



Governing Body

343rd Session, Geneva, November 2021

Institutional Section

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Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required time frame

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, at its session in March 2021:
 - (a) deplored the Bolivarian Republic of Venezuela's reply dated 10 August 2020 that it does not accept the recommendations of the Commission of Inquiry;
 - (b) noted recent developments and 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;
 - (c) requested the Office to work with the Bolivarian Republic of Venezuela on recognition and full implementation of the recommendations of the Commission of

Inquiry and on the effective application of Conventions Nos 26, 87 and 144 in law and in practice in the country;

- (d) 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 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;
- (e) acknowledged the possibility of a resolution at the 109th Session of the International Labour Conference on the developments mentioned in points (b), (c) and (d) if there is a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry;
- (f) decided to include an item on the agenda of its 343rd Session (November 2021) entitled "Consideration of all possible measures, including those foreseen in the ILO Constitution, required to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required timeframe"; and
- (g) requested the Director-General to present an updated report to its 343rd Session (November 2021) on relevant actions taken, measures referred to in paragraphs (b) and (c), and relevant information on possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry, including any progress made in implementing those recommendations.¹

► 1. Information on the implementation of the recommendations of the Commission of Inquiry

1.1. Information received prior to the Governing Body's discussion in June 2021

- 2. In addition to the communications contained in the update to the report of the Director-General submitted to the Governing Body in June,² the Office received further communications from the Government dated 22 and 23 June 2021 and from the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) dated 24 June 2021. These communications, received just prior to the Governing Body's discussion, could not be included in the previous report of the Director-General. Summaries of these communications are set out below and the main texts are reproduced in full in Appendices I and II (the annexes referred to in the communications are available for consultation by Governing Body members).

Summary of the communications from the Government of the Bolivarian Republic of Venezuela dated 22 and 23 June 2021

- 3. The Government's communication of 22 June 2021 transmits the ruling of the twelfth court of first instance for the criminal judicial circuit of the judicial district of the Caracas

¹ GB.341/PV, para. 389, and GB.341/INS/10(Rev.2).

² GB.342/INS/8/2.

metropolitan area, dated 8 June 2021, concerning the trade unionist Rodney Álvarez (whose immediate release had been called for in the recommendations of the Commission of Inquiry). The Government underscores that, although Mr Álvarez was sentenced to 15 years in prison, once a ruling is handed down, the guarantee provided for in the Organic Code of Criminal Procedure applies, under which the time spent by a convicted person in custody during the trial will be deducted from the sentence to be served. The full text of the ruling is available for consultation by the members of the Governing Body.

4. The communication of 23 June 2021 reports on the outcome of the large-scale meeting for national dialogue on the world of work (*Gran encuentro de diálogo nacional del mundo del trabajo*), which took place from 21 May to 23 June, and includes an executive summary of the various meetings that were held, which were the subject of earlier communications and summarized in the Director-General's previous report. The communication sets out the commitments made by the Government in four areas as a result of this tripartite dialogue forum. First, the Government undertakes to initiate consultations with the social partners on the draft laws and the relevant reforms, linked to international labour standards, that have been put forward by the National Assembly, starting with the draft law on special economic zones, at a time to be agreed with the legislative body. In this regard, the Government is asking workers' and employers' organizations for their suggestions and recommendations in respect of their interest in the draft laws and reforms currently on the legislative agenda. The Government specifies that the Ministry of People's Power for the Social Process of Labour (MPPPST) will make the necessary arrangements to liaise between the National Legislative Branch and the social partners. Second, the Government undertakes to establish three face-to-face technical working groups on ILO Conventions Nos 26, 87 and 144, in order to prepare concrete proposals on methods and procedures, as referred to in the texts of these Conventions, taking into account domestic practices and the national legal system. In this regard, and in line with the points raised during the dialogue on the effective consultation referred to in Convention No. 26, the Government states that it is committed to reiterate immediately its call for proposals and recommendations in this area, without detriment to the construction in the short term of the machinery referred to in the international Convention in question. Third, the Government undertakes to hold a forum, with the participation of ILO technical representatives, to discuss the progress made in the framework of the large-scale meeting for national dialogue on the world of work and in improving compliance with ILO Conventions Nos 26, 87 and 144. And fourth, the Government undertakes to schedule for the second half of August consultations with workers' and employers' organizations on the reports on the application of Conventions, in accordance with the provisions of Convention No. 144.

Summary of the letter from FEDECAMARAS of 24 June 2021

5. In its communication of 24 June 2021, FEDECAMARAS states that it had been invited to and participated in the large-scale meeting for national dialogue on the world of work, in order to discuss matters related to the Commission of Inquiry and Conventions Nos 26, 87 and 144, which are the subject of the complaint under article 26 of the ILO Constitution. In this regard, while it appreciated the initiative after so many years without any kind of tripartite contact in the Bolivarian Republic of Venezuela, FEDECAMARAS reiterated to the Ministry its concern about the lack of acceptance of the Commission of Inquiry's recommendations. It considers the acceptance of these recommendations to be essential in order to move towards an effective and constructive social dialogue with full guarantees, based on the conditions recommended by the Commission of Inquiry

and which were lacking at the meetings, such as: an independent chair, a structured body for dialogue, ILO presence and assistance, and other recommendations provided for in paragraphs 495 and 497 of its report. Accordingly, the approach pursued by the Government can not be considered as being in compliance with the Commission of Inquiry's recommendation on the establishment of bipartite and tripartite dialogue round tables. Although the parties expressed their views with regard the implementation of the Conventions in the country, no concrete solutions were reached.

6. FEDECAMARAS refers to the Government's position according to which the ILO Recommendations and the opinions issued by the ILO's various supervisory bodies are not binding. It does not dispute this, but considers nevertheless that it is important to take into account the development of these in order to find the best way to address and resolve the multiple issues that are the subject of the complaint, in accordance with the interpretations and opinions set out, given that it is the responsibility of the ILO supervisory bodies to interpret the scope of and determine the degree of compliance with the Conventions. FEDECAMARAS also states that it has reiterated to the Ministry the need to hold a training forum on social dialogue, with ILO support, to be attended by public officials and representatives of workers' and employers' organizations. FEDECAMARAS also submits an inventory of laws that the National Assembly is considering for adoption and that will have an impact on economic and labour development; for the purposes of consultation on these laws, it has asked the Ministry to establish a coordination mechanism or working group to collect the observations of trade unions. Lastly, FEDECAMARAS considers it vital in this process to build trust between the parties and for the Government to express its unequivocal willingness to engage in dialogue in order to formalize this process, taking on board the recommendations of the Commission of Inquiry so as to find prompt and effective solutions to the many serious problems affecting the parties and national interests.

1.2. Information received since the Governing Body's discussion in June 2021

Summary of the letters from the Government of the Bolivarian Republic of Venezuela of 13 and 21 July 2021

7. In a letter of 13 July 2021, the Government reports that, after the conclusion of the large-scale meeting for social dialogue on the world of work, FEDECAMARAS and the Federation of Craft, Micro, Small and Medium-sized Industries and Enterprises of Venezuela (FEDEINDUSTRIA) were invited to continue increasing opportunities for social dialogue. These new face-to-face dialogue meetings began on 9 July 2021 with representatives of FEDECAMARAS, who introduced their new executive committee and expressed their willingness to continue participating in these dialogue forums. On the same day, a meeting was held with FEDEINDUSTRIA, which also welcomed and expressed appreciation for this opportunity for social dialogue. The Government, for its part, reiterated to both organizations its resolve to continue working to improve the application of the ILO Conventions ratified by the Bolivarian Republic of Venezuela and proposed the launch of technical round tables on Conventions Nos 26, 87 and 144, to which representatives of the MPPPST have already been appointed and for which the programmes of work are being prepared. The Minister also informed these organizations that it would be important to know whether they were interested in discussing and providing their input on the draft laws contained in the national legislative agenda. To this end, the Ministry will liaise with the Legislative Branch so that

they can participate in consultations on laws that are linked to or have a direct impact on international labour standards, in accordance with the ratified ILO Conventions. The Government concludes by reporting that it plans to continue developing this new forum for dialogue with workers' organizations, to which the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers (CBST-CCP) and the Independent Trade Union Alliance (ASI) have been invited. The full text of the communication is reproduced in Appendix III.

8. In a letter of 21 July 2021, the Government reports that, as part of the progress being made in the area of social dialogue, on 20 July 2021, the Government attended, at the invitation of FEDECAMARAS, that organization's 77th Annual Assembly. The Government was represented by the Executive Vice-President of the Republic, the Minister of People's Power for Trade and the Minister of People's Power for the Social Process of Labour, as well as the Deputy Minister for International Communications of the Ministry of People's Power for Foreign Affairs and members of the National Assembly, both from the Great Patriotic Pole and the opposition. The Government reports that, during the Annual Assembly, the President of FEDECAMARAS, among other things, highlighted the need to continue increasing opportunities for dialogue between the public and the private sectors, and drew attention to the meetings held between the Government and FEDECAMARAS during the pandemic, in which their proposals on health and the economy were heard. He also highlighted the negative impact of international actions taken by other countries, to the detriment of the Venezuelan business sector. Similarly, the President of FEDECAMARAS was emphatic in pointing out that the problems of Venezuelans must be solved by Venezuelans. The Executive Vice-President of the Republic closed the event with a speech drawing attention to relevant economic information, highlighting the negative impact that the application of sanctions imposed against the country has had on the private sector, and issuing two invitations to the private sector: the first was to establish a technical round table to work on replacing imported products by domestic products in sectors where it would be possible, and the second was for the executive committee of FEDECAMARAS to join the National Economic Council. The Government concludes its letter by stressing that these opportunities for meetings and dialogue between the business sector and the Government are increasing day by day and demonstrate that there is no climate of aggression against the business sector as has been alleged in various ILO supervisory bodies. The full text of the letter is reproduced in Appendix IV.

Summary of the letter from FEDEAMARAS of 1 September 2021

9. In a letter dated 1 September 2021 sent to the attention of the Committee of Experts, with explicit instructions to also communicate it to the Governing Body, with the text and annexes being available for consultation by its members, FEDECAMARAS provides the following information regarding the follow-up to the recommendations of the Commission of Inquiry and the application of the Conventions concerned: (i) it refers to further discrediting messages in a programme hosted by a deputy on the Venezuelan state television channel (which was shared with the MPPPST with a view to encouraging the state channel to move away from its hostile editorial line towards FEDECAMARAS); (ii) it notes that following the approval without consultation of the minimum wage increase on 1 May 2021, the Ministry proposed holding consultations and two meetings were held in July and August; (iii) the Government continues to promote the establishment and operation of Workers' Production Boards instead of eliminating them as proposed by the Commission of Inquiry; (iv) measures restricting freedom of association remain in place for FEDECAMARAS leaders, consisting of court summons and

the prohibition to dispose of or levy charges on its property (the Government was consequently presented with a list of cases evaluated by the Commission of Inquiry and a list of illegally invaded or seized land); and (v) the social dialogue training forums for the social partners recommended by the Commission of Inquiry and the Governing Body have not been convened.

10. The letter also refers to the continuation of the meetings, complementing previous communications and referring to subsequent meetings, providing summaries of the exchanges involved: (i) the large-scale meeting for social dialogue on the world of work; (ii) a series of bipartite and tripartite working groups, held face-to-face in July and August 2021, on issues including the application of Conventions Nos 26, 87 and 144; and (iii) other meetings between FEDECAMARAS and the MPPPST held on 9 July 2021 (in which FEDECAMARAS invited the Ministry to participate in preparations for its 77th Annual Assembly), 14 July and 11 August 2021 (meetings on increases in the minimum wage, workers' income, and the pension and retirement system). In this respect, and while FEDECAMARAS recognizes the initiative developed by the Government to hold several cycles of meetings with it and with other employers' and workers' organizations, and the fact that Government representatives have taken some steps to approach FEDECAMARAS, this organization points out that to date the recommendations of the Commission of Inquiry have not been accepted by the Government and the meetings have been held without the conditions recommended by the Commission being met, despite multiple requests being made by FEDECAMARAS to implement them with the guarantees necessary for the conversations to have a real impact (no minutes were produced of the various meetings and neither was consensus reached regarding the agendas and timelines, presidency and independent secretariat). FEDECAMARAS consequently considers them to be exploratory and bridge-building meetings, but they do not constitute the structured and permanent round table meetings proposed by the Commission of Inquiry. FEDECAMARAS therefore highlights the need for these conditions to be met and asks the ILO to provide the mechanisms it considers most appropriate to formalize its participation or assistance in the dialogue process, either by appointing a representative or by way of some other form of follow-up that would facilitate formalized dialogue to concretely address the multiple pending issues, lead to the Government's acceptance of and compliance with the recommendations of the Commission of Inquiry, and achieve effective dialogue that culminates in concrete agreements and effective solutions.

► 2. Technical assistance

11. As mentioned in the previous report, the Government requested the Office's technical assistance in order to determine the representative nature of the employers' and workers' organizations existing in the country. Furthermore, FEDECAMARAS, in its communication of 24 June 2021, states that it shares the opinion of the Commission of Inquiry and the Committee of Experts on the Application of Conventions and Recommendations in that assistance should not be limited to the issue of representativeness, but should include a comprehensive approach to the recommendations and the dialogue process itself.
12. Accordingly, the Director-General has maintained contact with the Minister of People's Power for the Social Process of Labour. In this context, the Director-General reiterated that the ILO remains at the disposal of the country's tripartite constituents in order to

provide the Office's assistance in recognizing and giving full effect to the recommendations of the Commission of Inquiry and in implementing them effectively in the country, in order to ensure, as requested by the Commission of Inquiry and the Committee of Experts, the comprehensive treatment of all the recommendations made by the Commission and the Committee and their implementation in a climate of social dialogue with the necessary guarantees.

▶ 3. Possible measures to ensure the Bolivarian Republic of Venezuela's compliance with the recommendations of the Commission of Inquiry within the required time frame

13. The ILO Constitution contains the following provisions regarding follow-up to the recommendations of a Commission of Inquiry:

Article 33

FAILURE TO CARRY OUT RECOMMENDATIONS OF COMMISSION OF INQUIRY OR ICJ

1. In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Article 34

COMPLIANCE WITH RECOMMENDATIONS OF COMMISSION OF INQUIRY OR ICJ

1. The defaulting government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice, as the case may be, and may request it to constitute a Commission of Inquiry to verify its contention. In this case the provisions of articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of article 33.

14. Within the framework of these constitutional provisions, the Governing Body and the International Labour Conference have determined on a case-by-case basis what measures should be taken to ensure compliance with the recommendations of a Commission of Inquiry.
15. The Governing Body acknowledged in its decision of March 2021 the possibility of a resolution at the 109th Session of the International Labour Conference if there was a continued lack of progress on the implementation of the recommendations of the Commission of Inquiry.
16. It is now for the Governing Body to decide how to proceed in the light of the information at its disposal, further to its previous discussions in November 2020 and March and June 2021.³

³ GB.340/PV, paras 181–264; GB.341/PV, paras 286–389 and GB.342/PV, paras 118–142.

▶ Draft decision

17. In light of the developments in Venezuela outlined in document GB.343/INS/9(Rev.1) and taking into account its decision of March 2021, the Governing Body, on the recommendation of its Officers:
- (a) deplored that no progress has been made by the Government to accept the recommendations of the report of the Commission of Inquiry two years after its adoption;
 - (b) acknowledged recent steps taken by the Government to start a dialogue with social partners;
 - (c) urged the Government, as a matter of priority, to further develop this dialogue before March 2022 into a social dialogue forum with the assistance and presence of the ILO, in line with point 4 under paragraph 497 of the Commission of Inquiry's report;
 - (d) requested the Director-General to engage with the Government on 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 in the country, and on the provision of technical assistance to support this process, as well as on the option of establishing a Special Representative of the Director-General, by March 2022;
 - (e) requested the Director-General to present a report to its 344th Session (March 2022) on actions taken by the Director-General, measures referred to and steps taken with regard to paragraphs (c) and (d), and relevant information on possible measures to ensure the Government's compliance with the recommendations of the Commission of Inquiry; and
 - (f) decided to include an item on the agenda of its 344th Session (March 2022) entitled "Assessment of progress made by the Government in ensuring the compliance with the recommendations of the Commission of Inquiry and in light of that, consideration of all possible measures, including those foreseen in the ILO Constitution, for this purpose".

► Appendix I

Communication sent by the Government of the Bolivarian Republic of Venezuela on 23 June 2021

Executive summary of the large-scale meeting for national dialogue on the world of work (*Gran encuentro de diálogo nacional del mundo del trabajo*), May to June 2021

Under its renewed policy of national dialogue with all sectors of the country, the Bolivarian Republic of Venezuela, through its Ministry of the People's Power for the Social Process of Labour, is engaging in broad and inclusive social dialogue in the world of work with all workers' and employers' organizations operating in the country, focusing, inter alia, on improving the application of international labour standards.

The first phase of this opportunity for dialogue and forums, called the "large-scale meeting for national dialogue on the world of work" (*Gran encuentro de diálogo nacional del mundo del trabajo*), took place in a virtual format, from 21 May to 23 June 2021. It was organized into six work sessions, following a schedule proposed at its opening session. This schedule initially included three work sessions on each of the Conventions under consideration (the ILO Minimum Wage-Fixing Convention, 1928 (No. 26), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)), and a fourth session on this executive summary. A further session was added, regarding the public consultations held by the National Assembly (Legislative Branch) on a draft law of particular interest to the country's various stakeholders in the world of work, which made provision for maternity, paternity and breastfeeding.

All social, workers' and employers' organizations in Venezuela were invited to this large-scale meeting for national dialogue, in which they participated widely, throughout each of the working sessions expressing their points of view and opinions and giving extensive presentations on the topics addressed, in a climate of respect. The following were the main participating organizations: the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), the Federation of Craft, Micro, Small and Medium-sized Industries and Enterprises of Venezuela (FEDEINDUSTRIA), the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers (CBST-CCP), the Independent Trade Union Alliance (ASI), the National Union of Workers of Venezuela (UNETE) and the Confederation of Workers of Venezuela (CTV), which only took part in the first two sessions. The Confederation of Autonomous Trade Unions (CODESA) only took part in the first session, and the General Confederation of Workers (CGT) had expressed interest in participating, but experienced serious problems connecting to the virtual platform.

During the course of this social dialogue, in response to concerns expressed by the trade union organizations, an internal memorandum containing guidelines was prepared by this ministerial office in order to approve the national labour policy on the discussion and signing of collective labour agreements, within a framework of freedom of association and with no limitations other than those provided for in national law. This was prepared based on some points raised during this dialogue.

Explanations were also provided on the topic of the elections of trade union organization governing boards, and it was confirmed that union organizations may hold their elections with or without the support of the National Electoral Council (CNE), provided that this is specified in their statutes. These, in turn, may be amended in line with the procedures established therein. In light of these explanations and clarifications, we conclude that the topic of holding union elections, with or without CNE support, is in conformity with the provisions of the internal statutes of each organization, as will be any future amendments to them.

Furthermore, as part of this dialogue, a public statement issued by the National Administration for the Defence of Socio-economic Rights (SUNDDE), dated 11 June 2021, was sent to employers' organizations. The statement made a general call to all those subject to a measure of temporary control imposed following administrative proceedings implemented under the decree with the status and force of organic law on fair prices, and which are still ongoing, to refer the matter to this government body. This referral was introduced because it was deemed to be of particular interest to the country's business sector.

The willingness of the Venezuelan Government to continue improving compliance with international conventions, which provide that there should be consultations with workers' and employers' organizations and that governments should have the power to make decisions once effective consultations have taken place, was made clear throughout the social dialogue meeting.

Various social partners took the position that the problems facing Venezuelan people should be solved internally in the country, and proposals were put forward to request ILO technical assistance to improve compliance with the above-mentioned Conventions (Conventions Nos 26, 87 and 144).

In this regard, the Government will undertake the following:

1. To begin consultations, promoted by the National Assembly, with the social partners on the draft laws or their respective reforms related to international labour standards. They will begin with the draft law on special economic zones, at a time to be agreed with the legislative body. Workers' and employers' organizations will also be requested to provide their suggestions and recommendations connected to their interests in the draft laws or reforms currently on the legislative agenda. This Ministry would coordinate as required, liaising between the National Legislative Branch and the social partners.
2. To establish three technical working groups, to be held face-to-face, on ILO Conventions No. 26 on minimum wage-fixing machinery, No. 87 on freedom of association and protection of the right to organize, and No. 144 on tripartite consultation (international labour standards), in order to prepare concrete proposals on methods and procedures, referred to in the texts of these Conventions, taking account of domestic practices and legislation.

In this regard, and in line with the proposals made during the dialogue on effective consultation referred to in Convention No. 26, which is a standard that has been signed and ratified by Venezuela on minimum wage-fixing machinery, the Government undertakes immediately to repeat its call for proposals and recommendations in this area. This will not detract from building the machinery referred to in the above-mentioned international Convention in the short term.

3. To hold a forum, with ILO technical representatives taking part, to discuss the progress made in the large-scale meeting for national dialogue on the world of work and in improving compliance with ILO Conventions Nos 26, 87 and 144.
4. To schedule consultations with workers' and employers' organizations, for the second half of August, on the reports on the application of Conventions, in accordance with the provisions of Convention No. 144, which has been signed and ratified by Venezuela.

Attached to this document are all the presentations made at the sessions of the large-scale meeting for national dialogue on the world of work, as well as all the proposals made by the social partners related to these discussions.

▶ Appendix II

Letter sent by FEDECAMARAS on 24 June 2021

**Mr GUY RYDER, DIRECTOR-GENERAL
INTERNATIONAL LABOUR ORGANIZATION (ILO)**
4, route des Morillons, 1211 Geneva 22
Geneva, Switzerland

The Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), the most representative employers' organization in the Bolivarian Republic of Venezuela, expresses its warmest greetings. We would like to take this opportunity to provide updated information regarding the Commission of Inquiry and the level of compliance with its recommendations by the Government of the Bolivarian Republic of Venezuela, in view of the upcoming 342nd Session of the Governing Body scheduled for 25 June.

In this regard, we would like to inform you that, through Communication No. 280/2021 of 18 May 2021, we were invited by the Ministry of People's Power for the Social Process of Labour, together with other trade unions and employers' organizations, to a series of meetings as part of the so-called "large-scale meeting for national dialogue on the world of labour" (*Gran encuentro de diálogo nacional del mundo del trabajo*), in order to discuss matters related to the Commission of Inquiry and Conventions Nos 26, 87 and 144, which are the subject of the complaint under article 26 of the Constitution of the International Labour Organization (ILO).

On 21 May 2021, we attended the first session, at which we were given the schedule for the subsequent meetings, which would be held weekly in a virtual format, to discuss each of the Conventions. In fact, four more sessions were held on 28 May and 4, 11 and 18 June to discuss matters related to the above-mentioned Conventions. During one of the sessions, the Chair of the National Assembly's Standing Committee on Families and Religious Freedom came to present draft laws on family matters (11 June) and, lastly, a final session was held yesterday for parties to present their conclusions.

Although the initiative is much appreciated after so many years without any kind of tripartite contact in Venezuela, FEDECAMARAS reiterated to the Ministry its concern expressed on several occasions about the Government's failure, to date, to take on board the Commission of Inquiry's recommendations. We consider these recommendations essential in being able to really move forward in effective and constructive social dialogue with all guarantees, based on the conditions recommended by the Commission of Inquiry and which are lacking in these meetings, such as *an independent chair, a structured body for tripartite dialogue, ILO presence and assistance*, and others provided for in paragraphs 495 and 497 of its report, which means that the process entered into does not qualify as compliance by the Government with respect to the establishment of bipartite and tripartite dialogue round tables recommended by the Commission of Inquiry. Although the parties in the above-mentioned meetings have expressed their positions regarding the implementation of the Conventions in the country, no concrete solutions have been found so far. FEDECAMARAS gave its positions in a presentation on each of the Conventions, taking into account the relevant international labour standards and the criteria of the supervisory bodies in these areas.

FEDECAMARAS also highlighted the importance of drawing up the agenda, schedule and minutes of the meetings in a *consensual manner*, based on the specific aspects considered by the Commission of Inquiry on each Convention, and proposed that the issues that concern each of the parties should be dealt with in bipartite dialogue round tables, leaving the issues of common interest to the tripartite dialogue round tables, to ensure that the dialogue was more effective.

Furthermore, it should be noted that the Government's position that the ILO Recommendations, adopted at the International Labour Conference, which develop further the Conventions in question, and the criteria issued by the various ILO supervisory bodies, are not binding. While true, this runs counter to the importance of taking into account their developments in order to better address and resolve the many issues that are the subject of the complaint, in line with the interpretations and criteria established in them. This is because it is the responsibility of the ILO supervisory bodies to interpret the scope and definition of the degree of compliance with the Conventions.

Regarding ILO technical assistance, we share the views of the Commission of Inquiry and the Committee of Experts on the Application of Conventions and Recommendations (CEACR), confirmed by your office in the communication dated 11 May 2021, insofar as it should not be limited to the issue of representativeness, but include a comprehensive approach to the recommendations and the dialogue process itself. In this regard, we have consistently maintained that ILO support and its vast expertise in social dialogue would be invaluable in ensuring the success and recognition of the dialogue process.

We also reiterated to the Ministry the need for a training forum on social dialogue, with ILO support, to be attended by public officials and representatives of trade unions and employers' organizations. This was recommended by the Commission of Inquiry and the Governing Body at its 341st Session last March, to ensure undertaking a dialogue process on a solid foundation and in accordance with international labour standards.

In Communication No. 017/FD/P/2021 dated 23 June, these general considerations on the dialogue process, and other considerations, were sent to the ministerial office, together with a document summarizing the specific observations made by FEDECAMARAS in the meetings regarding the implementation of each Convention in particular, and the presentations given. These are all attached to this letter, together with other communications sent to the Ministry as part of the process.

Also attached is an inventory of laws that the National Assembly is considering adopting that will have an impact on economic and labour development, apart from those referred to by the Standing Committee on Families and Religious Freedom at the 11 June session. For consultations on the latter laws, we have asked the Ministry to establish a coordination mechanism or working group to collect the observations of the trade unions.

FEDECAMARAS considers it vital in this process to create trust between the parties and for the Government of Venezuela to express its unequivocal willingness to engage in dialogue in order to formalize this process, taking on board the recommendations of the Commission of Inquiry so as to find prompt and effective solutions to the many and serious problems affecting the parties and national interests. Doing so could be a positive step towards the full restoration of the rights and freedoms of trade unions and employers' organizations, and in maintaining sources of employment and significantly improving the quality of life of Venezuelan workers and the population in general.

We would be most grateful if this communication and its attachments could be forwarded urgently to the members of the Governing Body, given that its 342nd Session will take place on 25 June and will include an agenda item on compliance with the [recommendations of the] Commission of Inquiry's report on Venezuela, as well as to the Committee of Experts on the Application of Conventions and Recommendations and the other departments mentioned at the end.

Yours sincerely,

[signed]

RICARDO CUSANNO MADURO

President

▶ Appendix III

Letter sent by the Government of the Bolivarian Republic of Venezuela on 13 July 2021

No. 523/2021

Caracas, 13 July 2021

Mr GUY RYDER

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

Dear Director-General,

Please accept warm revolutionary greetings from the Government of the Bolivarian Republic of Venezuela, and especially from the Ministry of People's Power for the Social Process of Labour and myself.

I am taking this opportunity to inform you that, after the conclusion of the large-scale meeting for social dialogue on the world of work on 23 June, which was held with the various workers' and employers' organizations operating in the country, we invited the employers' organizations FEDECAMARAS and FEDEINDUSTRIA to meet again, so as to continue increasing opportunities for social dialogue, as I indicated in the executive report sent to the international organization on 24 June 2021.

These new meetings, held face-to-face, began last Friday, 9 July, with a meeting with representatives of FEDECAMARAS, who took the opportunity to introduce their new governing board, and expressed their willingness to continue participating in these forums for dialogue. The second meeting was held on the afternoon of the same day, with FEDEINDUSTRIA, which was also represented by members of its governing board and welcomed and expressed appreciation for having this space for social dialogue.

I reiterated to both organizations the firm will of the National Government to continue working on improving the application of the ILO Conventions ratified by the Republic. I therefore proposed the launch of the technical round tables on ILO Conventions Nos 26, 87 and 144, for which I have already appointed officials of this Ministry for each round table, and the work schedules are being coordinated with a view to beginning this week.

I also informed them that it would be important for our Government to know whether the above-mentioned organizations were interested in discussing and providing their input on the draft laws contained in the National Legislative Agenda. To this end, the Ministry will liaise with the Legislative Branch so that they can participate in public consultations on laws that are linked to, or have a direct impact on, international labour standards, in accordance with the ILO Conventions that have been ratified by the Bolivarian Republic of Venezuela.

We plan to continue developing this new forum for dialogue with workers' organizations, to which the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers (CBST-CCP) and the Independent Trade Union Alliance (ASI) have been invited.

Lastly, Mr Director-General, I would like to reiterate my Government's unwavering commitment to continuing to strengthen the path to peace and stability in the world of work in Venezuela, and respect for all the international obligations entered into by the Republic.

Without further ado, I would like to take this opportunity, Mr Director-General, to assure you of my highest consideration.

Yours sincerely,

[signed]

José Ramón Rivero González

Minister of People's Power for the Social Process of Labour

▶ Appendix IV

Letter sent by the Government of the Bolivarian Republic of Venezuela on 21 July 2021

No. 540/2021

Caracas, 21 July 2021

Mr GUY RYDER

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

Dear Director-General,

Please accept warm revolutionary greetings from the Government of the Bolivarian Republic of Venezuela, and especially from the Ministry of People's Power for the Social Process of Labour and myself.

I am taking this opportunity to write to inform you that, as part of the progress being made in the dialogue between the Government and the social partners on the world of work in our country, yesterday, at the invitation of the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS), we attended its 77th Annual Assembly, which had the theme of "Future".

Representing the highest level of Government, the Executive Vice-President of the Bolivarian Republic of Venezuela, Ms Delcy Eloína Rodríguez, the Minister of People's Power for Trade, Ms Eneida Laya, and myself, on behalf of the Ministry of People's Power for the Social Process of Labour, attended the meeting. Representing the Ministry of People's Power for Foreign Affairs, the Deputy Minister for International Communications, Mr William Castillo, attended, as well as members of the National Assembly, both from the Great Patriotic Pole and the opposition.

During this Annual Assembly, the President of FEDECAMARAS, Mr Ricardo Cusanno, highlighted the need to continue increasing opportunities for dialogue between the public sector and the private sector in the quest for better solutions. In this context, he highlighted the meetings held between the Government and FEDECAMARAS during the COVID-19 pandemic, in which their proposals on the country's health and economy were heard. He also highlighted the negative impact of international actions taken by other countries, designed to harm the Venezuelan business sector, referring in this case to the criminal unilateral coercive measures that have been imposed against our country.

The President of FEDECAMARAS also emphasized that the problems of Venezuelans must be solved by Venezuelans, and the international community should provide support and never decide for us Venezuelans.

The Executive Vice-President of the Republic, Ms Delsy Rodríguez, had the task of closing this event, with a speech addressed to the domestic business sector, grouped together under FEDECAMARAS. She first highlighted economic information of relevance to the business sector, and then issued two important invitations to the private sector: the first was to form a technical round table to work on replacing imported products by domestic products in sectors where it would be possible; and the second invitation was for the FEDECAMARAS governing board to join the National Economic Council because there is no doubt that, by joining, the private economic sectors will have the opportunity to help develop the high productive potential of our country.

In her speech, the Executive Vice-President also highlighted the negative impact that the imposition of sanctions has had on the private sector, stating that these unilateral coercive measures imposed against our country have not only had a negative impact on the Government, but have affected everyone alike: the business sector, workers' income and the people in general. By way of example, the Vice-President stated that, in just five years, Venezuela has become the sixth country ranked in terms of the highest number of natural and legal persons, public and private, subjected to international illegal sanctions.

In this regard, Mr Director-General, these opportunities for meetings and dialogue between the business sector and the Venezuelan Government, which are increasing day by day, demonstrate that there is no alleged climate of aggression against the domestic business sector, as has been claimed in the various ILO supervisory bodies.

Lastly, as I have repeated on many occasions, my Government is convinced that within the framework of dialogue, respect and mutual recognition of all the social partners, we will continue to strengthen the path to peace and stability in the world of work in Venezuela.

Without further ado, I would like to take this opportunity, Mr Director-General, to assure you of my highest consideration.

Yours sincerely,

[signed]

José Ramón Rivero González

Minister of People's Power for the Social Process of Labour