



Governing Body

347th Session, Geneva, 13–23 March 2023

Institutional Section

INS

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Nineteenth item on the agenda

Reports of the Officers of the Governing Body

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

1. By a communication dated 20 October 2022, the Trade Union Association of Forestry Contractors A.G. (ACOFORAG A.G.), made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by Chile of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). 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 Chile 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.347/INS/19/3, 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 Chile ratified Convention No. 187 in 2011.

► Appendix

Summary of the representation

1. In its communication received on 20 October 2022, ACOFORAG A.G. alleges that the Government of Chile has not developed a national policy on occupational safety and health (OSH) that covers forestry work and that specifically aims to prevent the acts of violence that regularly occur in this sector. The complainant organization also alleges that the Government has not taken active measures with a view to achieving a safe and healthy working environment in forestry through a national OSH system and national OSH programmes. The organization considers that all of the foregoing constitutes a violation of Article 2 (objective of the Convention) and Article 5 (national programme) of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
2. ACOFORAG A.G. states that, between 2014 and 2022, more than 200 acts of violence were committed against forestry sector enterprises and workers in Chile. These acts included the burning of forestry machinery by unknown persons and violent threats and attacks against workers by masked individuals in the Bío Bío region.
3. The complainant organization maintains that, because of these acts, the right to life and the right to physical and psychological integrity of those who are involved and who work in the sector is threatened and violated daily, which has created a working environment that makes the performance of their duties unsustainable. The organization also maintains that the absence of a national OSH policy, system and programme in relation to forestry work has led to an increase in the risks and hazards associated with this work, including the risk of occupational fatalities and diseases, such as psychological illnesses, for all those who undertake activities in forestry operations. In this respect, the organization also states that the Government has not established a mechanism to collect and analyse data on the occupational injuries and diseases among forestry workers that resulted from the above-mentioned attacks. ACOFORAG A.G. also states that a national policy on OSH and the forestry working environment needs to be developed in order to protect workers' lives and integrity.
4. Lastly, ACOFORAG A.G. states that, although the allegations have been examined by the competent national authorities, including the national courts, the Government has contravened the rulings issued by the Chilean Supreme Court of Justice in this regard by failing to comply with its decision to create a working group to develop prevention strategies and adopt adequate safety measures.