Venezuela

Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87).
(Venezuela ratified Convention No. 87 on 20 September 1982)

THE RISE TO POWER OF PRESIDENT CHÁVEZ CONCINDED WITH A DESIRE TO GO AHEAD WITH A MAJOR SHAKE-UP OF THE COUNTRY’S INSTITUTIONS. IN DECEMBER 1999 A NEW CONSTITUTION, INCLUDING SOME INNOVATIVE STATEMENTS ON HUMAN RIGHTS, WAS ADOPTED AFTER A REFERENDUM. NONETHELESS, SEVERAL ANALYSES OF THE SITUATION THERE CONFIRM THAT THESE CONSTITUTIONAL IMPROVEMENTS ARE IN MARKED CONTRAST WITH THE CONCENTRATION OF POWER IN THE HANDS OF THE PRESIDENT. THE EXISTENCE OF TRADE UNION ORGANISATIONS IS IN THE BALANCE FOLLOWING THE ADOPTION BY THE NATIONAL CONSTITUENT ASSEMBLY (ANC) OF THREE DECREES THAT RUN COUNTER TO ILO CONVENTIONS NOS. 87 AND 98. A TRADE UNION REFERENDUM TOOK PLACE IN DECEMBER 2000 AND CONSTITUTES A DANGEROUS PRECEDENT WITH RESPECT TO A POLICY OF STATE INTERVENTION.

Key facts

- The 1999 Constitution provides among other things for restrictions on freedom of association, mandatory rotation in union leadership, interference in trade union elections and their control by the State.
- The Constitution also provides for the imposition of an excessively high number of workers as the legal threshold for the constitution of a trade union organisation.
- In 2000, the government interfered in the management of the assets of the Federation of Agricultural Workers.
- The government has made no secret of its intention to impose a single union regime.
- In September 2000, in violation of the provisions of ILO Convention No.87, the government imposed the holding of a referendum. That referendum was held in December 2000 and failed because most workers refused to play along with this government manoeuvre.
- A national electoral council set up by the government has regulated trade union elections.
- In 2001, the government agreed to welcome an ILO direct contacts mission, but that mission had to be postponed several times at the authorities' insistence.
Special paragraph

In its report adopted by the International Labour Conference in 2001, the Committee on the Application of Standards devoted a special paragraph to Venezuela in relation with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, 1948. That paragraph reads as follows:

The Committee took note of the oral and written information communicated by the Government member and the subsequent discussion. The Committee recalled with great concern that it had examined the case on several occasions without achieving positive results. With respect to the serious discrepancies between national legislation and the requirements of the Convention, the present Committee, like the Committee of Experts, urged the Government urgently to amend its legislation to ensure that workers and employers could form organizations and freely elect their representatives without interference by the public authorities. He stressed the need to eliminate the excessively long and detailed list of duties and aims to be achieved by workers' and employers' organizations. The Committee further observed that new complaints had recently been submitted relating to interference by the authorities in the internal affairs of trade unions, in particular trade union elections. It also regretted to note that the new Constitution of the Republic contained provisions that were not in conformity with the Convention. The Committee observed that the situation had deteriorated very seriously and deplored the fact that it was again necessary to examine the case. The Committee also requested the Government to take steps to withdraw the draft texts criticized by the Committee of Experts. In addition, the Committee expressed its profound concern at the convocation of a national trade union referendum in December 2000 with a view to the unification of the trade union movement and the suspension or removal of its leaders. The Committee considered those to be very serious violations of the Convention which struck at the basic principles of trade union freedom, and it requested the Government to refrain from any action designed to impose trade union unity. The Committee noted that the Government had accepted a direct contacts mission to gather information on the application of the Convention and to prepare amendments that would guarantee its full implementation. The Committee urged the Government to take the measures necessary to bring its national legislation and practice fully into conformity with the provisions and requirements of the Convention. The Committee urged that in the very near future, real progress should be made in the application of the Convention and expressed the firm hope that the next report of the Government would contain information to indicate concrete and significant progress in the application of the Convention both in legislation and in practice.

Trade union demands

Out of solidarity with the Workers' Confederation of Venezuela (CTV), the Workers' Group:

- Is calling upon the government to comply immediately with the conclusions of the ILO's Committee on the Application of Standards and take whatever steps may be necessary to bring the country's legislation and practices into line with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise.
- Is supporting the CTV's action aimed at securing the abrogation of laws that are incompatible with freedom of association.
- Is calling upon the ILO to keep up its pressure on the Venezuelan government to stop interfering with trade union organisations and to ensure that the government fully respect the results of trade union elections.
- Is demanding that the governments of the ILO Member States take full account of the ILO's recommendations in their contacts with the Venezuelan government and use every means at their disposal to promote respect for freedom of association in that country.
- Is calling upon the employers' organisations to join in the initiatives aimed at re-establishing freedom of association within the framework of a democratic society.

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