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**REPORT OF THE REGIONAL MEETING OF EXPERTS: GENDER IMPACT
AND PENSION REFORM IN LATIN AMERICA**

(Santiago, Chile, 10-11 March 2003)

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A. ATTENDANCE AND ORGANIZATION OF THE MEETING

Place and date of the meeting

1. The meeting, which was organized by the Women and Development Unit of the Economic Commission for Latin America and the Caribbean (ECLAC), was held at ECLAC headquarters in Santiago, Chile, on 10 and 11 March 2003.

Attendance

2. The meeting was attended by authorities and experts from national women's bureaux, ministries of labour and finance, pension authorities, and universities in the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Panama and United States of America. Also present were representatives of the International Labour Organization and non-governmental organizations. The Secretary for Social Insurance of Brazil attended in a special capacity.

Organization of work

3. The proceedings of the meeting were structured around the following agenda:
1. Opening session
 2. Presentation of the project "The gender impact of pension plan reforms in Latin America"
 3. Presentation of, and comments on, national studies on Bolivia, Colombia, El Salvador and Brazil
 4. Social protection, pensions and gender in Argentina, Brazil and Chile
 5. Differences caused by demographic factors
 6. Law and pension reform
 7. Summing up of conclusions and identification of research agenda
 8. Closing session

Documentation

4. During the meeting, the documents prepared as part of the project "The gender impact of pension plan reforms in Latin America" were distributed. They may also be consulted at the web page of the Women and Development Unit (<http://www.eclac.cl/mujer/proyectos/pensiones/default.htm>). Other documents prepared by the International Labour Organization and the Population Division of ECLAC-Latin America and Caribbean Demographic Centre (CELADE) were also distributed.

B. ISSUES FOR DISCUSSION

5. The participants identified a set of important issues for analysing pension reforms from a gender perspective, foremost of which were the following:

(a) Measures conducive to equity

6. Participants stated that the factors that caused gender inequity in the pension systems were linked to the labour market, the different way in which demographic transition affected men and women, gender discrimination in laws and institutions and the lack of specific policies on equity with respect to pensions.

7. They said that divergent opinions were presented when the time came to determine who should assume the cost and responsibility for the actions designed to foster gender equity. In terms of policies, strategies for equal opportunities in access to the labour market were not sufficient to deal with the differences between women and men. It was necessary to guarantee equal treatment and results in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

8. Participants identified a series of measures for improving the situation of women within the pension system, and discussed whether they should take the form of subsidies, transfers, compensations or other types of affirmative action.

9. With respect to transfers to women, it was pointed out that if that option were retained, it would be necessary to determine what groups should be addressed, since the situation of formal workers differed from that of independent workers and those who did not have a proper income. There was no simple response and it depended on each country's characteristics, political priorities and calculations.

10. Fully funded systems could equalize the situation of women and men through compensations. Such was the case in Brazil, where women were given a five-year contribution bonus. Nevertheless, that country did not have an individual fully funded system but rather a notional fully funded system with individual accounts, since the reform there had not been structural; moreover, the pay-as-you-go system had been maintained along with the public administration of the system as well as the benefit defined for retirement by age, while the alternative option for retirement was based on how long the beneficiary had contributed.

11. Pure individual fully-funded systems were said to be discriminatory owing to the effect of differences in terms of income, and, hence, in terms of the savings capacity of different individuals. In this context, the compensations did not seem to be sufficient and the recommendation was that one should contemplate mixed and supplementary systems with respect to access and financing.

12. The alternative was to have mixed systems in the true sense of the term, that is those in which public and private components with some contributory base complemented, rather than competed with, each other. as occurred in parallel systems, since experiences, such as that observed in Colombia, showed that parallel systems repeated the tendency to adverse selection inherent in the pure individual fully-funded systems, owing to the fact that the private component of the system attracted young members and those with the highest income, leaving older persons in the public component.

13. Another alternative put forward was that of establishing a solidarity fund similar to the one existing in Colombia; it was pointed out, however, that such a measure would only be viable in countries with low rates of informality, since such funds were created with contributions from formal workers with a certain level of income and had a distributive function. However, in the region, the percentage of informality was quite high except in Costa Rica, where the rate stood at approximately 30%.

14. It was recalled that gender inequality had been constructed culturally throughout history and that it would therefore have to be overcome by social means and through public policies. The pension system had to serve the social objectives of equity and consequently, to include compensations to make up for the discrimination suffered by women in the labour market and for the reproductive work that they carried out.

15. Nevertheless, the dimension of reproductive work could only be incorporated partially since, at that level, it was impossible to delink totally the contributions from the benefits. That fact notwithstanding, the whole pension system should tend towards granting a universal subsidized pension and a minimum income for older women even if it meant a break with the contributory principle.

16. Gender discrimination was recognized as having multiple causes; as such it had to be tackled in an integral manner with the application of labour, social and economic policies as well as policies relating to ageing. A systemic approach of that kind must necessarily encompass the policy on social protection and pensions.

17. Gender discrimination in the pension system could be tackled through different measures, all of which must have a legal basis. Attention was also drawn to the transformation introduced by the concept of discrimination contained in the Convention on the Elimination of All Forms of Discrimination against Women, according to which actions classified as discriminatory are those which, even if not deliberately discriminatory, become so by virtue of their outcome.

(b) Sustainability of the system and financial aspects

18. One of the central questions was how to ensure the financial viability of the system so as not to penalize future generations. The dilemma between rights and financial restrictions characteristic of many discourses ought to be discarded. A public pension policy centred on rights should be based on an equitable formula for financing and should redistribute socially the costs of reform bearing in mind the principles of universality, solidarity and efficiency.

19. In addition, it was recalled that the International Covenant on Economic, Social and Cultural Rights established the obligation of States to not subordinate acquired rights to fiscal capacities and in that sense the Committee assumed responsibility for the follow-up to that agreement.

20. It was pointed out that in El Salvador claims of unconstitutionality had been lodged against the law of pensions on the grounds that it did not respect acquired rights or the same level of benefits granted under the former system.

21. In Chile, pension reform had entailed a high fiscal cost, caused in part by State-guaranteed minimum and welfare pensions geared mostly to women. A similar future was forecast for the Salvadoran system not only in terms of fiscal effects and scant coverage but also in terms of the impact on equity.

22. Demographic factors had fiscal costs that must be contrasted with the costs of pension systems subtracting the former from the latter. Pension systems could not be the same for different phases of demographic transition as factors corresponding to each national reality, such as urban and rural population growth, had to be taken into account.

23. It was pointed out that a deficit in a given context did not necessarily mean the same in another. Thus, for example, the existing deficit in Brazil's pension system could be considered to be "positive", since it had made it possible to expand coverage and the amount of benefits by around 24% on average. That deficit was concentrated in the rural area and had had highly favourable effects in terms of overcoming poverty. If that liability had not existed it would have been necessary to earmark other funds to cope with the spread of poverty.

24. The tax policy was the backbone of the commitments undertaken by a society in terms of income and expenditure. Fiscal policies had to reflect the society's priorities so that they had to be based on prior agreements. It was also necessary for fiscal covenants to be backed by the presence and the votes of different social stakeholders.

(c) Retirement age and life tables

25. The discussions turned to the advantages of having the same retirement age for women and men or of maintaining the difference or even increasing it depending on the socio-economic group, whether urban or rural as for example those situated below a given income level.

26. It was agreed that owing to the fact that the years of contribution required at different retirement ages had a differential impact on men and women, it was necessary to inform persons —and especially women— of the implications of taking retirement at an earlier age.

27. In Bolivia, Mexico and Peru, the same retirement age had been adopted for both women and men. If considering that alternative, it was advisable to do it gradually and to inform the population in advance of the reasons that justified the adoption of such a measure.

28. In the case of Bolivia, as in most countries, the legal retirement age was not mandatory, but only a reference, since the determining factor was to have accumulated a sufficient fund for retirement. That meant that the pension plan member could control the number of years of contribution and thus protect his or her pension. In that respect, it was pointed out that the legal retirement age, although not obligatory was a pressure mechanism and even more so if the members did not enjoy the right to information.

29. All the countries which had carried out structural reforms of the pension system used differential life tables for male and female life expectancy, which affected the calculation of pensions at the expense of women. In Argentina, moreover, they applied GAM-71 tables designed for the United States and which did not correspond to the situation in Argentina and, in addition to that, there were other factors that affected the determination of the amount of benefits, such as marital status and the benefits of the public component of the system.

30. Attention was drawn to the case of Brazil, where single life tables were used for both sexes in calculating pensions and where different retirement ages applied for urban and rural areas. The "welfare factor" was highlighted as a palliative formula and an alternative to the minimum retirement age, since it had the advantage of endogenizing the pattern of life expectancy in the formula for calculation of pensions and was also an incentive for people to delay retirement.

(d) Transparency of the system

31. The discussions turned to the degree of transparency that the individual fully-funded system and the pay-as-you-go system afforded respectively. The fully-funded system was said to be more conducive to transparency since individual accounting made it easier to know the benefits and costs. In addition, it was less likely to be co-opted by private groups organized for their own interest. In that regard, it was maintained that individual accounts were not exclusive of the individual fully-funded system and that, in practice, reforms had had many problems with transparency. Thus, in countries like Colombia, it was difficult for pension fund members to know if they were effectively contributing (since such contributions were made through employers) or to obtain information on the profitability of their funds.

32. Similarly, it was maintained that in Argentina, it was unlikely that workers would exercise control over the contributions that employers were supposed to be making given the relationship of subordination that existed between the two and the current context of unemployment and lack of job security.

33. It was also pointed out that public pay-as-you-go systems could be transparent, since there was nothing in their design that prevented them achieving that objective, while private fully-funded systems had peculiarities that hindered transparency. On that level, it was pointed out that if pension funds followed the trend of capital, which was invested and transferred between different countries, it would be difficult to achieve transparency, since Governments would lose control over the funds. Such a situation could be aggravated if the financial system was conducive to members being considered not as citizens but as clients or property-owning citizens, since the former would be in a position to exert some degree of control over their representatives, while the latter could not participate in decision-making of the entities of which they were members even though they were determinant for the profitability and the use of funds that belonged to them.

34. Moreover, in individual fully funded systems, it was necessary to make the transfers taking place between different groups of members explicit. It was pointed out that under current systems —based on an average life expectancy— the low-income population resident in given geographic zones of countries was subsidizing the high-income and metropolitan sectors, whose life expectancy was higher.

35. A transparent pension system should guarantee citizens the right to information and, in that regard, it was agreed that, in order to ensure transparency of systems, it was necessary to promote setting up citizen control networks. In addition, the safeguard of the right to information required that that should be legally guaranteed by suitable institutional mechanisms.

36. In addition, the information needed to give transparency to the system of pensions must be comprehensible to members; not everyone had the training required to understand the predominantly technical language used in the system.

C. AGREEMENTS AND CHALLENGES

(a) The multidisciplinary nature of the problem

37. It was agreed that gender equity in the pension system called for an integral approach, based on the notions of equality and citizenship within the framework of a modern development paradigm whose central value was equity.

38. The lack of equity in the pension system called for a multidisciplinary approach, since it went beyond the economic and financial issues and fitted within a doctrinal framework of social security, State/society relations, social, economic and cultural rights, demographic changes and changes in the concept of citizenship.

39. The interdisciplinary approach implied tensions, which were evident in the project executed by the Women and Development Unit. The study of pension systems had been expanded to incorporate issues such as the dichotomy between the holder of rights and the dependent, female beneficiary, which underlay several legal systems and which, in many cases, meant that women had access to the pension system through their position in the family and not in their own right. Attention was drawn to the fact that highlighting differences also implied a contribution to the discussion as well as challenges for the design of public policies. Those contributions included the arguments on total work and the way it was divided up among women and men; emphasis was placed on the importance of highlighting unpaid housework and its importance for understanding discriminations. In addition, the gender-sensitive studies on pension systems had shed light on the way in which such systems exacerbated other social inequalities.

(b) The incorporation of women into the labour market

40. There was also consensus that the absolute and relative benefits of men and women in individual fully-funded pension systems depended on the labour market and on the demographic situation. Both were dynamic and therefore the pension system should be flexible enough to deal with the demographic and labour changes.

41. Female economic participation had increased but without ensuring for women equal access to well-paid and stable jobs. The challenge was not just to increase women's incorporation in the labour market but also to overcome the income gap and the under-representation of women in executive, managerial and high-productivity posts.

42. The salary gap between genders increased with age, with obvious negative consequences for women's pensions, since they were calculated on the basis of the wages of the last years of employment.

43. Labour indicators should be read with caution. Thus, for example, the high rates of economic participation of older persons in Bolivia could reflect deficiencies in the pension system.

44. Since job creation was currently linked to business development, it was proposed that strategic areas should be defined jointly with firms that generated employment and that work should be done with them from a gender perspective. Nevertheless, the reality in the different countries varied significantly and for that reason, the challenge to improve the situation of women in the labour market and in the pension system called for the application of different strategies.

45. In Chile, the process of incorporating women into the labour force was constant but not linear. Hence the importance of reviewing from the gender perspective the policies applied with a view to increasing paid employment for women. Promoting the entry of women into the labour force served also as a strategy for overcoming poverty.

46. It was also necessary to consider the incentives being offered to women in terms of access to the labour market and to determine whether the public policy design was not tending to perpetuate gender roles both within and outside of the labour market.

47. Another challenge was that of establishing unemployment subsidies. In order for them to be self-financing within the framework of the pension system —that is in order for them to be maintained with funds from the system itself, without depending on general income from the State— they should be geared towards replacing the contribution and not the income.

48. Traditionally, the security network is linked to formal employment but currently there is a division of responsibilities, which was reflected in changes in the terminology used; thus, “social security” was replaced by “social protection”. Dealing legally with informality of labour was an outstanding task and was probably the most daunting challenge.

49. In order to formulate social security plans, it was necessary to refute the widespread idea that the exclusive link with the labour market was inevitable, that pension systems were neutral and that it was not possible to modify preexisting inequalities.

D. CONCLUSIONS

50. In all the research analysed during the meeting, participants agreed to stress the innovativeness of the project and the contribution that it had made to knowledge of the issue. They also recognized the complexity of the coordination between the studies and pension and gender policies.

51. There was also consensus concerning the importance of applying an anti-discriminatory legal framework, which was crucial for social development and the elimination of all forms of direct and indirect discrimination.

52. In addition, it was necessary to support legal recognition for unpaid housework done by women and to promote public responsibility with respect to the lack of gender equity, including the examples of inequity existing within the pension system.

53. The studies showed the specificities of the countries and with them the importance of the context, macroeconomic variables, the social security culture and the design of instruments; at the same time, the marked differences caused by the pension model were recognized. In all cases, the following points were noted:

- How social security and the pension systems reproduce and accentuate gender differences in the labour market, particularly as a result of the wage gap, the high rates of informality, differences in terms of income and educational levels, labour legislation and the interaction of all these factors. Similarly, the forms of women’s participation in the labour force, as a

result of their reproductive roles and unpaid housework, had an impact on the density of their contributions.

- The effects of women's longer life expectancy combine with formulae for pension calculation that made that life expectancy a disadvantage for the group of female beneficiaries of social security.
- Institutional issues of governance and transparency which would hinder or limit the capture of the system by special interests.
- The fact that the reforms have not resulted in increased coverage of the system in any of the countries included in the project except Bolivia.
- The issue of minimum pensions.

E. PROPOSALS

General:

- Recover a vision of social security based on the principles of universality, solidarity and efficiency.
- Explore new combinations of public and private components both in access to pension systems and in its financing. Any plan must bear a relationship to the contributive capacity of the subjects, although the policy proposals geared towards a minimum citizen income must be explored in an integral manner, which implies evaluating sustainable methods of financing.
- Formulate arguments that harmonize the principles of law and non-discrimination with financial viability without either of the two approaches being subordinate to the other. Consider the experience of Brazil's "positive deficit", that is, the need to design policies for the reduction of poverty and inequality should be recognized as a priority issue.
- Revise the regulatory frameworks that favour avoiding provisional contributions and seek to achieve this through institution-building.
- Deepen the debate on macroeconomic and governance implications of inequalities present in the pension system. This implies analysing social security within the framework of countries' public policy priorities.
- Order methodologically the costs and benefits of the paths chosen in each country.

Specific proposals:

- Evaluate the possibility of granting women a contribution for each child, subject to an analysis as to whether such a measure might consolidate gender roles. It was also cautioned that such a measure might also discriminate against childless women.
- Establish single life tables for both sexes for calculating pensions and consider their complementary aspects as the method to be adopted by reinsurers in order to prevent risk selection.
- Establish unemployment subsidies.
- Incorporate procedures for transfer by men in the private sector.
- Establish forms of compensation in the calculation of the years of contribution required, taking as reference the case of Brazil (contribution bonus).
- Gradually standardize the retirement age.
- Establish family accounts for capitalization of funds. A note of caution was raised concerning the disadvantages that that proposal could have if changes occurred in the family structure and it was also pointed out that pensions could not consider families but only citizens.
- In the case of Bolivia, the terms of competitive bidding for Pension Fund Administrators should be modified to integrate measures conducive to gender equity.
- Improve citizen information systems.
- Disseminate and promote the exchange of experiences and best practices relating, for example, to single life tables for both sexes, low administration costs and equal retirement age as well as the pension factor for discount for widow's and disability pensions, a plan established in Brazil for discussion with social actors.
- Exert influence on the new agreements proposed by the International Labour Organization as well as in other summits.

F. SUPPLEMENTARY RESEARCH

- Study the gender dimension of the fiscal effects of the pension systems. Determine the extent to which the fiscal deficit is affected by the fact that the State must assume the cost of the over-representation of women among the beneficiaries of minimum pensions.
- Develop methodologies for analysis and calculation of gender gaps in order to finance corrective measures for lack of equity.

- Study family histories and the changes experienced in order to systematize knowledge of the issue.
- Identify the differences between men and women in terms of breaks in employment.
- Study individual histories regarding contributions and relate them to demographic trends.
- Conduct actuarial studies from a gender perspective.
- Conduct longevity studies incorporating different variables, such as the level of education and income.
- Evaluate the effect of membership procedures on men and women as well as their effects on indirect beneficiaries of both sexes.

Annex 1

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