



## Governing Body

333rd Session, Geneva, 9 June 2018

GB.333/INS/4(Rev.)

Institutional Section

INS

Date: 8 June 2018

Original: Spanish

### FOURTH ITEM ON THE AGENDA

## Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution

### Information on progress achieved

#### Purpose of the document

This document provides follow-up to the request made by the Governing Body in March 2018 that this matter be brought before it again at its June 2018 session.

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

**Main relevant outcome/cross-cutting policy driver:** Outcome 2: Ratification and application of international labour standards and a cross-cutting policy driver concerning international labour standards.

**Policy implications:** These will depend on the decision taken.

**Legal implications:** None.

**Financial implications:** These will depend on the decision taken. The cost of a commission of inquiry would need to be approved by the Governing Body.

**Follow-up action required:** This will depend on the decision taken.

**Author unit:** International Labour Standards Department (NORMES).

**Related documents:** GB.316/INS/15/2; GB.317/INS/6; GB.319/INS/7(&Corr.); GB.320/INS/9; GB.322/INS/8; GB.323/INS/6(Rev.); GB.324/INS/4; GB.325/INS/8(Rev.1); GB.328/INS/10(Rev.); GB.329/INS/13(Rev.); GB.331/INS/12(Rev.); and GB.332/INS/9(Rev.).



1. At its 332nd Session (March 2018), the Governing Body, in view of the information communicated by the Government and by the workers' and employers' organizations of Guatemala, and taking due note of the significant progress achieved in the implementation of the national tripartite agreement of November 2017 and of the work under way in this regard: (i) urged the Government, together with the Guatemalan social partners, with the support of the International Organisation of Employers and the International Trade Union Confederation, and with the technical assistance of the Office and of its representative in Guatemala, to continue to devote all the efforts and resources necessary to achieve the complete implementation of the national agreement aimed at settling the unresolved matters in the complaint and the roadmap; (ii) encouraged the international community to contribute to the implementation of the national agreement and to the corresponding technical assistance of the Office by providing the necessary additional resources; and (iii) deferred the decision on the appointment of a commission of inquiry until its 333rd Session (June 2018).
2. The Government and the trade union federations of Guatemala sent information on the implementation of the national tripartite agreement and the follow-up given to the key indicators and the points of the roadmap in communications dated respectively 9 and 15 May 2018. The information is summarized below. The full text of the communications sent by the Government and the trade union federations of Guatemala, as well as their respective annexes, is available to constituents in Spanish.

## **I. Information on progress achieved in the implementation of the national tripartite agreement**

### **Establishment and functioning of the National Tripartite Committee on Labour Relations and Freedom of Association**

#### ***The Government of Guatemala***

3. The Government recalls that on 4 February 2018 it adopted Ministerial Order 45-2018 establishing the National Tripartite Committee on Labour Relations and Freedom of Association (henceforth the National Tripartite Committee). Under the terms of the Ministerial Order, the National Tripartite Committee has three subcommittees (on implementation of the roadmap; on mediation and dispute settlement; and on legislation and labour policy). The office of the National Tripartite Committee is funded by the Ministry of Labour and Social Welfare (henceforth Ministry of Labour).
4. The Government states that from February 2018 to the date of presentation of this report, the National Tripartite Committee held seven meetings in plenary, which achieved the following results: (i) the election of Mr Francisco Mendoza, representative of the workers' sector, as the chairperson of the National Tripartite Committee; (ii) the presentation and approval of a workplan from February to June 2018, prior to the 107th Session of the International Labour Conference and the 333rd Session of the Governing Body; (iii) the appointment, inauguration and functioning of the three subcommittees; (iv) the presentation of the National Tripartite Committee through a press conference and the production of an information bulletin to publicize the workings of the Committee; and (v) the preparation of the report of the National Tripartite Committee, to be sent to the ILO.

5. The Government adds that each subcommittee has already appointed its chairperson (the Subcommittee on Implementation of the Roadmap and the Subcommittee on Mediation and Dispute Settlement will be chaired by representatives from the trade unions; the Subcommittee on Legislation and Labour Policy will be chaired by the Deputy Minister for Labour Administration) and has adopted its workplan. The specific activities carried out by each of the three subcommittees are summarized in the relevant sections of the present document.
6. The Government also refers to the initiatives taken, in accordance with sections 25 and 28 of Ministerial Order 45-2018, to have the National Tripartite Committee recognized by law, in order to ensure both its permanence and its financial autonomy. The Government indicates in this respect that: (i) as it had been requested to do, the Office, through the representative of the Director-General in Guatemala, submitted a proposal for a legislative decree on 11 April 2018; and (ii) the Subcommittee on Legislation and Labour Policy is compiling the comments from the workers' and employers' sectors on the aforementioned proposal and hopes to present a final proposal to the plenary of the National Tripartite Committee in early June 2018 before this is referred to the Labour Committee of the National Congress.

### ***The Autonomous Popular Trade Union Movement and Global Unions of Guatemala***

7. The representatives of the trade union federations indicate that both the plenary of the National Tripartite Committee and its three subcommittees are composed of delegates from the three sectors. They add that the workers' delegates within the Subcommittee on Legislation and Labour Policy presented legislative proposals to institutionalize the National Tripartite Committee. Lastly, they declare that ILO technical assistance is required so that the workers' representatives within the National Tripartite Committee can perform their duties on an equal footing to the representatives of the employers and of the Government, who have many more facilities and resources to ensure technical preparation.

### **Tripartite discussions on labour law reform**

#### ***The Government of Guatemala***

8. As regards the legislative reforms provided for in the national tripartite agreement of November 2017, the Government recalls the agreements reached in February 2018 regarding: the right to organize of public sector workers who are subject to temporary contracts and special schemes; the definition of the list of essential services in which strikes are prohibited; and the revision of two provisions of the Penal Code so that participation in a legal strike cannot incur penalties.
9. The Government adds that the Subcommittee on Legislation and Labour Policy of the recently established National Tripartite Committee met on 24 April 2018 with the members of the Labour Committee of the National Congress to re-examine the two pending items on legislative reform, relating to strike ballots and sectoral trade unions. The Government indicates that, according to the workers and employers, the two subjects are still being reviewed by their respective sectors, after which the tripartite negotiations on these matters can resume.
10. The Government adds that, in addition to the legislative reforms specifically referred to in the national tripartite agreement, the Subcommittee on Legislation and Labour Policy is considering as part of its workplan: (i) to conduct an analysis of collective bargaining in the public sector; (ii) to carry out an exchange of views on labour procedural law with judges of

the Supreme Court Chamber for the Protection of Rights and Preliminary Proceedings; and (iii) to request information from the Labour Committee of the National Congress on all current legislative proposals relating to labour matters.

### ***The Autonomous Popular Trade Union Movement and Global Unions of Guatemala***

11. The representatives of the trade union federations state that there is huge resistance in the employers' sector to the legislative changes that are needed to ensure the recognition and functioning of sectoral or regional trade unions, despite the fact that the Committee of Experts on the Application of Conventions and Recommendations (CEACR) has been calling for these legislative reforms for over 15 years. They add that the workers' delegates within the Subcommittee on Legislation and Labour Policy submitted a new proposal relating to Bill No. 5199 with a view to undertaking the Labour Code reforms called for by the CEACR. They state that, despite this and in violation of the agreements reached with the national tripartite constituents to seek tripartite consensus on labour law reform, the National Congress decided to place Bill No. 5199 on its legislative agenda and adopted it at third reading. The representatives of the trade union federations declare that this adoption has the potential to destroy social dialogue and trust between the parties since it might be construed as one sector promoting the adoption of the aforementioned Bill on which no consensus was reached.

## **II. Information on progress achieved based on the key indicators and the roadmap**

### **Key indicator 1: Significant increase in the number of cases of murders of union officials and members reported to the ILO that have been investigated and have led to convictions (before 31 October 2015) – related to points 1, 2 and 4 of the roadmap**

*(Follow-up of the investigation into the 58 murders of trade union members reported to the ILO; the timely trial and conviction of the perpetrators and instigators of the crimes in order to ensure intolerance towards impunity; the promotion of the direct participation of victims and trade union organizations throughout the criminal investigation and proceedings.)*

### ***The Government of Guatemala***

12. As indicated in its report of February 2018, the Government refers once again to the progress made in the investigations and criminal proceedings relating to the murders of five members of the trade union movement (Mr José Ricardo Morataya Lemus, Mr Bruno Ernesto Figueroa, Mr Miguel Angel Ramírez Enríquez, Ms Brenda Marleni Estrada Tambito and Mr Marvin Leonel Arévalo Aguilar). The Government also reports that: (i) with regard to the murder on 1 September 2017 of Mr Tomás Francisco Ochoa Salazar, an official of the SITRABREMEN trade union organization, warrants have been issued for the arrest of five suspected perpetrators and instigators of the crime, the discussion of the final report of the investigation having been fixed for June and July 2018; and (ii) with regard to the attempted murder in September 2016 of Mr José Alejandro Chinchilla Veliz, general secretary of the Union of the Municipality of San Miguel Petapa, charges have been brought and trial

proceedings have been requested against two individuals, the discussion of both charges being due in September 2018.

13. The Government provides an overview of the status of 86 cases involving the deaths of trade union officials and members, indicating that: (i) 52 cases are at the investigation stage; (ii) 16 convictions were handed down in relation to 14 cases (two cases involve two rulings each); (iii) four acquittals were issued; (iv) one judicial sentence of security and corrective measures was handed down; (v) arrest warrants have been issued in six cases; (vi) criminal proceedings were dropped in five cases; (vii) proceedings are at an intermediate stage in three cases; and (viii) one case is under discussion.
14. The Government adds that: (i) with a view to analysing the trade union aspects of the various criminal scenarios, 17 meetings have been held since August 2017 between the Special Investigation Unit for Crimes against Trade Unionists and the Specialized Criminal Investigation Division (DEIC) of the National Civil Police; (ii) although the cooperation agreement between the Public Prosecutor's Office and the trade union federations formally expired on 9 September 2017, the Public Prosecutor's Office continues to inform the trade unions on the progress of cases, whenever it is requested to do so; and (iii) the Public Prosecutor's Office is willing to negotiate the basis of a new cooperation agreement that meets the current needs of the parties.
15. As regards the cooperation agreement between the International Commission against Impunity in Guatemala (CICIG) and the Public Prosecutor's Office in relation to 12 cases selected by the trade union organizations, the Government indicates that the proceedings in four of these cases already have an outcome (one conviction for the perpetrator of a murder; one summons for a suspect to appear for trial; and two cases where the criminal proceedings were dropped) and the other eight cases are under investigation.
16. Moreover, the Government highlights the work of the Subcommittee on Implementation of the Roadmap of the recently established National Tripartite Committee in relation to point 1 of the roadmap. The Government states that this Subcommittee: (i) is developing a proposal to formalize a forum for dialogue involving the Public Prosecutor's Office, the Ministry of the Interior and the Subcommittee; (ii) has examined with the Public Prosecutor's Office the viability of courts which have jurisdiction for high-risk proceedings to hear cases involving the murders of trade unionists; and (iii) will conduct an analysis of investigations in certain cases involving the murders of trade unionists where the complexity or age of the cases is an obstacle to rapid progress.

### ***The Autonomous Popular Trade Union Movement and Global Unions of Guatemala***

17. The representatives of the trade union federations state that, in order to give the impression of progress being made, improvements have been made to the drafting of reports at the Public Prosecutor's Office relating to the murders of members of the trade union movement. However, they declare that the results of the investigations to identify the suspected perpetrators and instigators of the murders and consequently secure convictions in the courts still show no significant progress.
18. The representatives of the trade union federations emphasize the particular situation of the murder of Mr Francisco Ochoa, the SITRABREMEN union official, in relation to which several administrative workers reportedly occupying positions of trust in the enterprise were apprehended, creating an unprecedented situation regarding the investigations into the many murders of trade union movement members. In general, they express regret at the fact that the investigative capacity of the CICIG, which has a proven track record of efficiency in corruption cases, has not been used to solve the aforementioned murder cases.

**Key indicator 2: Conduct, together with the relevant trade union organizations, of risk assessments for all threatened union officials and members and the adoption of appropriate protection measures (before 30 June 2015) – related to point 3 of the roadmap**

*(Strengthen the prevention, protection and response mechanisms in respect of threats and attacks against trade union officials, unionized workers and others seeking to organize themselves in trade unions.)*

**The Government of Guatemala**

19. The Government provides a chart indicating the years (between 2004 and 2017) when the 86 deaths of trade union officials and members referred to in the previous point occurred, underlining the fact that no death has been reported in the first few months of 2018. The Government also provides information on the security measures requested and granted to members of the trade union movement. It indicates that 106 security measures were requested in 2017, with 99 perimeter security measures and three personal security measures granted. In the first quarter of 2018, a total of 38 security measures were requested and 33 perimeter security measures were subsequently granted.
20. The Government adds that, on the basis of recommendations made by the Inter-American Commission on Human Rights and the ILO and the report of the international mission on the situation of human rights defenders in Guatemala, Ministerial Order 23-2018 was adopted on 17 January 2018 giving continuity to the Department for the Assessment of Assaults on Human Rights Defenders, which has held 18 meetings so far this year.
21. As regards the Standing Trade Union Technical Committee on Comprehensive Protection, the Government states that two meetings were scheduled for 29 January and 19 February 2018 but that these could not go ahead owing to the absence of the members of the trade union movement.

**The Autonomous Popular Trade Union Movement and Global Unions of Guatemala**

22. The representatives of the trade union federations denounce: (i) the murder on 4 May 2018 of Mr Alejandro Garcia Felipe, member of the San Juan Tecuaco health branch of the National Union of Health Workers of Guatemala; (ii) the murder on 9 May 2018 of Mr Luis Arturo Marroquín, human rights defender and official of the Agricultural Development Committee (CODECA); (iii) the murder on 10 May 2018 of Mr José Can Xol, human rights defender of the Altiplano Agricultural Development Committee (CCDA); and (iv) the murder on 14 May 2018 of Mr Mateo Chaman Paau, human rights defender of the CCDA. As regards the first case, the representatives of the trade union federations emphasize that the National Union of Health Workers of Guatemala has been subjected to vicious attacks in the media for years on account of the collective agreements that it has negotiated with the public administration.

**Key indicator 3: Setting up of a hotline for reporting acts of violence and threats against union officials and members (before 31 May 2015) – related to point 3 of the roadmap**

*(Strengthen the prevention, protection and response mechanisms in respect of threats and attacks against trade union officials, unionized workers and others seeking to organize themselves in trade unions.)*

**The Government of Guatemala**

23. With regard to the use of the hotline for reporting attacks against human rights defenders and members of the trade union movement, the Government indicates that, of the 1,400-plus calls received in the first quarter of 2018, only five involved actual complaints of rights violations, and none of them related to trade union matters. The Government adds that between 1 January 2016 and 30 April 2018 the hotline responded to 15 complaints from trade unionists, four from journalists and two from human rights activists. The Government also indicates that the complaint presented in 2017 by a member of the Fraijanes Municipal Workers' Union, which was initially assigned to the Special Investigation Unit for Crimes against Trade Unionists, was referred by this unit to the Office of the Prosecutor for Administrative Offences on account of the types of offences reported.

**Key indicator 4: Drafting and tabling before Congress of a bill, based on the comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), ensuring the conformity of national legislation with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), (before 30 September 2015) – related to point 5 of the roadmap**

*(The Government shall take urgent action, in consultation with the tripartite constituents, to propose amendments to the Labour Code and the other relevant laws, incorporating the amendments which have long been proposed by the ILO supervisory bodies.)*

**The Government of Guatemala**

24. The information provided by both the Government and the trade union federations in relation to the reforms needed to bring the national legislation into conformity with Convention No. 87 is summarized in part I of the present document (paragraphs 8 to 11).

**Key indicator 5: Significant increase in the percentage of reinstatement orders actually implemented for workers victim of anti-union dismissals (by 31 October 2015) – related to point 7 of the roadmap**

*(In order to strengthen the rule of law in Guatemala, it is important and urgent that the rulings of the labour courts are observed and executed.)*

## **The Government of Guatemala**

25. The Government refers to the information supplied by the judiciary that, in the context of collective disputes from 1 January 2017 to 30 April 2018, a total of 2,111 reinstatement requests were submitted, of which: (i) 192 were rejected; (ii) 1,082 are under consideration; and (iii) 837 were accepted. Of the 837 reinstatement requests that were accepted: (i) 260 have been implemented; (ii) 188 are pending; and (iii) the remaining 389 have not been implemented, either because they gave rise to appeals, including for the protection of constitutional rights (*amparo*), by the employer and these are pending, or because the employer refused to reinstate the workers concerned.
26. The Government then refers to the information forwarded by the Public Prosecutor's Office relating to criminal proceedings instituted for non-compliance with reinstatement orders (contempt of court), according to which, in relation to 3,028 cases, specific reference is made to the following: (i) 2,046 cases are at the investigation stage; (ii) 142 were dismissed, shelved or closed; (iii) 27 are at the preliminary proceedings stage; (iv) 17 resulted in convictions; and (v) ten resulted in acquittals.
27. The Government also indicates that the Subcommittee on Implementation of the Roadmap decided to refer to the Subcommittee on Legislation and Labour Policy the subject of the jurisprudence of the Constitutional Court relating to the penal consequences of non-compliance with judicial orders for the reinstatement of workers who have been the victims of anti-union dismissals. Lastly, the Government refers to the draft Code of Labour Procedure, which is currently being prepared by several judges of the Supreme Court Chamber for the Protection of Rights and Preliminary Proceedings. The Government states that the draft is currently being revised and that its content will be disseminated within the National Tripartite Committee once it has been finalized.

## **The Autonomous Popular Trade Union Movement and Global Unions of Guatemala**

28. The representatives of the trade union federations assert that organizing unions and engaging in collective bargaining in Guatemala continues to be a heroic task. They state that the reinstatement of union officials and grassroots members who have been dismissed has still not been achieved, despite the intervention of various authorities at the Ministry of Labour in certain cases. In this regard, the representatives of the trade union federations cite various examples of multinational enterprises and municipalities.

### **Key indicator 6: Review and resolution of conflicts by the Committee for the Settlement of Disputes before the ILO in the Area of Freedom of Association and Collective Bargaining (by 31 October 2015) – related to point 8 of the roadmap**

*(It is necessary to take measures to strengthen state institutions, including the Ministry of Labour and Social Welfare, the Public Prosecutor's Office, the Specialized Human Rights Unit of the Ministry of the Interior, the judiciary, the legislature, the Human Rights Ombudsman, as well as the social partners, in the areas of freedom of association and collective bargaining, and in matters related to social dialogue.)*

### ***The Government of Guatemala***

29. The Government recalls that the functions of the Committee for the Settlement of Disputes before the ILO in the Area of Freedom of Association and Collective Bargaining are now assumed by the Subcommittee on Mediation and Dispute Settlement of the National Tripartite Committee. This subcommittee was established on 4 April 2018 and has held four meetings. On 10 April, the subcommittee held a mediation session relating to the situation of the Union of Workers of the Municipality of Jalapa (Case No. 2978) at which various agreements were reached, in particular concerning the payment of outstanding wages. The subcommittee plans shortly to hold the election of the new independent mediator to replace Mr Mario Pérez Guerra, to work on the proposed regulations governing the mediator's activity and also to examine the six cases that were pending in the former Committee for the Settlement of Disputes.

### **Key indicator 7: Launch of a wide-scale awareness-raising campaign on freedom of association and collective bargaining (by 30 June 2015) – related to point 9 of the roadmap**

*(A major awareness-raising campaign on freedom of association, the right to work and the right of workers and employers to organize should be launched throughout the country.)*

### ***The Government of Guatemala***

30. The Government refers to the billboards which, as indicated in its previous report, were placed for three months at the country's four main entry and exit points, used by 300,000 vehicles per day. The Government also states that widespread media coverage was given to the national tripartite agreement of November 2017 and the Governing Body decision of March 2018. Lastly, the Government refers to the new communication initiatives which have been launched, including: (i) on 30 April 2018, a one-hour interview on Radio Sonora with the Deputy Labour Minister on the subject of freedom of association; and (ii) a new phase of the campaign on social networks and official media of the Government.

### **Key indicator 8: Unimpeded registration of trade union organizations without hindrance in the Trade Union Register of the Ministry of Labour and Social Welfare (with an indication of the number and dates of the registration applications and the number and dates of both rejected and approved applications)**

### ***The Government of Guatemala***

31. The Government states that from January to March 2018 a total of 18 trade unions (nine in the private sector, nine in the public sector) were registered. It adds that during this period one organization was refused registration for failing to observe the time limits established in the legislation.

**Key indicator 9: Trends in the number of applications for registration of collective agreements on working conditions, with an indication of the industry concerned**

***The Government of Guatemala***

32. The Government reports the approval between January and April 2018 of nine collective agreements (six in the private sector, three in the public sector). The Government also indicates that from January to April 2018 the Ministry of Labour received: (i) two collective agreements (one in the private sector, one in the public sector) for approval; (ii) the notification of denunciation of a collective agreement (public sector), which precedes the renegotiation of the agreement; and (iii) the notification of 12 draft collective agreements (11 in the public sector, one in the private sector).

***The Autonomous Popular Trade Union Movement and Global Unions of Guatemala***

33. The representatives of the trade union federations state that since October 2015, when the employers' attacks on collective bargaining in the public sector began, it has become much more difficult to negotiate and secure approval for collective agreements in that sector. The representatives of the trade union federations indicate specifically that: (i) the process of approval of collective agreements by the Ministry of Labour, which previously took two weeks, now takes between six and 18 months; (ii) in a number of cases involving autonomous administrative authorities and municipalities, collective agreements are not only taking a long time to be approved but are also not being implemented after approval; and (iii) there is a reluctance to implement the collective agreement recently negotiated between the Union of Education Workers of Guatemala and the highest government authorities in the country.

**III. Additional elements**

***The Government of Guatemala***

34. The Government states that the specific and tangible facts contained in its report confirm the commitment made at the highest level by the three state authorities (executive, legislature and judiciary) to ensure the observance of Convention No. 87 and the implementation of the roadmap. The Government adds that the establishment and functioning of the National Tripartite Committee will contribute towards progressively ensuring respect for freedom of association and protection of the right to organize.

***The Autonomous Popular Trade Union Movement and Global Unions of Guatemala***

35. The representatives of the trade union federations call on the ILO Governing Body to continue its close monitoring of the situation in Guatemala in order to ensure that the Government fulfils its commitments in the context of the roadmap and that there is coherence between its actions and the establishment of the National Tripartite Committee. In this framework, the representatives of the trade union federations call for a commission of inquiry to be set up.

#### **IV. Measures and initiatives taken since March 2018**

36. It appears from the information provided that the following measures and initiatives have been taken since March 2018: (i) in accordance with the national tripartite agreement of November 2017, the National Tripartite Committee on Labour Relations and Freedom of Association, established on 6 February 2018, already has a plenary and three subcommittees that are functioning regularly and have adopted a plan of work; (ii) with a view to guaranteeing the continuity of that Committee and strengthening its institutional character, a draft legislative decree is under preparation to replace the Ministerial Agreement by which the Committee was established; and (iii) a draft code of labour procedure aimed at improving the efficiency of labour justice is also under preparation and will be submitted for consultation to the National Tripartite Committee on Labour Relations and Freedom of Association.

#### **V. Priority issues that continue to require further urgent action**

37. It also appears from the information provided that the following priority issues still require urgent action: (i) the investigation, prosecution and conviction of the perpetrators and instigators of all of the murders of trade union officials and members, as well as of the other violent acts committed against trade union officials and members that were reported to the ILO; (ii) the significant increase in the percentage of reinstatement orders actually implemented for workers who were victims of anti-union dismissals; (iii) in accordance with the national tripartite agreement, the finalization and delivery to National Congress of a legislative proposal that complies with point 5 of the roadmap and the subsequent adoption of the corresponding legislation; and (iv) the expansion of the awareness-raising campaign on freedom of association and collective bargaining.

#### **Draft decision**

***38. In view of the information communicated by the Government and the trade unions of Guatemala and the short period of time elapsed since the 332nd Session of the Governing Body (March 2018), and taking note, on one hand, of the considerable progress achieved, in particular in the establishment and functioning of the National Tripartite Committee on Labour Relations and Freedom of Association and, on the other hand, of the areas of the roadmap that still require urgent attention, on the recommendation of its Officers, the Governing Body:***

- (a) acknowledges the progress reached and urges the Government and the Guatemalan social partners, with the support of the International Organisation of Employers and the International Trade Union Confederation, and the technical assistance of the Office and of its representative in Guatemala, to continue the ongoing discussions with a view to submitting to the National Congress for approval a legislative proposal in full compliance with point 5 of the roadmap;***
- (b) urges the Government, together with the Guatemalan social partners, and with the technical assistance of the Office and of its representative in Guatemala, to continue to devote all the efforts and resources necessary to***

*achieve the complete implementation of the other aspects of the national agreement aimed at settling the unresolved matters in the complaint and the roadmap;*

- (c) requests the Office to develop a comprehensive technical assistance programme to support the National Tripartite Commission on Labour Relations and Freedom of Association and help settle the unresolved matters;*
- (d) welcomes the agreement for a tripartite mission to observe progress and make recommendations with a view to ensuring that the commitment included in the roadmap, particularly the amendments to the labour code, are taken into consideration in accordance with the national tripartite agreement reached in November 2017;*
- (e) encourages the international community to contribute to the abovementioned technical assistance programme by providing the necessary resources; and*
- (f) trusts that the required progress in all the areas above will allow closure of the procedure initiated under article 26 of the ILO Constitution at its 334th Session (October–November 2018).*