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EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of
the European Social Charter
submitted by

**THE GOVERNMENT OF CURAÇAO
(Caribbean part of the Kingdom of the Netherlands)**

Article 1 of the 1961 Social Charter and Article 1 of the 1988
Additional Protocol for the period 01/01/2011 – 31/12/2014)

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THE REPORTS 2015
ON RATIFIED ARTICLES OF THE
EUROPEAN SOCIAL CHARTER

BY THE GOVERNMENT OF CURACAO

ON REPORTING PERIOD 2011-2014

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Ministry of Social Development Labour and Welfare

CONTENT

1. Short summary.....	page 3
2. First Section of the ILO reports 2015.....	page 4
3. Economic developments of Curaçao.....	page 4
4. Positive developments promoting equality and non discrimination.....	page 6
5. REPORT Convention no 144.....	page 6
6. REPORT Conventions no 29 & 105.....	page 8
7. REPORT Convention 186 (MLC).....	page 11
8. COPIES send to partners.....	page 13
9. ANNEX I.....	page 14
10. ANNEX II.....	page 15
11. ANNEX III.....	page 16

SHORT SUMMARY

These ESC reports 2015, on the reporting year 2011-2014, contain two sections.

In the first section of these reports, the Introduction, the economic development of Curacao is highlighted, additionally three positive developments are elaborated upon in this section as well. All of these developments contributed in one way or other to address issues related to inequalities existing in the society:

- a. the ratification of the ILO Convention no 144 (tripartite consultation procedures);
- b. the Free Education Bill ("Enseñanza Liber);
- c. Warm Meals Project.

In the second section of this report requested information will be provided on the ratified articles, article 1 of the European Social Charter and article 1 of the Protocol on the European Social Charter.

FIRST SECTION OF THE ESC REPORTS 2015 CURACAO

THE INTRODUCTION

THE ECONOMIC DEVELOPMENTS IN CURAÇAO

After contracting by 0.8% in 2013, the real GDP of Curaçao contracted further by 1.1% in 2014 as a result of a decline in domestic demand mitigated by an increase in net foreign demand (see Graph 2). For the third year in a row, Curaçao has recorded negative economic growth. Meanwhile, Curaçao's inflation rate in 2014 accelerated to 1.5%, attributable mainly to higher food prices.

The decline in domestic demand was driven by a fall in both private and public spending. Private spending reduced because of a drop in private consumption and investment. The decline in private consumption was reflected in lower import duties collected and less consumer credit extended by the domestic commercial banks. Private investment contracted as well because of fewer construction activities and was consistent with the drop in business loans extended by the domestic commercial banks. In addition, public demand dropped because of decreases in consumption and investment. The decrease in public consumption was due mainly to fewer outlays on goods and services.

In contrast, net foreign demand contributed positively to Curaçao's economy because in real terms, exports grew while imports dropped. The growth in exports stemmed primarily from more bunkering, tourism-related activities, and refining fee earned by the Isla refinery, while the drop in imports was the result of a decline in private spending and lower merchandise imports by the free-zone companies.

An analysis, by sector shows the real value added in the wholesale & retail trade sector contracted by 2.3% in 2014 mainly because of lower domestic spending and fewer activities in the free-zone sector. The poor performance in the free-zone was consistent with a decline in the number of visitors from all markets, except Venezuela. The largest decline in the number of free-zone visitors came from Haiti and Jamaica. In addition, activities in the utilities sector contracted by 3.8% in 2014, reflecting decreases in both water and electricity production.

In 2014, the transport, storage, & communication sector contributed negatively to real GDP growth (-2.0%) because of a drop in airport-related activities. The drop in airport-related activities was reflected by a contraction in total passenger traffic, particularly transit passengers, and the number of commercial landings. However, the harbor performed well due to more local container movements and ships, notably tankers, piloted into the port of Curaçao.

Compared to 2013, real value added in the construction sector shrank at a faster pace in 2014 (-2.2%), attributable to a decline in both private and public investments. The negative performance of the construction sector was in line with fewer business loans extended by the domestic commercial banks, reduced sale of local construction materials, and lower imports of construction materials. The manufacturing sector also contributed negatively to real GDP growth (-0.9%) because the decline in ship repair activities, reflected by a significant drop in the number of man hours sold (-21.5%) and the number of ships repaired (-39.9%).

In contrast, real output growth in the restaurants & hotels sector accelerated in 2014 (2.9%). The number of cruise calls declined, but the number of cruise tourists increased, indicating that larger ships

visited Curaçao during 2014. At the same time, the number of stay-over visitors was up by 2.9% in 2014 compared to 2013.

Table 1: Macro-economic data Curaçao

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
GDP(mill. NAf)	5,107	5,135	5,328	5,439	5,604	5,632	5,570
Real growth GDP	2.2%	-0.5%	0.1%	0.6%	-0.1%	-0.8%	1.1%
Inflation	6.9%	1.8%	2.8%	2.3%	3.2%	1.3%	1.5%
Unemployment	10.3%	9.6%	10.0%	9.8%	11.0%	13.0%	n.a

 Source: Central Bank of Curaçao and Sint Maarten (2014)

POSITIVE DEVELOPMENTS: promoting EQUALITY and NON DISCRIMINATION

A. The ratification of the ILO Convention no 144

In February 2014, the Government of Curaçao set up the National Tripartite Dialogue, *Diálogo Nashonal pa un Kòrsou Avansá*, with the mission of bringing together leaders in the public sector, private sector and the civil society (working unions for example), to discuss issues that are important for Curaçao. The setting up of such a group, with an aim towards helping with the development of Curaçao, and working on topics regarding the workfield of the International Labour Organization and thus Curaçao was allowed to ratify the ILO Convention concerning tripartite consultations to promote a further implementation of the international labour standards.

B. Enseñanza Liber (Free Education)

In order to make the public education system equally accesible to the whole population of Curaçao, including the minorities and (il)legal immigrants, Curaçao provides financial support for families whosse children could not get to school because of the financial burden linked to education. The programme, called the *Enseñanza Liber* ensures that the high financial burden linked to going to school in Curaçao was mitigated, eliminating socio-economic barriers that could have prevented some parts of society from getting at least a basic education.

C. Warm Meals Programme

Additionally, the Warm Meals Programme (*Kuminda Kayente*) ensures that students in certain neighbourhoods and whose families cannot afford to feed them are given warm meals and in some cases even breakfast, to ensure that malnutrition does not inhibit their learning process.

SECOND SECTION OF THE ESC REPORTS 2015 CURACAO

A. Vacancy Bank

Curaçao intensify its efforts to combat unemployment, particularly by the institution of the Vacancy Bank. The Vacancy Bank takes care of a successful match between the jobseeker and an existing vacancy, prior registered. Efforts are undertaken to set up a digital service on existing vacancies to allow academic Curacoen youngsters abroad (especially in the Netherlands) who wishes to remigrate to take notice of available vacancies and thus give a contribution to their country of birth.

Due to some serious technical problems (IT-problems) regarding data collection, which occurred during the transition period afther the dismantling of the Netherlands Antilles (2010-2012) and the upcome of the "new" country Curaçao, the tables below show only information regarding the reporting years 2013 and 2014.

The Center of Labor (Vacancy Bank) offers a brief overview in the following table.

<i>Period</i>	<i>Matches</i>	
<i>January- June 2013</i>	<i>43</i>	<i>Matches made by Former Center of Labor</i>
<i>July – August 2013</i>	<i>14</i>	<i>Matches made by Former Center of Labor</i>

September-December 2013	43	Matches made by the Vacancy Bank
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Source: Vacancy Bank and Job Center last period of 2013: a total sum of 100 jobseekers successfully matched

Matches Januari - July 2014	65
Placements	Geriatric Helper, Cook Supervisor, Sous chef, Security Officer, Service Mechanic, Daycare Leader, Daycare Group Leader, Maintenance, Gardener, Human Resource-Manager, Interior Designer, Domestic Worker, Driver, Kitchen Assistant, Handyman, Warehouse Manager, Warehouseman, Plantmechanic, Welder, Payroll medewerker, Human Resource Assistant
Projects Youngsters	<ol style="list-style-type: none"> 1. Selikor Waste Company: 16 clients: on- the-job training for 1 year: started Juli 2014 2. Curaçao Reclycling Company: on- the-job training 1 year: 6 clients (has to start end of August 2014) 3. KBB leerwerktraject GardenerHovenier, Agriculture Assistent and Bricklayer (finalized in May 2014): 25 clients 4. Dismantling Hospital: 5 youngsters: duration 2 months 5. Construction Hospital: has not started yet 6. On-the-job training Windmill: has to start in October 2014: 20 youngsters 7. Training Work Etics: finished in February 2014: 18 clients of the Vacancy Bank 8. Runner Hospital: duration 1 year: 7 clients/jobseerkerers 9. Fishi: 70 male youngster (learned carpentry)

Source: Center of Labor ('Vacancy Bank')

Further Information regarding the placement of former jobseekers for the period August to December 2014 will be sent together with the Answers to the Non Conformity Conclusions of the European Committee of Social Rights of December 2014, transmitted the Permanent Representative of the Netherlands to the Council of Europe (ref ESC 03/2015 of the 17 of July 2015)

B. Persons with disabilities

Curaçao continues its efforts to promote integration of persons with disabilities in labor market, the so called 'Tayer Sta Martha' is a subsidized workplace where workers with disabilities learn skills (leather-working, carpentry, pottery making, agriculture, plaiting, gardening and handcraft) in order to increase their possibilities to access the labour market and obtain a regular job. The workers are paid a compensation for their labor. In 2012 the Tayer soshal Sta Martha counted 91 participants, in 2013 an amount of 85 participants and in 2014 81 participants. This decrease is induced by participants in the subsidized workplace obtaining a regular job in the private sector.

C. Group of Seafarers and the Maritime Labour Convention (ILO no 186)

A milestone strived for (2013-2015) and successfully achieved in April 2015 regards the updating of the 'old' national laws and policies for the group of seafarers. The group of seafarers working on the vessels registered under the flag of Curaçao now enjoys a major protection of their labour rights, but also of

their housing a board, safety, certification, medical insurance etc, as laid down in the ILO Convention no 186.

D. Migrants and persons from ethnic minorities

Curaçao has an ordinance 'the Ordinance on Foreign Labour (PB 2001, no 82) the so called 81andsverordening Arbeid Vreemdelingen. The policy of the government is to make sure that local citizens with a Dutch citizenship gain employment on the island. Only when there is no local qualified worker available a work permit can be requested and granted for one year or less. The work permit can be extended twice for a maximum of three years.

Migrants who are married with a local partner and are longer than five (5) years on the island can work without a permit issued on the above mentioned Ordinance.

Migrants who do not have a Dutch passport are obliged to obtain a work permit every year, no matter how long they live on the island. The work permit has to be valid for them to work.

If a company has a vacancy, the company according to article 5 paragraph 5 under c of the Ordinance on Foreign Labor, has to make this known at the Center of Employment 5 weeks in advance.

The Center has the task to make sure to find a local worker with the required profile to match the job. The company has to place ads in the newspaper to attract attention of local jobseekers first. If a qualified local person is not found within 5 weeks time, the company will receive a letter indicated that the company is free to submit a petition to get a foreign worker with the right qualifications.

The foreigner can execute this function for a period of three (3) years. During the years the company has to employ a local counterpart to gain the necessary skills and competencies to execute the job so that when three years are reached the local person can get the job.

E. DOMESTIC WORKERS: Foreign female workers

Curaçao adopted measures, legislative and otherwise, to bring the rights and benefits accorded to domestic workers, generally female and of foreign origin, in line with those afforded to other workers: Rights laid down in the Labor Ordinance and applicable to the so called live-in domestic workers immigrating to Curaçao as well:

Labor Ordinance (P.B. 2000, no 67 and 68):

- 11 hours maximum per day and 55 hours maximum per week;

Pause:

- The employee should have at least half an hour pause after every 5 hours of work;

Periods of rest:

- The hours between 22.00 o'clock and 6.00 o'clock are considered to be the resting period unless the labor relates to nursing which occurs between said periods;
- The employee has the right of one day of rest every seven days;
- Holidays.

Overtime:

- Performing work beyond the working hours permitted per day or per week: 150%;
- Performing work during pause: 150%
- Overtime during days of rest or holidays: 200%

Vacation Regulation 1949 (P.B. 1949, no 17):

This Regulation applies to all employees who are working on the basis of a working agreement. A working agreement can be concluded both verbally or in writing, thus domestic workers do fall under this Regulation. For each year, which you have been working consecutively with the same employer, you are entitled to a vacation of at least three times the contracted number of workdays per week with pay.

Minimum Wage Ordinance (P.B. 1972, no 110):

Is for all categories of workers Nafl 8.15 (hourly wage), including the domestic personell

In all these three above mentioned laws the position of the domestic worker is specifically safeguarded. A special note in this matter is that in Curaçao a large group of these domestic workers can be categorized under the group so called 'live-ins': this group consist primarily of migrant women who form part of the family they serve, earn minimum wage and enjoy the right to paid leave (a minimum of 15 workdays a year).