Fifth item on the agenda

Report of the Director-General

Third supplementary report: Report of the Committee set up to examine the representation alleging non-observance by Guinea of the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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1. **Introduction**

1. By a communication dated 19 February 2021, the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) made a representation to the International Labour Office under article 24 of the Constitution of the International Labour Organization (ILO) alleging non-observance by the Government of Guinea of the Labour Inspection Convention, 1947 (No. 81), and the Protection of Wages Convention, 1949 (No. 95), both of which were ratified by Guinea in 1959, and of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which was ratified by Guinea in 2017. These Conventions are still in force in the country.

2. The provisions of the ILO Constitution concerning the submission of representations are as follows:

   **Article 24**

   *Representations of non-observance of Conventions*

   In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

   **Article 25**

   *Publication of representation*

   If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

3. Pursuant to article 1 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation, informed the Government of Guinea and brought it before the Officers of the Governing Body.

4. At its 341st Session (March 2021), the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it, composed of Ms Corine Elsa Angonemane Mvondo (Government member, Cameroon), Mr Hamidou Diop (Employer member, Senegal) and Mr Souleymane Diallo (Worker member, Senegal).

5. The Government of Guinea sent its observations on the representation in a communication received by the Office on 31 January 2023.

6. The representation was not submitted using the electronic form for making a representation and the parties did not indicate that they were willing to engage in voluntary conciliation at the national level.

7. The Committee met virtually on 16 and 24 May 2023 to examine the representation and adopt its report.
II. Examination of the representation

A. The complainant’s allegations

8. In its representation, the IUF alleges that, owing to the Government’s inability to maintain a functioning labour inspection system, to guarantee full and timely payment of all workers’ wages and to implement a national policy for the promotion of occupational safety and health (OSH), the Government has violated the provisions of Articles 3, 6, 9, 10, 11 and 12 of Convention No. 81, Articles 8, 9 and 12 of Convention No. 95 and Article 4 of Convention No. 187.

Convention No. 81

9. The complainant indicates that, according to the workers of the Sheraton Grand Hotel Conakry, when a hotel is inspected, the inspector generally only speaks to the hotel’s head of human resources and thus does not meet with either the staff or the union. It notes that in August 2020, the aforementioned hotel’s staff union, which had been accused of threatening the hotel management after an employee had been dismissed, wrote to the Inspector General of Labour that it saw the accusations as an excuse to stigmatize it. In its letter, the union also reported that staff had been subjected to intimidation. The inspector initially refused to meet the union officials at the workplace but then insisted that they meet him at the labour inspectorate headquarters, but in the presence of the hotel management, which, in the IUF’s view, is contrary to the provisions of Article 3 of the Convention.

10. Furthermore, the complainant states that the Government does not ensure that the inspectors’ conditions of service make them independent of changes of government and of improper external influences, in violation of Article 6 of the Convention. It alleges that the Regional Labour Inspector admitted that he had authorized the dismissal of officials of the staff union of the aforementioned hotel out of fear of being “replaced” if he did not give such authorization to the employer, who according to the IUF has high-level political connections. The complainant adds that inspectors frequently accept bribes from employers in return for not reporting violations of labour standards.

11. Arguing that labour inspectors have insufficient training on OSH, the IUF considers that there is a lack of compliance with the provisions of Article 9 of the Convention.

12. Furthermore, the complainant alleges a violation of Article 10 of the Convention. It indicates that there are 81 labour inspectors (74 of whom are based in Conakry, with the remainder spread across the rest of the country), whereas, according to its calculations, a country like Guinea should have at least 110 inspectors. It also considers that, taking into account the fact that the majority of the population works in agriculture, the inspectors need to be redistributed.

13. The IUF considers that the Government is not complying with the provisions of Article 11 of the Convention as it does not provide inspectors with the equipment and transport facilities required for the performance of their duties: as inspectors often have to use their personal

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1 According to press reports, the Sheraton Grand Conakry hotel’s operating permit was withdrawn until further notice by Order No. A/2022/749/MCTA/SGG/ of 15 April 2022.
vehicles or public transport and sometimes even have to pay for their own travel expenses, they arrange very few inspections outside the capital.

14. Lastly, the complainant alleges that, in violation of Article 12 of the Convention, the work of the labour inspectors is obstructed because the Government does not always ensure that they may enter freely and without previous notice any workplace liable to inspection. It states that inspectors are sometimes even prevented from accessing workplaces.

Convention No. 95

15. The IUF states that:

(a) employees in the hotel sector, in particular those of the aforementioned hotel, have their wages reduced unlawfully if they are on sick leave and are not paid in the event of long-term illness, which, according to the complainant, violates Articles 8 and 9 of the Convention;

(b) the provisions of Article 12 of the Convention are not upheld, as unlike other employees in the hotel sector, the employees of the aforementioned hotel regularly receive their wages late;

(c) the situation of employees on long-term sick leave is aggravated by the fact that the hotel in question does not provide its employees with any health insurance coverage, which means that as they cannot afford to cover the cost of their medical treatment on the wages they are paid, their illness lasts longer.

Convention No. 187

16. The complainant states that, according to workers in the hotel sector, the Government barely complies with any of the provisions of this Convention – which has been even more concerning during a pandemic – and that the Government is in violation of Article 4 of the Convention in that it:

(a) does not ensure compliance with national laws and regulations on OSH, as the labour inspection service is not functional and the inspectors have insufficient training on OSH;

(b) has not put in place a promotional framework for OSH, either for the general public or workplaces, and does not facilitate training on OSH in those workplaces;

(c) does not promote, at the level of the undertaking, the establishment of policies on OSH and joint OSH committees with a view to eliminating or minimizing work-related hazards and risks;

(d) does not take appropriate measures to prevent occupational injuries, diseases and deaths, as employers do not provide personal protective equipment to hotel workers who are exposed to cleaning solvents, which causes skin and respiratory problems, and there seem to be no protective measures for women's reproductive health.

B. The Government’s reply

Convention No. 81

17. In its observations, the Government informs the Committee that a process of reforming the labour inspectorate to make it more effective and better aligned with changing circumstances is under way and that, as result, the following measures have been adopted since 2022:
(a) allocation of new premises with larger offices and a large, well-equipped meeting room;
(b) increased staffing (from 81 to 152 officials);
(c) training of labour inspectors on the subjects of social dialogue, setting up projects, fundamental issues and challenges of a labour administration system, and using the Manual of Standard Operating Procedures for Combatting Trafficking in Persons and Similar Practices in the Republic of Guinea.

18. The Government adds that, from 9 to 29 March 2022, a joint mission visited the aforementioned hotel to monitor use of temporary lay-offs, among other things, and that the mission’s findings showed that the hotel management had used temporary lay-offs to justify the dismissal of three employees, two of whom were union delegates whose dismissal had been explicitly approved by the labour inspectorate in September 2020. Furthermore, the Government indicates that, with a view to protecting workers and maintaining their rights, corrective measures are taken to prevent interference in inspections.

Convention No. 95

19. The Government indicates that another objective of the aforementioned joint mission was to conduct a systematic inspection and verification of the overall working conditions within the establishment.

Convention No. 187

20. The Government indicates that a document on the national OSH policy has been prepared and validated by the stakeholders and that it has been submitted to the Council of Ministers for adoption.

III. The Committee’s conclusions

21. The Committee’s conclusions are based on its examination of the allegations presented by the IUF and the observations sent by the Government.

1. Convention No. 81

22. The Committee will examine the issues raised in the following order: (i) functions of the labour inspectorate and conditions of service (Articles 3 and 6); (ii) training of labour inspectors on OSH (Article 9); (iii) number of labour inspectors (Article 10); (iv) offices provided for labour inspectors, transport facilities and reimbursement of travel expenses (Article 11); and (v) powers of labour inspectors (Article 12).

A. Functions of the labour inspectorate and conditions of service (Articles 3 and 6)

23. The Committee notes that the IUF alleges that, in the hotel sector, the labour inspectors generally do not meet with either the staff or the union and merely talk to the hotel’s head of human resources. After an employee was dismissed, the staff union of the aforementioned hotel wrote to the Inspector General of Labour in August 2020 to report, among other things, that staff had been subjected to intimidation. The IUF states that after refusing to meet the union leaders at the workplace, the inspector asked them to meet him at the headquarters of
the labour inspectorate, but in the presence of the hotel management, which constitutes a violation of Article 3 of the Convention.

24. Similarly, the Committee notes that, according to the complainant, the Government does not comply with the provisions of Article 6 of the Convention as it does not ensure that inspectors are independent of changes of government and of improper external influences. In the case of the aforementioned hotel, whose owner reportedly has high-ranking political connections, the Regional Labour Inspector, who allegedly authorized the dismissal of the officials of the staff union without first having organized a meeting between the hotel management and the union, allegedly admitted to having given his approval out of fear of being “replaced” if he did not satisfy the hotel management. In this regard, the IUF adds that, in exchange for not reporting violations, inspectors often accept bribes from employers.

25. The Committee notes that the Government indicates that, since 2022, it has been undertaking a process of reform to improve the effectiveness of the labour inspection system and that corrective measures are taken to prevent interference in inspections. The Committee notes that, according to the Government, the hotel in question was visited by a joint mission in March 2022, which found that the hotel management had used temporary lay-offs to justify the dismissal of three employees, including two union delegates, and that before dismissing them the management had received explicit authorization from the labour inspectorate.

26. The Committee recalls that, pursuant to Article 3(1) of the Convention, the functions of the system of labour inspection shall be “to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work” (subparagraph (a)) and “to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions” (subparagraph (b)). Furthermore, under Article 3(2), inspectors must demonstrate impartiality in their relations with employers and workers. Article 6 provides that inspection staff shall be composed of “public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences”.

27. The Committee wishes to underscore that: (i) inspections constitute one of the main functions of labour inspectors under Article 3(1)(a) of the Convention; (ii) their credibility depends on, among other things, their ability to advise employers and workers pursuant to paragraph 1(b) of the Article; and (iii) the impartiality they must demonstrate under Article 3(2) is indispensable in securing the social partners’ engagement with the principles and objectives of the institution. Thus, the fact that inspectors could be bribed or pressurized could indicate that they are unable to conduct their mission properly. In this regard, the Committee notes that, although the Government reports that a joint mission was sent to the aforementioned hotel, it does not mention whether the mission’s findings called into question the labour inspectors’ ability to carry out their duties independently and impartially during the events reported by the IUF. Furthermore, while the Government indicates that it has taken corrective measures to prevent interference from the authorities in labour inspections, it does not indicate which measures were taken in response to the alleged events and, if they are proven, to prevent any recurrence. The Committee also notes that the Government did not respond to the allegations that inspectors often accept bribes from employers in exchange for not reporting violations.

28. As to the allegations that labour inspectors generally do not meet with the staff or the union when carrying out inspections and merely talk to the head of human resources of the establishment, the Committee notes that allegations such as these may undermine trust in labour inspection and the credibility of the inspectors’ decisions. The Committee considers that
same applies to the labour inspector’s refusal to meet the union representatives without the management of the aforementioned hotel being present to discuss alleged intimidation after an employee had been dismissed.

29. Taking note of all of the information it has received, the Committee considers that the Government has not done enough to: (a) determine whether labour inspectors are able to carry out their duties independently and impartially, in accordance with Articles 3 and 6 of the Convention, or (b) where necessary, rectify the situation to ensure compliance with those two Articles. In these circumstances, the Committee requests the Government: (a) to adopt all measures necessary to ensure that labour inspectors can carry out their duties independently and impartially and (b) to provide, in its report on the application of the Convention to be submitted in 2024 to the Committee of Experts on the Application of Conventions and Recommendations (CEACR), up-to-date and comprehensive information on progress achieved in the full implementation of Articles 3 and 6 of the Convention in the hotel sector.

B. Training of labour inspectors on OSH (Article 9)

30. The Committee notes that, according to the IUF, the Government does not comply with the provisions of Article 9 of the Convention in that training of labour inspectors on OSH is insufficient.

31. The Committee recalls that, pursuant to Article 9 of the Convention, each Member shall take the necessary measures to ensure that “duly qualified technical experts and specialists ... are associated in the work of inspection ... for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work”.

32. The Committee notes that Article 9 of the Convention concerns collaboration with technical experts and specialists and that the complainant has not provided information demonstrating a violation of the Article. Consequently, the Committee will not pursue its examination of this matter. In relation to the training of labour inspectors, the Committee refers to its conclusions in paragraph 60 below.

C. Number of labour inspectors (Article 10)

33. The Committee notes that the complainant accuses the Government of violating the provisions of Article 10 of the Convention. In this respect, it alleges that there are not enough inspectors because there are only 81 of them, and that as 74 of them are assigned to Conakry and the seven others are spread over the rest of the country, there should be a geographical redistribution to take account of the fact that the majority of the population work in the agricultural sector.

34. The Committee takes note of the Government’s reply stating that one of the measures taken as part of the reform of the system of labour inspection was an increase in the number of inspectors through the recruitment of 71 new officials.

35. The Committee recalls that Article 10 of the Convention does not specify a number of labour inspectors that would satisfy the requirements of the Convention. However, Article 10 requires a number of labour inspectors that is “sufficient to secure the effective discharge of the duties of the inspectorate and shall be determined with due regard for the importance of the duties which inspectors have to perform, ... the material means placed at the disposal of the
inspectors and the practical conditions under which visits of inspection must be carried out in order to be effective”.

36. The Committee notes that, as it began in 2022 a process of reforming the labour inspectorate, one of whose objectives was to recruit 71 new officials, the Government appears to have taken the IUF’s concern into consideration. The Committee nevertheless notes that the Government did not provide information on the implementation of the recruitment process it had announced. The Committee therefore requests the Government to take all measures necessary to complete the process of recruiting a number of labour inspectors sufficient to secure the effective discharge of the duties of the inspectorate pursuant to Article 10 of the Convention and to provide, in its report on the application of the Convention to be submitted to the CEACR in 2024, up-to-date and comprehensive information on the progress achieved in securing full implementation of the Article in the hotel sector.

D. Offices made available to labour inspectors, transport facilities and reimbursement of travel expenses (Article 11)

37. Furthermore, the Committee notes that the complainant alleges non-compliance with the provisions of Article 11 of the Convention, as labour inspectors work in cramped, dilapidated and insanitary premises and do not have appropriate information technology tools. The Committee also notes that, according to the IUF, inspections outside the capital are even rarer because inspectors often have to use their personal vehicle or public transport and sometimes even have to pay their own travel expenses.

38. In its reply, the Government indicates that one further aspect of the reform of the labour inspectorate is the allocation of new, spacious and well-equipped premises.

39. The Committee recalls that, in accordance with Article 11(1) of the Convention, the competent authority shall make the necessary arrangements to furnish labour inspectors with local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned (subparagraph (a)), and the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist (subparagraph (b)). Under paragraph 2 of the same Article, the competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

40. The Committee notes that the Government provided very general information on the allocation of new premises to the labour inspectorate and did not indicate whether labour inspectors already have access to their new offices. The Committee also notes that the Government did not provide any information on the transport facilities made available to inspectors or on the reimbursement of their travel expenses.

41. In the light of the information already provided, the Committee trusts that the Government will pursue its efforts to ensure that labour inspectors are provided with offices that are suitably equipped in accordance with the requirements of the service and accessible to all persons concerned, in accordance with Article 11(1)(a) of the Convention. Furthermore, the Committee requests the Government to take the necessary measures to provide labour inspectors with: (i) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist, in accordance with Article 11(1)(b); and (ii) reimbursement for any travelling and incidental expenses which may be necessary for the performance of their duties, in accordance with Article 11(2). In these circumstances, the Committee requests the Government to
provide, in the report on the application of the Convention to be submitted to the CEACR in 2024, up-to-date and comprehensive information on the full implementation of Article 11 of the Convention in the hotel sector.

E. Powers of the labour inspectorate (Article 12)

42. The Committee notes that the complainant alleges a violation of Article 12 of the Convention in that the Government does not always empower labour inspectors to be able to enter freely and without previous notice any workplace liable to inspection, and that inspectors are sometimes even prevented from accessing workplaces.

43. The Committee notes that the Government did not provide any information in response to this allegation.

44. The Committee recalls that pursuant to Article 12(1)(a) of the Convention, labour inspectors shall be empowered “to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection”.

45. Taking into account that the complainant did not provide specific information in support of its allegations, the Committee is unable to determine whether Article 12 of the Convention has been violated. The Committee therefore requests the complainant to provide the national authorities with precise information on the various cases of alleged violations of Article 12 of the Convention. Furthermore, the Committee requests the Government to provide, in its report on the application of the Convention to be submitted to the CEACR in 2024, detailed information on the practical application of Article 12(1)(a) of the Convention in the hotel sector.

F. Overall conclusion

46. Lastly, the Committee invites the Government to avail itself of technical assistance from the ILO in the process of examining means of strengthening the labour inspection system in relation to the application of Articles 3, 6, 10, 11 and 12 of the Convention.

2. Convention No. 95

47. The Committee notes that the complainant alleges: (1) non-compliance with Articles 8 and 9 of the Convention, as employees in the hotel sector, and those of the aforementioned hotel in particular, have their wages reduced illegally when they take sick leave and are not remunerated if they are on long-term sick leave. The IUF claims that the employer deducts from employees’ wages the days when they are absent due to illness whereas it is legally obligated to remunerate its employees when they take such leave. In particular, it states that workers on long-term sick leave do not receive any wages from the employer whereas the Social Security Code provides that in such cases the employer must pay half of the wages, with the remainder being paid by the National Social Security Fund (article 73 of the Social Security Code); 2 (2) non-compliance with Article 12 of the Convention as, unlike other employees in the

2 Under article 73 of the Social Security Code, the daily allowance is equal to:

- 50 per cent of the victim’s average daily remuneration in the first 28 days, but not less than the highest guaranteed inter-occupational daily minimum wage, or in the absence thereof, than the contributory wage floor:
- two thirds of the average daily remuneration as of the 29th day following the date of the accident and in the event of a relapse or worsening of the injury;
hotel sector, the employees of the aforementioned hotel are regularly paid their wages late; and (3) worsening of the situation of employees on long-term sick leave because the hotel in question does not provide health insurance coverage for its employees, who cannot afford to pay for their medical treatment on their wages and are allegedly ill for longer.

48. Concerning these three allegations, the Committee notes that in its reply, the Government refers in general terms to the joint mission that was sent in March 2022 to inspect the working conditions within the hotel in question. In this respect, the Committee observes that the Government does not indicate whether the mission’s findings addressed the problems that are the subject of the complainant’s allegations. The Committee also observes that the Government does not provide any other relevant information on these allegations.

49. As to the first allegation, the Committee recalls that under Article 8(1) of the Convention, deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award, and that Article 9 prohibits any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary. The Committee further recalls that Article 1 of the Convention defines the term “wages” as “remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered”.

50. The Committee notes that the complainant bases its allegation on the provisions of the Social Security Code, in particular article 73 of the Code on the daily allowance paid in the event of temporary work incapacity resulting from an occupational accident or disease. That article provides that the daily allowance in question is due to the insured person, at the costs of the National Social Security Fund, for each day of incapacity for work – regardless of whether it is a working day – and specifies the amount: (i) in the first 28 days, 50 per cent of the victim’s average daily remuneration (but not less than the highest guaranteed inter-occupational daily minimum wage or, in the absence thereof, the contributory wage floor); and (ii) as of the 29th day, or in the event of relapse or worsening, two thirds of the average daily remuneration (see the full wording of the article cited in footnote 1). The Committee also notes that, in accordance with that article, the employer “may maintain” the full amount of the insured person’s wages throughout the period of temporary incapacity and request the Fund to reimburse the daily allowance, upon presentation of proof. The Committee also notes that, according to article 152.1 of the Labour Code, the employment contract of an employee who

- if the relapse or worsening of the injury requires the victim to receive medical treatment, the Fund will bear the cost of the relapse, pay the medical, surgical and pharmaceutical expenses, the hospitalization expenses and, where appropriate, the portion of the daily allowance that exceeds the corresponding amount of the earned income maintained during the period of temporary incapacity.”

3 Article 152.1 of the Labour Code provides:

“The employment contract of an employee who suffers an occupational accident or disease shall be suspended throughout the time of absence caused by the accident or disease. An accident en route to or from work shall be treated in the same way as an occupational accident for the application of these provisions. The employer is obligated to notify the agency responsible for social security and to inform the labour inspector within 48 hours of the occurrence of the occupational accident or the manifestation of the occupational disease, otherwise it shall bear the costs related to treatments related to the occupational accident or disease.

The duration of periods of suspension of the contract shall be taken into account for the determination of all benefits provided for under legislation or collective agreements in relation to seniority in the enterprise.”
suffers an occupational accident or disease is suspended for the entire duration of the absence from work caused by the accident or disease. That article also provides that the employer is obligated to notify the social security agency and the labour inspector of occupational accidents and diseases within 48 hours of their occurrence or manifestation, otherwise it must bear the costs of treatment related to the occupational accident or disease.

51. On the basis of the articles cited above, the Committee observes that: (1) the expression “may maintain” in article 73 of the Social Security Code does not imply an obligation on the part of the employer to maintain the employee’s wages but leaves it to the discretion of the employer; (2) insofar as it is not paid by the employer for work done or to be done, or for services rendered or to be rendered, the daily allowance under article 73 of the Code is not covered by the definition of “wages” within the meaning of Article 1 of Convention No. 95; it does, however, constitute a benefit paid in the event of “incapacity for work resulting from [a morbid] condition and involving suspension of earnings” within the meaning of Article 6(b) of the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) which was ratified by Guinea in 1967; and (3) since an employee who has an incapacity – whether long-term or not – to work as a result of an occupational accident or disease receives from the Fund a daily allowance for work incapacity resulting from a morbid condition and involving a suspension of earnings within the meaning of Article 6(b) of Convention No. 121, and not wages from his or her employer within the meaning of Article 1 of Convention No. 95, the employer cannot be accused of making deductions from wages that it is not paying or of not paying wages that it does not have to pay. Accordingly, the Committee considers that, in relation to the events in question, there has been no violation of Articles 8(1) and 9 of Convention No. 95.

52. As to the second allegation, concerning the alleged violation of Article 12(1) of the Convention on regular payment of wages, the Committee notes that, according to the IUF, although the management of the aforementioned hotel paid its employees their December 2020 and January 2021 wages on time, they regularly receive their wages late, without any explanation – often between five and eight days after the beginning of the following month – thus disregarding Guinean legislation. It reports that other similar hotels pay their wages more punctually.

53. In this regard, the Committee recalls that Article 12 of the Convention provides that wages shall be paid regularly and that except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

54. The Committee notes that the lateness in the payment of wages is clearly contrary to the letter and the spirit of the Convention and renders the application of most of the remaining provisions meaningless. The Committee also notes that, as the complainant organization itself concedes, the management of the aforementioned hotel sometimes does pay its employees’ wages on time and that similar establishments pay their employees’ wages more punctually. Taking account of the fact that the complainant did not provide precise information on the delays in the payment of wages of employees in the hotel sector in general, and of the aforementioned hotel in particular (such as the number of employers and employees affected, the exact date of any delays in payment and the exact number of days of delay) and that the Government did not provide relevant information in response to these allegations, the Committee considers that it is unable to determine whether there has been a violation of Article 12 and, if so, the extent of any such violation. In these circumstances, the Committee: (i) invites the complainant organization to provide the national authorities with precise information on the delays in the payment of employees’
wages in the hotel sector; and (ii) in the event that payment of wages is found to have been delayed, invites the Government to take the necessary measures to remedy the situation.

55. As to the third allegation, that the non-payment of wages in the event of long-term illness is aggravated by the fact that the aforementioned hotel does not provide any health insurance coverage to its employees and that, as a result, the employees, whose wages are insufficient to cover the costs of their medical treatment, are ill for longer, the Committee considers that that does not fall within the scope of Convention No. 95. **Accordingly, the Committee will not pursue its examination of this matter.**

3. **Convention No. 187**

56. The Committee notes that the complainant criticizes the Government for not having put in place any promotional framework for OSH and reports various violations of Article 4 of the Convention.

57. Firstly, the IUF complains of the ineffectiveness of the system of labour inspection on OSH. Among other things, it indicates that the labour inspectorate has insufficient training on OSH.

58. The Government replied that, since 2022, a number of measures have been taken to improve the functioning and effectiveness of the labour inspectorate. It mentions, among other things, that efforts have been made to increase staffing and training. Furthermore, the Government indicates that a national OSH policy document has been validated and transmitted to the Council of Ministers for adoption.

59. The Committee recalls that Article 4(2)(c) of the Convention provides that the national system for OSH shall include mechanisms for ensuring compliance with national laws and regulations, including systems of inspection.

60. The Committee observes that, although training has been provided to labour inspectors on a number of subjects, no information has been provided on training on OSH that has been provided or is planned, including within the national OSH policy. **Referring to its conclusions in paragraphs 29, 36, 41, 45 and 46 above, the Committee requests the Government to take the necessary measures, including as part of the implementation of the new national OSH policy, to strengthen the system of labour inspection to ensure compliance with national OSH legislation, in accordance with Article 4(2)(c) of the Convention. The Committee also requests the Government to provide, in its report on the application of the Convention to be submitted in 2024 to the CEACR, up-to-date and comprehensive information on the measures taken in this regard.** Noting that the national OSH policy document was validated and then transmitted to the Council of Ministers for adoption, and recalling the importance of social dialogue, the Committee also requests that the Government provide information on the process of consultation of the most representative organizations of employers and workers that was conducted when the document was adopted, pursuant to Article 4(1) of the Convention. Moreover, the Committee invites the Government to avail itself of technical assistance from the ILO in the process of implementing the national OSH policy document.

61. Secondly, the complainant criticizes the Government for not providing OSH training in the workplace. The employees of the aforementioned hotel reported that they had never received any training on OSH, with the exception of the training provided by the staff union.

62. Thirdly, the Committee observes that the IUF criticizes the Government for not promoting an OSH policy within enterprises or the establishment of the health and safety committees...
referred to in article 231.2 of the Labour Code. According to the complainant, the aforementioned hotel has no such committee, and in other hotels, employees are simply unaware of the existence of such committees. The IUF highlights that in 2020, only two OSH committees had been set up nationwide.

63. The Committee notes that, in response to these allegations, the Government refers to the validation of the national OSH policy document.

64. The Committee recalls that, in accordance with Article 4(2)(d) of the Convention, the national system for OSH shall include arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures, and that under Article 4(3) of the Convention, the national OSH system shall include, where appropriate, information and advisory services on OSH (subparagraph (b)) and the provision of OSH training (subparagraph (c)).

65. The Committee requests the Government to make arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures, in accordance with Article 4(2)(d) of the Convention. In this regard, the Committee invites the Government to provide, in its report on the application of the Convention to be submitted to the CEACR in 2024, information on the corresponding measures taken and on the application of article 231.2 of the Labour Code, including the number of workplaces where health and safety committees have been established, detailing in particular how many such committees have been established in the hotel sector. Furthermore, while noting the recent development of a national OSH policy, the Committee encourages the Government to make efforts to put in place, where appropriate, information services and training on OSH, in accordance with Article 4(3)(b) and (c).

66. Lastly, the complainant criticizes the lack of measures to prevent work-related injuries, diseases and deaths. In this respect, it alleges that certain hotel employees who are exposed to cleaning solvents suffer from skin and respiratory problems because their employer claims not to have any personal protective equipment, such as masks or gloves, while the outbreak of the COVID-19 pandemic showed that that was not the case. The complainant also states that there seem to be no protective measures for women's reproductive health, thereby disregarding the provisions of article 231.5 of the Labour Code.

67. The Committee notes that, in response to these allegations, the Government again refers to the aforementioned national OSH policy document.

68. The Committee recalls that, in accordance with Article 2(2) of the Convention, active steps shall be taken towards achieving progressively a safe and healthy working environment through a national OSH system. The Committee invites the Government to increase efforts to promote continuous improvement of OSH to prevent occupational injuries, diseases and deaths, including through the adoption and implementation of a national OSH policy. Accordingly, the Committee requests the Government to provide, in its report on the application of the Convention to be submitted to the CEACR in 2024, up-to-date and comprehensive information on the measures taken in this connection.

69. Lastly, the Committee notes that the representation was submitted in the context of an acute health crisis caused by the COVID-19 pandemic. Taking into account the exceptional public health context, the Committee underscores the importance of broad social dialogue with all organizations of workers and employers in the relevant sector when measures are taken to
find effective and sustainable solutions to crises (such as the crisis caused by the COVID-19 pandemic), including measures to ensure the monitoring of the application of laws and regulations concerning occupational safety and health and the working environment through an adequate and appropriate system of inspection.

IV. The Committee’s recommendations

70. In the light of the conclusions in paragraphs 29, 32, 36, 41, 45, 46, 51, 54, 55, 60, 65 and 68 above concerning the issues raised in the representation, the Committee recommends that the Governing Body:

(a) approve this report;

(b) publish the report and close the representation procedure.

Geneva, 24 May 2023

(Signed) Corine Elsa Angonemane Mvondo,
(Government member)

Hamidou Diop,
(Employer member)

Souleymane Diallo,
(Worker member)