



Governing Body

356th Session, Geneva, 23 March–2 April 2026

Institutional Section

INS

Date: 12 March 2026

Original: Spanish and English

Sixteenth item on the agenda

Complaint submitted under article 26 of the ILO Constitution alleging non-observance by Chile of Conventions Nos 87, 98, 135 and 151

1. At its 355th Session (November 2025), the Governing Body examined a report of its Officers on a complaint submitted under article 26 of the ILO Constitution by two Workers' delegates at the 113th Session (2025) of the International Labour Conference alleging non-observance by Chile of 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 Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No. 151).¹
2. Having considered that the complaint was receivable because the conditions established in article 26 of the ILO Constitution were fulfilled, the Governing Body:² (a) requested the Director-General to transmit the complaint to the Government of Chile, inviting it to communicate its observations on the complaint by 15 January 2026 and to appoint a representative to take part in the proceedings of the Governing Body concerning that matter at its future sessions, as well as informing the Government that the Governing Body would examine the matter at its 356th Session (March 2026); and (b) decided to place the item on the agenda of the 356th Session (March–April 2026) of the Governing Body.
3. The Director-General informed the Government of Chile on 22 December 2025 of the decision of the Governing Body and requested that it send its observations on the complaint.

¹ GB.355/INS/17/2.

² GB.355/PV, para. 883.

4. In a communication of 29 January 2026, the Government transmitted its observations on the complaint (see Appendix), which are summarized here. In its communication, the Government states that: (i) the facts described in the complaint were not sufficiently important or serious to justify triggering an exceptional supervisory mechanism that is intended as a last resort; (ii) the same substantive matters, facts, background and circumstances of the present complaint were already the subject of a complaint before the Committee on Freedom of Association;³ (iii) attempting to submit in parallel two different proceedings based on the same facts is wholly inconsistent with the proper use of the ILO supervisory system and due process; and (iv) on 22 January 2026, the parties to the case before the Committee on Freedom of Association signed an agreement that concludes that any other submission made under the international labour standards supervisory system that raises the same matters as those in the said agreement will be nullified. By way of conclusion, the Government reaffirms its commitment to respect for international labour standards and dialogue bodies and, on the basis of the foregoing, requests that the examination of the complaint be discontinued.
5. In addition, it is recalled that: (i) a complaint alleging non-observance by Chile of the same four Conventions and also the Maternity Protection Convention (Revised), 1952 (No. 103), was submitted by a Workers' delegate at the 108th Session (2019) of the Conference; the Governing Body decided, at its 340th Session (October–November 2020), not to refer the matter to a Commission of Inquiry and to close the procedure under article 26, and invited the Government to continue reporting to the ILO regular supervisory system on measures taken to apply in law and practice the Conventions concerned;⁴ and (ii) another complaint alleging non-observance by Chile of these five Conventions was submitted by a Workers' delegate at the 105th Session (2016) of the Conference. In this connection, at its 329th Session (March 2017), the Governing Body invited the Committee of Experts on the Application of Conventions and Recommendations to continue its examination of any pending issues concerning the application of the Conventions concerned and decided that the complaint not be referred to a Commission of Inquiry and that, as a result, the procedure under article 26 of the ILO Constitution would be closed.⁵
6. In accordance with article 26 of the Constitution, it is for the Governing Body to take the necessary decisions concerning future action on this complaint.

► Draft decision

7. **Considering that this was the third complaint made under article 26 of the ILO Constitution in recent years alleging non-observance by Chile of those Conventions, and that for the two previous complaints it had decided to transmit the matters to the regular supervisory system, the Governing Body, on the recommendation of its Officers:**
 - (a) **decided not to refer the complaint to a Commission of Inquiry and to close the procedure under article 26;**
 - (b) **invited the Government of Chile to continue reporting to the ILO regular supervisory system on measures taken to apply in law and practice the Conventions concerned;**

³ Case No. 3482 before the Committee on Freedom of Association, complaint submitted on 30 April 2024.

⁴ GB.340/INS/15(Rev.1)/Decision.

⁵ GB.329/INS/12(Rev.)/Decision.

- (c) referred the allegations of violations of freedom of association in practice to the Committee of Freedom of Association in the framework of its special procedures.

► Appendix

Observations of the Government of Chile

Santiago, 29 January 2026

To: Corinne Vargha
Director, International Labour Standards Department

From: Maria Elizabeth Soto Parada
Cabinet Chief, Ministry of Labour and Social Security

I am writing with regard to the referenced notification of the decision ¹ of the Governing Body of the ILO at its 355th Session, held in Geneva from 17 to 27 November 2025, on the complaint submitted under article 26 of the ILO Constitution against the Government of Chile, which considered the complaint to be receivable on the basis of the formal conditions provided for at the initial stage of this type of procedure.

In said complaint, the complainant organization indicated that, in its view, the allegations constitute non-observance of 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 Workers' Representatives Convention, 1971 (No. 135), and the Labour Relations (Public Service) Convention, 1978 (No. 151).

In this regard, the State of Chile reaffirms its commitment to multilateralism, decent work and the principles underpinning the ILO, and hereby submits the following considerations:

Since the current Administration took office, every effort has been made to increase the number of ratified Conventions, and in this connection we have deposited the Violence and Harassment Convention, 2019 (No. 190), the Safety and Health in Mines Convention, 1995 (No. 176), and the Occupational Safety and Health Convention, 1981 (No. 155). The latter ratification means that Chile has now ratified all of the fundamental Conventions.

Moreover, there have been relevant legislative developments, such as a reduction in the working week to 40 hours, welfare reform, strengthening of legislation concerning violence and harassment at work, and a new law on work-life balance, all of which were achieved through effective social dialogue and the further institutionalization of tripartism at the national level. It is precisely because of its clear, world-renowned commitment to social justice and decent work that my country was surprised to be facing the ILO supervisory system with a complaint submitted under article 26 of the ILO Constitution.

Concerning the article 26 complaint itself, although it has been found to be formally receivable, we understand that at its forthcoming session the Governing Body must examine whether the substantive conditions have been fulfilled. We must note that we consider that the facts described in the complaint are not sufficiently important or serious to justify triggering this exceptional mechanism, which is intended to be a last resort.

¹ GB.355/INS/17/2/Decision.

Furthermore, one easily verifiable fact must be noted: prior to this article 26 complaint, the same substantive matters were already presented under Case No. 3482 before the Committee on Freedom of Association.

In Case No. 3482, the same facts, background and circumstances as those contained in the article 26 complaint were raised, with the same lines of argument; this can be verified by a simple comparative reading of both complaints.

In our view, attempting to submit to the ILO two different proceedings in parallel based on the same facts is wholly inconsistent with the proper use of the ILO supervisory system and due process.

It is important to add one recent background fact that is fundamental for the purposes of assessing the substance of the complaint: in the context of the article 24 representation establishing a national conciliation body, on 22 January this year an agreement was signed between the two parties, which is enclosed for your consideration.

In the last paragraph of that agreement, the following point was concluded, which we request be taken into account and applied when the article 26 complaint is assessed:

... consequently nullifying any other submission under the international labour standards supervisory system that addresses the same matters that are the subject of the present agreement

Deciding to keep open the discussion of those same matters would therefore be a contradiction and a step backwards in view of the progress made to date, mainly with respect to the actions that could result from the commitment made by the two parties.

In light of the foregoing, and reiterating the commitment of the Government of Chile to respect for international labour standards and to dialogue bodies as an effective tool for progress in strengthening decent work, we respectfully request that the article 26 complaint be rejected on the basis of the facts and reasoning set out above.

Lastly, we call for a comprehensive review of the ILO's supervisory proceedings. Chile, alongside other countries in the region, has been the subject of a disproportionate number of proceedings, due in part to the high number of Conventions it has ratified but also due to the triggering of exceptional mechanisms before the channels for national dialogue have been exhausted.

It is essential to reflect collectively with a view to safeguarding the credibility, efficacy and balance of the supervisory system.

Yours sincerely,

(Signed) Maria Elizabeth Soto Parada

Cabinet Chief,
Ministry of Labour and Social Security