NEW DRAFT- VENEZUELA

- This complaint stems from a situation of grave and reiterated violation of the ILO founding principles and a number of its Conventions, especially Convention No. 87. The Report of the Committee on Freedom of Association of March 2015, approved by this Governing Body, “drew special attention to the extreme seriousness and urgent nature of the matters dealt with in this case”. The Committee also expressed its “deep concern at the various and serious forms of stigmatization and intimidation by the Bolivarian authorities, groups and organizations directed against FEDECAMARAS as an institution, its member organizations, their leaders and affiliated companies, and include threats of imprisonment, the placement of posters inciting hatred, accusations of conducting economic warfare, the seizure of FEDECAMARAS headquarters, the occupation of shops, incitement to vandalism and looting, etc.” These questions have been examined by different ILO supervisory procedures for many years without any positive reaction from Government.

- In January 2014, an ILO Tripartite High Level Mission visited the country and highlighted the need for and the importance of establishing structured bodies for tripartite social dialogue in the country and noting that no tangible progress has been made in that regard, it considered essential for immediate action to be taken to build a climate of trust based on respect for employers’ and trade union organizations with a view to promoting solid and stable industrial relations. The mission considered that it was necessary for the Government to develop and implement a plan of action that includes stages and specific time frames for its implementation, and which involved:

1. The establishment of a round table between the Government and FEDECAMARAS, with the presence of the ILO, to deal with all pending matters relating to the recovery of estates and the expropriation of enterprises and other related problems arising or that may arise in the future.

2. The establishment of a tripartite dialogue round table, with the participation of the ILO, that is presided over by an independent chairperson who has the trust of all the sectors, that duly respects the representativeness of employers’ and workers’ organizations in its composition, that meets periodically to deal with all matters relating to industrial relations decided upon by the parties, and that includes the holding of consultations on new legislation to be adopted concerning labour, social or economic matters (including within the framework of the Enabling Act) among its main objectives.

3. The discussion of laws, bills, other regulations and socio-economic policy at the tripartite dialogue round table, with a view to bringing domestic legislation into conformity with the Conventions concerning freedom of association…

Regrettably no satisfactory tangible measures with regard to bipartite and tripartite social dialogue as requested by the high-level tripartite mission were adopted so far. The Government has not yet provided the requested plan of action and thus serious shortcomings in the application of Conventions 87 and 144 remain.

- 2016 looms as a year of high recession and deep job losses in Venezuela. The country suffers, amongst other things, from the world’s highest inflation, massive unemployment, intensively growing informality, increasing plant and business closings and high levels of scarcity in food and medicine that gravely affect the quality of life of citizens and the activity of businesses. This situation is not only being felt by businesses, but by the immense majority of employees who suffer the consequences of
impoverishment and unemployment. The non-respect of freedom of association and the lack of social dialogue has contributed to this situation. Thus, the urgency that we demand derives from the country’s extremely critical situation and the profound social instability which Venezuelans currently faces.

- Since November 2015, there has been an escalation at two levels:
  1. in the taking of un-consulted decisions regarding matters of fundamental importance to employer organisations. As recent as 17 February 2016, the Government announced a number of economic measures to “dismantle the economic systems” including an increase of the minimum wage without consultation. This measure was published in the Official Bulletin 2 days later in violation of Convention 26; and
  2. in the harassment of leaders of FEDECAMARAS and Polar company - the main food and beverage company in Venezuela – by publicly accusing said leaders of conspiracy and economic war against the country as recent as February 2016 including by using the State own TV channel VTV for that purpose in violation of Convention 87.

- Moreover, on 10 March 2016 the National Assembly requested the ILO Technical Assistance to draft and debate legislation and policies to promote social dialogue. This is unprecedented.

- Employers are asking for:
  1. The end of threats, harassment and intimidations towards FEDECAMARAS leaders as well as their businesses and affiliated organisations.
  2. The end of the use of arbitrary expropriations or so-called recoveries, against businesses directly or indirectly affiliated to FEDECAMARAS, as well as the return of or fair compensation for such expropriations that arose from merely arbitrary criteria.
  3. The institutionalization/reactivation of genuine social dialogue through a plan of action that includes stages and specific timeframes for implementations and requested by the ILO Tripartite High Level Mission.

- When a government delegation from Venezuela last week met with representatives of workers and employers in Geneva we were informed that the government is planning to establish and develop a sort of calendar for social dialogue with immediate effect including also representatives from FEDECAMARAS. This is of course to be welcomed but at the same time we had heard this before and have every time been disappointed when the government failed to live up to its promises. The situation now is so critical that any delay in the adoption of measures to generate social stability will have dramatic consequences for Venezuelan workers and employers as well as Venezuelan population in general.

- We need a well thought action plan that can ensure not only actions but also -and most importantly- positive results. Let me be clear, without a serious commitment and follow up, the Employer Group will call for establishment of a Commission of Enquiry when we meet in November.

- We support the point for decision.