



Governing Body

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Institutional Section

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Annual report on the implementation of the ILO technical cooperation programme “Strengthening of the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards”

Purpose of the document

This document contains an annual progress report on the implementation of the technical cooperation programme agreed between the Government and the social partners of Guatemala and the ILO. The Governing Body is invited to take note of the report (see the draft decision in paragraph 12).

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Main relevant outcome: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Provide an annual progress report to the Governing Body at its 346th Session (November 2022).

Author unit: International Labour Standards Department (NORMES).

Related documents: [GB.340/PV](#); [GB.340/INS/10](#); [GB.334/PV](#); [GB.334/INS/9\(Rev.\)](#).

1. At its 334th Session (October–November 2018), the Governing Body declared closed the procedure initiated under article 26 of the ILO Constitution concerning the complaint alleging non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In that decision, having taken note of the tripartite agreement of November 2017 on the creation of the National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS), the Governing Body requested the Office to implement a technical assistance programme to ensure the sustainability of the social dialogue process as well as further progress in the implementation of the road map adopted in 2013 in the context of the follow-up to the complaint.¹ In accordance with the Governing Body's decision, the Office prepared the technical cooperation programme "Strengthening of the National Tripartite Committee on Labour Relations and Freedom of Association in Guatemala for the effective application of international labour standards", the contents of which were officially endorsed by Guatemala's tripartite constituents in August 2020. At its 340th Session (October–November 2020), the Governing Body welcomed the technical cooperation programme and called for funding for its implementation. The Governing Body also requested the Office to report annually on its implementation at its October–November sessions for the duration of the three-year programme.² The present report includes references to data on the status of implementation of the road map and its key indicators provided by the Government in a document sent on 17 September 2021 (the [full text](#) of which is available for consultation, in Spanish).
2. It is recalled that the main objectives of the technical cooperation programme are to provide support for: (i) the negotiation, definition and implementation of CNTRLLS agreements; (ii) the preparation of draft legislation agreed upon by the Government, employers and workers in line with the ILO Conventions on freedom of association and collective bargaining; and (iii) the protection and promotion of labour rights, in particular the rights to freedom of association and collective bargaining, with a special focus on action against anti-union violence and impunity. In the context of the constraints imposed by the COVID-19 pandemic, the Office, through its office for Central America, Haiti, Panama and the Dominican Republic and its project office in Guatemala, and with the remote support of NORMES, has carried out a series of technical support actions, as described below. In addition, the Office has taken several initiatives to mobilize the funds necessary for the full implementation of the technical cooperation programme.

► I. Technical support actions undertaken

I.1. Support for the National Tripartite Committee on Labour Relations and Freedom of Association

3. The National Tripartite Committee on Labour Relations and Freedom of Association (CNTRLLS), established in February 2018 under the tripartite agreement of November 2017, has the primary objective of guiding the action necessary for the implementation of the road map. One of the cornerstones of the technical cooperation programme is the strengthening of the structure and activities of the CNTRLLS. To fulfil its mandate, the

¹ GB.334/PV, para. 401.

² GB.340/PV, para. 117.

CNTRLLS has several subcommittees (the Subcommittee on the Implementation of the Road Map; the Subcommittee on Mediation and Dispute Settlement; and the Subcommittee on Labour Legislation and Policy), the work of which has the regular support of the Office.

Support for the Subcommittee on Labour Legislation and Policy

4. The Office is supporting the tripartite discussion on the legislative reforms that have been requested for many years by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Conference Committee on the Application of Standards. In this regard, the Office (i) facilitated the holding of a meeting on 22 April 2021 between the extended bureau of the CNTRLLS and its Subcommittee on Labour Legislation and Policy, at which tripartite agreements were reached on petitioning Congress to withdraw Bill 51-99 (a draft law submitted to Congress in October 2016 aimed at bringing legislation into line with Convention No. 87 but the contents of which did not have the support of the social partners) and instead to submit proposals for a series of reforms that had met with tripartite consensus in February 2018; (ii) continues to support the tripartite process to ensure that the petition is sent to Congress; and (iii) continues to develop a consultation process with each of the three groups of national constituents on the reforms requested by the CEACR, which resulted in an initial agreement in principle in August 2018.

Support for the Subcommittee on Mediation and Dispute Settlement

5. With the support of the Office, the titular and alternate members of the Subcommittee on Mediation and Dispute Settlement participated in: (i) the online course on "Conciliation/mediation of labour disputes" of the International Training Centre of the ILO (Turin Centre) (November and December 2020); and (ii) the webinar on "Committees for social dialogue and international labour standards – Dispute prevention and settlement in the new normal" (May 2021). According to information from the Ministry of Labour and Social Welfare (MTPS): (i) in 2020, the Subcommittee on Mediation and Dispute Settlement held six ordinary sessions at which two requests for the examination of cases were received and declared admissible; (ii) from 1 January to 16 September 2021, the Subcommittee held one ordinary session at which one request for the examination of a case was received but it has not yet been declared admissible; and (iii) in the period under review, no mediation or dispute settlement meetings were held.

Support for the renewal of CNTRLLS members

6. From May to September 2021, the work of the CNTRLLS was affected by disagreements over procedures for the renewal of its members, whose three-year term had just expired. The Office provided technical assistance and guidance to the MTPS and to workers' organizations in this regard. The MTPS adopted Ministerial Agreement 244-2021 establishing the composition of the CNTRLLS and its subcommittees in accordance with the recommendations of the most representative organizations of employers and workers in Guatemala. The first meeting of the CNTRLLS under the new rotating presidency held by the workers took place on 10 September 2021, with a second meeting scheduled for 1 October 2021.

I.2. Technical assistance provided to the MTPS

7. With regard to trade union registration (see key indicator 8 of the road map), technical assistance was provided to the General Labour Directorate of the Ministry of Labour for implementing the first phase of the modernization of the file entry system for logging and confirming receipt of applications for the registration of trade unions, which is already operating under the responsibility of the Information Systems Directorate of the MTPS. The technical assistance consisted of the development of the computer system, source code and database, as well as the training of officials on its operation, with the aim of streamlining the processes. According to information provided by the MTPS, 28 unions were registered in 2020 (52 applications for registration were received, of which 8 are still being processed and 16 were rejected), while from 1 January to 16 September 2021, 12 new unions were registered (39 applications for registration were received, of which 18 are still being processed and 9 were rejected).
8. As part of its general technical assistance activities, the Office has provided support to the General Labour Inspectorate (see point 6 of the road map), having identified the main inspection needs in respect of inspection planning, harmonization of criteria and knowledge gaps. Particular support has been given to the design and implementation of an electronic case system and to the preparation of manuals on functions and procedures.

I.3. Training and seminars on international labour standards

9. Between forums, seminars and talks in virtual and face-to-face formats, the Office has organized around 15 activities on international labour standards for public officials, judges, magistrates and legal practitioners. In addition, in October and November 2020, two MTPS officials participated in the Turin Centre's training course on international labour standards for judges, lawyers and legal educators. In July 2021, two officials received support to participate in the Turin Centre's International Labour Standards Academy. Lastly, at the request of the Government, the Office is providing support for the holding of a workshop on collective bargaining and social dialogue in the public and private sectors for the country's tripartite constituents, to be held at the end of 2021.

▶ II. Mobilization of funds for the implementation of the technical cooperation programme

10. The Office approved funds from the Regular Budget Supplementary Account in the amount of US\$450,000 to contribute directly to the implementation of the technical cooperation programme. These funds cover the period from 1 August 2021 to 31 July 2022. They will contribute to the achievement of the commitments in the road map, with a strategic focus on: (i) enhancing tripartite dialogue in the CNTRLL by providing technical training to stakeholders; (ii) generating information to facilitate the design of actions to improve compliance with the road map; and (iii) providing technical assistance in order to prepare the legislative reforms requested by the CEACR, support the institutions competent to deal with crimes against trade unionists and labour rights activists and strengthen security measures for members of the trade union movement.
11. In response to the Governing Body's call to the international community, the delegation of the European Union in Guatemala took steps to include activity R1.A6 in its

programme to support decent employment in Guatemala, providing support to the Ministry of Labour through technical assistance to enable it to meet the commitments made by Guatemala in the framework of the negotiations that resulted in the closure of the procedure that had been initiated against the country for non-compliance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Accordingly, the Office is developing, together with the delegation of the European Union in Guatemala and the MTPS, the project "Supporting the State of Guatemala in meeting the commitments in the road map on freedom of association and collective bargaining (ILO Conventions Nos 87 and 98)" for which €500,000 of funding has been earmarked for 18 months from the date of its approval, which is estimated to be in November 2021. The European Union's support could be increased up to an additional €500,000 for the implementation of a second phase.

▶ Draft decision

- 12. The Governing Body took note of the information provided by the Office in document GB.343/INS/7.**