



Governing Body

344th Session, Geneva, March 2022

Institutional Section

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Assessment of progress made by the Government of the Bolivarian Republic of Venezuela in ensuring 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

1. In the context of its consideration, in November 2021, 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 adopted, at its 343rd Session, a decision in which it:
 - (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 subparagraphs (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 on the agenda of its 344th Session (March 2022) an item 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".¹

▶ Follow-up by the Director-General

2. In order to follow up on the Governing Body's decision, the Director-General has maintained fluid communication with the Government since December 2021. By a communication of 7 December 2021, the Government indicated that the Minister of People's Power for the Social Process of Labour had initially intended to travel to Geneva to deal with the matter in person, but that was not possible owing to the global public health situation. In these circumstances, virtual meetings were held on 14 December 2021 and 31 January 2022 and various written communications were exchanged in order to determine the best means of executing the Governing Body's mandate, taking into account the context of the pandemic.
3. The Government expressed its willingness to comply promptly with the aforementioned decision of November 2021. In this connection, by a communication of 15 December 2021, the Government submitted a schedule of meetings for 2022 that it had presented to the social partners to step up social dialogue in compliance with Conventions Nos 26, 87 and 144. (The schedule contained consultation meetings up to the third week of August 2022.) By a communication of 18 January 2022, the Government informed the Director-General that, in accordance with the schedule, a first meeting had been held with some of the employers' and workers' organizations in December 2021 and that it was planning to continue to hold the scheduled meetings. Furthermore, the Government proposed to hold the dialogue forum with the ILO's participation on 11, 16 and 22 February and 4 March 2022.
4. In this connection, the Director-General advised the Government that in order to make progress in complying with the Governing Body's decision, it was important that the forum should be held in person in the country. The Government indicated its agreement with this suggestion. Taking into account the situation of the pandemic, it was not considered feasible to hold the forum on the dates originally proposed by the Government. However, to reaffirm the Government's commitment to complying with the aforementioned decision of November 2021, it was agreed that the inaugural meeting of the forum would be held virtually, prior to the March 2022 session of the Governing Body.
5. To prepare for the organization of the forum and set out the content and modalities of the ILO's assistance, in a communication of 24 January 2022 the Director-General proposed specific

¹ GB.343/INS/PV, para. 304

elements and considerations, with full guarantees, in follow-up to the decision of the Governing Body and in accordance with the recommendations of the Commission of Inquiry (see Appendix I). Following the Government's positive response to those initial proposals, expressed in its communication of 2 February 2022 (see Appendix II), the Director-General prepared draft terms of reference for the consideration of the tripartite constituents. The draft was submitted to the Government on 7 February 2022 (see Appendix III), along with proposed dates for the forum: 7 March for the inaugural meeting (in which the Director-General undertook to participate personally) and the week of 25 April for the in-person meetings in the country. Furthermore, the proposed terms of reference reiterated the offer of technical assistance from the Office, on the understanding that it must be carried out as a whole, to ensure compliance with the decision of the Governing Body, including by facilitating the running of the meetings and preparing draft minutes of the outcomes of the forum. The draft terms of reference included as subjects to be addressed all pending issues relating to the application of the Conventions concerned and a discussion of the follow-up arrangements and schedule for the execution of the agreements reached by the end of the forum. Lastly, the draft proposed that the terms of reference be presented to the tripartite constituents for adoption as the first agenda item at the inaugural meeting of the forum, and that the results of the forum be transmitted for the information and consideration of the Governing Body and of the Committee of Experts on the Application of Conventions and Recommendations (CEACR).

6. In its communication of 8 February 2022 (Appendix IV) and in response to the draft terms of reference, the Government: (i) reiterated its commitment to complying with the Governing Body's decision of November 2021; (ii) expressed its agreement to holding an inaugural meeting on 7 March 2022 in a virtual format – emphasizing that it would greatly value the participation of the Director-General at that meeting – followed by in-person meetings of the forum in the country in the week of 25 April 2022, circumstances permitting in view of the ongoing pandemic situation; (iii) confirmed its acceptance of the ILO's participation and assistance, including in facilitating the discussions within the forum and the preparation of minutes reflecting the outcomes; and (iv) as to the draft terms of reference, it agreed that the subjects to be addressed must include the issues related to the three Conventions concerned.
7. It should be recalled that, according to the information provided in previous reports, the Government has sought technical assistance for the purposes of determining the representativeness of existing employers' and workers' organizations in the country. Furthermore, the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) has stated that it shares the opinion of the Commission of Inquiry and the CEACR that the assistance should not be limited to the issue of representativeness, but should take a comprehensive approach to handling the recommendations and the dialogue process itself. In this respect, in his conversations with the Minister of People's Power for the Social Process of Labour, the Director-General continued to reiterate that the ILO remains at the disposal of the country's tripartite constituents 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, with a view to ensuring the comprehensive treatment of all the recommendations made by the Commission of Inquiry and the CEACR. The Director-General took note of the Government's indication in its communication of 2 February 2022 that it accepted the approach of carrying out the assistance as a whole, given the interrelated nature of the topics, and that that could be addressed in the social dialogue forum. The Government nevertheless emphasized in its communications of 2 and 8 February 2022 that its insistence on technical assistance in relation to representativeness was owing to the repeated requests of the Credentials Committee of the International Labour Conference in that

connection, and stated that the topic should be prioritized, recalling that it was also included in the report of the Commission of Inquiry.

▶ Inauguration of the social dialogue forum on 7 March 2022

8. In February 2022, the Government sent FEDECAMARAS and the country's other employers' and workers' organizations a formal invitation to participate in the inaugural session of the social dialogue forum, in compliance with the Governing Body's decision of November 2021, and a copy of the terms of reference proposed by the Director-General in this regard.
9. In a communication dated 18 February 2022, sent to the Minister of Popular Power for the Social Process of Labour, FEDECAMARAS acknowledged the Government's acceptance of the decision of the Governing Body and made some comments and suggestions regarding the draft terms of reference. These included the proposal to refer expressly to the content of subparagraph (c) of the Governing Body's decision of November 2021 as it relates to the establishment of the three dialogue round tables to which reference is made in the report of the Commission of Inquiry; and to confirm the permanent nature of the dialogue mechanism under a structured consultation and discussion body, and the continuity of ILO technical assistance during the entire dialogue process.
10. The inaugural session of the social dialogue forum was held in a virtual format on 7 March 2022, with the representatives of the country's tripartite constituents and the participation of the Director-General. The following employers' and workers' organizations participated through their spokespersons: FEDECAMARAS (which reiterated its position and suggestions mentioned previously); the Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers (CBST); the Venezuelan Federation of Craft, Micro, Small and Medium-Sized Business Associations (FEDEINDUSTRIA); the Independent Trade Union Alliance of Venezuela (ASI); the Confederation of Workers of Venezuela (CTV); the National Union of Workers of Venezuela (UNETE); the General Confederation of Labour (CGT); and the Confederation of Autonomous Trade Unions (CODESA). The Government was represented by the Minister of Popular Power for the Social Process of Labour, who chaired the meeting. In response to the suggested modifications to the terms of reference, the Minister stated that while the proposed text was not 100 per cent to its liking, the Government wished to give the Director-General a vote of confidence in order to move forward with compliance with the decision of the Governing Body.
11. The inaugural session ended with the adoption of the terms of reference for the social dialogue forum. The Director-General undertook to convey to the Governing Body the comments and suggestions formulated by FEDECAMARAS regarding the terms of reference. See the position submitted by FEDECAMARAS in Appendix VI.
12. In a communication dated 8 March 2022, the Government reiterated its willingness to hold in-person sessions of the forum during the week of 25 April 2022, if the pandemic permits, and to meet bilaterally any social partners who so request prior to the in-person sessions. In its communication, the Government also provided information on recent actions carried out in the framework of its social dialogue policy, appending 30 documents. See the Government's communication in Appendix VII (the other appended documents are available for Governing Body members to consult).
13. In addition, on March 16, 2022 a communication was received from FEDECAMARAS, with eight annexes, which reiterates its position indicated above. In this communication, it confirms its willingness to participate in the forum and stresses its concern about the lack of acceptance of

the recommendations of the Commission of Inquiry by the Government. FEDECAMARAS also requests the good offices of the Director General so that some of its considerations can be incorporated into the decision of the Governing Body (FEDECAMARAS' communication and its annexes are available for consultation by the members of the Governing Body).

14. The next step, if the pandemic permits, will be to prepare and hold, with the participation of the ILO, an initial in-person session of the dialogue forum in Caracas, to last two or three days, during the week of 25 April 2022.

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

15. In addition to the communications contained in the report of the Director-General to the Governing Body in November 2021² and those referred to above, the Office received two further communications: one from the Government dated 2 February 2022 and one from FEDECAMARAS dated 11 February 2022. A summary of the content thereof is provided below, and the appendices to which the communications refer are available for members of the Governing Body to consult.

Additional information sent by the Government

16. By a communication of 2 February 2022, the Government submitted a copy of the judgment of 10 December 2021 of the Appeals Court of the Criminal Judicial Circuit of Caracas Metropolitan Area concerning the trade unionist Rodney Álvarez (whose immediate release was called for by the Commission of Inquiry). The judgment annulled the ruling of 8 June 2021 that had sentenced Mr Álvarez to 15 years of imprisonment, on the grounds that the impugned ruling had failed to assess the evidence that had emerged at trial, and remanded the case for a retrial before a court other than the one that handed down the annulled ruling. The full text of the judgment is available for the members of the Governing Body to consult.
17. Furthermore, in its communication of 8 February 2022 referred to above (see Appendix IV), the Government indicates that it has made further progress on the application of the Conventions concerned, stating that: (i) in August 2021, a proposed method of consultation method was drafted for setting the minimum wage on the basis of the observations of workers' and employers' organizations that were made at the technical round table on Convention No. 26; in this respect, the Government considers that it is complying with Convention No. 26; and that (ii) it is also complying with Convention No. 144 by strengthening all areas of the national policy on social dialogue. Specifically, with respect to the development of a schedule for the revision of national laws and standards that affect employers' and workers' organizations, the Minister of People's Power for the Social Process of Labour indicates that, as part of his commitment to the policy of social dialogue – including going over and above international labour standards – that he is taking the necessary actions, in coordination with the National Assembly, to ensure that the relevant consultations are being developed. As to Convention No. 87, the Government indicates that it will continue to work on improvements so as to ensure full respect for trade union freedoms and rights.

² GB.343/INS/9(Rev.1).

Additional information sent by FEDECAMARAS

- 18.** In a communication of 11 February 2022 (see Appendix V), FEDECAMARAS indicates that it received six communications from the Government, including invitations to meetings and consultations. A first meeting was held (virtually) on 13 December 2021; FEDECAMARAS had replied to the invitation with observations on the schedule and a new proposal for the discussion of specific matters that are the subject of the complaint as well as of the rules of procedure of the meetings, and seeking a separate meeting to discuss matters that are in its interests. At that initial meeting, the Government agreed to the tripartite and bipartite meetings with FEDECAMARAS and the drafting of minutes reflecting the agreements reached, and indicated that the consultation on the setting of the minimum wage would be conducted in writing. FEDECAMARAS suggested that, in addition to the matters contained in the complaint, the meetings should open up the necessary forums for dialogue to discuss more structural labour- and business-related matters. At a second meeting, which took place (in person) on 18 January 2022, the Government submitted a further proposed schedule of tripartite meetings and advised that it was working with the ILO to plan the dialogue forum recommended by the Governing Body. FEDECAMARAS successively submitted comments on the schedule, suggesting that the discussion on the minimum wage should also take place in person and reiterating the need for the dialogue forum to be aligned with the three round tables recommended by the Commission of Inquiry. FEDECAMARAS adds that a tripartite meeting was held on 10 February 2022, where the terms of reference submitted by the ILO for the dialogue forum were read aloud. FEDECAMARAS indicated its intention to participate in the forum and meetings proposed by the ILO and expressed its concern about the recent instances of non-compliance. Furthermore, two Government consultations were received on: (i) the 1998 Declaration on Fundamental Principles and Rights at Work and the Forced Labour Convention, 1930 (No. 29); and (ii) the setting of the minimum wage for 2022, which included supporting information. FEDECAMARAS is in the process of preparing a response to both.
- 19.** In addition, FEDECAMARAS states that further instances of non-compliance with Conventions Nos 87 and 144 have occurred: (i) through the relaunching of the Workers' Production Boards by the President of the Republic, disregarding the recommendations of the Commission of Inquiry; calling for their incorporation in the administration and planning levels of all enterprises; seeking the drafting of a regulation to the law concerning them; and urging the public bank to present a plan for funding them; and (ii) through the adoption, without consultation, of the reform of the Law on taxation of large financial transactions. As the passing of the law is considered likely to slow down the economic recovery, FEDECAMARAS and its constituent organizations wrote to the National Assembly on 1 February 2022 seeking to hold a consultation to assess the impact of the bill on the economy and businesses. On 2 February 2022, FEDECAMARAS wrote a letter to the Government requesting it to use its good offices in the matter, and the Ministry of People's Power for the Social Process of Labour undertook to submit the request to the National Assembly. However, the National Assembly rescheduled the item and proceeded, with the support of the President of the Republic, to pass the law on 3 February, without the requested consultation having taken place. In the light of these events, FEDECAMARAS states its deep concern at the continued violations of the Conventions in question, at the same time as meetings are being held where it is claimed that the Conventions are being applied. Consequently, it reiterates the urgent need for the ILO to specify, in the most effective way possible, the technical assistance required to support the forum and to lay the foundations to ensure genuine, effective and successful dialogue.

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

20. 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.

21. 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.
22. It is now for the Governing Body to decide how to proceed, in the light of the available information, to follow up on its previous decisions of November 2020 and March, June and November 2021.³

▶ Draft decision

23. **The Governing Body is invited to decide on action to be taken in light of the information provided in document GB.344/INS/14(Rev.1).**

³ GB.340/PV, para. 264; GB.341/PV, para. 389; GB.342/PV, para. 142; and GB.343/INS/PV, para. 304.

▶ Appendix I

Letter from the Director-General of the ILO to the Minister of Popular Power for the Social Process of Labour of the Bolivarian Republic of Venezuela

(24 January 2022)



▶ The Director-General

CV/JAP/NORMES/CRV/am/CABINET/24.01.2022

Original: Permanent Mission – *for transmission*
cc: CABINET, DOG/MR, DDG/P, DOG/FOP, NORMES,
LIBSYND, RO-Lima, DWT/CO-Lima (Mr Cardona)

Mr José Ramón Rivero
Minister of Popular Power
for the Social Process of Labour
CARACAS
BOLIVARIAN REPUBLIC OF VENEZUELA

24 January 2022

Dear Minister,

I have the honour to take note of your communications dated 15 December 2021, in which you shared a timeline for the holding of a social dialogue forum in connection with the November 2021 decision of the Governing Body, and 18 January 2022, in which you report on the continuation of the meetings with the social partners and propose setting a date to follow up on our meeting of 14 December 2021.

In this respect, I reaffirm the availability of the ILO to provide technical assistance and support in order to implement the recommendations of the Commission of Inquiry and achieve the full application of Conventions Nos 26, 87 and 144. In this regard, the tripartite forum must deal with any issues that remain pending, including those relating to:

Convention No. 26:

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, including the release of any employer or trade unionist who is imprisoned in relation to the exercise of the legitimate activities of their organizations.

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 and 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 timeline 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:

Having taken due note of the progress indicated by the Government in relation to the application of the Convention, I suggest focusing on 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 – including by way of the establishment of bodies or other institutionalized forms of social dialogue in the light of national realities.

As I mentioned during our conversation, the supervisory bodies have stressed that technical assistance must be carried out as a whole, as the pending issues are interlinked and must be considered globally. ILO assistance and its prioritization should be defined in a tripartite manner in the dialogue forum.

The ILO is ready to support social dialogue efforts by facilitating the chairing of the meetings in a neutral, impartial and objective manner.

This presence and assistance of the ILO will be subject to compliance with 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, and with the participation of all representative organizations, without exclusions.

Lastly, in accordance with the decision of the Governing Body, the option of appointing a Special Representative of the Director-General could be considered if conditions allow. This is an aspect that remains to be discussed, the priority being to establish the most effective mechanism to move forward with tangible results.

On the basis of the above, I hope that we can move forward with concrete elements that will allow me to report to the Governing Body at its session in March 2022 on the progress achieved. In this regard, I am pleased to confirm my availability for discussions at the end of January, as proposed in your communication.

Yours faithfully,

(signed) Guy Ryder

▶ Appendix II

Letter sent by the Minister of Popular Power for the Social Process of Labour of the Bolivarian Republic of Venezuela (2 February 2022)

No. 075/2022

Caracas, 2 February 2022

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

Dear Director-General,

Allow me to respectfully extend to you warm revolutionary greetings on behalf of the Ministry of People's Power for the Social Process of Labour of the Bolivarian Republic of Venezuela and on my own behalf.

With reference to your communication dated 24 January 2022 regarding the matters relating to the November 2021 decision of the Governing Body, following up on our meeting of 14 December 2021 and the communications sent by my office dated 15 December 2021 and 18 January 2022, I reiterate the readiness of the Government of the Bolivarian Republic of Venezuela to comply with the Governing Body decision, in order to further enhance the application of ILO Conventions Nos 26, 87 and 144, in a context of open and inclusive social dialogue, with due respect and without undermining the guarantees set forth in the Constitution of the Bolivarian Republic of Venezuela and other national legislation.

With respect to the holding of the social dialogue forum referred to in the Governing Body decision, at the meeting held on 31 January 2022 we put forward the following options:

- (1) The Government of the Bolivarian Republic of Venezuela is in agreement that this social dialogue forum should deal with all the issues relating to Conventions Nos 26, 87 and 144.
- (2) We take note of your Office's position that the ILO technical assistance must be carried out as a whole given the linkages between the issues, which can be addressed at the social dialogue meeting in question.
- (3) In this context it is important to make it clear that our Government's insistence on the technical assistance relating to the representativeness of organizations of workers and of employers is due to the recommendation made by the various ILO supervisory bodies on this issue, particularly the Credentials Committee during the sessions of the International Labour Conference and regional meetings, with the Commission of Inquiry including the recommendation verbatim in its report. However, this has never been a problem for our Government, given that, as is well known, our policy is highly inclusive and does not exclude or disregard any workers' or employers' organization active in our country, and consequently convenes and holds talks with all of them without discrimination.

- (4) With regard to holding the social dialogue forum with the assistance and presence of the ILO, our Government suggested that it be made up of four working sessions, namely one inaugural session and one session for each of the Conventions concerned.
- (5) In this regard, we suggest as probable dates 11, 16 and 22 February and 4 March 2022.
- (6) The organization of this social dialogue forum can be carried out by the ILO or jointly by the ILO and the Government of my country. In this respect we consider it feasible for the debates to be coordinated by an ILO representative, who can act as facilitator, in an impartial, objective manner, devoid of political interests, and this will undoubtedly contribute to the success of the forum.
- (7) Regarding the possible appointment of a Special Representative of the Director-General of the ILO, should this become necessary, our Government has no difficulty with this, as long as it does not involve political interference and does not violate the sovereignty and independence of our country. Should the time come, we must coordinate this very specifically, counting already on the utmost willingness of our Government, and we are sure to reach agreement on the possibility of this appointment.

To conclude, Mr Director-General, in this second meeting held on Monday, 31 January, where I explained all these considerations to you, and once I had listened to your views on our positions regarding the holding of the social dialogue forum before the next session of the Governing Body, and in view of your observations concerning the fact that it is neither realistic nor feasible to hold such an event before March 2022, we understand the technical seriousness with which the ILO acts and views all aspects of this matter, and I reiterate the firm commitment of my Government to all that has been said, in the interests of compliance with the decision made by the Governing Body at its November 2021 session.

On this point I reiterate what was said at the meeting regarding our willingness for the social dialogue forum to be held before the Governing Body session in March and for the discussion sessions on the implementation of the three Conventions to be held on future dates, in view of the technical constraints you raised.

The Government of the Bolivarian Republic of Venezuela remains attentive and open to continuing to move forward on this whole matter before us, and we request that this be communicated to the Governing Body, highlighting in particular that we are open to this dialogue forum being held with the various social partners at the national level, with the assistance and presence of the ILO, when the Organization you lead deems it appropriate, and we are fully committed to its success.

With no further points to raise, I would like to take this opportunity, Mr Director-General, to assure you of my highest consideration.

Yours faithfully,

(signed)

JOSÉ RAMÓN RIVERO GONZÁLEZ
Minister of Popular Power for
the Social Process of Labour

► Appendix III

Letter from the Director-General of the ILO in reply to the communication from the Government of the Bolivarian Republic of Venezuela dated 2 February 2022 (7 February 2022)

► The Director-General

Mr José Ramón Rivero
Minister of Popular Power
for the Social Process of Labour
CARACAS
BOLIVARIAN REPUBLIC OF VENEZUELA

7 February 2022

Dear Minister,

I have the honour to take note of your communication dated 2 February 2022 in reply to my communication dated 24 January 2022 and to our conversation of 31 January 2022.

I am pleased to note that your Government reiterates its readiness to comply with the November 2021 decision of the Governing Body of the ILO on the follow-up to the recommendations of the Commission of Inquiry, and your agreement that the various issues relating to the application of Conventions Nos 26, 87 and 144 are to be dealt with in their totality at the forum and that the ILO technical assistance is to be approached in a tripartite manner and as a whole.

As we agreed in our last conversation, and in view of the circumstances of the pandemic, the inaugural session to begin the forum could be held in a virtual format, in which I would be happy to participate personally if you and the constituents consider it appropriate. We offer 7 March 2022 as a possible date.

Regarding the holding of in-person sessions in your country, the Office proposes for your consideration the week of 25 April 2022, hoping that circumstances permit at that time.

Both sessions will involve the participation and technical assistance of the ILO, which could act as facilitator.

In order to follow up on our conversations and to move forward concretely with the organization of the forum, I am appending a proposal for terms of reference.

Dear Minister, allow me to convey to you my thanks in advance for your attention and consideration.

Yours faithfully,

(signed) Guy Ryder

Draft terms of reference for the social dialogue forum in the Bolivarian Republic of Venezuela

- **Dates:** a virtual inaugural session to begin the forum on 7 March 2022, followed by an initial in-person session of either two or three days to be held during the week of 25 April 2022 in Caracas (subject to the feasibility of it being held in light of the prevailing context of the pandemic).
- **Participants:** all the representative organizations of employers and workers will be invited, without exclusion, and the various competent authorities will also participate.
- **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 timeline 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 timeline 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.
 - 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.
 - 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 timelines 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.
 - 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.
- **Tripartite adoption:** these terms of reference shall be submitted to the tripartite constituents of the country for adoption as the first item on the agenda of the inaugural session of the forum.

▶ Appendix IV

Letter sent by the Minister of Popular Power for the Social Process of Labour of the Bolivarian Republic of Venezuela (8 February 2022)

No. 100/2022

Caracas, 8 February 2022

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

Dear Director-General,

It is my pleasure to hereby extend to you warm revolutionary greetings on behalf of the Ministry of People's Power for the Social Process of Labour of the Bolivarian Republic of Venezuela and on my own behalf.

I acknowledge receipt of your communication dated 7 February 2022 regarding the social forum foreseen in the November 2021 decision of the Governing Body of the ILO and also take this opportunity to transmit to you on behalf of my Government some information and clarifications regarding its content.

- (1) We reiterate the firm commitment of the Government of the Bolivarian Republic of Venezuela to comply with the provisions of the decision adopted by the Governing Body in November 2021, and to hold, in accordance with our conversations, the inaugural session of the social dialogue forum on 7 March 2022, in a virtual format, in which we would greatly value being able to count on your participation, as, I am sure, would the other social partners in our country.
- (2) With regard to holding possible in person sessions of this forum in our country, my Government would be in agreement for them to be held during the week of 25 April of this year, provided that circumstances permit, considering that the COVID-19 pandemic situation still remains.
- (3) We reiterate what I said during the meeting held on 31 January 2022 regarding the participation and assistance of the ILO in the running of this forum, with this involvement being understood as the facilitation of the debates in which the Government and the various national-level social partners would participate. Furthermore, we appreciate the ILO's availability for the drafting of minutes reflecting the outcomes of the discussions held during the forum.
- (4) With respect to the technical assistance of the ILO, while we understand the position held by the international organization that it should be undertaken as a whole, I wish again to insist on the technical assistance we require regarding the representativeness of employers' and workers' organizations, which has its solid basis in the call made by various ILO supervisory bodies, in particular the Credentials Committee, and which was quoted

verbatim in the report of the Commission of Inquiry. We are conscious of the fact that the 110th Session of the International Labour Conference is soon to be held, possibly in an in person format, and we would not wish to receive another call from the Credentials Committee on the issue of the representativeness of the social partners. In this respect, Director-General, I consider that this special issue of technical assistance in relation to said representativeness should be given priority and we could continue to work on it in forthcoming sessions of our work teams.

(5) In response to the draft terms of reference for social dialogue, appended to your communication, we wish to make the following remarks:

- In terms of the subjects to be addressed, we agree to covering those relating to the three Conventions of major interest, Nos 26, 87 and 144, abiding by the stipulations of their texts ratified by the Bolivarian Republic of Venezuela:

- i. Convention No. 26: As you are aware, Director-General, the Government of the Bolivarian Republic of Venezuela has been making considerable efforts to strengthen social dialogue to ensure effective consultation with the various social partners, without exclusions of any sort, in respect of the minimum wage. In fact, a proposed method was developed last August, based on the observations made by workers' and employers' organizations meeting at the technical round table held on Convention No. 26, and was transmitted to the ILO in a timely manner.

From my point of view, the Government of the Bolivarian Republic of Venezuela is complying with the Convention concerned.

- ii. Convention No. 87: On the subject of freedom of association, we are continuing to work on improving the application of this Convention, ensuring full respect for trade union freedoms and rights.
- iii. Convention No. 144: With respect to this Convention, the Venezuelan Government is complying with it by strengthening the national social dialogue policy in all areas, creating spaces for open, inclusive and frank discussions with the various social partners.

Specifically, with respect to the development of a timeline for the revision of national laws and standards that impact workers' and employers' organizations, we are committed to making progress on this issue, in the framework of cooperation among the Venezuelan state authorities, although it is important to emphasize that it is part of our commitment to the social dialogue policy and is not in any way linked to international commitments, since the consultation referred to in Convention No. 144 relates solely to international labour standards.

I am pleased to inform you that I am already taking the actions required for these consultations to take place, which will be headed by the National Assembly with the collaboration of the Ministry I lead.

Respected Director-General, I remain open to the possibility of moving forward, in the manner that you deem most effective, on all those aspects that we consider we must continue to work on, prior to holding the aforementioned social dialogue forum, with a view to achieving the best results for peace, stability and reconciliation in the world of work in our country, in the framework of the provisions of the ratified Conventions cited, and subject to respect for and

observance of the Constitution of the Bolivarian Republic of Venezuela and the applicable national laws.

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

Yours faithfully,

(signed)

JOSÉ RAMÓN RIVERO GONZÁLEZ
Minister of Popular Power for
the Social Process of Labour

▶ Appendix V

Letter sent by FEDECAMARAS (11 February 2022)

Caracas, 11 February 2022

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

Dear Director-General,

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 updated information regarding agenda item 14, entitled "Assessment of the progress made by the Government of the Bolivarian Republic of Venezuela in ensuring 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", of the 344th Session of the Governing Body of the International Labour Office, to be held in March 2022 (see GB.344/INS/14).

In that regard, we are pleased to present an updated report that summarizes the communications received from the Government, through the Ministry of Popular Power for the Social Process of Labour and the meetings held in December 2021 and February 2022, as well as the instances of non-compliance over the same period, which are described in more detail below. It should be mentioned, however, that no progress has been observed in the formal recognition of the recommendations of the Commission of Inquiry.

1. Communications received from the Ministry and meetings held: Six (6) communications were received from the above-mentioned Ministry, of which two (2) sought to convene virtual or face-to-face meetings, two (2) were for consultations, one (1) acknowledged receipt of a request from FEDECAMARAS and one (1) submitted information from the social dialogue forum.

(a) Calls for meetings

(a.1) First meeting (with FEDECAMARAS): by mail postmarked 8 December 2021, the Ministry sent official letter No. 982 dated 7 December 2021, by which it invited FEDECAMARAS to a virtual meeting to be held on 13 December 2021, attaching a proposed schedule of tripartite dialogue meetings (see Appendices 1 and 2).

FEDECAMARAS accepted the invitation by mail and communication No. 021 dated 10 December 2021, in which it formulated its observations on the proposed schedule, submitting a new proposed schedule (see Appendices 3 and 4) for the purpose of discussing the specific issues that are the subject of the complaint, as well as the rules of procedure of the round tables so that they could have a meaningful impact and concrete results. The communication also requested the convening of a separate round table with FEDECAMARAS to discuss issues of interest to it that do not require tripartite discussion and raised the need

to convene a social dialogue forum with the assistance of the ILO, as recommended by the Governing Body.

At that first meeting, which was duly held on 13 December 2021 in a virtual format, the Ministry agreed to the holding of tripartite and bipartite meetings with FEDECAMARAS, as well as the preparation of minutes to reflect the agreements reached at such meetings. It was indicated that the consultation on minimum wage-setting would be done in writing, based on the relevant supporting information. At the request of the Credentials Committee of the International Labour Conference, the issue of the representativeness of organizations was discussed.

FEDECAMARAS proposed that, in addition to the specific issues of the complaint, the round tables should provide the necessary forum in which to discuss more structural labour or business issues that need to be addressed, as indicated by the Government in the work plan presented to the Governing Body in 2016.

(a.2) Second meeting (with FEDECAMARAS): on 14 January 2022, FEDECAMARAS was unofficially invited to hold an in-person meeting at the Ministry, to be held on 18 January 2022, in order to review the agenda for 2022. At that meeting, FEDECAMARAS was presented with a second proposed schedule of tripartite meetings (see Appendix 5, schedule proposed by the Ministry). The Ministry also stated that it considered some progress had been made in terms of compliance with the Minimum Wage-Fixing Machinery Convention, 1929 (No. 26) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), but that a number of cases related to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) remained pending and the Government would take some measures in that regard. The Ministry further reported that the social dialogue forum recommended by the Governing Body was in the process of being designed, in cooperation with the ILO.

By email dated 20 January 2022, FEDECAMARAS sent a communication of the same date, in which it transmitted to the Ministry its comments on the proposed schedule, suggesting some adjustments, including that the discussion of the minimum wage should also be held in person and not only in writing. It reiterated that there was a need to convene a social dialogue forum with the assistance of the ILO, as well as to establish three round tables: (a) a round table with FEDECAMARAS; (b) a round table with workers' organizations; and (c) the tripartite round table established in the report of the Commission of Inquiry, which should be subject to compliance with the required procedures. FEDECAMARAS also put forward the proposal that the Office appoint the Director of the ILO Regional Office for Latin America and the Caribbean, based in Lima, Peru, as the Special Representative of the Director-General at the social dialogue round tables in order to ensure their formal status and effectiveness (see Appendix 6, mail and communication from FEDECAMARAS dated 20 January 2022).

(a.3) Third meeting (tripartite): by letter No. 008 of 7 February 2022, the Ministry invited FEDECAMARAS to attend a virtual tripartite meeting, to be held on 10 February 2022, to discuss the decision adopted by the Governing Body in November 2021 (see Appendix 7, meeting invitation).

At that meeting, the terms of reference submitted by the ILO were read, with a view to holding the social dialogue forum in March 2022 and the dialogue sessions beginning in April. Those terms of reference were sent on the same date by official letter No. 0023 (see Appendices 8 and 9). FEDECAMARAS expressed its intention to participate in the proposed forum and meetings and expressed its concern about the recent instances of non-compliance that had occurred, which are detailed in section 2 of this communication.

(b) Consultations

(b.1) By email dated 7 December 21, letter No. 134 of the above-mentioned Ministry was received, requesting a response to the questionnaire on the 1998 Declaration on Fundamental Principles and Rights at Work and the Forced Labour Convention, 1930 (No. 29) (see Appendix 10).

(b.2) By mail postmarked 22 December 2021, letter No. 1025 dated 20 December 2021 was sent, through which the consultation on minimum wage-setting for 2022 was conducted, sending supporting information related to: macroeconomic indicators of the Central Bank of Venezuela; labour force and poverty indicators of the National Institute of Statistics (INE); and presentations of the Ministry of Popular Power for the Social Process of Labour (Appendix 11).

Both consultations are in the process of being answered, following the resumption of FEDECAMARAS activities as of 12 January, after the collective holidays that began on 15 December 2021.

2. Non-compliance with ILO Conventions No. 87 and No. 144: Notwithstanding the intention expressed by the Government at the above-mentioned meetings to fully comply with the ILO Conventions that are the subject of the complaint pursuant to article 26 of the ILO Constitution, following the convening of the 343rd Session of the Governing Body in November there have been further instances of non-compliance with ILO Conventions No. 87 and No. 144, which are described below.

(a) Revival of the Productive Councils of Workers (CPTs):

We note with concern that on 7 February 2022, the President of the Republic convened the Third National Meeting of the Productive Councils of Workers (CPTs) in the capital, at which the President called for them to be incorporated into the levels of administration and planning of all companies. He pointed out that the CPTs had been created under the premise of "promoting, evaluating and controlling the production, supply, marketing and distribution of the different goods and services to meet the needs of the people". He also urged the public banks to present a special financing plan to the CPTs, given that the banks have the mechanisms and resources to support them.

The President of the Republic also requested the Minister of Popular Power for the Social Process of Labour to present the Regulations of the Organic Law of the Productive Councils of Workers within ninety (90) days.

(See press releases (available in Spanish only): [note 1](#), [note 2](#) and [note 3](#)).

The initiative to revive the CPTs runs counter to the recommendation of the Commission of Inquiry to eliminate that mechanism, which the Commission considers harmful to the freedom of association protected by Convention No. 87.

(b) Approval without consultation of the reform of the Law on the Tax on Large Financial Transactions:

On 1 February 2022, the second reading of the draft law on the reform of the Law on the Tax on Large Financial Transactions, which had been approved at its first reading on 20 January 2022, was scheduled on the agenda of the National Assembly.

That reform establishes an additional tax applicable to natural and legal persons, regardless of their economic capacity (not qualified as special taxpayers by the tax authority), for the use of currencies or cryptocurrencies other than those issued by the Republic as a means of payment.

For FEDECAMARAS, the approval of that legislative reform would generate a brake on the economic recovery obtained in recent months, by punishing with a tax the free exchange of currency, which has been used by individuals and companies as a mechanism to combat the loss of the purchasing power of the national currency. Therefore, FEDECAMARAS and its member organizations CONINDUSTRIA, CONSECOMERCIO and FEDEAGRO, in a letter dated 1 February 2022 and filed on 2 February 2022 with the Permanent Commission on Economy, Finance and National Development of the National Assembly, requested that, in accordance with the provisions of article 211 of the Constitution of the Bolivarian Republic of Venezuela and in compliance with Convention No. 144, one or more working sessions be urgently convened to conduct consultations on the draft law in order to evaluate its impact on the economy and the development of enterprises, especially small and medium-sized enterprises, which were incorporated as taxpayers in the proposed text and which require, on the contrary, the support of the State to avoid their closure since they are still in the process of recovery following the pandemic. FEDECAMARAS also attached a report with the details of its observations on the project (see Appendix 12, letter to the National Assembly Commission; and Appendix 13, observations report).

In addition, by letter dated 2 February 2022, FEDECAMARAS addressed the National Executive, through the Ministry of Popular Power for the Social Process of Labour, requesting it to interpose its good offices in order to ensure effective consultations on the above-mentioned project at the National Assembly, in compliance with ILO Convention No. 144. The Ministry informed FEDECAMARAS, by letter No. 0006 dated 3 February 2022, that within the framework of cooperation between the public authorities, it would submit the request to the National Assembly (see Appendix 14, letter from FEDECAMARAS to the Ministry; and Appendix 15, response of the Ministry).

Despite the fact that the item had been deferred in the first instance, it was rescheduled on the agenda of the National Assembly for consideration on 3 February 2022, resulting in the adoption of the aforementioned legal instrument without the required consultation having taken place.

The initiative to reform the Law on tax on large financial transactions was supported by the President of the Republic at the above-mentioned third meeting with the CPTs, at which he indicated that it would only affect those who have a lot of money and that the taxes paid by entrepreneurs would be converted into health, public education, housing, public works and wages for workers (see video [here](#) (available in Spanish only)).

In view of the impact of the above-mentioned reform on the economy, on the possible closure of companies and consequently on employment, FEDECAMARAS and its affiliated organizations convened a press conference and issued a communiqué on 8 February 2022 (see FEDECAMARAS, "[Comunicado on the Reform of the Law on Tax on Large Financial Transactions](#)" (available in Spanish only); and video [here](#) (issued in Spanish only)), which highlights the importance of generating a consensus on issues that have a significant impact on the economy and business performance, as well as on citizens whose incomes have declined due to inflation, which could not be the subject of discussion due to the absence of consultations.

It should be noted that the law has not yet been published in the *Official Gazette*.

In view of the foregoing considerations and in view of the further non-compliance with ILO Conventions No. 87 and No. 144, as well as the Government's failure to accept the recommendations of the Commission of Inquiry, FEDECAMARAS expresses its deep concern at the continued violations of the above-mentioned Conventions ratified by the Republic, which are the subject of the complaint, at the same time as the holding of meetings at which it is

claimed that those Conventions are being implemented. We therefore reiterate the need and urgency for the ILO to specify, in the most effective way possible, the technical assistance necessary to support the forum and the scheduled dialogue process and to establish the foundations for guaranteeing a genuine, effective and successful dialogue in Venezuela, in an atmosphere of full respect for the above-mentioned Conventions.

We would be grateful if this report were transmitted as soon as possible to the members of the Governing Body and the Committee of Experts on the Application of Conventions and Recommendations, as well as to the other bodies mentioned at the end of this communication.

We wish to assure you of our highest esteem and personal consideration.

Yours faithfully,

(signed)

CARLOS FERNÁNDEZ GALLARDO
President
FEDECAMARAS

c.c. International Labour Standards Department
Committee on Freedom of Association
Director of the ILO Regional Office for Latin America and the Caribbean
ACT/EMP and ACTRAV

► Annex VI

The position of FEDECAMARAS regarding the ILO social dialogue forum (7 March 2022)

For FEDECAMARAS, today in the company of the directors who represent the 15 economic sectors that operate in our union, the fact that the technical assistance of the International Labour Organization (ILO) has become a reality constitutes an important step. This assistance was requested and accepted by the tripartite actors as a first point of consensus that allowed us to hold this meeting and that, we hope, will serve as a basis for a process of dialogue with decisions sufficiently discussed with the forces of production, in an atmosphere of greater trust.

In this regard, we are especially grateful for, and welcome the presence of, the Director-General of the ILO, as an expression of the commitment of the international organization to support a serious, constructive and fruitful social dialogue in our country, which, after the time that has passed, we are sure will constitute a guarantee of compliance with international labour standards and of the effectiveness of the ILO's supervisory mechanisms.

The case of Venezuela at the ILO is being observed by employers' and workers' organizations around the world and we could well become an international reference for a positive dialogue experience.

Furthermore, FEDECAMARAS, the most representative organization of the employers' sector in the country and as an autonomous and independent institution without interference from political or ideological influences, recognizes the effort made by the Ministry of Popular Power for the Social Process of Labour in taking the step of accepting the content of the decision reached by the Governing Body in November, which made it possible to create this space, which we hope will constitute a definitive turning point in the relational dynamics of dialogue with the workers' and employers' sectors of the country, towards a productive dialogue that offers solutions not only to the world of work but to the country in general.

However, we must express our concern about the Government's **lack of** acceptance of the recommendations of the Commission of Inquiry, which complicates this dialogue process.

We are also concerned that actions at odds with the recommendations of the Commission of Inquiry are still taking place, such as the strengthening and politicization of the Productive Councils of Workers and the lack of a real, face-to-face and sufficient tripartite discussion on an issue as relevant as the increase in the minimum wage, despite consultations being held.

It is important to highlight FEDECAMARAS' view of the dialogue process, which should not dry up after just a few meetings or after reaching possible solutions to a few pending issues accumulated in the complaint; instead we aspire to **a permanent process of dialogue and consultation** which, in accordance with ILO Convention No. 144, allows us to address, with a forward-looking and comprehensive vision, the structural problems that affect the business and labour world and to resolve any diverging situations in an effective manner.

The dialogue should include a discussion on prevailing labour legislation in order to adapt it to the new realities and needs of the working population, as well as consultations on any new legislation being drafted that may affect productive development, in order to preserve sources of employment, stimulate national production and improve the quality of life, purchasing power and working conditions of Venezuelans.

Dialogue must be dynamic in the search for the best solutions to allow us to overcome the present situation and, together as social partners, build the foundations for a prosperous future of greater progress, economic growth and well-being for Venezuela.

In particular, **with regard to the terms of reference of this forum**, it would have been appropriate to hold prior consultations on them with the social partners, especially with FEDECAMARAS as the plaintiff that prompted the process, in order to build trust between the parties and make greater progress. However, given that, in their final part, the terms indicate that they shall be adopted at this inaugural session, it is up to us to reiterate the concerns that we have already expressed to you in writing, and which we consider should be reflected in the terms of reference:

- (i) The permanent nature of the dialogue mechanism under a structured consultation and discussion body must be made clear, as well as the permanent nature of ILO technical assistance throughout the dialogue process, beyond the three in person meetings scheduled between 25 April and the month of May.

In this regard, we propose, firstly, to bring the meetings forward, so that we can progress with preliminary or preparatory dialogue round tables before 25 April; and secondly, to extend the holding of the meetings after the International Labour Conference, in accordance with the schedule to be agreed by the tripartite actors.

ILO technical assistance during the development of the dialogue process, in agreement with the tripartite actors, will help to establish the basic requisites to develop dialogue in accordance with the criteria outlined by the ILO supervisory bodies, which is essential to better guarantee the effectiveness of the process, in aspects such as: the conduct of the discussion, the frequency, the secretariat of the round tables and, above all, the definition of follow-up mechanisms for the ILO to monitor the process.

- (ii) The terms of reference should expressly state that they are based on the content of subparagraph (c) of the decision of the Governing Body at its 343rd Session (November 2021), which recommended the holding of this forum, as it relates to the establishment of the three dialogue round tables to which reference is made in point 4 of paragraph 497 of the report of the Commission of Inquiry, mentioned therein, namely the establishment of:

- a **round table with FEDECAMARAS** on questions relating to it;
- a **round table with representative workers' organizations**, to address subjects of concern to them; and
- a **tripartite round table** to discuss matters of common interest, including mechanisms for the Executive Branch to liaise with the Legislative Branch in order to formalize consultation on legislative matters of interest to the social partners, which we understand is being managed by the Ministry.

With these clarifications, we would hope to have a process that is **more effective and trustworthy and more conducive to consensus**, with an expression of good faith by the Government to fully embrace the international Conventions ratified by the country and our strong and continued commitment to uphold dialogue, with the expectation that the social dialogue forum will not become an instrument that is a mere formality that could delay the actual adoption of the urgent solutions that the country expects and demands from all of us gathered here.

▶ Appendix VII

Letter from the Minister of People's Power for the Social Process of Labour of the Bolivarian Republic of Venezuela (8 March 2022)

Caracas, 8 March 2022

Mr GUY RYDER
Director-General
International Labour Organization (ILO)

Dear Director-General,

Allow me to extend to you cordial revolutionary greetings on behalf of the Bolivarian Republic of Venezuela and on my own behalf.

I am writing to you, first of all, to thank you for the excellent support and technical assistance that you and your team from the International Labour Office provided in the inauguration of the Social Dialogue Forum, held virtually on Monday, 7 March 2022, from 10 a.m. until midday, in accordance with the decision adopted by the Governing Body in November last year. We consider that this inaugural meeting was very well received by the various social partners, which is evidenced by the active participation of all of the invited employers' and workers' organizations, who had an opportunity to express their views in a climate of respect.

Furthermore, Mr Director-General, I would like to reiterate the readiness of the Government of the Bolivarian Republic of Venezuela to hold the remaining meetings of the Forum in the week of 25 April, in person if the situation of the pandemic allows. Moreover, with the firm intention of continuing to move forward, we state our readiness to meet bilaterally with any social partners who so request, prior to the aforementioned in-person meetings of the Social Dialogue Forum.

I would also like to take this opportunity to inform you of some of the latest measures that the Government of Venezuela has taken with a view to addressing the requests and allegations made by the various trade unions and employers that are present in the country, as part of our standing commitment to the policy of strengthening social dialogue with the various social partners. These include the following:

- Decision of the Ministry of People's Power for Education and the Ministry of People's Power for the Social Process of Labour on the request of the National Union of Workers of the National Institute for Socialist Training and Education (SINTRAINCES) and the National Union of the Council of Socialist Workers of the National Institute for Socialist Training and Education (SINCONTRAINCES) to be included in the round table for collective bargaining in the education sector.
- Meeting and minutes of agreement between the Ministry of People's Power for the Social Process of Labour and the legislature, specifically with the Chairperson of the Standing Committee on the Economy, Finance and National Development, Deputy Jesús Farías, and with the Chairperson of the Social Development Committee of the

National Assembly, Deputy Pedro Infante, on consultation on draft legislation at the request of the social partners in the context of social dialogue (minutes attached).

- Prior and follow-up consultations with all workers' and employers' organizations on the possible impact and implications of the recent announcement of an increase in the minimum wage (communications attached).
- Bipartite meeting with employers' organizations (FEDECAMARAS and FEDEINDUSTRIA) seeking their opinion on the wage increase and its implications, especially with regard to social security.
- Discussion with a delegation from the Ministry of People's Power for Transportation to shed light on and find solutions for the situation that arose with transportation units that was raised by some trade union organizations.
- At the request of workers' organizations, a legal opinion will be issued on the electoral processes of trade union organizations, on their autonomy to draw up their statutes and organize elections, and on the participation of the National Electoral Council being merely optional, voluntary and a matter of technical assistance and logistical support.
- In dealing with requests from workers' and employers' organizations, dialogue meetings have been held to handle matters specific to the world of work; bilateral meetings have been held with the Bolivarian Socialist Confederation of Workers (CBST), the Independent Trade Union Alliance (Central ASI-Venezuela), the National Confederation of Workers (UNETE), the Confederation of Workers of Venezuela (CTV), the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) and the Federation of Chambers and Associations of Artisans, Micro, Small and Medium-sized Industries and Companies of Venezuela (FEDEINDUSTRIA).
- In the matter raised by the UNETE concerning Mr Leonel Grisett, mediation was conducted with the employing entity in relation to his retirement. After an investigation conducted by legal experts found that he had not reached the requisite age or length of service to be entitled to retire, it was decided to resume payment of wages pending resolution of the substance of his situation.
- At the request of the Bolivarian Socialist Confederation of Workers (CBST), a meeting was held between it and the Executive Vice-President of the Republic and the Ministries of People's Power for Finance, Planning and the Social Process of Labour to make progress on the implementation of the increase in the minimum wage in the national public administration and the respective wage scales.

With no further points to raise, I would like to take this opportunity, Mr Director-General, to assure you of my highest consideration.

Yours faithfully,

(signed)

JOSÉ RAMÓN RIVERO GONZÁLEZ
Minister of Popular Power for
the Social Process of Labour