

## **SECOND MEETING OF WORKING GROUP 2**

Montevideo, Uruguay • April 1 – 3, 2003

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## 1. JOINT SESSION OF WORKING GROUPS 1 AND 2 (April 1)

The session was opened by the representative of the Chair *pro tempore* (Canada).

Future steps are summarized: The report for the ministers of trade is not a separate issue, but the report of Working Group 1. There is consensus on this procedure.

A draft of the discussion document "Modernization of Labour Administration – a concept document on an Institute of the Americas for a Professional Labour Administration" is introduced (March 2003).

The paper addresses the need to acquire thorough knowledge and exchange of experiences to respond to current challenges. If other countries so desire, Canada is willing to work and cooperate with the governments to study common problems.

The draft document proposes the creation of an Institute for Professional Labour Administration to pool resources, exchange knowledge, and train labour administration officials. Objective: Increase professionalism in the ministries of labour; improve the quality of cooperation; contribute to a sound public labour administration. This would not be a new international organization, but rather a vehicle to facilitate closer collaboration and a way to approach intergovernmental cooperation. This will be a learning environment bringing together experienced as well as young labour administration officials, experts, and specialized consultants.

CEATAL: What does this Institute offer that cannot be found at the ILO? What will the role of employers and employees be?

Canada: Enlarge the cooperation process between the ministries of labour of the Americas. ILO has the broadest mandate world wide. Duplication of ILO competency is not proposed. Regarding the advisory functions of trade unions and associations of employers, cooperation will be essential. This paper is meant to promote discussion - could this be useful to ministries of labour?

Antigua and Barbuda: Congratulates Canada for the initiative. Concerned about creating a new organization. The structure could be included in the OAS.

United States: Concern over creating a structure parallel to what already exists. It should be constructed with the instruments we already have at our disposal. Analyze financial sustainability and coordination with the ILO (technical assistance). We see this as a concept, but details must be studied.

Chile: To have a complete overview we need the report from Working Group 2 on the strengthening of labour administration. The main issue is not legislation but the capacity of labour administrations. The general legislative issues are secondary. Chile agrees with the proposal of seeking support mechanisms to strengthen labour administration.

COSATE: In the proposal we can see elements that are already included in ILO Convention No. 150 on labour administration. As it stands, COSATE does not see a role for the ILO; it would be a mistake to separate global issues from national issues; these two aspects complement each other--there is feedback. It could be beneficial if the ILO were involved in this project. The participation of social leaders who can also share their experience is important.

ILO: The ILO does not only have regulatory functions. It also provides technical assistance and cooperation. Between 1963 and 1993, the exclusive duties of [the Inter-American Centre for Labour Administration] consisted of qualifying ministry of labour personnel. Any initiative will have our support and cooperation.

St. Kitts and Nevis: Supports the idea, with a view to enlarging the integration process and increasing interaction at a ministerial level. It will complement the existing systems.

Belize: Supports the idea, to improve the quality and professionalism of labour administrations.

Mexico: There is mention of several experiences that could be advantageous but currently operate in a parallel manner (ILO, OAS, SISMEEL Project, IACML-ILO Project). All these efforts should be integrated into a single, consistent project. Mexico invites the Chair *pro tempore* to bring all these efforts and ideas together into a single program.

Barbados: Supports Mexico's idea: develop a single, consistent program.

Argentina: The proposal of an Institute would allow for further integration. A key element will be the active participation of social leaders, i.e. not only through consultations. Assessments of labour administrations will differ depending on whether they represent the points of view of governments or social leaders. Consider allowing the ILO to participate actively in the project as their experience should be taken into account.

Dominica: Supports the idea of the Institute, working in conjunction with the ILO and the OAS.

OAS: Encourages initiatives calling for mutual support. The OAS and the ILO will also consider how to best support national initiatives.

ILO: If deemed useful, we could work on a proposal to bring together all the institutions and ideas.

Canada: It is important to coordinate the existing programs. We believe that the idea stems from the Ottawa Declaration, in relation to strengthening the capacity of the ministries of labour. We suggest that the Institute could be a mechanism which coordinates the available programs. We do not want duplication. We have begun a dialogue. It is not so much an Institute as it is a network. We do not wish to compete with other international organizations. The project is consistent with ILO and OAS tools.

## **2. WORKING GROUP 2 (April 2)**

### **Participants**

Participants included representatives of Antigua and Barbuda, Argentina, Barbados, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, United States, and Uruguay, as well as the Trade Union Council for Technical Advice (COSATE), the Corporate Commission for Technical Advice on Labour Affairs (CEATAL), ILO, OAS, PAHO, and ECLAC.

### **Agenda**

Working Group 2 met on April 2 and 3 to discuss capacity development in the ministries of labour, and to study and approve the draft of the group's report. A summary of the presentations, arguments, and discussions on the subjects addressed follow.

## Presentations

### ▫ **CAPACITY BUILDING OF MINISTRIES OF LABOUR**

- **Lessons learned in the modernization of labour administrations**

- *Catarina Rock de Sacristán, Assistant Coordinator for International Labour Policy, Ministry of Labour and Social Security, Mexico*

Ms. Rock de Sacristán offered a presentation on the Labour Act Reform Bill, and emphasized that it is an example of the social dialogue encouraged in Mexico. The Ministry of Labour worked as a facilitator in the process and promoted a dialogue between key parties, yet did not present its own bill.

Changes to Section 123 of the Constitution (labour and social rights) will not be introduced.

The reform has been under study since 2001. The main issues addressed in the bill are: a) non-discrimination; b) criminalizing sexual harassment; c) trial period and initial training in work contracts; d) multiple skills, with salary compensation and training; e) payment of salaries through direct deposit; f) learning through the national education system.

- *Raúl Campusano, Chief of Enforcement, Labour Directorate, Ministry of Labour, Chile*

Mr. Campusano addressed the labour inspection system and labour enforcement procedures in Chile. He explained the role of labour administration in the regulation of employment (in conjunction with the law and labour regulations), and underscored the importance of modernization.

Characteristics of the Chilean system: a) harmonized system: all activity sectors; b) extended functions: control, information, advice; c) material to be inspected: comprehensiveness (hygiene and safety, security, labour regulations); d) powers of the inspectors as stipulated in international conventions Nos. 81 and 129; and e) administrative sanctions, notwithstanding jurisdictional control.

- *Victor Felix, Deputy Head of Labour, Ministry of Labour, Barbados*

Mr. Felix spoke to labour relations and social dialogue in Barbados. Social dialogue was promoted in the nineties, as a result of the economic crisis and the adjustment program. The parties involved (CTUSAB for the trade unions and PSAB for the employers) agreed on a Prices and Income Protocol.

Protocol 1: It lasted two years. In addition to the economic objectives, it provided a framework for tripartite initiatives. A social partnership was established between the Prime Minister and delegates of CTUSAB and PSAB.

Protocol 2 sought to consolidate the process.

Protocol 3 (social contract) addressed broader social issues and took the concept of the social partnership to the corporate level. Currently, Protocol 4 promotes decent work.

Mr. Felix underscored the most salient features of this process (particularly mutual respect and trust; clear and defined objectives) as well as the results obtained (economic growth, reduced unemployment).

- *Javier Suquía, Director, Project to Modernize the Labour Administrations of Central America, Belize, Panama, and the Dominican Republic (ILO, MATAAC)*

The MATAAC project (a cooperation initiative financed by Spain. 1997-2003) was implemented in Central America at the close of the internal hostilities that afflicted some countries of the region, in the framework of state reform and particularly in relation to labour administration. Mr. Suquía made a presentation on the work carried out in the Dominican Republic, with the support of Minister of Labour Rafael Albuquerque: Tripartite initiatives (Labour Advisory Council), recruitment of government officials, organizational manual, and description of positions. Keys to success are support from the Ministry and from social leaders as well as national and international cooperation.

- *Christopher Imoisili, Senior Specialist in Business Management and Development, ILO PROMALCO, Trinidad and Tobago*

The program to promote cooperation between employers and employees (PROMALCO) has been financed by the U.S. Department of Labor (DOL) and carried out by the ILO office for the Caribbean. The project promotes the efficient and practical implementation of the 1998 ILO Declaration.

Main characteristics: A new vision of labour (not as a factor of production but as a member of the family): education, participation. Objectives: Competitiveness among enterprises. Framework of action: Tripartite.

Ministry of labour modernization - case studies in the Caribbean: St Vincent and the Grenadines, Trinidad and Tobago.

- *Matthew George, Labour Commissioner, Dominica*

Supports the concept of an Institute of the Americas for a Professional Labour Administration. Dominica ratified all the fundamental international conventions and CIT 169 on the aboriginal peoples.

### → **Discussion**

Dominican Republic asked several questions:

- To Mexico: Are dismissal notices required under labour legislation? What are the means to prove sexual harassment?

Mexico explained that, under its legislation, unjustified dismissal constitutes grounds for compensation or rehiring. The reform calls for trial periods and training, at the end of which workers may be dismissed if it is shown that they do not meet the requirements of a particular job. Sexual harassment has been addressed in the proposed legislation. The labour reform has been submitted by three political parties (PRI, PAN, and Partido Verde (Green Party)); the National Union of Workers, with the support of the PRD, have presented another project.

- To Chile: Do Chilean courts enforce the international labour conventions?

Chile pointed out that international conventions are applied in Chile and are enforceable by judges and labour inspectors. These conventions are being directly applied more frequently.

- On MATAC: Central America and the Dominican Republic have requested and expect an extension of the MATAC project.

Several representatives talked about the possibility of carrying out labour inspections at homes.

Chile believes that this sort of inspection would stretch its powers to the limit. The idea of [restricting labour inspections to] the workplace prevails. Domestic service is an extreme situation; suggestions include asking the employer for cooperation and an interview outside the home; inspections are in response to a large number of complaints.

Canada asks Barbados about social dialogue

Barbados says that *laissez faire* is prevalent in labour relations on the island. Positive aspects: A single trade union, with a sense of responsibility and experience in labour relations. The previous trade unions joined forces in one single centralized organization. Subsequently, the employer associations did the same. It is understood that, if no answers are forthcoming from social leaders, the government will legislate. A critical event was the protest against salary reductions—the trade unions took their case to the courts rather than resorting to industrial action.

The Chair of the session, St. Vincent and the Grenadines, said that in the Caribbean Barbados is regarded as an example where tripartite cooperation has developed into a culture. It is not so easy in other countries.

- **Best practices in labour administration from a gender perspective**

- *Mercedes Kremenetsky, Senior Technical Specialist, Inter-American Commission of Women, OAS*

Ms. Kremenetsky talked about working conditions for women and the challenges they face. The Inter-American Commission of Women (CIM) has requested reports every two years from member states on the condition of women. The Commission has also followed up on Chapter 15 of the Quebec Summit. Few countries have submitted their reports. Actually, there is no true link between the reports and the plans developed in specific nations on the subject of gender.

She pointed out five separate categories regarding best practices. In some countries, ministries of labour created gender units. Since 1948, the CIM promotes agreements on political and civil rights for women. In national legislations, the constitutions establish equality and forbid discrimination. In most countries there are laws on equal salaries for equal employment and laws that regulate maternity leave (not often enforced in practice). There are also some laws establishing job quotas for women.

Participation of the OAS member states in the 4<sup>th</sup> International Conference on Women in Beijing, 1995: One of the twelve critical areas is related to the economy and employment.

Suggestions and recommendations are listed under Priorities/the Inter-American Program for the Promotion of Women's Human Rights and Gender Equity and Equality/Incorporation of the Gender Perspective in Regional Labor Policies - Ministries of Labour, at the CIM website: <http://www.oas.org/cim/>.

- **Horizontal Cooperation: facing the educational and labour challenges of the Americas in the 21<sup>st</sup> century**
  - *Sofialeticia Morales, Director, Social Development and Education Unit (UDSE), OAS*

Ms. Morales referred to the challenge of education and employment, the situation of the labour market, poverty and inequality in Latin America and the Caribbean. It appears that salaries are higher for university trained employees.

She mentioned regional efforts of MATAAC-ILO, CARICOM, MERCOSUR, and horizontal cooperation between sub-regions.

Strengthening strategies of the ministries and cooperation between states and international organizations.

Virtual forum: CONARED <http://www.oas.org/udse>.

- **Report on horizontal cooperation in relation to labour in Central America and the Caribbean, based on the surveys taken by the UDSE – OAS**
  - *Eduardo Mendoza, Adviser, Social Development and Education Unit, OAS*

Advances in the OAS horizontal cooperation mechanisms:

- a) The UDSE prepared a document on horizontal cooperation strategies and a questionnaire for governments to identify their consolidated labour programs.
- b) Surveys were undertaken in Central America and the Caribbean in an effort to identify the needs for horizontal cooperation in relation to the most pressing labour issues:
  - employment and labour markets: active labour market policies (employment services);
  - modernization of the state and labour administration: worksite inspections.
- c) Workshops in Mexico and Panama on certification of labour competencies (2002).

Mr. Mendoza mentioned the financial resources available for cooperation activities, and the criteria for utilization.

#### → Discussion

In response to Mexico's question on successful experiences in terms of family and employment, the Inter-American Commission of Women, OAS pointed out that the organization includes a government representative from each country. Success will depend on the support each delegation receives in its own country. On the subject of

employment and family, efforts have focused on recognizing work at home and self-employment.

Chile: Strengthen the concept of horizontal cooperation. Network with the support of the ministries of labour; transfer skills among ourselves; gather resources and experiences.

Antigua reflects on the importance of horizontal cooperation. Asks whether the OAS is actually working seriously in the Caribbean. We worked for 18 months on something that had already been done. The OAS and the UDSE must ensure that the Caribbean is not marginalized, is not just an appendix. We are a part of the region.

UDSE – OAS says that one of the most serious problems we face in terms of cooperation is fluid communication. The organization points out that Central America and the Caribbean is a priority region for the OAS. Programs intended for a specific country cannot be copied in other countries; to be efficient, programs require a critical transformation based on the reality of each region; add experiences (including Mexico's, Jobstart, CONOCER, Chile and others), and incorporate the experiences of the ministries of labour and education. Ministries of education are in charge of certifying labour skills.

According to the ILO (Veronica Oxman), we are trying to generate a communicational strategy and a more active involvement through the Internet. The ILO believes that the Caribbean must not be left out. The International Labour Organization hopes to carry out some activities in the Caribbean this year.

Chile: It is important to learn about States that have had successful experiences. Chile benefited from the Canadian experience.

Uruguay commented on supply and demand regarding the exchange of experiences. Uruguay offered the process of tripartite participation in occupational health and safety (tripartite commissions in certain sectors).

- **Needs analysis for capacity building of smaller economies in labour administration**

- *Víctor Báez, COSATE*

Why should we develop the skill of labour administrations? When speak of a social dimension, we mean development (not only growth). Development is a policy issue. Policy is the legal and administrative framework within which the economy moves. In a document submitted in Ottawa in 2001, COSATE underscored that it is important for ministries of labour to be involved in governmental economic and social policies; they should become a source of public information on labour issues; they should lead and encourage a social dialogue. Role of labour administration under International Convention No. 150.

Main problems: Absence of national policies on labour, employment, and social issues; high turnover in labour administrations (each new minister starts everything from scratch); lack of modernization, low recruitment, and insufficient coordination with other public organizations; bastardized social dialogue. In relation to these problems, Mr. Báez defines the needs.



As a trade union movement, he has no doubts about the positive nature of the integration processes. However, a difference must be drawn between integration and free trade.

We see that the rights of investors have priority above those of the states. Is this scenario compatible with our vision? The controlling and regulating capacity of the States has been brought into question.

- *John Craig, CEATAL*

Background of the report: Questionnaire sent to CEATAL members (32 organizations in 28 countries consulted), on issues of importance for these organizations and on technical assistance objectives. We have identified the following priorities on the basis of the responses: a) training, b) labour administration, c) enforcement of labour regulations in a reliable, efficient, and fair manner, in addition to conflict resolution and mediation services, d) labour law reform, with the participation of all parties involved (tripartite cooperation), e) information on the labour market, f) legal advice and guidance, especially for small and medium size enterprises, and g) placement and employment services.

Future phases: a) acknowledgement of the diversity of national labour administrations, b) "tripartite approach plus", with the cooperation of academics and specialists, c) common goals (certainty, reliability, efficiency, professionalism of the administration).

- **Tools to provide technical assistance to labour administrations and prospects of international cooperation**

- *Verónica Oxman, Project Director, Employment Principles and Rights, XII IACML-OAS*

The project is intended to develop the skills of the ministries of labour by modernizing labour administration, providing technical assistance to the smaller economies, and devising more efficient means to implement labour regulations. It focuses on promoting the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Three basic objectives: a) inventory of cooperation projects and best practices, b) diagnostic missions, c) diagnosis of requirements. Working Group 2 is the target of the reports and conclusions. Other activities are related to publications and information dissemination.

What has been done since Viña del Mar? Six hundred and thirty-three cooperation projects have been identified (project inventory and data base for the Americas), not including support programs for small businesses and micro-enterprises, since some of these initiatives depend on other ministries. Ms. Oxman reported on 19 project financing and donating agencies.

On the ILO methodology on labour administration diagnostics, there are five diagnoses: Peru, Trinidad and Tobago; scheduled for Nicaragua, Paraguay, and Bolivia. Ms. Oxman put forth the basis of an assessment process (of a ministry of labour or part of the organization), which starts with a formal application (in two phases: Preliminary examination and official application). The report is a confidential technical memorandum, with recommendations. Follow-up is important.

For a demonstration, visit the project's website:

[www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/cimt\\_oit.html](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/cimt_oit.html)

## →Discussion

The United States responds to the comments made by Víctor Báez (COSATE) on labour provisions of the Chile-US agreement. At this point in time, it would be premature to say that the Chile Labor Provision would be used in all future FTAs.

*\*Note:* At the time of this meeting, negotiations on labour obligations had not yet taken place in CAFTA or in FTAA and there was not yet consensus within the US government on the specifics of the labour text to be proposed. Labour obligations for CAFTA have since been tabled [May 2003]).

On the objectives: The Chile-US agreement proves that the objectives are compatible with reality. The labour agreement strengthens the commitments; it provides a positive answer to labour issues in a trade agreement; it is important to find the political will to comply with internal regulations.

In relation to the numerous technical assistance projects -- focus on results, sustainability, and impact.

For Argentina there are two levels of debate: a) a political analysis on free trade agreements and b) administrative and technical matters. It is necessary to find a middle ground when coming to conclusions. In a globalized world, there cannot be a modern labour administration if this mechanism does not have the ability to influence trade and economic policies and if it lacks the necessary resources. The role of the ministries of labour must be incorporated into the integration processes, which implies the establishment of new functions since these are ministries that were set up in the days of closed economies.

ILO (Mariluz Vega): An administration that does not have the ability of self-criticism is not in a position to develop projects. Labour administrations provide services to users; one of these services is policy development. Structures cannot be rebuilt without formulating policies. There must be political strength not only regarding labour issues, but also in relation to government in general.

- **Workers' health and sustainability**

- *Luz Maritza Tennessee, Regional Employee Health Adviser, PAHO*

The regional employee health plan consists of 4 program areas: Comprehensive health services, preventive health services for employees, work environment quality, and health policy and legislation.

Ms. Tennessee talked about the ILO-PAHO agreement; the employee health program; gender and equity in Central America; healthy work environment sites (PAHO, ILO, DOL). The new approach is to increase the participation of the main parties involved (employees and employers).

- **Preliminary report on consolidated occupational health and safety programs**

- *Javier Muñoz, Inter-American Agency for Cooperation and Development, OAS*

Mr. Muñoz made a presentation on the Regional Employee Health Program (PAHO).

He mentioned two examples: PAHO (program to reduce work-related accidents in CARICOM countries, with the support of insurance companies and universities); IDB

(plans to strengthen health and safety in Central America and the Dominican Republic; technical assistance to El Salvador regarding regulations for the occupational hazards act); Canada (CCOHS—Canadian Centre for Occupational Health and Safety—which cooperates with the PAHO); FISO (Ministry of Social Security, Colombia); Memorandum of Understanding between the OAS and Chile to share experiences with other countries.

→ **Discussion**

No comments. Canada (Chair) noted that we are accumulating valuable information and thanked everybody for their important work.

▫ **ILO DECLARATION ON FUNDAMENTAL LABOUR PRINCIPLES AND RIGHTS**

- *Mariluz Vega, ILO*

Ms. Vega talked about promoting the Declaration in Latin America and the Caribbean, the moral value of the Declaration, assumed by the state. Follow-up mechanisms imply activities aimed at promoting the Declaration.

How are the fundamental principles and rights to be applied? It is not merely a question of dissemination and publicity, which are indispensable; since 2000, effective application of the Declaration is based on technical cooperation activities and programs and communication activities (campaigns in Bolivia, Brazil, Colombia, and Peru).

Actions based on follow-up mechanisms: Campaign started when the global report on non-discrimination was launched in May 2003.

Challenges: Inform and educate the entire population; establish a forum for debate; improve social dialogue. Let the best practices be the only practices.

→ **Discussion**

Argentina asked about experiences when the Declaration was promoted among social leaders.

Chile says that the Declaration is not well-known. The ILO, as a tripartite organization, should encourage the involvement of the social leaders, education, and networking.

ILO (Mariluz Vega): The ILO has specific activity programs for workers and employees: Assistance, training, education on fundamental principles and rights.

Dominican Republic is promoting the ILO Declaration as the most appropriate instrument to maintain relations between social leaders. There have been seminars especially developed for labour adjudicators.

### **3. DISCUSSION OF OUTLINE OF REPORT OF WORKING GROUP (April 3)**

The draft of the Working Group 2 final report is discussed.

Antigua and Barbuda supports technical assistance programs for developing skills and efficiency in the smaller economies and their institutions, strengthening and modernization of labour administrations in accordance with Convention 150, promoting the Declaration, and eliminating child labour. Supports the draft.

Barbados supports the statements made by Antigua and Barbuda.

Belize supports technical assistance, especially in terms of conflict resolution and mediation, as well as occupational health and safety. Supports the ILO Declaration; it ratified 32 international conventions and has made a commitment to enforcing them. Undertook commitments to eradicate child labour.

Argentina underscored the new tasks that labour administrations have to undertake during an integration phase. Prepare [scenarios] for the administration. International Convention No. 150 is the basic framework.

In Chile, a development strategy has evolved on the basis of exports and international participation. It has modernized its labour legislation; currently, an employment equity bill is under study. Chile underscores the importance of training human resources and strengthening social leaders. Chile ratified conventions 138 and 182, and has initiated a campaign against child labour.

Costa Rica put forth the following conclusions, shared with Guatemala, El Salvador, and the Dominican Republic.

a) Promoting employee rights; b) Integration and free trade must be compatible with basic labour standards; c) the ILO plays a fundamental role; d) negotiations on free trade are appropriate to strengthen the labour dimension; e) there is a need for coherence and consistency in economic and social policies; f) modernization goes beyond the MATAC-ILO program; a commitment to continuing modernization is needed; g) Central America and the Dominican Republic propose a development strategy based on human rights and development with equity.

Dominica supports the draft. It has two tripartite committees involved in labour law reform. They recommended ratifying the convention on child labour. It is important to train labour administration officials. Dominica ratified the international convention on aboriginal peoples. Activities to eliminate child labour: Ratifying the conventions is only a preventive measure since there is no child labour in Dominica.

Ecuador: Labour administration must be reinforced, on the basis of the elements currently available. Previously, the administration had been manipulated. The first decision was to restore dignity, providing political support for a professional administration, with strict compliance with the constitution and the law. Agreements have been signed with universities to train officials and establish free legal aid offices for employees.

United States supports most of what has been said at today's session.

Sustainability is an essential part of any project. There is a need to coordinate the activities of the ministries of labour with those of other ministries, raise the political status of the ministries of labour. Make better use of available resources. Share programs to identify needs and best practices. The ILO has done an excellent job in

this area. Promote. It is not enough to express support the ILO Declaration -- its meaning should also be disseminated.

Mexico proposed that the report should reflect more efficiently what was discussed at the meeting of the Working Group and show the different contributions, e.g. strengthen the role of the social dialogue and the tripartite approach. Mexico emphasized the contribution of the international organizations that fully supported the activities of the Working Group.

Canada's proposal for an Institute for Professional Labour administration must be reflected in the document. A [Pan] American labour cooperation system could be integrated with the existing elements into one coherent unit. Introduce some remarks to identify individuals and dignity as the focus of concern; labour is not a commodity but, rather, a value that promotes the comprehensive development of individuals.

Canada pointed out that the usefulness of a continued analysis of labour administration modernization through the information gathered. Support sustainable skills. Maintain and update information on technical assistance projects.

Canada will work with the OAS and the ILO to promote the idea of a labour cooperation centre or organization. It would be an instrument to share information and a place where labour administration officials can learn. Work in conjunction with social leaders to disseminate the best practices.

Promote the ILO Declaration and the plans for decent work. Further develop activities to eradicate child labour.

Paraguay emphasized the crucial responsibility of the ministries. The ILO and the OAS are contributors. There is a need to develop public policy to increase the efficiency of the projects the capacity of the administration. Education and professional training increase the prospects of employment.

Peru underscored that social dialogue is a priority. It gave as an example the experience of the Peruvian National Labour Council (composed of employer associations, trade union federations, chairmanship of the Minister of Labour, participation of experts, and one representative from the parliamentary committee on labour). There was unanimity on the chapter about labour law to be included in the new constitution. Disseminate the fundamental ILO principles. Update on an ongoing basis the inventory of technical assistance projects.

St Kitts and Nevis: Technical assistance projects have been very useful to diagnose problems in labour administration and provide solutions. Fully endorses promoting the ILO Declaration, and effective respect of labour rights and principles -- encourage awareness and sensitize the population towards the eradication of child labour. Analyze the impact of globalization; monitor other trade agreements.

St Lucia supports continental integration. It can only be sustainable if based on human dignity. There should be a political will to upgrade the secondary or marginal status of ministries of labour. Modernization and horizontal cooperation are indispensable.

Suriname: There is an urgent need to modernize the ministries of labour. The objectives are gradually being achieved. Suriname emphasized the support of the US DOL. Support the idea of an Institute for a Professional Labour Administration. Due to the lack of awareness on the role of the ministries of labour, future IACML activities should focus on strengthening labour administrations. All states should

have a respected ministry of labour. Two international conventions on child labour will soon be ratified.

St Vincent and the Grenadines: Supports the common vision of the CARICOM countries. Supports the Institute for a Professional Labour Administration. There is a need for programs promoting the ILO Declaration. Condemns child labour but believes this is not a serious problem in the CARICOM region. Education is compulsory until children are 16 years old.

→ **Discussion**

Canada summarized some of the issues addressed: a) raise the profile of the ministries of labour (involvement in political decisions and international negotiations); b) social dialogue; c) activities of international organizations (OAS, ILO, PAHO); joint efforts are still required; include technical reports as appendices; d) focus on disseminating the ILO Declaration on fundamental labour principles and rights (some participants indicated that the courts have no knowledge of the Declaration).

COSATE: No comment. Agrees.

Brazil: We must gather strength in order to participate in the decision making process regarding economic issues. For the first time, the ministers of trade in Quito requested our participation. We must be aware of this opportunity.

CEATAL: Listen to the social leaders and invite them to share in the design of labour policies.

#### **4. FOLLOW-UP ACTIVITIES TO ERADICATE THE WORST FORMS OF CHILD LABOUR (April 3)**

- **Report on advances made in the Americas**
- *Guillermo Dema, Coordinator, IPEC Latin America, ILO*

Mr. Dema placed the eradication of child labour within the fundamental principles and rights included in the 1998 ILO Declaration. Strategy: in terms of compliance, the issue should be separated from the rest.

He made a presentation on child labour throughout the world. See report on child labour, ILO, May 2002.

International Convention 182 has been practically ratified by all the countries of the Americas. Since 1996 ratification of Convention 138 has been promoted.

Advances made between 1996 and 2002: Establishment of 17 national commissions on child labour; 18 memoranda of understanding; regional Declarations support the eradication of child labour; 23 countries ratified Convention 138 and 26 countries ratified Convention 182; the minimum age to start working is between 14 and 15 (16 in Brazil).

Child labour is multi-causal and therefore strategies must be diverse. Mr. Dema pointed out that there is a vicious circle of poverty, precarious labour environments, and child labour.

The strategy of the IPEC program consists of three levels: regional approach, national approach, and direct action. National policy is implemented through

tripartite commissions, with the participation of NGOs, and through national plans. Relevant legislation is not only labour-related; it also includes education and health legislation, young offenders acts, criminal codes, and municipal bylaws. Consequently, strategies must be implemented in the areas of labour, education, and health.

- **Country reports**

- *Marina Schkolnik, Ministry of Labour of Chile*

National level progress to eliminate the worst forms of child labour.

Ms. Schkolnik described the economic context of the problem, the relationship between school attendance and work during adolescence, and the determining factors of child labour. Emphasized the importance of preventive policies (more important than criminalization).

Since 1996, the Ministry of Labour of Chile is responsible for child labour policies. There are three groups: child labour, teenagers at work, and worst forms of child labour. Children under the age of 15 are not allowed to work. The National Child Protection Service (*Servicio Nacional de Menores*) keeps a log of the worst forms of child labour (intolerable labour and hazardous labour).

- *Catarina Rock de Sacristán, Assistant Coordinator for International Labour Policy, Ministry of Labour and Social Security of Mexico*

Ms. Rock de Sacristán made a presentation on a specific action program: study of a "stolen youth"; reform of current legislation, increasing penalties; creation of a cyber-police; permanent national campaign; victim care centre. Local action has been initiated in border communities, tourist resorts, and large cities.

The US DOL provided financial resources in the context of IPEC.

Competent authorities: Ministry of Labour and Social Security, Mexican Solicitor General, Comprehensive Family Development System (*Sistema de Desarrollo Integral de la Familia*).

- *Nelson Reyes Ureña, Director of International Affairs, Secretary of State for Labour of Dominican Republic*

There are two commissions involved in the design of child labour eradication policies, which is one of the priorities of the government.

Action began with the memorandum of understanding with the ILO in 1997. A committee was established to fight child labour. This body was composed of public and private sector organizations. In 1998, the Dominican Republic ratified Convention 138 and, in 2000, Convention 138. The first child labour survey was conducted in 2000.

Pilot projects were carried out in some cities and rural communities, in cooperation with the US DOL.

The minimum age to enter the workforce is 14. The age of majority is 16. Children between the ages of 14 and 16 who seek work must obtain an authorization.

Legal studies will be carried out in order to adapt current legislation to conventions 138 and 182.

→ **Discussion**

Questions were asked on specific aspects of child labour in the Caribbean.

Barbados pointed out that it does not wish to question the figures that were provided. However, these do not necessarily represent the reality of the Anglo-Caribbean countries. In the Anglo-Caribbean countries child labour is not a current issue.

Antigua and Barbuda expressed satisfaction with the work carried out and gave its support to those who were involved in the activities. It acknowledged the financial contribution of the US DOL.

St Lucia: There is a link between child labour and poverty. Many cases of informal labour. The problem must be addressed on three fronts: social, educational, and labour.

ILO: Go beyond Declarations into direct action to eradicate child labour.

Argentina suggested that, at future meetings, discussions on specific issues and workshops should be scheduled for the beginning or middle of the events to guarantee higher attendance.

Canada summarized the steps to be taken: the Chair *pro tempore* will prepare a report on the basis of the criteria put forth and the contributions made. Consensus about various points was noted. Canada invited the participants to send comments on the Institute for a Professional Labour Administration in the Americas, in order to advance in the development of a second document.

Uruguay closed the meeting, thanking all those who had attended. It also thanked the US DOL and the Canadian Ministry of Labour for their cooperation.