



Governing Body

350th Session, Geneva, 4–14 March 2024

Institutional Section

INS

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Eighteenth item on the agenda

Reports of the Officers of the Governing Body

Third report: Representation alleging non-observance by the Dominican Republic of the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

1. By a communication dated 10 October 2023, the Union for Career Diplomats of the Dominican Republic (UDICARD) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by the Dominican Republic of the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118). A summary of the representation is contained in the appendix.
2. The above-mentioned representation was supplemented with additional information by a communication dated 8 January 2024.
3. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the ILO Constitution, 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 the Dominican Republic accordingly.

4. 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 is a party (with the exception of Convention No. 118);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 Conventions Nos 95, 102 and 111.
5. Taking into account the above conditions, and in particular the fact that the complainant organization is alleging non-observance of Convention No. 118 (which has not been ratified by the Dominican Republic), the Officers of the Governing Body consider that the representation is receivable in terms of article 2(2) of the Standing Orders only with regard to Conventions Nos 95, 102 and 111.
6. 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 of the Government group, the Employers' group and the Workers' group.

► Draft decision

7. **In the light of the information contained in document GB.350/INS/18/3, and taking into consideration the recommendation of its Officers, the Governing Body decides that the representation:**
 - (a) **is not receivable in relation to the Equality of Treatment (Social Security) Convention, 1962 (No. 118)**
 - (b) **but is receivable in relation to Conventions Nos 95, 102 and 111, and it shall appoint a tripartite committee to examine it.**

¹ The Dominican Republic ratified Convention No. 95 in 1973, Convention No. 102 in 2016 and Convention No. 111 in 1964. Convention No. 118 has not been ratified by the Dominican Republic.

► Appendix

Summary of the representation

1. The present representation was submitted by the Union for Career Diplomats of the Dominican Republic (UDICARD) by a communication dated 10 October 2023, alleging non-observance by the Government of the Dominican Republic of Conventions Nos 95, 102, 111 and 118. The representation was subsequently supplemented with additional information by a communication dated 8 January 2024.
2. In its representation, the complainant organization states that from 16 August 2020 the Government of the Dominican Republic issued a series of decrees for illegal collective removal (mass dismissal) based on discriminatory criteria on grounds of political opinion, which led to the unilateral termination of the employment relationship of a large number of career diplomats attached to the Ministry of Foreign Relations. UDICARD considers that the mass dismissals are illegal and null and void, as declared by the country's courts.
3. With regard to Convention No. 95, the complainant organization indicates that since the date of the mass dismissals, deemed illegal and null and void, the Government has suspended the payment of wages to the diplomats concerned, in violation of Article 2 of the Convention.
4. With respect to Convention No. 102, the complainant organization alleges non-observance of this Convention, particularly with regard to medical and surgical care, cash sickness benefits, old-age benefits and survivors' benefits. UDICARD considers that the non-observance of the provisions of the Convention, following the mass dismissals, led to losses for the group of over 700 public servants concerned, in terms of their access to benefits and respect for their acquired rights. Particularly serious cases include the deaths of three career diplomats and serious damage to the health of six others, as a result of the situation caused by the mass dismissals.
5. With regard to Convention No. 111, the complainant organization considers that the reported mass dismissals failed to comply with Article 1 of the Convention, since they were based on discriminatory facts such as diversity of political opinion, without respect for other factors of the employment relationship, such as employment stability and job security, which is implicit in the positions of public servants.
6. Lastly, UDICARD alleges non-observance of Convention No. 118, which has not been ratified by the Dominican Republic.