



# Governing Body

345th Session, Geneva, June 2022

Institutional Section

INS

**Date:** 8 June 2022

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Fifth item on the agenda

## Report of the Director-General

First Supplementary Report: Progress report concerning the operation of the social dialogue forum in giving effect to the recommendations of the Commission of Inquiry with respect to the Government of the Bolivarian Republic of Venezuela

1. In the context of the assessment by the Governing Body in November 2021 of the progress made by the Government of the Bolivarian Republic of Venezuela in ensuring compliance with the recommendations of the Commission of Inquiry set up 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 344th Session, decided to:
  - (a) reiterate with the utmost concern its call to the Government to accept the recommendations of the Commission of Inquiry;
  - (b) take note of the installation of the social dialogue forum;
  - (c) request the Director-General to continue 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; and

- (d) request the Director-General to present a report to its 345th Session (June 2022) on any progress concerning the operation of the social dialogue forum in giving effect to the recommendations of the Commission of Inquiry.<sup>1</sup>

## ▶ Report of the Director-General on the in-person session of the Social Dialogue Forum – Caracas 25–28 April 2022

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2. In his previous report to the Governing Body, the Director-General noted that, the inaugural session of the Social Dialogue Forum having been held in a virtual format on 7 March 2022, with representatives of the country's tripartite constituents and the participation of the Director-General, the next step would be to prepare and hold, with the participation of the ILO, an in-person session of the Social Dialogue Forum in Caracas, to last two or three days, during the week of 25 April 2022.
3. In order to follow up on the Governing Body's decision and give his full support to the process, the Director-General maintained fluid communication with the Government and the social partners in the country, based on the Forum's terms of reference. As a result, an agenda was drawn up for the in-person session of the Forum, to take place in Caracas over three-and-a-half days, with opportunities for both bipartite and tripartite dialogue in accordance with the Commission of Inquiry's recommendations (see the timetable for the Forum in Appendix I).
4. The following employers' and workers' organizations participated in the Social Dialogue Forum through their spokespersons:
  - the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS);
  - the Venezuelan Federation of Craft, Micro, Small and Medium-Sized Business Associations of Venezuela (FEDEINDUSTRIA);
  - the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers of Venezuela (CBST-CCP);
  - the Independent Trade Union Alliance Confederation of Workers (CTASI);
  - the Confederation of Workers of Venezuela (CTV);
  - the General Confederation of Labour (CGT);
  - the National Union of Workers of Venezuela (UNETE); and
  - the Confederation of Autonomous Trade Unions (CODESA).The Government was represented by the Minister of People's Power for the Social Process of Labour and his advisers, as well as by the Vice-President of the Republic, who participated in the opening sitting of the Forum in Caracas.
5. Against a backdrop of respectful and inclusive dialogue, FEDECAMARAS, FEDEINDUSTRIA, the CBST-CCP, the CTASI, the CTV and the CGT agreed with the Government on a Plan of Action of the Social Dialogue Forum in the Bolivarian Republic of Venezuela, which serves as the minutes

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<sup>1</sup> GB.344/INS/PV; GB.344/INS/14(Rev. 1).

of the April session of the Forum (see Appendix II). Recognizing the progress made in compliance with Conventions Nos 26, 87 and 144 and the will to continue social dialogue with all guarantees, pursuant to the decisions of the Governing Body of the ILO, and reaffirming the previously approved terms of reference of the Social Dialogue Forum, they undertook to:

- (i) consider ILO assistance from July 2022 onwards concerning: the determination of representativeness; training on social dialogue; methods for setting the minimum wage; and consultation on the preparation of reports to be submitted to the Committee of Experts on the Application of Conventions and Recommendations;
- (ii) carry out activities relating to compliance with Conventions Nos 26, 87 and 144, including:
  - (i) in-person bipartite and tripartite consultation meetings on criteria and sources of reference data for setting minimum wages and the presentation by the Government and the workers' and employers' organizations concerned of their minimum wage-increase proposals; (ii) sending draft reports on ratified Conventions to representative workers' and employers' organizations in good time and meetings to exchange views on and incorporate comments to such reports; (iii) presentation and submission by the organizations concerned to the relevant authorities of updated lists of allegations of stigmatization and discrediting and meetings between the Government and the organizations concerned to consider the lists and take appropriate measures; (iv) presentation and submission by the organizations concerned to the relevant authorities of updated lists with specific information of allegations concerning arrests and judicial proceedings or preventive/non-custodial measures supposedly related to the exercise of legitimate employers' or trade union activities, and bipartite meetings to consider these lists and take appropriate measures; (v) bipartite meetings between the organizations concerned and the competent authorities to ensure the effective handling of issues relating to trade union registration procedures and election processes; and (vi) bipartite meetings between the organizations concerned and the Ministry of People's Power for the Social Process of Labour (MPPPST) to ensure the effective handling of allegations of interference by Workers' Production Boards (CPTs) in the autonomy of employers' and workers' organizations or in relations between them;
- (iii) hold, with technical assistance from the ILO, a follow-up session of the Social Dialogue Forum in September 2022 to monitor compliance with Conventions Nos 26, 87 and 144, and in the interim continue to hold bipartite meetings as requested by the social partners on the remaining outstanding issues concerning the application of the relevant Conventions.

For its part, the ILO undertook to prepare, in consultation with the constituents, a cooperation programme to enable progress in the implementation of the adopted timetable of technical assistance.

6. Furthermore, the President of the Republic invited the representative of the Director-General, the officials responsible for the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) and the Director of the ILO Country Office for the Andean Countries, all of whom participated in the Forum, to a meeting that was also attended by the Vice-President of the Republic, the Minister of Foreign Affairs and the Minister of Labour. During that meeting, reference was made to the country's economic situation and to the proposals and requests by workers' and employers' organizations concerning, among other things, the functioning of the National Electoral Council, the need to lift the preventive measures against business and trade union leaders, and the settlement of certain landmark cases relating to the seizure of land. In addition, the President was informed of the request

made by FEDECAMARAS during the meetings of the Forum to be included and participate in the meetings of the Council on the Productive Economy. The President accepted this request and instructed immediate administrative follow-up.

## ► Additional information on the application of the recommendations of the Commission of Inquiry

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7. In addition to the communications contained in the report of the Director-General to the Governing Body in March 2022,<sup>2</sup> the Office received further communications: two from the Government dated 22 April and 12 May 2022 and one from FEDECAMARAS dated 14 May 2022. A summary of the content of those communications is provided below, and the appendices to which the communications refer are available for the members of the Governing Body to consult.

### Additional information sent by the Government

8. By a communication of 22 April 2022 (see Appendix III), the Government reported that, on 12 April 2022, further to a request by the Public Prosecutor's Office, the Eleventh Court of First Instance of the Criminal Judicial Circuit of the Caracas Metropolitan Area handed down a less severe preventive non-custodial measure to Mr Rodney Antonio Álvarez Rodríguez,<sup>3</sup> consisting of a conditional release arrangement under which he is required to appear before the court every 30 days and is prohibited from leaving the country. The Government adds that his release papers (Release Document No. 3) were issued on the same date and that Mr Álvarez was released on 15 April. Subsequently, in a communication of 6 June 2022, the Government forwarded the final ruling issued by the Eleventh Court of First Instance of the Criminal Judicial Circuit of the Caracas Metropolitan Area, which states: (i) Mr Álvarez shall be acquitted as it could not be demonstrated, during the oral public hearing, that the accused was involved in the crime of intentional homicide categorized in article 405 of the Criminal Code; (ii) it is decided that, as of 1 June 2022, Mr Álvarez shall be released unconditionally; and (iii) he shall be exempt from the costs of the proceedings. The full text of this ruling and the release papers have been provided by the Government and are available for the members of the Governing Body to consult.
9. By a communication dated 12 May 2022 (see Appendix III), the Government reported that, on 25 April 2022, a ruling was handed down acquitting the trade unionist, Mr Eudis Felipe Girot, of the offences of disclosure of confidential information and unlawful possession of a firearm and convicting him of the offence of incitement to hatred, which is provided for in and punishable by three years of imprisonment under section 235 of the Criminal Code. However, the preventive non-custodial measure was upheld, and accordingly Mr Girot is not in detention. The Government added that the proceedings are at the stage where the time limits for filing appeals have elapsed and that, as no appeal has been filed, the ruling will become final.

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<sup>2</sup> GB.344/INS/14(Rev. 1).

<sup>3</sup> The release of Mr Álvarez was requested by the Commission of Inquiry. By a judgment of 10 December 2021 of the Appeals Court of the Criminal Judicial Circuit of the Caracas Metropolitan Area, the ruling of 8 June 2021 sentencing Mr Álvarez to 15 years of imprisonment was annulled (see paragraph 16 of document GB.344/INS/14(Rev. 1)).

## Additional information sent by FEDECAMARAS

10. By a communication of 14 May 2022 (see Appendix IV), FEDECAMARAS reported that the Social Dialogue Forum had been a success as it had allowed for differences to be addressed and commitments to be made with a view to examining issues related to the application of Conventions Nos 26, 87 and 144. Furthermore, FEDECAMARAS stated that, in the light of the announcements posted on social media concerning the upcoming discussion in the National Assembly of several bills that are linked to the Basic Labour Act, which are expected to be approved by July 2022, a communication was sent to the MPPPST requesting the inclusion of the social partners, in particular FEDECAMARAS, in the consultation process for these bills in the Standing Committee on Social Development of the National Assembly. FEDECAMARAS also reported that it submitted a complaint to the Ministry of Labour alleging that discrediting messages and unfounded accusations had been made against FEDECAMARAS officials during a programme broadcast on the state channel on 26 April 2022, with a view to ensuring that these allegations are handled effectively in accordance with the Action Plan drawn up during the Social Dialogue Forum in April 2022.

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11. It is now for the Governing Body to decide how to proceed, in the light of the available information, in follow up to its previous decisions of November 2020, March, June and November 2021 and March 2022.<sup>4</sup>

## ▶ Draft decision

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12. **The Governing Body took note of the progress report and, on the recommendation of its Officers, requested the Director-General to:**
- (a) **continue collaborating with the Government and the social partners of the Bolivarian Republic of Venezuela 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 practice; and**
  - (b) **submit to the 346th Session (October–November 2022) of the Governing Body a further report on any developments concerning the social dialogue forum in order to give effect to the recommendations of the Commission of Inquiry.**

<sup>4</sup> GB.340/PV, paras 181–264; GB.341/PV, paras 286–389; GB.342/PV, paras 118–142, GB.343/INS/PV, paras 264–304 and GB.344/INS/PV, paras 431–477.



► **Appendix I**

**Timetable for the in-person session of the Forum**

Time	Monday 25	Tuesday 26	Wednesday 27	Thursday 28
09.00 – 13.00	Preparatory work	Tripartite discussion – questions relating to Conventions Nos 26 and 144 <ul style="list-style-type: none"> <li>• ILO presentation</li> <li>• Tripartite discussion</li> <li>• Proposal on possible points of agreement or follow-up</li> <li>• Conclusions and adoption of agreements on timetable/ methodology</li> </ul>	Tripartite discussion – questions relating to Convention No. 87 <ul style="list-style-type: none"> <li>• ILO presentation</li> <li>• Tripartite discussion</li> <li>• Proposal on possible points of agreement or follow-up</li> <li>• Conclusions and adoption of agreements on timetable/ methodology</li> </ul>	Bipartite meetings
13.00 – 14.00		Lunch break	Lunch break	Lunch break
14.00 – 18.00	Opening of the Forum with high-level authorities  Presentation of the agenda and working methods	Bipartite meetings	Bipartite meetings	Tripartite discussion – follow-up <ul style="list-style-type: none"> <li>• Summary of items covered, agreements reached etc.</li> <li>• Adoption of agreements and follow-up programme</li> <li>• Closing of the first in-person session of the Forum</li> </ul>

## ▶ Appendix II

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### Plan of Action of the Social Dialogue Forum in the Bolivarian Republic of Venezuela

The ILO constituents in the country, meeting in Caracas on 28 April 2022 within the Social Dialogue Forum and represented by the authorities and organizations indicated below,

Recognizing the progress made in compliance with Conventions Nos 26, 87 and 144, and the will to continue social dialogue with all guarantees, pursuant to the decisions of the Governing Body of the ILO,

Reaffirm the previously approved terms of reference of the Social Dialogue Forum (Annex 1) and

Undertake to:

- consider ILO assistance from July 2022 onwards concerning: the determination of representativeness; training on social dialogue; methods for setting the minimum wage; and consultation on the preparation of reports to be submitted to the Committee of Experts on the Application of Conventions and Recommendations. The ILO will prepare, in consultation with the constituents, a cooperation programme to enable progress in the implementation of the adopted timetable of technical assistance;
- implement the activities detailed in Annex 2;
- hold, with technical assistance from the ILO, a follow-up session of the Social Dialogue Forum in September 2022 to monitor compliance with Conventions Nos 26, 87 and 144, and in the interim continue to hold bipartite meetings with the social partners on the remaining outstanding issues concerning the application of the relevant Conventions.

Ministry of People's Power for the Social Process of Labour (MPPPST)

Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS)

Federation of Craft, Micro, Small and Medium-sized Industries and Enterprises of Venezuela (FEDEINDUSTRIA)

Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers of Venezuela (CBST-CCP)

Independent Trade Union Alliance Confederation of Workers (CTASI)

Confederation of Workers of Venezuela (CTV)

General Confederation of Workers (CGT)



## Annex 1

### Terms of Reference of the Social Dialogue Forum for National Reconciliation and Social Justice in the Bolivarian Republic of Venezuela

- Participants: All the representative organizations of employers and workers, without exclusion, and the various competent authorities.
- Presence and technical assistance of the ILO:
  - The Office will provide its technical assistance, on the understanding that it must be carried out as a whole, to give effect to the November 2021 decision of the Governing Body (GB.343/INS/9(Rev.1)/Decision) and ensure the full application of Conventions Nos 26, 87 and 144.
  - While the organization, logistics and other general responsibilities relating to the holding of the Forum are a matter for the national authorities, the ILO is prepared to facilitate the running of the sessions.
- Subjects to be addressed: All pending issues relating to the application of the Conventions concerned, including, but not limited to, the following:
  - Convention No. 26:
    - The measures necessary for the establishment of procedures, bodies or other institutionalized forms of social dialogue to ensure effective tripartite consultation without exclusion in respect of minimum wage fixing.
  - Convention No. 87:
    - The measures necessary to ensure a climate free from violence, threats, persecution, stigmatization, intimidation or any other form of aggression, in which the social partners are able to exercise their legitimate activities, ensuring full respect for civil liberties and trade union rights.
    - The measures necessary to ensure respect for the autonomy of employers' and workers' organizations, particularly in relation to the Government or political parties, and the suppression of all interference or favouritism by the state authorities, including interference in and obstacles to electoral processes, and the use of mechanisms that could restrict the full exercise of freedom of association.
    - A timetable for tripartite consultation on the revision of the laws and standards that affect the interests of employers' and workers' organizations, in light of the comments of the ILO supervisory bodies.
  - Convention No. 144:
    - The discussion of additional measures for the proper functioning of effective tripartite consultation procedures – covering the subjects envisaged in all ratified ILO Conventions or relating to their application.
  - Discussion on the follow-up modalities and timetable for the implementation of all the agreements reached at the end of the Forum, including ILO technical assistance.
- Guarantees, objectives and methodology:
  - The Forum implies the commitment of all the parties to respect the prerequisites essential for effective social dialogue, in good faith and with real impact, with all guarantees –

- respecting the independence and autonomy of employers' and workers' organizations, and the commitments made.
- o The main objective of the Forum is to facilitate compliance with the November 2021 decision of the Governing Body of the ILO and achieve concrete results.
  - o The following initial objectives to facilitate the work and its impact on the application of the Conventions concerned are highlighted:
    - Reaffirm the commitment of all parties to move forward in good faith with compliance with Conventions Nos 26, 87 and 144, in light of the comments of the ILO supervisory bodies;
    - Identify and prioritize pending issues;
    - Agree on the most appropriate modalities and the timetables to implement them effectively in order to deliver concrete results, as well as the relevant follow-up mechanisms, including the assistance that may be requested of the ILO.
  - o Minutes: Minutes will be prepared for the sessions and will reflect any agreement reached or commitment made as a result of the Forum. The Office remains available for the preparation of draft minutes of the sessions of the Forum if the tripartite constituents deem it appropriate.
  - Informing ILO bodies: The results of the Forum will be transmitted to the Governing Body of the ILO for information and consideration, and also to the Committee of Experts on the Application of Conventions and Recommendations.

## Annex 2

### Timetable of activities by Convention

► Convention No. 26

Expected outcome	Measures	Activities	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and technical assistance
Improvements in methods for setting minimum wages and effective consultation procedures, in the context of Convention No. 26	Establishment of a timetable and preparation of a methodology for consultations on the setting of minimum wages	Consultation meetings on criteria and sources of reference data on which the criteria will be based	July 2022	Representatives of representative workers' and employers' organizations	In-person (bipartite and/or tripartite) meetings with workers' and employers' organizations	Information to the ILO on the outcomes of the meeting
		Presentation by the Government and/or employers' and workers' organizations of their wage increase proposals based on appropriate data, in sufficient time to be examined by all parties	One or two weeks before the Forum	Subject matter experts and other official authorities concerned	Sending of communications	Information to the ILO on the process and outcomes
		Bipartite or tripartite meetings within the Social Dialogue Forum for consultations in good faith on the above proposals which will result in the setting of the minimum wage by the Government	September 2022		Social Dialogue Forum (bipartite and tripartite meetings)	Technical assistance from the ILO
		Consideration of how to improve the above process in the subsequent round	To be determined (after the wage has been adjusted)		Written communications	Information to the ILO on progress made

► **Convention No. 144**

Expected outcome	Measures	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and technical assistance
Establishment of an agreed timetable for the current year (2022) on effective consultation on international labour standards with a view to preparing reports under Article 5(1)(d) of Convention No. 144	Definition of consultation procedures concerning the reports on ratified Conventions	28 April 2022	Ministry of People's Power for the Social Process of Labour ("the Ministry")	Sending of written communications in good time	ILO technical assistance to train representatives of the Government and of representative workers' and employers' organizations on the preparation of reports and the consultation procedure
	Virtual meeting with the ILO to discuss technical questions related to the requested reports	May 2022	Representatives of representative workers' and employers' organizations	(Tripartite/bipartite) meetings with representatives of workers and employers to discuss the content of the reports	
	Sending by the Government to the employers' and workers' organizations of the draft reports on ratified Conventions in good time (17 reports in 2022)	By 15 July 2022 at the latest	Other official authorities concerned who have information relevant to the reports on ratified Conventions		
	Meetings with representatives of the representative workers' and employers' organizations to disseminate the reports with a view to incorporating the social partners' comments in them, with the possibility of technical support from the ILO	Week of 1 August 2022			

► **Convention No. 87**

1.

Expected outcome	Proposed measures	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and assistance of ILO
<p>Handling of allegations of stigmatization and discrediting</p>	<p>Submission by the organizations concerned of updated lists with information identifying cases of allegations related to the Government</p> <p>Channelling and, where appropriate, submission to the relevant authorities</p> <p>Bipartite meetings between the Government and employers' and workers' organizations to consider and take appropriate measures</p> <p>Bipartite follow-up</p>	<p>Deadline: August 2022</p> <p>Timing/deadlines to be determined in the event of allegations</p>	<p>Competent authorities and representatives of the employers' and workers' organizations concerned and the Ministry</p>	<p>Bipartite meetings</p>	<p>ILO receives information on allegations and handling</p> <p>Information on progress to the CEACR</p>

2.

Expected outcome	Proposed measures	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and assistance of ILO
Effective handling of allegations concerning arrests and judicial proceedings or preventive/non-custodial measures supposedly related to the exercise of legitimate employers' or trade union activities	<p>Submission of updated lists (with information identifying the cases) of previously verified allegations for each relevant sector</p> <p>Channelling and submission of the allegations received to the Public Prosecutor's Office or other relevant authority</p> <p>Bipartite meetings of the Government and the organizations to consider and take appropriate measures</p>	<p>Deadline: August 2022</p> <p>Dates/deadlines to be determined, with prioritization of cases</p>	Competent authorities, representatives of the organizations concerned and the Ministry	Bipartite meetings	<p>ILO receives information on the allegations and their handling</p> <p>Information on progress to the CEACR</p>

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3.

Expected outcome	Proposed measures	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and assistance of ILO
<p>Effective handling of allegations concerning registration procedures and election processes of trade unions</p>	<p>The Ministry:                      (i) provides information on the procedures and requirements in the legislation concerning the national trade union register, including the legal obligations;                      (ii) provides the guidance (including the adoption of relevant instruments) and facilities necessary to reform statutes and other matters related to trade union registration/elections that are free and independent</p> <p>The organizations concerned communicate their allegations to the Ministry</p> <p>The Ministry:                      (i) assesses them and determines the appropriate measures; and                      (ii) informs the organization concerned and offers to hold bilateral follow-up meeting</p>	<p>Workshop with employers' organizations to clarify questions on the national trade union register: August 2022</p> <p>Workshop with workers' organizations: August 2022</p> <p>When organizations submit allegations</p> <p>When necessary, depending on the allegation</p>	<p>The organizations concerned, the Ministry and other competent authorities (such as the National Electoral Council)</p>	<p>Bipartite meetings between the organizations concerned and the competent authorities</p>	<p>ILO receives information on allegations, handling and outcomes</p> <p>Possibility of requesting ILO technical assistance</p> <p>Information on progress to the CEACR</p>

4.

Expected outcome	Proposed measures	Timing	Authorities and representatives of employers' and workers' organizations	Procedure	Follow-up and assistance of ILO
<p>Effective handling of allegations of interference by Workers' Production Boards in the autonomy of employers' and workers' organizations or in relations between organizations</p>	<p>The organizations concerned communicate their allegations to the Ministry, indicating the workplaces and the circumstances</p> <p>The Ministry:                      (i) investigates and determines the measures that may be necessary (such as contacting the Workers' Production Board concerned) to ensure that there is no interference and that appropriate corrective measures are applied; and                      (ii) informs the organization concerned and offers to hold a bilateral follow-up meeting</p>	<p>First week of July 2022 (and subsequently as new allegations arise)</p> <p>Initial meeting in the first week of August 2022 and follow-up meeting in the last week of August 2022</p>	<p>The organizations concerned and the Ministry</p>	<p>Bipartite meetings between the organizations concerned and the Ministry</p>	<p>ILO receives information on allegations and handling</p> <p>Information on progress to the CEACR</p>



## ► Appendix III

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### Communications sent by the Government (22 April and 12 May 2022)

Caracas, 22 April 2022

**Ms CORINNE VARGHA**  
**International Labour Standards Department**  
**International Labour Organization (ILO)**  
Geneva, Switzerland

Dear Ms Vargha,

I am writing to you on the instruction of the Minister of People's Power for the Social Process of Labour, Mr José Ramón Rivero González, to inform you that, on 12 April 2022, further to a request by the Public Prosecutor's Office, the Eleventh Court of First Instance of the Criminal Judicial Circuit of the Caracas Metropolitan Area handed down a LESS SEVERE PREVENTIVE NON-CUSTODIAL MEASURE to MR RODNEY ANTONIO ÁLVAREZ RODRÍGUEZ, consisting of a conditional release arrangement under which is required to appear before the court every thirty (30) days and is prohibited from leaving the country.

It should be noted that Release Document No. 003 was issued on 12 April 2022 and Mr Álvarez was released on 15 April 2022. According to the record drawn up on 18 April 2022, the date for the continuation of the proceedings has been set for 26 April 2022.

That is all we have to report at this time on this matter, and we respectfully request that this information be transmitted to all the ILO committees and supervisory bodies that have been considering this case, including the Governing Body.

With no further points to raise, I would like to take this opportunity to assure you of my highest esteem and consideration.

Yours sincerely,

*(signed)*

**ROSALIA ZINGALES**

Deputy Minister for the Integrated System  
of Labour Inspection and Social Security

Caracas, 12 May 2022

**Ms CORINNE VARGHA**  
**International Labour Standards Department**  
**International Labour Organization (ILO)**  
Geneva, Switzerland

Dear Ms Vargha,

I am writing to you on the instruction of the Minister of People's Power for the Social Process of Labour, Mr José Ramón Rivero González, to provide you with the following information in relation to **Mr EUDIS FELIPE GIROT**:

On 25 April 2022, a ruling was handed down acquitting **Mr EUDIS FELIPE GIROT** of the offence of disclosure of confidential information, which is provided for in and punishable under section 134 of the Criminal Code, and the unlawful possession of a firearm, which is provided for in and punishable under section 111 of the Basic Act on the Disarmament and Control of Arms and Ammunition, and **CONVICING** him of the offence of **INCITEMENT TO HATRED**, which is provided for in and punishable by three years of imprisonment under section 235 of the Criminal Code. However, the preventive non-custodial measure was upheld (Mr Girot is not in detention).

The proceedings are currently at the stage where the time limits for the filing of appeals by the party concerned have elapsed and, as no appeal has been filed against the ruling, it will become final.

That is all we have to report at this time on this matter, and we respectfully request that this information be transmitted to all the ILO committees and supervisory bodies that have been considering this case, including the Governing Body.

With no further points to raise, I would like to take this opportunity to assure you of my esteem and consideration.

Yours sincerely,

*(signed)*

**ROSALIA ZINGALES**

Deputy Minister for the Integrated System  
of Labour Inspection and Social Security

## ▶ Appendix IV

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### Communication sent by FEDECAMARAS (14 May 2022)

Caracas, 14 May 2022

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

Dear Mr Ryder,

We have the pleasure of writing to you, on behalf of the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) and with our most cordial greetings, to provide you with an update on the process that started with the Social Dialogue Forum that was inaugurated on 7 March 2022 and which held an in-person session in Caracas during the week of 25 April. On that occasion, we were honoured to welcome to our country the officials appointed by your Office to provide technical assistance from the International Labour Organization (ILO), which was accepted by the Government of the Bolivarian Republic of Venezuela.

The in-person session of the Social Dialogue Forum was a success in that, despite some ongoing differences, it was possible to hold discussions and make a number of commitments with a view to examining various specific issues related to the application of ILO Conventions Nos 26, 87 and 144, with regard to both FEDECAMARAS and trade union organizations. We hope that the delivery of the ILO technical assistance that will be requested in the coming days, with a view to providing continued support to the dialogue process, will result in the achievement of significant bipartite and tripartite agreements and tangible solutions that will strengthen effective social dialogue and contribute to significant improvements in the situation of freedom of association in Venezuela.

We can report that no meetings have taken place to date between FEDECAMARAS and the Ministry of People's Power for the Social Process of Labour in respect of the Forum. However, FEDECAMARAS has requested information from the Ministry regarding the announcements posted on social media by the National Assembly concerning the upcoming discussion in that Assembly of several bills that are linked to the Basic Labour Act, which are expected to be approved in July 2022 at the latest.

The information appears on the National Assembly's Twitter feed and in press releases, according to which the following bills are under consideration:

1. The Domestic Workers Act
2. The Home-Based Workers Act

3. The Delivery Drivers Act
4. The Sports Professionals Act
5. The Agricultural Workers Act
6. The Transport Work Act
7. The Air Transport Work Act
8. The Work in Maritime and Inland Navigation Act
9. The Culture Workers Act
10. The Workers with Disabilities Act

(See the information, in Spanish only, on:

[https://twitter.com/Asamblea\\_Ven/status/1521642314782892036?t=NTDryB7zJtvNMkIjxgNnkQ&s=08](https://twitter.com/Asamblea_Ven/status/1521642314782892036?t=NTDryB7zJtvNMkIjxgNnkQ&s=08)

[https://twitter.com/Asamblea\\_Ven/status/1522050708782080001?t=A3rbF9t5Z2ol4CgyN1ZNMw&s=08](https://twitter.com/Asamblea_Ven/status/1522050708782080001?t=A3rbF9t5Z2ol4CgyN1ZNMw&s=08)

<https://www.globovision.com/article/jorge-rodriguez-antes-de-julio-la-an-debera-tener-listas-las-leyes-complementarias-de-la-lottt>

<https://www.globovision.com/article/an-instalara-comision-para-debatir-leyes-en-beneficio-de-los-trabajadores-del-pais>).

In this regard, on this same date, FEDECAMARAS sent Communication No. 024 to the Ministry of People's Power for the Social Process of Labour, a copy of which is attached hereto. In this communication, FEDECAMARAS requests the Ministry to liaise with the Standing Committee on Social Development of the National Assembly in order to include the social partners, particularly FEDECAMARAS, in consultations on bills relating to the world of work, as is agreed in the minute signed by the Ministry with the Standing Committee in question and presented to the Social Dialogue Forum. This would enable FEDECAMARAS, as the most representative employers' organization in the country, to make timely comments on the proposed labour legislation, in the spirit of good faith and dialogue that was envisaged by the Social Dialogue Forum.

In this regard, it is worth mentioning that, in its report of September 2019, the Commission of Inquiry specifically recommends *"the submission to tripartite consultation the revision of the laws and standards that give effect to Conventions, such as the Decree with the rank, power and force of the Basic Labour Act (LOTTT) [...]."* In this case, although the aim is not to amend the LOTTT, the proposal is to supplement this law with a normative framework that without doubt must be properly discussed in an "effective" dialogue before being approved.

Furthermore, we would like to reiterate our concern about the discrediting messages broadcast on the state channel, including unfounded accusations against FEDECAMARAS officials, as shown in the video of the programme *"Con el Mazo Dando"* dated 26 April 2022. This programme repeats a message that was previously broadcast on 21 October 2020, as can be seen by opening the links below:

1. [https://fedecamaras-my.sharepoint.com/:v:/g/personal/casovzlaoit\\_fedecamaras\\_org\\_ve/EWCJ0qSqAzZEjmyS6uBQITsBLPOA3qTeFFNzX1Y8cIsN7A?e=ZCZdkR](https://fedecamaras-my.sharepoint.com/:v:/g/personal/casovzlaoit_fedecamaras_org_ve/EWCJ0qSqAzZEjmyS6uBQITsBLPOA3qTeFFNzX1Y8cIsN7A?e=ZCZdkR)
2. [https://fedecamaras-my.sharepoint.com/:v:/g/personal/casovzlaoit\\_fedecamaras\\_org\\_ve/EQtkzuDWyYhMmrHrXdxUJMAB\\_6szxtIlqXCJwYK6LQkOAg?e=G43bOR](https://fedecamaras-my.sharepoint.com/:v:/g/personal/casovzlaoit_fedecamaras_org_ve/EQtkzuDWyYhMmrHrXdxUJMAB_6szxtIlqXCJwYK6LQkOAg?e=G43bOR)

A report on this subject was sent to the Ministry so that the issue, which falls into the category of *“allegations of stigmatization and discredit”* against trade union officials, would be handled and resolved appropriately within the framework established by the Plan of Action agreed on during the Social Dialogue Forum (Annex 2, chapter on ILO Convention No. 87) which proposes, among other measures, that *“bipartite meetings between the Government and employers’ and workers’ organizations”* – in this case FEDECAMARAS – be held to consider and take appropriate measures in such cases.

It is of the utmost importance at this stage of the dialogue process to ensure that the issues covered in the complaint receive prompt attention and that the solutions identified at the Forum are applied, to ensure the real effectiveness and impact of the agreements that were provided for and that will be reached between now and September 2022, when another in-person meeting will take place with the team appointed by the ILO to provide technical assistance to the tripartite partners.

We are grateful for all the support given by your international organization and by you personally to the institutionalization of social dialogue in Venezuela and we hope that the technical support of the ILO-appointed team will make it possible to overcome any discrepancies, differences and obstacles to ensure that effective social dialogue and the full exercise of freedom of association become a reality in Venezuela, for the benefit of better working conditions for the entire population of our country.

We remain ready and willing to continue to promote, with the support of the ILO, social dialogue in Venezuela, which we consider to be the only appropriate way to resolve the serious labour, economic and social problems facing the country.

Yours sincerely,

*(signed)*

**CARLOS FERNÁNDEZ GALLARDO**  
**President**

Appendix: Letter No. 024 sent by FEDECAMARAS  
to the Minister of People’s Power for the Social  
Process of Labour