reconocer plenamente a la UNTG y a sus dirigentes como el sindicato más representativo y a cesar todas las acciones hostiles hacia ellos para que puedan operar de manera segura e independiente como lo exigen las normas de la OIT.

Por lo tanto, nos unimos a la Comisión de Expertos en su llamamiento a instar al Gobierno a tomar todas las medidas necesarias para dar seguimiento a las conclusiones de la Comisión sin demora y a proporcionar información detallada sobre las medidas adoptadas al respecto.

Interprétation du portugais: Membre travailleur – J'interviens ici au nom de deux organisations syndicales: l'UNTG et la Confédération générale des syndicats indépendants (CGSI-GB). Je suis secrétaire général de l'UNTG. Je suis membre du comité central qui fait partie du congrès, et nous avons participé au cinquième congrès ordinaire de l'UNTG du 28 au 29 avril 2023 et nous avons adopté les décisions prises lors du congrès par le biais d'un vote. Après avoir endossé notre rôle, nous avons décidé de nous pencher sur deux choses: tout d'abord la définition du salaire minimum, et ensuite l'augmentation du salaire pour les fonctionnaires publics, étant donné que la situation des fonctionnaires est particulièrement drastique quant au salaire.

En 2023, nous nous sommes réunis à deux reprises au Conseil directeur permanent pour analyser le sujet à l'examen. Et nous avons mené à bien des travaux en 2023 par le biais de ces deux réunions que j'ai mentionnées. Nous nous sommes réunis en 2024 également avec le syndicat et le gouvernement. Lorsque je parle de syndicats je parle de ces deux organisations syndicales que je représente, l'UNTG et la CGSI-GB.

Lors de notre dernière réunion au conseil avec ces représentants, nous avons tenté de demander au gouvernement de tenir compte des politiques des interlocuteurs sociaux et aussi de la politique du Fonds monétaire international (FMI) et de la Banque mondiale. Les deux syndicats représentés ont tenté de parvenir à un consensus avec la Banque mondiale et la FMI visant à dire que, en 2026 au plus tard, le gouvernement devrait augmenter le salaire des fonctionnaires et que, avant cette date, il devrait y avoir une définition du salaire minimum. Et

nous avons entendu dire qu'il y a eu de l'hostilité contre l'UNTG mais cela n'est pas conforme à la réalité. Il n'y a pas d'hostilité au sein de l'UNTG. Nous sommes dirigés par des syndicalistes. Lors du cinquième congrès de cette organisation, le nouveau secrétaire général a été élu et ce de manière publique. C'est suite à cette élection que le nouveau secrétaire général a endossé ses fonctions.

Il a été dit qu'il y avait une absence de dialogue entre les interlocuteurs sociaux. Ce n'est pas non plus conforme à la réalité, en tout cas d'après ce que nous constatons. En effet, à l'heure de fixer le salaire minimum d'une part et d'augmenter les salaires du secteur public d'autre part, nous nous sommes toujours penchés sur le dialogue tripartite entre gouvernement, employeurs et travailleurs. Nous nous sommes toujours penchés sur cet espace de concertation, ce dialogue, qui était absent au cours des quatre dernières années. Avant cela, entre 2017 et 2022, cet espace de dialogue ne fonctionnait pas. Ensuite en 2023, lorsque la nouvelle direction a pris ses fonctions, cet espace de dialogue a repris et a été réactivé. Il est important, non pas uniquement pour régler des conflits mais surtout pour parvenir à un consensus, pour atteindre la paix sociale et pour réellement tirer des avantages pour les travailleurs.

L'espace de consultation et de dialogue social continue de fonctionner, et nous avons forgé un dialogue entre le gouvernement et les centrales syndicales. Et c'est grâce à ce dialogue que nous commençons à aboutir à des résultats. Nous avons pu obtenir un consensus entre le gouvernement et les centrales syndicales pour que, au plus tard en 2026, il y ait une augmentation du salaire des fonctionnaires et que l'on définisse le salaire minimum.

Nous avons pu également obtenir la création d'une commission qui serait chargée de la définition du salaire minimum parce que le prix de la vie augmente chaque jour et les salaires des fonctionnaires sont très bas. Il est essentiel donc que le gouvernement tienne ses promesses et ait une fixation du salaire minimum au niveau national.

Il convient également de dire que dans la fonction publique, il y a des disparités. D'une part, il y a un salaire qui a été défini de manière un peu plus officielle et d'autre part il y a un salaire un peu plus informel. Par conséquent, il nous semble essentiel que le gouvernement endosse ses responsabilités quant à la fixation du salaire minimum afin d'harmoniser les salaires pour les fonctionnaires du secteur public et pour le secteur privé.

Autre élément essentiel qui nous a préoccupé, nous voyons que nous parlons ici de la fonction publique et des fonctionnaires du secteur privé – nous en avons parlé – néanmoins, n'oublions pas qu'il y a beaucoup de travailleurs migrants dans notre pays et nous souhaitons donc demander au gouvernement de définir une politique à cet effet, notamment avec l'Institut national de sécurité sociale.

Par ailleurs, nous estimons qu'il est important d'uniformiser l'information dont nous disposons quant aux syndicats, aux employeurs – je parle de la chambre du commerce – et le gouvernement parce que nous travaillons toutes et tous pour le consensus, pour qu'il y ait une paix sociale. S'il n'y a pas de paix sociale, et à la lumière de la conjoncture actuelle, il est tout à fait possible que l'intérêt des travailleurs soit écarté. Sans paix sociale, nous serons voués à avoir des problèmes d'emploi. S'il n'y a pas de production, le rendement ne sera pas à la hauteur de ce qu'appellent de leurs vœux les travailleurs et employeurs. Notre philosophie est donc d'atteindre la paix sociale, de nous fixer pour objectif d'avoir un dialogue social responsable et de fixer des salaires minima pour les travailleurs du secteur public et privé.

En outre, la CGSI-GB est traitée de manière inégale. Par conséquent, nous souhaitons que cette confédération soit traitée sur un pied d'égalité.

Autre point important, nous souhaitons le dire, un représentant de l'OIT à Dakar, au Sénégal, s'immisce, s'ingère, dans ce qui se fait dans nos travaux et donc nous souhaitons demander à l'OIT de demander à son représentant qui est à Dakar au Sénégal de ne pas s'ingérer dans les travaux des syndicats. Nous avons nos propres normes et nous ne souhaitons pas que le représentant s'ingère dans nos affaires internes.

En outre, il est tout à fait vrai que les dirigeants syndicaux n'ont pas les moyens nécessaires, ils doivent donc être dotés des outils pour pouvoir renforcer leurs capacités et répondre aux exigences du marché du travail.

Membre employeur, République démocratique du Congo – Nous souscrivons pleinement aux observations faites par la commission d'experts nécessitant aucun atténuation à l'égard du gouvernement de ce pays frère, au contraire nous déplorons avec véhémence son comportement qui se résume en ceci.

Déjà, la commission d'expert avait pris note de la discussion en juin 2023 à propos de l'application de la convention au sein de la commission. Au vu de la violation manifeste de cette convention, non seulement l'article 1^{er} de ladite convention a été violé, mais le pays frère Guinée-Bissau, qui a bel et bien ratifié ladite convention, devrait faire montre d'engagement pris à instituer des méthodes permettant de fixer des taux minima des salaires pour les travailleurs où il n'existe pas de régime efficace pour la fixation des salaires, mais aussi où les salaires sont exceptionnellement bas. Mais, tel n'est pas le cas. D'ailleurs, dans ce pays, il y a une situation d'inflation et de hausse du coût de la vie qui rend la vie socio-économique insoutenable pour les travailleurs.

Par ailleurs, à l'article 3 de la convention, il est prévu que le Membre ayant ratifié ladite convention a la liberté de déterminer les méthodes de fixation des salaires minima et les méthodes de leur application. De ce fait, il incombe au gouvernement l'obligation, avant de faire application de ces méthodes, de consulter les représentants des employeurs et des travailleurs, ainsi que les représentants des organisations respectives. Secundo, les employeurs et les travailleurs intéressés devront participer à l'application de ces méthodes de fixation des salaires minima. Tertio, les taux minima de salaires qui auraient été fixés seront obligatoires pour les employeurs et les travailleurs intéressés. Mais, indiscutablement dans ce pays frère, il n'en est rien de tout cela. S'agissant des obligations conventionnelles susmentionnées auxquelles le gouvernement de la Guinée-Bissau devrait se soumettre, ce dernier les passe outre.

Ainsi, le dialogue en cette matière fait défaut. Bien plus, le gouvernement use de violence et de menaces envers les travailleurs.

À ce sujet, nous pouvons partager l'expérience de la République démocratique du Congo, qui au travers sa loi n° 015/2002 du 16 octobre 2002 telle que modifiée à ce jour par la loi n° 16/010 du 15 juillet 2016 portant Code du travail, en appui de ses articles 87, 94, 96 et 97 renforcés par les décrets du 5 février 2009 déterminant les modalités de fonctionnement de la commission tripartite chargée du suivi de l'application du Salaire Minima Interprofessionnel Garanti (SMIG) actuellement modifié, a prévu les méthodes de fixation des salaires minima et les modalités de leur application dans ce cadre strictement tripartite, a non seulement ajusté le SMIG, mais aussi fixé un nouveau SMIG par le décret du 30 mai 2025 dans le respect de la méthode de fixation prévue par nos textes juridiques. Aussi faut-il dire qu'en République démocratique du Congo le dialogue social est une réalité vivante.

En guise de conclusion, nous exhortons la Guinée-Bissau, pays frère, à ce qui suit:

- Se faire accompagner du BIT pour un réel renforcement des capacités des mandants tripartites surtout en dialogue social. D'ailleurs, le Directeur général de notre Organisation, dernièrement, lors de l'une des dernières réunions du groupe des employeurs, y a pris part et a mis un point d'honneur, à ce sujet.
- Définir les méthodes de fixation des salaires minima en consultation étroite avec les partenaires sociaux.
- Revoir le salaire minimum autant pour le secteur public que privé.

Interpretación del portugués: Miembro trabajador, Portugal - Intervengo en nombre de la Confederación Sindical de Países de Lengua Portuguesa. Empezamos señalando que este es un tema que estamos debatiendo nuevamente y que, una vez más, los representantes legítimos de la UNTG no han sido acreditados por el Gobierno como representantes en esta Conferencia. Además, el Gobierno sigue sin tomar medidas para fijar un salario mínimo que también se aplique al sector privado. La última vez que se debatió este tema, además de la fijación de salarios mínimos en consulta con los interlocutores sociales, se le pedía al Gobierno de Guinea-Bissau que reforzase el diálogo social.

En relación con el aumento del salario mínimo, el aumento del costo de vida, la inflación y el aumento del precio de los productos esenciales, hoy resulta más urgente que nunca que se fije un salario mínimo. Por eso, es incomprensible que desde el año 1988, es decir hace 37 años, el salario mínimo no se haya actualizado para el sector privado y que en el sector público el aumento sea insuficiente. Guinea-Bissau ha ratificado este Convenio, pero lo incumple reiteradamente. La garantía de un salario mínimo que permita a los trabajadores de Guinea-Bissau satisfacer sus necesidades básicas es algo esencial.

Como reconoce el acervo de esta casa, a saber, en la Declaración de Filadelfia, el salario mínimo es lo que garantiza la participación de todos en el progreso del país. Es por eso un elemento esencial para una distribución justa de la riqueza y para erradicar la pobreza.

Según informes recientes que se han recibido en materia de salarios, Guinea-Bissau es un país de renta baja. Por ejemplo, entre el 2010 y el 2019, el salario mínimo en Guinea-Bissau disminuyó un 1,6 por ciento, mientras que la productividad aumentó, dejando claro que la riqueza que producen los trabajadores está siendo confiscada y no va a parar a la mayoría de la población.

En cuanto al fortalecimiento del diálogo social, es imposible que aumente si no se tienen en cuenta las reivindicaciones de la UNTG, la central sindical respecto de la que ya hemos denunciado que ha sido atacada y que no se la ha incluido ni reconocido en esta Conferencia.

Como dijimos en la última ocasión que estuvimos en esta Comisión cuando se trató este tema, esta organización, la UNTG, fue invadida, ocupada, se persiguió a muchos de sus miembros y se les impide actuar.

En los últimos años, hemos visto que hay una persecución contra esta central sindical. Por eso, los trabajadores de Guinea-Bissau están luchando para tratar que sus niveles de vida y sus salarios sean mejores, mientras que el Gobierno, por su parte, lo que hace es entorpecer el funcionamiento sindical. Necesitamos pedir que se defina libremente su funcionamiento, que se cuente con suficiente libertad de acción y que se defiendan sus intereses.

Además de la necesidad de que se presenten memorias e información sobre las políticas desarrolladas, nos parece urgente que el Gobierno de Guinea-Bissau defina un salario mínimo para todos los sectores, incluido el sector privado, garantice un verdadero aumento del salario mínimo que garantice la mejora de las condiciones de vida, y respete también la dirección

legítimamente electa de la UNTG, de la que el Sr. Júlio Mendonça es secretario general, respetando así las normas de esta casa y el derecho que tienen las organizaciones de definir ellas mismas sus órganos.

Worker member, Botswana – I would like to express my deep concern regarding the failure by the Government of Guinea-Bissau to submit a report to the Committee of Experts. The failure undermines the work of the supervisory system.

Article 2 of the Convention provides that there be social dialogue and/or meaningful consultations with social partners before the minimum wage-fixing machinery is set in operation. Article 3 provides for equality within the machinery as the laws of the country may determine and lastly that the minimum wages set, be communicated to the parties and shall be binding. Very fundamental to this Convention, Chairperson, is the redress where one has been wronged in terms of Article 4. All these Articles, Chairperson, clearly demonstrate the importance of having a minimum wage-setting machinery in operation in a particular country. Ratifying this Convention in 1977, the Government of Guinea-Bissau was committing to ensuring that the rights in the Convention will be enjoyed by all workers. Sadly, Chairperson, this has never seen the light of the day.

We want to point out and emphasize that domestication of Conventions can only exist and function where there are proper legislation structures or bodies. And Supreme to these structures, Chairperson, in a democratic society, is Parliament. In a representative democracy, Parliament is bestowed with this responsibility to legislate in the interest of the citizens including the workers.

We note with regret the suspension of Parliament in Guinea-Bissau, in May of 2022, which was further extended in December of 2023 to date. The absence of Parliament further complicates and/or rather renders the processes of legislation non-existent in Guinea-Bissau. Chairperson, if this is not rectified, the workers of Guinea-Bissau will continue to suffer the effects of not having such a minimum wage machinery as there is no legislature at the moment. The Committee on Freedom of Association has pronounced that a system of democracy is fundamental for the free exercise of trade unions' rights. This Committee must call for the return of democracy in Guinea-Bissau to facilitate the establishment of a machinery for minimum wage fixing.

The Committee of Experts has pointed out the devastating effects of the absence of a minimum wage-fixing machinery as they are observed by the International Trade Union Confederation (ITUC) in their report, and they need not to be overemphasized.

The Committee of Experts' report further makes reference to the observed threats and use of violence on workers by the Government, on top of rising food prices and cost of living. These, Chairperson, are far from being synonymous with democracy and or any democratic society. All these, Chairperson, are also exacerbated by the attitude of Government towards social dialogue and tripartite consultations, as once again observed by ITUC. The Government continues to interfere in the affairs of the most representative workers' federation, the UNTG, by refusing to recognize its leadership despite a court order that ruled in its favour.

We therefore urge and encourage the Government of Guinea-Bissau to rectify these situations and ensure the return of Parliament and allow it to carry its full legislative mandate. This, in our view, will kick-start a fresh opening for legislation not only for the minimum wage-fixing machinery but for any other legislation that may be beneficial to the workers of Guinea-Bissau.

Government member, Eswatini – In June 2023, the Committee urged the Government of Guinea – Bissau to, among other things, “review the minimum wage for the public and private sectors without delay, in consultation with the social partners, in accordance with the Convention”. The Committee further urged the Government to “strengthen social dialogue, including the machinery for consultations with workers’ and employers’ organizations, by ensuring their independence and autonomy in law and practice”. The Committee requested emphatically that the Government must consult and cooperate with freely established and independent workers’ and employers’ organizations, to ensure full compliance with the Convention.

There could be no genuine national tripartite consultation in an environment that is repressive and oppressive against independent trade unions. The right of workers’ organizations to elect their own representatives freely is an indispensable condition for them to be able to act in full freedom and to promote effectively the interests of their members. For this right to be fully acknowledged, it is essential that the public authorities refrain from any intervention which might impair the exercise of this right, whether it be in determining the conditions of eligibility of leaders or in conducting the elections for trade union leaders.

The reports of government interference in the leadership succession of the UNTG-CS points to a government hell bent on choosing “sweetheart” trade union leaders. Chairperson, the legitimate leaders of the UNTG-CS were removed and are barred from accessing their offices by the security forces. The government supporters are illegally occupying the offices. The Committee on Freedom of Association requested the Government to take necessary steps to return the offices of the UNTG-CS to its legitimate leaders and to provide information on the follow-up given to the legal action brought by them. The Government remains defiant.

The setting of the minimum wages in consultation with freely established independent trade union remain stalled.

To address these violations, we call on the Government of Guinea-Bissau to:

1. **Protect Union Autonomy:** Publicly denounce and investigate government interference in union activities, such as the 2023 UNTG-CS office seizure, and uphold court rulings supporting legitimate union leadership.
2. **Engage in Dialogue:** Establish functional collective bargaining mechanisms, such as revitalizing the National Council for Social Consultation, to address wage and working condition disputes.

*Interpretación del portugués: **Miembro trabajador, España*** - Voy a hablar en nombre de la Confederación Intersindical Gallega, que forma parte de la comunidad sindical de países de lengua portuguesa, para demandar el respeto por los derechos laborales de los trabajadores de Guinea-Bissau, y por los sindicalistas como el Sr. Mendonça.

Hace solo dos años el Gobierno de Guinea-Bissau fue objeto de discusión en esta misma Comisión por el incumplimiento del Convenio, ratificado en 1977 por Guinea-Bissau. Pero, pasado este tiempo, no ha tenido en consideración las conclusiones y peticiones de dicha Comisión, tanto en lo que respecta a la revisión del salario mínimo nacional, que sigue sin actualizarse desde 1988, como en lo referente a la consulta con los interlocutores sociales y al cese de las medidas represivas tomadas contra quienes, ante esta injusta situación, ejercen el legítimo derecho de protesta.

Estamos hablando de salarios que no han sido actualizados en los últimos 37 años, ni más ni menos, en un contexto de aumento del coste de vida y de la inflación agravado por los

cambios que supuso para la economía del país la adopción del franco CFA como moneda oficial, un sistema monetario orientado a controlar las colonias africanas, que se acentúa aún más con las mutaciones de la situación mundial a partir de la década de los setenta, con el fomento del endeudamiento de los países africanos y después de la imposición de los Planes de ajuste estructural del Fondo Monetario Internacional.

Resulta de suma importancia reajustar periódicamente los salarios mínimos para garantizar a los trabajadores y las trabajadoras un nivel de vida decente. Fruto de este incumplimiento, los datos de Guinea-Bissau son realmente preocupantes: el 69 por ciento de la población vive por debajo del umbral de pobreza; solo el 0,9 por ciento recibe al menos una prestación de protección social en forma de asistencia o seguro social; las cifras de escolarización y alfabetización siguen siendo precarias, y el salario mínimo está entre los más bajos del mundo, acompañado de otros países africanos. Esta situación se da en un contexto continental en que, lejos de haber puesto en marcha un justo proceso de reparación para África, las políticas neocoloniales se reactivan y siguen exfoliando los recursos africanos, la explotación de la mano de obra barata y los constantes ataques a la soberanía de sus pueblos, sin importar la violación de sus derechos, como se refleja en el reciente informe de la Oficina del Alto Comisionado de las Naciones Unidas realizado entre el 28 de abril y el 9 de mayo de 2025.

Guinea-Bissau, que fue el Reino de Gabú, según las organizaciones internacionales es uno de los países más pobres del mundo. Desde su independencia liderada por Amílcar Cabral, viene siendo víctima de una gran inestabilidad política y económica, plagada de conflictos y golpes de Estado, que lastraron su desarrollo y consolidación democrática.

A la luz de los recientes acontecimientos, no parece haber ningún cambio positivo en manos de las autoridades del país por el momento. La amplia formación de la que hace gala el actual Presidente en varios países, incluyendo España, puede haber sido eficaz en materia militar, pero no lo es en términos de valores democráticos y derechos humanos, como muestra su decisión de cerrar el Parlamento, que es la legítima representación del pueblo, en diciembre de 2023, o la ausencia de un programa de Gobierno o de un presupuesto general del Estado, además de todas las medidas represivas que ha aplicado recientemente, con amenazas, cargas violentas contra manifestantes, detenciones arbitrarias y torturas.

Por eso, solicitamos que esta Comisión tome las medidas adecuadas para poner fin al reiterado incumplimiento del Gobierno de Guinea-Bissau, y que le exija la puesta en marcha de medidas para determinar los métodos de fijación de los salarios mínimos y su aplicación, con la debida consulta a las organizaciones sociales. También solicitamos que cesen las medidas represivas con respecto a los convenios de la OIT y a la propia legislación de Guinea-Bissau, como prevé la Ley de Libertad Sindical, la Ley del Derecho a la Huelga y las leyes que hacen referencia al derecho de reunión y manifestación.

Worker member, Nigeria – I am the Secretary-General of Trade Union Congress of Nigeria and I speak on behalf of workers from West Africa under the umbrella of the Organisation of Trade Unions of West Africa (OTUWA).

We appreciate the report of the Committee of Experts on this Convention. We wish to say that Guinea-Bissau is not alone in its situation of lacking a national minimum wage-fixing machinery. Therefore, we view the discussion of this Convention as an opportunity for Guinea-Bissau to make progress on this issue and for other economies, as members of this vital organization, to learn from it, and also from some African countries like, Nigeria, my country.

We recognize and appreciate the importance of a minimum wage as a safeguard against wage poverty. No doubt, workers in Guinea-Bissau, Chairperson, need the protection of a minimum wage as a safeguard against the exacerbation of rising poverty, occasioned by high unemployment and underemployment, as well as rising inflation, where the absence of minimum wage-setting machinery in Guinea-Bissau has led to the lean chances of workers being put back into poverty and hopelessness.

Guinea-Bissau, with a GDP per capita income of US\$494 and an informal sector accounting for over 70 per cent of economic activity, faces structural challenges. They are compounded by political instability, weak adherence to the rule of law and the lack of statutory wage-setting machinery, especially for private sector workers.

In such a context, Chairperson, poverty alleviation becomes elusive. Wages serve as the first line of social protection, more so in communal societies like Guinea-Bissau, where a single income often supports an average of six dependants. Chairperson, Nigeria's experience is instructive although inflation has significantly eroded the real value of our minimum wage.

However, the existence of a national minimum wage-fixing mechanism allows for institutional responses to labour market pressure.

Trade unions have successfully negotiated a reduction in the statutory wage review period from five years to three years in Nigeria, helping to mitigate inflationary impact on workers' earnings.

We urge the Government of Guinea-Bissau to move beyond the reoccurring excuse of awaiting consultancy reports and instead take decisive steps to adopt and adapt proven approaches already within its reach.

Similarly, the absence of the right to organize collective bargaining and structured social dialogue in Guinea-Bissau continues to erode the space and ambience for development of a fair and decent national minimum wage.

A good wage regime is an incentive to boost good work harmony and increase the morale and productivity of workers.

Additionally, it will guarantee wages and stimulate consumption and encourage investors to undertake production, leading to hiring of more hands in the production process.

The socio-economic direct and indirect benefit of a national minimum wage should not be reduced to a narrow and pedestrian analysis of increases in production cost but instead viewed as a production boosting mechanism. We therefore urge the Government of Guinea-Bissau to develop a pragmatic action plan within a timeline towards the development of an establishment of a national minimum wage-fixing machinery. Considering that wages were last reviewed 37 years ago. Chairperson, the fact that the Government is defying this Committee's conclusions is unacceptable.

As a result of the attack on trade union leaders, the wage-fixing machinery system has collapsed, Chairperson, in Guinea-Bissau. This situation is unacceptable to all workers and needs to be addressed urgently.

Finally, Chairperson, I urge this honourable Committee to place the Government of Guinea-Bissau under a special paragraph.

Interprétation du portugais: **Observateur, Confédération syndicale internationale (ITUC)** – En 2023, le comité a examiné pour la première fois le non-respect, par le

gouvernement de la Guinée-Bissau de la convention, ratifiée depuis 1977, et avec une dernière révision du salaire minimum apparue en 1988, à travers le décret n° 17 du 4 avril.

Cependant, le pays a adopté un nouveau Code de travail à travers la loi n° 7/2022 du 18 juillet, dont l'article 154 impose l'obligation au exécutif de définir le salaire au niveau national en collaboration étroite avec les partenaires sociaux.

Cet impératif légal n'a pas été respecté alors même que des travailleurs du secteur privé et des retraités de l'administration publique perçoivent un salaire qui ne dépasse jamais 30 euros par mois, ce qui est moins que le coût de 50 kilos de riz, produit de base de l'alimentation de la population.

Le Code du travail prévoit qu'il doit y avoir effectivement une collaboration avec les partenaires sociaux, ce qui n'a pas été le cas, malgré le fait que le salaire du secteur privé dépasse rarement les 30 euros par mois et ne permet pas d'acheter 50 kilos de riz, l'aliment de base de la population. Donc il y a trente-sept ans que nous avons, pour la dernière fois, défini un salaire minimum. Et, depuis 2023, les recommandations de la commission n'ont pas été appliquées. Le gouvernement a reçu une assistance technique, mais elle n'a pas été prise en compte.

Ensuite, en octobre 2024, le Comité de la liberté syndicale, dans le cadre du cas n° 3448, a effectivement continué à parler de cette absence de mécanisme pour les travailleurs, ce qui met en cause le dialogue social ouvert. Compte tenu de cette violation des droits des syndicats en tant que représentants de la classe des travailleurs, il ne nous reste plus que continuer à faire pression, puisque, en tant que représentants légitimes des travailleurs, nous ne pouvons pas renoncer à nos revendications. Il faut donner la priorité au dialogue avec les partenaires sociaux et il ne doit pas y avoir de menace de persécution à l'encontre des dirigeants syndicalistes, en violation de la loi n° 8/91 du 3 octobre ainsi que la convention n° 87 qui a été ratifiée en 2023. Pour preuve, le gouvernement, par le biais du ministère de l'Intérieur, a pris d'assaut le siège de notre centrale syndicale, ne respectant pas les bureaux des syndicats, et notamment celui du secrétaire général, et a remplacé les serrures pour nous empêcher d'avoir accès à nos bureaux, et nous a remplacés par des personnes qui ne s'identifient pas à notre direction et à la centrale syndicale. Même après une décision judiciaire finale, qui nous légitime et nous reconnaît comme les représentants de l'UNTG-CS et de la classe ouvrière guinéenne, l'exécutif n'a pas daigné nous rendre notre siège jusqu'à présent. Donc, pour nous réduire au silence, le gouvernement a violé les principes qui figurent dans la loi n° 9/91 du 3 octobre en bloquant le paiement de mois entiers de salaires aux travailleurs. Il y a eu aussi violation de la loi n° 3/92 pour éviter que nous puissions participer à des manifestations pacifiques.

Le gouvernement empêche ces dernières en ayant recours à des détentions arbitraires, des tortures contre les manifestants, les dirigeants syndicaux, les membres de la société civile, comme ça a été le cas tout récemment aussi le 25 mai de cette année. Le parlement ne fonctionne plus depuis deux ans, et il n'y a pas d'instrument juridique pris par le gouvernement pour protéger la classe des travailleurs. Donc nous souffrons face au niveau de vie extrêmement élevé, et les hommes politiques ne tiennent pas compte de toutes ces souffrances.

Malgré tous les efforts que nous avons déployés, chaque année, nous adressons des plaintes à la commission de vérification des pouvoirs au sujet de notre exclusion de la délégation à la Conférence, qui n'a jamais eu d'effet. Mais nous réaffirmons notre détermination à poursuivre la lutte et comptons toujours sur votre soutien.

Toutes les recommandations qui ont été faites n'ont pas été prises en compte. Nous demandons donc que l'on ait un paragraphe spécial qui soit consacré à la Guinée-Bissau concernant effectivement toutes ces formes d'oppression.

Interpretation from Portuguese: Government representative – It is the second time that the Guinea-Bissau Government is in this plenary to speak about the Convention. In June 2023, we discussed the Convention here in the Committee. And after that debate, the Government of Guinea-Bissau did not sit idly by. The Government of Guinea-Bissau received the recommendations and moved forward towards compliance and implementing the recommendations. In July 2023, the Government of Guinea-Bissau addressed a formal request to the ILO for technical assistance in the indication of a consultant for a study with a view to update the minimum wage in the private sector.

While Guinea-Bissau at the moment does not have a functioning legislative body, which is the National People's Assembly, it is interested in aligning itself with the guidelines of the ILO, so much so that it worked together with the consultant, with the representative organizations of the workers and with the representative organization of the employers.

We take note of the observations that we heard, and want to highlight the following.

The Government of Guinea-Bissau does not interfere in trade union affairs. The Government of Guinea-Bissau noted that there is an internal issue of leadership within UNTG-CS, and this was overcome and it was communicated to us by the General Secretariat of the UNTG-CS. They are our partners, so much so that we met with the representatives and the members of UNTG-CS. Perhaps Mr Júlio Mendonça, as was mentioned earlier, has not participated in the meetings, but his comrades, colleagues of the union, have participated in several meetings with the Government, in which the social front, which is a new structure that agglomerates the unions of the education sector and the health sector, have also participated.

In regard to the violation of the right to strike and the freedom of association, Guinea-Bissau ratified the Convention No. 87. This shows it has interest in ensuring workers' right to freedom of association.

The Labour Code also gives protection to freedom of association.

Many collective bargaining agreements in various economic sectors were reached. Since 2023, when the case of Guinea-Bissau was discussed, the Government strengthened social dialogue, including the consultation mechanisms with the organizations of workers and employers, ensuring their independence and autonomy in law and practice.

There are two major trade unions in Guinea-Bissau that should be referenced. There is the UNTG-CS, which is the oldest, because it was the first to be created, but there is another one, which is the CGSI-GB, which many times has suffered some discriminatory treatment in some activities that are carried out, in which they are not taken into account. The Government, in all its activities, invites both the UNTG and the CGSI-GB to be represented.

The Committee of Experts also requested a copy of the Labour Code, which was promptly sent in June 2023, with the Government's request, for assistance with the dissemination of the Code. This shows that the country is engaged, but the changes, the policies and their implementation are not made overnight. It is a process.

Two years ago, Guinea-Bissau was here to discuss this case. In fact, it is to be lamented that we took almost 40 years to discuss the update of the minimum wage, which was set in 1988. We are working, we are engaged, as I said.

We set social dialogue as a pillar for our Government and we reached several agreements preventing strikes, mainly in the area of health and in the area of education. We are committed to workers' working conditions and their safety.

The minimum wage system in Guinea-Bissau, as was referenced by several speakers, goes back to 1988. Since then, there was no update and we are working on it. The report made by the specialist, has already been taken up by the Government and presented to the social partners. There were consultations with the social partners and their involvement in this work.

In March of 2021, through the Decree of 01/2001, the Government of Guinea-Bissau created the Standing Council for Social Conciliation. In other words, it institutionalized social dialogue and the permanent consultation between the Government and the main organizations of workers and employers in the country, always mentioning the UNTG and the CGSI-GB. The Council's competencies include consultation on matters of labour policies, including the resolution of conflicts, to allow for the indispensable structural changes to the modernization of our economy, which can thus be carried out in a concerted manner, in order to contribute to the definition and implementation of the socio-economic policies of the country.

The objective of this permanent council of social consultation is to promote and ensure that the voice of the interested parties, that is, of the organizations of employers and workers, is heard by the Government before the decisions are taken.

It is recommended that the definition of the new minimum wage, after the study that we carried out, covers on the one hand the needs of workers and their families, and on the other hand, the sustainability of the private sector.

If, on the one hand, the minimum wage can contribute to the protection of the most vulnerable workers and to the fight against poverty, it would be counterproductive to establish a floor that goes beyond the payment capacity of the private and public sectors, as underlined in the Declaration of Philadelphia of 1944.

The Guinea-Bissau Government has no problem with the UNTG-CS. In fact, in my first intervention, I requested the support of the UNTG-CS to help us overcome this problem that we see in the country. They are our partners, they are partners of development, they are partners that we want to work with.

It was said that the workers are persecuted in Guinea-Bissau. This does not correspond to the truth. The workers of Guinea-Bissau thought that they could strike and continue to receive their full salary.

The right to strike is a right that they have, but the employer also has the right to deduct the payment for the strike day. The union has to have a mechanism to be able to compensate for the strike day.

So what happened is that the unions would strike and considered that they had the right to receive the full salary, which did not happen. They saw it as a form of repression by the Government, which is not true, as it is the law.

The absence is considered justified, but the Government cannot finance this. There is, at the moment, in Guinea-Bissau, a strike in the sector of education and health. We are negotiating, there was even an intervention from the President of the Republic itself to try to have some social peace, because only with social peace can we create conditions for development, for the workers to work, for stability, for us to be able to advance. We ask the unions, the representatives of the workers, to have an open dialogue with the Government,

and the employers too, so that we can see what is our reality, and within what is our reality, build bridges for us to be able to build and rebuild our country, which is a country that is already suffering, it is a country that since its independence has gone through consistent cycles of instability.

Indeed Guinea-Bissau is interested in moving forward; we have the approved study, and we want to be able to make a simultaneous update of the private and public sector minimum wages, because the minimum wage value is extremely low. But we also have to acknowledge that Guinea-Bissau has an almost non-existent business sector.

So we have to create conditions to improve the development of the country itself so that we can have salaries that can be to be at the same level as in other parts of the globe. But the Government reiterates its commitment, and I firmly believe that we will not go back to Guinea-Bissau being a case of discussion in this Committee about the Convention because we are aware that that this need is imperative.

We are operating with the expectation to hold elections at the end of the year, to have the legislative body in full operation so that we can have conditions to advance.

Miembros trabajadores - Reiteramos nuestra preocupación por el persistente incumplimiento del Gobierno con los requisitos del Convenio al no establecer un mecanismo eficaz para la fijación del salario mínimo ni reajustar los niveles salariales mínimos para garantizar un salario digno a su población. La acción concreta del Gobierno ya se ha demorado demasiado. El Gobierno de Guinea-Bissau debe demostrar su compromiso con los principios y procesos establecidos en el Convenio. Es evidente que no se ha logrado ningún progreso desde 2023.

El Gobierno debe establecer y mantener con urgencia un mecanismo adecuado para fijar, revisar periódicamente y reajustar los salarios mínimos.

De conformidad con el artículo 3 del Convenio, los representantes de los trabajadores y de los empleadores deben ser consultados antes de aplicar el mecanismo y deben participar en su funcionamiento, y debe garantizarse una representación legítima y libremente elegida de los trabajadores y las trabajadoras en este proceso.

Lamentamos señalar que los intereses de la clase trabajadora, de los trabajadores y las trabajadoras, no están siendo representados legítimamente en Guinea-Bissau ni en esta Conferencia. Observamos que el representante de los trabajadores que ha intervenido por Guinea-Bissau no es el verdadero representante de los trabajadores de este país. Lamentamos además sus ataques contra el papel de la OIT que lleva a cabo su misión conforme a las normas establecidas por este organismo.

Informamos a este Comité que, una vez más, el Grupo de los Trabajadores ha presentado una reclamación ante el Comité de Credenciales contra el Gobierno de Guinea-Bissau por interferencia en la designación de los delegados legítimos de los trabajadores a la Conferencia.

Aquí nos referimos, además, al 408.º informe del Comité de Libertad Sindical, de octubre de 2024, y lo cito textualmente: «el Comité espera que el Gobierno adopte las medidas necesarias para garantizar que los dirigentes elegidos durante el Congreso de la UNTG de 2022 puedan ejercer plenamente sus funciones sin ninguna interferencia por parte de las autoridades».

Instamos así al Gobierno a cesar de inmediato sus ataques contra la UNTG y a garantizar que la UNTG y su liderazgo legítimo puedan participar plena e independientemente en el

diálogo social y sean incluidos en las consultas para el funcionamiento del mecanismo de fijación del salario mínimo.

La situación es grave y es urgente.

Reiteramos la solicitud del Comité de Libertad Sindical al Gobierno de Guinea-Bissau para que adopte de inmediato todas las medidas necesarias para dar seguimiento a las conclusiones de la Comisión sin demora.

Esto significa, en primer lugar, revisar el salario mínimo tanto para el sector público como para el privado sin demora, de conformidad con el Convenio.

En segundo lugar, establecer el mecanismo de fijación del salario mínimo en consulta con los interlocutores sociales, con el fin de fijar y actualizar el salario mínimo de manera regular.

Y tercero y último, fortalecer el diálogo social, incluido el mecanismo de consultas con las organizaciones de trabajadores y empleadores, garantizando su independencia y autonomía en la ley y en la práctica.

Se solicita al Gobierno que proporcione información detallada sobre las medidas adoptadas al respecto, incluidas las consultas tripartitas que se hayan llevado a cabo sobre el salario mínimo.

Dado el incumplimiento del Gobierno para abordar los comentarios de la Comisión de Expertos y cumplir con las solicitudes derivadas de las conclusiones elaboradas por dicha Comisión en 2023, así como la preocupante situación del diálogo social y la independencia de los sindicatos, instamos encarecidamente al Gobierno a aceptar una misión tripartita de alto nivel y a informar a la Comisión de Expertos, a más tardar el 1 de septiembre de 2025, sobre las medidas adoptadas para implementar las recomendaciones formuladas por nuestra Comisión.

Asimismo, instamos al Gobierno de Guinea-Bissau a responder plenamente a las diversas solicitudes adicionales realizadas por la Comisión de Expertos que aún no han sido atendidas.

Employer members – The Employer members would like to thank all the speakers who have taken the floor. We also thank the Government of Guinea-Bissau for the information it has provided.

The Employer members wish to again urge Guinea-Bissau to finalize – pursuant to Article 3 of the Convention – the minimum wage-fixing machinery for its private sector. We have heard the plea of the Government here that more businesses participate in its formal economy.

The Employer members welcome that kind invitation and notes that one effective manner to persuade businesses to participate in a formal economy is to develop and implement clear and predictable legal regimes, including those that flow from the Convention.

After full consideration of the comments made today and that were made previously as part of this record, we respectfully request that the Government of Guinea-Bissau:

- Take the necessary measures to complete the machinery for fixing minimum wages in line with Articles 2 and 3 of the Convention.
- Communicate in line with Article 5 of the Convention on the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery, and the approximate number of workers covered.

- Engage in meaningful and constructive social dialogue and cooperate with the social partners on these issues now and indefinitely into the future.
- We trust that the Government will implement such recommendations in a timely manner to achieve full compliance with the Convention.

Conclusions de la commission

La commission a pris note des informations orales fournies par le gouvernement et de la discussion qui a suivi.

La commission a déploré qu'aucune mesure n'ait été prise pour remédier à la situation, deux ans après que des préoccupations ont été formulées concernant les attaques violentes et les actes d'intimidation visant les syndicats indépendants, lesquelles nuisent au respect des obligations ainsi qu'à la portée des consultations prévues par la convention.

Compte tenu de la discussion, la commission a prié le gouvernement, en consultation avec les partenaires sociaux, de prendre des mesures efficaces dans un délai déterminé pour:

- **garantir l'indépendance immédiate des syndicats afin de leur permettre de représenter véritablement et efficacement leurs membres;**
- **revoir sans tarder le salaire minimum des secteurs public et privé conformément à la convention;**
- **mettre en place un mécanisme de fixation du salaire minimum afin de fixer et de mettre régulièrement à jour le salaire minimum;**
- **renforcer le dialogue social, y compris le mécanisme de consultation avec les organisations de travailleurs et d'employeurs, en garantissant leur indépendance et leur autonomie en droit et dans la pratique;**
- **fournir des informations statistiques détaillées et d'autres informations sur les mesures prises à cet égard, y compris sur les consultations tripartites relatives au salaire minimum qui ont eu lieu.**

La commission a prié le gouvernement de se prévaloir de l'assistance technique du BIT et de soumettre un rapport détaillé sur les mesures prises pour mettre en œuvre les recommandations susmentionnées d'ici au 1^{er} septembre 2025.