



Governing Body

342nd Session, Geneva, June 2021

Institutional Section

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Report of the Director-General

Second supplementary report: Update to the report of the Director-General pursuant to the decision of the Governing Body on measures taken by the Bolivarian Republic of Venezuela to comply with the recommendations of the Commission of Inquiry and on technical assistance requested and provided

1. In the context of its consideration of the reply of the Government of the Bolivarian Republic of Venezuela to the report of the Commission of Inquiry appointed to consider the complaint alleging the non-observance by the Bolivarian Republic of Venezuela of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Governing Body requested the Director-General to inform the members of the Governing Body, by means of a written report, on or before 3 May 2021, regarding measures which the Government of the Bolivarian Republic of Venezuela has taken to comply with the recommendations of the Commission of Inquiry, together with details of any technical assistance requested or provided (subparagraph (d) of Governing Body decision GB.341/INS/10(Rev.2), March 2021). The Director-General transmitted the above-mentioned Governing Body decision to the Government in a communication dated 31 March 2021, in which he confirmed that the Office is at the Government's disposal to provide it with the technical assistance that would be useful for achieving the

full implementation of the recommendations of the Commission of Inquiry and the effective application of Conventions Nos 26, 87 and 144 in law and in practice (the text of the communication is reproduced in Appendix I).

► I. Measures taken in relation to the recommendations of the Commission of Inquiry

I.1. Information received prior to the adoption by the Governing Body of the decision during its 341st Session

2. It is recalled that, in a communication dated 10 August 2020, the Government of the Bolivarian Republic of Venezuela stated that it did not accept the recommendations of the Commission of Inquiry but that it was willing to improve compliance with the ratified ILO Conventions, leaving open the possibility of making tangible progress in relation to those recommendations of the Commission of Inquiry that it deems relevant. As noted in documents GB.340/INS/13 and GB.341/INS/10(Rev.2), the Government, in communications dated 28 February 2020, 4 September 2020 and 26 February 2021, informed the Governing Body of: (i) the registration, in February 2020, of the workers' confederation the Independent Trade Union Alliance of Venezuela (ASI); (ii) the granting of a pardon to Mr Rubén González through a decree issued by the President of the Bolivarian Republic of Venezuela on 31 August 2020; and (iii) in addition to other initiatives, the establishment, in early 2021, of dialogue forums with several national employers' and workers' organizations, including the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), with the expectation that these forums will be continued on a fixed and regular basis.
3. In a communication dated 14 March 2021, FEDECAMARAS stated that: (i) there continue to be messages of hostility towards FEDECAMARAS from the highest authorities of the State; and (ii) although FEDECAMARAS participated in two meetings with the Ministry of People's Power for the Social Process of Labour (12 February and 4 March 2021), the dialogue forum in line with the recommendations of the Commission of Inquiry has not yet been established, and it is particularly important that the dialogue forum have an independent chairperson who has the trust of the parties, draw the participation of a diverse range of workers' organizations and, above all, guarantee a climate free from intimidation and harassment.
4. The National Union of Workers of Venezuela (UNETE), the Confederation of Autonomous Trade Unions (CODESA) and the General Confederation of Labour (CGT) sent a joint communication dated 18 March 2021, endorsed on 19 March 2021 by the Democratic Trade Union Alternative for the Americas. The Confederation of Workers of Venezuela (CTV) also sent a communication dated 18 March 2021. In these communications, the various trade union organizations stated that: (i) non-observance of Conventions Nos 26, 87 and 144 and of the recommendations of the Commission of Inquiry persists, with further violations committed; (ii) repression of the exercise of freedom of association has become more acute, with several trade union leaders imprisoned for defending workers' rights; and (iii) although, at the beginning of 2021, several trade union organizations were invited to meet with the Ministry of People's Power for the Social Process of Labour, the meetings, which were held separately, were merely for show and took place without an agenda and without any agreement being reached.

5. In a communication dated 18 March 2021, the Bolivarian Socialist Confederation of Men and Women Workers in Urban and Rural Areas and Fishing of Venezuela (CBST-CCP): (i) condemned the attempt to continue to politicize the Commission of Inquiry process; (ii) noted with interest the participation of FEDECAMARAS in recent dialogue initiatives launched by the Government; and (iii) stated that it had called on the Government in recent years to adopt measures to uphold the validity of Conventions Nos 26, 87, 144 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), despite the difficulties created by the attacks against the Bolivarian Republic of Venezuela.

I.2. Information received since the last Governing Body session

6. In a note verbale dated 31 March 2021, the Permanent Mission of the Bolivarian Republic of Venezuela in Geneva reiterates what was said by the Minister of People's Power for the Social Process of Labour of Venezuela at the sitting of the Governing Body on 27 March 2021, categorically rejecting the decision adopted by the Governing Body (the text of the communication is reproduced in Appendix II).
7. The Director-General reports that no further communications have been received from the Government concerning measures taken in relation to the recommendations of the Commission of Inquiry or, more generally, the application of Conventions Nos 26, 87 or 144.
8. In a communication dated 22 April 2021 sent by the International Organisation of Employers, FEDECAMARAS states that: (i) new messages of hostility towards FEDECAMARAS from the President of the Republic himself continue to be recorded; and (ii) a social dialogue forum in line with point 4 under paragraph 497 of the report of the Commission of Inquiry, as called for in subparagraph (b) of the March 2021 decision of the Governing Body, has been neither established nor convened, and no further meetings have been held with representatives of the Ministry of People's Power for the Social Process of Labour.
9. In a communication dated 28 April 2021, the workers' organization UNETE provides updates to the elements contained in its previous communication of 18 March 2021 in relation to the complaint about the detention of several trade union leaders.

I.3. Information received following the submission of the initial report of the Director-General

10. After the submission of the report of the Director-General, the deadline for which, as set by the Governing Body, was 3 May 2021, the Office received, on the afternoons of 30 April and 2 May respectively, two additional communications from the Government and from FEDECAMARAS. A summary of both communications, as well as the texts in full, are set out below. These communications were the subject of an addendum to the report of the Director-General already submitted to the members of the Governing Body.

Summary of the communication from the Government of the Bolivarian Republic of Venezuela received on 30 April 2021 (at 5.17 p.m., Geneva time)

11. In a communication received on 30 April 2021 (the text of the communication is reproduced in Appendix III), the Government of the Bolivarian Republic of Venezuela first reiterates: (i) its rejection of decision GB.341/INS/10(Rev.2) and the voting process that led to it; (ii) its commitment to broad and inclusive social dialogue; and (iii) its readiness to work on improving its practices relating to compliance with the ratified ILO

Conventions on the basis of constructive recommendations and suggestions by the different supervisory bodies of the ILO, on the understanding that each Member State of the ILO has its own particular circumstances and it is on this basis that best practices should be established, on compliance in particular.

12. The Government goes on to describe the following developments that have taken place over the last month:
 - dialogue forums with employers' and workers' organizations on the ILO Conventions covered by the Commission of Inquiry and on other issues have continued to be organized, in a climate of consultation;
 - formal consultations have begun with workers' and employers' organizations on minimum wage-fixing machinery, in accordance with Convention No. 26;
 - in accordance with the ILO Constitution and in compliance with Convention No. 144, consultations have been initiated with workers' and employers' organizations on the submission and possible ratification of the Violence and Harassment Convention, 2019 (No. 190).
13. The Government states that it plans to organize in May a large-scale meeting for social dialogue that is broad, inclusive and even-handed, involving all representative organizations of employers and workers that wish to participate in it in a way that is sincere, constructive and unconnected with political interests. The Government is open to suggestions from the ILO on the organization of this forum.

Summary of the communication from FEDECAMARAS received on 2 May 2021

14. In a communication received on 2 May 2021 (the text of the communication is reproduced in Appendix IV), FEDECAMARAS reports that: (1) the Government approved a minimum wage increase on 1 May and FEDECAMARAS was requested one day before by official letter to communicate its expectations, observations and recommendations on the increase; (2) in reply, FEDECAMARAS indicated that the terms of the request were untimely and generic, as the request was received barely one day before the official publication and the specific details of the Government's proposal were not communicated; (3) the minimum wage set is a derisory amount that does not cover the cost of the food basket; and (4) sending a ministerial letter to FEDECAMARAS cannot be considered as a meaningful consultation under the provisions of Conventions Nos 26 and 144 for the approval of the minimum wage increase.
15. FEDECAMARAS adds that, as at the date of its communication, the Government had not yet convened the social dialogue forum in line with point 4 under paragraph 497 of the report of the Commission of Inquiry and recommended by the Governing Body in subparagraph (b) of the decision adopted at the 341st Session (March 2021). Lastly, FEDECAMARAS confirmed its particular interest in receiving the technical assistance of the ILO under the conditions specifically set out in the report of the Commission of Inquiry and in the 2021 report of the Committee of Experts on the Application of Conventions and Recommendations.
16. Following the publication of the addendum to his initial report, the Director-General received from the Government three communications dated 26 May, 9 June and 14 June 2021 (the text of the communications is reproduced in Appendix V) reporting the organization of a national social dialogue meeting and the convening of subsequent meetings. A summary of these communications is set out below.

Summary of the communication from the Government of the Bolivarian Republic of Venezuela of 26 May 2021

17. The Government reports that, as announced in its previous communications, the Meeting for National Dialogue on the World of Work was held on 21 May 2021 with the various workers' and employers' organizations in the context of the Venezuelan case before the ILO. The Government states that: (1) participants in this initial event included CBST-CCP, ASI, CODESA, CTV, UNETE, the Federation of Craft, Micro, Small and Medium-sized Industries and Enterprises of Venezuela (FEDEINDUSTRIA) and FEDECAMARAS (regarding the CGT, its representative expressed by telephone the organization's interest in participating in the sittings but experienced problems connecting to the virtual platform); (2) these organizations recognized the Meeting and stated their opinions and agreed to a schedule of sittings, beginning Friday 28 May, to address issues relating to Conventions Nos 26, 87 and 144; and (3) it will continue to keep the ILO informed of developments in the dialogue.

Summary of the communications from the Government of the Bolivarian Republic of Venezuela of 9 and 14 June 2019

18. The Government reports the convening of three additional work sessions, in a virtual format, of the Meeting for National Dialogue on the World of Work following its initial session: (i) one session on Convention No. 26 on 28 May 2021; (ii) one on Convention No. 87 on 4 June 2021; and (iii) one on amendments to national legislation on maternity, paternity and breastfeeding, as well as continuing work on addressing issues relating to Convention No. 87, on 14 June 2021. The Government added that a fifth dialogue session on Convention No. 144 would be held on 18 June 2021 and a sixth session would be held on 25 June 2021 to determine the potential conclusions and recommendations of this important social dialogue forum. The Government will keep the Office informed accordingly.
19. Regarding the second session on Convention No. 26, the Government states that: (i) following the presentation on the application of the Convention in Venezuela delivered by the Ministry, the spokespersons of FEDECAMARAS and ASI gave extensive presentations on the topics related to salary, and the spokespersons of CBST-CCP, UNETE, CTV and FEDEINDUSTRIA expressed their points of view on the application of the Convention; (ii) many participants recognized the necessity and importance of opening spaces for dialogue such as these in order to constructively channel differing opinions; and (iii) as part of the conciliatory spirit of this meeting, due note was taken of the different points of view.
20. Regarding the session on Convention No. 87, the Government states that: (i) representatives of FEDECAMARAS, FEDEINDUSTRIA, CBST-CCP, ASI and UNETE participated in the session in a climate of respect (despite being invited, CGT and CODESA did not attend; CTV also did not attend, but had participated actively in the session on 21 May and had attended the session on 28 May); (ii) the Government stated its continuous willingness to engage in open and constructive dialogue and to carefully consider the proposals made by the social partners in the interest of improving compliance with the Convention; (iii) FEDECAMARAS, ASI and UNETE made extensive interventions on issues that they had brought before the ILO (FEDECAMARAS noted the presence of a better atmosphere during the dialogue, ASI recognized progress made and solutions found in situations presented to the Government and UNETE demonstrated a constructive attitude in waiting for its topics to be addressed); and (iii) agreement was reached on the establishment of two working groups with clearly

defined objectives – one to attend to the proposals put forward by the social partners on freedom of association and another to address specific cases on collective labour agreements and other labour claims (regarding the latter, the Government stated that guidelines had been released that clearly and specifically reiterate the Government's policy of guaranteeing rights on the negotiation and signing of collective agreements).

21. A fourth dialogue session was held on 14 June 2021, in relation to which the Government reports that: (i) an amendment to the initially proposed agenda was submitted in order to address the issue of amendments to national legislation on maternity, paternity and breastfeeding, an issue which is the subject of public consultation by the National Assembly; (ii) the topic was presented by the Chairperson of the Standing Committee for Families, Freedom of Religion and Worship, who also informed the social partners present about the mechanisms for participating in the aforementioned consultation; (iii) discussions continued on the application of Convention No. 87 and explanations were provided by the Vice-Minister of Law and Labour Relations and the Director of the National Trade Union Registry; (iv) matters relating to the National Electoral Council (CNE) were handled very positively; the CNE participates on a voluntary basis on the topic of governing board elections when so requested by trade unions, a point which was made clear in order to allay concerns and avoid possible obstacles mentioned by trade unions that use the CNE, and thus channel the technical assistance provided for their trade union electoral processes; (v) the social partners were informed with due respect and consideration that they were able to amend their statutes in order to hold elections in a manner determined internally, with or without assistance from the CNE; (vi) it was announced that a memorandum of guidelines released by the Minister unequivocally establishes that, beyond legal requirements, no further limitations on the negotiation of collective labour agreements exist; (vii) the floor was open to the organizations present, and ASI, UNETE, CBST-CCP, FEDECAMARAS and FEDEINDUSTRIA made very constructive interventions; and (viii) the outcome of the debates during this session was the determination of the relevance of creating a national consultation mechanism for the legislative proposals of the new National Assembly on national laws relating to the substance of international labour standards.
22. In its communication of 14 June 2021, the Government provides information and documents relating to Case No. 2254 before the Committee on Freedom of Association and highlights certain developments on outstanding issues. It remains for the Director-General to indicate that all communicated information on the freedom of association issues being examined by the Committee on Freedom of Association will be submitted to the Committee for its next examination.

► II. Technical assistance

II.1. Information received prior to the adoption by the Governing Body of decision GB.341/INS/10(Rev.2)

23. As noted in documents GB.340/INS/13 and GB.341/INS/10(Rev.2), the Government, in communications dated 2 March and 18 December 2020, referred to the possibility of availing itself of the Office's technical assistance in relation to observance of ratified ILO Conventions and, especially, those that were the subject of the Commission of Inquiry. The Government specifically requested the Office's technical assistance in order to determine the representative nature of the employers' and workers' organizations

existing in the country. Receipt of these communications was acknowledged, and they were brought to the attention of the Governing Body.

II.2. Information received following the adoption by the Governing Body of decision GB.341/INS/10(Rev.2)

- 24.** The Director-General reports that the Government, in its communications of 30 April and 14 May 2021, reiterated its request for technical assistance, in particular regarding the determination of the representative nature of workers' and employers' organizations.
- 25.** In a communication dated 11 May 2021, the Director-General replied to the Government regarding the technical assistance requested, indicating that the ILO remains at the disposition of the tripartite constituents of the country in order to ensure, as far as possible and as requested by the Commission of Inquiry and the Committee of Experts, comprehensive treatment of all recommendations given by the Commission and the Committee and to guarantee their implementation in a climate of social dialogue with the necessary guarantees.

► Appendix I

Mr. Germán Eduardo Piñate Rodríguez
Minister of People's Power
for the Social Process of Work
CARACAS
BOLIVARIAN REPUBLIC OF VENEZUELA

31 March 2021

Mr. Minister :

I have the honour to communicate to you the decision GB.INS/341/10 adopted by the Governing Body at its 341st Session (March 2021), in relation to the reply of your Government to the report of the Commission of Inquiry appointed to examine the complaint concerning the non-observance by the Bolivarian Republic of Venezuela of Conventions Nos 26, 87 and 144.

Under point (b) of that decision, the Governing Body urged the Bolivarian Republic of Venezuela to establish and convene, by May 2021, a social dialogue forum in line with point 4 under paragraph 497 of the Commission of Inquiry's report.

Furthermore, in accordance with point (c) of the abovementioned decision, I confirm that the Office is at the disposal of your Government to provide it with the technical assistance that would be useful for the full implementation of the recommendations of the Commission of Inquiry and for the effective application of Conventions Nos 26, 87 and 144 in law and in practice.

Finally, in anticipation of the report that, under point (d) of the decision, the Office will submit to the Governing Body, by 3 May 2021, on the measures taken to comply with the recommendations of the Commission of Inquiry and on the technical assistance requested or provided, I thank you in advance for keeping us informed in a timely manner of all progress made in this regard.

Remaining at your disposal, I take this opportunity to reiterate, Mr. Minister, the assurance of my highest consideration.

Guy Ryder

► Appendix II



*Misión Permanente de la
República Bolivariana de Venezuela
ante la Oficina de las Naciones Unidas
y demás Organismos Internacionales
con sede en Ginebra*

N° 0700 - 2021

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations Office and other International Organizations in Geneva presents its compliments to the International Labour Office (ILO) on the occasion of the decision adopted on March 27, 2021, in the framework of the 341st Session of the ILO Governing Body, on the occasion of the case of the Commission of Inquiry concerning the Bolivarian Republic of Venezuela, based on document GB.341/INS/10 (Rev.2).

In this regard, please find attached hereto, consisting of two (2) valuable pages, the final statement issued on March 27, 2021, by the Minister of People's Power for the Social Process Labor of Venezuela, H.E. Germán Eduardo Piñate, categorically rejecting the decision adopted as a result of a questionable secret voting process that contradicts the regulations the Governing Body.

Document GB.341/INS/1 containing the "Special arrangements for the 341st Session of the Governing Body of the ILO" expressly states that: "The Standing Orders of the Governing Body shall continue to apply in full except to the extent that they are inconsistent with the special arrangements and rules of procedure set out below, in which case the Governing Body's decision to adopt these arrangements and rules shall be deemed as a decision to suspend the relevant provisions of the Standing Orders for the entire duration of the 341st Session of the Governing Body." (Emphasis added by us).

In this regard, the Permanent Mission of the Bolivarian Republic of Venezuela asserts that the aforementioned "Special arrangements for the 341st Session of the Governing Body of the ILO" establishes in paragraph 32 (g), in the case, it becomes clear that despite all reasonable efforts, objection by a Governing Body member does not permit the chairing officer to determine the existence of an agreement that is generally accepted and proceed to conclude the item; the chairing officer may, ultimately, put the decision point to a vote: i) by show of hands; ii) by a roll call electronically; or iii) by correspondence after the final plenary sitting.

On March 27, 2021, during the treatment of the case of Venezuela, the chairing officer of the Governing Body announced, after expressing that "apparently" there was no consensus, that according to the "Special arrangements for the 341st Session of the ILO Governing Body", he believed it was inevitable to proceed to vote, and then proposed that the vote be made by a show of hands electronically.

According to paragraph 32 (h) of the aforementioned "Special arrangements for the 341st Session of the Governing Body of the ILO," it is established that: "In a vote by show of hands, only the final voting figures (total number of votes in favour, total number of votes against, total number of abstentions as well as the majority required) shall be announced by the Chairperson and reflected in the minutes of the session."

However, it should be noted that under no circumstances did the so-called "vote by show of hands" imply that it should be secret, in the understanding that the provision above of paragraph 32 (h) only establishes that the chairing officer shall announce the results in the terms set forth, but it does not express, it is worth reiterating, that the scrutiny is secret and that the results cannot be published transparently.

**Honorable
Mr. Guy Ryder
Director-General of the International Labour Office (ILO)
Geneva**

In this order of ideas, it is necessary to reiterate that, as established in the aforementioned "Special arrangements for the 341st Session of the Governing Body of the ILO," in everything that is not incompatible, the Compendium of rules applicable to the Governing Body of the ILO must be observed, which establishes everything related to voting in its numeral 6.1, and rule 6.1.1 expresses, without ambiguity, that a secret ballot may only be established when so provided for in the Rules of Procedure; and the Compendium of rules applicable to the Governing Body of the ILO goes even further by providing for the possibility that: "In case of doubt as to the result of a vote by show of hands, the person chairing the sitting may retake the vote by calling the roll of members entitled to vote."

Mr. Director-General,

It is clear that the questionable secret ballot was contrary to the Compendium of rules applicable to the Governing Body of the ILO and also incurred a particular flaw by not complying with the aforementioned "Special arrangements for the 341st Session of the Governing Body of the ILO", which, as previously stated, established in paragraph 32, paragraphs f) and g), that if consensus was not reached, what could be submitted to a vote was a revised draft decision and not, as erroneously occurred in practice, that the chairing officer of the Governing Body, without any legal basis, submitted to a secret ballot, to add more procedural gaps, an amendment and a sub amendment that arose in the course of the discussions on the case of Venezuela, that is to say, the mandatory parameter of having presented this possible "revised draft decision," which was the only text that could eventually be submitted to a vote, was never complied with.

This Permanent Mission cannot overlook, in addition to all the aforementioned defects, that when the chairing officer of the Governing Body called for the vote, he referred to the amendment submitted by the Workers' Group and to a sub amendment submitted by a group of countries, without specifying which sub amendment he was referring to, when that same group of countries had submitted two sub amendments, and although the Minister of People's Power for the Social Process of Labor of Venezuela asked about it, he never received an answer on the matter.

The Permanent Mission of the Bolivarian Republic of Venezuela notes that after the questioned secret ballot, the chairing officer informed that the sub amendment in question had obtained a majority of votes, without specifying again which sub amendment he was referring to. Subsequently, through the ILO website, the Government of the Bolivarian Republic of Venezuela became aware of the terms of the decision adopted, noting that the sub amendment submitted by a group of countries was untimely because it was submitted in the evening hours of March 25, 2021, just before the session of March 26, 2021, in which the case of the Commission of Inquiry on Venezuela was discussed for the second time. In other words, this sub amendment was flatly inadmissible for being untimely since it did not respect the 24-hour period prior to the beginning of the session of March 26, 2021, per paragraph 32 (b) of the "Special arrangements for the 341st Session of the Governing Body of the ILO."

Under all the preceding considerations, this Permanent Mission, on behalf of the National Government, reiterates what was expressed at the meeting of March 27, 2021, by the Minister of People's Power for the Social Process of Labor of Venezuela, H.E. Germán Eduardo Piñate, categorically rejecting the questioned decision adopted during the 341st Session of the Governing Body, by secret ballot contrary to the Compendium of rules applicable to the Governing Body of the International Labour Office, the reason why the Government of the Bolivarian Republic of Venezuela does not commit itself and dissociates itself from that illegal decision.

The Permanent Mission of the Bolivarian Republic of Venezuela thanks the International Labour Office for bringing this Note Verbale and its annex to the Officers of the Governing Body's members, the members of the Governing Body, regular and deputies, as well as all the members of the Organization.

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the International Labour Office the assurances of its highest consideration.



Geneva, March 31, 2021

► Appendix III

Letter from the Government

UNOFFICIAL TRANSLATION IN ENGLISH – ORIGINAL LETTER IN SPANISH

Caracas, 30 April 2021

Mr.
GUY RYDER DIRECTOR GENERAL
INTERNATIONAL LABOUR OFFICE (ILO)

Dear Mr. Ryder:

Please accept, Sir, the warm revolutionary greetings of the Government of the Bolivarian Republic of Venezuela.

I hereby acknowledge receipt of your communication dated 31 March 2021, informing us of Decision GB.INS/341/10 adopted by the Governing Body at its 341st Session in March 2021, concerning our reply to the report of the Commission of Inquiry concerning the country, for alleged non-observance of ILO Conventions 26, 87 and 144.

In this regard, Mr. Director-General, I would first like to respectfully reiterate the position expressed by the Government of the Bolivarian Republic of Venezuela in my statement following the announcement of the decision adopted by the voting mechanism at the 341st session of the Governing Body, in which we categorically rejected that decision, which was the result of a questionable secret voting process contrary to the Governing Body regulations. We have reiterated this situation to your Office through Communication No. 0700-2021 dated 31 March 2021 through our Permanent Mission to the United Nations Office and other international organisations based in Geneva, for which my Government does not commit itself and dissociates itself from this decision.

However, Mr. Director-General, the above does not in any way undermine the commitment that my Government has reiterated on countless occasions before the various supervisory bodies of the ILO, and before you personally, to continue to move forward, adhering to the broad and inclusive social dialogue typical of the Bolivarian Revolution, without exclusions, always encouraging the participation of all the most representative organisations of workers and employers, without privileges in favour of one or the other, to the extent that they so wish and in accordance with the legality of our country, as has been the case even in the current difficult circumstances resulting from a criminal blockade and the application of unilateral coercive measures, plus the blatant theft of assets abroad that are the sole and exclusive property of the Venezuelan people.

Likewise, we would like to express once again that we are ready to work to improve our practices regarding compliance with the different ILO conventions ratified by our country, with the understanding that all mechanisms, procedures and consultations have our best disposition, based on the recommendations and constructive suggestions issued by the different ILO supervisory bodies; but that this can in no way be interpreted as the acceptance of predetermined models that they wish to impose on us which are not foreseen in the texts of the Conventions or in our legal norms. As we have stated on previous occasions, each ILO member country has its own reality, and it is on that basis that best practices on compliance in particular should be established.

In this regard, I would also like to inform you, Mr. Director, of the progress we have been making over the last month, which is detailed below:

- Within the framework of social and inclusive dialogue of the National Government, we have continued with the development of the dialogue roundtables with both employers' and workers' organizations, in a climate of agreement and broad willingness, addressing aspects related to the international conventions of the ILO linked to the Commission of Inquiry, and even other issues of interest to the organizations.
- In compliance with Convention No. 26 on minimum wage fixing methods, we have initiated formal consultation with workers' and employers' organizations.
- In the framework of our obligations and responsibilities under the Constitution of the International Labour Organization and in compliance with Convention No. 144 on Tripartite Consultation, which is the subject of the complaint that gave rise to the Commission of Inquiry, we have initiated consultations with the different social partners, both workers and employers, for the process of submission and possible ratification of ILO Convention 190 on Violence and Harassment (2019).

Likewise, Mr. Director, I would like to take this opportunity to reiterate the request we have made to this important international organization, in order to have the specialized technical assistance of the ILO in relation to the representativeness of employers' and workers' organizations in Venezuela, which we consider will be of great relevance in the development of social dialogue in our country, and in accordance with the multiple calls made by the Credentials Committee in the framework of the international and regional conferences of the ILO.

Finally, Mr. Ryder, we would like to state that the Government of the Bolivarian Republic of Venezuela plans to hold a large, broad, inclusive and non-privileged Social Dialogue Meeting, including all employers' and workers' organizations in May 2021, including all representative organizations of employers and workers, to the extent that they wish to participate in this forum in a sincere and constructive manner, away from partisan political interests that are foreign to the noble world of work. Our Government will be open to receive suggestions from the ILO for the development of this meeting, which we are sure will allow us to continue to make progress in strengthening compliance with the ILO conventions ratified by our country, especially those relating to the Commission of Inquiry procedure.

In conclusion, in the context of the above, we would like to reiterate once again, Mr. Director, the great willingness of the Government of the Bolivarian Republic of Venezuela to continue deepening and perfecting the fulfilment of the commitments made in the ILO Conventions ratified by our country.

Without further reference, I reiterate to you, Mr. Director-General, the assurances of my highest consideration.

(signed)

Germán Eduardo Piñate

Minister of Popular Power for the Social Process of Labour

► Appendix IV

Letter from FEDECAMARAS

UNOFFICIAL TRANSLATION – ORIGINAL LETTER IN SPANISH

Mr GUY RYDER
DIRECTOR-GENERAL
INTERNATIONAL LABOUR ORGANIZATION (ILO)

4, Rue des Morillons, 4
1211 Geneva 22
Geneva, Switzerland

SUPPLEMENTARY INFORMATION / COMMISSION OF ENQUIRY ON THE BOLIVARIAN REPUBLIC OF VENEZUELA

The FEDERACIÓN DE CÁMARAS Y ASOCIACIONES DE COMERCIO Y PRODUCCIÓN DE VENEZUELA (FEDECAMARAS), the most representative organization of employers in the Bolivarian Republic of Venezuela, complies with submitting complementary information to that sent in our previous communication of 22 April 2021, referring to the submission of updated information on the measures adopted by the Government of the Bolivarian Republic of Venezuela with respect to compliance with the Recommendations of the Commission of Inquiry.

In this regard, we inform that, on 30 April 2021, FEDECAMARAS received an official letter No. 0002004/2021 dated 28 April 2021, signed by the Vice-Minister for the Integrated System of Labour Inspection and Social Security of the Ministry of People's Power for the Social Process of Labour, sent via email by the Directorate of International Relations and Liaison with the ILO, through which it is requested to know FEDECAMARAS' expectations, observations and recommendations on the "*increase in the minimum wage in the country*", for the coming months.

As annually announced by the Government on May 1st, "*International Workers' Day*", an increase in the minimum wage was approved and applied as of the same day and published in the Official Gazette No. Extraordinary 6.662 (copy of the Official Gazette was attached).

FEDECAMARAS responded to the aforementioned communication from the Ministry, pointing out, as on many other occasions, that the terms of the request are untimely and generic, with barely one day in advance of the official publication and without communicating details of the government proposal that would have enabled our contributions and proposals. We also informed the Ministry that the minimum wage in Venezuela today is a derisory amount, far below the cost of living, the food basket having totally lost its purchasing power. Thus, the minimum wage does not even minimally compensate the efforts of workers to guarantee them decent living conditions, as established in article 91 of the Constitution of the Bolivarian Republic of Venezuela, so the issue deserves a serious and thorough tripartite discussion to ensure a solution.

Regarding Convention No. 26, the Commission of Inquiry Report states that "the mere sending of such belated and/or generic communications, containing abstract requests for proposals "*in relation to the minimum wage over six months, without providing any information on the anticipated machinery for fixing and applying the minimum wage*, cannot be deemed to comply with the provisions of the Convention, *which establish the obligation of the Government to engage in effective consultations*". The Commission of Inquiry also held that the Convention aims at "*genuine consultation that is, with reasonable timeframes and the sharing of a minimum amount of information*

on the machinery and reasons for fixing the level of the minimum wage under consideration by the Government if such consultation is to be effective."

Therefore, the sending of the aforementioned ministerial letter, a mere formality sent to FEDECAMARAS, cannot be considered as a valid consultation, for the purposes of Conventions Nos. 26 and 144 to give effect to the tripartite and effective consultation, which is mandatory and necessary for the approval of the increase in the minimum wage, and constitutes a new breach by the Government of Venezuela of these Conventions and of the Recommendations of the Commission of Inquiry.

Therefore, FEDECAMARAS requested the Government to urgently make available functioning "bodies or institutionalised forms of social dialogue", which would allow for a real tripartite discussion to adequately address an effective solution to this serious problem, such as the Dialogue Round Tables recommended by the Commission of Inquiry.

II.- Social Dialogue Forum:

To date, the Government has not convened the Social Dialogue Forum, in the terms provided for in point 4 of paragraph 497 of the Report of the Commission of Inquiry and recommended by the Governing Body in point e) of the decision adopted at the last 341st Session held in March.

We also inform that no further meetings have been convened with the aforementioned Ministerial Office.

FEDECAMARAS takes this opportunity once again to ratify its special interest in counting on the technical assistance of the ILO under the conditions expressly contemplated in the Report of the Commission of Inquiry (Paragraphs 495 and 497, numeral 1) and in the 2021 Report of the Committee of Experts on the Application of Conventions and Recommendations -CEACR- (Page 256), not limited to the determination of the representativeness of workers' and employers' organizations, but in a holistic manner, for the facilitation and comprehensive monitoring of compliance with each and every one of the Recommendations of the Committee of Inquiry and provide adequate support to the Dialogue Round Tables, which is essential to ensure the success of the process.

We thank you for forwarding this communication and its Annexes to the Governing Body and those identified at the bottom as a matter of urgency, so that it may be incorporated into the Report presented by the Director General on the update of the status of compliance of the Government of Venezuela with the Recommendations and Conventions subject to the Commission of Inquiry.

We remain at your entire disposal and reiterate our personal esteem and consideration.

Cordially yours,

(signed)

Ricardo Cusanno Maduro
President of FEDECAMARAS

► Appendix V

Letter from the Government

UNOFFICIAL TRANSLATION IN ENGLISH – ORIGINAL LETTER IN SPANISH

Caracas, 26 May 2021

Mr.

GUY RYDER

Director-General of the International Labour Office International Labour Organization (ILO)

Geneva, Switzerland.

Dear Mr. Ryder:

Please accept, on behalf of the Government of the Bolivarian Republic of Venezuela, and especially on behalf of the Ministry of Popular Power for the Social Process of Labour, a cordial revolutionary greeting.

I also wish to acknowledge receipt of your kind communication dated 21 May 2021, and to thank you for your sincere congratulations on my recent appointment as head of this ministerial portfolio, for which I hope to continue to maintain with this International Organisation the relationship of respect and cordiality that we have had until now.

I would also like to inform you, in response to your communication of 11 May 2021, that last Friday, 21 May 2021, we held a Major Meeting of National Dialogue of the World of Work with the various organisations of workers and employers, in the context of the Venezuelan case before this international organisation

This event was attended by a large number of workers' and employers' organisations in the country, such as CBST-CCP, ASI, CODESA, CTV, UNETE, FEDEINDUSTRIA and FEDECÁMARAS, who welcomed the meeting and expressed their views. After their exercise their respective rights to speak, in a climate of respect, a schedule of meetings was agreed upon, to begin next Friday 28 May, until 18 June 2021, to address ILO Conventions Nos. 26, 87 and 144.

We hope to continue informing this International Organisation of the progress of this national dialogue with the various social partners.

Without further reference, I take this opportunity, Mr. Director-General, to express to you our esteem and consideration.

Sincerely,

(Signed)

José Ramón Rivero González

Minister of Popular Power for the Social Process of Labour

Letter from the Government

UNOFFICIAL TRANSLATION IN ENGLISH – ORIGINAL LETTER IN SPANISH

Caracas, 9 June 2021

Mr
GUY RYDER
Director-General of the International Labour Office
International Labour Organisation (ILO)
Geneva, Switzerland.

Dear Mr Ryder:

Please receive a cordial revolutionary greeting on behalf of the Government of the Bolivarian Republic of Venezuela and especially of the Ministry of People's Power for the Social Process of Work.

I am writing to you in order to refer once again to the Great Meeting of National Dialogue of the World of Work with the different workers' and employers' organizations of workers, which has been taking place in the Bolivarian Republic since last Friday, 21 May 2021, in the virtual modality and according to a work schedule comprising a total of five working sessions, in which it is planned to discuss ILO Conventions Nos 26, 87 and 144.

As you are aware, three of the five sessions planned have been held to date: on Friday 21 May, the initial session took place, on Friday 28 May, Convention No 26 was discussed and on Friday 4 June, Convention No 87 was discussed.

With regard to the meeting held on 4 June, which lasted more than two hours in a climate of respect, apart from the representation of the Venezuelan Government, chaired by myself, together with representatives of my Office and our Ministry of Foreign Affairs, representatives of FEDECÁMARAS, FEDEINDUSTRIA, CBST-CCP, ASI and UNETE also participated. The trade union organisations CGT and CODESA were invited but did not attend. It should be noted that the CTV did not attend either, although it had actively participated in the meeting of 21 May and attended the session of 28 May.

In this last working session on Convention No 87, the Bolivarian Government expressed its permanent disposition to open and constructive dialogue, as well as its willingness to evaluate the proposals presented by the various social organisations, with a view to improving compliance with the aforementioned Convention, given that it is related to the cases brought by the various monitoring bodies of that organisation, with regard to which progress has been made.

Among the organisations present, some of them, such as Fedecámaras, the ASI and UNETE, made extensive presentations on various proposals that they have presented to this international organisation. However, some of these organisations highlighted certain aspects that are worth mentioning. In the case of Fedecámaras, it emphasised the existence of a better atmosphere within the framework of dialogue; the ASI organisation recognised advances and solutions to situations that have been presented to the Government; and in the case of UNETE, it was constructive and hopeful that its issues would be addressed.

In view of the broad participation, on considerations and suggestions, and with the firm intention of moving forward, I agreed to the creation of two working groups with well-defined purposes, one of them, under the responsibility of our Legal Consultancy, to deal with the proposals of the social organisations on freedom of association, and another working group, which will be attended by the Office of the Vice-Ministry of Labour Rights and Relations, to deal with specific cases on collective bargaining agreements and other labour claims.

It is also worth noting that, following the remarks made by some trade union organisations in the framework of these dialogue sessions on the policy related to the discussion of collective bargaining agreements, a presentation was made last Friday by the Vice-Minister of Rights and Labour Relations explaining the current line on this matter, and this week I drew up guidelines, in which the Bolivarian Government's policy of guaranteeing the discussion and signing of collective bargaining agreements is clearly and categorically reiterated. The respective guidelines are attached to this communication.

Finally, Mr. Director General, we would like to inform you that this coming Friday, 11 June 2021, the new session of this Great Meeting of National Dialogue will be oriented to contribute to the national consultation on the protection of breastfeeding,

an issue that is currently on the legislative agenda, and which has a significant relationship with the world of work and impact on labour relations, so it is planned that the representatives of the National Assembly responsible for the issue will participate. We also plan to continue to make progress with the discussions on Convention 87. The communication of invitation to this session is attached with the corresponding explanations.

The issue of ILO Convention No 144 is scheduled for the next dialogue session, to be held on Friday, 18 June 2021. In this regard, we hope to continue informing this international body of the progress of this forum.

Without further reference, I should like to take this opportunity, Mr Director-General, to express to you our esteem and consideration.

Yours sincerely,

JOSÉ RAMÓN RIVERO GONZÁLEZ
Minister of People's Power for the
Social Work Process

Letter from the Government

UNOFFICIAL TRANSLATION IN ENGLISH – ORIGINAL LETTER IN SPANISH

Caracas, 14 June 2021

Mr.

GUY RYDER

Director-General of the International Labour Office

International Labour Organization (ILO)

Geneva, Switzerland.

Dear Mr. Ryder:

Please receive a cordial revolutionary greeting on behalf of the Government of the Bolivarian Republic of Venezuela, and especially of the Ministry of People's Power for the Social Process of Labour.

I am writing to you on this occasion to refer once again to the Great Meeting of Social Dialogue that has been taking place in our country since last Friday 21 May 2021, with the active participation of the different workers' and employers' organisations, under the virtual modality.

It is also an appropriate occasion to refer to some other developments that I would like to report in this same communication, regarding Case No 2254 before the Committee on Freedom of Association (CFA) and issues related to the Commission of Inquiry concerning our country.

In this regard, we are pleased to inform you that the Great Meeting of Social Dialogue with the different workers' and employers' organisations at the national level has continued to develop in a climate of respect and constructive considerations. As you are aware, so far four (4) working sessions have been held, in which all social organisations have been invited, and all those who have so wished have participated, such as: Fedecámaras, Fedeindustria, CBST-CCP, ASI, UNETE and CTV (the latter participated in the first two sessions). The organisation CODESA attended the first session, and with regard to the CGT, its representative has expressed interest by telephone in participating in these meetings, but has had serious problems connecting to the Zoom virtual platform.

In the first session of this social dialogue forum, after the interventions of the different organisations, it was agreed to establish a work schedule to develop the discussions on Conventions Nos 26, 87 and 144.

The second session, held on 28 May 2021, was the one on Convention No 26, in which, on behalf of the Government, I made a first intervention on the application of this Convention in our country, to then give way to the interventions of each of the social organisations present on this occasion. The spokespersons of Fedecámaras and the ASI made extensive presentations on matters related to wages, and the CBST-CCP, UNETE, CTV and Fedeindustria also expressed their views on the application of this Convention in our country, and many of them welcomed the need and importance of opening up spaces for dialogue such as these in order to constructively channel the different criteria. The

different points of view were duly noted and we appreciate the conciliatory spirit expressed at this meeting.

The third session of this forum was held on 4 June 2021, and covered the issue of Convention No 87, which, as we reported in our communication Nº 360 of 9 June, was held with the participation of the social organisations referred to above. This session began with the intervention of myself and representatives of my Office on some issues related to the application of this Convention and its expression in the national regulations, and then the representatives of the organisations Fedecámaras, ASI and UNETE expressed their points of view, with extensive presentations, followed by the interventions of the CBST-CCP and Fedeindustria.

This Friday, 11 June, the fourth dialogue session was held, for which a modification of the working agenda initially proposed was presented, and a topic was introduced that we consider to be of great interest to the various actors in the world of work, linked to modifications of the national laws that contemplate maternity, paternity and breastfeeding, for which public consultation is being carried out by the National Assembly (Legislative Branch). This presentation was given by the president of the Permanent Commission on Families and Freedom of Religion and Religion, Deputy Asia Villegas, who also informed the social actors present of the mechanisms for participating in the consultation. This session was also an opportunity to follow up on aspects related to Convention No 87, and explanations were given by the Vice-Minister of Law and Labour Relations and the Director of the National Register of Trade Union Organisations (RNOS). The National Electoral Council (CNE), whose participation is voluntary on the issue of elections of boards of directors, when requested by the trade union organisations themselves, was dealt with in a very positive manner, which was made clear for the purpose of resolving concerns and avoiding possible obstacles expressed by the organisations that go to the CNE channelling technical assistance for their electoral union processes. It was indicated, with due respect and consideration for the social partners, that they could modify their statutes to conduct elections as they define internally, with or without the advice of the CNE.

In this session, it was also informed that in order to clarify the freedom of association with respect to collective bargaining agreements, this Ministry issued a Memorandum of guidelines, which unequivocally states that there are no further limitations for the development of collective bargaining agreements, beyond the formalities of the Law, which is attached.

Then, in that session of 11 June 2021, the right to speak was opened to the organisations present, and the organisations ASI, UNETE, CBST-CCP, Fedecámaras and Fedeindustria intervened in a very constructive manner. We are confident that we have made progress on this important issue.

We emphasize that as a result of the debates of this dialogue session held on Friday 11 June, we consider the relevance of the emergence of a national consultation mechanism for the legislative initiatives of the new National Assembly, on national laws linked to the content of international labour standards.

The fifth session of this Great Social Dialogue Meeting, concerning ILO Convention No 144, is scheduled to take place this coming Friday 18 June 2021; and the sixth session will be held on 25 June 2021, to establish the eventual conclusions and recommendations of this important forum for social dialogue.

On the other hand, the second issue that I would like to address on this occasion, Mr. Director General, is in relation to some matters brought before the supervisory bodies of this international organisation, such as Case No 2254 before the Committee on Freedom of Association (CFA) and the Commission of Inquiry concerning our country.

We consider that Case 2254 should not have been pursued independently before the CFA, since, as is well known, the arguments presented there by the employers are fully included in the Report of the

Commission of Inquiry. This dual treatment of the same arguments is evidence of the duplication of procedures before different ILO supervisory bodies dealing with the same issues.

In this regard, however, in order to meet the responses that we are always ready to provide, we request that everything that the Government of the Bolivarian Republic of Venezuela has reported to date be brought to the attention of the CFA by the International Labour Standards Department of the ILO, and we expressly request this to your Office, Mr. Director-General, and we trust that you will proceed in this coherent, balanced and transparent manner, since we assume that the CFA is fully aware of all the replies that the Venezuelan Government has sent and will continue to send on this important issue that concerns us.

In this order of ideas, the following is reported:

1. Regarding the issue of the Día a Día Supermarkets, presented as part of Case No 2254 before the CFA and which was also dealt with by the Commission of Inquiry, it is reported that the preventive measure of temporary occupation that was executed by the National Superintendence for the Defence of Socioeconomic Rights (SUNDDE) was declared terminated, and in this sense, such establishments are operating normally at the national level, and this reality has been verified by our Integral Inspection System (attached), in accordance with the Administrative Ruling of SUNDDE, identified LPOTB-DNEMP No. 70-2019 dated 10 January 2020, in compliance with Ruling No. 2018-00432 dated 13 December 2018, issued by the Second Contentious Administrative Court, which is attached to this communication.

2. Regarding the operations of boarding and deployment of officials attached to the National Superintendence for the Defence of Socioeconomic Rights (SUNDDE), together with members of the Bolivarian National Guard (GNB) and spokespersons of the Local Supply and Production Committees (CLAP), carried out in accordance with the Organic Law on Fair Prices and other Administrative Rulings. In this 2016 case, the traders increased the prices of clothing and footwear for speculative purposes, without a cost study, based on economic warfare practices. On the basis of the legal procedure, discounts on such products were carried out in shops located in the Capital District (Caracas) of the Bolivarian Republic of Venezuela, specifically in Sabana Grande, La Hoyada and downtown Caracas. SUNDDES reported that, in view of the traders' compliance with the preventive measures, the inspection and execution of these measures was concluded.

For the time being, this is all we can report, ratifying the willingness of the Bolivarian Government to provide all necessary information on these issues, reiterating that we value, analyse and weigh the objective and transparent opinions and recommendations of the various ILO supervisory bodies, which are far removed from political interests contrary to our Government, with a view to the commitment to continue improving compliance with international labour standards.

Without further reference, I take this opportunity, Mr. Director-General, to express to you our esteem and consideration.

Yours sincerely,

JOSÉ RAMÓN RIVERO GONZÁLEZ

Minister of the People's Power for the

Social Labour Process