



Governing Body

340th Session, Geneva, October–November 2020

Institutional Section

INS

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Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Tenth report: Representation alleging non-observance by Portugal of the Nursing Personnel Convention, 1977 (No. 149)

1. By a communication dated 27 May 2020, the Portuguese Nurses' Union (SEP) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Portugal of the Nursing Personnel Convention, 1977 (No. 149). A summary of the representation is contained in the appendix.
2. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Portugal accordingly.
3. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body, who, according to paragraph 3 of the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in the present case:
 - (a) the representation was communicated to the International Labour Office in writing;
 - (b) it emanates from an industrial association of workers;
 - (c) it makes specific reference to article 24 of the ILO Constitution;
 - (d) it concerns a Member of the Organization;

- (e) it refers to Conventions to which the Member against which the representation is made is a party;¹
 - (f) it indicates in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Conventions.
4. Taking into account the above conditions, the Officers of the Governing Body consider that the representation is receivable in terms of article 2(2) of the Standing Orders. According to article 2(4) of the Standing Orders, the Governing Body, in reaching a decision on the receivability of the representation, on the basis of the report of its Officers, shall not enter into discussion of the substance of the representation. In accordance with article 3(1), if the Governing Body decides that the representation is admissible, it shall set up a tripartite committee to examine it, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups.

► Draft decision

5. **In the light of the information contained in document GB.340/INS/19/10, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was receivable and to set up a tripartite committee to examine it.**

¹ Portugal ratified Convention No. 149 in 1985.

► Appendix

Summary of the representation

In its communication dated 27 May 2020, the Portuguese Nurses' Union (SEP) submitted a representation under article 24 of the ILO Constitution alleging non-observance by Portugal of the Nursing Personnel Convention, 1977 (No. 149). The SEP alleges that the Government violated Convention No. 149, notably Articles 2(2)(b), 6 and 7, by failing to take measures to protect nurses from violence, poor working conditions and excessive risks in the workplace. The SEP alleges that nurses in Portugal are subject to poor working conditions that include exposure to a wide range of hazards (such as high rates of violence, exposure to chemicals and blood-borne pathogens, stress and pressure), as well as precarious (on-call) work, frequent (and uncompensated) overtime, shift work, low pay and lack of career development opportunities.

The SEP further alleges that the State of Emergency imposed by the Government in response to the COVID-19 pandemic treats nursing personnel less favourably than other workers in certain respects, including in terms of overtime, hours of work, weekly rest, holidays with pay and other elements. In addition, the SEP alleges that there is a lack of adequate personal protective equipment, particularly for nurses working on the front lines of the pandemic. The SEP maintains that the increased pressure and stress to which its members are being subjected is leading to increased risk of fatigue and burnout, which may also compromise patient care.