



ILO CONVENTIONS AND RECOMMENDATIONS ON SOCIAL SECURITY

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ABSTRACT

The International Labour Organization (ILO) has played a pivotal role in promoting social justice through the establishment of international labor standards, including those related to social security. This paper explores the ILO conventions and recommendations that form the cornerstone of global social protection systems. Central to this framework is **ILO Convention No. 102 (1952)** on Minimum Standards of Social Security, which outlines the essential elements of a comprehensive social security system, including medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity, and survivors' benefits. The study also examines more specific instruments, such as Conventions No. 121, 128, and 183, and relevant recommendations that guide member states in enhancing their social protection policies. Emphasis is placed on the relevance of these instruments in contemporary times, especially in the context of economic crises, demographic shifts, and global health emergencies. The abstract underscores the challenges of implementation and the role of tripartite dialogue and international cooperation in advancing inclusive, rights-based social

security systems. The findings advocate for stronger national and international commitment to extending social protection to all, particularly vulnerable populations.

Key words: Social Security, unemployment, old age, employment injury, family, maternity, invalidity, and survivors' benefits

INTRODUCTION

The very idea of social security is based on the ideals of humanity and social justice to which every civilized society is committed. In a civilized society, every one is concerned with the welfare and well-being of his fellow countrymen and has some social obligation to discharge. The social security measures are considered effective means of establishing social justice. The ILO has been committed to the cause of social justice being one of its most thrust aim to be achieved.

In the First Session itself held in the year 1919, the ILO has adopted convention relating to social security concerning maternity protection. Subsequently following years, the ILO contributed very effectively through its conventions relating to employment injury benefits, unemployment benefits, Old-age, Invalidity and Survivor's benefits, Protection in the various social security branches and also setting comprehensive standards concerning social security.

ILO set ideal standards for their universal application to ameliorate the working conditions of the workers and to ensure social justice to them. The Universal Standards are known as a convention and recommendation.¹All 31 conventions and 23 recommendations have been adopted on social security and are classified as under.²

I. GENERAL INSTRUMENTS

1. Social Security (Minimum Standards) Convention, 1952
2. Equality of Treatment (Social Security) Convention, 1962
3. Convention on Maintenance of Social Security Rights, 1982
4. Income Security Recommendation, 1944
5. Social Security (Armed Forces) Recommendation, 1944
6. Maintenance of Social Security Rights Recommendation, 1983

Social Security (Minimum Standards) Convention, 1952 (No. 102)

This Convention was adopted by ILO in its 35th session held at Geneva on 4th June, 1952. It consist of 87 Articles and it was divided into 15 parts and deals with Minimum Standards Of Social Security. It is ratified by 41 Member Countries.

¹ Qureshi, M.V., Encyclopedia of Social Problems and Social Welfare, 2006, p.11

² Pillai, Purushottama Padnanabha and Birla, L.N., India and ILO, 1946 p.17

Part I consist of General provision and deals with certain definitions like wife, widow, child, qualifying period etc. It also requires that each Member for which this Convention is in force shall comply with Part I and atleast three of Parts II to X including at least one of Parts IV, V, VI, IX and X. It should also comply with Part XIV of the Convention.³

It also the flagship of all ILO social security conventions as it is the only international instrument, based on basic social security principles, that establishes worldwide agreed minimum standards for all nine branches of social security,

- i) Medical care – Part II of the Social Security Convention 1952, Articles 7 to 12
- ii) Sickness– Part III of the Social Security Convention 1952, Articles 13 to 18
- iii) Unemployment– Part IV of the Social Security Convention 1952, Articles 19 to 24
- iv) Old Age– Part V of the Social Security Convention 1952, Articles 25 to 30
- v) Employment Injury– Part VI of the Social Security Convention 1952, Articles 31 to 38
- vi) Family Benefit– Part VII of the Social Security Convention 1952, Articles 39 to 45
- vii) Maternity Benefit– Part VIII of the Social Security Convention 1952, Articles 46 to 52
- viii) Invalidity Benefit– Part IX of the Social Security Convention 1952, Articles 53 to 58
- ix) Survivor’s Benefit– Part X of the Social Security Convention 1952, Articles 69 to 59

Equality of Treatment (Social Security) Convention, 1962 is designed to secure equal treatment of nationals and non-nationals including refugees and stateless persons in case of social security except in special schemes for public servants, war victims and public. This convention has been ratified by 38 member-countries.⁴

II. MEDICAL CARE AND SICKNESS BENEFIT

1. Sickness Insurance (Industry) Convention, 1927
2. Sickness Insurance (Agricultural) Convention, 1927
3. Medical Care and Sickness Benefits Convention, 1969
4. Medical Care Recommendation, 1944

Sickness Benefit: Part III Consisting of Articles 13 to 18 deals with sickness benefits.

The sickness benefit covers the contingencies like incapacity for work resulting from any morbid condition and involving suspension of earnings. The beneficiaries to be covered are same as specified in the Part I for Medical Care.

It should also cover at least 50% of the prescribed employees, 20% of the prescribed classes of economically active population, and all residents whose means do not exceed prescribed limits in accordance with Article 67 of the Convention. Such benefit is available to such person who comply

³Ana, Gomez Gereadero, Social Security: Protection at International Level and Development in Europe, 2009, p.10

⁴ Butler, William Elliott, International Law in Comparative Perspective, 1980, p.25

with such qualifying condition considered necessary to preclude abuse. The sickness benefit may be limited to 26 weeks in each case of sickness.

Sickness Insurance (Industry) Convention, 1927 was adopted in its 19th session on 25 May 1927. It consists of 18 articles and ratified by 25 member-countries.⁵ It requires to set-up compulsory sickness insurance system, which shall apply to manual and non-manual workers. However, the convention allows exemption to special schemes with more benefits and employees of special categories specified as in national law or regulations.⁶

Sickness Insurance (Agricultural) Convention, 1927 relates to them similar benefit in respect of workers working in industries, commercial undertakings and domestic servants.

Medical Care: part II Consisting of Articles 7 to 12 deals with Medical Care to the persons covered in respect of conditions requiring medical care of a preventive or curative nature.

Contingencies- Morbid Condition, Pregnancy and Confinement and their Consequences.

The medical care should be available to the prescribed classes of employees, constituting not less than 50% of all employees and their wives and children, or it should cover at least 20% of the prescribed classes of economically active population and their wives and children. It shall also cover at least 50% of the prescribed classes of residents.

Nature of medical care includes general practitioner care including domiciliary visit, specialist care at hospitals both for in-patients and out-patients. In case of maternity or confinement and its consequences, pre-natal and post-natal care is also to be provided.

Medical Care and Sickness Benefits Convention, 1969 is concerned with the medical care and sickness benefit. It regulates the protection of workers in respect of entitlement to medical care of a curative and preventive nature and compensation for loss of earning through sickness.

Medical Care Recommendation, 1944 lays down general principles to be followed by states in developing medical care services and organization and administration of such services.

III.MATERNITY BENEFIT

Part VIII of the convention consisting of Articles 46 to 52 deals with maternity benefit and the contingency covered includes pregnancy and confinement and their consequences and suspension of earnings as defined by national laws.⁷

⁵ Vaidyanathan.V, ILO Convention and India, Minerva Association Publication, 1975,p.3

⁶ Stellman, Jeanne Mager, Encyclopedia of Occupational Health and Safety, 1998, p.110

⁷ Article 46&47 of the ILO convention.

The percentage of persons protected is same as in the case of old- age or other similar benefits and ranges between 50% to 20% in the prescribed conditions⁸

1. Convention on Women, 1919
2. Maternity Protection Convention, 1952
3. Maternity Protection (Agricultural) Recommendation, 1921

Convention on Women, 1919 ILO in its year of inception adopted this convention. It contains 12 articles to provide protection to women workers. They are conferred with right to certain maternity benefits before and after child birth.⁹

Maternity Protection Convention, 1952 it covers industrial undertaking, non-industrial and agricultural occupations, including home workers and domestic servants. It aims to secure women workers a substantial period of leave with subsistence and medical benefits before and after confinement and provide safeguard to their continued employed i.e. more than what is provided for in the earlier convention.¹⁰

Maternity Protection (Agricultural) Recommendation, 1921 it was superseded by 1952 revised Maternity Protection Convention. It suggests possible improvements on the protection provided under convention like extension of maternity leave to a total of 14 week higher rate of cash benefit, more exclusive medical care. It also recommends prohibition of the employment of pregnant women and young mothers on specified type of work prejudicial of their health.

The nature of maternity benefits includes medical care during Pre-natal confinement and post-natal care either by a medical practitioner or by qualified midwives. The maternity benefits shall be afforded with a view to maintaining restoring or improving the¹¹ health of the women protected.¹²

In case of suspension of earnings resulting from pregnancy or confinement and their consequences, the benefit shall be a periodical payment calculated in the manner prescribed in Article 65 or Article 66 and all such benefits including those specified in Article 49 shall be granted throughout the contingency up to 12 weeks, unless a longer period is prescribed by the national laws.¹³

⁸ Article 48 Ibid

⁹ Dixon, John E., Social Security in Global Perspective, 1999, p.10

¹⁰ Marsha, Freeman A., Beate Rudolf and Chritine Chinkin, The UB Convention on the Elimination of all forms of Discrimination, 2012, p.685

¹¹ Bob, Hpple, Brunoveneziani, The Transformation of Labour in Europe, 2009, p.179

¹² Article 49 of the ILO Convention.

¹³ Article 52 Ibid.

IV. INVALIDITY OLD AGE AND SURVIVOR'S BENEFIT

Old-age Benefit: Part V, consisting of Articles 25 to 30, deals with old-age benefit and prescribed the contingency to be covered as survival beyond a prescribed age not exceeding 65 years. The percentage of the beneficiaries to be covered is same as in the case of Medical care, sickness benefit or unemployment benefits.¹⁴

The nature of Old-age benefit shall be the periodical payments calculated in such a manner as to comply either with the requirement of Articles 65 or 66 or in case of residents as required by Article 67.¹⁵
Qualifying period = 30 years of contribution or employment or 20 years of residence.

Reduce benefit may be given for a qualifying period of 15 years of contribution or employment.¹⁶

Invalidity Benefit: Part IX of the convention, consisting of Articles 53 to 58, deals with invalidity benefit and the contingency covered includes inability to engage in any gainful activity or the inability continuing after the exhaustion of sickness benefit.¹⁷

The percentage of persons protected is same as in the case of old age sickness or other similar benefits and ranges between 50% to 20% of the population of the prescribed employees.¹⁸

The invalidity benefit is in the nature of periodical payment calculated in accordance with the requirements of Articles 65 or 66 and in the case of residents, in accordance with Article 67.¹⁹

Qualifying period = invalidity benefit 15 years of contribution of 10 years of residence.²⁰

The invalidity benefit has to be continued throughout the contingency or until an old age benefit becomes payable.²¹

Survivor's Benefit: Part X of the convention, consisting of Articles 59 to 64 deals with Survivor's benefit.

Contingency = The loss of support suffered by the widow or child as the result of the death of the breadwinner.²²

However such benefit may be suspended or reduced by national laws, if such person is engaged in any prescribed gainful activity.

The percentage of the person protected is same as prescribed in case of other benefits being 50% to 20% as the case may be in the prescribed condition²³

¹⁴ Article 27 Ibid.

¹⁵ Article 28 Ibid.

¹⁶ Article 29 Ibid.

¹⁷ Articles 53&54 of the ILO Convention.

¹⁸ Article 55 Ibid.

¹⁹ Article 56 Ibid.

²⁰ Article 57 Ibid.

²¹ Article 59 Ibid.

²² Article 60 Ibid.

²³ Article 61 Ibid.

The benefit shall be calculated in accordance with the requirements of Articles 65 or 66 and in the case of residents, in accordance with Article 67.²⁴

Qualifying period = 15 years of contribution or employment or 10 years of residence & such benefit shall continue throughout the contingency.²⁵

Invalidity Old Age and Survivor and Benefit Convention, 1967

Recommendation Concerning Invalidity, Old Age and Survivor's Benefit, 1967

Invalidity Old Age and Survivor and Benefit Convention, 1967 specifically deals with invalidity benefits, old age benefits, survivor's benefits and general standards to be compiled with periodic payments, etc.²⁶

Recommendation Concerning Invalidity, Old Age and Survivor's Benefit, 1967 it calls for extension of protection to persons whose employment is of casual nature. It also covers invalid and dependent widower for survivor's benefit.²⁷

V. EMPLOYMENT INJURY BENEFIT

Chapter VI, consisting of Articles 31 to 38, deals with employment injury benefit

Contingency = The employment due to accident or prescribed disease, namely:-

A morbid condition; Incapacity for work resulting from such condition as may be defined by national law or regulations and involve suspension of earnings;

- . Total or partial loss of earnings capacity in excess a prescribed degree, likely to be permanent;
- a. The loss of support suffered by the widow or child as the result of the death of the bread-winner.²⁸

The person protected comprises of prescribed class of employees constituting not less than 50% of all employees, and in case of the death of the breadwinner, their wives and children.

Based upon declaration- A member country in accordance with Article 3, being a member whose economy or medical facilities are insufficiently developed, the persons protected shall be the prescribed classes of employees not less than 50% of such employees who are working in an industrial workplace employing 20% of such employees or more. In the case of the death of the bread-winner, their wives and children are also covered.²⁹

The nature of benefit in respect of a morbid condition consists of medical care as prescribed in paras 2 and 3 of the Article 34.

²⁴ Article 62 Ibid.

²⁵ Article 64 Ibid.

²⁶ Audrey, Chapman R. and Russel, Sage, Core Obligation: Building a framework for Economic Social and Cultural Rights, 2002, p.90

²⁷ Audrey, Chapman R. and Russel, Sage, Core Obligation: Building a framework for Economic Social and Cultural Rights, 2002, p.89

²⁸ Article 32 of the ILO Convention

²⁹ Article 33 of the ILO Convention.

In case of slight degree of incapacity, the periodical payment may be commuted to lump sum. Such periodical payment shall continue throughout the period during which the contingency continues to exist.³⁰

1. Workmen's Compensation (Agriculture) Convention, 1921
2. Workmen's Compensation (Accident) Convention, 1925
3. Workmen's Compensation (Occupational Diseases) Convention, 1925
4. Convention on Equality of Treatment (Accident) Compensation, 1925
5. Employment Injury Benefits Convention, 1964
6. Employment Injury Benefits Recommendation, 1964

Workmen's Compensation (Agriculture) Convention, 1921 it aims at providing compensation in occupational accidents to agricultural workers arising out of and in the course of employment.³¹

Workmen's Compensation (Accident) Convention, 1925 it aims at providing compensation to workers injured in industrial accidents. The injured worker is entitled to medical, surgical and pharmaceutical aid to the cost of employer to insurance institution including the supply and renewal of surgical appliances.³²

Workmen's Compensation (Occupational Diseases) Convention, 1925 the convention contemplates that compensation shall be payable to workman incapacitated by occupational disease or in case of death from such disease to their dependents. It provides a schedule of occupational disease and of substances which cause occupational diseases.³³

Convention on Equality of Treatment (Accident) Compensation, 1925 the convention contemplates equality of treatment for national and foreign workers as regards Workmen's Compensation for accidents. The equality of treatment has to be guaranteed to foreign workers and their dependents without any condition as to residence by the states ratified the convention.³⁴

Employment Injury Benefits Convention, 1964 the convention contains 38 articles, one schedule and one annexure; this regulates the compensation for injuries resulting from industrial accidents and occupational diseases. It lays down the criteria of eligibility and dependence for availing the benefit of compensation. It also lays down standards in respect of contingencies to be covered, contents duration rates, etc of the benefits to be provided in case of employment injury caused accident and occupational diseases.³⁵

³⁰ Article 36 and 38 Ibid.

³¹ Singh, Maan Jeet, Comprehensive Social Security Scheme for Worker, 2010, p.218

³² Rudolf, Anich and Crush, Janathan, A New Perspective on Human Mobility in the South, 2014, Springer Press, p.100

³³ John, N.K. Mansell, Flag State Responsibility : Historical Development and Contemporary Issue, 2009, p.244.

³⁴ John, N.K. Mansell, Flag State Responsibility : Historical Development and Contemporary Issue, 2009, p.22, 15

³⁵ Exter, Andreden, International Health Law and Ethics : Basic Document, 2009, p.38

Employment Injury Benefits Recommendation, 1964 this recommendation is supplementary to the convention 1964 and it envisages the extension of coverage to members of co-operatives self-employed persons, those engaged in small scale business etc.³⁶

VI. UNEMPLOYMENT BENEFIT

Part IV consisting of Articles 19 to 24 deals with Unemployment benefit. The contingency covered shall include suspension of earnings, as defined by national laws, due to inability to obtain suitable employment in the case of a person protected who is capable of and available for work.³⁷

The percentage of beneficiaries to be covered is same as prescribed in the case of medical care or sickness benefit.³⁸

The nature of unemployment benefit shall be the periodical payments calculated in such a manner as to comply either with the requirement of Articles 65 or 66 or in case of residents as required by Article 67.³⁹

1. Unemployment Provision Convention, 1934
2. Convention on Employment Promotion and Protection against Unemployment, 1988
3. Employment Protection and Protection against Unemployment, 1988

Unemployment Provision Convention, 1934 this convention consists of 23 Articles with various aspects of providing unemployment benefit, condition for eligibility and the period for which such employment benefit is payable and also the event on the happening of which such unemployment benefit ceases to continue.⁴⁰

Convention on Employment Promotion and Protection against Unemployment, 1988 this convention consists of 39 Articles which are divided into IX Parts and provides a detailed scheme suitable for any enactment. It contemplates that any system providing for protection against unemployment shall contribute to the promotion of full productive and freely chose employment.⁴¹

Employment Protection and Protection against Unemployment, 1988 this recommendation is supplementary to the convention 1988. It deals with general provision and promotion of productive employment protection of unemployed persons and the development and improvement of system of protection.⁴²

³⁶ International Labour Office, Social Security: A Worker's Education Guide, 1992, p.64

³⁷ Article 20 of the ILO Convention.

³⁸ Article 21 Ibid.

³⁹ Article 22 Ibid.

⁴⁰ Yusuf, Abdulqawi, Standard Setting at UNESCO: Conventions, Recommendations, Declarations and Charters adopted by UNESCO, 1948-2006, 2007, p.400

⁴¹ International Labour Office, Report of the Committee of Experts on the Application of Convention and Recommendation, 2010, p. 121

⁴² Servais, Jean Michel, International Labour Law, 2011, p.113

CONCLUSION

In the light of the above discussed conventions and recommendations of ILO, it is evident that it has painstakingly taken efforts to effectually reinforce social security. It has designed the structure into which its member countries have to build. Moreover ILO has widened the ambit of social security and has addressed almost all the issues pertaining to upholding social security.

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