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Leaflet Employee Pension Commission (EPC)

1. General information

Asga is a joint institution in the legal form of a cooperative. The supreme body is the Assembly of Delegates, which is made up of equal numbers of 50 employer and employee representatives from the affiliated companies. The Board of Directors is responsible for managing the cooperative. It consists of eight members and is also composed on a parity basis. The decisions of the Assembly of Delegates and the Board of Directors always affect the entire pension fund.

Remark

- *According to Art. 3 of the fund regulations, each member company may, as an option, appoint a Pension Fund Commission EPC, which makes the company-internal pension fund decisions. It is a voluntary, non-statutory body.*
- *Self-employed persons without employees cannot manage a EPC.*

2. Tasks of EPC

If a EPC is used it is responsible to handle the following tasks:

a) Issuance and amendment of the pension plan
b) Decisions about the financing of the pension paln

- *Resolutions, which the member company commits to contributions that exceed 50% of the contribution for the compulsory insurance according to the BVG, can only be made with their consent (Art. 66 BVG).*

c) Decision on the use of free funds, which are attributable to the connection of the member company and are separately stated
d) Control and supervision of the reporting system (registration of persons to be insured, withdrawals, name and civil status changes and further reports of the member company)
e) Control of contribution payments
f) Informing the insured persons and providing information, if Asga does not directly do this.

- *The EPC is supported by Asga in an advisory manner.*

3. Composition and constitution

The EPC constitutes as follows:

a) of at least one person representing the member company and being defined by the same and
b) from an equal number of persons representing the insured employees and elected from among them.

The EPC constitutes itself. It elects a president from among its members, who for a term of office alternatingly belongs to the group of persons according to lit. a or the group of persons according to lit. b. It determines the persons authorised to sign. Only a collective signature is allowed. It announces the composition of the EPC as well as the signature regulation by means of the election protocol of Asga.

The term of office for EPC's members is 4 years. A re-election is admissible.

▾ *Please pay particular attention to the following page.*

A member who is in employment with the member company leaves the EPC when the employment relationship is terminated. The member will be replaced by any replacement member (see clause 4) or a new member shall be elected, who shall enter the term of office of the resigning member.

4. Election of persons, who represent the employer

The employees elect the employee representatives. The election is to be organised by the member company. It can provide for an election meeting or a ballot box.

All insured employees who are in an employment relationship with the affiliated company are entitled to vote and can also be elected as members of the EPC. If the company is a legal entity, such as a public limited company, the distinction between employee and employer can be difficult. An employee is one who has no decision-making power over essential matters of the company and has no corresponding responsibility.

If there are more candidates than seats are to be awarded, those who have received the most votes will be considered as having been elected. In the case of a tie, the senior employee is considered as being elected.

In the same election procedure employee representatives can be elected as substitute members. A substitute member only undertakes a task in the EPC if a member leaves during the term of office.

An elected person has the right to reject the election.

5. Meetings and resolutions

The EPC meets on demand, at least once per year. It is convened by its president or at the request of the majority of the members. The management consultant of Asga can be consulted for advice. The EPC has a quorum if the majority of its members are present. The resolutions are passed by majority vote.

In case of a tie, the president has the casting vote.

Decisions can also be taken by circular. A circular vote is valid if all members of the EPC agree with it.

A decision protocol needs to be created.

6. Secrecy

The members of the EPC are obliged to maintain secrecy concerning the facts they are becoming known in the course of their activities. This obligation will continue after termination of the EPC membership.

7. Responsibility

The members of the EPC are responsible for the damage they inflict intentionally or negligently on Asga (Art. 52 BVG).

8. Entering into force

This leaflet is valid as of 1st January 2016 and also applies for already existing EPCs.

▸ *We are gladly available at your disposal for any questions you might have: P +41 71 228 52 52, info@asga.ch*