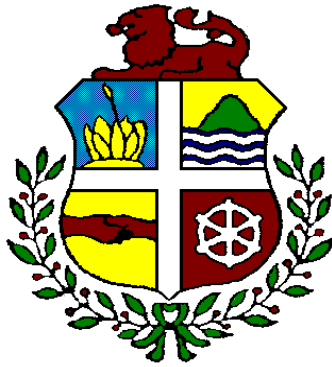


Report by the Government of Aruba - 2005 -



in accordance with article 22 of the Constitution of the
International Labour Organisation

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FOREWORD

The Government of Aruba is requested to communicate to the International Labour Office of the ILO, a simple report on the application of the following Conventions for period 31 May 2002 to 31 May 2005.

If the Committee of Experts or the Conference Committee has requested additional information or has made an observation on the measures adopted for the application of the Convention and Recommendations, the Government of Aruba will supply in this report the information for which was asked or indicate the action taken by the Government.

The Government replies to the questions raised in Division I through VI of the corresponding report forms on the application of the corresponding Convention and – if any – to the Comments raised by the Committee.

The Government communicated a copy of this report to the list of employers' and workers' representative organisations as noted per Convention in this report. The Government did not receive any comments regarding any Convention from these organisations nor did the Government receive any notice that they would wish to send their comments at a future time.

UNEMPLOYMENT INDEMNITY (SHIPWRECK), 1920 (NO. 8)

(Ratification registered by the Netherlands Antilles on 5 August 1957 and applicable to the country of Aruba as per 1 January 1986)

Direct Request 1999

The Government informs the Committee that no ship owner has had in any case recourse to the notion of “serious misconduct” nor has there been any court decisions to specify the interpretation of this term. The Government further informs the Committee that there are no persons registered in the profession of seaman nor are there vessels engaged in maritime navigation, as defined in article 1 subs 1 and 2 of the Convention.

The Government intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation pertaining to this convention during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer’s organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker’s organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Aruba Union of Nurses | ABV |

PLACING OF SEAMEN CONVENTION, 1920 (NO. 9)

(Ratification registered by the Netherlands Antilles on 5 August 1957 and applicable to the country of Aruba as per 1 January 1986)

The Government informs the Committee that it intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

Division I - V

The Government of Aruba informs that no changes have been made to any legislation pertaining to this convention during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

SEAMEN'S ARTICLES OF AGREEMENT CONVENTION, 1926 (NO. 22)

(Ratification registered by the Netherlands Antilles on 5 August 1957 and applicable to the country of Aruba as per 1 January 1986)

The Government informs the Committee that it intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

REPATRIATION OF SEAMEN CONVENTION, 1926 (NO. 23)

(Ratification registered by the Netherlands Antilles on 5 August 1957 and applicable to the country of Aruba as per 1 January 1986)

The Government informs the Committee that it intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

FORCED LABOUR CONVENTION, 1930 (NO. 29)

(Ratification registered by the Netherlands Antilles on 31 March 1934 and applicable to the country of Aruba as per 1 January 1986)

Direct Request 2002

Article 2(2)(c). The Government informs the Committee that the new Ordinance and regulations regarding prison services has not yet been adopted. The Parliament of Aruba has posed some questions on the new law to which the Government must supply answers. The Government assures the Committee that a copy of the Ordinance will be submitted after its approval by the Parliament is final.

Article 25. The Government regrets to inform the Committee that no progress has been made in promoting collaboration between the Labour Department and the Department of Legislation and Legal Affairs in formulating policies regarding forced labour. The Government informs the Committee that the Department of General and Legal Affairs and the Department of Legislation no longer exist as separate entities but have been merged together; it is now the Department of Legislation and Legal Affairs.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ The Police Corps Union of Aruba | SPA |
| ➤ The Union of Telecommunications Employees of Aruba | STA |
| ➤ Union of WEB Aruba | SIWA |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of WEB Aruba | SIWA |

CERTIFICATION OF SHIPS' COOKS CONVENTION, 1946 (NO. 69)

(Ratification registered by the Netherlands Antilles on 22 April 1953 and applicable to the country of Aruba as per 1 January 1986)

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports. The Government informs the Committee that it intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

CERTIFICATION OF ABLE SEAMEN CONVENTION, 1926 (NO. 74)

(Ratification registered by the Netherlands Antilles on 7 September 1951 and applicable to the country of Aruba as per 1 January 1986)

The Government informs the Committee that it intends to denounce this Convention for Aruba. This issue will be discussed in the trilateral committee on international labour affairs, where the most representative organisations of employers, workers and the Government are represented.

Division I - VI

- I. The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for the application of the Articles of this Convention.
- II. There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.
- III. The Government informs that there are no elaborate statistics available, nor have there been reports made regarding the application of this Convention.
Amounts of certifications granted:
2002: 2
2003:11
2004: 1
2005: 0
- IV. Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

LABOUR INSPECTION CONVENTION, 1947 (NO. 81)

(Ratification registered by the Netherlands Antilles on 15 September 1952 and applicable to the country of Aruba as per 1 January 1986)

Direct Request 2002

The Government informs the Committee that the Committee for the Modernisation of Labour Laws (CMLL) has proposed the following changes.

- to increase the labour inspectors' authority to apply administrative fines on employers in non-compliance with labour laws.
- To give labour inspectors the authority to halt or interrupt the performance of labour when non-compliance with national legislation is detected.

The Government regrets to inform the Committee that no efforts have been made yet to promote collaboration between the various departments involved in labour inspection.

The Government takes note of the Committee's observation that the reasons cited by larger enterprises to prevent inspectors from carrying out visits are not relevant and could fall within the scope of Article 18. The Committee also pointed out the provisions of Article 12(1) which state that labour inspectors should be entitled to enter freely all workplaces covered by the Convention and to carry out the inspection, even in the absence of the employer or his representative. In this respect, the Government would like to clarify that the statements supplied in our 2002 report regarding this Convention were meant to explain the problems labour inspectors encounter when paying visits to larger enterprises. At no time did the Government state that larger enterprises "prevent" inspectors from carrying out visits. The labour inspectors have a positive relationship with most larger enterprises and do receive the information when requested. Labour inspectors pay unannounced visits to companies both large and small; consequently, the person in charge of the employee database may be indisposed.

However, the Government admits that inspection of companies do not run as smoothly as it should. Penalties as provided for in article 18 of this Convention are currently not possible due to the Government's own failure to make regular and effective inspections. Tolerance to non-compliance over the years as a consequence of understaffing has diminished the Government's position in front of the courts should an employer bring official complaints of the penalty imposed. The Government must therefore first make efforts to inform the employer community that the Government will be rigorously enforcing all labour laws (including the imposing of penalties), publicly introduce the rules and guidelines, allow for a grace period for the implementation of the rules, and only then apply penalties for non-compliance. The Government is currently making efforts to draw up the rules and guidelines that are to be made public.

As it regards free entry to workplaces, the Government informs that it is making efforts to submit for consideration in the CMLL changes to permit entry by labour inspectors in residences based on the fact that the address supplied by an enterprise to the authorities was supplied as a business address. These changes could result in change in the labour legislation or labour policy.

Division I - VI

- I. The Government of Aruba informs that no changes have been made to any legislation during the reporting period.
- II. The Government of Aruba refers the Committee to past reports for the application of the Articles of this Convention.
- III. There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.
- IV. The Government refers the Committee of Experts to past reports for details regarding the practical difficulties encountered in the application of the Convention.
- V. The Government submits the annual report of the Inspection Division of the Labour Department for year-end 2002 through 2004 and part of the annual report of the Technical Inspection Department for year-end 2002 through 2004 concerning labour inspections. (Annexes I through VI).
- VI. Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ The Police Corps Union of Aruba | SPA |
| ➤ The Union of Telecommunications Employees of Aruba | STA |
| ➤ Union of WEB Aruba | SIWA |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of WEB Aruba | SIWA |

FREEDOM OF ASSOCIATION AND THE PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (NO. 87)

(Ratification registered by the Netherlands Antilles 25 June 1951 and applicable to the country of Aruba as per 1 January 1986)

Observation 2003

Article 3 of the Convention. The Government informs the Committee that the Penal Code would not be affected with a revision of the labour legislation as the Penal Code falls under the competency of the Ministry of Justice and not of Labour. Yet, the Penal Code, as stated in the Direct Request 2002 of the Government's report in 2003 on Abolition of Forced Labour Convention (no. 105), is currently under evaluation by a special committee officially set up by state decree on 31 March 2003. (see Annex VII). This special committee has estimated that its work will be completed in approximately two years. After the evaluation period, work on the suggested revisions will commence.

The Government further informs the Committee that the provisions set forth in article 374a of the Penal Code refer to imprisonment or fine of a public official in the case when he or she, in performing his or her duties, acts with the aim to cause stagnation or to permit the continuation of stagnation, neglects or refuses to perform labour corresponding to his or her inherent duties as a public official. This article does not prohibit public employees from striking; it prohibits public employees from certain acts (like stagnation of, for example, the traffic) while on strike.

As it regards article 82 of the Organic Act of Public Servants, the Government informs the Committee that this article does not prohibit public employees from striking. Section 2 of this article states further that punishment as stipulated in article 83 of the same Act may be exacted on public employees who neglect or refuse to perform labour as any good public official is expected to perform. This article has relevance to the individual refusal of performance of normal tasks for which the public servant has been put into public service and not of collective or individual strikes.

In lieu of the above, the Government is not convinced and does not share the Committee's remarks that section 374a to c of the Penal Code and article 82 of the Organic Act of Public Servants are not in conformity with the provisions of this Convention. The Government respectfully requests the Committee to again review the text of these laws.

Direct Request 2003

In reference to the Committee's request on the practicability of article 1 of the State Ordinance Organising and Assembly, the following.

When a request is submitted to the police, the petition is evaluated on its purpose and location related to the safety and public order of the event. There are no written guidelines. It remains at the discretion of the police to determine the extent of risk to the safety and public order to advise for or against the event. The Minister of General Affairs makes the ultimate decision, in the majority of cases following the police's stance.

A state decree as referred to in article 5(1) of the State Ordinance AB 1999 No. GT2 has not been created. There are thus no organisations (workers' or employers' included) excluded by law from the provisions of this article as article 5(3) would permit.

Division I - VI

- I. The Government of Aruba informs that no changes have been made to any legislation during the reporting period.
- II. The Government of Aruba refers the Committee to past reports for the application of the Articles of this Convention.
- III. Please refer to past reports.
- IV. The Government has located a court decision of 1993 where the application of the provisions of this Convention has been addressed. Please see the attached court case of the worker's organisation FTA against the Central Bank of Aruba. (Annex VIII)
- V. The Government has no observations on the application of this Convention.
- VI. Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ Teacher's Union of Aruba | SIMAR |
| ➤ The Union of WEB Aruba | SIWA |
| ➤ The Police Corps Union of Aruba | SPA |
| ➤ The Union of Telecommunications Employees | STT |

EMPLOYMENT SERVICE CONVENTION, 1948 (NO. 88)

(Ratification registered by the Netherlands Antilles on 25 June 1951 and applicable to the country of Aruba as per 1 January 1986)

Direct Request 2003

Articles 1 and 2 of the Convention. The Government takes note of the Committee's comments regarding the cooperation of the free employment service with other public and private bodies as an integral part of the national programme for the achievement and maintenance of full employment. The Government mentions that there are no other public bodies engaged in the placement of workers. As it regards the private employment agencies and as the Government communicated to the Committee in its last report, there are two categories of private employment agencies, namely temporary manpower for legal residents of Aruba and temporary employment of foreign workers. Both resident workers and foreign workers are stationed at other companies but are in employment of and under the full responsibility of the private employment agencies. In other words, the companies that outsource their job vacancies do not become the employer of the worker.

The Government's first and foremost concern, as it regards employment service, is to provide a decent standard of living and promote full employment for local residents. Only when no local resident is available, the employer can petition the Government to recruit foreign workers. Foreign workers who wish to work in Aruba require a residential permit without an employment prohibition, issued by Department of Immigration and Naturalisation (D.I.N.A.) of the Ministry of Justice. This residential permit without an employment prohibition is generally awarded to a foreign worker for a period of one year, and extended for the same period after re-application of the permit. The amount of residential permits without an employment prohibition awarded by the Government is dependent on the local labour market.

The public service employment (Jobcenter) at the Labour Department provides service of finding employment only for those individuals with a Dutch nationality born in Aruba.

The Government informs the Committee that the existing cooperation with the temporary private employment agency for locals is at this time limited to data receipts. This relationship has recently been established and the agency is currently preparing its data for the research division of the Labour Department. The Government expects to give the Committee tangible data in this regard in its next report.

Article 7. There are no new developments in this area since the last reporting period. Arrangements have not been made to give effect to the inclusion of occupations and industries. As it regards special categories of applicants, namely individuals on welfare, the Government refers the Committee to the re-integration programme as described in the attached report by the Labour Department titled "Rapportage Pilot-Project Herintegratie" (2004). (Annex IX) As the report states, this pilot project was executed in collaboration with the Department of Social Affairs and took place over a period of six months. Even though the result of the pilot project did not reflect the desired outcome (only 7 individuals out of 44 who participated in the project received permanent placement), it provided insights in new methods and issues to be addressed that could be applied for the continuation of the project. The problems encountered and the recommendations made can be found in the report.

Part IV of the report form. In addition to the Government's reply to SEPPA's comments referring to the 118 persons placed in employment while 979 persons were sent for job vacancies, the Government informs the Committee that the low numbers of placed individuals are indicative of the quality of job seekers in the department's database. Most highly educated individuals do not require the assistance of the Labour Department to find a job while those with no education or a low level education who cannot find work through their own efforts, register themselves at the Labour Department. These are the individuals who are mostly referred by the Department of Social Affairs and would qualify for the project as mentioned above. In March 2005, the Labour Department commenced the Project Re-integration II (Annex X). The results of this second attempt will be communicated to the Committee in the Government's next report.

Division I - VII

- I. The Government of Aruba informs that no changes have been made to any legislation during the reporting period.
- II. The Government of Aruba refers the Committee to past reports for the application of the Articles of this Convention.
- III. The Government refers the Committee to past reports.
- IV. Please see the following table.

Employment Statistics

	2004	2003	2002	2001
Number of public employment offices	1	1	1	1
Number of applications for employment received	1920	1197	1773	1412
Number of applicants sent to vacancies	1547	673	613	979
Number of applicants placed in employment	194	138	160	118
Percentage of applicants placed in employment	12.5%	20.5%	26.1%	12.1%

Source: Annual Reports of the Labour Department, 2001 through 2004

- V. There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.
- VI. The Government refers the Committee to past reports.
- VII. Copies of this report were sent to:

- | | |
|--|-------|
| The employer's organisations: | |
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| The worker's organisations: | |
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (NO. 105)

(Ratification registered on 18 February 1960)

Direct Request 2003

1. Article 1(c). The Government informs the Committee that the Committee evaluating the Penal Code of Aruba has not yet completed its tasks. The Government will inform the Committee on the details of the progress when such work has been made public.

The Government takes note of the Committee's continued reference to the Penal Code of the Netherlands Antilles and not to that of Aruba. No doubt an oversight in the past that the Government has not corrected this erroneous statement. As the Committee recalls, since Aruba attained its Status Aparte in 1986, Aruba no longer shares laws and regulations with the Netherlands Antilles but rather has its own codes, albeit in general in concordance with one another. In review of the Penal Code of Aruba (AB 1991 GT 50), the Government is of the opinion that articles 413 en 414 – also regarding breaches in labour discipline – are not in non-compliance with article 1c of this convention as no reference is made to compulsory labour. Nonetheless, the Government submits a copy of articles 413 and 414 of the Penal Code of Aruba to the Committee for review.

2. The Government of Aruba informs the Committee that no decision has been made with regards to the steps to be taken in making article 83 of the Organic Act of Public Servants in compliance with the Convention. The Government has set up several special committees to review and propose changes to a number of laws. The Government is well aware of its continued non-compliance with this issue; however, due to limited financial resources and personnel, the Government is forced to prioritise the long list of changes to be made to Aruba's legislation. Taking into consideration that in practice article 83 is not applied, it has not received the necessary attention yet. The Government will undoubtedly inform the Committee on any action taken or to be taken.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Industry | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |
| ➤ The San Nicolas Business Association | SNBA |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ The Police Corps Union of Aruba | SPA |
| ➤ The Union of Telecommunications Employees of Aruba | STA |
| ➤ Union of WEB Aruba | SIWA |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of WEB Aruba | SIWA |

EMPLOYMENT POLICY CONVENTION, 1964 (NO. 122)

(Ratification registered by the Netherlands Antilles on 9 January 1968 and applicable to the country of Aruba as per 1 January 1986)

Direct Request 2002

1. *Articles 1 and 2 of the Convention.* The Government informs the Committee that again the Labour Department underwent a restructuring (2002 – 2004). The new reorganisation came into effect as per 7 June 2004 and under the name Department of Labour and Research. During the restructuring period, no new policies or programmes could be introduced. However, a pilot project for the re-integration in the labour market of special categories of unemployed individuals was completed. Please refer to the comments made by the Government under 'Article 7' of Direct Request 2003 (page 16) of this report.

2. *Article 3.* The Government informs the Committee that no new progress has been made to reactivate the Labour Ordinance Committee (COL) or to further develop the relationships with representatives of employers and workers. No consultation has taken place within the last reporting period concerning employment policies.

Division I - VII

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government has not received any assistance or advice under the World Employment Programme or under other ILO technical co-operation.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |
| ➤ The Police Corps Union of Aruba | SPA |

WORKER'S REPRESENTATIVES CONVENTION, 1971 (NO. 135)

(Ratification registered on 6 August 1986)

Observation 2002

The Government acknowledges the Committee's comments regarding Conventions no. 87 and 98 and the need to promote their ratification. As the Committee is aware, Convention no. 87 is already applicable to the country of Aruba. The Government will make efforts to include Convention no. 98 in discussions and evaluation of Conventions to be ratified.

Direct Request 2002

The Government informs the Committee that the labour legislation review is still underway. An interim report on the committee's work has been completed, but will not be made public at this time. The Government estimates that the committee will finalise its work in December 2005. After approval of the content by the members of the committee, the Government will be able to make public the final version of the committee's report.

Division I - V

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for the application of the Articles of this Convention. There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ Teacher's Union of Aruba | SIMAR |
| ➤ The Union of WEB Aruba | SIWA |
| ➤ The Police Corps Union of Aruba | SPA |
| ➤ The Union of Telecommunications Employees | STT |

MINIMUM AGE CONVENTION, 1973 (NO. 138)

(Ratification registered on 18 February 1986)

Direct Request 2003

Article 2. The Government informs the Committee that the State Ordinance on Compulsory Education remains under review. It has been presented to the Parliament but has been resubmitted to the Department of Legislation for changes.

Article 3, paragraphs 1 and 2. One of the tasks of the Committee for the Modernisation of Labour Legislation (as referred to in the Government's 2005 report on Labour Inspection Convention, see page 12) is to fill the existent voids in the legislation, creating the yet not formalised state decrees referred to in the Labour Ordinance. The Government assures the Committee that the necessary steps have been and are being taken to ensure compliance with this Convention with the adoption of the new state decrees.

Article 6. The Government kindly refers the Committee to the Government's comments under Article 3 of the Direct Request of this report.

Article 7. The Government kindly refers the Committee to the Government's comments under Article 3 of the Direct Request of this report regarding state decrees. In addition, the Government reminds the Committee on the Government's efforts in introducing the State Ordinance on Compulsory Education.

The Government thanks the Committee for its reminder as it regards the available technical assistance provided by the ILO to assist the Government in bringing its legislation into conformity with this Convention. The Government will consider this possibility.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The San Nicolas Business Association | SNBA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Teacher's Union of Aruba | SIMAR |
| ➤ The Police Corps Union of Aruba | SPA |

TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION, 1976 (NO. 144)

(Ratification registered on 6 August 1986)

Observation 2002

The Government informs the Committee that a revised state decree for the establishment of a tripartite committee for international labour affairs has been introduced as per 12 August 2003. (Annex XII) The committee consists of three representatives each of the Government, employer's and worker's representatives and is scheduled to meet on a monthly basis. Meetings have often been cancelled due to lack of quorum, despite the fact that meeting dates are standard and set on the third Tuesday of every month. For the period September 2003 through to May 2005, ten meetings have been held of which only one of the three employer's representative has attended meetings. This is due to the fact that employer's representatives generally prefer meetings after working hours while worker's representatives prefer meetings during working hours. The Government is unable to accommodate the employers due to financial considerations.

Topics of discussion during the meetings were the Questionnaire for the Withdrawal of 16 Recommendations; the Government's reports on ILO Conventions for period ending May 2003 and 2005; ratification of Conventions 130, 134, 163, 166, 178 and 184; denunciation of irrelevant Conventions for Aruba (no. 9, 10, 11, 12, 22, 23, 25, 69, and 101); and denunciation of Convention no. 118 and 137.

The Government is making every effort to comply with the Convention, particularly article 2 paragraph 1 and article 5 paragraph 1, as noted by the Committee.

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for the application of the Articles of this Convention. There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention. Reports or other information on the practical application is not available.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ Aruban Union of Nurses | ABV |

CONTINUITY OF EMPLOYMENT (SEAFARERS) CONVENTION, 1976 (NO. 145)

(Ratification registered on 6 August 1986)

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |
| ➤ The San Nicolas Business Association | SNBA |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

SEAFARER'S ANNUAL LEAVE WITH PAY CONVENTION, 1976 (NO. 146)

(Ratification registered on 18 February 1986)

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period and refers the Committee to past reports for further information regarding the application of this Convention in Aruba.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no statistics available, nor have there been reports made regarding the application of this Convention.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |
| ➤ The San Nicolas Business Association | SNBA |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION, 1976 (NO. 147)

(Ratification registered on 6 August 1986)

Division I - VI

The Government of Aruba informs that no changes have been made to any legislation during the reporting period.

There have been no decisions by courts of law or tribunals involving questions of principle relating to the application of this Convention.

The Government informs that there are no (merchant) ships registered in its territory nor are there other ships, which fall under the scope of this Convention. There are also no persons engaged in the profession of a seafarer.

Copies of this report were sent to:

The employer's organisations:

- | | |
|--|-------|
| ➤ The Aruba Trade and Industry Association | ATIA |
| ➤ The Aruba Hotel and Tourism Association | AHATA |
| ➤ The Association of Employers in the Aruban Building Industry | WAB |
| ➤ The San Nicolas Business Association | SNBA |

The worker's organisations:

- | | |
|--|-------|
| ➤ The Federation of Workers of Aruba | FTA |
| ➤ The Aruba Union of Nurses | ABV |
| ➤ Industrial Oil Workers Union of Aruba | IOWUA |
| ➤ The Union of Public and Private Employees of Aruba | SEPPA |
| ➤ The Union of WEB Aruba | SIWA |

ANNEXES

Annex	Document	Ref. Conv.	Ref. Page
I	Annual Report 2002 – Labour Inspection	C81	13
II	Annual Report 2003 – Labour Inspection	C81	13
III	Annual Report 2004 – Labour Inspection	C81	13
IV	Annual Report 2002 – Technical Inspection	C81	13
V	Annual Report 2003 – Technical Inspection	C81	13
VI	Annual Report 2004 – Technical Inspection	C81	13
VII	State Decree Committee Evaluation Penal Code	C87	14
VIII	Court case – FTA vs. Central Bank of Aruba	C87	15
IX	Report: Pilot Project Re-integration	C88	16
X	Project Re-Integraton II	C88	17
XI	Articles 413 and 414 Penal Code of Aruba	C105	18
XII	Ministerial Decree: Tripartite Committee International Labour Affairs	C144	24