

# **ORGANIZATION OF AMERICAN STATES**

Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.18/03 01 November 2003 Original: English

FINAL REPORT OF THE XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOUR OF THE ORGANIZATION OF AMERICAN STATES

## CONTENTS

I.	BAG	CKGROUND	2	
II.	PRC	OCEEDINGS	2	
	A.	Preparatory Session	2	
	B.	Opening Session	3	
	C.	First Plenary Session	4	
	D.	Second Plenary Session.	6	
	E.	Third Plenary Session	7	
	F.	Fourth Plenary Session	8	
	G.	Closing Session	10	
APPE	ENDIC	ES		
APPE	ENDIX	I – RESOLUTIONS		
		laration of SalvadorAnnex: Joint CEATAL – COSATE Declaration		
		of Action of SalvadorAnnex: Feasibility Study for an Inter-American Cooperation Mechanism for	21	
		Professional Labour Administration	29	
		Resolution on an OAS Program Proposal to Support the Declaration and Plan of Action of Salvador		
		Annex: OAS Program Proposal to Support the Declaration and Plan of Action of Salvador		
APPE	ENDIX	II – REPORTS OF THE CONFERENCE		
	Fina	al Report of Working Group One	46	
	Final Report of Working Group Two			
		abour Technical Preparatory Meeting	62	

# APPENDIX III – ADVISORY BODIES MEETINGS

	Oraft Agenda for the Meeting of the Permanent Technical Committee on Labour Matters (COTPAL)	75
	Proceedings of the Meeting of the Permanent Technical Committee on Labour Matters (COTPAL)	76
	Draft Agenda for the Meeting of the Permanent Executive Committee of the Frade Union Technical Advisory Council (COSATE)	78
	Proceedings of the Permanent Executive Committee of the Trade Union Fechnical Advisory Council (COSATE)	79
	Oraft Agenda for the Meeting of the Permanent Executive Committee of the Business Technical Advisory Committee on Labour Matters (CEATAL)	82
	Proceedings of the Meeting of the Permanent Executive Committee of the Business Technical Advisory Committee on Labour Matters (CEATAL)	83
T	Proceedings of the joint Meeting of the Executive Committee of the Trade Union Fechnical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labour Maters (CEATAL)	86
APPEND	DIX IV – OTHER DOCUMENTS	
Γ	Oraft Agenda of the XIII IACML	88
L	List of Documents Registered to the OAS Secretariat	92
L	List of Participants.	.96

# FINAL REPORT XIII Inter-American Conference of Ministers of Labour - OAS

## I. Background:

The Thirteenth Inter-American Conference of Ministers of Labour of the OAS (IACML) took place on September 24-26, 2003, in Salvador, Bahia, Brazil. In advance of this meeting a Preparatory Technical meeting of the IACML took place on July 23-25, 2003, in Brasilia, D.F., Brazil. A Final Report on the Preparatory Technical meeting is attached hereto as appendix II.

#### **II. Proceedings:**

During the Conference, and in accordance with Article 27 of the Rules of Procedure, a preparatory session, an opening session, four plenary sessions, and one closing session were held, as described below. A list of the documents used during the Conference is attached hereto as appendix IV.

#### A. Preparatory Session

In accordance with Article 28 of the Conference's Rules of Procedure, the regular representatives of the attending delegations held a preparatory session on September 24, 2003, at 16:00, in advance of the formal opening of the Conference. The Honourable Claudette Bradshaw, Minister of Labour of Canada chaired this session in accordance with Article 12 of the Rules of Procedure.

The following items were considered:

- i. Establishment of the order of precedence
  - In accordance with Article 5 of the Rules of Procedure, the IACML Technical Secretary Dr. Sofialeticia Morales drew lots to establish the order of precedence. Nicaragua was selected and the order of precedence was established following alphabetical ordering.
- ii. Decision on the rules of procedure
  - The Chair proposed that the same rules of procedure that have governed the IACML since the XI IACML of Viña del Mar be utilized. Delegates approved and the rules were adopted.
- iii. Decision on the election of the Chairperson of the XIII IACML
  - The floor was given to delegates to elect the Chairperson of the Conference. Mexico nominated the Honourable Jaques Wagner, Minister of Labour and Employment of Brazil and El Salvador seconded the nomination. Minister Wagner was approved as Chair of the XIII IACML. Under Article 11 of the Rules of Procedure, the heads of the remaining delegations were declared ex-officio vice chairpersons, to replace the Chairman in the event of his absence or inability, in accordance with the established order of precedence.
- iv. Decision on the agenda
  - The agenda, as presented to the delegates, was approved and adopted as the official agenda of the Conference.

- v. Decision on the Style Committee
  - In accordance with Article 22 of the Rules of Procedure the Chair proposed that Style Committee be composed of Brazil for Portuguese, Mexico for Spanish, United States for English, and Canada for French. Delegates approved and the Style Committee was appointed.
- vi. Decision on the working method
  - The Chair proposed that, as in previous Conferences, all issues of the XIII IACML would be addressed during the plenary sessions of the Conference. Delegates approved and the working method was established.
- vii. Deadline for the presentation of proposals
  - In accordance with Article 35a of the Rules of Procedure, the Chair proposed that all proposals be submitted in writing to the OAS Secretariat twenty-four hours prior to being discussed and the Chair called for a deadline of September 25, 2003 at 09:00 be set. Delegates agreed and the deadline was approved.
- viii. Consideration of the documents of the Working Groups
  - The Chair officially presented the final reports of Working Group 1 and 2 to the delegates. As well, the Chair offered her thanks to Uruguay, United States, Mexico, Dominican Republic and St. Vincent and the Grenadines for their contributions as Chairs and Vice-Chairs of the Working Groups under the XII IACML. The final reports were accepted in their entirety and in accordance with Article 25 of the Rules of Procedure they are included in this final report as appendix II.
- ix. Decision on the approximate duration of the Conference
  The Chair suggested that the XIII IACML come to a close on September 26, 2003 at 13:30. Delegates approved and the motion was adopted.
- x. Other business
  - The Honourable Germán Edgardo Leitzelar, Minister of Labour and Social Security offered his thanks on behalf of the Ministers of Labour of Central America and the Dominican Republic to Minister Bradshaw for her outstanding work as Chair *pro tempore* of the XII Conference. The Honourable Santiago Pérez del Castillo, Minister of Labour and Social Security of Uruguay, on behalf of the Southern Cone nations, also offered his thanks to Minister Bradshaw on a job well done and his congratulations to Minister Wagner on becoming Chair *pro tempore* of the XIII IACML.

The Preparatory Session was declared closed by the Chair.

#### **B. Opening Session** – Inauguration of the XIII IACML

The Opening Session was held on September 24, 2003 at 19:00. Delegates were shown a promotional video on the host city of Salvador, Bahia. The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil and Chair *pro tempore* of the XIII IACML made welcome remarks on behalf of President Luiz Inacio Lula da Silva of Brazil, who was unable to attend the Conference. The President's remarks highlighted labour matters as a key focus of human dignity and emphasized that future trade negotiations should have a sense of social and labour policies to ensure the protection of workers.

Speaking next, the Honourable Claudette Bradshaw, Minister of Labour of Canada underscored the importance of sharing the benefits of free trade and economic growth among all levels of society through efficient and fair labour markets. Additionally, she noted that in an integrating world of constant change, countries of the Americas must work together to build instruments of coordination and cooperation, to share best practices, and to learn from each other. By doing so, Minister Bradshaw stated that the Hemisphere could be a model for the world, ensuring that opportunity is shared among all levels, especially workers.

Dr. Juan Somavia, Director General of the International Labour Organization (ILO) addressed the delegates on the topics of unemployment - which he referred to as the most flagrant manifestation of social exclusion - and poverty as the greatest challenges of our time. He noted that poverty reduction strategies could not be successfully pursued without job creation, especially growth in decent work. As well, he encouraged the continued use of social dialogue as a means to stabilize societies, legitimize policies, and build consensus among employers, workers, and governments. Finally, he pointed out the increasing importance of integrating social and economic policies at all levels, from local to international.

Dr. Cesar Gaviria, Secretary General of the Organization of American States applauded the work of the Conference in advancing and uniting economic policy with social progress in the face of numerous challenges to the Americas. He stated that protecting the fundamental rights of workers and promoting basic labour standards for decent work reinforces democracy and the spirit of the Inter-American Democratic Charter, as well as the work of the ILO. Dr. Gaviria emphasized that integration in the Hemisphere is generating great changes in our nations and it is the responsibility of all to ensure that these changes translate into higher standards of living for workers and increased growth. Following the collaborative and participatory example of Ministers of Labour in the IACML process, he noted that integration could proceed as a balanced and just process that benefits all people.

The Honourable Paulo Soto, Governor of the State of Bahia welcomed the delegates to Bahia and invited them to enjoy the city of Salvador. As well, he shared some of the latest statistics on economic development and growth in Bahia with the Conference.

The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil officially opened the Conference and encouraged delegates to engage fully in the plenary sessions on labour and economic challenges and policies and on the important topic of corporate social responsibility. Furthermore, he addressed the importance of the Declaration and Plan of Action as a tool to strengthen collaboration and develop solutions to our common challenges, especially in light of the upcoming Free Trade Area of the Americas agreement and recent setbacks at the World Trade Organization meeting in Cancun. He noted that overcoming unemployment and social exclusion through decent work and integral development would be key in meeting the challenge of poverty in the Hemisphere.

## C. First Plenary Session – Overview of the follow-up on the XII IACML

The First Plenary Session was held on September 25, 2003 at 09:00. The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil opened the session to delegates.

The Honourable Claudette Bradshaw, Minister of Labour of Canada and Chair *pro tempore* of the XII IACML reviewed the progress made under the XII Conference. She noted the expansion of the Conference to include strong participation from COSATE and CEATAL, the workers and employers groups respectively, as well as from academics, non-governmental organizations, and international organizations. Additionally, she highlighted the important work undertaken by the two Working Groups, whose reports have provided a roadmap for the future of the Conference. Moreover, Minister Bradshaw highlighted the need to build on and deepen the work of the Conference, the ILO, and the OAS by launching a feasibility study on an Inter-American Mechanism for Professional Labour Administration. The Minister also called for the joint Declaration of COSATE and CEATAL to be appended to the Declaration of Salvador.

Dr. Sofialeticia Morales, Director of the Unit for Social Development and Education of the OAS and the Technical Secretary of the IACML presented delegates with an overview of the Permanent Portfolio of Consolidated Programs in Labour. This Portfolio was distributed to delegates as an interactive CD-ROM showcasing consolidated programs from the Member States on the topics of Occupational Health and Safety, Labour Administration, Labour Skills Training and Certification, and Gender Equity. As well, she gave delegates a first look at an upcoming virtual course on Evaluation and Certification of Labour Competencies that will be offered by the OAS Education Portal of the Americas in 2004. Finally, Dr. Morales presented a proposal for strengthening the implementation of the Declaration and Plan of Action of Salvador by leveraging approximately \$200,000 USD of OAS funds in coordination with the Member States, advisory bodies, and international organizations.

Dr. Daniel Funes de Rioja, President of CEATAL emphasized the importance of working towards hemispheric integration that is based on common goals and aspirations and he urged delegates to take action now to meet these challenges before the situation in the Americas worsens. Also speaking on behalf of CEATAL, Ms. Albis Muñoz, President of FEDECAMARAS of Venezuela and Mr. Marcel Meyer, President of the Suriname Trade and Industry Association raised serious concerns regarding the social and labour dimensions of their respective regions. They highlighted the need for more collaboration with the public sector in overcoming the challenges of globalization, especially emphasizing partnerships among governments, workers and employers. Also they urged delegates to focus on the development of human capital as a key means for workers and businesses to stay competitive in the face of greater integration.

Mr. Agustín Muñoz, Regional Director of the ILO for the Americas reported that through the work of the ILO in the Hemisphere and at the global level many of the mandates of the XII IACML have been met. Important work has been undertaken in strengthening labour administration, promoting tripartite dialogue, combating child labour, improving labour legislation and integrating gender perspectives into labour policy. He noted that these advances have not only reinforced the labour dimension in the countries but have improved the ability of the ILO to work more effectively as partners with the countries. Furthermore, Mr. Muñoz encouraged collaboration among the various actors to ensure that the Plan of Action of Salvador is realized.

Dr. Luz Maritza Tennassee, Chief of Risk Assessment and Management of the Pan-American Health Organization (PAHO) presented delegates with an overview of workers health and safety issues and their inter-relationship with economic development, democracy, equity, and human rights. She highlighted interesting quantitative research on the positive results of investment in health and safety and

she explained the PAHO Regional Plan on Workers Health. Finally, she shared the results of numerous partnership initiatives among PAHO and other international organizations and civil society groups that are working to advance workers health in the Americas.

Mr. Hassan Yussuff, out-going President of COSATE and Secretary-Treasurer of the Canadian Labour Congress applauded the Government of Canada as Chair *pro tempore* for its commitment to involving COSATE and CEATAL in the proceedings of the XII Conference. He reiterated the commitment of the two advisory bodies to the IACML process and expressed his thanks to the delegates for including the joint COSATE-CEATAL Declaration in the Declaration of Salvador. In conclusion, he urged the Ministers of Labour to continue to pursue tripartite interaction to enhance the dialogue and activities of the IACML.

The First Plenary Session was declared closed by the Chair.

#### **D. Second Plenary Session** – Labour Conditions in the Hemisphere: Existing Challenges

The Second Plenary Session was held on September 25, 2003 at 10:30. The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil opened the session to delegates.

Mr. Jürgen Weller, Economic Issues Officer for the Economic Commission for Latin America and the Caribbean (ECLAC) presented an overview of current labour market tendencies in the Region, as well he noted some of the specific challenges being faced, and possible areas of policy intervention. Labour market indicators shared by Mr. Weller outlined growing demand for skilled workers, greater macroeconomic volatility, less social protection, increasing informality, and rising youth unemployment. He highlighted possible policy solutions including greater collaboration between Ministers of Labour and Finance, balanced regulation of markets, continual training and education, promotion of microenterprises, and development of unemployment insurance systems.

Each of the five sub-regions of the Hemisphere was represented through sub-regional presentations on the current labour challenges. A summary of each follows:

The Honourable Carlos Abascal Carranza, Minister of Labour and Social Security of Mexico presented on behalf of the NAFTA region. He emphasized the need to find a fair and equitable means for integration, recognizing concerns about competitiveness, the need to create jobs for all, increase standards of living, and promote greater investment. The Minister also noted that multilateral agreements and increased cooperation move everyone forward towards common goals and solutions. He stated that education, entrepreneurship, skill certification, labour laws, regulations, and social security systems must be pursued simultaneously to ensure success. In closing, the Minister affirmed that the success of NAFTA is cooperation, which can be seen in the lack of use of its dispute resolution mechanisms.

Permanent Secretary Neville Edwards of the Ministry of Labour and Social Security of Barbados presented on behalf of the CARICOM region. He stated that good labour conditions require a commitment to the Conventions of the ILO and in the CARICOM region Member States have pursued this course. As well, he emphasized that the goal of social justice requires tripartite consultation and in the Caribbean a number of institutions have emerged to collaborate and coordinate action throughout the

region, he cited the Caribbean Labour Congress as one such institution. In closing, he urged the ILO and OAS to strengthen their working capacity to meet the challenges faced by the Americas.

The Honourable Germán Edgardo Leitzelar, Minister of Labour and Social Security of Honduras spoke on behalf of the Central American region. He focused on the topic of labour welfare and noted the impact of recent trade agreements with Canada and the United States on workers in the region. Specifically, he emphasized the need for donor nations to consider expansion of labour projects in Central America. The region, he noted, is implementing various initiatives to strengthen key areas such as modernization of labour administration, occupational health and safety, gender equity, job creation, and small business development, while helping to increase the level of participation of smaller countries in the labour discourse.

The Honourable Santiago Pérez del Castillo, Minister of Labour of Uruguay spoke on behalf of the MERCOSUR region. He addressed the importance of generating more high quality jobs and building modern labour ministries to advance the agenda of decent work. The Minister noted that governments must take a pro-active approach to the labour market, as examples he cited apprenticeships to promote youth employment, subsidized private sector employment for 'economic engine' industries like construction, and entrepreneurship training to promote self-employment. Additionally, he highlighted the importance of education and skills training to prepare workers for the new economy and to ensure social inclusion. In conclusion, the Minister encouraged trade union freedom as a key to political dialogue and an important component of structural reform and modernization efforts.

The Honourable Martha Vallejo Luzuriaga, Minister of Labour and Human Resources of Ecuador presented on behalf of the Andean region. She urged delegates to consider labour as a key element of integration and to use multilateral mechanisms, sub-regional projects, and informative studies to understand and meet the challenges of the current situation. The Minister noted that labour must be considered within a wider framework in order to meet the challenges of our most pressing social problems. She stated that Ministers of Labour must teach people, especially the young, to generate wealth, as governments cannot purse growth strategies by simply distributing poverty. Finally, she emphasized the need for cooperation among governments and among international organizations to ensure technical assistance is maximized.

The Second Plenary Session was declared closed by the Chair.

**E. Third Plenary Session** – The Relationship Between Economic and Labour Policies

The Third Plenary Session was held on September 25, 2003 at 14:00. The Honourable Jaques
Wagner, Minister of Labour and Employment of Brazil opened the session to delegates.

Dr. Paulo Paiva, Vice-President for Planning and Administration of the Inter-American Development Bank (IDB) presented on the topic of economic and labour polices, focusing on 'How to Confront the Challenges of an Inclusive Globalization'. He showcased a number of labour market indicators for Latin America, which cited population growth outpacing job growth, excessive inefficiency, lack of decent work, low wages, and high turnover, among others. These factors combined with volatile macroeconomic conditions require a balanced approach to labour market policy that includes institutional development and setting in place of conditions for a stabilized economic environment. In

conclusion, Dr. Paiva highlighted the importance of providing minimum social safety nets that protect workers within the limits of the economy and the demands of the population.

Dr. Virgilio Levaggi, Regional Specialist in Social and Economic Integration and Decent Work of the International Labour Organization (ILO) spoke on the topic of integration policies and the promotion of development. He observed that although democracy and public expectations have been growing in the Americas development remains elusive because of a lack of decent work. The ramifications of this trend, he noted, are a growing disillusion with democracy, increasing social inequality, and lack of hope concerning growth. He stated that the challenge of convergence of these and other factors is to utilize our divergent knowledge to meet common goals and better articulate the economic and social agenda as we become more integrated. Dr. Levaggi urged delegates to consider placing people and thus labour policy at the center of a more holistic decision-making process.

Dr. Irene Klinger, Executive Secretary of the Summit of the Americas Secretariat at the Organization of American States (OAS) presented an update on the Summit of the Americas process. She outlined the growth of the Summit process since its inception in 1994 with four major themes, to 2001 with eighteen major themes. Dr. Klinger outlined accomplishments under these themes and noted specifically the importance of the IACML in advancing the Summits labour and employment mandates. Finally, she briefed delegates on the upcoming Special Summit of the Americas to be held in January 2004 on the topic of expanding and strengthening social development, governance and economic opportunity.

Dr. Renato Baumann, Director of the Economic Commission for Latin America and the Caribbean Office in Brazil presented on behalf of the United Nations on the topic of economic policy and employment. He stated that achieving growth with equity in the Hemisphere would depend on how governments choose to deal with education, employment, wealth distribution and demographic growth. Within a new global context, Mr. Baumann noted that a range of policies that provide worker protections, minimum standards, and market supports must be utilized to assist the labour market and thus workers.

During the ensuing Ministerial Dialogue for this plenary session delegates from the United States, Argentina, Bolivia, Venezuela, and the Dominican Republic made comments. Delegates highlighted the importance of dealing with labour and economic policies through a multi-faceted approach that ensures growth with equity. They also emphasized the need to work more collaboratively with their fellow Ministers of Trade and Finance to deepen and strengthen their dialogue and actions. As well, they encouraged the sharing of the Declaration and Plan of Action of Salvador with the upcoming Special Summit of the Americas. Finally, they highlighted the importance of placing human beings and workers rights at the center of integration and reform efforts to ensure a better Americas for all citizens.

The Third Plenary Session was declared closed by the Chair.

#### **F. Fourth Plenary Session** – Corporate Social Responsibility

The Fourth Plenary Session was held on September 25, 2003 at 16:15. The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil opened the session to delegates.

By way of introduction, Mr. Ronald Scheman, Director General of the Inter-American Agency for Cooperation and Develop of the OAS presented on the topic of corporate social responsibility (CSR). He highlighted the three main goals or reasons for companies to pursue CSR, these include: (1) complying with the law, especially labour law; (2) supporting workers; and (3) enhancing communities by reinforcing social capital. A number of initiatives at the OAS, he noted, are currently supporting CSR by working with the private sector and ministries, gathering best practices, and building partnerships. Specifically, Mr. Scheman made reference to work being done on occupational health and safety as an element of CSR that is good for democracy, workers, and markets.

Mr. Erwin Hahn, Executive Director of EMPRESA, an alliance of businesses and organizations committed to CSR, made opening remarks for a CSR panel discussion. He emphasized the important role of CSR in the new economy as the private sector takes on greater social responsibilities in the face of a financially strained public sector. With businesses accounting for 52 of the top 100 greatest economies in the world, he noted that CSR has become an important trend that is changing relationships among the main actors. Mr. Hahn highlighted a number of indicators showing growing support for social conduct by companies and consumers and he cited examples of CSR that show companies protecting the environment, supporting workers, and helping communities.

Speaking next, Mr. Paulo Itacarambi, Executive Director of the Instituto Ethos de Empresas e Responsabilidade Social outlined his organization and it's activities. He stated that ETHOS is made up of 788 Brazilian companies and partners with industrial federations and non-governmental organizations to recognize and support CSR activities. As well, ETHOS publishes newsletters, holds workshops, supports CSR graduate and PhD courses, and works with companies to show them the benefits CSR. In conclusion, Mr. Itacarambi emphasized the linkage between CSR and public policy as a means for the public and private sectors to work together.

Mr. Antônio Pedro Gordilho, Director of Human Resources and General Services of Coelba presented his companies vision of CSR as a means for community outreach and as a management tool. For example, Coelba an electricity company, teaches young people about electrical safety and environmental sustainability while providing educational opportunities to fight illiteracy and build skills for future workers. In terms of management, Mr. Gordilho noted that company outsourcing is done with an occupational health and safety plan that ensures safe work environments for workers and increases efficiency and reduces costs through fewer accidents. He emphasized that companies must realize that they cannot exist in failed societies and that they have a role to play in our collective well-being and success.

Mr. Reinaldo Rique, President of the Instituto Newton Rique, an organization focused on social transformation through CSR shared his experience in implementing a CSR strategy for shopping centers. These shopping centers were developed as community spaces, centrally located for greater ease of access, and greater synergy with customers needs. As an integrated part of the community the malls offered numerous programs from education in the arts to human rights training, thus providing benefits for customers and shopkeepers through the shopping center's CSR strategy.

Mr. Ericson Crivelli, in-coming President of COSATE shared the perspective of workers on CSR. He highlighted the often-limited advantages of globalization for workers and noted that CSR acts as a means for employers to share these advantages with their workers. Additionally, he urged delegates to

consider legal requirements for companies to provide benefits to workers to protect their fundamental rights. Also, Mr. Benjamin Davis, Regional Program Director of the Solidarity Center of the AFL-CIO stated that the growing importance of CSR should encourage agreements between companies and workers and it should be a topic pursued in future Conference deliberations.

Speaking last, Mr. Brian Burkett, Representative of CEATAL and the Canadian Employers Council applauded the voluntary efforts of employers to engage in CSR. He emphasized the importance of keeping CSR voluntary and based on the creative initiatives of companies to give back to their communities, help the environment, promote good corporate governance, among others. Mr. Burkett shared five indicators of success in CSR: (1) better financial results through reduced operating costs; (2) better human resource management; (3) enhanced brand image; (4) increased sales and customer loyalty; and (5) increased ability to keep and recruit employees. In closing, he noted that businesses increasingly recognize the importance and benefits of CSR as they integrate it as a key component of their corporate culture.

The Fourth Plenary Session was declared closed by the Chair.

#### **G.** Closing Session

The Closing Session was held on September 26, 2003 at 09:00. The Honourable Jaques Wagner, Minister of Labour and Employment of Brazil opened the session to delegates.

The first order of business of the Closing Session was the election of the Chair *pro tempore* and new member of the IACML Troika. Honduras, Argentina, Bolivia, and Costa Rica expressed support for the Honourable Carlos Abascal Carranza, Minister of Labour and Social Security of Mexico to assume the Chairmanship of the XIV IACML. Minister Abascal expressed his thanks to delegates for the nomination and to Ministers Bradshaw and Wagner for their exemplary work. He noted that the Conference is an unparalleled opportunity for more active collaboration among Ministers of Labour and for strengthened social dialogue among all delegates. As well, he urged delegates to consider human beings as the center of economic activity and to engage in a hemispheric dialogue based on shared values concerning decent work. Finally, he stated that nations must be able to decide on their own labour standards but on the basis of commonly accepted standards for decent work.

Minister Wagner as Chair *pro tempore* of the XIII IACML called for the adoption of the Declaration and Plan of Action of Salvador and the OAS Program Proposal to Support the Declaration and Plan of Action of Salvador by Ministers.

Dr. Sofialeticia Morales, Director of the Unit for Social Development and Education of the OAS and Technical Secretary of the IACML made a brief presentation to provide Ministers with a final synopsis of the OAS Program Proposal to Support the Declaration and Plan of Action of Salvador. Seeing no questions or concerns expressed by delegates the Chair approved the OAS Proposal in its entirety. This proposal is included as appendix I.

A number of delegations suggested changes to the Declaration and Plan of Action of Salvador prior to their final approval of the documents. These changes were debated and then incorporated into the

final Declaration and Plan of Action, which was unanimously adopted by the XIII IACML. The Declaration and Plan of Action are attached hereto as appendix I. A final review of the Declaration and Plan of Action was to be conducted by the Style Committee at a later date.

Minister Wagner noted that Argentina and the United States had agreed to act as Chair and Vice-Chair, respectively, of Working Group 1, while El Salvador and Canada would act as Chair and Vice-Chair, respectively, of Working Group 2.

In closing, Minister Wagner reiterated the importance of greater integration between economic and labour policies throughout the Hemisphere, with the goal of creating just and prosperous societies. He acknowledged that development up to this point has often been uneven and has excluded many people. Therefore, he encouraged the Ministers of Labour to commit to constructing an agenda with concrete initiatives to solve the problems of poverty and a lack of decent work in the Americas.

Seeing no other business before the Conference the Chair declared the XIII IACML closed.

# <u>APPENDIX I – RESOLUTIONS</u>

- ❖ Declaration of Salvador
  - o Annex: Joint CEATAL COSATE Declaration
- Plan of Action of Salvador
  - o Annex: Feasibility Study for an Inter-American Cooperation Mechanism for Professional Labour Administration
- Resolution on an OAS Program Proposal to Support the Declaration and Plan of Action of Salvador
  - Annex: OAS Program Proposal to Support the Declaration and Plan of Action of Salvador



# **ORGANIZATION OF AMERICAN STATES**

Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR rev. 4 September 24-26, 2003 Salvador, Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.3/03

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# SALVADOR DECLARATION

#### **THE SALVADOR DECLARATION**

- 1. We, the Ministers participating in the XIII Inter-American Conference of Ministers of Labor of the Organization of American States, met in the city of Salvador, State of Bahia, Federal Republic of Brazil, on September 24, 25 and 26, 2003, to address issues related to globalization which affect employment and labor in the Americas.
- 2. We reaffirm our strong commitment to the principles of inter-American solidarity and cooperation of the Charter of the Organization of American States (OAS), to pool our efforts to achieve integral development, which encompasses the economic, social, educational, cultural, scientific, and technological fields. We emphasize that equality of opportunity, the elimination of extreme poverty, the equitable distribution of wealth and income, and the full participation of citizens in decisions related to their own development are, *inter alia*, basic objectives of integral development. To attain such objectives, we agree to dedicate our efforts to achieve, among other goals, the equitable distribution of national income, the payment of fair wages, opportunities for employment, and labor conditions that are consistent with internationally accepted standards.
- 3. We recall the Inter-American Democratic Charter, approved by the OAS in Lima, Peru, in September 2001 and, in particular, Article 10, which recognizes that the promotion and strengthening of democracy require the full and effective exercise of workers' rights and the application of core labor standards, as recognized in the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and its Follow-up, adopted in 1998, as well as other related basic ILO conventions. Democracy is strengthened by improving working conditions, labor stability and enhancing the quality of life for workers in the Hemisphere. The OAS members restate their commitment to adopting and implementing all those actions required to generate gainful employment, reduce poverty, and eradicate extreme poverty, taking into account the different economic realities and conditions of the countries of the Hemisphere, as recognized in article 12 of the Charter.
- 4. We emphasize our firm commitment to the goals of the UN Millennium Declaration and, in particular, the eradication of extreme poverty, creating and enabling people everywhere to find decent and productive work. We are committed to the tasks of improved governance and transparency identified in the Monterrey Consensus of the International Conference on Financing for Development.
- 5. Our deliberations are framed by the commitments agreed to in the Third Summit of the Americas, held in Quebec, Canada in April 2001. At that time, the Heads of State and Government of the Americas instructed us to continue addressing issues related to the effects of globalization on employment and labor, the objectives of creating greater employment opportunities, improving workers' skills, and improving labor conditions throughout the Hemisphere.
- 6. We note that the upcoming Special Summit of the Americas, to be held in Mexico, will focus on equitable economic growth, social development, and democratic governance. We recognize that

our efforts to support the integral development of our peoples are consistent with the objectives of the Special Summit. We commit to working through the Summit of the Americas process, including the Special Summit, to accomplish our objectives.

- 7. We recall the Ottawa Declaration of the XII Inter-American Conference of Ministers of Labor, held in Canada in October 2001, in which we emphasized our commitment to create more and better employment as an effective means of combating poverty in the region. At that meeting, we approved a Plan of Action that created two Working Groups: one to examine the social and labor dimensions of the Summit of the Americas process, and the other to find ways to build the capacity of Ministries of Labor and institutions to more effectively implement labor legislation and better carry out their mission.
- 8. We follow attentively the development of the different processes of regional and subregional integration as well as of bi- and multilateral free trade agreements that are implemented in the Hemisphere, as well as their social and labor impacts. Likewise, we observe that each of those processes has generated instruments for promoting development of the social and labor dimension, according to the characteristics, traditions and will of the participant states and the level of participation of the national and regional social actors. In this sense, we recognize the existence of specific and sensitive labor problems in these processes that may require the adoption of appropriate policies that facilitate harmonious hemispheric integration, in accordance with the priority demanded by each specific situation.
- 9. We reaffirm our commitment to the 1998 Declaration on Fundamental Principles and Rights at Work of the International Labor Organization (ILO), which provides the foundation for broad-based sustainable development and social justice through full respect for the internationally recognized fundamental labor rights. We recall the agreement of our leaders to adopt and implement legislation and policies that provide for the effective application of the labor principles and rights recognized in the Declaration.
- 10. We reaffirm our conviction that decent work, as conceived by the ILO leadership, is the most effective instrument for the improvement of living conditions for the peoples of our Hemisphere and their participation in the benefits of material and human progress. We embrace the idea that decent work is necessary for sustainable development in each of our countries, and is a condition for the success of hemispheric economic integration. For that reason, the agenda for decent work should become the axis for national and regional development policies, together with investment in health, education, and culture. In addition, we reaffirm our commitment to integrate the gender perspective in the development and implementation of all labor policies.
- 11. We recall that respect for the principles and rights recognized in the ILO Declaration and the promotion of decent work as foundations for inclusive globalization were central themes of the discussion agenda during the Fifteenth American Regional Meeting held in Lima, Peru, in December 2002.
- 12. We have viewed with great interest the activities carried out in the region by the ILO World Commission on the Social Dimension of Globalization and we look forward to reviewing its final report.

- 13. We note with concern that the adverse economic situation in many of our countries, the slowing of growth in the world economy, and the reduction in social investment have had negative effects on the education, health, welfare, and living conditions of the working population, their families, and the community. In many places, increased unemployment, the deterioration of working conditions and the reduction in the purchasing power of salaries have contributed to the deepening of social and gender inequality.
- 14. We caution that the policies implemented by our countries in the process of globalization sometimes do not achieve sustainability or reactivation of economic growth and, consequently, opportunities for employment are reduced. We recognize the importance of taking into account the impact of such policies on employment and the standard of living of the population. Social and employment policies should take priority in the political and economic agendas of our countries to permit the successful adaptation of our peoples to the global economy, and to ensure more equitable access to the benefits of globalization.
- 15. We also note that in many of our countries the opportunities offered by technological innovations and by the dissemination of telecommunications resources do not always translate into benefits to workers and their families. This can result in maintaining and even exacerbating the gulf between those that participate in human progress and those that are excluded from it.
- 16. We direct our attention toward the segments of the population most affected by economic crises. These tend to be the persons who also suffer from ills, such as illiteracy or limited formal education, lack of vocational skills, misinformation about the labor market, discrimination, lack of social protection and the breakdown of group and family ties. These factors, which often coexist, expose certain segments of the population to intolerable forms of work and condemn them to an existence that is incompatible with human dignity. For this reason, member states should take steps appropriate to their situations. Such steps could include the development of national action plans on decent work, with the assistance of the ILO, and action plans to effectively implement ILO Conventions 138 and 182, and to combat the sexual exploitation of and trafficking in persons, especially women, children, and adolescents, to eliminate forced and compulsory labor; and to promote dignified and productive employment among those working in the informal sector, women, adolescents, people with disabilities, persons living with HIV/AIDS, migrants, and ethnic and religious minorities, as well as generating an environment and conditions of work that are healthy and safe.
- 17. We are convinced that economic growth and social progress are interdependent and inter-related aspects of the same project for building prosperous, united and equitable societies. Aware of the challenges associated with the creation of decent and productive employment in the context of globalization, we propose to combine the capacities and efforts of our Labor Ministries and other Ministries in the quest for ideas and practices capable of integrating the economic, social and labor dimensions of the regional and national policies of our Hemisphere.
- 18. We propose a more active role for the Ministries of Labor in the region, one that takes into account the need for the integration of social, labor and economic policies, and the aspirations of countries of the Hemisphere towards deepening their relations in multiple areas, based on shared values and on the realization of common interests. We visualize this new role of the Labor Ministries in different but analogous and complementary levels: at the domestic level, it is

important to establish and deepen the institutional relations of the Labor Ministries with the areas of the State in charge of creating and implementing economic policies; at the regional and hemispheric levels, the fundamental issue is to incorporate this focus into the regional and subregional integration and free trade processes. Furthermore, we uphold the connection between labor policies and those in the areas of education, health, culture, social and economic equality, welfare and leisure, etc., within the framework of promoting the integral development of the human being.

- 19. For this reason we support and foster efforts to develop, modernize, and strengthen the Ministries of Labor through regional action that takes into account the important role of horizontal cooperation and technical assistance. To that effect, also, we support the proposal to conduct a feasibility study of options for establishing a mechanism, under the auspices of the IACML, oriented toward the modernization of labor administrations, and also to increase international collaboration and coordination in support of these objectives. We will also study the possibility of creating an inter-American mechanism to promote decent work and strengthen training. In these processes, we will consider the experiences and resources available in member states and regional and international organizations, especially the OAS, PAHO and ILO. The countries of the region will contribute to the financing of the aforementioned proposals according to their means.
- 20. Socioeconomic challenges cannot be faced exclusively through social policies, and adequate consideration must be given to the economic policies necessary to create the capacity to introduce and sustain the social agenda. A social and labor agenda is an integral part of economic growth and is a way of ensuring the equitable distribution of benefits. Diverse factors, such as political instability and conflict, poor policy and institutional frameworks, corruption, absence of overall health, education and social welfare programs, lack of infrastructure and access to technological changes, and unfavorable investment climate, are conducive to poverty and inequality. An integrated policy framework combining economic and social policies must take account of the economic realities countries face in implementing a comprehensive social agenda.
- 21. The integration of the economic and social development objectives also requires stronger forms of interaction between governments and citizens at the domestic, regional or hemispheric levels. Freedom of association and the right to organize, social dialogue, tripartism and other institutional means of social participation are crucial for generating consensus on these matters. We highly value the participation of the Trade Union Technical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labor Matters (CEATAL) in the IACML<sup>1</sup>. The Inter-American Democratic Charter declares that citizen participation in development issues is fundamental for the exercise and strengthening of democracy. Social dialogue is the means for achieving the indispensable agreements for ensuring decent work and respect for the basic rights and dignity of people. We want to intensify the dialogue and cooperation with regional and international organizations that are active in the area of development and labor in the Americas, principal among these being the Organization of American States (OAS), the International Labour Organization (ILO), the Inter-American Commission of Women (CIM), the Economic Commission for Latin America and the Caribbean (ECLAC), the Pan American Health

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<sup>&</sup>lt;sup>1</sup> The Joint CEATAL-COSATE Declaration on the occasion of the XIII Inter-American Ministers of Labor is attached to this Declaration.

- Organization (PAHO), the Inter-American Development Bank (IDB), the Caribbean Development Bank (CDB), the Corporación Andina de Fomento (CAF), the Central American Bank of Economic Integration (CABEI), and the World Bank.
- 22. We follow with interest the negotiations for the formation of the Free Trade Area of the Americas (FTAA), in the framework of the Summit of the Americas process for the purpose of facilitating the contribution of economic integration to the strengthening of democracy, the creation of prosperity, job creation, the reduction in poverty, sustainable development, and the realization of human potential. We emphasize the importance of considering the social and labor components of hemispheric integration during all stages of the negotiations process so that they will be given merited treatment. The Labor Ministries must play an essential role in this process.
- 23. As stated in paragraph 5 of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, we reject the use of labor standards for protectionist purposes. We recall that the Declaration of the VII Meeting of the Ministers of Trade of the Hemisphere, held in Quito, Ecuador, in November of 2002, states that the creation of the FTAA, in order to make viable its objectives, must promote goals that are oriented toward economic development, the creation of jobs, and the effective operation of the labor market in the Hemisphere. In the same document, the Ministers of Trade also recognize the need for greater participation by the various sectors of civil society in the hemispheric initiative. We are pleased to see progress in the participation of civil society in this process.
- 24. We acknowledge that the activities carried out by the two Working Groups established by the Ottawa Plan of Action have greatly contributed to a better understanding of the social and labor dimensions of globalization and of the modernization of Ministries of Labor. We have reviewed their reports and noted with great interest the areas of consensus and the themes that require further work. We adopt the recommendations set forth in the two reports. Such advances represent an excellent basis for implementing policies and programs designed to promote decent work and strengthen the labor administrations.
- 25. We recognize the importance of implementing more fully the labor commitments expressed by our Heads of State and Government in the Miami, Santiago and Quebec Summit of the Americas Declarations. We recognize that having convergence between the Summit of the Americas process and the negotiations for a Free Trade Area of the Americas is beneficial.
- 26. With the objective of implementing actions conducive to the fulfillment of the aforementioned goals and commitments,

#### WE RESOLVE:

- A. To implement a Plan of Action based on this Declaration, on the Declaration and Plan of Action of the Third Summit of the Americas, and on the work of the XII Inter-American Conference of Ministers of Labor of the OAS, and to dedicate the necessary resources to reach this goal.
- B. To maintain the two working groups created by the two previous conferences, with the functions defined at those conferences as follows:

Working Group 1, Labor Dimensions of the Summit of the Americas Process, will examine more in-depth globalization issues that are related to employment and labor, focusing on the implications of regional and subregional integration and free trade processes in the Hemisphere for the purpose of identifying fundamental challenges and intensifying collaboration and cooperation in the Hemisphere in seeking the best solutions to these challenges, with a strong emphasis on the integration of economic and social policies.

Working Group 2, *Building Capacity of Labor Ministries* will work on developing the ability of these entities to respond to challenges of employment and labor in present and future contexts, in horizontal and harmonious cooperation with other entities in the social, health, education, trade, economic and other areas.

In this sense, we commit ourselves to make efforts to consult with the social actors, via COSATE and CEATAL, regarding the social and labor dimensions of regional and subregional integration and free trade processes in the Hemisphere, and to work with them towards achieving decent work based on the principles of social justice, freedom, equality, security and human dignity.

- C. To instruct the Working Groups to offer effective contributions toward decent work and the well being of the citizens of the Hemisphere. To that end, the Working Groups will deepen the work of their predecessors and will improve the systems to follow-up and evaluate the results of the previous Plans of Action to the extent that they help create decent work, promote productive employment and improve health, education, social welfare, well-being, and living conditions for the population.
- D. To encourage countries of the hemisphere to intensify cooperation and to share knowledge, experiences, and achievements in the area of employment and labor, so that they may overcome the obstacles to development that can accompany the social, economic, and institutional asymmetries between our countries and regions. The deepening of hemispheric cooperation must involve the social and labor forums constituted in the various trade liberalization and integration experiences in the Americas, as well as the regional and international organizations that exercise a critical role in the promotion of employment and in the betterment of working conditions, particularly the Organization of American States (OAS), the International Labour Organization (ILO), the Inter-American Commission of Women (CIM), the Economic Commission for Latin America and the Caribbean (ECLAC), the Pan American Health Organization (PAHO), the Inter-American Development Bank (IDB), the Caribbean Development Bank (CDB), the Corporación Andina de Fomento (CAF), the Central American Bank of Economic Integration (CABEI), and the World Bank.
- E. To organize the Fourteenth Inter-American Conference of Ministers of Labor of the OAS in Mexico in 2005.

#### JOINT CEATAL-COSATE DECLARATION

At the XIII Inter.-American Conference of Ministers of Labor of the Organization of American States (OAS), the employers and workers of the Americas, represented through the Business Technical Advisory Committee on Labor Matters (CEATAL) and the Trade Union Technical Advisory Council (COSATE) reaffirm that the follow closely the integration and free trade processes of the Americas and, within these processes, the social and labor dimension of integration. They further reiterate the need to continue the relationship of cooperation between the OAS and the ILO in social and labor topics and in the area of the labor dimension of integration, where respect for basic labor rights is guaranteed, based on application of the principles contained in the ILO Declaration on Fundamental Principles and Rights at Work, an essential condition for moving towards development with social justice. In this regard, they agreed to the following:

#### **Declaration**

- We issue an appeal to the governments to address, with the support of the ILO, employment as a possible to overcome conditions of inequality and delayed development that persist in many countries of our region; create greater opportunities for progress and well-being, as well as generate spaces for high-level dialogue central concern and key element for the development of plans intended to eradicate poverty and that make it between governments, social interlocutors, and international and regional financial institutions for discussion of the situation regarding employment and its current impact on levels of poverty, and thereby contribute to proceeding with the design of harmonious policies in the context of decent work.
- Further, we place special emphasis on the need to generate social dialogue on strengthening education throughout life, and on continuing professional and managerial training as key instruments for the promotion of decent employment in the framewowrk of sustainable development.
- CEATAL and COSATE evaluate positively their participation in the initiatives of the IACML. In the process of deepening such partcipation, both organizations feel that it would be necessarty to change their role as advisory bodies to that of consultative organs of the IACML. They request the ILO in turn to involve ACTEMP and ACTRAV in all the meetings of the Working Groups and the CIMT in support of CEATAL and COSATE, and they reiterate their commitment to continue to collaborate and contribute to that work. To that effect, they draw attention to the need for the OAS and the governments to contribute to strengthening both counciss and facilitate the necessary financial mechanisms for ensuring that presence and participation.

President of CEATAL **Daniel Funes de Rioja** 

President OF COSATE Ericson Crivelli



# **ORGANIZATION OF AMERICAN STATES**

Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.4/03 rev. 3 26 September 2003 Original: Spanish

SALVADOR PLAN OF ACTION

#### **SALVADOR PLAN OF ACTION**

1. We, the Ministers of Labor of the Americas, gathered in the city of Salvador, State of Bahia, Federal Republic of Brazil, on September 24, 25 and 26, 2003, on the occasion of the Thirteenth Conference of Ministers of Labor of the Organization of American States (OAS), commit ourselves to implement the following Plan of Action:

#### A. IMPLEMENTATION OF THE PLAN OF ACTION: ORGANIZATION

2. The Chair *Pro Tempore* of the Thirteenth Inter-American Conference of Ministers of Labor (Brazil) in collaboration with the former Chair (Canada) and the future Chair (Mexico), with the support of the Technical Secretariat of the OAS and in consultation with the representatives of the Trade Union Technical Advisory Council (COSATE), the Business Technical Advisory Committee on Labor Matters (CEATAL), and the Permanent Technical Committee on Labor Matters (COTPAL), will be responsible for promoting the implementation of the Plan of Action and for improving collaboration and cooperation with the social and labor forums constituted in the various trade liberalization and integration initiatives in the Americas, and with the relevant regional and international organizations, such as the Organization of American States (OAS), International Labor Organization (ILO), Economic Commission for Latin America and the Caribbean (ECLAC), Pan American Health Organization (PAHO), Inter-American Development Bank (IDB), Caribbean Development Bank (CDB), the Corporación Andina de Fomento (CAF), the Central American Bank of Economic Integration (CABEI), and the World Bank.

#### B. IMPLEMENTATION OF THE PLAN OF ACTION: RESOURCES

3. Member states should devote the available economic, technical, and logistical resources to implement the Plan of Action and to encourage the participation of COSATE and CEATAL. In addition, the Chair *Pro Tempore* will invite the relevant regional and international organizations to make voluntary contributions to support activities and projects included in this plan, and to facilitate the participation of said worker and employer organizations.

#### C. IMPLEMENTATION OF THE PLAN OF ACTION: WORKING GROUPS

4. Participation in the Working Groups will be open to all Member states, as well as COSATE and CEATAL. The Chair *Pro Tempore* will seek the means to ensure the active participation of all the member states and the social partners (i.e. the most representative employers' and workers' organizations) in the implementation of the Plan of Action.

#### WORKING GROUP 1: LABOR DIMENSIONS OF THE SUMMIT OF THE AMERICAS PROCESS

5. The Working Group will continue examining the topic of globalization in relation to employment and labor, to follow up on those issues that have been already identified as requiring major effort on behalf of the member states and intensifying collaboration and hemispheric cooperation in the search for better shared solutions, with strong emphasis on the integration of economic and social policies in the national, regional, and subregional spheres.

- 6. In particular, the Working Group will undertake the following activities:
  - a) Based on the work accomplished by the XI and XII IACML on different regional agreements and institutions addressing labor standards in the context of integration, and the continued study of labor provisions in emerging free trade agreements, elaborate options emphasizing cooperation, to allow for a better implementation of labor commitments, laws and policies, including through an increase in the capacity of Labor Ministries;
  - b) Conduct further enquiry into the effects of economic integration on labor markets and labor policy, the necessary methods for studying these topics and the means to enable Labor Ministries in smaller economies to undertake such analyses.
  - c) Develop the institutional means to structure coordination and collaboration to strengthen Labor Ministries' capacity to carry out their functions. To this end, commission a feasibility study, with recommendations to be brought forward for the consideration of the XIV IACML;
  - d) To analyze conditions for creating a mechanism to promote decent work and strengthen training to help reduce differences between regions and improve conditions for competitiveness in our countries.
  - e) Extend invitations to senior officials from relevant ministries, as appropriate, to attend the IACML seminars, workshops, and Working Group meetings when agenda items address topics of cross-cutting nature. Ministries of Trade and Ministries of Education were identified in this regard by the Working Group;
  - f) Continue to encourage the active participation of CEATAL, COSATE and key international organizations in the work of the Conference regarding the labor dimensions of the Summit of the Americas process; and
  - g) Convey the contents of this report to Trade Ministers in response to the request in their Quito Declaration of November 2002.
  - 7. The Working Group will consider, as a basis for the development of its mission, the knowledge, results and recommendations that arose from the activities carried out by its predecessors, as well as studies and information that can contribute to the accomplishment of its objectives. In that regard, the group will be attentive, *inter.alia*, to the work and recommendations that may arise from the ILO's World Commission on the Social Dimensions of Globalization. The Working Group will prepare a report containing recommendations for consideration at the XIV Conference. These activities will serve as a basis for the adoption of policies and programs intended to reduce or eliminate the decent work deficit in the countries of the Hemisphere.

#### WORKING GROUP 2: BUILDING CAPACITIES OF LABOR MINISTRIES

- 8. Working Group 2 will follow-up on the efforts of its predecessors in the development of new mechanisms to increase the capacity of the Ministries of Labor, with a particular focus on responding to the challenges of globalization and integration and free trade processes, as well as increasing the efficiency of the policies and actions directed to the promotion of decent work, the improvement of working conditions, and promotion of the labor principles embodied in the ILO Declaration on Fundamental Principles and Rights at Work. The central objective of this group is to develop tools to support ministries of labor -- structure, legal framework, functions, administration, interaction with the surrounding environment --- for the execution of an active role in the contemporary world and in the future. In this regard, we grant special importance to the continuation and deepening of the regional programs for development, strengthening and modernization of labor administrations, that the ILO, OAS and other organizations design and implement in the hemispheric area.
- 9. The Working Group should consider, in their activities, the input offered by its predecessors. The cooperation and collaboration among the Ministries of Labor, the OAS, ILO, ECLAC, PAHO, IDB, CDB, CAF, CABEI and the World Bank have a strategic significance for obtaining the desired effects, in particular, in developing the capacity of smaller economies and their institutions. As such, the Working Group will build on the work of its predecessors to achieve improved collaboration and coordination, especially in the following fields: by exploring the development of institutional means to structure their efforts to achieve these objectives, by continuing to exchange best practices, by maintaining an inventory of technical assistance and cooperation projects and resources and making it available to IACML members, and by identifying, on the basis of experience, the enabling conditions for sustainable strengthening of institutional capacity.
- 10. The Working Group should also give special attention to the Horizontal Cooperation Project in the area of Labor, being carried out by the Unit for Social Development and Education (UDSE) of the OAS, based on the critical transfer of consolidated programs and implemented in collaboration with the Inter-American Agency for Cooperation and Development (IACD) and other appropriate units of the OAS General Secretariat. Additionally, the Working Group should consider the results from the USDOL/ILO Project on "Labor Principles and Rights in the context of the XII IACML".
- 11. The Working Group, in coordination with the ILO, will work to ensure that IACML members are informed of best practices and available resources to raise public awareness of the ILO Declaration about Fundamental Principles and Rights of Work and its follow-up, to communicate and evaluate experiences in the various countries of the Americas with initiatives to eliminate child labor; and to develop within individual countries indicators of fundamental rights as an aspect of decent work, to provide benchmarks for reviewing progress, identifying best practices in those areas, and effectively targeting the resources required to achieve those objectives.
- D. IMPLEMENTATION OF THE PLAN OF ACTION: ROLE OF THE MINISTRIES OF LABOR

#### I – AREAS OF ACTION

- 12. The Ministries of Labor can play an important role in the generation of opportunities for decent work, the promotion of productive employment, and improvement of working and living conditions, including:
- a) the promotion of the elaboration, revision and updating of labor legislation, promotion of compliance with labor legislation, collective agreements, and international labor standards, particularly those identified in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;
- b) the creation of decent work, integration of economic, social and labor policies for the creation and expansion of productive employment and income opportunities; integration of labor, education, culture, welfare, and leisure policies; management of public funds for sectors that are more sensitive to the investment-employment relationship, such as the micro and small enterprises, self-employment, cooperatives; employment programs aimed at vulnerable groups such as women, adolescents, persons with disabilities, ethnic minorities; programs for public credit, microfinance, etc;
- c) the existence of efficient social protection systems, monitoring of health and safety conditions in the workplace; stimulating the formalization of non-standard and unprotected work; expanding social security coverage; complying with programs to abolish child labor, sexual exploitation of children and adolescents, and forced and compulsory labor; developing programs to promote equitable treatment in employment and in the workplace;
- d) the promotion of social dialogue: creation and compliance with statutory provisions for strengthening free and autonomous organizations of employers, workers and other social actors; incentives for collective negotiation; institutionalization of spaces for social dialogue and the participation of civil society in decision-making on labor and development matters.
  - 13. The functions and areas constitute the guidelines of the Plan of Action.

#### II – LEVELS OF ACTION

- 14. The role of the Ministries of Labor should be carried out at the national, regional and hemispheric levels, which complement one other:
- a) at the national level, as described in the previous section and other corollaries, comprising the actual and immediate environment for action for the governmental institutions;
- b) at the subregional and regional levels comprising the actions that correspond to commitments or intentions resulting from agreements on the formation of free trade areas or integration projects;
- c) at the hemispheric level, covering those actions derived from treaties and agreements of the Americas or identified with the architecture of shared and common projects;

#### E. IMPLEMENTATION OF THE PLAN OF ACTION: STUDIES, MEETINGS AND SEMINARS

- 15. By December 2003, the past, present and future Chair *pro tempore* and the Working Groups will jointly develop a calendar of events, in consultation with the Member states, COSATE and CEATAL, as well as the participating regional and international institutions.
- 16. The Working Groups will schedule three seminars on the theme of integration of the economic and social objectives into national, subregional and regional development policies, the processes of integration and free trade, as well as on the responses of Ministers of Labor to the challenges of promoting decent work in those contexts. These seminars will focus on aspects of this theme, for example, the formulation of a shared vision, the public management of integration, or the creation of institutional means for integration. The preferences, priorities, and interests of the countries and regions of the Hemisphere should be considered in the organization of these seminars.
- 17. The Working Groups will develop, with technical and financial support from regional and international institutions acting in the social and labor area, a comprehensive study on the topic of promotion of decent work, in its various dimensions, in subregional and regional integration and free trade processes The study will take into account the social and labor aspects, including those of health and safety, of the subregional experiences of integration and should provide the Ministries of Labor with the theoretical and practical elements necessary for their affirmative participation in the process of negotiation and implementation of this enterprise.
- 18. The past, present and future IACML Chairs *pro tempore* will direct the development of a feasibility study, in consultation with the Chairs and Vice-Chairs of the two Working Groups, for an "Inter-American Cooperation Mechanism for Professional Labour Administration" with the objective of deepening international collaboration and coordination to modernize labour administrations and support the IACML in its mandate to strengthen the capacity of the Ministries of Labour in the Hemisphere. The study will be administered by the Unit for Social Development and Education of the OAS and will consider the experiences and the resources available within Member states and the regional and international organizations, especially the OAS and ILO that seek to support the strengthening of administrative capacity of the Ministries of Labor. The feasibility study will present a set of specific options and recommendation to the IACML Ministers by the end of July 2004. An interim progress report will be presented to the Working Groups during their first meetings. If member states conclude that the mechanism is feasible, the leadership of the IACML and of the Working Groups will propose measures for its implementation. The terms of reference for the feasibility study have been included as an appendix to this Plan of Action.
- 19. The Working Groups will evaluate the activities and the advances made by the Information System on Labor Markets (SISMEL) in the production, harmonization and dissemination of labor statistics and documents in Member states. Based on that evaluation, the Working Groups will decide, by December 31, 2003, on advisability of maintaining the SISMEL in its present format or of integrating it into other projects, considering the contribution that this system can offer for the improvement of national statistics, mainly in the smaller economies, and the production of comparable indicators on the labor market of the Hemisphere. In any of the hypotheses, the Ministries of Labor will have to designate the national coordinators of the SISMEL that will be in

- charge of the feeding and updating of the database and documents, as well as of their dissemination.
- 20. The Working Groups will consider the opportune means to develop the relationship between the Ministries of Labor and the government bodies with competence in the negotiations. In this regard, maximum efforts will be undertaken, within the framework of existing national and institutional competencies, to establish a comprehensive productive and regular dialogue with the Ministries of Trade, as well as with the Ministries of Education, Health, Social Development and the authorities that are charged with combating poverty, and other ministers involved in the negotiations of the FTAA, to consider the impact of the economic and commercial policies on the local and regional labor markets. In that respect, we note that the Ministers of Trade of the Hemisphere have declared, in the Ministerial Declaration of Quito, their interest in knowing the results of the activities of the Working Group relative to the Labor Dimensions of the Summit of the Americas Process.

# F. IMPLEMENTATION OF THE PLAN OF ACTION: DIRECTIVES FOR THE FUNCTIONING OF THE WORKING GROUPS

### Coordination

- 21. The Working Groups will meet at least twice before the XIV Inter-American Conference of Ministers of Labor, at dates and locations that will be determined by what is said in paragraph 15.
- 22. The Working Groups will be coordinated by the following Ministers of Labor, elected by this conference, who can perform the functions assigned directly, or through a representative:
- WG 1: Minister of Labor of Argentina (Chair *pro tempore*) and Minister of Labor of the United States (Vice Chair);
- WG 2: Minister of Labor of El Salvador (Chair *pro tempore*) and Minister of Labor of Canada (Vice Chair).

#### Methodology

- 23. The Plan of Action addresses a large number of complex themes reflecting the grave challenges before the Ministers of Labor in global economy. In contrast, most Ministries are faced with serious limitations to adequately perform their function. For this reason, it is indispensable that the Working Groups continue the efforts to improve their methods of work, in order to achieve synergies, maximize efficiencies and disseminate results.
- 24. The Working Groups should coordinate their work in view of the complimentary nature and interdependence of their plans. Ongoing communication and exchange of knowledge, experience, and results will provide reciprocal benefits.
- 25. It is fundamental that the Working Groups deepen the actions developed in the prior plans and find the means that will allow for internalization, in the various areas and levels of intervention,

the initiatives and recommendations derived from those plans. Furthermore, they should develop systems for monitoring and evaluating the obtained effects in their areas of action.

#### **ANNEX**

# FEASIBILITY STUDY FOR AN INTER-AMERICAN COOPERATION MECHANISM FOR PROFESSIONAL LABOR ADMINISTRATION

#### XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR (IACML)

#### Feasibility Study for an Inter-American Cooperation Mechanism for Professional Labor Administration

#### A. BACKGROUND

In the Quebec Declaration of the Third Summit of the Americas, the Heads of State and Government established the following mandate:

"In order to advance our commitment to create greater employment opportunities, improve the skills of workers and improve working conditions throughout the Hemisphere, we recognize the need to address, in the relevant hemispheric and international fora, issues of globalization related to employment and labor. We instruct the Inter-American Conference of Ministers of Labor to continue their consideration of issues related to globalization which affect employment and labor."

In the Plan of Action of the Third Summit of the Americas, the Heads of State and Government also established that, as regards labor and employment,

"direct Ministers to build upon the *Viña del Mar Declaration* which focused on the social dimensions of globalization and the modernization of Labor Ministries", "create a process for improved collaboration and coordination on the labor dimensions of the Summit of the Americas process" and "develop new mechanisms to increase the effectiveness of projects and other technical assistance designed to build the capacity of smaller economies and their institutions".

In turn, the Hemisphere's Ministers of Labor reiterated these mandates in the Ottawa Declaration of the XII Inter-American Conference of Ministers of Labor.

# B. NEED FOR AN INTER-AMERICAN COOPERATION MECHANISM FOR PROFESSIONAL LABOR ADMINISTRATION

Following up on the mandates set down by Heads of States at the Third Summit of the Americas, in the Ottawa Action Plan of the XII IACML, Ministers undertook to: (1) strengthen the capacity of ministries of labor to develop and implement labor and labor market policies; (2) develop new mechanisms to increase the effectiveness of projects and other technical assistance to build the capacity of labor ministries of smaller economies; and (3) create a process for improved collaboration and coordination with key international institutions within the Americas that have a critical role to play in the improvement of labor conditions;

Labor administration plays a vital role in the more integrated and technologically advanced economy, to which the Americas are looking forward;

Ministries of Labor have a vital and multi-faceted role in providing the necessary foundations to achieve the broad goals of the Summit of the Americas:

- Promoting and protecting the basic principles and rights of workers, as embodied in the ILO Declaration on Fundamental Principles and Rights at Work;
- Preparing workers to succeed in a dynamic integrated economy by providing them with the requisite skills;
- Improving the functioning of labor markets and promoting employment growth by providing workers with training during unemployment and access to employment services to assist in the transition to new employment;

(Not all labor ministries have sufficient resources to provide workers with increased economic security during unemployment. For example, Mexico has training programs and certain grants for unemployed workers, but does not have unemployment insurance.)

- Fostering the comprehensive development of individuals and the productive potential of workplaces;
- Deepening the understanding of the labor impacts of integration, including through social dialogue; and
- Participating actively in key economic and social policy debates;

Meeting these challenges calls for modernized, professional labor policy making, connectivity, and advanced information, management, social dialogue, alternative dispute resolution, and compliance systems;

Many labor ministries, particularly in the smaller economies, would benefit from capacity strengthening towards these ends;

Technical assistance and horizontal cooperation have a key role to play in strengthening the capacity of labor ministries;

There is a need for further and sustained collaboration and coordination with respect to building the capacity of labor ministries, among governments, social partners and key international organizations in the Hemisphere, building on and complementing existing programs and initiatives such as those of the International Labor Organization, the Organization of American States, and the Inter-American Development Bank;

In particular there is a need to coordinate the information and expertise required for effective horizontal cooperation programs, to situate such programs within overall capacity strengthening strategies likely to yield sustainable results, and for analysis that supports continuous improvement of capacity strengthening initiatives;

#### C. TERMS OF REFERENCE

#### 1. Purpose

The study will examine feasibility of options for establishing a mechanism, under the auspices of the IACML, designed to serve the following purposes:

#### MODERNIZATION OF LABOR ADMINISTRATION

Efforts in support of this may include:

- developing and strengthening of a cadre of trained career professionals at the operational (including inspection), policy analysis and administrative levels, and within the mandate of labor ministries at the level of labor adjudication;
- classifying and disseminating information on good practices;
- incorporating modern information technologies to strengthen efficiency in operations and quality of policy analysis;
- modernizing and improving labor ministries as service providers: developing human capital; promoting employment growth; and facilitating the efficient operation of labor markets;
- increasing the effectiveness of strategies;
- implementing management systems to ensure accountability and continuous improvement.

#### GREATER INTERNATIONAL COLLABORATION AND COORDINATION

Efforts in support of this may include:

- providing a single window through which information on available resources and best practices can be accessed, based on the classification of best practices in specific areas of cooperation;
- identifying and registering cooperation projects undertaken in the region among countries and groups of countries;
- matching needs with horizontal cooperation resources including experienced professionals and experts;
- supporting the development by national governments of comprehensive capacity strengthening programs drawing upon horizontal cooperation and the assistance of relevant international organizations;
- identifying institutional sources of financing to extend existing cooperation projects to other countries and groups of countries;
- researching, analyzing and disseminating information on successful approaches achieving sustainable results;
- identifying unmet needs;
- providing a training ground for young labor professionals.

#### 2. Scope

The study will take into account the needs of OAS member states identified in the work of IACML Working Groups, and other relevant sources including the ILO, ways to maximize the use of communications technologies, available complementary resources, networking possibilities and strategic counterparts in academia within the Hemisphere.

#### 3. Objectives

To deliver a series of specific options and recommendations to guide the Inter-American Conference of Ministers of Labor in the possible implementation of a cooperative mechanism with respect to the following matters:

#### i) Role

The mechanism should constitute a resource available on request to governments in the Americas to improve the state of labor administration, and to support the IACML in its mandate to strengthen the capacity of labor ministries in the Hemisphere, by furthering the ability of governments and the Conference to achieve the purposes identified in paragraph 1 above.

The mechanism should seek to build upon and complement the resources made available by key international organizations, particularly those of the International Labor Organization, and the Organization of American States, including the OAS SISMEL project. It should avoid duplication of operations.

The study will explore possible functions, including but not limited to:

- Coordination of International Cooperation
- creating a pool and managing a network of experienced professional labor administrators available to provide expert assistance to labor ministries, matching needs with available resources:
- building a system of best practices in labor issues in the Hemisphere's countries, allowing IACML members permanent access through the internet and other means;
- identifying and registering cooperation projects undertaken in the region among countries and groups of countries, with a view to increasing the effectiveness and regional reach of cooperation;
- establishing coordination mechanisms with key international institutions in the Americas for the purpose of compiling data and/or links to information on best practices, resources for international cooperation, and needs assessments;
- working with the Institute for Connectivity in the Americas to develop internet-based solutions;
- partnering with SISMEL to promote the modernization of labor and labor market information systems;
- directly assisting IACML member governments in devising comprehensive and sustainable action plans for capacity strengthening, employing the above resources and drawing upon the International Labor Organization and other agencies with appropriate expertise; and in accessing funding sources to support such plans;

- Analysis
- creating a permanent forum for analysis, reflection and exchange of information through the internet;
- providing periodic experienced-based analyses of conditions for sustainability and effectiveness of programming;
- developing strategies and new approaches to address unmet needs and achieve sustainable results furthering the aims of the IACML.
- Training
- providing labor ministries with a learning ground to train officials and junior staff.

The member states wish to note that the ILO is the appropriate international organization with the exclusive mandate to set international labor standards and to supervise their application through its tripartite supervisory bodies.

#### ii) Possible Partners

The study will identify organizations at the national and international level that could act as partners in achieving the purposes described in paragraph 1 (including multilateral organizations, universities, and non-governmental organizations whose purpose is educational or that can provide technical expertise).

#### iii) Financing

The study will identify resource implications of options presented, including potential sources of funding, suggestions for cost-effectiveness and resource cooperation.

#### iv) Organization and Accountability

The study will examine how any proposed mechanism could be directed most effectively and efficiently while ensuring that the interests of all stakeholders are considered. The study will consider, among other things: how to ensure that any organization or institution, if such is proposed, would be accountable through direct reporting to the IACML; and modalities for a general supervisory structure composed of a permanent, non-remunerated directive committee which should include the troika of past, present and future chairs pro tempore of the IACML, and

should also consider the role of representatives of member states, COSATE and CEATAL, key international organizations, and funding organizations.

#### v) Administration

In the event that an institutional mechanism is proposed, the study will consider how it could be administered including where it should be hosted, human resource implications, anticipated administrative needs (e.g. office supplies, websites, translation services), and implications of the OAS language policy with respect to the collection and dissemination of materials. This may include recommendations for an administrative structure such as a liaison bureau, secretariat or other appropriate model. To keep costs at a minimum, the extensive use of information and communications technology will be considered, as will the possibility that each member State may designate a national administrator to operate through the internet.

## vi) Networking

The study will examine the role of any mechanism as a networking focus for labor administration expertise in the Americas and sharing of best practices. The study should also consider the establishment of a virtual mechanism linking labor ministries among themselves as well as to universities, international organizations and other sources of technical expertise in labor administration, on-line training and capacity-building information.

## 4. Leadership of the Study

The study will be directed by the past, present and future chairs pro tempore of the IACML. It will be administered by the Unit for Social Development and Education of the OAS, drawing upon recognized experts as appropriate.

The study will be produced in consultation with the leadership of the Working Groups, established in the Action Plan of the XIII IACML, as well as with COSATE and CEATAL. The study will provide for an interim report on progress to the first meetings of the Working Groups.

## 5. Financing

Financing for the study will be provided as follows:

- The Labor Program of the Department of Human Resources Development Canada will provide support in an amount to be determined.
- An amount to be determined in accordance with the resolution adopted by this conference will be allocated from the OAS Summit of the Americas Reserve Sub-Fund, subject to any necessary approvals.

(Other contributors and amounts will be identified as appropriate.)

## 6. Timing

- Submission of outline. . . . . . . February 7, 2004
- Submission of preliminary draft to chairs pro tempore and the OAS . . . . . April 30, 2004

Meeting of expert consultants with Working
 Group leadership and report to Working
 Group members . . . . . First Working Group meetings
 Submission of final draft to IACML Ministers
 for approval . . . . . . June 30, 2004



## **ORGANIZATION OF AMERICAN STATES**

Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador de Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.14/03 26 September 2003 Original: Spanish

## RESOLUTION

USE OF OAS RESOURCES OF THE RESERVE SUBFUND FOR CAPITAL INVESTMENTS AND TO MEET OAS MANDATES IN SUPPORT OF THE XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOUR OF THE OAS DECLARATION AND PLAN OF ACTION

THE XIII INTER-AMERICAN CONFERENCE OF MINISTRES OF LABOUR OF THE OAS,

## **HAVING SEEN:**

The resolution of the Permanernt Council CP/RES. 831 (1342/02) on the Use of Excess Resources of the Reserve Subfund for Capital Investments and to Meet OAS Mandates (hereinafter the OAS subfund) and the resolution of the Permanent Executive Comission of the Inter-American Council for Integral Development CEPCIDI/RES. 89 (LXXXIX-O/03)

## **BEARING IN MIND:**

That CP/RES. 831 (1342/02) resolved to assign four millon dollars (US\$4.000,000) to the Inter-American Council for Integral Development (CIDI) for the implementation of Summit of the Americas mandates, with the support of the General Secretariat of the OAS.

That CEPCIDI/RES. 89 (LXXXIX-O/03) resolved that multiple sectoral areas, including labour, shall have access to the resources assigned to CIDI in resolution CP/RES 831 (1342/02) and will receive up to US\$190,833.33 to execute the projects they determine.

That the sectoral area of labour will determine, through the XIII Inter-American Conference of Ministers of Labour and based on specific projects, how to use the funds available.

That this resolution established the following minimum criteria that the projects determined by the sectoral area of labour, must meet in order to be financed with the resources assigned to CIDI in resolution CP/RES. 831 (1342/02):

- Implement mandates from the Summit of the Americas;
- Be on those topics within the sectoral area in which the OAS has recognized expertise;
- Be hemispheric in scope, although they may contain subregional components;
- Be able to raise external resources;
- Incorporate an evaluation component;
- When appropriate, integrate other cooperation mechanisms of the IACD, in particular the fellowship and training programs and their mechanisms;
- Have an adequate technical quality

That this resolution requested the units and offices of the General Secretariat that act as technical secretariats for sectoral meetings to support the design, coordination and execution of proposals as agreed upon by ministerial, sectoral or interamerican committee meetings.

## **CONSIDERING:**

That during the Technical Preparatory Meeting of the XIII Inter-American Conference of Ministers of Labour, held in Brasilia, Brazil on July 23<sup>rd</sup> to 24<sup>th</sup>, 2003, this resolution was considered.

That the "Program to support the Declaration and Plan of Action of Salvador" presented by the OAS was reviewed and considered by the delegations attending the Technical Preparatory Meeting of Brasilia.

That it is important to maximize the limited resources provided by the OAS subfund with cofinancing arrangements and other supporting efforts which mobilize external resources.

## **RESOLVES:**

- 1. To approve the "Program to support the Declaration and Plan of Action of Salvador", which constitutes an integral part of this resolution and is found as an annex.
- 2. To charge the Troika (Canada, Brazil and Mexico) and the Chairs of the two Working Groups of the IACML, to determine the exact allocation of funding for the components of the "Program to support the Declaration and Plan of Action of Salvador", based on a budget proposal prepared by the Unit for Social Development and Education of the OAS.
- 3. To request the Unit for Social Development and Education of the OAS to report to the Inter-American Conference of Ministers of Labour and the CEPCIDI on the implementation of this resolution.

**ANNEX** 

# Program to support the Declaration and Plan of Action of Salvador

Recognizing that employment is the most direct way in which economic activity is linked to the improvement of the standard of living of our citizens and that true prosperity can only be achieved if it includes protecting and respecting basic rights of workers as well as promoting equal employment opportunities and improving working conditions for people in all countries in the region<sup>1</sup>

## **CONTENTS:**

Objective

Program

Background

Component 1: Support to Working Group One and Two

Component 2: Horizontal Cooperation

Component 3: Support to the IACML and its Advisory Bodies

Component 4: Inter-American Cooperation Mechanism for Professional Labour Administration

Financing Note

## **OBJECTIVE**:

This program aims to support, in concrete terms, the implementation of the Declaration and Plan of Action of the XIII Inter-American Conference of Ministers of Labour. As well, it is designed to help strengthen the Ministries of Labour of the Americas so that they are able to better address the troubled situation of employment and labour in the region as well as the challenges posed by global integration.

## **PROGRAM**:

The Program is a hemispheric-wide initiative that responds to the priorities and recommendations as set forth by the Inter-American Conference of Ministers of Labour. It will be partially funded through the Excess Resources of the Reserve Sub-fund of the Regular Fund for Capital Investments and To Meet OAS Mandates (hereinafter referred to as the OAS Sub-fund), which has been made available by the OAS to support the Ministerial objectives in labour.

The four components of this program have been defined according to the specific the mandates established in the Declaration and Plan of Action of Salvador. Each component contains specific activities to support the initiatives of the XIII Plan of Action, and represents initial negotiations undertaken by the Unit for Social Development and Education (UDSE) of the OAS, as technical secretariat of the IACML, to ensure the viability of this program proposal. Due to the limited resources available through the OAS sub-fund, the activities must be prioritized and considered within the two-year framework of the XIII IACML and supported by co-financing contributions of other international organizations and the Member States.

<sup>1</sup> Third Summit of the Americas, Quebec City Plan of Action, 2001

## **BACKGROUND**:

Labour institutions throughout the Hemisphere are experiencing the effects of global integration as international movements of information, capital, goods, services, and technology bring to bear new challenges and demands on labour and employment. This new reality is transforming the traditional roles of labour institutions and re-conceptualizing them as integral players in the development of comprehensive public management strategies that address issues ranging from labour market statistics, to skills training and education, to the impact of trade agreements on labour regulations.

Recognizing this important and evolving role for labour institutions, the Heads of State and Government of the Hemisphere have outlined, though the Summit of the Americas process, the collective priorities and guidelines that will aid in the adjustment to global integration as it unfolds in the diverse settings of our nations. The Quebec City Plan of Action expressly stated that in order to "strengthen democracy, create prosperity and realize human potential" concrete actions must be taken in the area of labour and employment, as it is "the most direct way in which economic activity is linked to the improvement of the standard of living of our citizens."

Through the work of the Inter-American Conference of Ministers of Labour (IACML), the key issues of globalization and its effects on employment and labour have been studied, thereby allowing labour institutions to address the realities of the region in a more academic, technical and relevant manner. As a result of the IACML discourse on critical issues related to labour, new efforts have been launched, allowing OAS Member States to respond to challenges collectively and to strengthen their operational capacity in the area of labour.

Acknowledging the complexity and interdependence of issues addressed by the IACML and its Working Groups, the OAS notes the importance of translating this dialogue into strategies and activities that will aid labour institutions in facing the structural and financial limitations that curtail their ability to carryout their roles. In order to more effectively implement the Plan of Action of the XIII IACML and achieve a greater synergy of actions and resources, the OAS presents the following program proposal to the meeting of the XIII IACML in Salvador, Bahia, Brazil.

## **COMPONENT 1: Support to Working Group One and Two**

This component details activities that represent a means for implementing the priorities of the XIII IACML Plan of Action with regard to supporting Working Group 1 and the examination of the "Labour dimensions of the Summit of the Americas Process" and Working Group 2 and the examination of "Building the Capacities of Labour Ministries".

## A. Objectives:

- The Plan of Action of Salvador states that:
  - o The working groups should meet twice within the span of the XIII Conference.
  - Seminars should be convened on the integration of economic and social objectives into national, sub-regional, and regional development policies and on the formation of free trade areas in regional integration activities.
  - o Research and studies should be undertaken on:

- 1. The effect of globalization and sub-regional integration on labour markets and labour policies.
- 2. The initiatives adopted by the Member States to confront the above-mentioned situations (#1), especially those concerning the integration of social, labour and economic policies at the national, and sub-regional levels with an emphasis on the generation of decent work.
- Joint meetings of the Working Groups:
  - To reduce costs and to ensure tangible results from the meetings the OAS proposes joint meetings on the margin of topical, informative conferences that will address issues being considered by the Working Groups.

## **B.** Activities:

- A joint meeting of the Working Groups will be held in Washington D.C. in 2004 on the margin of a seminar co-hosted by the OAS and the Inter-American Institute for Social Development (INDES) of the Inter-American Development Bank. This seminar will focus on the linkage between labour, social and economic policies, specifically analyzing the relationship between Ministries of Labour and Ministries of Finance so as to set priorities jointly and promote more effective public management. The Unit for Social Development and Education (UDSE) of the OAS has brokered a preliminary agreement with the IDB to ensure co-financing of this one-week seminar in 2004. The seminar will be led principally by teachers from INDES and by other experts in the field. Additionally, a website will be developed to facilitate access to the reading materials and to make available important information to participants.
- A second joint session of the Working Groups will be held in 2005 in conjunction with a two-day conference, co-hosted by the OAS and the Pan-American Health Organization (PAHO), to facilitate discussions among Ministers of Labour (including the Troika and one Minister from each of the five sub-regions) and Ministers of Health (one for each of the sub-regions) on the transversal issues in health and labour, foremost of which is Occupational Health and Safety (OHS). The UDSE, leveraging the OAS sub-fund resources, has been able to negotiate a tentative agreement with PAHO to co-finance this conference. At this conference, delegates will select one program from the UDSE Permanent Portfolio of Consolidated Programs that will be the basis to carry out a knowledge-sharing workshop on Occupational Health and Safety.
- A seminar on trade agreements and regional integration and their potential impact on labour markets will be held in the Institute of Advanced Studies for the Americas (INEAM) in Miami in 2004. The seminar will be co-hosted and co-financed by the OAS and the US Department of Labour, and will include experts from the sub-regions, as well as presenters from the OAS Trade Unit. It will especially encourage the participation of COSATE and CEATAL, as well as focus on the special situation faced by smaller economies.
- Research and studies will be carried out by expert consultants, which will contribute to the examination of the two topics identified in the Objectives section above.
  - A portion of these studies will be funded by the OAS sub-fund while contributions could be provided in-kind by other international organizations, specifically the International Labour Organization, the World Bank, the Inter-American Development Bank, the Pan-American Health Organization and the Economic Commission for Latin America and the Caribbean, among others.

## **COMPONENT 2: Horizontal Cooperation**

This component recognizes the importance of horizontal cooperation and the sharing of consolidated programs as a means to strengthen the capacities of Ministries of Labour to better face the challenges posed by the current situation in the labour market and the structural and financial difficulties that limit their ability to successfully meet their mandates.

## A. Objectives:

• Building on the efforts undertaken by the Working Groups regarding the exchange of best practices and the maintenance of an inventory of technical assistance and cooperation projects and resources, the Plan of Action calls on the OAS to continue to its work relating to the Horizontal Cooperation Project in the Area of Labour.

#### **B.** Activities:

- In the area of Training and Certification of Labour Competencies:
  - 1. Organize a Seminar for the Caribbean Member States on the topic of Certification of Labour Skills, to analyze the exemplary experience of CONOCER of Mexico, enriched with inputs from other countries. This Seminar would take place at the OAS Institute for Advanced Studies for the Americas in Miami.
  - 2. Carry out a Virtual Course on Certification of Labour Skills based on the exemplary experience of CONOCER of Mexico, through the OAS Education Portal of the Americas, with the collaboration of trainers from CONOCER.
- In the area of Occupational Health and Safety:
  - 1. Organize a workshop on the program selected by the Ministers of Labour and Health attending the joint conference of PAHO and OAS. (explained above)

## **COMPONENT 3: Support to the IACML and its Advisory Bodies**

This component seeks to take advantage of technologies to foster the exchange of information, to make available relevant documentation and to facilitate the participation of various actors, especially the advisory bodies COSATE and CEATAL, in the implementation of the Plan of Action of Salvador. Additionally, this component sets the groundwork for intersectoral coordination as defined by the Declaration and Plan of Action of Salvador and which has been called for in previous Declarations and Plans of Action of the IACML.

## A. Objectives:

- Increased participation and interaction:
  - Member States and Advisory Bodies must be at the forefront of the implementation of the Plan of Action.
  - Collaboration among international organizations and among the Member States is indispensable to realize the Plan of Action in real terms.
  - O Channels of permanent and open communication among the key actors noted in the Plan of Action would strengthen implementation.

## **B.** Activities:

- Design, upload and maintain the website of the Conference<sup>2</sup>, that will include:
  - o The Declarations and Plans of Action of at least the last three Conferences.
  - o Previous and current information about the Working Groups, mainly the documents they've produced and the activities they are undertaking.
  - o Information about the different Ministries and Advisory Bodies participating in the IACML process.
  - Useful sources of information for the activities of the Working Groups and for reference to the Ministries.
  - o Inventory of technical assistance and cooperation projects and resources.
  - Links to websites of organizations and projects related to the activities of the IACML [USDOL/ILO Project, ILO, IDB, etc.].
- Update, modify and maintain the Virtual Forum opened for the XIII IACML, in order to provide a permanent virtual space for the revision and discussion of various documents and issues that arise from the Working Group meetings and other IACML related events.
- Build a more interactive and permanent communication between COSATE and CEATAL with the OAS, to bring their views, on an on-going basis, to the IACML process.
- Work with the Global Development Learning Network of the World Bank Institute to hold topical videoconferences among Member States, Advisory Bodies and experts in order to increase interactivity among the actors during the period between IACML meetings.

# <u>COMPONENT 4: Inter-American Cooperation Mechanism for Professional Labour</u> Administration

This component is based on the proposal for a feasibility study for an Inter-American Cooperation Mechanism for Professional Labour Administration, presented by the Chair pro tempore of the XII IACML.

## A. Objectives:

- Recognizing the need to foster development and modernization of the Ministries of Labour, especially in the small economies of the Hemisphere, new means for efficient and effective technical assistance and horizontal cooperation need to be determined.
- A concrete strategy, agreed upon by all Member States, would be a key step in achieving the goals laid out in the Plan of Action.

#### **B.** Activities:

 Provide partial financing for a feasibility study on an Inter-American Cooperation Mechanism for Professional Labour Administration, directed by the past, present and future IACML Chairs pro tempore in consultation with the Chairs and Vice-Chairs of the two Working Groups. The study will be administered by the Unit for Social Development and Education of the OAS.

<sup>&</sup>lt;sup>2</sup> The website for the XII IACML, developed by the Chair pro tempore (Canada) can be used as a point of reference for a website that comprises information from various Conferences. The current situation and future plan for the XII IACML website has to be discussed with the past and future Chairs pro tempore.

• The feasibility study will take into consideration the evaluation undertaken by the Working Groups regarding the convenience of maintaining the Information System on Labour Markets (SISMEL). Based on this evaluation funding can be designated to support SISMEL activities.

## FINANCIAL NOTE:

This Program will be implemented within the span of the XIII IACML. The estimated cost of all the activities has been considered in the determination of program components. The Troika (Canada, Brazil and Mexico) and the Chairs of the two Working Groups of the IACML will determine the exact allocation of funding for the different components of this program, as outlined in the Resolution on the "Use of OAS resources of the reserve subfund for capital investments and to meet OAS mandates in support of the XIII Inter-American Conference of Ministers of Labour of the OAS Declaration and Plan of Action".

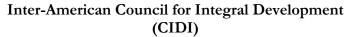
Some of the activities contemplated in this program have a co-financing component, while others will depend on the funding that is solicited from international organizations and the Member States. It is the role of the Member States to provide and seek funding for the various activities and to decide upon how the US\$190,833.33 of the OAS sub-fund will be utilized.

# <u>APPENDIX II – REPORTS OF THE CONFERENCE</u>

- Final Report of Working Group One
- ❖ Final Report of Working Group Two
- ❖ Final Report of the XIII Inter-American Conference of Ministers of Labour Technical Preparatory Meeting



# **ORGANIZATION OF AMERICAN STATES**





XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.5/03 23 September 2003 Original: Spanish

# REPORT OF WORKING GROUP 1 LABOR DIMENSIONS OF THE SUMMIT OF THE AMERICAS PROCESS: GLOBALIZATION, EMPLOYMENT AND LABOR

- XII Conférence interaméricaine des ministres du Travail
- XII Inter-American Conference of Ministers of Labour
- XII Conferencia Interamericana de Ministros de Trabajo
- XII Conferência Interamericana de Ministros do Trabalho

#### REPORT OF WORKING GROUP 1

# LABOR DIMENSIONS OF THE SUMMIT OF THE AMERICAS PROCESS: GLOBALIZATION, EMPLOYMENT AND LABOR

## I. INTRODUCTION

The Ottawa Plan of Action of the XII Inter-American Conference of Ministers of Labor (IACML) tasked Working Group One with examining the labor dimensions of the Summit of the Americas process, including questions of globalization related to employment and labor. The Working Group was asked to identify areas of agreement and issues where further work needs to be done, and prepare a report containing recommendations for consideration of the XIII Conference.

The Working Group was also mandated to create a process for improved collaboration and coordination on the labor dimensions of the Summit of the Americas process, between labor ministries and other appropriate ministries and key international organizations.

At the outset, the Working Group decided to focus its discussions on the labor dimensions of economic integration, both because of the current importance of the topic and in the interest of ensuring a manageable scope for its deliberations.

The Working Group met twice, in Santo Domingo, Dominican Republic, April 9-11, 2002, and in Montevideo, Uruguay, March 31 and April 1, 2003. The work program was supplemented with several seminars and technical workshops. Representatives from COSATE and CEATAL participated in all of these activities.

These meetings served as a valuable means for improved collaboration and coordination with key international organizations on the labor dimensions of the Summit of the Americas process. Further, the work program provided key opportunities to engage in productive discussions in this regard with officials from other relevant government ministries.

The discussions of the Working Group benefited from the presentations, views and reports provided by invited academics and international organizations.

This report summarizes our deliberations and presents our recommendations for consideration by Ministers of Labor. It begins with a synthesis of central themes and observations that emerged in Working Group discussions. These themes provide context for the specific points of agreement and proposed areas for future work that follow. The report concludes with recommendations. In response to

the request from the hemisphere's Trade Ministers, we recommend that this report be shared with them, prior to their next Trade Ministerial in November 2003.

## II. CENTRAL THEMES EMERGING FROM OUR DELIBERATIONS

Labor Ministries support a common agenda for improving the well being of workers throughout the hemisphere. This agenda is reflected in the goals articulated by Heads of State in the Third Summit of the Americas "to create greater prosperity and expand economic opportunities while fostering social justice and the realization of human potential." Integration can and should serve this goal.

The integration process is broader than economic considerations alone. The labor dimension cannot be viewed in isolation from other aspects of the Summit of the Americas process. Our governments' initiatives to promote democracy, security, transparency in governance, and economic and social development are interdependent and mutually reinforcing. Labor markets, just as capital markets, depend on transparent and effectively administered laws and regulations to function efficiently. A skilled and adaptable workforce is essential to realize the potential benefits brought about by economic integration. Promoting compliance with the basic rights of workers contributes to social and political stability and to broadly based prosperity. Modern labour policies that put human beings at the center of all economic activity are a key to the success of a global economy.

Ministries of Labor must contribute to the creation of an appropriate policy and programmatic framework to mitigate the potential negative effects that the integration of our economies could generate on labour markets, both at the domestic and the regional levels. We examined different approaches that have been adopted to respond to the needs of unemployed workers. We considered the important role of employment services and of timely, accurate labor market information in our dynamic economies, and the emergence of new employment relationships in the digital world. We place continued emphasis on the need to improve the capacity of Labor Ministries throughout the hemisphere to perform these functions by, *inter alia*, strengthening their professional career staffing; developing sound management systems and expertise; and promoting social dialogue.

Regional integration agreements throughout the hemisphere, multilateral instruments and recently negotiated Free Trade Agreements contain labor commitments. We debated the strengths and limitations of various modalities of labor commitments. Further, we have commissioned a study to analyze, in volunteer subject countries, the de facto implications of such labor commitments, including a review of legal instruments in place to give effect to these labor commitments as well as the procedures and practices used to enforce them. We considered the important contributions of different cooperative mechanisms, even beyond the hemisphere, to build capacity in support of these commitments and the overarching goals of improved working conditions and rising standards of living.

Economic integration is vital to the future of working men and women in the western hemisphere. An increasing stream of productive investments, trade across borders free of protectionist discrimination, and secure international markets are key to economic growth and development. At the same time, we recognize that economic integration presents challenges for workers, as well as opportunities. Challenges vary from one country to another, but are faced by all -- mature industrialized economies as well as small

or developing economies. In some circumstances, the forces of globalization may enhance short-term economic incentives to avoid labor practices and policies that serve the long-term best interest of governments, workers, employers and economies. In some areas, there is concern about exclusion and readiness to compete in an increasingly global economy. In this economy our common agenda is also in our common interest.

The task for Ministries of Labor is to prepare our people to take advantage of the opportunities presented in a dynamic economy; foster workplaces that put human capital and effort to their best use; reaffirm human dignity and the central role it plays in the economic and business world; promote effective compliance with, and ensure effective application of, labour laws and standards; and, to implement programs that lessen the negative impacts on workers, particularly for those most vulnerable groups of individuals. Ministries of Labor must direct renewed efforts, including social dialogue, toward increasing our understanding of the labor impacts of integration, so that we are better able to respond to the needs of workers and their families. Building the confidence of workers in their ability to adapt to change and to benefit from integration will broaden our societies' support of the Free Trade Area of the Americas process.

Collaboration and cooperation between Ministries of Labor and other ministries, both at the national level and in international fora, provides a fuller understanding of interrelationships and better informs our policy deliberations and decision-making. We recognize the need to fully evaluate the labor and employment implications of economic policies.

Finally, greater attention must be directed to ensuring that labor commitments undertaken by Heads of State in the Summit of the Americas and by Labor Ministers in the IACML and in other multilateral instruments are translated into actions and practical outcomes. For our Working Group, this demands an even deeper focus to completely understand the existing relation between the labor and the economic dimensions of integration.

## III. AREAS OF AGREEMENT AND ISSUES FOR FURTHER WORK

- In a context of deepening international economic integration, the commitment of the Heads of State and Government of the Americas to adopt and implement legislation and policies that provide for the effective application of core labor principles as embodied in the ILO Declaration on Fundamental Principles and Rights at Work, and the rejection of the use of labor standards for protectionist trade purposes, are of central importance.
- The Decent Work Agenda of the ILO including the strengthening of social dialogue is central to the labor and employment dimensions of the Summit of the Americas process. Integration under the Summit process should be pursued in a manner that maximizes opportunities to realize that agenda.
- We strongly support and encourage other efforts under the Summit process to promote democracy, financial market stability, transparency, the rule of law, accessible health care, and lifelong

learning and accessible education, as important complements to the labor and employment dimensions of the Summit of the Americas process.

- Ministries of Labor have a vital and multi-faceted role in providing the necessary foundations to achieve the broad goals of the Summit of the Americas:
  - Promote and protect the basic principles and rights of workers, as embodied in the ILO Declaration on Fundamental Principles and Rights at Work;
  - Preparing workers and employers to succeed in a dynamic integrated economy by providing them with the requisite skills;
  - Improving the functioning of labor markets by providing workers with increased economic security and training during unemployment and access to employment services to assist in the transition to new employment;
  - Fostering the comprehensive development of individuals and the productive potential of workplaces;
  - Deepening the understanding of the labor impacts of integration, including through social dialogue; and
  - Participating actively in key economic and social policy debates to foster productive employment.
- We strongly support and encourage efforts to modernize and strengthen labor ministries to carry out these functions. Horizontal cooperation and technical assistance have an important role to play in this regard. The mandate and efforts of this Conference to increase the effectiveness of capacity building projects and technical assistance would benefit significantly from the development of appropriate networks and other means to structure them and provide continuity. The discussion document presented by the Chair pro tempore entitled Modernizing Labor Administration: Concept Paper for an Americas Institute for Professional Labor Administration has provided a sound basis for further work. We acknowledge the valuable contribution of Mexico in its discussion paper entitled Inter-American System of Labour Cooperation.
- This Working Group has been tasked with considering the implications of the ILO report "Labor Standards and the Integration Process in the Americas". We have followed up with discussions of the labor provisions of various regional institutions and by commissioning a report on the operation in practice of the labor commitments of those agreements and institutions, which the Conference will receive shortly. It will be important to build on this work.

- Further enquiry is needed into the effects of economic integration upon labor markets and labor policy, into methods for studying these questions and into means to enable labor ministries in smaller economies to undertake such analyses.
- A productive dialogue with trade officials in the course of IACML meetings, in particular in view
  of the request by Trade Ministers in their Quito Declaration of November 2002, for a report on the
  results of this Working Group, will promote a more informed approach to the integration process
  and the Free Trade Area of the Americas. There is significant value in continuing such exchanges
  of views and information with Trade Ministries, and in seeking similar exchanges with other
  relevant ministries.
- Valuable contributions were made through the active participation in our work by business and labor, through CEATAL and COSATE, and by key international organizations including the Pan-American Health Organization, the Organization of American States, and the International Labor Organization.

## IV. RECOMMENDATIONS

The Working Group respectfully recommends that Ministers of Labor prepare a Plan of Action leading the IACML to:

- 1. On the basis of the work of the XI and XII IACML on different regional agreements and institutions addressing labor standards in the context of integration, and the continued study of labor provisions in emerging free trade agreements, elaborate options emphasizing cooperation to allow a better implementation of labor commitments and labor legislation and policies, including through increasing the capacity of Labor Ministries;
- 2. Conduct further enquiry into the effects of economic integration upon labor markets and labor policy, into methods for studying these questions and into means to enable labor ministries in smaller economies to undertake such analyses;
- 3. Develop the institutional means to structure coordination and collaboration of strengthening Labor Ministries' capacity to carry out their functions. To this end, commission a feasibility study, with recommendations, to be bought forward for the consideration of the XIV IACML;
- 4. Extend invitations to senior officials from relevant ministries, as appropriate, to attend IACML seminars, workshops, and Working Group meetings when agenda items address topics of cross-cutting nature. Ministries of Trade and Ministries of Education were identified in this regard by the Working Group;
- 5. Continue to encourage the active participation of CEATAL, COSATE and key international organizations in the work of the Conference regarding the labor dimensions of the Summit of the Americas process; and,

6. Convey the contents of this report to Trade Ministers in response to the request in their Quito Declaration of November 2002.

## **ANNEXES**

- A.- Country presentations on labor dimensions of integration (Antigua and Barbuda, Argentina, Canada, Chile, Mexico, Uruguay)
- B.- Labor dimensions of integration from the employers' perspective (CEATAL)
- C.- Labor dimensions of integration from the workers' perspective (COSATE)
- D.- Status of follow-up study on Labor Standards and labor integration agreements (XII IACML-ILO Project)



# **ORGANIZATION OF AMERICAN STATES**

# Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.6/03 23 September 2003 Original: English

# REPORT OF WORKING GROUP 2 BUILDING THE CAPACITY OF LABOR MINISTRIES

## XII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR (IACML)

# REPORT OF WORKING GROUP 2 BUILDING THE CAPACITY OF LABOR MINISTRIES

## I. INTRODUCTION

The Ottawa Plan of Action of the XII Inter-American Conference of Ministers of Labor (IACML) gave Working Group 2 (WG2) a three-part mandate. First, WG2 was tasked with developing new mechanisms to increase the effectiveness of projects and technical assistance to build the capacity of smaller economies and their labor institutions. Secondly, WG2 was to focus on best practices to promote key labor laws and policies, including by preparing a report on how best practices could be promoted in the hemisphere. Finally, the Working Group would promote the ILO *Declaration on Fundamental Principles and Rights at Work*, focusing on public awareness and private sector initiatives in support of the Declaration, and by addressing both the challenges that member states are facing in enhancing respect for Declaration principles and rights, and ways in which those challenges can be met with the help of technical assistance. This work would give particular attention to the ILO *Convention on the Worst Forms of Child Labor (No. 182)*.

The Working Group met twice, first in Santo Domingo, Dominican Republic, April 8 and 9, 2002, then in Montevideo, Uruguay, April 3 and 4, 2003. WG2 received presentations and papers from individuals, international organizations and representatives of business, labor and governments. In addition, it has commissioned reports and studies, to be prepared by the International Labour Organization and the Organization of American States. The Working Group wishes to thank all of those who provided these valuable inputs, which have contributed in important ways to the advancement of its agenda.

This report provides a brief summary of activities with respect to each of the three dimensions of the Working Group's mandate. For each dimension it then draws together key themes and conclusions. The report concludes with a list of suggestions for further work. Presentations to the Working Group meetings are available through the XII IACML website at www.xii-iacml.org

# II. NEW MECHANISMS TO INCREASE THE EFFECTIVENESS OF TECHNICAL ASSISTANCE

## (a) Summary of Activities

WG2 took concrete steps towards developing new mechanisms to increase the effectiveness of projects and technical assistance to build the capacity of labor ministries. It commissioned and considered surveys and analyses of capacity building needs, an inventory of available technical assistance resources, and a preliminary report on best practices in technical assistance programming focusing on sustainability of results. This work has provided essential information for matching needs and available resources, learning from and building on experience, and a basis for improving collaboration and coordination among states and key international institutions

WG2 received and considered reports and presentations on technical assistance projects to:

- strengthen the capacity of labor administration (ILO/MATAC);
- strengthen social dialogue (ILO/PROMALCO);
- disseminate good practices and knowledge required for the prevention of occupational injury and disease (Pan American Health Organization (PAHO) Healthy Workplace Initiative).

In the course of Working Group meetings, governments, international organizations, and business and labor representatives also exchanged information on assistance initiatives and the conditions that enable such initiatives to achieve sustainable results.

Finally, the ILO and OAS Unit for Social Development and Education (USDE) undertook activities specifically in support of the Working Group's agenda, including country-specific diagnostics of capacity strengthening needs, and organizing and delivering horizontal cooperation workshops.

Specific Working Group activities included the following:

- The XII IACML-ILO Project on Principles and Rights at Work and the OAS/USDE conducted surveys of technical assistance needs of smaller economies. The former focused on devising ways for more efficient means to implement labor regulations; and the latter on active labor market policies and the modernization of state and labor administration. Efforts are currently underway at the OAS to gather best programs for the improvement of labor administration, occupational health and safety, gender integration in labor, and certification of labor competencies.
- Five member states in Latin America and the Caribbean (Peru, Trinidad and Tobago, Nicaragua, Paraguay, and Ecuador) undertook, with the assistance of the ILO Project, a comprehensive labor administration needs diagnosis.
- The ILO Project is developing on behalf of the Working Group a preliminary analysis of best practices in the area of technical assistance, focusing on the enabling conditions for sustainable results. It also assembled a comprehensive inventory of current labor-related multilateral and bilateral assistance projects and donor agencies operating in the hemisphere.
- Future activities of the ILO Project include a comprehensive labor administration needs diagnosis, the implementation of two horizontal cooperation agreements, a series of technical assistance proposals, and a complete evaluation of project results.
- The business and labor advisory committees of the Conference (CEATAL and COSATE) provided substantive needs analyses on capacity strengthening by labor ministries.
- The Working Group received and considered valuable discussion papers and presentations containing concrete proposals to improve collaboration and coordination in support of capacity strengthening, including *Modernizing Labor Administration: Concept Paper for an Americas Institute for Professional Labor Administration* (Chair pro tempore); *Inter-American System of Labor Cooperation* (Mexico).
- Uruguay, as pro tempore Secretariat of the SISMEL project, launched its website in February 2003. The SISMEL project is working towards the improvement of countries' ability to produce, analyze, manage and disseminate labor market information, with a particular focus on comparability and reliability indicators.

## (b) Key Themes and Conclusions

Labor ministries play an increasingly important and complex role in an integrating international economy. Their mandates generally include the key elements identified by the ILO in its Decent Work Agenda: realizing standards and fundamental principles and rights at work; creating greater opportunities for women and men to secure decent employment and income; enhancing the coverage and effectiveness of social protection for all; and strengthening social dialogue between business, worker representatives and governments. Realizing these mandates in a competitive international economy calls upon labor ministries not only to develop and implement laws and policies for the protection of working people, but also to take steps to ensure that human capital is effectively mobilized in the workplace and in the labor market. The labor market, just as financial markets or stock markets, depends for its efficient functioning upon modern, transparent and effectively administered laws and regulations, and clearinghouses of information. Moreover, labor ministries need to be in a position to participate actively in setting government economic policy agendas, including establishing processes of dialogue with ministries of trade, finance and industry.

This calls for modernized, professional labor policy making, administration, and tribunals. Labor ministries should be supported by reliable information systems that enable them to participate in economic policy making, foster efficient labor markets, and effectively deploy enforcement resources. They should develop management systems to ensure accountability and continuous improvement. They should be accessible to the public, be capable of disseminating information on good practice, and of fostering social dialogue.

In many places the ability of labor ministries to meet these aims is hindered in numerous ways. In particular, there is often high turnover of labor ministry staff, little or no training of personnel, little coordination between government departments, and little capacity to foster social dialogue between worker and employer representatives. Many labor ministries, especially in the smaller economies, would benefit from strengthening staffing, management, information, social dialogue, alternative dispute resolution, inspection and other systems, which are vital to their effectiveness.

Technical assistance and horizontal cooperation have a key role to play in strengthening the capacity of labor ministries. Key international organizations such as the ILO have made substantial contributions to the dissemination of expertise and good practice. There is a need to build on these initiatives, and to improve collaboration and coordination in order to strengthen their effectiveness and continuity. In particular, the IACML should explore networks and institutional mechanisms to facilitate horizontal cooperation, pool resources, and to assist labor ministries in developing comprehensive strategies to strengthen capacity, drawing upon available technical assistance resources and best practices developed in other member states. The discussion document presented by the Chair pro tempore entitled *Modernizing Labor Administration: Concept Paper for an Americas Institute for Professional Labor Administration* has provided a sound basis for further work. We also note the valuable contribution of Mexico in its discussion paper entitled *Inter-American System of Labor Cooperation*.

In developing new mechanisms to increase the effectiveness of technical assistance, it will be essential to monitor and assess the conditions that enable sustainable results to be obtained. Preliminary analysis of experience suggests that successful capacity strengthening programs require political will at all levels of government; participation at all phases by social partners who have a stake in the work; that ministries and agencies take ownership of projects in their design, monitoring and evaluation; and professional staffing systems backed by sufficient financial means.

## III. PROMOTING THE ADOPTION OF BEST PRACTICES

# (a) Summary of Activities

Working Group meetings served as a forum for exchange of information on best practices by labor ministries in meeting their mandates and by international organizations in assisting them in that regard. The OAS/USDE also undertook the development of horizontal cooperation initiatives to directly support this aspect of the Working Group's agenda. In addition to those listed in Part II above, specific activities included:

- The OAS Inter-American Agency for Cooperation and Development compiled a portfolio of best practices in the field of occupational safety and health which could be made available to member states through horizontal cooperation.
- OAS/USDE intends to extend this work, developing a permanent portfolio covering other areas of labor policy and administration. It has also established a virtual forum accessible by IACML members, which can serve as a focal point for exchanges of best practice information.
- The OAS/USDE has developed and is working to implement a series of three technical assistance workshops: (1) a workshop on building institution training capacity for entrepreneurs and small businesses, based on the SENAI and SEBRAE programs from Brazil; (2) a virtual workshop via the Education Portal of the Americas; and (3) an onsite workshop in Mexico. Both the virtual workshop and onsite workshop are based on Mexico's CONOCER program on labor certification. An initial "training of trainers" for the virtual workshop is expected to commence in the fall of 2003. The two workshops involving CONOCER are based on previous conferences held in 2002 in Mexico and Panama on skills certification. Additionally, all of the workshops respond to needs identified by the Unit in its surveys and are based on the priority areas identified by the XII IACML. These workshops are made possible in part through funding support from the OAS fellowship program and the generous offers by member states willing to share their best programs.

At Working Group meetings, parties exchanged information on advances in a number of areas:

- Dominican Republic and Chile made presentations on their countries' progress in promoting respect for and application of the ILO *Declaration on Fundamental Principles and Rights at Work*.
- Mexico offered an overview of its comprehensive labor reforms in which social dialogue played a key part in the process.
- Chile addressed its labor inspection and enforcement systems highlighting the role of labor administration in the regulation of employment.
- Barbados presented its successful initiative to deepen social dialogue on matters of economic policy.
- The successful results of the ILO/MATAC project in the Dominican Republic underscored the need for support from social partners, political leaders and international organizations.
- The ILO/PROMALCO project illustrated the practical implementation of the ILO Declaration through labor-management cooperation.
- The OAS Inter-American Commission for Women (OAS/CIM) presented best practices and strategies for gender mainstreaming in the policy making and operations of labor ministries.
- PAHO presented its regional blueprint for sustaining the health of workers through a four-tiered program.
- The ILO made a number of presentations on best practices and lessons learned in raising awareness of the principles and rights in the ILO Declaration on Fundamental Principles and Rights at Work, and on

programs to eliminate child labor, with a particular focus on the worst forms of child labor (discussed below).

## (b) Key Themes and Conclusions

The Working Groups notes that the exchange of best practices at Working Group meetings has played an important role in providing labor ministries with tools to strengthen their policy and administrative capacity. It also encourages the OAS/USDE to build upon its initiatives to facilitate horizontal cooperation and compile a portfolio of best practices. These should make a valuable contribution to the work of the Conference in promoting the strengthening of labor ministry capacity throughout the hemisphere.

IV. PROMOTING THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

# (a) Summary of Activities

Working Group meetings served as a focal point for disseminating information on technical assistance programs and private sector initiatives to improve awareness of and respect for Declaration principles and rights, with a particular focus on eliminating child labor. Meetings also served as a forum for social dialogue, including presentations by business and labor directly addressing the challenges in ensuring respect for Declaration principles and rights. Activities included:

- Presentations by the ILO on initiatives to raise awareness of the Declaration within countries of the hemisphere, on tools available from the ILO for that purpose, as well as on strategies and lessons learned.
- COSATE and CEATAL provided detailed presentations on the challenges facing governments in ensuring respect for ILO Declaration principles and rights in the Americas and underlined the need to continue the dialogue and to monitor employers' progress in the application of Declaration principles.
- The Working Group also considered presentations from business, labor and non-governmental organizations on the strengths and limitations of, as well as lessons learned with respect to, private sector initiatives to promote respect for Declaration principles and rights.
- ILO/IPEC held a workshop for Working Group members on time-bound programs for the elimination of child labor, with a particular focus on the worst forms of child labor.
- Mexico, Chile and the Dominican Republic each gave reports on new initiatives to eliminate child labor
  within their jurisdictions. Mexico's presentation of a specific action program focused on the
  multidimensional approach in its permanent national campaign; Chile addressed the underlying
  economic and social factors of child labor and underscored the importance of preventive policies; the
  Dominican Republic noted that government child labor initiatives began in 1997 and that two
  commissions are currently involved in designing child labor eradication policies.

# (b) Key Themes and Conclusions

(i) Promoting the ILO Declaration

The Declaration constitutes a key global consensus on fundamental principles and rights that apply at all levels of development. At present the Declaration is promoted mainly through the global reporting mechanism of the Declaration Follow-up, through ILO technical assistance programming, and through national publicity campaigns initiated with technical assistance from and promotional resources developed by the ILO. Private sector initiatives such as employer and industry codes of conduct are increasingly based upon Declaration principles and rights. These steps have succeeded in significantly raising awareness of the Declaration within a relatively short period of time.

Based on experience to date, WG2 sees opportunities for the future in the following areas:

- National governments could develop, with the assistance of the ILO, national action plans for the
  promotion of the Declaration, including, where appropriate, steps to encourage the incorporation of
  Declaration principles and rights into private sector initiatives. National strategies could include
  education programs to be addressed to school age children based on the idea that they will in the future
  become workers who should benefit from Declaration principles and rights.
- Strengthening social dialogue is an important aspect of Declaration promotion, since social dialogue contributes to respect for Declaration principles and rights, and since tri-partite initiatives can effectively reach the workplace level.
- Developing within individual countries indicators of fundamental rights, as an aspect of indicators of decent work, would provide benchmarks for reviewing progress, identifying best practices, and effectively targeting resources.
- The aim of ensuring respect for Declaration principles and rights should, like other aspects of the Decent Work Agenda, be incorporated into national social and economic policy making. This often entails, as noted above, a strengthening of the capacity of ministries of labor to participate in national policy making.
- The IACML should continue to work with the ILO to ensure that it receives and considers information on lessons learned in implementing strategies to promote the Declaration.

## (ii) Eliminating the Worst Forms of Child Labor

Since its adoption in 2000, 26 states in the Americas have ratified the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). Most states in Latin America have begun to incorporate data on child labor into national labor statistics. Seventeen states in the Americas now have multi-stakeholder national commissions for the eradication and prevention of child labor. Fourteen have developed national action plans to that end. Many labor organizations have created special units or departments on child labor, and a network of over 500 non-government organizations has mobilized its efforts against child labor. The ILO has, through its IPEC program, implemented over 70 projects to eliminate child labor, especially its worst forms, covering over 200,000 children and youth and 50,000 families. This is remarkable progress within a short period of time.

Based on this experience, the Working Group sees opportunities to build on this work in the following areas:

• Eradicating child labor requires a coordinated effort among relevant government ministries, including ministries of education. The success of such coordination will of course depend upon the capacity of labor ministries to act as leads on child labor initiatives.

- The elimination of child labor also depends upon the effectiveness of traditional labor law enforcement systems, especially inspection systems. Again, capacity strengthening can make an important contribution.
- National governments should be encouraged to develop, where appropriate and with the assistance of the ILO, time-bound programs for the elimination of the worst forms of child labor.
- The effectiveness of programs to eliminate child labor can be significantly enhanced through social dialogue, tripartism, and coordination among other social actors interested in the issue.
- It is important to systematize, communicate and evaluate experiences in the various countries of the Americas with initiatives to eliminate child labor, especially in its worst forms. In this regard, the IACML should continue to work closely with the ILO.

## V. AREAS FOR FURTHER WORK

On the basis of the above considerations, the Working Group respectfully recommends that Ministers of Labor:

- A. Build on the steps taken by this Working Group to develop new mechanisms to improve the effectiveness of technical assistance in support of capacity strengthening by:
  - 1. exploring networks that aim to support the strengthening of capacity of ministries of labor; and in particular
    - commissioning a feasibility study into the development of institutional means to structure coordination and collaboration for the purposes of capacity strengthening of labor ministries on the basis of a proposal to be presented by the Chair pro tempore for an Americas Institute for Professional Labor Administration. This study and its recommendations would be brought forward for decision during the XIII IACML; and
    - calling upon the OAS to build upon its initiatives to establish portfolios of best practices to be disseminated through horizontal cooperation;
  - 2. ensuring that the inventory of technical assistance and cooperation projects compiled by the ILO in support of the XII IACML is maintained and made accessible to IACML members on an ongoing basis; and
  - 3. following up on studies and reports submitted to this Working Group by examining the enabling conditions for sustainable capacity strengthening.
- B. Continue to exchange best practices in labor policy making, implementation and enforcement at Working Group meetings and/or through parallel initiatives supported by key international organizations.
- C. Continue to promote respect for the principles and rights in the ILO Declaration by working with the ILO to:
  - 1. ensure that IACML members are informed of best practices and available resources to raise public awareness of the Declaration;

- 2. communicate and evaluate experiences in the various countries of the Americas with initiatives to eliminate child labor, especially in its worst forms; and
- 3. develop within individual countries indicators of fundamental rights, as an aspect of indicators of decent work, to provide benchmarks for reviewing progress, identifying best practices, and effectively targeting resources.

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# **ORGANIZATION OF AMERICAN STATES**

Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24 - 26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/INF.1/03 23 September 2003 Original: English

# FINAL REPORT OF THE TECHNICAL PREPARATORY MEETING OF THE XIII IACML

# FINAL REPORT OF THE TECHNICAL PREPARATORY MEETING OF THE XIII IACML

Brasilia, Brazil July 23-24, 2003

## **OPENING SESSION**

## **Opening remarks**

Jaques Wagner, Minister of State for Labour and Employment, Brazil

Minister Wagner addressed the challenges posed by globalization as they impact labour, employment, and income in the Americas. He asserted that the benefits of globalization need to be made more inclusive as we move towards increasing regional and hemispheric integration. In his view, integration should be considered more than just trade treaties and must incorporate the varied national perspectives that exist. Additionally, he reiterated that the challenges to labour in the Americas should be met with increased horizontal cooperation and sharing of solutions among countries based on their varied orientations. Finally, he stated that globalization must not be viewed from the outside by labour Ministers and they must overcome traditional roles to become engaged in making globalization work for the people of the Hemisphere.

## REPORTS BY INTERNATIONAL ORGANIZATIONS

## Report of the OAS

Sofialeticia Morales, Director, Unit for Social Development and Education, Organization of American States

Dr. Morales reported on the Unit for Social Development and Education's Virtual Forum, which was launched in early July to support discussion and consensus building on the Declaration and Plan of Action of Salvador amongst delegates. She noted that six delegations had posted comments and that prior to the Preparatory meeting delegates reviewed these comments extensively through the Virtual Forum. Additionally, the Director discussed the status of her Unit's Horizontal Cooperation Strategy, highlighting the creation of an interactive CD-ROM containing a Permanent Portfolio of Consolidated Programs in Labour that will be completed for the up-coming Ministerial Meeting. Also, Dr. Morales presented a proposal from the Inter-American Agency for Co-operation for Development (IACD) on convening a short seminar on Corporate Social Responsibility (CSR) in conjunction with the Ministerial meeting. Finally, she pointed out to delegates that, with the finalization of the FTAA in 2005, the Declaration of Salvador was an important opportunity for Labour Ministers to put their concerns with this process into words.

Q/A: Various delegations congratulated the OAS on its continuing efforts to support the Conference and delegates recognized that the limited participation in the Virtual Forum represented the fact that this was a new use of technology that would take time to learn and fully utilize. Dr. Morales

expressed that there is a need to become familiar with the culture of the Forum and that this was a learning process the OAS would embark on with the Member States and IACML advisory bodies. Delegates expressed that the Forum could be used to deepen the discussions and could be put to good use during the interim periods between IACML meetings. Additionally, delegates expressed concerns regarding the timing of the seminar on CSR given the tight schedule of the Ministerial. Dr. Morales agreed to forward these concerns on to the IACD and to work with the Chair pro tempore to determine the next steps.

# Analysis of labour legislation and policies within 5 sub-regional agreements and summary of conclusions on sub-regional integration process

Virgilio Levaggi, Regional Specialist, ILO Regional Office for Latin America and the Caribbean

Mr. Levaggi presented a comparative analysis of the labour aspects in SICA, CARICOM, CAN, MERCOSUR and NAFTA. The analysis was based on various studies carried out by ILO consultants focusing on the legislative aspects of different sub-regional agreements. The main conclusions presented by Mr. Levaggi were:

- 1) Sub-regional integration processes have significantly developed standards regarding the ILO's rights and principles, although greater development is required in national legislation.
- Serious limitations exist to apply standards and commitments because labour laws do not cover many sectors and insufficient mechanisms exist at the national level to put laws into practice.
- There is general agreement that illegitimate competition that does not respect fundamental labour rights should not be promoted or accepted.
- 4) Representatives of social organizations that were consulted by the ILO are, in general, in favour of the integration process and the development of a social and labour dimension in the same, especially when these aspects are related to respect for the fundamental rights of workers. However, they consider the participation of social actors in integration processes should be greater than it is at present.
- Although there are abundant co-operation projects in the region that are destined to help countries achieve sustainable progress in the area of respect for fundamental labour rights, including the eradication of child labour and forced labour, this is still not sufficient.

Mr. Levaggi highlighted that the countries in the region, acting individually or as sub-regional blocks, at some point will have to adopt decisions about whether the hemispheric Free Trade Area that they are negotiating should include a social-labour dimension or not. If they decide in favour, the basic nature and legal framework of this dimension will have to be determined.

The presentation was concluded with the following recommendations: 1) It is recommendable that countries where the labour legislation hasn't addressed fundamental labour rights sufficiently or adequately, that governments proceed with the development of said rights. 2) Greater participation of the social actors in the integration processes and bodies, as well as in the course of negotiations, would make

them more dynamic and draw the social support that they are lacking at times. 3) Multilateral and bilateral co-operation projects must be developed in detail and with a global perspective in order to strengthen the objectives of complying with fundamental rights. 4) IACML provides a great opportunity for analysis of the conclusions and recommendation of this study.

Q/A: The representative from COSATE expressed that the role that the Ministries of Labour have to play in free trade agreements has to be decided. He pointed out the union movement believes the FTAA is not a process of integration, but simply a trade agreement. Additionally, delegates requested this document to be posted in the Virtual Forum. In this regard, Mr. Levaggi pointed out that this document would remain confidential until the Ministries decide to make it public.

# Preliminary assessment of needs and recommendations for best practices in labour administration Veronica Oxman, Chief Technical Advisor, XII IACML-ILO Project

Mrs. Oxman presented a summary of the work she has been carrying out as part of the "Principles and Rights at Work in the context of the XII IACML" Project of the ILO/US-DOL. She reported that she has been working closely with the countries in the Hemisphere to develop a clear picture of current labour administration practices and to more closely link the activities ongoing in the region with those of the ILO. She noted in particular that labour Ministries often suffer from the following: limited information dissemination, difficulties linking statistics with the development of labour policies, difficulty sharing information, human resources limitations, and insufficient administrative procedures, among others. From Mrs. Oxman's database of programs there a number of examples of best practices that, if shared amongst countries, could alleviate some of the above-mentioned challenges. Additionally, she stated that program development could be improved with tripartite collaboration and that countries need to recognize that technical assistance is a "two-way street", which requires a commitment of both parties.

Q/A: Delegates underscored the importance of the work of Mrs. Oxman, recognizing that concrete assessments of labour administration can be built upon and the resulting conclusions can be used to promote needed solutions. Guatemala stated that this project allows delegates an opportunity to reflect on globalization as a force that can strengthen labour administrations by helping the Member States to work in new ways. The Dominican Republic stated that it is important to keep in mind, when considering issues of administration in the Americas, that many countries suffer from the changing dynamics of internal politics, especially over different terms and orientations of governments. Finally, the Chair stated that although this topic has been with the Conference for many years, it has recently been analyzed in more empirical and practical ways because of the work of the ILO and furthermore, that the importance of the topic demands continued reflection.

# Report of best practices to promote the ILO Declaration on Fundamental Principles and Rights at Work in the Americas

Mariluz Vega, Specialist, ILO InFocus Programme/Dialogue, Geneva

Mrs. Vega invited the participants to review the brochure that had been distributed during the meeting on best practices to promote the ILO Declaration on Fundamental Principles and Rights at Work. She stated that the Declaration has the objective of setting a common ground among the countries

regarding principles and rights at work. The main challenges in the promotion of these principles and rights involve informing all citizens about their existence and usefulness, building spaces where participants can define their principles and setting goals and plans of action to comply with those principles. Mrs. Vega noted that the Declaration has to be promoted with the goal of guaranteeing its application.

Among the various forms for promotion of the ILO Declaration, Mrs. Vega gave great importance to political commitments and information campaigns, but also mentioned the relevance of an effective labour administration to achieve promotion and respect for the Declaration.

Q/A: Regarding the ILO Declaration, delegates agreed on the importance of political will and commitment in achieving compliance, as well as, the need to foster continuity in labour policies. Finally, it was reiterated that the application of the ILO Declaration should continue to be incorporated into the IACML process.

## DISCUSSION AND APPROVAL OF DRAFT REPORTS OF THE WORKING GROUPS

# Working Group 1

Juan Bosch, Advisor, Ministry of Labour, Uruguay

Mr. Bosch reported to delegates on the compilation of the Report of Working Group 1: "Labour Dimensions of the Summit of the Americas Process: Globalization, Employment and Labour", which was originally discussed at the Meeting of Working Group 1 and 2 in Montevideo, Uruguay and a final draft was included in the delegate's Preparatory Meeting binders. Delegates were asked to review the six recommendations made in the Report of Working Group 1 and to consider their inclusion in the Plan of Action of Salvador. Those six recommendations were as follows:

- 1. On the basis of the work of the XI and XII IACML on different regional agreements and institutions addressing labour standards in the context of integration, and the continued study of labour provisions in emerging free trade agreements, elaborate options emphasizing cooperation to allow a better implementation of labour commitments and labour legislation and policies, including through increasing the capacity of Labour Ministries;
- 2. Conduct further enquiry into the effects of economic integration upon labour markets and labour policy, into methods for studying these questions and into means to enable labour ministries in smaller economies to undertake such analyses;
- 3. Develop the institutional means to structure coordination and collaboration of strengthening Labour Ministries' capacity to carry out their functions. To this end, commission a feasibility study, with recommendations, to be bought forward for the consideration of the XIV IACML;
- 4. Extend invitations to senior officials from relevant ministries, as appropriate, to attend IACML seminars, workshops, and Working Group meetings when agenda items address topics of crosscutting nature. Ministries of Trade and Ministries of Education were identified in this regard by the Working Group;
- 5. Continue to encourage the active participation of CEATAL, COSATE and key international organizations in the work of the Conference regarding the labour dimensions of the Summit of the Americas process; and,

6. Convey the contents of this report to Trade Ministers in response to the request in their Quito Declaration of November 2002.

Q/A: During the ensuing discussion on the Report of Working Group 1, delegations made comments and minor editorial clarifications on the text and concluded that the Report should be forwarded to the Ministers of Trade of the Americas, as requested in their 2002 Declaration of Quito, through the Free Trade Area of the Americas Trade Negotiations Committee.

# Working Group 2

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

Mr. Reyes, as Chair of Working Group Two presented the draft report of the Working Group, providing a brief summary of the activities carried out with respect to each of the three dimensions of the Group's mandate. 1) New mechanisms to increase the effectiveness of technical assistance; 2) best practices to implement key labour laws and policies; and 3) promotion of the ILO Declaration on Fundamental Principles and Rights at Work.

During his presentation, Mr. Reyes specifically emphasized the following recommendations to the Ministers of Labour, which are also included in the Report:

- A. Build on the steps taken by this Working Group to develop new mechanisms to improve the effectiveness of technical assistance in support of capacity strengthening by 1) exploring networks that aim to support the strengthening of capacity of ministries of labour; and in particular commissioning a feasibility study for an Americas Institute for Professional Labour Administration, as proposed by the Chair pro tempore, and calling upon the OAS to build upon its initiatives to establish portfolios of best practices; 2) ensuring that the inventory of technical assistance and cooperation projects compiled by the ILO in support of the XII IACML is maintained and made accessible to IACML members on an ongoing basis; and 3) following up on studies and reports submitted to this Working Group by examining the enabling conditions for sustainable capacity strengthening.
- B. Continue to exchange best practices in labour policy making, implementation and enforcement at Working Group meetings and/or through parallel initiatives supported by key international organizations.
- C. Continue to promote respect for the principles and rights in the ILO Declaration by working with the ILO to: 1) ensure that IACML members are informed of best practices and available resources to raise public awareness of the Declaration; 2) communicate and evaluate experiences in the various countries of the Americas with initiatives to eliminate child labour, especially in its worst forms; and 3) develop indicators of fundamental rights, as an aspect of indicators of decent work, to provide benchmarks for reviewing progress, identifying best practices, and effectively targeting resources.

Q/A: Both the United States and Guatemala noted that this Working Group's efforts highlighted the need for a deeper analysis of horizontal cooperation mechanisms and other follow-up strategies to

ensure the provision of 1) long term solutions; 2) sustainability (especially beyond changes in governments); and 3) concrete results.

Both Reports of the Working Groups received consensus support from the Technical Preparatory meeting.

## REPORTS BY EMPLOYER AND WORKER ADVISORY BODIES

Business Technical Advisory Committee on Business Matters (CEATAL)
John Craig, Counsel, Heenan Blaikie LLP, for CEATAL

Mr. Craig presented a summary of the draft Position Paper by CEATAL that was included for consideration in the delegate's Preparatory binders. He noted that this paper was the product of consultations with employers groups from across the Hemisphere and that it serves as a helpful guide to future discussions on the social and labour dimensions of the Summit of the Americas process. Specifically, Mr. Craig outlined the following ten principles that CEATAL identified as guidelines for integration based on the Summit of the Americas process:

- 1. Role of the ILO: The ILO Declaration of Fundamental Principles and Rights of Work should be recognized as a basis for Hemispheric activities and that duplication between the OAS and ILO will be minimized through co-operative efforts.
- 2. Tripartism: Social dialogue must be supported by governments in the Americas and looked to as a key method of collaboration between governments, workers groups and employer organizations.
- 3. Diversity: Hemispheric integration should be based on each countries unique national circumstances, which take into account historic and traditional factors. Greater horizontal cooperation with the involvement of social actors should be considered in this regard.
- 4. Flexibility: CEATAL supports a flexibility model that avoids excessive regulatory and financial burdens on employers and one that offers workers opportunities for training so they can better respond to social changes, without the inclusion of coercive social clauses in integration agreements.
- 5. Institutional Reform: Economic integration is a catalyst for institutional change. This change should be focused on greater economic and political democracy, with input from social actors.
- 6. Labour Market Information: Integration requires better labour market information and the collaboration of social actors in the production, collection and use of this information.
- 7. Education and Training: Education and training are essential means for economic and social development, specifically for improved productivity, reduced unemployment, and greater inclusion.
- 8. Digital Divide: Bridging the digital divide is essential to ensure economic inclusion in the process of integration. In this sense, horizontal cooperation is key.
- 9. Informality: The informal economy is a large challenge in many countries and reliable information is needed in order to find potential solutions. Additional burdens on the formal economy must be avoided as steps are taken to integrate the informal economy.

10. Equality: Healthy societies must work to eliminate discrimination, especially in the area of gender equality and social protections, good programs exist in this regard and countries could benefit from increased horizontal cooperation activities.

Q/A: During the follow-up discussion the ILO stated that many developing countries lack information about CEATAL and could benefit from inclusion in its network. Guatemala questioned where CEATAL saw a duplication of efforts between the OAS and ILO and wondered if some areas should be duly restricted. The Chair also made note of this and suggested that some clarification is necessary. Additionally, Guatemala and El Salvador asked what other non-traditional social actors could be considered to enhance the social dialogue process and CEATAL suggested academia and non-governmental groups not involved in the government lobbying process.

# Trade Union Technical Advisory Council (COSATE)

Víctor Báez Mosqueira, Secretario de Política Social y Económica ORIT, for COSATE

Mr. Mosqueira reiterated COSATE's commitment to the promotion of the ILO Declaration, especially with its focus on tripartite social dialogue. He emphasized that this dialogue must be institutionalized as part of the ongoing discussion on labour rights to build credibility and to avoid ad hoc use by governments in dealing with situational challenges. Additionally, he noted that diversity must be respected but not used as an excuse to disrespect labour rights. Moreover, Mr. Mosqueira spoke of eliminating distortions in labour rights through social clauses, the work of unions in the promotion of gender equity and the need to analyze existing trade agreements to determine their impact on labour with regard to the upcoming FTAA agreement.

Mr. Mosqueira stated that the IACML provides an ideal forum for analysis and promotion of cooperation activities through a regional mechanism and can act as a means to move beyond the treatment of issues at the national level. In terms of the Canadian proposal for an Institute for Professional Labour Administration, Mr. Mosqueira expressed concern that it may compete with the ILO because of similar mandates and as such it should be analyzed carefully.

# MOTION OF CHAIR PRO TEMPORE FOR FEASIBILITY STUDY ON AN AMERICAS INSTITUTE FOR PROFESSIONAL LABOUR ADMINISTRATION

## Discussion of motion for inclusion in the Salvador Plan of Action

John McKennirey, Associate Assistant Deputy Minister, Labour, Human Resources Development Canada

Mr. McKennirey stated that the Canadian proposal for a feasibility study on an Americas Institute for Professional Labour Administration was largely inspired by Canada's experiences during the Montreal Conference on the Digital Divide and the new means and roles of labour ministries in our current reality. The proposal was guided by a belief that labour ministries must move beyond social protectionist roles to embrace the development of human capital as a key role that contributes to enhanced national economic performance. Open markets and the new economy demand enhanced productivity and labour ministries can play a key role in developing policies, promoting governance in the labour market, strengthening labour tribunals and inspectorates, and establishing the rule of law in the labour market. Considering labour issues in the context of the global economy and within the limited role and level of discourse that

is possible through the Inter-American Conference of Ministers of Labour (IACML), the Canadian proposal seeks to implement in a deep and meaningful way, the work, declarations, and action plans of the Ministers of Labour as an extension of the Conference. Mr. McKennirey emphasized that Minister Bradshaw of Canada sees the proposed institute as a potential tool to empower the Ministers of Labour, based on the efforts she sees them currently developing and undertaking.

Mr. Banks, also of the Canadian delegation, added that the proposed Institute would tap into the resources available to the Ministers of Labour in order to deepen and strengthen collaboration in the Hemisphere and meet the needs that result from the mandates of the IACML. Additionally, the proposed Institute would build upon and complement the work and resources of the ILO, the OAS and PAHO. He stated, that, as a modest first step in the direction of a more systematic approach to inter-American labour issues, the proposed Institute could: improve collaboration and coordination; provide a pool of experts; develop plans that incorporate complementary resources; provide a sustained and comprehensive approach; and act as a single window for the collection and dissemination of best practices in labour. Specifically, the proposed Institute would be a small organization that serves as the center of a network of resources. The feasibility study on the proposed Institute and its terms of reference were outlined in the draft resolution provided in the delegate's Preparatory binders. A contracted expert working under the direction of the Troika would undertake this study, which would be finalized by March 2004.

Q/A: Extensive commentary was heard regarding the feasibility study on the proposed Institute; with delegations unable to find a commonly agreed to stance, the feasibility study was to remain in the draft Plan of Action as a bracketed, tentative item to be discussed further via the Virtual Forum of the OAS. Following is a summary of the dialogue among delegates:

Uruguay, as the pro tempore secretariat of the SISMEL project, explained in great detail the workings and activities of SISMEL and the need for the delegates to determine the status of this project while considering new initiatives such as the proposed Institute. Specifically, Uruguay reminded delegates that the pro tempore secretariat of SISMEL is scheduled to change at the upcoming Ministerial in September and a decision must be taken in this regard. Uruguay pointed out that it would be willing to continue its role if that was the will of the delegates and if Member States found the project to be of use. In terms of the feasibility study on the proposed Institute, Uruguay stated that it should consider a focus on employment creation as the foremost issue facing the Americas and that an Institute is a good idea that could be enhanced by building on the solid foundation of SISMEL and the experience of the OAS. Additionally, Uruguay noted that given the extensive qualifications listed for the expert needed to conduct the study it does not seem possible for one person.

CEATAL remarked that there should be some form of permanent entity to engage in sustained horizontal cooperation activities, however, duplication with the ILO should be avoided. In this sense, the ILO would remain a standards setting body, which supervises the application of standards through a tripartite system and the proposed Institute would pursue other activities.

Argentina stated that if it was to provide funding for a hemispheric integration or other such topics it would not provide funds to this proposed Institute as it is based on a Canadian vision of labour problems that is very different – a North American perspective. Argentina and many other Latin

American countries are experiencing severe unemployment and as such, Argentina proposes delegates convene a conference in March 2004 to discuss options for meeting the realities of the unemployment problem. Additionally, Argentina asked why the ILO, given their organization and expertise, should not complete the feasibility study on the proposed Institute.

The ILO noted that the proposal presented by Mexico at the March 2003 Working Group meetings was impressive and this proposal should be considered as well. The ILO also stated that it would help to contribute to a responsible decision by the IACML and provide its experience and expertise where needed because its agenda is the agenda of its member countries. As well, the ILO observed that it already has all of the components of the proposed Institute and there is a clear duplication of roles, however, there is duplication in the market. Finally, the ILO noted that if the countries wanted it to perform the feasibility study, it would not charge anything for it to be completed.

The United States of America supported the idea of a feasibility study on the proposed Institute, recognizing the support to the IACML by the ILO and OAS, there is a need for some organization to move the discourse of the Conference beyond the area where it currently exists. Horizontal cooperation among countries has great potential but lacks proper funding and programming to become institutionalized; the feasibility study could be a good tool to address this issue.

Mexico expressed interest in the proposal, stating that the Working Groups of the Conference are only able to apply their body of knowledge in a preliminary and limited form. At the previous Working Groups meeting Mexico advanced a similar proposal recognizing that there is a need to go beyond the status quo of the IACML. Mexico also stated that the Mexican and Canadian Ministers of Labour have spoken regarding the joining of efforts to ensure a system is developed for permanent horizontal cooperation and the Institute proposal reflects elements of Mexico's proposal to the Working Groups meeting. Recognizing the possibility for duplication, Mexico noted the need for more effective collaboration to be carried out among the ILO, OAS and PAHO with better coordination efforts by the countries.

Various delegations raised specific points regarding the meaning and wording of the text of the feasibility study, its terms of reference and the proposed resolution on the topic. In summary, the Chair stated that Canada would take into account the discussion of the delegations and would reformulate the proposal. The Chair articulated that the reality of the Americas requires increased institutional development and the proposed institute, as an outgrowth of the IACML, could be the means to achieve this goal.

#### ALLOCATION FUNDS FROM OAS RESERVE SUBFUND

Overview on the use of OAS funds to support the Declaration and Plan of Action of Salvador Sofialeticia Morales, Director, Unit for Social Development and Education, Organization of American States

Dr. Morales outlined for delegates a proposal for the use of funding from the "Excess Resources of the Reserve Subfund of the Regular Fund for Capital Investments and To Meet OAS Mandates" (hereinafter OAS Subfund). A total of approximately \$190,000 US is available to support projects

relating to the mandates of the IACML and Dr. Morales stated that her Unit has prepared the draft proposal to provide concrete options to the Ministers of Labour on how to fulfill the mandates set out in the Plan of Action of Salvador. Dr. Morales noted that although the funding is limited it could be used to great effect if combined with other co-financing from international organizations and the Member States. To this end, she informed delegates that the Unit has already begun preliminary negotiations with the IDB and PAHO for the development of activities detailed in the proposal.

Specifically, Dr. Morales highlighted five main areas of activity, 1) technical assistance and horizontal cooperation; 2) proposals by the Member States; 3) facilitation of participation and communication; 4) inter-sectoral coordination; and 5) support to the Working Group meetings. The specific details of these programs can be found in the document attached hereto, which was distributed to all delegations at the meeting.

In conclusion, Dr. Morales reiterated the importance of using these funds to maintain synergy between the goals and activities outlined by the IACML, thereby helping to ensure that this important dialogue is translated into strategies that will aid labour administrations.

Q/A: The Chair stated that delegates would be able to post comments on this proposal on the Virtual Forum and that the draft proposal would be further developed in coordination with the Troika and the Chairs of the Working Groups.

# DISCUSSION AND APPROVAL OF DRAFT SALVADOR DECLARATION AND PLAN OF ACTION

Delegates undertook extensive deliberations on the Draft Declaration and Plan of Action of Salvador reviewing, paragraph by paragraph, the texts compiled by the OAS that incorporated all comments made to the documents through the Virtual Forum. Consensus was largely reached on all suggested changes to the text. Remaining points of contention and style issues were to be dealt with by Brazil as Chair pro tempore of the XIII IACML with technical input from the OAS.

The drafts of the Declaration and Plan of Action are attached hereto and incorporate all commentaries from delegates to the Preparatory meeting. The Chair stated that these drafts would be posted to the Virtual Forum to allow delegates to achieve further consensus on the portions of redrafted text and areas of divergence.

#### PREPARATIONS FOR THE XIII IACML

In preparation for the XIII IACML delegates agreed to the offer of Mexico to act as the Chair pro tempore of the XIV IACML replacing Chile as the newest member of the Troika. Additionally, Trinidad and Tobago expressed interest in acting a Chair pro tempore of the XIV IACML, however, it was decided that Trinidad and Tobago would Chair one of the Working Groups and later offer to become Chair pro tempore of the XV IACML. As well, Argentina offered to take on the duties of Chair of Working Group 1, while the United States would act as Vice-Chair.

Delegates also discussed the agenda of the XIII IACML and determined that it would be posted to the Virtual Forum for delegates to suggest changes. Finally, the Preparatory meeting was concluded by the acting Chairs Brazil and Canada with a joint message of congratulations to the delegates for their constructive dialogue in advance of the XIII IACML, which will take place September 24-26, 2003 in Salvador, Bahia, Brazil.

#### LIST OF ANNEXED DOCUMENTS

OAS Program to Support the Declaration and Plan of Action of Salvador

Draft Declaration of Salvador

Draft Plan of Action of Salvador

### **APPENDIX III – ADVISORY BODY MEETINGS**

- ❖ Draft Agenda for the Meeting of the Permanent Technical Committee on Labour Matters (COTPAL)
- Proceedings of the Meeting of the Permanent Technical Committee on Labour Matters (COTPAL)
- ❖ Draft Agenda for the Meeting of the Permanent Executive Committee of the Trade Union Technical Advisory Council (COSATE)
- Proceedings of the Permanent Executive Committee of the Trade Union Technical Advisory Council (COSATE)
- ❖ Draft Agenda for the Meeting of the Permanent Executive Committee of the Business Technical Advisory Committee on Labour Matters (CEATAL)
- ❖ Proceedings of the Meeting of the Permanent Executive Committee of the Business Technical Advisory Committee on Labour Matters (CEATAL)
- ❖ Proceedings of the joint Meeting of the Executive Committee of the Trade Union Technical Advisory Council (COSATE) and the Business Technical Advisory Committee on Labour Maters (CEATAL)



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24 - 26, 2003 Salvador, Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.11/03 19 September 2003 Original: English

# DRAFT AGENDA FOR THE MEETING OF THE TECHNICAL PERMANENT COMMISSION FOR LABOR ISSUES (COTPAL)

#### **September 24, 2003**

- 1. Approval of the Agenda
- 2. Discussion of the Declaration and Plan of Action of the XIII IACML
- 3. Presentation by the Chair pro tempore of the XII IACML of the Terms of Reference for an Inter-American Cooperation Mechanism for Professional Labour Administration which will be annexed to the Plan of Action.
- 4. Presentation and Consideration of Resolution(s)
  - a. Resolution on the OAS Program to Support the Declaration and Plan of Action of Salvador
- 5. Nomination and election of Working Group 2 Chair and Vice-Chair
- 6. Other business



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24 - 26, 2003 Salvador, Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.14/03 24 September 2003 Original: English

# PROCEEDINGS OF THE MEETING OF THE TECHNICAL PERMANENT COMMISSION FOR LABOR ISSUES (COTPAL)

#### **September 24, 2003**

The Permanent Commission for Labour Issues (COTPAL) met on September 24, 2003 at 09:00, within the framework of the Thirteenth Inter-American Conference of Ministers of Labour. Representatives of the Ministries of Labour of Brazil, Mexico, Nicaragua, Suriname, Venezuela, El Salvador, United States, Honduras, Dominican Republic, Canada, Ecuador, Argentina, Costa Rica, Chile, and Guatemala attended the meeting. Additionally, representatives of the International Labour Organization and the Organization of American States observed the proceedings.

The representative of the Ministry of Labour and Employment of Brazil served as Chair of the Meeting and the OAS provided technical secretariat support.

#### 1. Inauguration

The Chairman opened the meeting and welcomed the participants, expressing his thanks to all delegates for their work over the past months in the advancement of the draft Declaration and Plan of Action of Salvador

### 2. Approval of the Agenda

The committee considered the draft agenda and it was unanimously adopted.

#### 3. Consideration of the Declaration and Plan of Action of the XIII IACML

In order to reach consensus on the draft Declaration and Plan of Action, the Chair proposed that the delegates review the documents paragraph by paragraph, paying special attention to the sections that remained bracketed following the XIII IACML Preparatory Technical Meeting and discussions carried out via the OAS Virtual Forum.

Following numerous interventions by the delegates on points of style and substance, consensus was reached on the drafts of the Declaration and Plan of Action.

### 4. Presentation by the Chair pro tempore of the XII IACML

The representative of Canada as Chair *pro tempore* of the XII IACML presented the terms of reference for an Inter-American Cooperation Mechanism for Professional Labour Administration. He noted changes incorporated into the terms of reference based on suggestions made by delegates to the XIII IACML Preparatory Technical Meeting.

Following this presentation, delegates agreed to include these terms of reference as an annex to the draft Plan of Action.

#### 5. Consideration of Resolution

The representative of the OAS presented a Resolution and Proposal on the OAS Program to Support the Declaration and Plan of Action of Salvador for consideration by delegates. Following a brief discussion, the resolution was left to be considered and approved by the Ministers of Labour during the XIII IACML.

#### 6. Nomination and election of Working Group 2 Chair and Vice-Chair

Having previously identified Argentina and the United States as Chair and Vice-Chair, respectively, of Working Group 1 during the XIII IACML Technical Preparatory Meeting, the floor was opened for identification of the Chair and Co-Chair of Working Group 2.

El Salvador offered to assume the Chairmanship and Canada the Vice-Chairmanship of Working Group 2 for the duration of the XIII IACML. Delegates agreed and the decision was ratified.

#### 7. Other business

Seeing no other business before the committee the Chairman declared the COTPAL session closed.



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.12/03 16 September 2003 Original: Spanish

# DRAFT AGENDA FOR THE PERMANENT EXECUTIVE COMMITTE OF THE TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE)

# September 24<sup>th</sup>, 2003

- 1. Report of the Chairman of COSATE.
- 2. Composition and Election of the Executive Committee of COSATE.
- 3. Presentation by the Chairman of COSATE to the Plenary of the Conference.
- 4. Other Business



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador de Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.15/03 10 November 2003 Original: Spanish

# PROCEEDINGS OF THE MEETING OF THE PERMANENT EXECUTIVE COMMITTEE OF THE TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE)

The Permanent Executive Committee of the Trade Union Technical Advisory Council (COSATE) met on September 24<sup>th</sup>, 2003 at 10:00am in the framework of the XIII Inter-American Conference of Ministers of Labour. Representatives from various trade union federations attended the meeting. The Organization of American States was in attendance in its capacity as Technical Secretariat of COSATE.

#### I. Report of the Chairman of COSATE

Due to the absence of Hassan Yussuff, President of COSATE, Víctor Báez of the International Confederation of Free Labour Unions (CIOSL)/Regional Inter-American Organization of Workers (ORIT) read the report from COSATE on behalf of the President, and reflected on several issues.

What Mr. Báez presented can be synthesized in the following 6 points:

- 1) COSATE has increased its participation in the IACML, and its position has been heard and debated openly in technical meetings as well as in the Preparatory Meeting of the XIII IACML. This was possible thanks to the leadership and the organization by Canada. It is hoped that these advances will continue with the leadership of Brazil.
- 2) A new process of communication began with CEATAL, and for the second time there exists the will to approve a joint declaration.
- 3) COSATE must continue working on concepts and programs that make it clear how to implement "mechanisms of compensation", which for COSATE are very important. However, there are delegations, such as Canada and the United States who would prefer the term "mechanism of adjustment", but this term does not seem to correspond to what the majority want.
- 4) COSATE does not agree with the mechanism to consult with civil society that is being carried out by the Summits of the Americas because it does not also include union consultations, it is innocuous, and

it does not produce results. In this sense, they consider that the mechanism that has been implemented in the IACML is more effective, because it encourages a process of dialogue.

- 5) It is important for COSATE to participate in the process of creation of the Inter-American Institute for Professional Labour Administration (proposed by Canada), and in the considerations about Corporate Social Responsibility. It must be considered that in both subjects, unions have much to contribute.
- 6) The union movement must participate more actively in the negotiations and consultations of the FTAA. In addition, COSATE considers that the Ministries of Labour need to participate more concretely in developing projects that contribute to fighting poverty by means of creating decent work.

After Mr. Víctor Báez presented these points on behalf of the President of COSATE Hassan Yussuff, he encouraged those present to offer comments and reflections.

The Technical Secretariat took a moment to mention that the proposal of the Institute of Labour Administration proposed by Canada has been replaced by the Inter-American Cooperation Mechanism for Professional Labour Administration. The first step of this proposal is to carry out a feasibility study on the necessity of creating this mechanism; this study will be administered by the UDSE of the OAS in consultation with the Presidency *pro tempore* and the Troika.

### II. Composition and Election of the Executive Committee of COSATE

The new Executive Committee of COSATE is organized in the following manner:

#### **President:**

Ericson Crivell de Brasil

#### **Vice Presidents**:

Daysi Montero D'Oleo of the Dominican Republic Salvador Medina of México George Fyffe of Jamaica Benjamin Davis of the USA Guillermo Puga of Panama Apecides Alvis of Colombia and Martha Pujadas of Argentina

#### **Secretary:**

Hassan Yussuff of Canada

Not only will the President of COSATE represent that body to the OAS, but Mr. Victor Báez will as well, in his capacity as Permanent Coordinator.

Dr. Sofialeticia Morales reminded the Committee that the responsibility of the Technical Secretariat falls, by agreement with Article 20 of the COSATE regulation, with the Unit for Social Development and Education. The election of Victor Báez as permanent liason will strengthen the link between COSATE and the OAS.

## III. Presentation by the Chairman of COSATE to the Plenary of the Conference

The Declaration of COSATE was presented for the consideration of the Plenary session at the XIII Inter-American Conference of Ministers of Labour and the Joint Declaration between COSATE and CEATAL, that was approved in the joint session.

#### IV. Other business

The delegates acknowledged the presence of Elizabeth Tinoco, of the ILO, who acted as an advisor and accompanied their reflections on diverse subjects, and who will continue to support the strengthening of ORIT.

As other business, the Technical Secretariat proposed four topics which were considered:

- 1. Mechanisms to assure the registration and participation of at least one representative per country.
- 2. The consultation with the Civil Society in the process of the Summit of the Americas and the Extraordinary Summit as a strategy to reinforce union representation.
- 3. Corporate Social Responsibility. For which it is necessary that COSATE name one representative for the corresponding session in the XIII Inter-American Conference of Ministers of Labour.
- 4. It is necessary that COSATE tie itself more directly into the process of the Extraordinary Summit of the Americas for which Dr. Irene Klinger, Secretary of the Summits Process, made some comments.

The Technical Secretariat, in conjunction with the new president of COSATE and with Victor Báez as permanent coordinator, offered to endorse the process of dialogue and consultation of COSATE as well as the opening of virtual spaces to increase its active participation.



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24 - 26, 2003 Salvador, Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.13/03 19 September 2003 Original: English

# DRAFT AGENDA FOR THE PERMANENT EXECUTIVE COMMITTEE OF THE BUSINESS TECHNICAL ADVISORY COMMITTEE ON LABOR MATTERS (CEATAL)

## September 24<sup>th</sup>, 2003

- 1. Approval of the Agenda
- 2. Composition and election of the Executive Committee. Nomination and election of officers of the Executive Committee
- 3. Report of the Chairman of CEATAL Mr. Daniel Funes de Rioja on CEATAL's principle activities during the XII IACML
- 4. Report of the Secretary of CEATAL Mr. Andres Yuren on CEATAL papers presented during the XII IACML
- 5. Disscusion of the joint resolution of CEATAL and COSATE to the XIII IACML introduced by Mr. Rafael Gijón of the ILO Bureau of Employers Activities
- 6. Other business



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador de Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.16/03 10 November 2003 Original: Spanish

# PROCEEDINGS OF THE MEETING OF THE PERMANENT EXECUTIVE COMMITTEE OF THE BUSINESS TECHNICAL ADVISORY COMMITTEE ON LABOR MATTERS (CEATAL)

The Permanent Executive Committee of the Business Technical Advisory Committee on Labor Matters (CEATAL) met on September 2, 2003 at 10:00, within the framework of the XIII Inter-American Conference of Ministers of Labor. Representatives of numerous employers' organizations attended the meeting, as well as representatives of the International Labor Organization (ILO). The Organization of American States was in attendance in its capacity as Technical Secretariat of CEATAL.

## I. Inauguration

President Daniel Fúnes de Rioja opened the meeting of CEATAL and offered a message of congratulations from CEATAL to the Minister of Labor of Canada, Claudette Bradshaw, for the manner in which her leadership contributed to the timely participation of employers in the IACML.

#### II. Approval of the Agenda

The Committee considered the draft agenda and it was unanimously adopted.

Additionally, the President commented on the efforts of CEATAL to achieve greater participation of employers in the IACML process; commenting on the necessity of greater participation of more representative employers organizations from each country. Also, he noted that one of the challenges faced is the pluralism of interests by employers' organizations.

#### **III.** Election of the Executive Committee

The advisor to the President of CEATAL, Andrés Yurén of the International Organization of Employers (IOE), presented a proposal for selection of the Executive Committee, which was based on previous consultations with employers' federations.

A proposal was made for the re-election of the President, which was accepted by acclimation. Subsequently, delegates unanimously accepted the proposal of Mr. Yurén and consequently the Executive Committee of CEATAL would be composed of the following:

**President** (re-elected): Daniel Fúnes de Rioja

First Vice-President:
Anna Walker of the U.S.
Second Vice-Presidents:
Dagoberto Lima Godoy of Brazil and
Renato de Oliveira Rodríguez of Brazil

#### **Speakers**:

Patrick. J. Heinke of Canada Guido Ricci of Guatemala Octavio Carvajal of Mexico Marcel Meyer of Suriname Juan Mailhos and Juan José Fraschini of Uruguay (jointly) Albis Muñoz of Venezuela

The President of CEATAL noted that despite the present delegation at the XIII Inter-American Conference of Ministers of Labor, participation by employers has not been in large numbers but consistent and representative.

President Fúnes de Rioja made special notice of the work done by Andrés Yurén as advisor to the President, for his commitment to the theme and for the vitality and energy he has put into the coordination effort. In this light, he suggested that Mr. Yurén be named permanent coordinator of CEATAL in order to maintain a flow of communication with the members and reinforce communication with the Technical Secretariat of the OAS represented by the Unit for Social Development and Education. The Committee accepted the President's proposal and Dr. Sofialeticia Morales reaffirmed the need to maintain permanent contact, with the support of Mr. Yurén, by means of the Virtual Forum for all members of CEATAL. Moreover, it was reaffirmed, in accordance with the rules of procedure, the Technical Secretariat of CEATAL is the UDSE of the OAS as entrusted by the Secretary General of the OAS for this purpose.

The President also made reference to Rafael Gijón for his permanent support as a member of the ILO. The cooperation of the OIE and the ILO through ACTEMP has been fundamental for the coordination of the employers' summits.

#### IV. Report of the President and Secretary of CEATAL

The President of CEATAL, Dr. Daniel Fúnes de Rioja and the Secretary, Mr. Andrés Yurén presented a plenary report, which centered on the following points: 1) The commitment of employers to the social conditions of their countries and to decent work, as well as to their fundamental role in competitiveness, the generation of employment and the creation of new businesses. 2) Their disagreement with the use of social questions as barriers to international trade. 3) Their concerns regarding the accelerating growth of the informal economy, and the need to eliminate the barriers that many countries impose on the creation of small and medium businesses

The President noted that the ILO had requested a document on the position of CEATAL regarding the role of the ILO in the Summit of the Americas process, this document was distributed to those in attendance. Mr. Andrés Yurén stated that this document was developed in consultation with 32 employers' organizations representing the various countries of the continent.

The President expressed his satisfaction with the development of the relationship between the OAS and CEATAL, which is closer, more cooperative and effective. Some years ago, the employer-labour dimension was almost nonexistent, now even in the Preparatory Meeting of the XIII IACML in Brasilia, CEATAL was consulted and various suggestions were included in the Declaration and Plan of Action of Salvador.

Moreover, the President declared that CEATAL should take advantage of the experience accumulated by the ILO, as an expert organization in labour matters, but also not underestimate the political role offered by the OAS to participate in the decisions that impact the Hemishpere. He clarified that the commitment of CEATAL to the OAS is very important and perfectly compatible with the commitment of CEATAL to the ILO. As such, CEATAL will continue to contribute to and reaffirm the cooperative work and linkage between both international institutions.

#### V. Discussion of the Joint CEATAL – COSATE Resolution to the XIII IACML

The representative of the Office of Employers Activities of the ILO, Mr. Rafael Gijón, summated for the consideration of the delegates the draft Joint Declaration of COSATE-CEATAL, and he emphasized the necessity of increased cooperation between the OAS and the ILO in the social and labour dimension. This Declaration would be discussed and approved by the members of CEATAL, for later approval jointly with the members of COSATE.

#### VI. Other business

In conclusion, the President emphasized the importance of strengthening the processes of social and economic integration in the Hemisphere as that is the most viable road for development in the Americas.

Continuing, he mentioned the pertinent actions that have been taken by CEATAL during the coming days: 1) Sign the Joint Declaration of COSATE-CEATAL. 2) The need for, not only the President of CEATAL, but also the participating employers' organizations to represent the different sub-regions during the XIII IACML. 3) The participation of CEATAL in the panel on "Corporate Social Responsibility", in which Brian Burkett will provide representation. He reiterated that on this theme there is strong development that should not come to be conceived as an obligation for employers but should be maintained as a voluntary action.

The final word was given to Mrs. Albis Muñoz, representative of FEDECAMARAS of Venezuela, who denounced the control of businesses on the part of the government of her country. The delegate emphasized the need to open spaces for pluralism in the representation of employers' organizations and she denounced the actions of the Venezuelan government in subsidizing the creation of a parallel employers organization to which FEDECAMARAS is opposed.





Inter-American Council for Integral Development (CIDI)

XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador de Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.17/03 10 November 2003 Original: Spanish

# PROCEEDINGS OF THE JOINT MEETING OF THE TRADE UNION TECHNICAL ADVISORY COUNCIL (COSATE) AND THE BUSINESS TECHNICAL ADVISORY COMMITTEE ON LABOUR MATTERS (CEATAL)

The Business Technical Advisory Committee on Labour Matters (CEATAL) and the Executive Committee of the Trade Union Technical Advisory Council (COSATE) held a joint meeting on September 24<sup>th</sup>, 2003 at 12:00 pm, in the framework of the XIII Inter-American Conference of Ministers of Labour.

This meeting unanimously approved the Joint Declaration that can be found as an Annex of the Declaration of Salvador and that contains three main points: (i) ensure that the goal of generating productive employment is at the heart of poverty eradication plans; (ii) pay special attention to the subject of professional and managerial training of workers; and (iii) change the role of the advisory bodies CEATAL and COSATE to consultative organs of the Conference.

The signing of the Joint Declaration between COSATE and CEATAL was witnessed by the Secretary General of the Organization of American States (OAS), Mr. Cesar Gaviria, and the Director General of the International Labour Organization (ILO), Mr. Juan Somavía.

# <u>APPENDIX IV – OTHER DOCUMENTS</u>

- ❖ Draft Agenda of the XIII IACML
- ❖ List of Documents Registered to the OAS Secretariat
- List of Participants



# Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahía, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.1/03 23 September 2003 Original: Spanish

#### **AGENDA**

 $\overline{10:00-19:00}$  Registration and delivery of credentials

Lobby del 2º Subsuelo

#### September 24 – Wednesday

9:00-17:00	Registration and delivery of credentials
	Lobby del 2º Subsuelo

9:00 - 13:00	MEETING TIME FOR PARTICIPATING ORGANIZATIONS
9:00-12:30	Meeting - Technical Permanent Commission for Labor Issues -
	COTPAL
	Gregório de Matos Room
10:00-11:00	Meeting – Directing Commission of the Trade Union Technical Advisory
	Committee – COSATE
	Zélia Gattai I Room
11:00 - 12:00	Meeting – Board of Directors of the Business Technical Advisory
	Committee on Labor Matters – CEATAL
	Zélia Gattai II Room
12:00 - 13:00	Meeting – Board of Directors of COSATE and CEATAL
	Gregório de Matos Room

13:00 – 14:30	Lunch Break
	Cais da Ribeira

14:30 – 16:00 Meeting – Ministers of Labor and members of COSATE and CEATAL (open

to all participants)

Gregório de Matos Room

# **16:00 – 17:00 PREPARATORY SESSION FOR MINISTERS ONLY** (Regulation Art. 28)

Gregório de Matos Room

- a. Establishment of the order of precedence;
- b. Decision on rules of procedure;
- c. Decision on election of the Chairman of the Conference;
- d. Decision on the agenda;
- e. Decision on the Committee on Credentials and the Style Committee;
- f. Decision on the working method and the makeup of working groups;
- g. Deadline for the presentation of proposals;

- h. Consideration of the distribution of documents by working groups and of the drafts that are not clearly related to the topics of the agenda;
- i. Decision on the approximate duration of the Conference, and
- i. Other business.

#### 19:00 – 20:00 **OPENING SESSION**

Gregório de Matos Room

19:00 – 19:10	Welcome remarks by Her Excellency Mrs. Claudette Bradshaw, Minister
	of Labor of Canada and Chair <i>pro tempore</i> of the XII IACML
19:10 - 19:20	Address by His Excellency Mr. Cesar Gaviria, Secretary General of the
	Organization of American States – OAS
19:20 - 19:40	Address by His Excellency Mr. Juan Somavía, Director General of the
	International Labor Organization – ILO
19:40 - 19:50	Welcome remarks by His Excellency Mr. Jaques Wagner, Minister of
	Labor and Employment of Brazil and President of the XIII IACML
19:50 - 20:00	Welcome remarks by His Excellency Mr. Paulo Souto, Governorof the
	State of Bahia.
20:00 - 20:10	Welcome remarks by His Excellency Mr. José Alencar, acting President
	of the Federative Republic of Brazil

### **20:30 – 23:00** Reception Dinner

Praça Luís de Camões

## September 25 – Thursday

September 25 – Thur	
09:00-10:20	FIRST PLENARY SESSION – Overview of the follow-up on the XII
	IACML
	Gregório de Matos Room
9:00-9:15	Information on the implementation of the Plan of Action of Ottawa, by
	Mrs. Claudette Bradshaw, Minister of Labor of Canada and Chair pro
	tempore of the XII IACML
9:15 - 9:30	Report of the OAS on the activities carried out by the XII IACML, by Dr.
	Sofialeticia Morales, Director of the Unit for Social Development and
	Education of the OAS
9:30 - 9:45	Report of the ILO on the activities developed in the Hemisphere during
	the current Plan of Action of Ottawa, by Mr. Agustin Muñoz, Regional
	Director for the ILO for the Americas
9:45 - 10:00	Report of the PAHO about occupational health and safety, by Dr. Maritza
77.0	Tennassee, Chief of Risk Assessment and Management for the Unit for
	Sustainable Development and Environment, PAHO
10:00 - 10:10	Remarks by Mr. Hassan Yussuff , Chair of COSATE
10:10 – 10:20	Remarks by Mr. Daniel Funes de Rioja, Chair of CEATAL
10.10 10.20	Remains of the Bullet Fulles de Resju, Chair of Christin
10:20 - 10:30	Coffee Break
10:30 - 12:30	SECOND PLENARY SESSION - "Current Labor Conditions in the
	Hemisphere: Existing Challenges"
	Gregório de Matos Room
10:30 - 10:50	"Current Labor Conditions in the Hemisphere: Existing Challenges"
	Presentation: Mr. Jurgen Weller, Economic Issues Officer for the
	Economic Development Division, ECLAC

	10:50 – 11:40	Sub-regional challenges – Presentation by from each sub-region (10 min./ea) North America – Minister Abascal Carranza of Mexico, Caribbean – Permanent Secretary Neville Edwards of Barbados Central America – Minister Leitzelar Vidaurreta of Honduras, Mercosur – Minister Perez del Castillo of Uruguay, Andean – Minister Vallejo of Ecuador
	11:40 – 12:30	Ministerial dialogue. Debates.
12:30 -	- 14:00	<b>Lunch</b> Cais da Ribeira
14:00 -	- 16:00	THIRD PLENARY SESSION – "Relationship between economic and labor policies"  Gregório de Matos Room
	14:00 - 14:20	"Relationship between economic and labor policies: How to confront the challenges of an inclusive globalization"
	14:20 – 14:40	Presentation: Paulo Paiva, Vice-President of the IDB.  "The integration of policies and the promotion of development"  Presentation: Virgilio Levaggi, Regional Specialist in Social and Economic Integration and Decent Work, of the ILO.
	14:40 - 14:50	
	14:50 – 15:00	Presentation by Renato Baumann from the United Nations Development Programme (UNDP).  "Update on the Summits process and progress on the Special Summit of the Americas"  Presentation: Irene Klinger, Executive Secretary, Summits of the Americas Secretariat OAS
	14:50 - 16:00	Ministerial dialogue. Debates.
16:00 -	- 16:15	Coffee Break
16:15 -	- 18:30	FOURTH PLENARY SESSION – "Corporate Social Responsibility"
	16:15 – 16:25	Gregório de Matos Room "Corporate Social Responsibility"
	16:25 – 16:40	Presentation: Mr. Ronald Scheman, Director AICD/OAS Presentation about the movement for Corporate Social Responsibility on a global level and its accomplishments in the continent, by Mr. Paulo Itacarambi, Executive Director, ETHOS Institute
	16:40 – 17:10	Presentation of cases on the theme of CSR practices, by: Mr. Guilherme Leal (CEO Natura) Mr. José Pendio (CEO Samarco) Mr. Fábio Barbosa (CEO ABN Amro Bank)
	17:10 – 17:30 17:30 – 17:50	Comments by COSATE.  Comments by Mr. Brian Burkett of CEATAL.
	17:50 – 17:30 17:50 – 18:30	Ministerial dialogue. Debates.

**Dinner and cultural artistic performance** Palacio da Aclamação 19:30 - 22:30

September 26 - Frida	<u>v</u>
9:00 - 10:15	CLOSING SESSION
	Gregório de Matos Room
9:00 - 9:10	Election of the Chair pro tempore of the XIV IACML
9:10-9:20	Presentation by His Excellency Mr. Carlos Maria Abascal Carranza,
	Minster of Labour and Social Protection of Mexico and Chair protempore of the XIV IACML
9:20 – 10:00	Adoption of the Declaration and Plan of Action of Salvador and other related resolutions.
10:00 – 10:10	Remarks by Mr. Jaques Wagner, Minister of Labor and Employment of Brazil and Chair <i>pro tempore</i> of the XIII IACML
10:15 – 10:45	Press Conference Bocage Room

# **Farewell luncheon for delegates** *Maria da Fonte y Pátio do Carmo* 12:00 - 13:30



# Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.2/03 26 September 2003 Original: Textual

# LIST OF DOCUMENTS REGISTERED BY THE GENERAL SECRETARIAT

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Classification	Title	Languages		ges	
TRABAJO/doc.1/03 (TB01232)	Agenda of the XIII Inter-American Conference of Ministers of Labour	Е	S	F	P
TRABAJO/doc.2/03 (TB01237)	List of Documents registered by the General Secretariat	T			
TRABAJO/doc.3/03 (TB01234)	Declaration of Salvador	Е	S		P
TRABAJO/doc.3/03 rev.1 (TB01236)	Declaration of Salvador	Е	S		P
TRABAJO/doc.3/03 rev.2 (TB01254)	Declaration of Salvador	Е	S	F	P
TRABAJO/doc.3/03 rev.3 (TB01259)	Declaration of Salvador	Е	S	F	P
TRABAJO/doc.4/03 (TB01235)	Plan of Action of Salvador	Е	S	F	P
TRABAJO/doc.4/03 rev.1 (TB01238)	Plan of Action of Salvador	Е	S		P
TRABAJO/doc.4/03 rev.2 (TB01255)	Plan of Action of Salvador	Е	S	F	P
TRABAJO/doc.5/03 (TB01239)	Report of Working Group 1	Е	S	F	P
TRABAJO/doc.6/03 (TB01240)	Report of Working Group 2	E	S		
TRABAJO/doc.7/03 (TB01241)	OAS Proposal to support the Declaration and Plan of Action of Salvador.	E	S		P
TRABAJO/doc.8/03 (TB01242)	Draft Resolution to approve the OAS proposal to support the Declaration and Plan of Action of Salvador.	Е	S	F	
TRABAJO/doc.08/03 rev.1	Resolution to approve the OAS proposal to support the Declaration and Plan of Action of Salvador.	Е	S		
TRABAJO/doc.9/03 (TB01243)	Feasibility Study for an Inter- American Cooperation Mechanism for Professional Labour Administration	Е	S	F	P
TRABAJO/doc.10/03 (TB01244)	Rules of Procedure of the IACML	E	S	F	P

TRABAJO/doc.11/03 (TB01245)	Agenda of the Technical Permanent Commission for Labour Issues (COTPAL) meeting, XIII IACML	Е	S	F	P
TRABAJO/doc.12/03 (TB01246)	Agenda for the Directing Commission of the Trade Union Technical Advisory Committee (COSATE) meeting, XIII IACML	Е	S	F	P
TRABAJO/doc.13/03 (TB01247)	Agenda of the Board of Directors of the Business Technical Advisory Committee on Labour Matters (CEATAL) meeting, XIII IACML	E	S	F	P
TRABAJO/doc.14/03	Proceedings of the Meeting of the Technical Permanent Commission for Labour Issues (COTPAL)	Е	S		
TRABAJO/doc.15/03	Proceedings of the Directing Commission of the Trade Union Technical Advisory Committee (COSATE)	Е	S		
TRABAJO/doc.16/03	Proceedings of the Board of Directors of the Business Technical Advisory Committee on Labour Matters (CEATAL)	Е	S		
TRABAJO/doc.17/03	Proceedings of the Joint Session of COSATE - CEATAL	Е	S		
TRABAJO/doc.18/03	Final Report of the XIII Inter-American Conference of Ministers of Labour of the Organization of American States	Е	S		
TRABAJO/doc.19/03	List of Participants / Lista de Participantes	T			

# INFORMATIVE DOCUMENTS

No. of the document	Title	Language	
TRABAJO/INF.1/03 (TB01248)	Final Report of the Technical Preparatory Meeting	Е	S
TRABAJO/ INF.2/03 (TB01249)	Organization Plan of the Business Technical Advisory Committee on Labour Matters (CEATAL) meeting, XIII IACML	Е	S
TRABAJO/ INF.3/03 (TB01250)	Organization Plan of the Trade Union Technical Advisory Committee (COSATE) meeting, XIII IACML	Е	S
TRABAJO/ INF.4/03 (TB01251)	Proposta de Constituição de um Fundo Interamericano de Promoção do Trabalho Decente Apresentada Pelo Ministério Do Trabalho E Emprego Do Brasil		P

TRABAJO/ INF.5/03 (TB01252)	Proposta de Constituição de um Fundo Interamericano de Promoção do Trabalho Decente O Contextpo e A Proposta	Е	S	F	P
TRABAJO/ INF.6/03 (TB01253)	SALUD DE LOS TRABAJADORES "Salud Ocupacional y Seguridad: una gran prioridad en la agenda global, internacional y nacional" Presentado por la Dra.Luz Maritza Tennassee. Organización Panamericana de la Salud (OPS)		S		
TRABAJO/ INF.7/03 (TB01256)	"Actualización del Proceso de Cumbres y avances para la Cumbre Extraordinaria de las Américas". Documento presentado por Irene Klinger		S		
TRABAJO/ INF.8/03 (TB01257)	Discurso del Señor Juan Somavía. Director General de la Organización Internacional del Trabajo (OIT)		S		
TRABAJO/ INF.9/03 (TB01260)	Current Labour Conditions in the Hemisphere: Existing Challenges from the Perspective of CARICOM (Document submitted by Neville Edwards)	Е			
TRABAJO/ INF.10/03 (TB01261)	Presentación de la Presidencia del Consejo Asesor de Ministros de Trabajo de la Comunidad Andina (Documento presentado por Martha Vallejo)		S		
TRABAJO/ INF.11/03 (TB01262)	Promocionando la Responsabilidad Social Empresarial en las Américas (Documento presentado por Erwin Hahn, Director Ejecutivo EMPRESA)		S		
TRABAJO/ INF.12/03 (TB01263)	Palabras del Secretario del Trabajo y Previsión Social de México, Carlos María Abascal Carranza	Е	S		
TRABAJO/INF.13/03 (TB01267)	Discurso de boas-vindas do Senhor Jaques Wagner Ministro de Estado do Trabalho e Emprego e Presidente da XIII Conferência				P
TRABAJO/INF.14/03 (TB01268)	Discurso do Ministro Jaques Wagner no encerramento da XIII Conferência Interamericana de Ministros do Trabalho				P



Inter-American Council for Integral Development (CIDI)



XIII INTER-AMERICAN CONFERENCE OF MINISTERS OF LABOR September 24-26, 2003 Salvador, Bahia, Brazil OEA/Ser.K/XII.13.1 TRABAJO/doc.19/03 30 November 2003 Original: Textual

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