

C102 Social Security (Minimum Standards) Convention, 1952

Convention concerning Minimum Standards of Social Security (Note: Date of coming into force: 27

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The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour
and having met in its Thirty-fifth Session on 4 June 1952, and
Having decided upon the adoption of certain proposals with regard to minimum standa
social security, which are included in the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Conventio
adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-t
following Convention, which may be cited as the Social Security (Minimum Stan
Convention, 1952:

PART I. GENERAL PROVISIONS

Article 1

1. In this Convention--

- (a) the term **prescribed** means determined by or in virtue of national laws or regulations;
- (b) the term **residence** means ordinary residence in the territory of the Member and th
resident means a person ordinarily resident in the territory of the Member;
- (c) the term **wife** means a wife who is maintained by her husband;
- (d) the term **widow** means a woman who was maintained by her husband at the time
death;
- (e) the term **child** means a child under schoolleaving age or under 15 years of age, as r
prescribed;
- (f) the term **qualifying period** means a period of contribution, or a period of employem
period of residence, or any combination thereof, as may be prescribed.

2. In Articles 10, 34 and 49 the term **benefit** means either direct benefit in the form of c
indirect benefit consisting of a reimbursement of the expenses borne by the person conc

Article 2

Each Member for which this Convention is in force--

(a) shall comply with--

- (i) Part I;
- (ii) at least three of Parts II, III, IV, V, VI, VII, VIII, IX and X, including at least one of Parts
VI, IX and X;
- (iii) the relevant provisions of Parts XI, XII and XIII; and
- (iv) Part XIV; and

(b) shall specify in its ratification in respect of which of Parts II to X it accepts the obligat
the Convention.

Article 3

1. A Member whose economy and medical facilities are insufficiently deve loped may, if :
so long as the competent authority considers necessary, avail itself, by a declaration app
to its ratification, of the temporary exceptions provided for in the following Articles: 9 (c

(2); 15 (d); 18 (2); 21 (c); 27 (d) ; 33 (b); 34 (3); 41 (d); 48 (c); 55 (d); and 61 (d).

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in the annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement, in respect of each exception of which it avails itself--

(a) that its reason for doing so subsists; or

(b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 4

1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to X not already specified in its ratification.

2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 5

Where, for the purpose of compliance with any of the Parts II to X of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, the Member must satisfy itself, before undertaking to comply with any such Part, that the relevant percentage has been attained.

Article 6

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations, affords for persons to be protected--

(a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;

(b) covers a substantial part of the persons whose earnings do not exceed those of the manual male employee; and

(c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

PART II. MEDICAL CARE

Article 7

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

Article 8

The contingencies covered shall include any morbid condition, whatever its cause, including pregnancy and confinement and their consequences.

Article 9

The persons protected shall comprise--

(a) prescribed classes of employees, constituting not less than 50 per cent. of all employees and also their wives and children; or

(b) prescribed classes of economically active population, constituting not less than 20 per cent. of all residents, and also their wives and children; or

(c) prescribed classes of residents, constituting not less than 50 per cent. of all residents; or

(d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees.

constituting not less than 50 per cent. of all employees in industrial workplaces employ persons or more, and also their wives and children.

Article 10

1. The benefit shall include at least--

(a) in case of a morbid condition--

(i) general practitioner care, including domiciliary visiting;

(ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;

(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and

(iv) hospitalisation where necessary; and

(b) in case of pregnancy and confinement and their consequences--

(i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and

(ii) hospitalisation where necessary.

2. The beneficiary or his breadwinner may be required to share in the cost of the medical treatment which the beneficiary receives in respect of a morbid condition; the rules concerning such sharing shall be so designed as to avoid hardship.

3. The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

4. The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other institutions recognised by the public authorities.

Article 11

The benefit specified in Article 10 shall, in a contingency covered, be secured at least for the person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

Article 12

1. The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be payable. Provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit shall be limited to 13 weeks in each case.

PART III. SICKNESS BENEFIT

Article 13

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Convention.

Article 14

The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

Article 15

The persons protected shall comprise--

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees;
- (b) prescribed classes of the economically active population, constituting not less than 50 per cent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employing ten or more persons.

Article 16

1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 17

The benefit specified in Article 16 shall, in a contingency covered, be secured at least for the person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 18

1. The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit shall be limited--

(a) to such period that the total number of days for which the sickness benefit is granted in any year is not less than ten times the average number of persons protected in that year; or

(b) to 13 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

PART IV. UNEMPLOYMENT BENEFIT

Article 19

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following provisions of this Part.

Article 20

The contingency covered shall include suspension of earnings, as defined by national law, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

Article 21

The persons protected shall comprise--

(a) prescribed classes of employees, constituting not less than 50 per cent. of all employees;

(b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or

(c) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employing ten or more persons.

Article 22

1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 23

The benefit specified in Article 22 shall, in a contingency covered, be secured at least for the person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 24

1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited--

(a) where classes of employees are protected, to 13 weeks within a period of 12 months,

(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months.

2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of subparagraph (a) of paragraph 1 shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.

4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

PART V. OLD-AGE BENEFIT

Article 25

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Convention:

1. The contingency covered shall be survival beyond a prescribed age.

2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned.

3. National laws or regulations may provide that the benefit of a person otherwise entitled to the benefit may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 27

The persons protected shall comprise--

(a) prescribed classes of employees, constituting not less than 50 per cent. of all employed persons;

(b) prescribed classes of the economically active population, constituting not less than 50 per cent. of all residents; or

- (c) all residents whose means during the contingency do not exceed limits prescribed in manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employ persons or more.

Article 28

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 29

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least--
(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment or 20 years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least--

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where the benefit calculated in conformity with the requirements of Part XI but at a percentage lower than shown in the Schedule appended to that Part for the standard benefit concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable in accordance with prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

Article 30

The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 31

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following Articles of this Part.

Article 32

The contingencies covered shall include the following where due to accident or a prescribed disease resulting from employment:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings defined by national laws or regulations;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

Article 33

The persons protected shall comprise--

- (a) prescribed classes of employees, constituting not less than 50 per cent. of all employees and, for benefit in respect of death of the breadwinner, also their wives and children; or
- (b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employing ten persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children.

Article 34

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall comprise--

- (a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
- (f) the care furnished by members of such other professions as may at any time be recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

3. Where a declaration made in virtue of Article 3 is in force, the medical care shall include at least--

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies as prescribed by a medical or dental or other qualified practitioner; and

(d) hospitalisation where necessary.

4. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 35

1. The institutions or Government departments administering the medical care shall cooperate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.

2. National laws or regulations may authorise such institutions or departments to effect the provision for the vocational rehabilitation of handicapped persons.

Article 36

1. In respect of incapacity for work, total loss of earning capacity likely to be permanent, or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a proportion of that specified for total loss of earning capacity or corresponding loss of faculty.

3. The periodical payment may be commuted for a lump sum--

(a) where the degree of incapacity is slight; or

(b) where the competent authority is satisfied that the lump sum will be properly utilised.

Article 37

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured against the contingency to a person protected who was employed in the territory of the Member at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, the widow and children of such person.

Article 38

The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days of each case of suspension of earnings.

PART VII. FAMILY BENEFIT

Article 39

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.

Article 40

The contingency covered shall be responsibility for the maintenance of children as prescribed in Article 41.

Article 41

The persons protected shall comprise--

(a) prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employing persons or more;

(b) prescribed classes of the economically active population, constituting not less than 50 per cent. of all residents; or

(c) all residents whose means during the contingency do not exceed prescribed limits; or

(d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees in industrial workplaces employing persons or more, constituting not less than 50 per cent. of all employees in industrial workplaces employing persons or more.

Article 42

The benefit shall be--

- (a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- (b) the provision to or in respect of children, of food, clothing, housing, holidays or domestic help; or
- (c) a combination of (a) and (b).

Article 43

The benefit specified in Article 42 shall be secured at least to a person protected who, within the prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be prescribed.

Article 44

The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent--

- (a) 3 per cent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; or
- (b) 1.5 per cent. of the said wage, multiplied by the total number of children of all residents.

Article 45

Where the benefit consists of a periodical payment, it shall be granted through a contingency fund.

PART VIII. MATERNITY BENEFIT

Article 46

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.

Article 47

The contingencies covered shall include pregnancy and confinement and their consequences and suspension of earnings, as defined by national laws or regulations, resulting therefrom.

Article 48

The persons protected shall comprise--

- (a) all women in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees and, for maternity medical benefit, also the wives of men in these classes; or
- (b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent. of all residents, and, for maternity medical benefit, also the wives of men in these classes; or
- (c) where a declaration made in virtue of Article 3 is in force, all women in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more, and, for maternity medical benefit, also the wives of men in these classes.

Article 49

1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall include at least--

- (a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified persons.

midwives; and

(b) hospitalisation where necessary.

3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.

4. The institutions or Government departments administering the maternity medical services shall, by such means as may be deemed appropriate, encourage the women protected to make use of themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 50

In respect of suspension of earnings resulting from pregnancy and from confinement and its consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

Article 51

The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured against the contingency to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

Article 52

The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, but that the periodical payment may be limited to 12 weeks, unless a longer period of absence from work is required or authorised by national laws or regulations, in which event it may be limited to a period less than such longer period.

PART IX. INVALIDITY BENEFIT

Article 53

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 54

The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.

Article 55

The persons protected shall comprise--

(a) prescribed classes of employees, constituting not less than 50 per cent. of all employees in industrial workplaces employ persons or more;

(b) prescribed classes of the economically active population, constituting not less than 50 per cent. of all residents; or

(c) all residents whose means during the contingency do not exceed limits prescribed in a manner as to comply with the requirements of Article 67; or

(d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent. of all employees in industrial workplaces employ persons or more.

Article 56

The benefit shall be a periodical payment calculated as follows:

(a) where classes of employees or classes of the economically active population are protected in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;

(b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 57

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least--
(a) to a person protected who has completed, prior to the contingency, in accordance with the prescribed rules, a qualifying period which may be 15 years of contribution or employment or 10 years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of which, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least--

(a) to a person protected who has completed, prior to the contingency, in accordance with the prescribed rules, a qualifying period of five years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of which, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where the benefit calculated in conformity with the requirements of Part XI but at a percentage 10 points lower than shown in the Schedule appended to that Part for the standard benefit concerned is secured at least to a person protected who has completed, in accordance with the prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced pension shall be payable in conformity with paragraph 1 of this Article.

Article 58

The benefit specified in Articles 56 and 57 shall be granted throughout the contingency (contingency) until an old-age benefit becomes payable.

PART X. SURVIVORS' BENEFIT

Article 59

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 60

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit shall be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

2. National laws or regulations may provide that the benefit of a person otherwise entitled

may be suspended if such person is engaged in any prescribed gainful activity or the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed the prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 61

The persons protected shall comprise--

- (a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees; or
- (b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 per cent. of all residents; or
- (c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent. of all employees in industrial workplaces employing 20 persons or more.

Article 62

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 63

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least--

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or

- (b) where, in principle, the wives and children of all economically active persons are protected to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least--

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, the wives and children of all economically active persons are protected to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the prescribed average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where the benefit calculated in conformity with the requirements of Part XI but a percentage of ten per cent. lower than shown in the Schedule appended to that Part for the standard benefit concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to F may be effected where the qualifying period for the benefit corresponding to the re percentage exceeds five years of contribution or employment but is less than 15 ye contribution or employment; a reduced benefit shall be payable in conformity with parag of this Article.

5. In order that a childless widow presumed to be incapable of self-support may be entitl survivor's benefit, a minimum duration of the marriage may be required.

Article 64

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

PART XI.

Standard

S TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65

1. In the case of a periodical payment to which this Article applies, the rate of the b increased by the amount of any family allowances payable during the contingency, sh such as to attain, in respect of the contingency in question, for the standard bene indicated in the Schedule appended to this Part, at least the percentage indicated thereir total of the previous earnings of the beneficiary or his breadwinner and of the amount family allowances payable to a person protected with the same family responsibilities standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated accor prescribed rules, and, where the persons protected or their breadwinners are arran classes according to their earnings, their previous earnings may be calculated from the earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings tak account for the calculation of the benefit, provided that the maximum limit is fixed in such that the provisions of paragraph 1 of this Article are complied with where the previous ea of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled n male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled r male employee, the benefit and any family allowances shall be calculated on the sam basis.

5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be--

(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or

(b) a person deemed typical of skilled labour selected in accordance with the provisions following paragraph; or

(c) a person whose earnings are such as to be equal to or greater than the earnings of cent. of all the persons protected, such earnings to be determined on the basis of anr shorter periods as may be prescribed; or

(d) a person whose earnings are equal to 125 per cent. of the average earnings of persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) preceding paragraph shall be a person employed in the major group of economic activiti the largest number of economically active male persons protected in the continge

question, or of the breadwinners of the persons protected, as the case may be, in the d comprising the largest number of such persons or breadwinners; for this purpos international standard industrial classification of all economic activities, adopted I Economic and Social Council of the United Nations at its Seventh Session on 27 August and reproduced in the Annex to this Convention, or such classification as at an amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee m determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of th of wages for normal hours of work fixed by collective agreements, by or in pursua national laws or regulations, where applicable, or by custom, including cost-of-living allow if any; where such rates differ by region but paragraph 8 of this Article is not applic median rate shall be taken.

10. The rates of current periodical payments in respect of old age, employment injury (in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed fo substantial changes in the general level of earnings where these result from subs changes in the cost of living.

Article 66

1. In the case of a periodical payment to which this Article applies, the rate of the b increased by the amount of any family allowances payable during the contingency, st such as to attain, in respect of the contingency in question, for the standard bene indicated in the Schedule appended to this Part, at least the percentage indicated thereir total of the wage of an ordinary adult male labourer and of the amount of any family allow payable to a person protected with the same family responsibilities as the standard bene

2. The wage of the ordinary adult male labourer, the benefit and any family allowances s calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be--

(a) a person deemed typical of unskilled labour in the manufacture of machinery othe electrical machinery; or

(b) a person deemed typical of unskilled labour selected in accordance with the provisi the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) preceding paragraph shall be a person employed in the major group of economic activiti the largest number of economically active male persons protected in the continge question, or of the breadwinners of the persons protected, as the case may be, in the d comprising the largest number of such persons or breadwinners; for this purpos international standard industrial classification of all economic activities, adopted I Economic and Social Council of the United Nations at its Seventh Session on 27 August and reproduced in the Annex to this Convention, or such classification as at an amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer m determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the r wages for normal hours of work fixed by collective agreements, by or in pursuance of n.

laws or regulations, where applicable, or by custom, including cost-of-living allowances where such rates differ by region but paragraph 6 of this Article is not applied, the medical shall be taken.

8. The rates of current periodical payments in respect of old age, employment injury (except case of incapacity for work), invalidity and death of breadwinner, shall be reviewed for substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 67

In the case of a periodical payment to which this Article applies--

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amount referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
 - (i) Article 15 (b) for Part III;
 - (ii) Article 27 (b) for Part V;
 - (iii) Article 55 (b) for Part IX;
 - (iv) Article 61 (b) for Part X.

SCHEDULE TO PART XI. PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES.

Part	Contingency	Standard Beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	Employment injury:		
	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68

1. Non-national residents shall have the same rights as national residents: Provide special rules concerning non-nationals and nationals born outside the territory of the M may be prescribed in respect of benefits or portions of benefits which are payable wh mainly out of public funds and in respect of transitional schemes.

2. Under contributory social security schemes which protect employees, the persons pro who are nationals of another Member which has accepted the obligations of the releva of the Convention shall have, under that Part, the same rights as nationals of the M concerned: Provided that the application of this paragraph may be made subject : existence of a bilateral or multilateral agreement providing for reciprocity.

PART XIII. COMMON PROVISIONS

Article 69

A benefit to which a person protected would otherwise be entitled in compliance with Parts II to X of this Convention may be suspended to such extent as may be prescribed--

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense, or at the expense social security institution or service, subject to any portion of the benefit in excess of the of such maintenance being granted to the dependants of the beneficiary;
- (c) as long as the person concerned is in receipt of another social security cash benefit than a family benefit, and during any period in respect of which he is indemnified i contingency by a third party, subject to the part of the benefit which is suspend exceeding the other benefit or the indemnity by a third party;
- (d) where the person concerned has made a fraudulent claim;
- (e) where the contingency has been caused by a criminal offence committed by the | concerned;
- (f) where the contingency has been caused by the wilful misconduct of the person conce
- (g) in appropriate cases, where the person concerned neglects to make use of the med rehabilitation services placed at his disposal or fails to comply with rules prescrib verifying the occurrence or continuance of the contingency or for the conduct of beneficia
- (h) in the case of unemployment benefit, where the person concerned has failed to ma of the employment services placed at his disposal;
- (i) in the case of unemployment benefit, where the person concerned has lost his emplc as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily \ just cause; and
- (j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.

Article 70

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complain its quality or quantity.

2. Where in the application of this Convention a Government department responsible legislature is entrusted with the administration of medical care, the right of appeal provic in paragraph 1 of this Article may be replaced by a right to have a complaint concerni refusal of medical care or the quality of the care received investigated by the appr authority.

3. Where a claim is settled by a special tribunal established to deal with social s

questions and on which the persons protected are represented, no right of appeal shall be required.

Article 71

1. The cost of the benefits provided in compliance with this Convention and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions, taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member and of the classes of persons protected.

2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent. of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, the benefits provided by the Member in compliance with this Convention, except family allowances, and, if provided by a special branch, employment injury benefit, may be taken together.

3. The Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention, and shall take all measures required for this purpose. It shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in the benefits, the rate of insurance contributions, or the taxes allocated to cover contingencies in question.

Article 72

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide on the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention.

PART XM. MISCELLANEOUS PROVISIONS

Article 73

This Convention shall not apply to--

- (a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 74

This Convention shall not be regarded as revising any existing Convention.

Article 75

If any Convention which may be adopted subsequently by the Conference concerning a subject or subjects dealt with in this Convention so provides, such provisions of the said Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

(Editors' Note: Provisions pursuant to Article 75 are contained in Conventions Nos. 121 (Article 29), 128 (Article 45) and 130 (Article 36).)

Article 76

1. Each Member which ratifies this Convention shall include in the annual report upon

application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation--

(a) full information concerning the laws and regulations by which effect is given to the provisions of the Convention; and

(b) evidence, conforming in its presentation as closely as is practicable with any suggestion for greater uniformity of presentation made by the Governing Body of the International Labour Office, of compliance with the statistical conditions specified in--

(i) Articles 9 (a), (b), (c) or (d); 15 (a), (b) or (d); 21 (a) or (c); 27 (a), (b) or (d); 33 (a) or (b) or (d); 48 (a), (b) or (c); 55 (a) (a), (b) or (d); 61 (a), (b) or (d) , as regards the number of persons protected;

(ii) Articles 44, 65, 66 or 67, as regards the rates of benefit;

(iii) subparagraph (a) of paragraph 2 of Article 18, as regards duration of sickness benefit;

(iv) paragraph 2 of Article 24, as regards duration of unemployment benefit; and

(v) paragraph 2 of Article 71, as regards the proportion of the financial resources constituting the insurance contributions of employees protected.

2. Each Member which ratifies this Convention shall report to the Director-General of the International Labour Office at appropriate intervals, as requested by the Governing Body, on the position of its law and practice in regard to any of Parts II to X of the Convention specified in its ratification or in a notification made subsequently in virtue of Article 4.

Article 77

1. This Convention does not apply to seamen or seafishermen; provision for the protection of seamen and seafishermen has been made by the International Labour Conference Convention on Social Security (Seafarers) Convention, 1946, and the Seafarers' Pensions Convention, 1946.

2. A Member may exclude seamen and seafishermen from the number of employees, or from the economically active population or of residents, when calculating the percentage of employees or residents protected in compliance with any of Parts II to X covered by its ratification.

PART XV. FINAL PROVISIONS

Article 78

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 79

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of a majority of Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 80

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate --

a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;

b) the territories in respect of which it undertakes that the provisions of the Convention or any Parts thereof shall be applied subject to modifications, together with details of the modifications;

c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

d) the territories in respect of which it reserves its decision pending further consideration in a subsequent position.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part a reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 81

1. Declarations communicated to the Director-General of the International Labour Organisation in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention or of the Parts thereof accepted by the Declaration will be applied in the territory concerned without modification, subject to modifications; when the Declaration indicates that the provisions of the Convention or of certain Parts thereof will be applied subject to modifications, it shall give details of the modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to the modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 82

1. A Member which has ratified this Convention may, after the expiration of the ten years from the date on which the Convention first comes into force, denounce the Convention or all or more of Parts II to X thereof by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the period following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce the Convention or any one of Parts II to X thereof at the expiration of each period of ten years under the terms provided for in this Article.

Article 83

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members

Organisation to the date upon which the Convention will come into force.

Article 84

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 85

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention. The Conference shall examine the desirability of placing on the agenda of the Conference the question of the revision in whole or in part.

Article 86

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 82, on the day when the new revising Convention shall have come into force;
- b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for Members which have ratified it but have not ratified the revising Convention.

Article 87

The English and French versions of the text of this Convention are equally authoritative.

ANNEX

ANNEX
INTERNATIONAL STANDARD INDUSTRIAL CLASSIFICATION OF ALL ECONOMIC
ACTIVITIES (REVISED UP TO 1969)
LIST OF MAJOR DIVISIONS, DIVISIONS AND MAJOR GROUPS

Major Divisions 1. Agriculture, Hunting, Forestry and Fishing

<i>Division</i>	<i>Major group</i>	
11		Agriculture and Hunting
	111	Agricultural and livestock production
	112	Agricultural services
	113	Hunting, trapping and game propagation
12		Forestry and Logging

	121	Forestry
	122	Logging
13	130	Fishing

Major Division 2. Mining and Quarrying

<i>Division</i>	<i>Major group</i>	
21	210	Coal Mining
22	220	Crude Petroleum and Natural Gas Production
23	230	Metal Ore Mining
29	290	Other Mining

Major Division 3. Manufacturing

<i>Division</i>	<i>Major group</i>	
31		Manufacture of Food, Beverages and Tobacco
	311-312	Food manufacturing
	313	Beverage industries
	314	Tobacco manufactures
32		Textile, Wearing Apparel and Leather Industries
	321	Manufacture of textiles

	322	Manufacture of wearing apparel, except footwear
	323	Manufacture of leather and products of leather, leather subs and fur, except footwear and wearing apparel
	324	Manufacture of footwear, except vulcanised or moulded rubber plastic footwear.
33		Manufacture of Wood and Wood Products, Including Furniture
	331	Manufacture of wood and wood and cork products, except furniture
	332	Manufacture of furniture and fixtures, except primarily of metal
34		Manufacture of Paper and Paper Products, Printing and Publishing
	341	Manufacture of paper and paper products
	342	Printing, publishing and allied industries
35		Manufacture of Chemicals and Chemical, Petroleum, Rubber and Plastic Products
	351	Manufacture of industrial chemicals
	352	Manufacture of other chemical products
	353	Petroleum refineries
	354	Manufacture of miscellaneous products of petroleum and coal
	355	Manufacture of rubber products
	356	Manufacture of plastic products not elsewhere classified
36		Manufacture of Non-Metallic Mineral Products, except Products of Petroleum and Coal
	361	Manufacture of pottery, china and earthenware

	362	Manufacture of glass and glass products
	369	Manufacture of other non-metallic mineral products
37		Basic Metal Industries
	371	Iron and steel basic industries
	372	Non-ferrous metal basic industries
38		Manufacture of Fabricated Metal Products, Machinery Equipment
	381	Manufacture of fabricated metal products, except machinery equipment
	382	Manufacture of machinery except electrical
	383	Manufacture of electrical machinery apparatus, appliances, supplies
	384	Manufacture of transport equipment
	385	Manufacture of professional and scientific and measuring controlling equipment not elsewhere classified, and photographic and optical goods
39	390	Other Manufacturing Industries

Major Division 4. Electricity, Gas and Water

Division	Major group	
41	410	Electricity, Gas and Steam
42	420	Water Works and Supply

Major Division 5. Construction

<i>Division</i>	<i>Major group</i>	
50	500	Construction

Major Division 6. Wholesale and Retail Trade and Restaurants and Hotels

<i>Division</i>	<i>Major group</i>	
61	610	Wholesale Trade
62	620	Retail Trade
63		Restaurants and Hotels
	631	Restaurants, cafés, and other eating and drinking places
	632	Hotels, rooming houses, camps and other lodging places

Major Division 7. Transport, Storage and Communication

<i>Division</i>	<i>Major group</i>	
71		Transport and Storage
	711	Land transport
	712	Water transport

	713	Air transport
	719	Services allied to transport
72	720	Communication

Major Division 8. Financing, Insurance, Real Estate and Business Services

<i>Division</i>	<i>Major group</i>	
81	810	Financial Institutions
82	820	Insurance
83		Real Estate and Business Services
	831	Real estate
	832	Business services except machinery and equipment rental and leasing
	833	Machinery and equipment rental and leasing

Major Division 9. Community, Social and Personal Services

<i>Division</i>	<i>Major group</i>	
91	910	Public Administration and Defence
92	920	Sanitary and Similar Services
93		Social and Related Community Services

	931	Education services
	932	Research and scientific institutes
	933	Medical, dental, other health and veterinary services
	934	Welfare institutions
	935	Business, professional and labour associations
	939	Other social and related community services
94		Recreational and Cultural Services
	941	Motion picture and other entertainment services
	942	Libraries, museums, botanical and zoological gardens, and cultural services not elsewhere classified
	949	Amusement and recreational services not elsewhere classified
95		Personal and Household Services
	951	Repair services not elsewhere classified
	952	Laundries, laundry services, and cleaning and dyeing plants
	953	Domestic services
	959	Miscellaneous personal services
96	960	International and Other Extra-Territorial Bodies

Major Division 0. Activities Not Adequately Defined



Division	Major group	
0	000	Activities not adequately defined

Cross

refer

Constitution: 22:article 22 of the Constitution of the International Labour Orga
Conventions: C121 Employment Injury Benefits Convention,
Conventions: C128 Invalidity, Old-Age and Survivors' Benefits Convention,
Conventions: C130 Medical Care and Sickness Benefits Convention,
Conventions: C070 Social Security (Seafarers) Convention,
Conventions: C071 Seafarers' Pensions Convention,
Constitution: 35:article 35 of the Constitution of the International Labour Organisation

2

C118 Equality of Treatment (Social Security) Convention, 1962

Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (Note: Date of coming int

Convention:C118

Place:Geneva

Session

Date

of

of

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Subject

classification:

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Subject:

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in:

[French](#)

Status: Up-to-date instrument subject to a request for information

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour

having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals with regard to equality of treatment

and non-nationals in social security, which is the fifth item on the agenda of the session, :

Having determined that these proposals shall take the form of an international Convention

adopts this twenty-eighth day of June of the year one thousand nine hundred and

following Convention, which may be cited as the Equality of Treatment (Social Security)

1962:

Article 1

In this Convention--

(a) the term **legislation** includes any social security rules as well as laws and regulations

(b) the term **benefits** refers to all benefits, grants and pensions, including any social security increments;

(c) the term **benefits granted under transitional schemes** means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force or benefits granted as a transitional measure in consideration of events occurring or periods spent outside the present boundaries of the territory of a Member;

(d) the term **death grant** means any lump sum payable in the event of death;

(e) the term **residence** means ordinary residence;

(f) the term **prescribed** means determined by or in virtue of national legislation in force in the subparagraph (a) above;

(g) the term **refugee** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951;

(h) the term **stateless person** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.

Article 2

Article 2

1. Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation concerning non-nationals within its own territory:

(a) medical care;

(b) sickness benefit;

(c) maternity benefit;

(d) invalidity benefit;

(e) old-age benefit;

(f) survivors' benefit;

(g) employment injury benefit;

(h) unemployment benefit; and

(i) family benefit.

2. Each Member for which this Convention is in force shall comply with its provisions in respect of any one or more of the branches of social security for which it has accepted the obligations of the Convention.

3. Each Member shall specify in its ratification in respect of which branch or branches of social security it has accepted the obligations of the Convention.

3. Special provisions may be prescribed in respect of benefits granted under transitional provisions.
4. The measures necessary to prevent the cumulation of benefits shall be determined, by special arrangements between the Members concerned.

Article 5

1. In addition to the provisions of Article 4, each Member which has accepted the obligations of the Convention in respect of the branch or branches of social security concerned shall guarantee to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, the grant of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment pensions, subject to measures for this purpose being taken, where necessary, in accordance with Article 8.

Article 6

2. In case of residence abroad, the provision of invalidity, old-age and survivors' benefits referred to in paragraph 6 (a) of Article 2 may be made subject to the participation of the Member concerned in schemes for the maintenance of rights as provided for in Article 7.

3. The provisions of this Article do not apply to benefits granted under transitional schemes.
Article 6

In addition to the provisions of Article 4, each Member which has accepted the obligations of the Convention in respect of family benefit shall guarantee the grant of family allowances to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention for that branch, in respect of children who reside on the territory of any one of the Members concerned, under conditions and within limits to be agreed upon by the Members concerned.

Article 7

1. Members for which this Convention is in force shall, upon terms being agreed between them, endeavour to participate in schemes for the maintenance of rights in accordance with Article 8, in order to ensure the acquisition, maintenance and calculation of the acquired rights and rights in course of acquisition under their legislation of the Members for which the Convention is in force, for all branches of social security in respect of which the Members concerned have accepted the obligations of the Convention.

2. Such schemes shall provide, in particular, for the totalisation of periods of insurance, of residence and of assimilated periods for the purpose of the acquisition, maintenance and calculation of rights and for the calculation of benefits.

3. The cost of invalidity, old-age and survivors' benefits as so determined shall either be borne by the Members concerned, or be borne by the Member on whose territory the beneficiaries are resident, or be shared between the Members concerned, or be borne by the Member on whose territory the beneficiaries may be agreed upon by the Members concerned.

Article 8

The Members for which this Convention is in force may give effect to their obligations under the provisions of Articles 5 and 7 by ratification of the Maintenance of Migrants' Pensions Convention, 1935, by the application of the provisions of that Convention as between themselves, or by mutual agreement, or by any multilateral or bilateral agreement giving effect to the obligations.

Article 9

The provisions of this Convention may be derogated from by agreements between Members which do not affect the rights and duties of other Members and which make provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable as those provided for in this Convention.

Article 10

1. The provisions of this Convention apply to refugees and stateless persons without a

reciprocity.

2. This Convention does not apply to special schemes for civil servants, special school victims, or public assistance.

3. This Convention does not require any Member to apply the provisions thereof to provisions in accordance with the provisions of international instruments, are exempted from its respective security legislation.

Article 11

The Members for which this Convention is in force shall afford each other administrative facilities free of charge with a view to facilitating the application of the Convention and the execution of their respective social security legislation.

Article 12

1. This Convention does not apply to benefits payable prior to the coming into force of the Convention for the Member concerned in respect of the branch of social security under which the benefits are payable.

2. The extent to which the Convention applies to benefits attributable to contingencies occurring after its coming into force for the Member concerned in respect of the branch of social security under which the benefit is payable thereafter shall be determined by multilateral or bilateral agreements entered into thereof by the legislation of the Member concerned.

Article 13

This Convention shall not be regarded as revising any existing Convention.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and so on until it may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the Convention, the Director-General shall draw the attention of the Members to the provisions of the Convention which have not been ratified by them.

Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretariat of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations the full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall also consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, it shall, unless the new Convention otherwise provides:

- a) the ratification by a Member of the new revising Convention shall ipso jure involve the denunciation of this Convention, notwithstanding the provisions of Article 16 above, if the new revising Convention shall have come into force;
- b) as from the date when the new revising Convention comes into force this Convention shall remain open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

Cross

[Conventions: C048 Maintenance of Migrants' Pension Rights Convention, 1935](#)