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# Grievance Mechanisms Argentina Shortfin Squid-Jig (CAPA)



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## **Summary**

Fishers in the Argentinean Squid Illex fishery are protected by a set of laws and regulations that safeguard their claims and labour rights. They are associated to unions that have sufficient power to discuss and make wage and working conditions claims. They also have ample coverage in medical services for themselves and their families, as well as school coverage and even tourism plans.

Most of the unions have their Trade Union Affairs Department to advise fishes, in case it becomes necessary. Some unions have an online contact form or a telephone number for receiving complaints. The unions' headquarters are in Buenos Aires, but there are branches all along the country where fishers can ask for free union advice, if needed.

Wi-Fi is not available on all boats, but it is assumed that all fishers have a mobile phone with an internet connection, and can access the forms online.

The fleet operating in national waters is made up of jiggers vessels, all larger than 21 m in length. Fishing trips last for several days, usually more than 30 days, during the squid Illex season in national waters. The season runs from January or February to late August.

## Acronyms

| AACPyPP  | Asociación Argentina de Capitanes, Pilotos y Patrones de Pesca / Argentine Association of Fishing Captains, Pilots and Skippers |
|----------|---|
| ITF      | Federación Internacional de Trabajadores del Transporte (ITF) / International Transport Workers' Federation (ITF)               |
| OIT      | Organización Internacional del Trabajo (OIT) / International Labour Organisation (ILO)  |
| ОМІ      | Organización Marítima Internacional (OMI) / International Maritime Organisation (IMO)   |
| SOMU     | Sindicato de Obreros Marítimos Unidos / United Maritime Workers Union   |
| SICONARA | Sindicato de Conductores Navales de la República Argentina / Naval Drivers Union of the Argentine Republic                      |
| PNA      | Prefectura Naval Argentina / Argentine Naval Prefecture   |





## Worker grievance mechanisms

## **Unions**

The fishers involved in the Squid Illex fishery are clearly aware of their rights, and for many years have been highly organized in Associations and Unions where they are supported in the enforcement of their rights.

The main unions are:

Asociación Argentina de Capitanes, Pilotos y Patrones de Pesca (AACPyPP)

## **About AACPyPP**

The Argentine Association of Captains, Pilots and Fishing Skippers originated in 1982. AACPyPP has offices in Mar del Plata, Puerto Madryn, Rawson and Comodoro Rivadavia. It does not offer an online complaints form, but it does offer an email address for members to contact at any time for advice on trade union matters. They also have a trade union affairs department.

#### **Grievance Mechanisms**

The Argentine Association of Captains, Pilots and Fishing Skippers has Minutes on its website (<a href="https://www.capitanesdepesca.org.ar/cctyactas.htm">https://www.capitanesdepesca.org.ar/cctyactas.htm</a>) where the current collective labor agreements are evidenced. The agreement for the 727/15 jigging fleet is detailed there, as well as the salary agreement signed in 2023.







Figure 1: Collective Labor Agreement 727/15, approved by Resolution ST No. 1795/15 of October 20, 2015.

Link: chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.capitanesdepesca.org.ar/imagenes/cct\_ac tas/CCT%20AACPPP%20Y%20CAPA%20Nro%20727-15%20y%20Res.%20Homol.pdf

#### ACTA ACUERDO

En la Ciudad Autónoma de Buenos Aires, a los 11 días del mes de Diciembre de 2023, se reúnen por una parte el Sr. Juan Redini en su carácter de Presidente de la Cámara de Armadores de Poteros Argentinos (CAPA) y por la otra el Sr. Jorge Frías, en su carácter de Secretario Genera Nacional de la Asociación Argentina de Capitanes, Pilotos y Patrones de Pesca, quienes manifiestan, haber llegado a un acuerdo para los buques poteros en el marco del CCT 727/15, conforme a los términos que a continuación se enumeran:

- 1. CAPACITACIÓN.
  - Las partes convienen en modificar el Art. 37 del CCT 727/15, a partir del 01/01/2024, estableciendo que el propietario o armador procederá a depositar a la orden de la A.A.C.P. y P.P., en la cuenta indicada en el Art. 33 del CCT 727/15, la suma equivalente a DÓLARES QUINIENTOS (U\$S 500.00) por mes durante la totalidad del período de actividad del buque, o su equivalente en pesos (conforme el mecanismo previsto en el Art. 19 del CCT 727/15), como suma total y única por Capitán e igual monto por cada Oficial de Puente perteneciente a la A.A.C.P. y P.P. comprendido en el CCT 727/15 con destino al mantenimiento de las CAPACITACIONES.

    La liquidación y pago del Aporte a las CAPACITACIONES será mensual y se devengará a partir del 01 de Enero de 2024 hasta el 31 de Diciembre de
- 2024, durante la totalidad del período de actividad del buque. ACCIÓN SOCIAL
- Las partes convienen en modificar el Art. 38 del CCT 727/15, a partir del 01/01/2024, estableciendo que el propietario o armador procederá a depositar a la orden de la A.A.C.P. y P.P., en la cuenta indicada en el Art. 33 del CCT 727/15, la suma equivalente de DÓLARES QUINIENTOS (U\$S 500.00) por mes durante la totalidad del período de actividad del buque, o su equivalente en pesos (conforme el mecanismo previsto en el Art. 19 del CCT 727/15), como suma total y única por Capitán e igual monto por cada Oficial de Puente perteneciente a la A.A.C.P. y P.P. comprendido en el CCT 727/15 con destino a las acciones vinculadas a la ACCIÓN SOCIAL La liquidación y pago del Aporte a la ACCIÓN SOCIAL será mensual y se devengará a partir del 01 de Enero de 2024 hasta el 31 de Diciembre de
- 2024, durante la totalidad del período de actividad del buque. 3. La presente Acta podrá ser presentada por cualquiera de las partes ante la Autoridad de Aplicación a fin de requerir su homologación.

En prueba de conformidad se firman (2) ejemplares de un mismo tenor y a un solo efecto de Acuerdo, en el lugar y fecha antes citados

Figure 2: Salary Agreement Minutes - December 2023

The web site offers the download of ILO Convention No. 188 - Work in Fishing (Ratified on 15 September 2011 Entry into force: 16 November 2017) (https://www.capitanesdepesca.org.ar/legisl.htm), which is the standard that protects workers in the fishing sector and ensures that they carry out their work under decent working conditions on board vessels in terms of minimum requirements for work on board, conditions of service,

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accommodation and food, occupational safety and health protection, medical care and social security.

The Captains' Association also offers on its website a free download of the Additional Protocol No. 2 on the Control of the Work in Fishing Agreement 2007 (C 188 ILO) [Annex #3], where Chapter IV determines the grievance mechanism:

"Article 21: The Secretariat shall have together with the Prefecture and the Superintendence the power to receive complaints from the crew, in accordance with the provisions of Article 40 of C188."

"Article 22: The body receiving the complaint shall act within the framework of its competences. When it does not fall within the competence of Prefecture or Superintendence, the Secretariat shall be notified by electronic file. When the deficiencies may result in the expiry of the conditions of the Valid Document, the Secretariat shall be notified".

## Chapter V mentions sanctions:

"Article 23: When deficiencies are verified that merit the application of sanctions, the sanctioning system of the Secretariat, Prefecture or Superintendence shall be applied, as appropriate to the competences of each agency, and the functions assigned in the present protocol."







#### Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its ninety-sixth Session on 30 May 2007, and

Recognizing that globalization has a profound impact on the fishing sector, and

Noting the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and

Taking into consideration the fundamental rights to be found in the following international labour Conventions: the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and

Noting the relevant instruments of the International Labour Organization, in particular the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981, and the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985, and

Noting, in addition, the Social Security (Minimum Standards) Convention, 1952 (No. 102), and considering that the provisions of Article 77 of that Convention should not be an obstacle to protection extended by Members to fishers under social security schemes, and

Recognizing that the International Labour Organization considers fishing as a hazardous occupation when compared to other occupations, and

Noting also Article 1, paragraph 3, of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and

Mindful of the need to protect and promote the rights of fishers in this regard, and

Recalling the United Nations Convention on the Law of the Sea, 1982, and

Taking into account the need to revise the following international Conventions adopted by the International Labour Conference specifically concerning the fishing sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), to bring them up to date and to reach a greater number of the world's fishers, particularly those working on board smaller vessels, and

Noting that the objective of this Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security, and

Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this fourteenth day of June of the year two thousand and seven the following Convention, which may be cited as the Work in Fishing Convention, 2007.

Figure 3: C188 - Work in Fishing Convention, 2007 (No. 188). Link:

http://www.ilo.org/dyn/normlex/es/f?p=1000:12100:0::NO::P12100 INSTRUMENT ID,P12100 LANG C ODE:312333,en:NO

Additionally, the same link offers the download of ILO Convention No. 190 – Convention on the elimination of violence and harassment in the world of work (Ratified on December 15, 2020 - Entry into force: February 23, 2022).





#### CONFERENCIA INTERNACIONAL DEL TRABAJO

## Convenio 190

### CONVENIO SOBRE LA ELIMINACIÓN DE LA VIOLENCIA Y EL ACOSO EN EL MUNDO DEL TRABAJO

La Conferencia General de la Organización Internacional del Trabajo:

Convocada en Ginebra por el Consejo de Administración de la Oficina Internacional del Trabajo, y congregada en dicha ciudad el 10 de junio de 2019, en su centésima octava reunión (reunión del centenario);

Recordando que la Declaración de Filadelfía afirma que todos los seres humanos, sin distinción de raza, credo o sexo, tienen derecho a perseguir su bienestar material y su desarrollo espiritual en condiciones de libertad y dignidad, de seguridad económica y en igualdad de oportunidades;

Reafirmando la pertinencia de los convenios fundamentales de la Organización Internacional del Trabajo;

Recordando otros instrumentos internacionales pertinentes, como la Declaración Universal de Derechos Humanos, el Pacto Internacional de Derechos Civiles y Políticos, el Pacto Internacional de Derechos Económicos, Sociales y Culturales, la Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial, la Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer, la Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares y la Convención sobre los Derechos de las Personas con Discapacidad;

Reconociendo el derecho de toda persona a un mundo del trabajo libre de violencia y acoso, incluidos la violencia y el acoso por razón de género;

**Figure 4:** ILO Convention No. 190 – Convention on the elimination of violence and harassment in the world of work. Link: chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.capitanesdepesca.org.ar/imagenes/documentos/oit-convenio190-wcms\_711719.pdf

## Remedy Process Evidence -AACPyPP

The Captains' Association is a powerful union when it comes to complaints and grievances.

For example, on June 13, 2023, the Association of Fishing Captains, Pilots and Skippers, given the express refusal of leaders of the Chamber of Argentine Boat Owners, to liquidate the salaries of Captains and Bridge Officers taking as a minimum basis the exchange rate established by Dec 194/23 - Export increase program, the Association of Fishing Captains declares itself in a state of alert so the members will not proceed to issue the order to unload the jigger vessels of companies affiliated to that chamber.









#### COMUNICADO

La ASOCIACIÓN ARGENTINA DE CAPITANES, PILOTOS Y PATRONES DE PESCA -A.A.C.P. y P.P. -, Organización Sindical de primer grado con Personería Gremial Nº 1442 para representar los derechos e intereses de los Capitanes y Oficiales de Pesca que se desempeñan a bordo de los Buques Pesqueros de Pabellón Nacional, comunica que atento a la negativa de la CÁMARA DE ARMADORES DE POTEROS ARGENTINOS (C.A.P.A.) de proceder a acordar la liquidación de haberes tomando como base mínima el tipo de cambio establecido por el Decreto 194/2023 "PROGRAMA DE INCREMENTO EXPORTADOR", tal como fuera ya acordado con el resto de las Cámaras empresariales de buques congeladores, esta organización Sindical se declara en estado de alerta habiendo decidido que los Capitanes y Oficiales a cargo de Buques Poteros, no procederán a impartir la orden de descarga de los buques poteros pertenecientes a empresas adheridas a dicha Cámara Empresarial, hasta tanto se arribe a una solución del reclamo efectuado.

En este marco, llamamos a la racionalidad a los integrantes de C.A.P.A., a los efectos de avanzar en la firma de las condiciones salariales acordadas ya con el resto de las Cámaras Empresariales Pesqueras, adecuando las mismas a las modificaciones establecidas por el Decreto 194/2023, para el valor del tipo de cambio exportador aplicable a la actividad pesquera.



**Figure 5:** RELEASE-Captains on alert for jigging fleet based in CAPA. Link: https://www.capitanesdepesca.org.ar/notas/2023/grem 20230613.htm

## Sindicato de Obreros Marítimos Unidos (SOMU)

## **About SOMU**

SOMU started its activities in June 1903. It is a member of the following national and international organizations:

- Permanent member of the Joint Maritime Commission of the International Labour Organization (ILO).
- Member of the International Transport Workers' Federation (ITF).
- Permanent Observer Member, as a Non-Governmental Entity of FAO International Fisheries Act.





 Member of the Comisión Fiscalizadora de la Confederación General del Trabajo de Argentina (CGT).

SOMU is governed by the regulations issued by the Prefectura Naval Argentina, and by the regulations emanating from international regulations ratified by the International Maritime Organization (IMO).

SOMU statute has among its objectives: "...To defend and represent the individual and labour union interests of the members before Judicial Authorities of any jurisdiction or court, the enforcement authorities, Social Security Organisms, Argentine Naval Prefecture, Port Captaincy, public and private Naval Prefecture, private and public employers, and any other organism or dependency of the National, Provincial or Municipal State. To petition before the Public Authorities and to collaborate in the improvement of the Shipping, Labour and Social Security Legislation, which are of special interest to the embarked personnel."

Also, SOMU offers its members more than 20 offices distributed in the main areas where the country's fishing activity is carried out. Fishers can access different benefits: Burial Insurance, Hotels for tourism; and a Maritime Training School (created in 1999, with the aim of increasing and updating the training of Argentine maritime personnel). The Training Courses free of charge for members are: Basic First Aid, Fire Fighting (this course is compulsory for all persons employed or contracted on board a seagoing vessel, so that they know how to act in case of fire or smoke detection, or if the fire alarm sounds); Personal Survival Skills, Personal Safety (all persons employed or engaged on board a seagoing vessel receive approved training to familiarize them with personal survival skills and how to act in the event of a person falling overboard); Fast Rescue Boat Proficiency (provides basic theoretical and practical knowledge of Fast Rescue Boat Operation and Rescue); Non Fast Rescue Boat Proficiency (the course is aimed at persons in charge of survival craft and rescue boats in emergency situations).

SOMU has available on its website an online contact via email 24 hours a day and a telephone line available during office hours where members can leave their complaints and claims in relation to their work activity in a confidential manner. See <a href="https://somu.org.ar/web/contacto/">https://somu.org.ar/web/contacto/</a>



Figure 6: Screenshot from SOMU website







## Remedy Process Evidence - SOMU

After making the complaint or claim, the fisherman affiliated to SOMU is advised and represented by the union to continue the process. If no agreement is reached between the parties, the way to resolve the conflict is the "Compulsory Labour Conciliation", the formal name of the measure, which is an instance contemplated in Law 24.635 to settle conflicts between a company and its workers. The law stipulates that the conciliation must last 15 working days, and can be extended for five more, and that a new conciliation cannot be arranged for the same conflict. Good communication and connection between the union and the Chamber is evident.

## S.O.M.U firmo acuerdo paritario para buques congeladores, con las cámaras amadoras C.A.P.A, C.A.P.I.P., C.E.P.A. y C.A.PE.C.A

Los valores del adicional bodega aumentaron en un 55% quedando en \$310,00 por tn. tangoneros y centolleros.

Merluceros de hasta 700 tn. \$132,50 por tn.

Merluceros de más de 700 tn. \$90,00 por tn.



Jueves, 4 mayo de 2023

Figure 7: News of the joint agreement between SOMU and CAPA. May 2023.

Link: <a href="https://deproa.com.ar/somu-firmo-acuerdo-paritario-para-ubuques-congeladores-con-las-camaras-amadoras-c-a-p-a-c-a-p-i-p-c-e-p-a-y-c-a-pe-c-a/">https://deproa.com.ar/somu-firmo-acuerdo-paritario-para-ubuques-congeladores-con-las-camaras-amadoras-c-a-p-a-c-a-p-i-p-c-e-p-a-y-c-a-pe-c-a/</a>





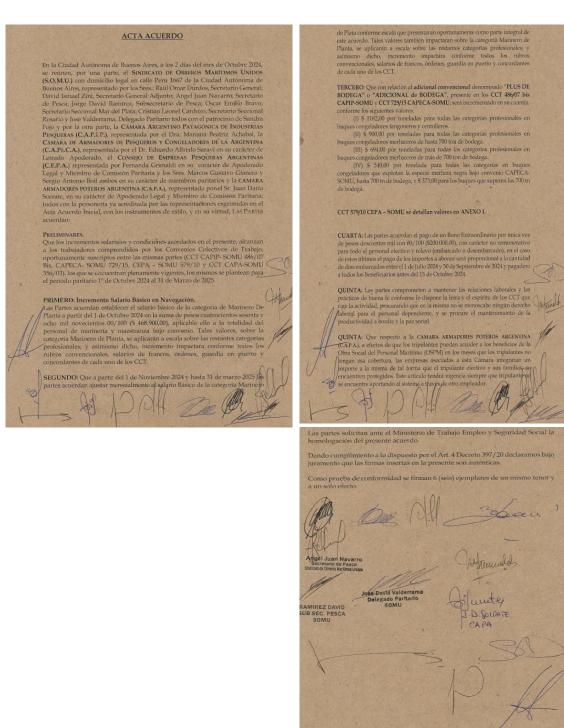


Figure 8: Agreement between SOMU and CAPA. Updated 2025.





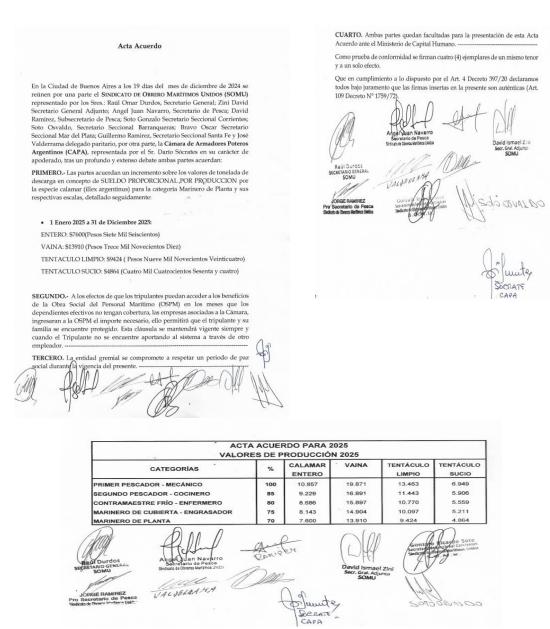


Figure 9: Agreement between SOMU and CAPA. Production values. Updated 2025.

## Sindicato de Conductores Navales de la República Argentina (SICONARA)

#### **About SICONARA**

SICONARA was founded in 1959 under the Trade Union No. 319 of the Labor Ministry, with 12 offices strategically distributed. It offers its members free legal advice on labour, accounting, and social security matters. It have an online complaint form, and it has a Trade Union Department available for its members, and a contact form via email for its members to consult concerns or request advice at any time.





SICONARA maintains communication with its members through the website (https://siconara.org.ar/contacto/).

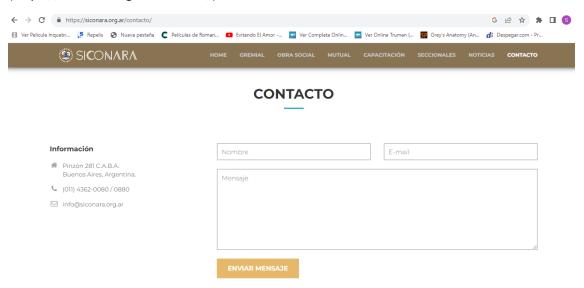
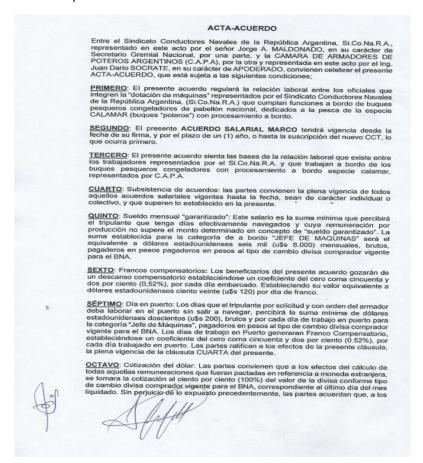


Figure 10: Screenshot from SICONARA website

In addition, the union agrees every year with the Business Chamber on the conditions of the employment relationship.







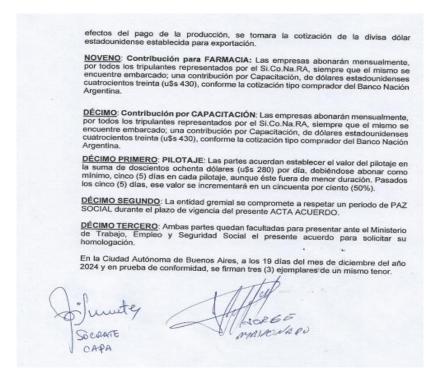


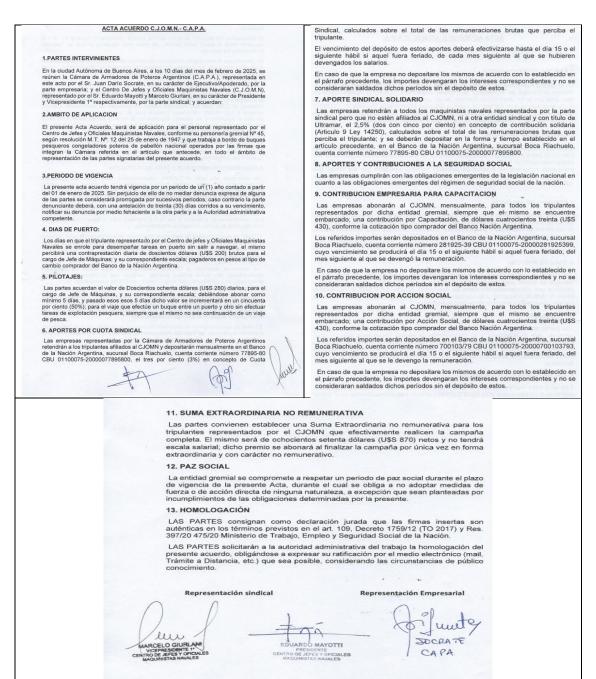
Figure 11: Salary agreement, updated 2025, between SICONARA and CAPA.

It should be noted that within the Illex Squid fishery there are other union entities such as the Center for River, Fisheries and Maritime Cabotage Masters and Officers (https://patronesdecabotaje.org.ar), the Center for Chiefs and Machinist Officers Naval (https://www.maquinavaltv.com.ar/), and the Center of Overseas Captains and Merchant Marine Officers (www.capitanes.org.ar). The first of them adheres to the working conditions and grievance mechanisms established by the union of Captains, Pilots and Fishing Skippers. Additionally, all these entities have contact forms for associates to request assistance.

## Grievance Mechanisms Argentina, Squid Illex Argentinus, Jig FIP Jun 2025







**Figure 12:** Salary agreement, updated 2025, between the Center for Chiefs and Machinist Officers Naval and CAPA.







## Government agencies

## Prefectura Naval Argentina

## **About Prefectura Naval Argentina**

The Prefecture is the Argentine Maritime Authority, in accordance with General Law 18398, the Navigation Law 20094 and the legislation that coincidentally defines the broad and homogeneous profile of its competences. Likewise, and by virtue of its historical and functional tradition, unalterable through time, which identifies it as the body through which the State exercises the police of navigation safety, security and public order in the waters under national jurisdiction and in the ports.

It is also the implementing body for international conventions relating to the safety of life at sea, the prevention and control of pollution and related technical and legal matters, in accordance with the country's acceptance laws. It also performs functions in the exercise of the country's obligations as Flag State and Port State, for the registration of ships and the control of their safety conditions, according to the laws and regulations that assign it these competences and the respective international agreements.

## **Grievance Mechanism Evidence**

The Argentine Naval Prefecture has a free telephone line on its website (https://www.argentina.gob.ar/prefecturanaval/emergencias) to report anomalies related to ship safety.







## Líneas gratuitas para emergencias



## Línea 106

Para que nos llames dentro de nuestro ámbito de actuación.

## (54-11) 4576-7658

Teléfono del Comando Radioeléctrico de la Prefectura.

Usá estos teléfonos solo en casos de emergencia.

## Anormalidades a bordo de buques



## 0800-444-0436

Si observás alguna anormalidad relacionada con la seguridad a bordo, denuncialo en nuestra línea gratuita.

Compartir en redes sociales











Figure 13: Screenshot from PNA website. Link: https://www.argentina.gob.ar/prefecturanaval/emergencias

It also offered a procedure guide for receiving administrative complaints related to safety on board. It shows the record of complaints (annex 1) and the complaint receipt form (annex 2), among other things.







DIRECCIÓN DE INFORMÁTICA Y COMUNICACIONES

GUÍA DE PROCEDIMIENTOS DEL SISTEMA 0800-444-0436 "RECEPCIÓN DE DENUNCIAS ADMINISTRATIVAS VINCULADAS A LA SEGURIDAD A BORDO"

## EDICIÓN 2020

**Figure 14:** Screenshot from procedure guide. Link: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.argentina.gob.ar/sites/default/files/disfc-2020-196-apn-pnamsg.pdf

## **Remedy Process Evidence Prefectura Naval Argentina**

The Argentine Naval Prefecture has established a scheme to complete the complaint process on vessels.

This process is presented in the following table:





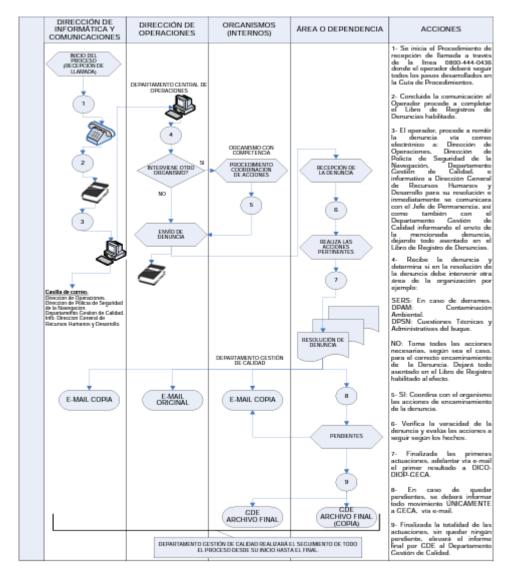


Figure 15: Outline of how the complaints process Works (Annex5) - PNA

Link: https://www.argentina.gob.ar/sites/default/files/disfc-2020-196-apn-pnamsg.pdf

- 1- The procedure for receiving a call via the 0800-444-0436 line is initiated, where the operator must follow all the steps set out in the Procedures Guide.
- 2- Once the call has been received, the operator proceeds to complete the Complaint Record Book.
- 3- The operator proceeds to send the complaint via e-mail to: Directorate of Operations, Directorate of Navigation Safety Police, Quality Management Department, and informative to General Directorate of Human Resources and Development for resolution and immediately communicate with the Head of Permanence, as well as with the Quality Management Department informing the sending of the aforementioned complaint, leaving everything recorded in the Complaint Record Book.





- 4- Receives the complaint and determines whether another area of the organization should intervene in the complaint resolution.
- 5- YES: Coordinates with the organization the actions to address the complaint. NO: Take all necessary actions, as the case may be, for the correct routing of the complaint. It shall record everything in the Register Book set up for this purpose.
- 6- Verifies the complaint veracity and evaluates the actions to be taken according to the facts.
- 7- Once the first actions have been completed, forward the first result via e-mail to DICODIOPGECA.
- 8- In the event of any pending actions, any movement should ONLY be reported to GECA, via email.
- 9- Once all the actions have been completed, without any pending, the final report will be sent by GDE to the Quality Management Department.
- 10- In addition to the procedures mentioned in the previous points, the area or unit carrying out the department carrying out the proceedings shall initiate the file through the Electronic Document Management System (Sistema Electronic Documentary Management System (GDE), the file for its subsequent sending to the Quality Management Department. It should be clarified that the files processed through the GDE will be sent to the Quality Management Department, when the reason for the complaint has been resolved in FULL, and the resolved in its TOTALITY, without ANY pending issues. Otherwise, it will remain in pending with the person in charge, until it is fully completed.
- 11- Directorate of General Inspectorate Quality Management Department It shall monitor, analyze and supervise the actions carried out by the bodies involved, and shall request additional information when it considers it necessary on any new developments that may arise.
- 12- It will centralize the chronological filing of the complaints received.

## Ministerio de Trabajo, Empleo y Seguridad Social (Ministry of Labour, Employment and Social Security)

#### About Ministry of Labour, Employment and Social Security

The Ministry of Labour, Employment and Social Security is a national agency, under the Executive Branch, whose mission is to serve citizens in the areas of its competence. It is part of the governmental administrative structure for the shaping and execution of public policies on labour, employment and social security.

It proposes, designs, elaborates, prepares, administers and supervises policies in all matters related to individual and collective labour relations and conditions, the legal regime of collective





bargaining and professional associations of workers and employers, employment, job training and social security.

#### **Grievance Mechanism Evidence**

The Ministerio de Trabajo, Empleo y Seguridad Social has a toll-free hotline to report cases of human trafficking.



## Denunciá llamando al 145

La trata de personas con fines de explotación laboral o sexual es un delito. Denunciala llamando a la línea <u>145</u>. Tu denuncia ayuda a erradicar el delito.



## Asistencia a la víctima

¿Qué podes denunciar? ¿Cuándo hay explotación? y ¿Cómo prevenir? Informate

Figure 16: Screenshot from Ministerio de Trabajo, Empleo y Seguridad Social website.

Link: https://www.argentina.gob.ar/trabajo/trata-de-personas

The Ministry of Labour, Employment and Social Security mentions Possible Indicators of Labour Exploitation:

"As far as labour exploitation is concerned, there are a number of indicators to be considered, which, although they do not in themselves determine the existence of labour exploitation, they can give us indications of its possible presence:

- Working conditions are not as promised.
- Wages are below what is legally established.
- Working hours are far in excess of what is legally established for the activity.
- There is a lack of health and safety conditions that put the health of workers at risk.
- Workers are forced to live and/or sleep in the workplace.
- The employer applies discounts to the agreed salary to cover alleged expenses for housing, food, transport, etc.
- Workers are threatened, subjected to violence or fined.
- Employer withholds documentation.
- The employer owes months of wages, or the worker is never paid.

The website has a section on "Workplace violence": Working in an environment free of violence and harassment is a recognized right for all workers in our country. The Ministry's policy focuses on the prevention of workplace violence and the protection of workers when it occurs, applying an inclusive, integrated and gender-sensitive approach.







Figure 17: Screenshot from Ministerio de Trabajo, Empleo y Seguridad Social website.

Link: https://www.argentina.gob.ar/trabajo/violencialaboral

If you consider it necessary, after counselling, we will also guide you through the reporting process.

When faced with a situation of workplace violence, there are two options for reporting it:

The complaint is registered with the Ministry. It is a record and serves, as such, in the event that the problem persists or in the event of future situations that may arise.

If you expressly request it, the Ministry calls or coordinates with the competent authorities to summon your employer and inform him/her of the situation, interceding so that he/she adopts measures to try to solve it. The employer has 10 working days to make a written proposal. The Ministry will communicate to check if the situation has been resolved and the fulfilment of the commitment made will be considered in an internal register."



psicológica. Produce o puede ocasionar un daño físico, psicológico, sexual v/o económico.

profesional (burn out).

No es violencia y acoso laboral: los conflictos laborales, las exigencias organizacionales que respeten los derechos de los trabajadores, el estrés laboral y el síndrome de agotamiento







En el Ministerio vamos a escuchar tu caso y brindarte asesoramiento a través de una **entrevista presencial o virtual**, que es **personal y confidencial**. Esta concluye con un diagnóstico de la situación y el asesoramiento en relación con alternativas y derechos que te asisten.

Si lo considerás, luego de asesorarte, también te orientaremos en el proceso de denuncia. Frente a una situación de violencia laboral, hay dos opciones de denuncia:

- La denuncia se registra en el Ministerio. Es un antecedente y sirve, como tal, ante la persistencia del problema o frente a futuras situaciones que pudieran presentarse.
- Si lo requerís expresamente, el Ministerio convoca o articula con autoridades competentes para
  citar a tu empleador y darle a conocer la situación, intercediendo para que adopte medidas que
  procuren su resolución. El empleador tiene 10 días hábiles para hacer una propuesta escrita al
  respecto. El Ministerio se comunicará para comprobar si la situación denunciada se resolvió y el
  cumplimiento del compromiso asumido será considerado en un registro interno.



Si **trabajás en un organismo público** comprendido en el Convenio Colectivo de Trabajo General para la Administración Pública Nacional (<u>Decreto 214/2006</u>), tenés que <u>presentar tu denuncia</u> ante la Comisión de Igualdad de Oportunidades y Trato (CIOT).

## ¿Qué necesito?

- Para recibir asesoramiento no necesitás ninguna documentación.
- En caso de querer denunciar violencia laboral, precisás:
  - DNI vigente.
  - Recibos de haberes (si tenés).
  - Certificados médicos, psicológicos y/o psiquiátricos que acrediten el problema de salud (si contás con ellos).

## ¿Cómo hago?

- Acordá un día y horario de entrevista (turno):
  - Si trabajás en CABA comunicate con la Oficina de Asesoramiento sobre Violencia Laboral al (011) 4310-5525; también podés escribir a: violencialaboral@trabajo.gob.ar
  - Si trabajás en alguna provincia del país, comunicate con la Red Territorial contra la Violencia Laboral a través de la <u>Agencia Territorial del Ministerio</u> que corresponda según ámbito geográfico; también podés escribir a: <u>red-violencialaboral@trabajo.gob.ar</u>

## ¿Cuál es el costo del trámite?

Gratuito

**Figure 18:** Screenshot from Ministerio de Trabajo, Empleo y Seguridad Social website. Link: https://www.argentina.gob.ar/servicio/recibir-asesoramiento-sobre-violencia-laboral-y-denunciarla





The steps to follow are indicated:

"Who is it for? Workers who are experiencing or have witnessed a situation of workplace violence and require guidance on the subject.

What do I need? You do not need any documents to receive counselling.

In case you want to report workplace violence, you will need:

Valid ID card.

Pay stubs (if you have them).

Medical, psychological and/or psychiatric certificates that prove the health problem (if you have them).

How do I do it? Arrange a date and time for an interview (appointment):

If you work in Buenos Aires City (CABA), contact the Advice Office on Workplace Violence at (011) 4310-5525; you can also write to: violencialaboral@trabajo.gob.ar

If you work in any province of the country, contact the Territorial Network against Workplace Violence through the Territorial Agency of the Ministry that corresponds to your geographical area; you can also write to: red-violencialaboral@trabajo.gob.ar How much does it cost? Free of charge"

The Ministry's available social networks are Facebook, Twitter, LinkedIn, WhatsApp and Telegram. It also has Territorial Agencies in charge of coordinating the execution of its policy to promote employment, job training and improvement in the employment conditions of workers in the different jurisdictions. They also promote the control of unregistered work, address labor disputes and receive queries and complaints of workplace violence.



**Figure 19:** Territorial agencies map. Screenshot from Ministerio de Trabajo, Empleo y Seguridad Social website. Link: https://www.argentina.gob.ar/trabajo/agencias-territoriales







#### **Remedy Process Evidence - MTEySS**

The Ministry of Labour, Employment and Social Security has a Compulsory Labour Conciliation Service (SECLO), which is the compulsory administrative instance prior to the initiation of a lawsuit. In the event of a disagreement between worker and employer, the SECLO acts as a compulsory conciliation instance prior to the initiation of a labour lawsuit. In the event of an agreement between the parties, the SECLO analyses the proceedings. Both procedures are carried out virtually. They are free for the worker and low-cost for the employer.

Legal assistance is compulsory for workers or trade unions (they have to prove in writing their status and that they are authorised). Workers and/or employers who have a labour dispute must attend a compulsory conciliation hearing before the SECLO. If the dispute is not solved in this administrative instance, judicial proceedings will be opened. If an agreement is reached between the parties, the SECLO evaluates whether it is legally valid and meets the conditions for its homologation. If it does not meet the necessary conditions, it is proposed to review it or, alternatively, the judicial instance is enabled. The Ministry of Labour, Employment and Social Security makes available to the public a set of instructions on "Frequently Asked Questions on Labour Complaints".

How can I make labour complaints?

What types of complaints can I make?

What kind of complaints does the Complaints Department not take?

Can I make a written complaint?

Can I make a collective complaint?

Can I make an individual complaint?

Can I check the status of a complaint? Yes, in person, with your ID card at the office corresponding to the jurisdiction of the establishment being inspected, or by means of a judicial writ.

The establishment and fulfilment of quality commitments in the provision of services is the goal that SECLO intends to achieve in its fifth Letter of Commitment. Deadlines established for the attention and resolution of procedures were stipulated taking into consideration normal demand conditions according to the annual projections made by SECLO.

The Mandatory Labour Conciliation process is resolved within 20 working days. The Mandatory Labour Conciliation process, which can be extended by the parties, is resolved within 35 working days.

The date of the first Conciliation Hearing is set within 10 working days after the claim has been initiated.

The approval or non-approval of agreements reached is resolved within 7 working days. from the end of the conciliation process.

On the other hand, the Ministry of Labour, Employment and Social Security is adhered to the Environmental and Social Standards (EAS) applicable to the Project "Fostering Better Jobs with





Integrated Training and Employment Programmes" MTEySS (P176781-IBRD) were designed by the World Bank (WB) to support the management of externally financed projects carried out by borrowers in improving their environmental and social performance, in line with international good practices. They are part of the Environmental and Social Framework (ESF) promoted by the World Bank.

ESF entered into force on October 1rst 2018 and applies to all initiatives supported through investment project financing. It aims to achieve significant progress in areas such as labour, non discrimination, climate change mitigation and adaptation, biodiversity, community health and safety, and stakeholder engagement, including expanding the role of public participation and grievance mechanisms.

## Secretaría de Agricultura, Ganadería y Pesca (Secretary of Agriculture, Livestock and Fisheries)

#### **About Secretary of Agriculture, Livestock and Fisheries**

The Ministry of Agriculture, Livestock and Fisheries is responsible for designing and executing production, marketing and sanitary plans in the agricultural, fisheries, forestry and agroindustrial sectors. The Under-Secretariat for Fisheries and Aquaculture is attached to Ministry of Agriculture, Livestock and Fisheries.

## **Grievance Mechanism Evidence**

The Ministerio de Agricultura, Ganadería y Pesca (Ministry of Agriculture, Livestock and Fisheries) does not offer its own space for complaints, but on its website, it disseminates the following message: "If you are in a situation of gender violence, call 144, the line of the Ministry of Women, Gender and Diversity".

#### Contacto

Dirección: Av. Paseo Colón 982 CABA Argentina Código postal: C1063ACW Teléfono: 0800 333 magyp (62497) Correo electrónico: informacion@magyp.gob.ar

Redes sociales del área









144

Si estás en situación de violencia de género llamá al <u>144</u>, la línea del Ministerio de las Mujeres, Géneros y Diversidad.

También podés comunicarte por WhatsApp al <u>11 2771 6463</u> las 24 horas todos los días del año.

Ingresá para más información

Figure 20: Screenshot from Secretaría de Agricultura, Ganadería y Pesca website.

Link: https://www.argentina.gob.ar/agricultura







The Ministry offers a section for "Citizen Participation", where it indicates the channels of contact to make complaints.



Figure 21: Screenshot from Secretaría de Agricultura, Ganadería y Pesca website.

Link: https://www.argentina.gob.ar/agricultura/transparencia/participaci%C3%B3n



Figure 22: Screenshot from Secretaría de Agricultura, Ganadería y Pesca website.

Link: https://www.argentina.gob.ar/agricultura/coordinacion-de-informacion-al-ciudadano





#### **Remedy Process Evidence - MAGyP**

This Ministry like all other government agencies abides by the Mandatory Conciliation mechanism (see above) for the grievance process. MAGyP provides a space on its website for citizens who wish to file a complaint or request information.

If you want to request public information from us, you can do so in three ways:

- complete the request online through the Remote Procedures platform.
- by sending an email to: informacion@magyp.gob.ar
- submit a request at the Intake Desk of our agency:

Entrance Desk: Paseo Colón 982

Opening hours: Monday to Friday from 10:00 a.m. to 5:00 p.m.

Responsible for access to information: Raquel Santos Laguardia

Tel. 011-4349-2477

informacion@magyp.gob.ar

If you do not receive an answer or if you consider that the information you are given is incomplete or erroneous, file a complaint with the Public Information Access Agency (Agencia de Acceso a la Información Pública).

Please note: In order to file a complaint for lack of response, it is necessary that 15 working days have passed since you made the request and you have not been asked for an additional 15 days to respond. You must do so within 40 working days of the due date for a response.

To make a claim for partial or erroneous information, you must do so within 40 working days of receiving the agency's response.

The procedure is free of charge.

## **ILO Convention 190**

On February 23th, 2022, ILO Convention 190 entered into force. Argentina is one of the 10 countries that ratified the international standard that recognizes the right to work free from violence and harassment.







Entra en vigencia el Convenio 190 de la

Argentina es uno de los 10 países que ratificaron la norma internacional que reconoce el derecho a un trabajo libre de violencia y acoso. El MTEySS ha desarrollado diversas acciones en el marco del convenio.

Compartir en redes sociales f w in Publicado el miércoles 23 de febrero de 2022 redes sociales Publicado el miércoles 23 de febrero de 2022 redes sociales Publicado el miércoles 23 de febrero de 2022 redes sociales Publicado el miércoles 23 de febrero de 2022 redes sociales Publicado el miércoles 23 de febrero de 2022 redes sociales por la publicado el miércoles 23 de febrero de 2022 redes por la publicado el miércoles 23 de febrero de 2022 redes por la publicado el miércoles 23 de febrero de 2021.

Es uno de los dice países, junto a Ecuador, Fiji, Crecia, Italia, Mauricio, Namibia, Somalia, Sudáfrica y Uruguay, que ha ratificado el documento sobre la eliminación de la violencia y el acoso en el mundo del trabajo, que abarca las acciones que se desarrollen en el espacio físico, y también las comunicaciones relacionadas con este ámbito, en particular las que tienen lugar mediante tecnologias de la información y la comunicación.

Figure 23: Screenshot from Ministerio de Trabajo, Empleo y Seguridad Social.

Link: <a href="https://www.argentina.gob.ar/noticias/entra-en-vigencia-el-convenio-190-de-la-oit#:~:text=A%20partir%20de%20hoy%2C%20entra,23%20de%20febrero%20de%20de%202021.">https://www.argentina.gob.ar/noticias/entra-en-vigencia-el-convenio-190-de-la-oit#:~:text=A%20partir%20de%20hoy%2C%20entra,23%20de%20febrero%20de%202021.</a>

Argentina ratified it through Law 27580, passed by the National Congress on 15 December 2020, and deposited the instrument of ratification with the ILO on February 23th, 2021. It is one of ten countries, along with Ecuador, Fiji, Greece, Italy, Mauritius, Namibia, Somalia, South Africa and Uruguay, that have ratified the document on the elimination of violence and harassment in the world of work. The Asociación Argentina de Capitanes, Pilotos y Patrones de Pesca presents it on its website, for download.



Figure 24: Screenshot of the cover of law 27580. Link:

https://www.argentina.gob.ar/normativa/nacional/ley-27580-345170





#### V. ENFORCEMENT AND REMEDIES AND REDRESS

Article 10: Each Member shall take appropriate measures to:

- (a) follow up and monitor the implementation of national laws and regulations concerning to violence and harassment in the world of work;
- (b) ensure easy access to appropriate and effective remedies and redress, reporting and dispute settlement mechanisms and procedures and to mechanisms and procedures for reporting and dispute resolution in cases of violence and harassment in cases of violence and harassment in the world of work, which are safe, equitable and effective, such as and effective mechanisms and procedures, such as:
- (i) grievance and investigation procedures and, where appropriate, workplace conflict resolution mechanisms;
- (ii) dispute resolution mechanisms external to the workplace;
- (iii) courts or tribunals;
- (iv) measures to protect complainants, victims, witnesses and whistleblowers from victimization and retaliation
- (v) legal, social, medical and administrative assistance measures for complainants and victims;
- (c) protect the privacy of the persons involved, as well as confidentiality, to the extent possible and as appropriate, and ensure that these requirements are not misused;
- (d) provide for sanctions, where appropriate, for cases of violence and harassment in the world of work; and (d) provide for sanctions, where appropriate, for cases of violence and harassment in the world of work
- (e) provide that victims of gender-based violence and harassment in the world of work have effective access to redress mechanisms for to grievance and dispute resolution mechanisms, assistance, services, and avenues of redress and remedy that are gender-sensitive, safe and effective.





## Recent Updates on Grievance Mechanisms and Union Context

In the Illex squid fishery, labor grievance mechanisms are an active and effective tool in the interaction between crews and fishing companies. These systems are used depending on the nature of the grievance, reflecting a mature institutional dynamic that combines formal channels with direct dialogue between the parties.

The most representative union entities within the CAPA FIP—such as AACPyPP, SOMU, and SICONARA—have well-established organizational structures and efficient communication channels (digital forms, telephone hotlines, union advisors, and legal representation) to receive and process concerns raised by their members.

#### Relationship with the business sector

The relationship between unions and fishing industry chambers—including CAPA—is characterized by being permanent, institutionalized, and open to dialogue. Although differences may arise on sensitive issues such as labor conditions or wage negotiations, this does not imply a lack of communication or willingness to reach agreements. On the contrary, the existence of regular dialogue spaces ensures that even when processes take time, there is always an open path to consensus.

## **Onboard connectivity**

Today, access to grievance mechanisms from the high seas is fully available, as most industrial fishing vessels are equipped with internet and Wi-Fi connectivity, typically provided through modern satellite systems. Although occasional technical failures may occur, these rarely prevent or significantly delay communication with land-based representatives.

## Degree of use and resolution times

Grievance mechanisms are mainly activated during collective bargaining processes or in response to specific issues affecting segments of the crew. While resolution times vary depending on the complexity of the grievance, cases are typically addressed in an orderly manner, often involving formal conciliation stages overseen by government authorities. Mandatory conciliation procedures, managed by the Ministry of Labor, may last up to 35 business days; however, many less complex cases are resolved more swiftly through direct negotiation between unions and employer chambers.

#### Strikes as a historical tool

In Argentina, **the strike** is a legitimate and widely recognized tool of union pressure, historically used to make sectoral demands visible. It is generally used in specific situations and after exhausting other dialogue mechanisms. Recent examples include:

 In June 2023, AACPyPP declared a state of alert following a dispute with a fishing chamber over the payment of salaries based on the exchange rate set by Decree 194/23.





Recent media coverage by <u>Noticias Puerto Santa Cruz</u> and <u>Parte de Pesca</u> illustrates how
maritime unions used the threat of a national strike to pressure for sectoral public policy
responses, even though much of the fleet was already docked. This highlights the
strategic and effective nature of this mechanism.

