



Governing Body

340th Session, Geneva, October–November 2020

Institutional Section

INS

Date: 30 October 2020

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Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Fourth report: Representation alleging non-observance by Argentina of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

1. By a communication dated 4 June 2020, the Confederation of Workers of Argentina (CTA), the Association of State Workers (ATE) and the Education Workers' Union (UTE) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Argentina of the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). In two subsequent communications, dated 27 and 28 July 2020, the complainant organizations submitted supplementary information to the International Labour Office regarding the same representation. 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 Argentina 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/19/4, 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 Argentina ratified Conventions Nos 155 and 187 in 2014.

► Appendix

Summary of the representation

In its communication dated 4 June 2020, the CTA, the ATE and the UTE referred to the lack of compliance by the Government of Argentina with Conventions Nos 155 and 187.

The complainant organizations allege that the government of the Autonomous City of Buenos Aires (CABA), in its role of employer, does not provide personal protective and hygiene equipment to those of its workers who are exempt from the preventive and compulsory social isolation (ASPO) decreed as a result of the current pandemic (Decree No. 297/2020). In the view of the complainant organizations, this fact seriously endangers the health and safety, both physical and psychological, of the workers concerned. The complainant organizations add that workers in the health sector of the CABA had already indicated the failure to supply protective equipment prior to the declaration of the pandemic.

The complainant organizations also state that the workers' organizations of the CABA unsuccessfully requested the representatives of the government of the city to establish a dialogue for the institutional coordination of action to combat the expansion and spread of COVID-19. They consequently had to apply to the jurisdiction of the courts of the CABA (Administrative and Tax Court), which ordered the government of the city to immediately provide its workers with personal protective equipment. They add that the government has failed to comply with the injunctions issued.

In their communications dated 27 and 28 July 2020, the complainant organizations stated that the above-mentioned judicial measures had been extended, yet the government of the CABA was still failing to comply with the Conventions. Lastly, the organizations in question confirmed their willingness to engage in dialogue and indicated that they were awaiting a reply from the government regarding measures to prevent the spread of COVID-19 to the workers concerned.