



ORGANIZATION OF AMERICAN STATES
Inter-American Council for Integral Development
(CIDI)



**MEETING OF THE WORKING GROUPS 1 AND 2
 OF THE XX INTER-AMERICAN CONFERENCE
 OF MINISTERS OF LABOR (IACML)**

September 21 – 22, 2023
 Washington, D.C., United States of America

OEA/Ser.L/XIX.VI.1
 CIMT-21/GT1-GT2/doc.12/23
 18 December 2023
 Original: Spanish

**SUMMARY AND MAIN IDEAS OF THE MEETING OF WORKING GROUP 2 OF THE
 XX IACML**

“Institutional strengthening of Ministries of Labor, and promoting institutionalized social dialogue to recover from the COVID-19 crisis and address emerging changes in the world of work”

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I. DESCRIPTION AND PARTICIPANTS

The meeting of Working Group 2 of the XX Inter-American Conference of Ministers of Labor (IACML) of OAS was held in Washington, D.C., United States of America, on September 21 – 22, 2023, in conjunction with the meeting of WG1 and a Joint Session to begin preparations of the XXII IACML. The meeting was coordinated by the Department of Human Development, Education and Employment, SEDI of the OAS, as Technical Secretariat of the IACML and organized jointly with the Ministries of Labor of Colombia (Chair), United States and Panama (Vice-Chairs). The meeting was financed with resources from the Inter-American Network for Labor Administration (RIAL), as decided by the IACML authorities.

This Meeting was attended by delegations of 26 Ministries of Labor of the OAS member States. Moreover, representatives of the consultative bodies -the Trade Union Technical Advisory Council (COSATE) and Business Technical Advisory Committee on Labor Matters (CEATAL)-, and specialists from the International Labor Organization (ILO), the Pan American Health Organization (PAHO), the World Bank, the Inter-American Development Bank (IDB), the Inter-American Commission of Women (CIM) and OAS were also in attendance.

All the information of this Meeting is available at: www.oas.org/sedi ([click here](#))

II. BACKGROUND

The IACML Working Groups were redefined during the XXI IACML held virtually in September 2021, to reflect the current priorities of the Ministries of Labor and the spirit of the Declaration and Plan of Action of Buenos Aires. At that time, its authorities were also chosen, namely:

- Working Group 1: “Integrated public policies to address the COVID-19 crisis and achieve a human-centered, inclusive, sustainable and resilient recovery for a future of work with equity, social justice, and decent work”. Ministries of Labor of Chile (Chair), Costa Rica and Trinidad and Tobago (Vice-Chairs).
- Working Group 2: “Institutional strengthening of Ministries of Labor, and promoting institutionalized social dialogue to recover from the COVID-19 crisis and address emerging changes in the world of work”. Ministries of Labor of Colombia (Chair), United States and Panama (Vice-Chairs).

According to the Plan of Action of Buenos Aires (XXI IACML), the Working Groups were established “to advise the IACML regarding the objectives of the Declaration of Buenos Aires 2021” and, therefore, “will examine in greater depth the topics identified in this Plan of Action, facilitate the exchange of experiences, provide pertinent information and studies, and follow up on related hemispheric initiatives”.

Moreover, Article 8 of the Plan of Action of Buenos Aires states that Working Group 2 will follow up on the following topics of the Declaration of Buenos Aires: Strengthening and modernization of the Ministries of Labor to address both the emerging shifts in the world of work and the effects of the pandemic; enforcement of labor legislation and regulation, and effective application of fundamental principles and rights at work; strengthening of institutionalized social dialogue for the achievement of more just, equitable, and resilient societies; freedom of association and collective bargaining; regular, safe and orderly labor mobility; prevention and eradication of child labor; elimination of all forms of forced and compulsory labor; universal social protection for an inclusive, sustainable and resilient recovery; occupational safety and health; address workplace health and safety arising from the Covid-19 crisis; and strengthening the Inter-American Network for Labor Administration (RIAL).

III. MAIN IDEAS OF THE MEETING

Based on the mandates formulated in the Plan of Action of Buenos Aires, the Work Plan 2022-2024 of the IACML, and the decisions taken during the IACML Authorities Meeting in January, 2023, the main topics covered during this Working Group meeting are: “occupational health and safety”, “social dialogue and respect for freedom of association and collective bargaining” and “strengthening and modernization of the Ministries of Labor”. These topics were discussed in three thematic panels which had introductory presentations and spaces of dialogue, whose central elements are listed below. In addition, the meeting also included a posthumous tribute to Dr. Julieta Rodríguez Guzmán, and a session on the RIAL Workshop on Labor Law Compliance, included in the 2022-2024 Work Plan.

The meeting of WG2 of the XXI IACML that is reported in this document, was inaugurated by Hon. Glora Inés Ramírez, Minister of Labor of Colombia, as Chair of WG2, who thanked participants for their presence. Minister Ramirez emphasized that social dialogue, tripartism, employment strategies, and regional cooperation fora, such as the IACML, are crucial to achieve priority objectives in the world of work and strengthen the Ministries of Labor.

Panel 1: Occupational health and safety

Moderator: Ahychel Elías, Head of the International Technical Cooperation Office of the Ministry of Labor of Panama, Vice-Chair of WG2.

Presentations by: Gerry Eijkemans, Director of the Department of Social and Environmental Determinants for Health Equity of PAHO; Tomás Teijeiro, Labor Inspector General of the Ministry of Labor and Social Security; Julio Rosales, representing the Chair of COSATE; and Juan Mailhos, representing the Chair of CEATAL.

After the opening, the Technical Secretariat paid a posthumous tribute to Dr. Julieta Rodríguez Guzmán, a leading figure and a reference on occupational health in the Americas, who passed away on July 5, 2023. Dr. Rodríguez was an unconditional ally of the IACML and the RIAL from the Pan American Health Organization, promoted policies on occupational health and professional risks throughout the Americas, contributed to position politically the link between working conditions and health, as well as research and training on occupational cancer, and mental health at work.

In addition to the presentations by PAHO, Uruguay, COSATE, CEATAL and the tribute, there was a broad space for dialogue in which delegates from Canada, Chile, Trinidad and Tobago, Peru and Spain participated.

The following points summarize the main elements of the presentations and interventions during the dialogue:

- Latin America and the Caribbean is the most unequal region in the world, and health problems are the result of social and economic policies that go beyond the health sector itself. The importance of putting health and safety at work at the center of strategies to reduce inequality in the region was recognized, highlighting how essential it is to develop labor policies and guarantee fundamental rights at work.
- The following effects on occupational health and safety, derived from the COVID-19 pandemic, were noted:
 - The pre-existing inequities were deepened during the pandemic, as poorly regulated and precarious jobs continued to increase, with limited labor rights, low wages, and poor health and safety conditions.
 - Essential workers in the health sector faced poor working conditions, without personal protection or psychosocial support. According to PAHO data, 25% of health workers in the region showed severe symptoms of depression, as well as the highest number of infected workers. These points show that entering a global crisis with a precarious workforce and a lack of support results in devastating effects.
 - Teleworking and employment on digital platforms increased, which represents new conditions and new challenges for health and safety at work.
- The region continues to have an outstanding debt regarding workers' health; according to ILO data, more than 100,000 workers die each year from occupational accidents and diseases in the Americas, making evident the urgent need for preventive measures.

- There is a very strong correlation between employment conditions and health; in this context, the correlation between mental health illnesses and long-term unemployment, particularly depression, anxiety and heart attacks, was highlighted.
- Mental health was widely recognized as a component of health and safety at work, and as an area of particular concern particularly following the pandemic. In this discussion, violence and harassment at work was also mentioned as a destabilizing factor, and several delegations stated that they were already implementing prevention strategies and working towards the ratification of ILO Convention No. 190 on the matter.
- The COSATE delegate pointed out that people who work in platform or telework are also exposed to occupational risks, and made the following recommendations:
 - Integrate health and safety into general education and vocational training programs for new generations;
 - Promote centralized collective bargaining to develop a culture of prevention and reduce accident rates;
 - Define public policies to promote health and safety in cases of subcontracting or outsourcing.
- The CEATAL delegate recognized the complexity of occupational health and safety issues within companies, highlighting the lack of information and a general lack of knowledge about mental health. He highlighted that generating a culture of prevention, beyond the legal aspect, is possible through dialogue and tripartite collaboration, and that it must be adapted to the specific needs of companies. He also pointed out to the reality of small and medium-sized businesses, which have limited resources. Lastly, he recommended continuing to generate knowledge, since there is an information deficit that was aggravated by the pandemic and it is essential to have basic knowledge, awareness and general training to develop a preventive approach to health and safety at work.
- Some national experiences were mentioned:
 - In Canada, mental health is a central priority for the Federal Government, which has provided digital tools to raise awareness among workers about health and safety issues at work, as well as legislative support to reinforce employers' responsibilities to prevent psychological incidents, such as the right of workers to digital disconnection. The Canadian government is committed to ratifying ILO Convention No. 155 on workers' safety and health, with the technical review at the national level as the first step.
 - The Ministry of Labor of Chile highlighted its Ministerial Committee for Safety and Health at Work, which is made up of the Ministries of Labor, Health, Economy, Development and Tourism, Mining, and Defense. It made reference to the review of national policies and tripartite consultation to update current policies, as well as the creation of the first Preventive Management Regulation (*Reglamento de Gestión Preventiva*) with a safe and healthy environment focus.
 - The delegate of the Ministry of Labor of Trinidad and Tobago pointed out that there is close collaboration with the Ministry of Health to strengthen labor

inclusion through the hiring of people with disabilities and well-being in the workplace. She made reference to the first stage of the National Employee Wellness Policy, which aims to promote a healthy work environment.

- The Ministry of Labor and Employment Promotion of Peru highlighted its Occupational Health and Safety Law, conformed by two intersectoral councils together with the Ministry of Health. In addition to updating regulations and ratifying international conventions, the Ministry has an instrument to investigate, evaluate and prevent basic socio-labor risks.
- The Government of Spain stated that the National Institute of Safety and Health at Work is in charge of promoting improvements in occupational safety and health conditions, according to the Occupational Risk Prevention Law. He mentioned that inter-ministerial collaboration, particularly with the Ministries of Health, Education and Science, is essential to improve training on this issue. He also highlighted the new Spanish strategy for health at work, which seeks to evaluate and prevent psychosocial risks in those activities with a higher prevalence of mental illnesses.
- There was a broad consensus on the need to continue strengthening the culture of prevention in occupational health and safety, which implies efforts on various fronts, including installing this topic in educational curricula. It was recognized that achieving a culture of prevention requires close and tripartite dialogue, and should encompass the complexity of the mental health crisis, through sensitization, awareness and training on the subject. The impetus that the IACML has provided in this regard was highlighted.
- The efforts made by governments were recognized and some recommendations were made to ensure the safety and health of workers:
 - Have close collaboration between the Ministries of Health and Labor at the national level.
 - Recognize the consequences that occupational exposures and employment conditions have on health.
 - Continue working toward universal health coverage, expanding access to workers' health services.
 - Update legislation on workers' health, improving the identification of occupational risks and strengthening inspection systems.
 - Promote social dialogue and collective bargaining.
 - Strengthen the State capacities in inspection, address the challenges of the digital economy and telework, and integrate health and safety into education.

Panel 2: Social dialogue and respect for freedom of association and collective bargaining

Moderator: Sarah Morgan, Director, Office of International Relations and Economic Research, United States Department of Labor and Vice Chair of WG2

Presentations by Hon. Verónica Navia Tejada, Minister of Labor, Employment and Social Welfare of Bolivia; Pavel Yasser Santodomingo, Deputy Director of Social Organization of the Ministry of Labor of Colombia, Carlos Aldao Zapiola in representation of the Chair of CEATAL; and Nahuel Placanica, representing the Chair of COSATE.

The main points of the presentations and interventions of Guyana, Guatemala, Uruguay, Trinidad and Tobago, and Chile during the Panel are summarized below:

- The delegate of the Ministry of Labor of Colombia presented the conclusions and recommendations that emerged from the RIAL Workshop “Social dialogue for a sustainable, just and equitable recovery”, held in Bogotá in July, 2022, and contained in the document CIMT-21/GT1-GT2/doc.7/23 of the Meeting of Working Groups. It is recommended to consult this document and take into consideration all the recommendations of the Workshop; in particular, the delegate highlighted those related to strengthening institutionalized dialogue.
- There was great consensus on the importance of social dialogue in the management of labor relations, the promotion of social peace, and social justice.
- A positive trend was observed towards the institutional formalization of social dialogue, evidenced by the creation of committees and bodies dedicated to facilitating and regulating said dialogue. It was argued that institutionalized social dialogue, which involves the free and full participation of the most representative organizations of the world of work, constitutes the route to strengthen democracies. This is achieved through transparent and lasting consensus that go beyond operative or implementation aspects, but provide concrete and effective responses to the demands, needs and expectations of the population.
- It was recalled that, in response to the COVID-19 pandemic, there have been outstanding positive experiences in the implementation of social dialogue and collective bargaining. The negotiation of collective agreements focused on specific agreements by sector of activity has proven to be crucial. The promotion and use of social dialogue has facilitated the formulation of effective measures to protect the employment, income, health, safety and lives of workers in various countries. Some notable experiences that were mentioned during the exchange:
 - The Ministry of Labor of Chile stated that its Dialogue Council has played a crucial role in significant events, such as the parliamentary approval of the Law that reduced the working week to 40 hours and in the discussions prior to the ratification of ILO Convention No. 190.
 - The Ministry of Labor of Guatemala reported that, through social dialogue, the digitization of the union registry has been prioritized through the creation of an electronic public registry, seeking safer and more efficient access. In addition, work has been done to simplify the registration processes for unions, promoting their participation as key actors in social dialogue. The delegate highlighted the work of the National Tripartite Commission in achieving important agreements.

- The Ministry of Labor of Uruguay shared that the tripartite council, composed by representatives of the Executive Branch, employers and workers, has demonstrated effectiveness in social dialogue with the discussion of diverse topics, from minimum wage to business sustainability and regulation of international conventions, particularly in the post-COVID-19 stage.
- In the debate, a concern was noted about persistent situations in the region, such as the criminalization of protest and continuous violations of freedom of association. The Colombian delegation highlighted the work of the Truth Commission that made it possible to identify and quantify acts of anti-union violence in the last 40 years of conflict, as well as reparation actions.
- It was shared that, according to the latest report of the global rights index of the International Trade Union Confederation (ITUC), the right to strike is violated in 92% of the countries in the region. In 72% of the countries, workers are excluded from the right to establish a union. In 76% of the countries in the region, the right to collective bargaining is violated, in 88% the registration of unions was prevented, and in 20% freedom of expression and assembly was restricted.
- The delegations recognized unanimously the need and relevance of safeguarding and enhancing all labor rights, and referred especially to the defense of freedom of association and the prohibition of persecution for union activities.
- The need to have solid labor laws and regulations was also a point of notable consensus. These not only protect workers' rights, but also promote equity and support union participation. Below, the mentions of different countries about their legislation are listed:
 - The Ministry of Labor of Guyana shared that the Constitution guarantees freedom of association, backed by laws such as the "*Trade Union Act*" that regulates and registers unions and the "*Trade Union Recognition Act*" that facilitates the certification of unions and establishes a council with workers' representatives, including provisions for collective bargaining.
 - The Ministry of Labor of Trinidad and Tobago shared its legislation in this regard: the Trade Union Act and the Industrial Relations Act are key pieces that aim to stabilize and improve labor relations. It highlighted the crucial role of the Trade Union Division, which provides services to trade union organizations from their formation to the interpretation of the law. The Division plays an essential role in providing advice and support to all unions and associations, being essential in promoting the principles of the right to organize, freedom of association and collective bargaining.
 - The Ministry of Labor of Guatemala reported that it has institutionalized Social Dialogue in the country and that it has been materialized through a government agreement issued by the Ministry of Labor. It recognized the need to raise this institutionalization to the level of Ordinary Law, and therefore, the initiative 61-62 has been presented to the Congress of the Republic. This initiative seeks to create the National Tripartite Commission on Labor Relations and Freedom of Association through a law, strengthening social dialogue as an institutional commitment.

- The Ministry of Labor of Uruguay, since the middle of the last century, has formalized social dialogue through the Law of Salary Councils. In 2009, the law that originated the Tripartite Superior Council was established, in charge of coordinating and governing labor relations.
- The CEATAL delegate addressed the issue of social dialogue in Argentina, and made some observations about the Argentinian union model, negotiation and health benefits. He mentioned some labor and social policy recommendations such as the modernization of social benefits and the reimbursement of expenses for medications, among others.
- The COSATE delegate stressed the importance of convening union organizations in institutionalized social dialogue, advocating for their participation throughout the entire public policy cycle. To strengthen freedom of association and collective bargaining, he proposed: reducing informality, combating anti-union culture, strengthening labor inspection, promoting freedom of association in all social sectors, and improving mechanisms for access to union registration. Furthermore, he pointed out the importance of advocating for the protection of freedom of association, considering it fundamental for democracy and the rule of law.

Panel 3: Strengthening and modernization of the Ministries of Labor

Moderator: Pavel Santodomingo, Deputy Director of Social Organization, Ministry of Labor of Colombia, representing the Chair of WG2.

Presentations by Dhaneshwar Deonarine, Chief Labour Officer of the Ministry of Labour of Guyana; Patricia Aragón Reyes, Undersecretary of Administrative Management, Ministry of Labor, Employment and Social Security of Argentina; and Maria Claudia Camacho, Chief of Labor and Employment Section, Department of Human Development, Education and Employment, OAS.

The main points of the reports presented and presentations made, as well as derived from the interventions of Canada, Trinidad and Tobago, Guatemala, Spain, and Colombia during the Panel, are summarized below:

- Ministries of Labor worldwide are adopting measures in order to modernize and continue with hybrid work schemes, incorporating new technologies such as computers, mobile communications and web applications that have an impact on public policy and decision-making at the administrative level.
- There is a broad consensus among the Ministries regarding the need to digitize processes and carry out procedures electronically. It was recognized that modernization represents an improvement in results, more transparency and responsibility to achieve ministerial objectives and comply with labor legislation. This transformation involves computer equipment and supplies, as well as training of human resources.
- It was recognized that technology and digital transformation bring benefits and impacts in different areas of action of the Ministries of Labor, particularly in:
 - the transfer of knowledge and the creation of online training opportunities open to the public,

- the establishment of information and orientation centers, which allow greater proximity to citizens,
 - the improvement of employment services, given that technology has allowed job seekers and companies to find each other more efficiently, and
 - the improvement of labor inspection.
- The Ministries of Labor shared various strategies and modernization efforts, which are captured below:
 - The Ministry of Labor of Guyana highlighted that in 2020-2021 it changed to a paperless system. Its Electronic Labour Inspection System has allowed inspection reports to be accessible to all regions of the country, which allows information to be systematized and analyzed in a timely manner. Operational aspects such as checklists, inspection forms, weekly and monthly plans, to name a few, allow strategies to be formulated correctly.
 - The Ministry of Labor of Argentina shared the INDI 2.0 Digital Inspection strategy, through which, in 40 territorial agencies, inspectors use digital means to carry out inspections in the territory; managing to supervise passenger transportation; detect child and adolescent labor, and labor exploitation of unregistered work. In addition, it highlighted its digital transformation process that includes a procedures portal as the only entry point for administrative processes with the Ministry: from union associations, to concessions, legal demands, registrations, among others.
 - The Canadian Government shared how technology is used to address pay gaps in the country, in line with their national Employment Equity Act. The delegate of Canada shared that in the Fall of 2023, a new federal government digital platform would be launched, displaying in detail comparative data by employer and occupation, raising awareness to reduce wage disparities, following the example of the United Kingdom.
 - The Ministry of Labor of Trinidad and Tobago outlined the plan to develop an Enterprise Information System to digitize internal processes, in addition to a National Employment Online Network (NEON). It was highlighted that this improvement in the accessibility of services is supported by the ILO and the IOM.
 - The Ministry of Labor of Guatemala mentioned that the General Labor Inspection is building a digital system of sanctions based on algorithms and technical and legal data, to improve the efficiency and transparency of the process.
 - The Government of Spain highlighted its Recovery, Transformation and Resilience Plan, having digital transformation as an axis, through the modernization of public administrations and the promotion of digital skills. Additionally, the international technical assistance program of the Ministry of Labor has achieved 33 collaborations in 14 countries in Latin America and the Caribbean, Senegal and Cape Verde, to promote public innovation.
- The Technical Secretariat presented the RIAL activity (CIMT-21/GT1-GT2/doc.8/23) and financial (CIMT-21/GT1-GT2/doc.9/23) reports, highlighting, on the one hand, the

main results and impacts that the Network has had since its creation by Ministerial mandate in 2005, and on the other, its current financial situation.

- The Technical Secretariat highlighted that the RIAL has had concrete impacts on the institutional strengthening of the Ministries of Labor, which include the development of new services and programs, and the reformulation of internal procedures, among others. It mentioned some examples, such as the preparation of the Manual to eradicate gender violence at work in Uruguay, a product of a RIAL cooperation with Argentina. The delegation of Trinidad and Tobago mentioned a bilateral cooperation with Canada and indicated it is using some of the lessons learned from Canada to strengthen its systems to address violence and harassment at work.
- The Secretariat went through the RIAL website (www.rialnet.org), showing its tools and highlighting that it contains all the information on RIAL activities: bilateral cooperation, workshops, presentations, studies, forums, recordings, list of members, portfolios, among others. Delegations were invited to consult the page, particularly the Portfolio of Programs and the new repositories of information on telework and paid domestic work.
- Regarding the financial sustainability of the RIAL, the Technical Secretariat informed that this has been achieved thanks to the voluntary contributions of the Member States which, as stated in the Financial Report distributed, have amounted to more than USD \$770,000 from 22 member States over 12 years since the creation of the Fund. The volatility of year by year contributions was highlighted, as well as the disparity in both periodicity and amount among the Ministries.
- The call was reiterated for the Ministries to make contributions to the Voluntary Contribution Fund on a periodic basis, with the objective of having more consistency and predictability within the Network.
- Regarding the results, it was highlighted that more than 1,800 officials have participated in some RIAL activity or received technical assistance directly, which results in an indirect impact on approximately 5,000 people, which in turn has resulted in strengthened policies, programs, and institutions.

Other Relevant Topics – Presentation of the RIAL Workshop on Compliance with Labor Law

The Director of the Office of International Relations and Economic Research of the United States Ministry of Labor, Sarah Morgan, invited all attendees to participate in the RIAL Workshop on Compliance with Labor Law, organized in conjunction with the Technical Secretariat of the IACML on December 5 and 6, 2023 in Washington D.C., United States of America, as part of the 2022-2024 Work Plan of the IACML.

For its part, the Technical Secretariat, represented by María Claudia Camacho, highlighted that the aforementioned Workshop responds to the priorities and commitments of the Ministries of Labor in terms of strengthening labor inspection, particularly highlighting the preventive approach in compliance with labor law, as well as the use of new technologies in labor inspection.

The moderator then thanked all delegations and declared the meeting of the Working Group 2 adjourned.