

Decision on the 11th item on the agenda: Report of the Director-General

Fifth Supplementary Report: Report of the Committee set up to examine the representation made by the College of Teachers of Chile AG, under article 24 of the ILO Constitution, alleging non-observance of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)

The Governing Body:

(a) approved the report contained in document GB.323/INS/11/5, and specifically the conclusions set out in paragraphs 72–75 concerning the application by Chile of Conventions Nos 35 and 37;

(b) noted the will of the Ministry of Education to develop the teachers' wage and welfare conditions through social dialogue and to find a durable solution to the pension issues raised in the representation by establishing, together with the College of Teachers of Chile, a Technical Board, which is expected to submit concrete proposals to that end and to deliver its final report at the end of the first semester of 2015;

(c) encouraged all parties concerned to reach a viable agreement in the very near future and request the Office to provide the parties to the representation with any technical, consultative or conciliatory services and good offices, which they may request;

(d) requested the Government of Chile to take the measures necessary for acquiring and preserving pension rights of the municipal teachers in conditions of legal certainty, uniform implementation and enforcement required for the proper functioning of the pension scheme based on capital accumulation accounts, in particular:

(i) to accept the responsibility, in compliance with Article 10(5) of Convention No. 35 and Article 11(5) of Convention No. 37, for the administrative and financial supervision of the collection and payment of pension insurance contributions by the municipalities and municipal bodies employing the teachers, establish effective mechanisms for recuperation of arrears of unpaid contributions and, where necessary for this purpose, provide appropriate contributions by the public authorities to the financial resources of the municipalities or to the pension benefits of the teachers, in compliance with Article 9(4) of Convention No. 35 and Article 10(4) of Convention No. 37;

(ii) to ensure participation of the representatives of the teachers and other categories of insured persons in the management of their pension schemes, including collection of insurance contributions and supervision of their effective payment into respective schemes by the municipalities and other employers in respect of their employees, in compliance with Article 10(4) of Convention No. 35 and Article 11(4) of Convention No. 37, and to engage the process of dialogue with the representatives of the teachers for this purpose;

(iii) to improve the effectiveness of dispute resolution and appeal mechanisms in pension matters concerning municipal employees, ensure prompt rendition of justice in these cases and execution of court decisions engaging the liability of the municipalities for unpaid contributions, in line with Article 11 of Convention No. 35 and Article 12 of Convention No. 37;

(e) invited the Government to send reports under article 22 of the ILO Constitution on the application of Conventions Nos 35 and 37 by 1 September 2015 containing detailed information on the measures taken to give effect to the conclusions and recommendations made in points (a), (b) and (c) above, as well as on the solutions advanced through social dialogue within the work of the joint technical board established by the Ministry of Education and the College of Teachers of Chile, to be examined by the Committee of Experts on the Application of Conventions and Recommendations in relation with the follow-up on the recommendations adopted by the Governing Body in 1999 and 2006 on the previous representations submitted by the College of Teachers of Chile on similar issues;

(f) decided to make this report publicly available and declared closed the procedure initiated before the Governing Body as a result of the representation made by the CPC AG concerning the application by Chile of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37).

(Document GB.323/INS/11/5, paragraph 76.)