



Governing Body

349th Session, Geneva, 30 October–9 November 2023

Institutional Section

INS

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Nineteenth item on the agenda

Reports of the Officers of the Governing Body

Ninth report: Representation alleging non-observance by Chile of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Labour Relations (Public Service) Convention, 1978 (No. 151), made under article 24 of the ILO Constitution by the National Federation of Municipal Workers of Chile (FENTRAMUCH)

1. By a communication dated 16 June 2023, the National Federation of Municipal Workers of Chile (FENTRAMUCH) made a representation to the International Labour Office under article 24 of the ILO Constitution alleging non-observance by the Government of Chile of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Labour Relations (Public Service) Convention, 1978 (No. 151). A summary of the representation is contained in the appendix.
2. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation and informed the Government of Chile accordingly.
3. Pursuant to article 2(1) of the Standing Orders, the Director-General brought the representation before the Officers of the Governing Body, who, according to paragraph 3 of the same article, shall report to the Governing Body on the receivability of the representation. Article 2(2) lays down the conditions for the receivability of a representation. In the light of these conditions, the following observations can be made in the present case:

- (a) the representation was communicated to the International Labour Office in writing;
 - (b) it emanates from an industrial association of workers;
 - (c) it makes specific reference to article 24 of the ILO Constitution;
 - (d) it concerns a Member of the Organization;
 - (e) it refers to Conventions to which the Member against which the representation is made is a party;¹
 - (f) with regard to article 2(2)(f) of the Standing Orders ("it must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention"), the Officers of the Governing Body note that the representation alleges in general terms violations of Conventions Nos 87 and 151, in respect of facts pertaining to another representation made in 2021 and relating to the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37). While the Officers of the Governing Body note that the complainant organization alleges unfair practices with regard to the way in which the conciliation process has been conducted in the context of the above-mentioned representation, the Officers note that the organization has not provided specific information on the way in which the Government has allegedly violated Conventions Nos 87 and 151.
4. Taking into account the above conditions, the Officers of the Governing Body consider that the representation is not receivable in terms of article 2(2) of the Standing Orders with respect to Conventions Nos 87 and 151.

► Draft decision

5. **In the light of the information contained in document GB.349/INS/19/9, and taking into consideration the recommendation of its Officers, the Governing Body decided that the representation was not receivable.**

¹ Chile ratified Convention No. 87 in 1999 and Convention No. 151 in 2000.

► Appendix

Summary of the representation

The National Federation of Municipal Workers of Chile (FENTRAMUCH) states that, since 13 September 2021, it has been negotiating with the Government as part of a voluntary conciliation procedure approved by the Governing Body of the ILO and established further to a representation made by FENTRAMUCH under article 24 of the ILO Constitution in respect of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37). FENTRAMUCH alleges that representatives of the Office of the Undersecretary for Regional and Administrative Development (SUBDERE), which is under the Ministry of the Interior and Public Security, have committed a series of unfair and anti-union acts that have consistently and repeatedly undermined the negotiations under the above-mentioned conciliation procedure. It also alleges that, even though 11 sessions had been held between the representatives of FENTRAMUCH and the Government as at 3 May 2023, between the seventh (December 2022) and the tenth (April 2023) sessions, representatives of the SUBDERE held de facto meetings with officials of the National Confederation of Municipal Employees (ASEMUCH) and the Union of Municipal Employees of Chile (UFEMUCH) to discuss the retirement allowance, which is an issue that is being discussed in the context of the conciliation procedure in which FENTRAMUCH and the Government are participating, thereby hindering the negotiations that are taking place as part of this procedure and undermining the lawful exercise of the right enjoyed by FENTRAMUCH to negotiate with the Government. FENTRAMUCH claims that its officials alone should lead the national negotiations in the international arena in relation to the dispute over the retirement allowance that affects Chile's municipal employees. FENTRAMUCH considers that the Government should ensure greater effectiveness and transparency in the negotiations under the special voluntary conciliation procedure.