



# Governing Body

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Institutional Section

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## Follow-up report on further developments concerning the Social Dialogue Forum and the implementation by the Government of the Bolivarian Republic of Venezuela of the agreed plan of action to give effect to the recommendations of the Commission of Inquiry in respect of Conventions Nos 26, 87 and 144

1. In the context of its assessment, in November 2022, 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 examine the complaint relating to the failure of the Bolivarian Republic of Venezuela to implement 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), at its 346th Session, the Governing Body:
  - (a) recognized progress made while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry;
  - (b) requested the Director-General to 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 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), in law and practice; and

- (c) requested the Director-General to submit to the 347th Session (March 2023) of the Governing Body a further report on any developments concerning the Social Dialogue Forum and the implementation of the agreed action plan to give effect to the recommendations of the Commission of Inquiry.<sup>1</sup>

## ► Report of the Director-General on the third in-person session of the Social Dialogue Forum – Margarita Island (Nueva Esparta State) (30 January–1 February 2023)

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2. In his previous report to the Governing Body, the Director-General noted that the second in-person session of the Social Dialogue Forum had been held in Caracas, with the participation of the ILO, from 26 to 28 September 2022, with representatives of the country's tripartite constituents, the result of which was that the plan of action on the three Conventions that were the subject of the report by the Commission of Inquiry was updated. The updated plan of action contained an agreement to hold, in January-February 2023, with the ILO's technical assistance, a follow-up session on the Social Dialogue Forum concerning compliance with Conventions Nos 26, 87 and 144 and to continue, meanwhile, to implement the activities established in the updated plan of action as well as with meetings requested by the social partners on the other matters pending in relation to the application of those Conventions.
3. In order to follow up on the Governing Body's decision and give his full support to the process, the Director-General continued to communicate freely with the Government and the social partners in the country. In particular, the Director-General met in Geneva with the Minister of People's Power for the Social Process of Labour, as a result of which an agenda was drawn up for the third in-person session of the Forum on Margarita Island, Nueva Esparta State, from 30 January to 1 February 2023, combining bipartite and tripartite meetings, in the light of the recommendations of the Commission of Inquiry (see the timetable and terms of reference of the Forum in Appendix I).
4. The following employers' and workers' organizations participated in the third in-person session of the Social Dialogue Forum through their spokespersons:
  - Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS);
  - Federation of Craft, Micro, Small and Medium-Sized Business Associations of Venezuela (FEDEINDUSTRIA);
  - Bolivarian Socialist Confederation of Urban, Rural and Fishery Workers (CBST-CCP);
  - Independent Trade Union Alliance Confederation of Workers of Venezuela (CTASI);
  - Confederation of Workers of Venezuela (CTV);

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<sup>1</sup> GB.346/INS/12(Rev. 1), GB.346/INS/PV.

- General Confederation of Workers (CGT).

The Government was represented by the Minister of People's Power for the Social Process of Labour and the Deputy Ministers for the Integrated System of Labour Inspection and Social Security, and for Labour Rights and Relations, and their advisers, as well as the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations in Geneva, and his advisers.

5. The Director of the International Labour Standards Department, who headed the mission, opened the Forum by reading out the message sent by the Director-General, in which he conveyed greetings to all participants and encouraged them to continue the social dialogue process, to which he attached the utmost importance. The Director-General stated that he was fully aware of the challenges and expectations of each of the social partners attending the Forum and urged them to draw inspiration from the history of the ILO, which had consistently demonstrated that the values of tripartism and social dialogue, based on full respect for freedom of association, were essential for the success of national reconciliation and the promotion of social justice. The Director-General also expressed his full confidence that through dialogue, the participants in the Forum were capable of finding ways to meet the expectations of their country's workers and employers and to achieve tangible outputs in the short and medium-term. Lastly, he reaffirmed the ILO's readiness to lend all necessary support to the constituents in the country, not only during its social dialogue forums but also on a permanent basis, and indicated its availability to the Minister of People's Power for the Social Process of Labour to conduct a virtual exchange during the days following the Forum, in order to review the situation and the next steps
6. During the three days of the Forum, with the good offices of ILO officials, the tripartite constituents assessed the progress achieved as part of the implementation of the plan of action adopted in April and updated in September, namely:
  - (a) in relation to Convention No. 26: (i) tripartite meeting on the establishment of a round table on minimum wage fixing, on 20 October 2022; (ii) workshop on indicators provided by officials of the Ministry of People's Power for Planning, on 25 October 2022; (iii) technical training workshop to enhance understanding of methods for fixing the minimum wage, on 21 and 22 November 2022, with the participation of ILO experts; (iv) communication sent by the Ministry of People's Power for the Social Process of Labour (MPPPST) concerning consultations on the minimum wage, on 15 December 2022; and (v) tripartite meeting, on 25 January 2022, related to the subject of the minimum wage;
  - (b) regarding Convention No. 144: (i) training programme on international labour standards for the government sector, on 23 November 2022; and (ii) tripartite workshop on international labour standards, on 24 November 2022, both facilitated by ILO officials;
  - (c) lastly, with respect to Convention No. 87: (i) on 5 December, 2022, the MPPPST shared its draft Regulations pertaining to the Constitutional Act on Workers' Production Councils with the social partners for their observations; (ii) on 19 October 2022, Mr Manuel Lara Osto, Director of the Chamber of Commerce and Industry of the Cedeño Municipality of Bolívar State, was released under preventive/non-custodial measures; and (iii) one further case (San Roque Estate) on the list of the 12 priority lands transmitted by the Federation of Chambers and Associations of Commerce and Production of Venezuela (FEDECAMARAS) to the Government was resolved.

7. Furthermore, the Office presented a summary of the comments adopted by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in December 2022 on the three Conventions. On this basis, a tripartite meeting was then held during which:
- (a) in relation to Convention No. 144, it was noted that: (i) the tasks included in the plan of action had been implemented; (ii) draft reports needed to be submitted earlier so that the social partners have sufficient time to examine and make proposals on them; and (iii) it was important to improve the preparation of the delegation to the International Labour Conference on the matters tabled for discussion on the Conference agenda;
  - (b) with regard to Convention No. 26, it was stated that: (i) the technical body the creation of which had been agreed in September had not yet been established; (ii) no minimum wage fixing machinery yet existed in the country and there was an urgent need to determine the indicators on which the next minimum wage increase would be based; (iii) inflation had wiped out the value of the most recent minimum wage increase in March 2022, effectively decimating workers' incomes; and (iv) it was necessary to give workers an interim bonus to ease their situation until the minimum wage increase was fixed;
  - (c) in respect of Convention No. 87, it was noted that: (i) outstanding issues hindering the exercise of freedom of association (such as favouritism and persecution) remained; (ii) with respect to the arrest of trade union members and leaders, it was suggested to follow up on specific cases; (iii) there was a need for adequate follow-up to be given to pending issues on the registration of trade unions and for autonomy in trade union elections to be strengthened in practice; (iv) trade union dues withheld needed to be paid to the trade unions concerned; (v) it was important to ensure that the Workers' Production Councils did not serve as mechanisms that could interfere in the autonomy of employers' and workers' organizations and undermine the exercise of freedom of association;<sup>2</sup> and (vi) 3 of the 12 pending cases on the list of lands, which had been prioritized for its attention, had been resolved.
8. Furthermore, emphasis was placed on the importance of respecting certain formalities in bipartite and tripartite meetings, such as agreeing on an agenda in advance and drafting minutes that reflect the main points discussed at the meeting and the agreements reached, and sharing them among participants.
9. Participants in the third session of the Forum adopted the document entitled "Follow-up to and updating of the plan of action resulting from the Social Dialogue Forum in the Bolivarian Republic of Venezuela" (see complete text in Appendix II to this document), in which they:
- (a) recognized the importance of continuing to implement the plan of action relating to Conventions Nos 26, 87 and 144, agreed in the context of the three in-person sessions of the Social Dialogue Forum in the Bolivarian Republic of Venezuela (April and September 2022 and January 2023);
  - (b) reiterated the importance of guaranteeing the measures for the exercise of freedom of association, including the optional nature of the support provided by the National Electoral Council (CNE) to trade union organizations in their elections;
  - (c) recognized the efforts of all actors in the world of work, reiterating the importance of having a dynamic technical body to address the matter of wages and to allow the

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<sup>2</sup> It was confirmed that no such indication has been submitted to the MPPPST to date, in accordance with the mechanism provided for in the plan of action.

examination of all indicators essential to the development of integrated, sustainable policies for recommendation to the President of the Republic to secure a decent life for all Venezuelan people; and

- (d) reaffirmed the willingness of all signatories to continue with the social dialogue process in following up on the decisions of the ILO Governing Body relating to the recommendations of the Commission of Inquiry.

**10.** On that basis, they agreed to:<sup>3</sup>

- (a) update the plan of action as follows:
- (i) establish a technical body to develop, with the participation of representatives of the organizations signatories and as part of the comprehensive policy to boost production in order to restore workers' purchasing power, a method for fixing the minimum wage, which must be dynamic and take into account the relevant economic and social and labour indicators and variables, including economic growth and external factors that have an impact on society, including the incidence of illegal unilateral coercive measures in the country. The meetings of this technical body will take place between February and April 2023;
  - (ii) improve and strengthen consultation mechanisms on international labour standards, including the process for the preparation and sending of reports for the 2023 period, and continue to promote consultation with the National Assembly on legislation linked to the world of work;
  - (iii) coordinate meetings between workers' organizations and the electoral authority (CNE) in order to address issues relating to their electoral processes in the exercise of their autonomy;
  - (iv) determine issues related to Workers' Production Councils raised by employers' and workers' organizations;
  - (v) workers' trade union confederations will submit lists of trade union organizations to the MPPPST relating to the withholding and payment of trade union dues;
  - (vi) review particular cases relating to the National Register of Trade Union Organizations (RNOS), submitted by workers' organizations;
  - (vii) strengthen the relationship between the National Land Institute (INTI) and FEDECAMARAS through meetings relating to the cases raised;
  - (viii) as part of cooperation between the authorities, the MPPPST will request meetings between the Office of the Public Prosecutor and employers' and workers' organizations to report on cases of arrest and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of legitimate trade union activities;
- (b) strengthen actions to implement the social dialogue process in order to address the issues included in the appendix, by holding bipartite meetings between the MPPPST and workers' and employers' organizations at their request; and

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<sup>3</sup> The expected results and agreed measures are set out in the annex to the plan of action, included in Appendix II to this document.

- (c) request the ILO's technical assistance on matters relating to the implementation of the plan of action.
11. During the discussion on the endorsement of the plan of action, FEDECAMARAS disagreed with the description of the unilateral coercive measures referred to in the document mentioned in the preceding paragraph as "illegal".
  12. During the Forum, it was reiterated that Mr Rodney Álvarez, trade unionist, had been acquitted after 11 years in prison and although his unrestricted release was confirmed, his request for reinstatement and fair compensation remained pending. In this respect, the Minister of People's Power for the Social Process of Labour indicated that in order for compensation to be assessed, Mr Álvarez would first need to file the request with the relevant courts.<sup>4</sup>
  13. In the context of the Forum, the Minister of People's Power for the Social Process of Labour and the Director of the International Labour Standards Department, further to the proposals articulated by the social partners at previous sessions of the Governing Body,<sup>5</sup> discussed the possibility, as a matter for future discussions, of a permanent ILO presence in the country.
  14. During the Forum, MPPPST officials shared a list of 12 registered trade union organizations and the number of registered trade union elections (for the period from May 2022 to 24 January 2023) with the Director of the International Labour Standards Department.
  15. During the Forum, various non-participant trade union organizations delivered communications to ILO officials by hand for the information of the Office, namely: (i) a communication of 23 January 2023, alleging that Venezuelan workers have initiated industrial action to demand wage and pension increases, including the minimum wage, the signature of new collective agreements and the recognition and payment of contractual arrears, as well as full respect for freedom of association, an end to the criminalization of protests and full freedom for imprisoned trade union leaders; and (ii) a communication of 30 January 2023 from the National Federation of Venezuelan Higher Education Workers' Unions (FENASOESV), alleging several freedom of association violations including freedom of expression and assembly and collective bargaining.
  16. With respect to the request made previously by the National Union of Workers of Venezuela (UNETE) and the Confederation of Autonomous Trade Unions (CODESA) (28 September 2022) concerning their participation in future sessions of the Social Dialogue Forum, the matter of their participation is being discussed by the parties concerned.<sup>6</sup>
  17. According to information from the Government received on 16 February: (i) a tripartite meeting, in which the Office was involved, was held with the aim of setting up a technical body to establish methods for fixing the minimum wage; and (ii) a meeting with workers' organizations was held relating to arrests and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of legitimate trade union activities.
  18. On 9 February 2022, the Director-General of the ILO held a virtual meeting with the Minister of People's Power for the Social Process of Labour further to the conclusion of the third in-person Social Dialogue Forum. At that meeting, the document entitled "Follow-up to and updating of the plan of action resulting from the Social Dialogue Forum in the Bolivarian Republic of Venezuela" was presented.

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<sup>4</sup> The case of Mr Álvarez was examined by the Commission of Inquiry.

<sup>5</sup> GB.346/INS/PV.

<sup>6</sup> GB.346/INS/12(Rev. 1), para. 9.

## ► Further information on the implementation of the plan of action in application of the recommendations made by the Commission of Inquiry

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19. In addition to the communications contained in the Director-General's report presented to the Governing Body in March 2023, the Office received further communications from the Government on 8 December 2022 and 28 February 2023; from FEDECAMARAS on 24 January 2023 and on 7, 9 and 24 February 2023; from the UNETE and CODESA on 23 November 2022; and from the CTASI, CTV and CGT on 1 February 2023. The content thereof is summarized below and the texts of the said communications, as well as the annexed documents to which they refer, are available to Governing Body members for consultation.

### Additional information sent by the Government

20. By a communication of 8 December 2022, the Government sent information concerning the activities undertaken in the context of the plan of action adopted at the second in-person Social Dialogue Forum (26–29 September 2022). The Government highlighted the delivery of the technical training workshop on minimum wages, with ILO technical assistance (21 and 22 November 2022), and with the participation of representatives of workers' and employers' organizations and the Government. The objective of the workshop was to enhance understanding of methods for fixing the minimum wage and consultation within the framework of Convention No. 26, as well as to share experiences on this topic in Latin American countries and other international contexts. The Government reported on two workshops held with ILO technical assistance: (i) the first, held on 23 November 2022, aimed to explain the functioning of the supervisory system in the application of ILO Conventions and Recommendations to representatives of various public institutions; and (ii) the second, a tripartite workshop held on 24 November 2023, aimed to expand participants' knowledge of the General Surveys (article 19 of the Constitution of the ILO) and, in particular, of the General Survey on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978. The Government indicated that in addition, more than 90 round tables for dialogue had been held with different economic sectors in a bid to reactivate production in the country, in some of which FEDECAMARAS or its affiliates had participated.
21. By a communication of 28 February 2023, the Government sent information relating to the holding of a third in-person meeting of the Social Dialogue Forum from 30 January to 1 February 2023 in the state of Nueva Esparta and the implementation of the action plan agreed at that meeting. In this regard, the Government noted that:
- in relation to Convention No. 26: on 16 February 2023 the technical body on the minimum wage-fixing method was formally set up, with the active participation of the workers' and employers' organizations that are part of the Forum and the participation as an observer of the Director of the ILO Subregional Office for the Andean Countries; it was agreed at the meeting to work on the proposal put forward by the Government and to hold a meeting in the near future.
  - in relation to Convention No. 87: (i) a technical meeting was held on 15 February 2023 with representatives of FEDECAMARAS, at which certain cases were reviewed in detail of funds connected with leaders or members of that organization and a mechanism was put in place to streamline, monitor and channel the funds to the INTI, in order to settle those cases; (ii) to



date, three of the cases brought have been settled relating to the San Roque, Boralito and El 75 funds; (iii) as a follow-up to the other cases raised by FEDECAMARAS on 23 February 2023, representatives of the MPPPST met with the INTI to forward the records of the discussions, the results of which are pending; (iv) three technical bipartite meetings were held on 16 February 2023 with the CTV, CTASI and FEDECAMARAS, at which those organizations presented specific evidence of detentions, judicial proceedings or precautionary measures/alternative measures to detention, presumed to relate to the exercise of lawful trade union activities by its members, and provided relevant information and details; the MPPPST is working to follow up on these cases with the Public Prosecutor's Office and the competent national courts, within the framework of the rules of legal procedure in force and respecting due process; (v) as regards the cases of Mr Gabriel José Blanco Flores and Mr Emilio Antonio Negrín Borges, the Public Prosecutor's Office has characterized the alleged crimes which are currently in the trial phase, and due process is being observed; and (vi) as for Mr Rodney Álvarez, on 1 December 2022 he received payment of his labour rights. Should he claim labour-related compensation, he must refer the matter to the corresponding court authorities, since this is a private case brought by the interested party;

- as to Convention No. 144: (i) on 24 February 2023 the Government's response was sent to the social partners on the report form under article 19 of the ILO Constitution on unratified Conventions and Recommendations (General Survey on Convention No. 150 and Recommendation No. 158); and (ii) the tripartite meeting was held on 27 February 2023 with the participation of the ILO as an observer to discuss the Government's response.

22. The Government likewise stated that prior to the next session of the Governing Body in March 2023, it is planned to carry out the following activities: (i) as a follow-up to the meeting held in September 2022, a meeting will be held on 8 March 2023 between the CNE authorities and the trade-union organizations; (ii) the tripartite symposium will be held in mid-March 2023 on the impact of the illegal unilateral coercive measures in the current national context; and (iii) a meeting of the technical body working on the minimum-wage fixing method will be held on 6 March 2023 .

## Additional information sent by FEDECAMARAS

23. By a communication of 24 January 2023, employers' organization FEDECAMARAS submitted its communications, addressed to the MPPPST, related to its observations on the Regulations pertaining to the Constitutional Act on Workers' Production Councils (communication of 15 December 2022) and on the minimum wage consultation (communication of 18 January 2023). With regard to the Regulations pertaining to the Constitutional Act on Workers' Production Councils, FEDECAMARAS indicated that: (i) it did not support the development of a standard that would require or strengthen the active participation of Workers' Production Councils in private sector enterprises; (ii) it was important that Workers' Production Councils formed in private workplaces not be subject to compulsion or obligation nor constituted as a mechanism for government interference and control over production in private enterprises that restricts the full exercise of freedom of association; and (iii) in that regard, they welcomed the Commission of Inquiry's recommendation to eliminate mechanisms or forms of action that could interfere with the autonomy of employers' and workers' organizations or the relationships between them and restrict, in practice or in the legislation per se, the exercise of freedom of association.



24. With regard to the minimum wage consultation, FEDECAMARAS indicated that on 20 January 2023, they were called to attend a tripartite meeting at the MPPPST in order to examine their expectations in relation to the setting of the minimum wage for 2023, at which they had been requested to submit a proposed minimum wage amount. In this respect, in its communication to MPPPST, FEDECAMARAS indicated that: (i) they were concerned that no technical body or board had been established; (ii) mere written communications were not an adequate mechanism for effective consultation, as the issue of wages must be discussed jointly between the government representatives and social actors involved, with the required technical advisers; (iii) they were not in a position to propose an amount, since the current economic situation called for policies to combat inflation, measures for economic and monetary stabilization and to spur productivity, and a wage policy proposal embedded in an employment policy that considered the sustainability of the minimum wage over time; (iv) such a proposal must result from a full tripartite discussion that considered all impact variables, as well as different social and economic indicators, in particular the Government's budget availability to pay a new minimum wage; (v) this necessitated the participation in social dialogue of the various representatives of the National Executive competent to take part in this process; and (vi) it was urgent to establish a wage increase accompanied by a regular plan of periodic reviews, in order to progressively achieve a minimum wage that covered the basic needs of workers and their families. FEDECAMARAS added that: (i) on 23 January 2023, it published a press release stating that no minimum wage amount had been proposed by the organization; (ii) during the past two months, the subject of the minimum wage had given rise to significant protests among workers, in particular among public sector workers, demanding wage adjustments, in view of the fact that wages have not been revised since March 2022; and (iii) on 24 January 2023, they were again called to attend a meeting at the Ministry related to the subject of the minimum wage.
25. By a communication of 7 February 2023, FEDECAMARAS requested the Office to note the objection that it had raised orally at the closing session of the third Social Dialogue Forum, relating to the inclusion in the plan of action of the description of the unilateral coercive measures as "illegal". FEDECAMARAS added that it was not for the national social partners to qualify the measures imposed by foreign countries and entities in such a manner, as they were not competent to do so and the term in question was not expressly mentioned in Article 1 of the Anti-Blockade Constitutional Law for National Development and Guarantee of Human Rights.
26. By a communication of 9 February, FEDECAMARAS submitted a report summarizing activities carried out and pending under the plan of action agreed at the Forum session in September 2022 to February 2023, with respect to the three Conventions. In this report, FEDECAMARAS repeated information included in previous communications. Furthermore, it added that on 27 January 2023, it had submitted to the MPPPST a list of four new land cases and reiterated the need to activate an effective follow-up mechanism.
27. By a communication of 24 February 2023, FEDECAMARAS submitted a communication sent to the MPPPST containing the following proposals relating to the setting-up of the technical body responsible for deciding on the minimum wage-fixing method; (i) establish rules on representation of the workers' and employers' organizations, and participation of technical advisers; (ii) include in the technical body representatives of the Ministries specializing in finance and planning, and of the technical bodies that provide statistical data and economic and social and labour-related information (Central Bank of Venezuela and National Statistics Institute); and (iii) appoint an ad-hoc secretariat responsible for preparing the minutes of, and

following up on the actions agreed by, the technical body, which would have the Ministry's administrative support.

- 28.** Similarly, FEDECAMARAS indicated that at the meeting on the setting-up of the technical body, held on 16 February 2023, the MPPPST proposed that the consultations be held as follows: (i) dispatch of an official written communication by the MPPPST in the first quarter of the year, accompanied by indicators and reference values previously submitted by the official authorities; (ii) dispatch of a written response, by the employers' and workers' organizations within the following 15 working days; (iii) ten working days later, holding of a bilateral meeting with the workers' and employers' organizations; (iv) five working days later, holding of a first tripartite meeting, and (v) holding of a second meeting during the second week of March. In this regard, FEDECAMARAS considered that (i) although written communications are part of the dialogue process, they are not sufficient for the dialogue to be effective, and the definition of a dynamic and technical minimum wage-fixing method requires a level of discussion beyond the scope of a bipartite and a tripartite meeting; (ii) a meeting should be held at least once a week during the period from 15 March to 30 April, and once the method has been approved, a review meeting every four months; and (iii) a wage policy and plan need to be put in place, which goes beyond an isolated minimum wage-increase measure.
- 29.** Finally, FEDECAMARAS stated that: (i) to define the wage-fixing method, the technical body should assess complete and up-to-date official statistical data; (ii) the economic, social and labour indicators and variables of relevance to the country, including productivity, economic growth and exogenous factors such as unilateral coercive measures, should be discussed and agreed upon by the technical body; and (iii) they are willing to contribute by identifying national and international funding mechanisms, designed to set up a wage stabilization and social protection fund, in order to finance, at least on a partial and temporary basis, the need for resources to pay wages and social benefits to workers, retirees and pensioners.

## Information sent by workers' organizations

- 30.** By a communication of 1 February 2023, the CTASI, CTV and CGT submitted a communication containing a statement on an emergency living income to combat hunger and income poverty. In this statement, the aforementioned organizations indicate that: (i) progress must be made toward restoring workers' purchasing power in order to bring about economic recovery and social peace; (ii) in the context of the Forum, the Government did not propose either a wage increase amount or date; (iii) the technical body or board set up to discuss methods for fixing the minimum wage should not be an excuse for not taking immediate measures to restore workers' purchasing power; and (iv) an emergency income needs to be mandated urgently while minimum wage criteria and amounts are being discussed.
- 31.** By a communication of 23 November 2022, the UNETE and CODESA expressed their concern in view of the earlier discussions before the Governing Body. In respect of the first in-person Social Dialogue Forum (April 2022), the UNETE and CODESA claim that they were not part of the consensus on the adoption of the final resolution of the Forum and disagreed with the recognition of "developments and progress" in the said document. The UNETE and CODESA added that they were excluded from the following session of the Forum (September 2022), as already reported to the Office on 28 September 2022 when they indicated that they had not been invited to participate in the second in-person session of the Forum (GB.346/INS/12(Rev.1), para. 9). The UNETE and CODESA allege that their participation in social dialogue has been made conditional upon the signature of the agreement adopted in April 2022. Moreover, they assert that Mr Rodney Álvarez has not been reinstated in his job and that his situation has

therefore not been resolved, despite his release. As regards the case of Mr Emilio Negrín, to whom reference was made in the previous report to the Governing Body, and other cases of detained trade union members and leaders, the UNETE and CODESA requested the Director-General that the Office consider the information contained in the communication addressed to the Government by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (document AL VEN 4/2022 of 13 September 2022).

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32. It is now the responsibility of the Governing Body to decide how to proceed in the light of the available information, following up on its previous discussions in November 2020, March, June and November 2021 and March, June and November 2022.<sup>7</sup>

## ▶ Draft decision

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33. **The Governing Body, on the recommendation of its Officers:**

- (a) **took note of the report on the third Social Dialogue Forum held from 30 January to 1 February 2023 while reiterating its call to the Government of the Bolivarian Republic of Venezuela to accept the recommendations of the Commission of Inquiry;**
- (b) **requested the Government to accelerate the implementation of the commitments adopted in the action plan as updated by the Social Dialogue Forum in February 2023, in order to continue achieving concrete results without delay;**
- (c) **requested the Director-General to 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 to submit to the 349th Session (November 2023) of the Governing Body a further report on any developments concerning the above;**
- (d) **requested the Director General to engage with the Government so that an ILO expert on social dialogue accompanies and supports, on a continuous basis, the implementation of the action plan.**

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<sup>7</sup> GB.340/PV, paras 181–264; GB.341/PV, paras 286–389; GB.342/PV, paras 118–142, GB.343/PV, paras 267–307, GB.344/PV, paras 434–480, GB.345/PV, paras 68–118 and GB.346/INS/PV, paras 420–459.



## ► Appendix I

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### Timetable and terms of reference of the third in-person session of the Forum

#### Timetable

Time	Monday 30	Tuesday 31	Wednesday 1
9.00–12.30	<ul style="list-style-type: none"> <li>• Registration of participants</li> <li>• Preparator meetings</li> </ul>	<ul style="list-style-type: none"> <li>• ILO reporting under Conventions Nos 26, 87 and 144</li> <li>• Tripartite dialogue and follow-up proposals: Convention No. 144</li> <li>• Tripartite dialogue and follow-up proposals: Convention No. 26</li> </ul>	<ul style="list-style-type: none"> <li>• Bilateral consultation meetings of the ILO mission with the participating actors to review decisions and possible agreements</li> <li>• Presentation of agreements for approval by the Forum</li> <li>• Adoption of agreements by the constituents</li> <li>• Closing</li> </ul>
12.30–14.00	Lunch break	Lunch break	Lunch break
14.00–18.30	<ul style="list-style-type: none"> <li>• Opening and setting-up of the Forum</li> <li>• Adoption of the agenda</li> <li>• Report by the Ministry of People’s Power for the Social Process of Labour (MPPPST) on Conventions Nos 26, 87 and 144, followed by comments from workers’ and employers’ organizations</li> <li>• Bilateral meetings between the Government and employers’ and workers’ organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Tripartite dialogue and follow-up proposals: Convention No. 87</li> </ul>	

### Terms of reference of the follow-up session of the Social Dialogue Forum in the Bolivarian Republic of Venezuela (Margarita Island, 30 January–1 February 2023)

1. **Participants:** all of the organizations representing employers and workers that participated in the two previous sessions of the Forum will be invited, together with the authorities of the Ministry of People’s Power for the Social Process of Labour.

## 2. **Presence and technical assistance of the ILO:**

The Office will provide technical assistance, on the understanding that such assistance must be carried out as a whole, to give effect to the decisions of the Governing Body in November 2021 (GB.343/INS/9(Rev.1)/Decision), March and June 2022 (GB.344/INS/14(Rev.1)/Decision and GB.345/INS/5/1(Rev.1)/Decision) and to 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 will facilitate the running of the sessions.

The Government will ensure the financing of transport, accommodation and food for all participants in the Social Dialogue Forum at the location where the activity takes place.

The ILO will cover the travel and accommodation costs of staff who form part of the technical assistance mission directly.

## 3. **Subjects for discussion:**

- (a) Progress report on the agreements adopted in the Social Dialogue Forums of March and September 2022, detailing the degree of progress observed for each Convention

All pending issues relating to the application of the Conventions concerned, including the following non-exhaustive list:

- Convention No. 26:
  - The measures necessary to establish procedures, authorities or other institutionalized forms of social dialogue in order to ensure effective tripartite consultation with no exclusions on the fixing of the minimum wage
- Convention No. 87:
  - The measures necessary to guarantee a climate in which the social partners may carry out their legitimate activities, ensuring full respect for civil liberties and trade union rights, including consultation processes on normative issues
  - The measures necessary to guarantee respect for the independence of employers' and workers' organizations
  - Tripartite consultation process on the revision of the laws, standards and practices that affect the interests of employers' and workers' organizations, in the light of the comments of the ILO supervisory bodies
- Convention No. 144:
  - Details of the effective consultation process for the preparation of the 2023 reports
  - Discussion of additional measures for the appropriate functioning of effective tripartite consultation procedures, with particular attention to the reports due in 2023

Follow-up measures:

- In the event that there is agreement among the tripartite constituents, they will adopt a final declaration setting out the details of a new follow-up session of the Forum, including the session date.
- Accordingly, the ILO will assist with the development of a schedule for the implementation of all agreements reached at the third Forum, including deliverables and the strengthening of technical assistance to tripartite constituents in person in Venezuela.



4. With respect to **guarantees, objectives and methodology**, together with information to the ILO supervisory bodies, the framework of the terms of reference of previous forums remains in force.
5. **Tripartite adoption of the agenda:** the agenda will be shared in advance with the constituents, who will approve it at the opening session of the third Forum.

## ▶ Appendix II

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### Follow-up to and updating of the plan of action resulting from the Social Dialogue Forum in the Bolivarian Republic of Venezuela

The ILO constituents in the country, meeting in Margarita Island from 30 January to 1 February 2023 in the framework of the third session of the Social Dialogue Forum and represented by the authorities and organizations indicated below,

Recognizing the importance of continuing to implement the plan of action relating to Conventions Nos 26, 87 and 144, agreed in the context of the three in-person sessions of the Social Dialogue Forum in the Bolivarian Republic of Venezuela (April and September 2022 and January 2023), described in detail in the appendix,

Reiterating the importance of guaranteeing the measures for the exercise of freedom of association, including the optional nature of the assistance provided by the National Electoral Council (CNE) to trade union organizations in their elections,

Recognizing the efforts of all actors in the world of work, reiterating the importance of having a dynamic technical body to address the issue of wages and analyse the indicators essential for the development of comprehensive, sustainable policies to be recommended to the President of the Republic for a life of dignity for the whole Venezuelan people;

Reaffirming the willingness of all signatories to continue with the social dialogue process as a follow-up to the decisions of the ILO Governing Body, relating to the recommendations of the Commission of Inquiry,

Agree to:

- update the plan of action as follows:
  - (i) establish a technical body to develop, with the participation of representatives of the organizations signatories and as part of the comprehensive policy to boost production in order to restore workers' purchasing power, a method for fixing the minimum wage, which must be dynamic and take into account the relevant economic and social and labour indicators and variables, including economic growth and external factors that have an impact on society, including the incidence of illegal unilateral coercive measures in the country. The meetings of this technical body will take place between February and April 2023;
  - (ii) improve and strengthen consultation mechanisms on international labour standards, including the process for the preparation and sending of reports for the 2023 period, and continue to promote consultation with the National Assembly on legislation linked to the world of work;
  - (iii) coordinate meetings between workers' organizations and the electoral authority (CNE) in order to address issues relating to their electoral processes in the exercise of their autonomy;
  - (iv) determine issues related to Workers' Production Councils raised by employers' and workers' organizations;

- (v) workers' trade union confederations will submit lists of trade union organizations to the MPPPST relating to the withholding and payment of trade union dues;
  - (vi) review particular cases relating to the National Register of Trade Union Organizations (RNOS), submitted by workers' organizations;
  - (vii) strengthen the relationship between the National Land Institute (INTI) and FEDECAMARAS through meetings relating to the cases raised;
  - (viii) as part of cooperation between the authorities, the MPPPST will request meetings between the Office of the Public Prosecutor and employers' and workers' organizations to report on cases of arrest and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of legitimate trade union activities. Such activities are described in detail in the appendix;
- strengthen actions to implement the social dialogue process in order to address the issues included in the appendix, by holding bipartite meetings between the MPPPST and workers' and employers' organizations at their request;
  - request the ILO's technical assistance on matters relating to the implementation of the plan of action.

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 Business Associations of Venezuela (FEDEINDUSTRIA)

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

Independent Trade Union Alliance Confederation of Workers of Venezuela (CTASI)

Confederation of Workers of Venezuela (CTV)

General Confederation of Workers (CGT)

▶ Annex

Timetable of activities by Convention

Convention No. 26

Expected results	Measures	Activities	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Determination of methods for fixing the minimum wage and effective consultation procedures, within the framework of Convention No. 26	Establishment of a technical body to determine methods for fixing the minimum wage and effective consultation procedures	<ul style="list-style-type: none"> <li>- Configuration of the technical body (composition)</li> <li>- Establishment of its work plan</li> </ul>	Week of 13-17 February 2023	Representatives of workers' and employers' organizations Government	Tripartite meetings	Technical assistance from the Office
	Determination by the technical body of a dynamic method for fixing the minimum wage (taking into account economic as well as social and labour variables and indicators and the external factors referred to in the text of the declaration)	At least two meetings to determine the method for fixing the minimum wage	Between February and April 2023	Representatives of workers' and employers' organizations Government	Tripartite meetings	Technical assistance from the ILO wages specialist

Expected results	Measures	Activities	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
	Submission to the relevant decision-making authority of a duly substantiated proposal for a minimum wage, resulting from consultation within the technical body		Before 30 April 2023	Representatives of workers' and employers' organizations Government (MPPPST and other competent authorities)	Tripartite meetings	Technical assistance from the ILO wages specialist

## Convention No. 87

1.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Handling of allegations of stigmatization and discrediting	<p>Submission by the organizations concerned of updated lists with information identifying cases of allegations relating to the Government</p> <p>Channel and submit, as appropriate, to the corresponding authorities</p> <p>Bipartite meetings between the Government and employers' and workers' organizations to consider, take and follow up on relevant measures</p>	<p>As appropriate</p> <p>Dates/time frames to be determined, as appropriate</p> <p>Recurrent in accordance with the cases to be dealt with</p>	Competent authorities and representatives of the employers' and workers' organizations concerned, and the MPPPST	Bipartite meetings	<p>The ILO receives information on allegations and the handling thereof</p> <p>Information on progress to the CEACR</p>



2.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Effective handling of cases relating to land raised by FEDECAMARAS (related to the Convention)	<p>Coordination of meetings with the National Land Institute (INTI) concerning cases raised by FEDECAMARAS. Follow-up will be undertaken on a case-by-case basis</p> <p>Submission by FEDECAMARAS of updated lists of specific cases for follow-up by the competent authorities</p>	<p>First meeting (week of 13 February 2023)</p> <p>Monthly follow-up meetings and/or communications to the organization concerned, in accordance with each case</p>	INTI, representatives of the organizations concerned and MPPPST	Monthly bipartite meetings	<p>The ILO receives information on specific progress in this respect</p> <p>Detailed information on meetings actually held and specific results to the CEACR</p>

3.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Effective handling of allegations relating to cases of detentions and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of legitimate trade union activities	Organization of bipartite meetings to process allegations relating to cases of detentions and judicial proceedings or preventive/non-custodial measures presumed to relate to the exercise of legitimate trade union activities	First meeting (week of 13 February 2023) Monthly meetings at the end of each month	Competent authorities (in particular the Office of the Public Prosecutor), representatives of the organizations concerned and the MPPPST	Monthly bipartite meetings Requisite steps by the MPPPST before the Office of the Public Prosecutor or other competent authorities	The ILO receives information on allegations and their handling by the MPPPST Detailed information on meetings actually held and specific results to the CEACR
	Adoption of an annual schedule of bipartite meetings with the MPPPST, taking into account that meetings will be held when there are cases to be dealt with	First meeting (week of 13 February 2023)			
	Submission of updated lists to the MPPPST (with information identifying cases) of allegations previously substantiated for each sector concerned, for processing	One week in advance of the planned monthly meeting			

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
	The MPPPST will refer the allegations received to the Office of the Public Prosecutor and obtain information in each case	Upon receipt of updated lists			
	Follow-up of cases and of information received by the Office of the Public Prosecutor	Monthly meetings between the MPPPST and the organizations concerned at the end of each month, in accordance with the cases submitted			

## 4.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Effective handling of allegations relating to trade union registration procedures and election processes	The MPPPST will coordinate meetings between workers' organizations and the electoral authority (National Electoral Council (CNE)) in order to address issues related to their electoral processes in the exercise of their autonomy	Meeting during the first half of February 2023 Monthly follow-up meetings in the last week of each month when specific allegations are made	The organizations concerned, the MPPPST and other competent authorities (such as the CNE)	Meetings between the MPPPST, CNE and the organizations concerned, as determined by the parties	The ILO receives information on allegations, handling and specific results  Possibility of requesting ILO technical assistance  Information on progress to the CEACR
	The organizations concerned communicate their allegations to the MPPPST	At the end of each month			
	The MPPPST makes an assessment and reports to the organization concerned at a bilateral follow-up meeting	Monthly follow-up meetings in the last week of each month			
	Trade union organizations submit particular cases relating to the National Register of Trade Union Organizations (RNOS) to the MPPPST  The MPPPST reviews particular cases and takes appropriate follow-up steps towards their resolution	Follow-up meetings in respect of specific cases	Organizations concerned and the MPPPST	Meetings between the MPPPST and the organizations concerned, as determined by the parties	

5.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Management of the approach to payment of union dues to the workers' organizations concerned	Submission to the MPPPST by the workers' organizations concerned of lists related to the deduction and payment of trade union dues	As submitted and follow-up once per month	MPPPST and workers' organizations concerned	Bipartite meetings (between the workers' organizations concerned and the MPPPST)	The ILO receives information on the lists, follow-up and resolution of the issues Information on progress to the CEACR

6.

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Effective handling of allegations of presumed interference by Workers' Production Councils in the autonomy of employers' and workers' organizations or in the relations between them	<p>The organizations concerned communicate their allegations to the MPPPST specifying the workplaces concerned and the circumstances</p> <p>The MPPPST (i) conducts inquiries and, in consultation with the organizations concerned, determines the measures that may be necessary to ensure that there is no interference and that the relevant corrective measures are applied; (ii) informs the organization concerned and offers to hold a bilateral follow-up meeting</p>	<p>In the event of allegations</p> <p>Dates/time frames to be determined, further to allegations</p>	<p>The organizations concerned and the MPPPST</p>	<p>Bipartite meetings (between the organizations concerned and the MPPPST)</p>	<p>The ILO receives information on allegations and handling</p> <p>Information on progress to the CEACR</p>
	<p>Extension by the MPPPST of deadline for the receipt of further observations relating to the Regulations pertaining to the Constitutional Act on Workers' Production Councils</p>	<p>Deadline for the submission of observations: 17 February 2023</p>	<p>Workers' and employers' organizations</p>		<p>The ILO receives information on the observations submitted</p> <p>Information on progress to the CEACR</p>



## Convention No. 144

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
Establishment of an agreed timetable for the current year (2022) relating to effective consultation on international labour standards for the preparation of reports under Article 5(1)(d) of Convention No. 144	Definition of consultation procedures relating to reports on ratified Conventions	28 April 2022	Ministry of People's Power for the Social Process of Labour (MPPPST)	Dispatch of written communications sufficiently in advance	ILO technical assistance for the training of Government representatives and representatives of employers' and workers' organizations on the preparation of reports and the consultation procedure
	Virtual meeting with the ILO to discuss technical issues relating to the requested reports	June 2022	Representatives of employers' and workers' organizations Other official authorities concerned that possess information of relevance to the reports on ratified Conventions	Meetings (tripartite/bipartite) with employers' and workers' representatives to discuss the content of the reports	
	Dispatch by the Government of draft reports on ratified Conventions to employers' and workers' organizations (17 reports in 2022)	Between 15 July and 10 August 2022			
	Meetings with representatives of employers' and workers' organizations to disseminate the reports	8 and 11 August 2022			
	Definition of consultation procedures relating to international labour standards	29 September 2022	MPPPST Representatives of employers' and workers' organizations	Tripartite meetings during the second session of the Social Dialogue Forum	
Compliance with the agreed timetable on effective annual consultation relating to international labour standards	Training programme on international labour standards	November 2022 and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations Other official authorities concerned	Workshops with employers' and workers' organizations and tripartite workshops with representatives of the government authorities concerned and employers' and workers' representatives	Organization by the ILO

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
	Meeting for the dissemination of reports that the State is required to submit under article 19 of the Constitution of the ILO	February 2023 and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations Other official authorities concerned	Tripartite meetings to discuss the content of the reports	Technical assistance from the ILO
	Training programme on international labour standards prioritizing Conventions for which a report is requested	April 2023 and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations Other official authorities concerned	Workshops with employers' and workers' organizations and tripartite workshops with representatives of the government authorities concerned and employers' and workers' representatives	Organization by the ILO
	Preparatory meeting for the International Labour Conference and follow-up on the matters adopted	By 12 May 2023 at the latest and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations	Meeting with employers' and workers' organizations and tripartite workshops with representatives of the Government and employers' and workers' representatives	ILO technical assistance and participation
	Dispatch by the Government of draft reports on ratified Conventions, sufficiently in advance, grouped by subjects, to employers' and workers' organizations	By 15 July at the latest and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations	Dispatch of written communications	Possibility of ILO technical assistance for the preparation of reports

Expected results	Measures	Time frame	Authorities and representatives of employers' and workers' organizations	Procedure	ILO follow-up and technical assistance
	Thematic meetings with the representatives of employers' and workers' organizations to disseminate reports with the ILO's technical support	Week of 1 August 2023 and on the same date in subsequent years	MPPPST Representatives of employers' and workers' organizations	Tripartite meetings to discuss the content of the reports	ILO technical assistance and participation
Continuing consultations on legislation relating to the world of work	Coordination to continue to promote consultation in the National Assembly on legislation relating to the world of work	During the consultation periods established by the National Assembly	MPPPST National Assembly Representatives of employers' and workers' organizations	Meetings to discuss legislation relating to the world of work	ILO technical assistance

\*\*\* The sections of the table highlighted in grey correspond to the activities carried out since April 2022 and those highlighted in green to the activities carried out between April and September 2022.