Venezuela


The rise to power of President Chávez coincided with a desire for an overhaul of the country’s institutions. In December 1999, a new constitution was approved by referendum. Several analyses of the situation there confirm that these constitutional changes concentrate power in the hands of the president. The existence of trade union organisations has been endangered by 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, initiated by the government, took place in December 2000 and constitutes a dangerous precedent with respect to a policy of state intervention.

Key facts

- Among other restrictions on freedom of association, the 1999 Constitution provides, mandatory rotation in union leadership, interference in trade union elections and their control by the State.
- The Constitution also provides for an excessively high number of workers to be set 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 and to this day continues to deny the legal personality of the trade union despite the fact it was accredited by the competent bodies after national union elections. The union’s headquarters have still not been returned to it following their seizure.
- Since it came to power, the government has pursued a policy of denigrating and slandering the Venezuelan Workers’ Confederation (CTV) and its leaders, despite ILO recommendations requesting that the verbal aggression, interference and harassment by the presidency and certain official departments stop.
- A civil service reform law imposes a series of conditions on registering a trade union so that in practice there must be ‘prior authorisation’, an administrative check on membership, and monitoring of trade union activity, contrary to the provisions of Convention No. 87 ratified by Venezuela.
- After the failure of its trade union referendum in 2000, the government persisted in its negative attitude towards the CTV, refusing to recognise the leaders elected by its members and continuing to promote parallel organisations.
- A national electoral council set up by the government has regulated trade union elections.
- The observations and recommendations of the ILO direct contacts mission that took place in May 2002 have gone unheeded.
Special paragraph

In its report adopted by the 2002 International Labour Conference, 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 statement made by the Government representative and of the discussion that ensued. It also noted that a direct contacts mission went to Venezuela in May 2002 and it took note of the conclusions of the mission report. The Committee pointed out that the Committee of Experts had been making comments for many years concerning serious violations of the Convention. These important problems in application concerned, in particular, the right of workers and of employers to form organisations of their own choosing, as set forth in Article 2 of the Convention, the right of these organisations to elect their representatives in full freedom and their right to draw up their rules, as provided in Article 3. The Committee also observed with deep concern that, according to the report of the ILO mission, the authorities did not recognise the executive board of the Venezuelan Workers’ Confederation (CTV) and that, as a result, there was no meaningful consultation with the social partners on the subjects that concerned them. Moreover, the Committee deplored that allegations of acts of violence committed with Government backing had been presented to the ILO mission by workers’ and employers’ organisations. The Committee took note of the will expressed by the Government and the National Assembly to adjust the legislation to the requirements of the Convention and that a draft concerning some aspects of the Committee of Experts’ comments had been prepared. The Committee made an urgent appeal to the Government to commence without delay an in-depth dialogue with all social partners without exclusion so that solutions could be found in the very near future to the serious problems of application of the Convention. Recalling that respect for civil liberties was essential to the exercise of trade union rights, the Committee urged the Government to take the necessary measures immediately so that workers’ and employers’ organisations could freely exercise their rights recognised by the Convention in a climate of complete security. The Committee requested the Government to furnish a detailed report, including the texts of any new draft elaborated, so that the Committee of Experts could examine the situation once again at its next meeting. The Committee decided that its conclusions would be included in a special paragraph of its report. It also decided to mention this case as a case of continued failure to apply the Convention.

Trade union demands

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

- Calling upon the government to comply immediately with the recommendations of the ILO’s Committee on the Application of Standards and with the observations and recommendations of the direct contacts mission conducted in 2002 and to 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;

- Supporting the CTV’s action aimed at securing the abrogation of laws that are incompatible with freedom of association;

- 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 respects the results of trade union elections and that it re-establishes social dialogue whilst respecting the autonomy of the CTV and trade union rights;

- Demanding that the governments of the ILO Member States fully take into account 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 Venezuela;

- Calling upon employers’ organisations to further intensify their cooperation in efforts and initiatives aimed at re-establishing freedom of association within the framework of a democratic society.

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