

ILO social security standards

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ILO

Outline of the course

- 1. The ILO, its Standards and their implementation**
- 2. The human right to social security in international law**
- 3. ILO's mandate in social security and its standard-setting function**
- 4. ILO social security standards: the normative basis of the ILO's strategy for the extension of social security**
- 5. What role can international social security standards play?**



1. The ILO, its Standards and their implementation



International Labour Standards (ILS)

Conventions

- ✓ international treaties
- ✓ once ratified, they become legal binding
- ✓ even if not ratified they embody objectives to be achieved, and influence national legislation
- ✓ technical or promotional
- ✓ 189 conventions

Recomendations

- ✓ not open for ratification (may be subject to reporting)
- ✓ no binding force and usually accompany a Convention
- ✓ provide guiding principles, general or technical, that should be applied at the national level
- ✓ 204 recommendations

**How do we ensure that international
social security standards are
effectively applied???**



ILO SUPERVISORY SYSTEM OF ILS

Regular supervisory system

- ✓ **A country that has ratified an ILO Convention is obliged to report regularly on measures it has taken to implement it according to Art 22 of the Constitution**
- ✓ **Under Art. 19 of the Constitution, member States are required to report at regular intervals, on measures they have taken to give effect to any provision ILO standards (even non ratified Conventions)**

Special procedures

- ✓ **Right to present a specific action against a Member State**



**And what happens when States do not
fulfil their obligations?**





Supervisory mechanisms & Technical assistance



International Labour Conference
Conference Committee on the Application of
Conventions and Recommendations



Used by the different UN human rights
monitoring mechanisms



Used by States to impose sanctions



2. The human right to social security in international law



Universal Human Rights



Social Security – a Human Right

International instruments:

Universal Declaration of Human Rights (1948)



Article 22:

“Everyone as a member of society has the right to social security”



Social Security – a right upheld by way of international treaty

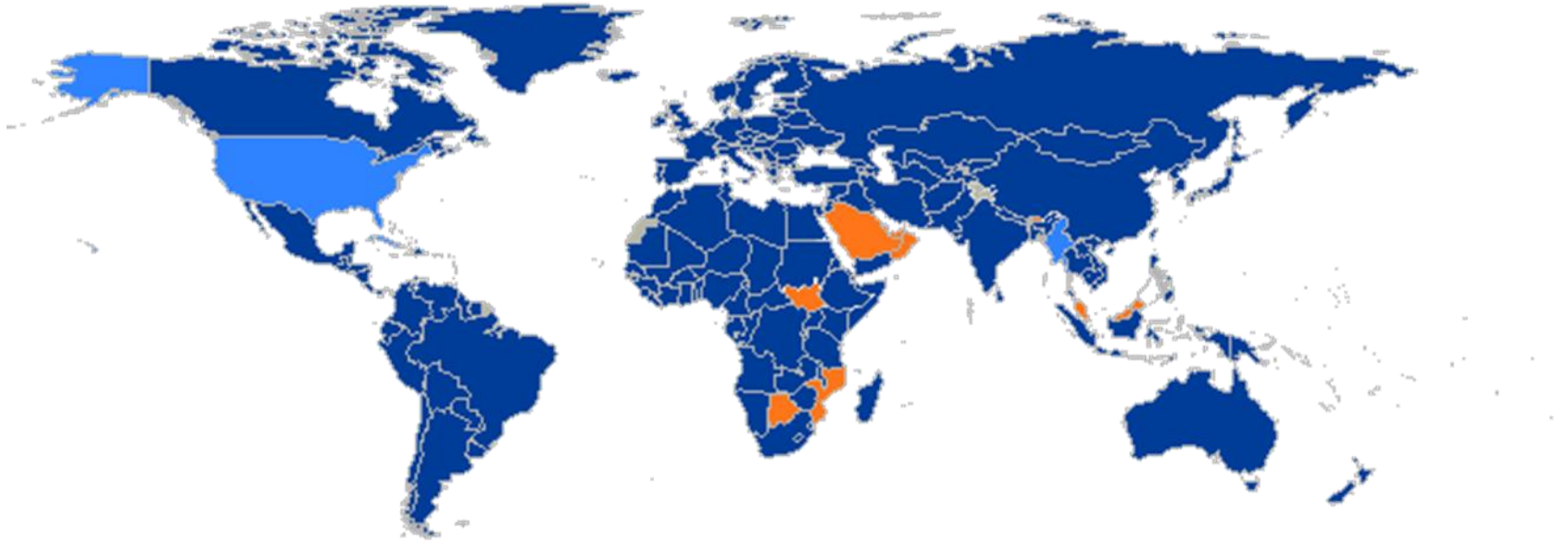


**International Covenant on
Economic Social and Cultural Rights**

Article 9: “The State Parties to the present Covenant recognise the right of everyone to social security, including social insurance”



Social Security – a right upheld by way of international treaty



164 UN member States have
committed themselves to
guarantee the right to social
security for everyone



Social Security – a Human Right

Other international instruments:

- *Convention on the Elimination of All Forms of Discrimination against Women, 1979*
- *Convention on the Rights of the Child, 1989*
- *Convention on the Elimination of All Forms of Racial Discrimination, 1965*
- *The International Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990*
- *Convention on Rights of Persons with Disabilities, 2006*
- *Convention relating to the Status of Refugees, 1951 and Convention relating to the status of stateless persons, 1954*



Regional Agreements

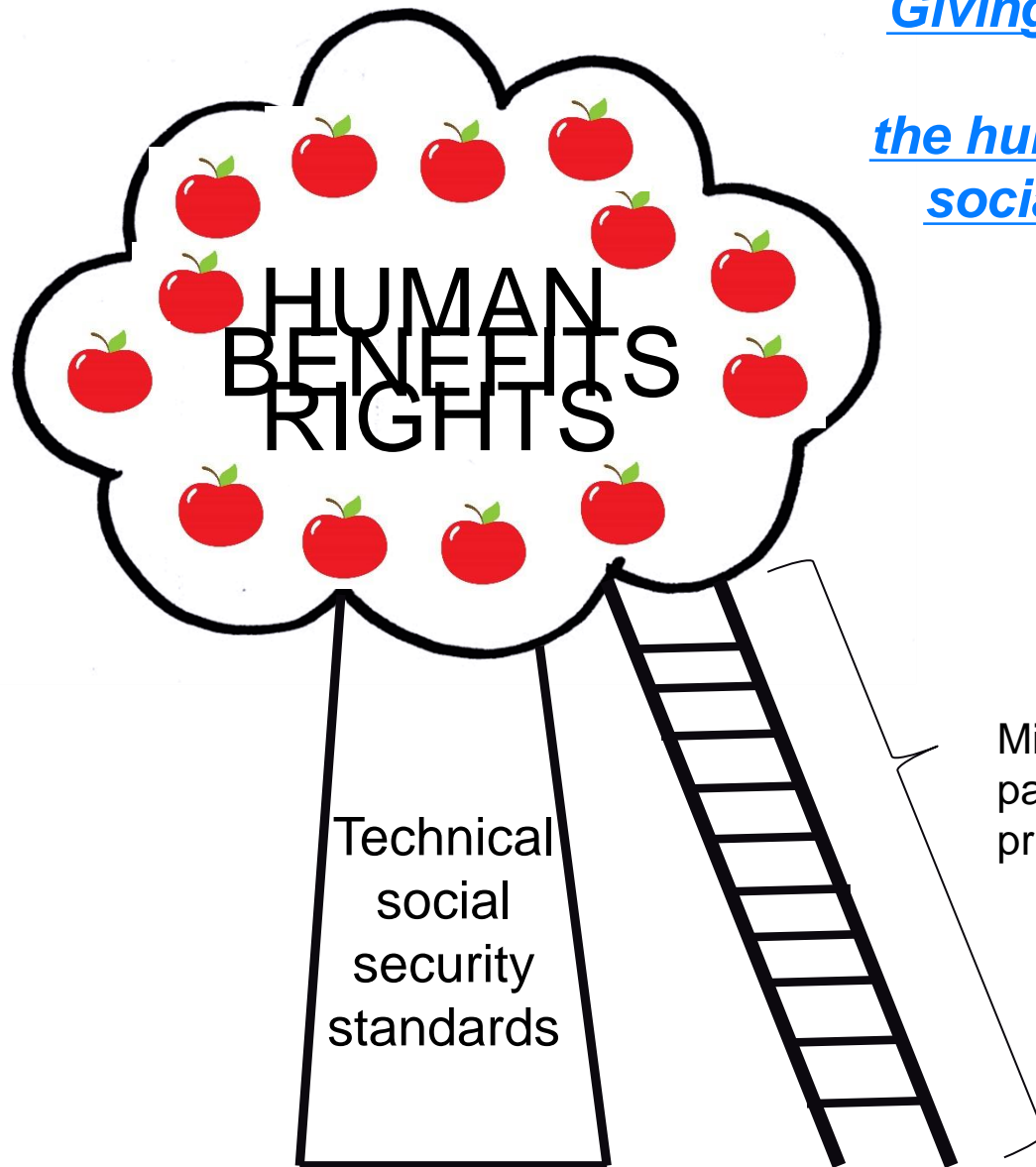
- **African Charter on Human and Peoples' Rights, 1981**
- **Arab Charter on Human Rights, 2004**
- **American Declaration of the Rights and Duties of Persons, 1948**
- **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, 1988**
- **European Social Charter, 1961**
- **Charter of Fundamental Rights of the European Union, 2000**
- **Commonwealth of Independent States – Convention on Human Rights and Fundamental Freedoms, 1995**



3. The ILO's mandate in social security and normative function in social security

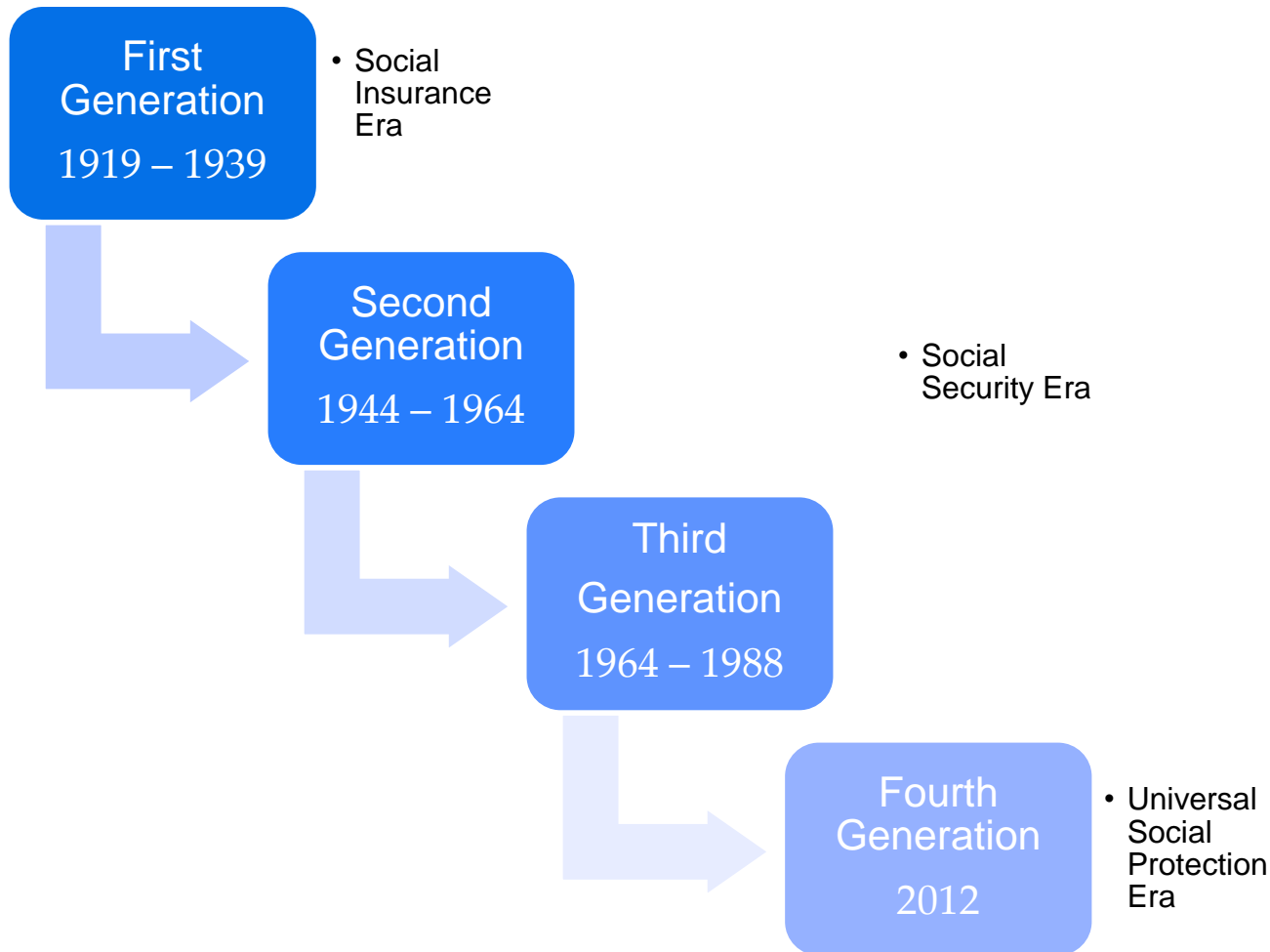


*Giving substance
to
the human right so
social security*



Nearly 100 years of standard-setting activities:

31 Conventions et 25 Recommendations



Three Generations of Standards

C121

C128

C130

C168

*Advanced
Standards*

C118

C102

C19

C25

C36

C38

C40

C44

C12

C17

C18

C24

C35

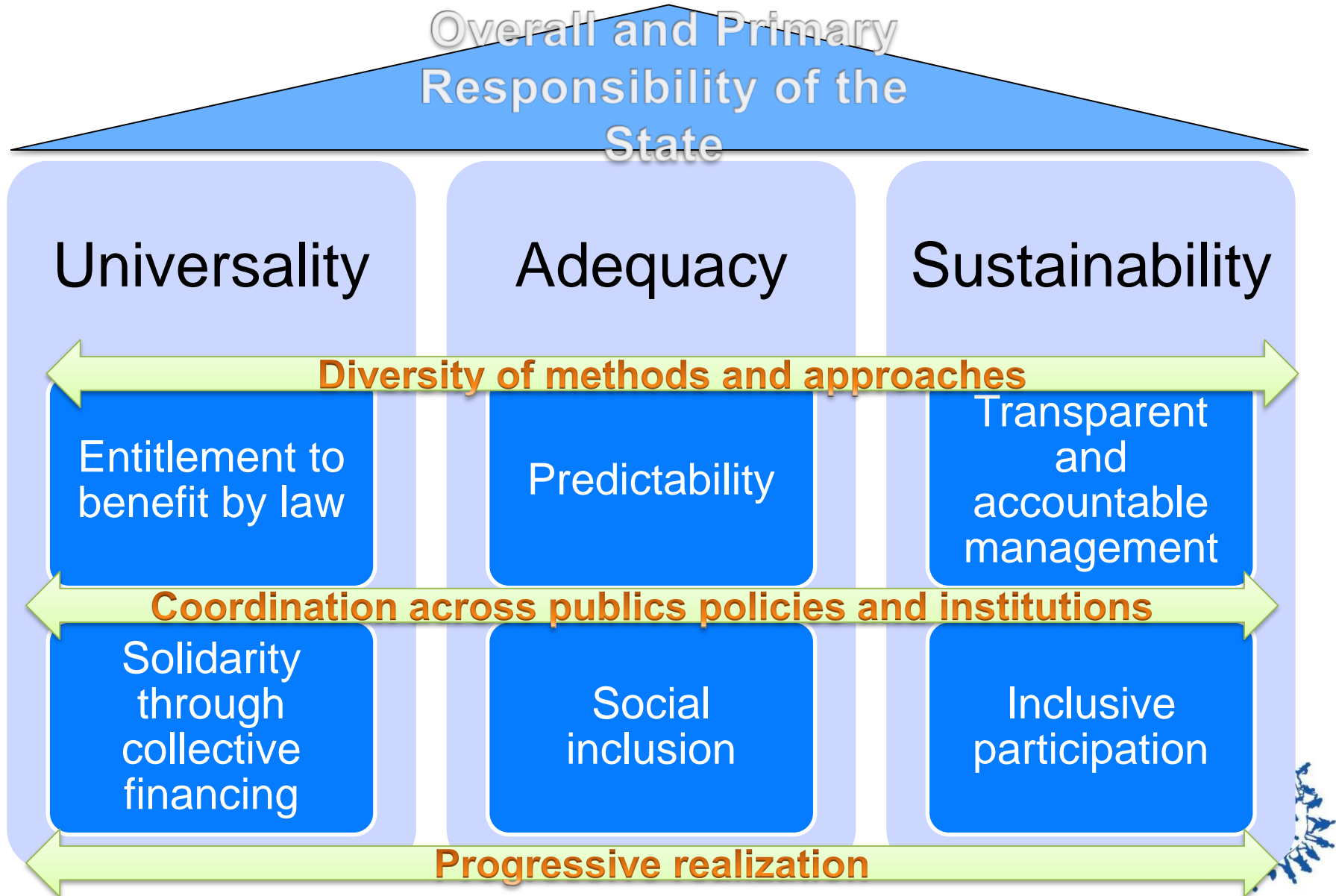
C37

C39

C42

Main principles established by international law

Guiding international principles



WHO?

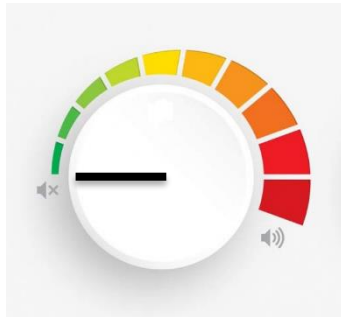
WHY?

WHEN?

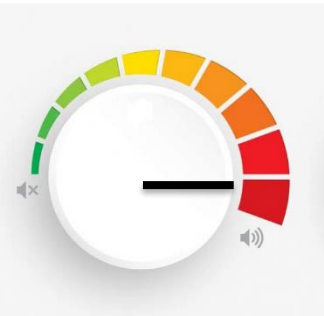
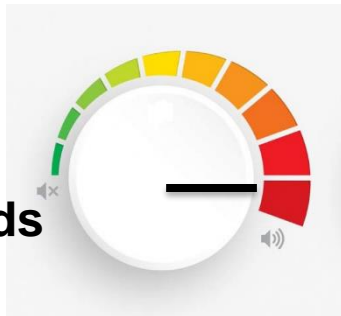
HOW LONG?

HOW MUCH?

C102



**Higher
Standards**



A STARK REALISATION

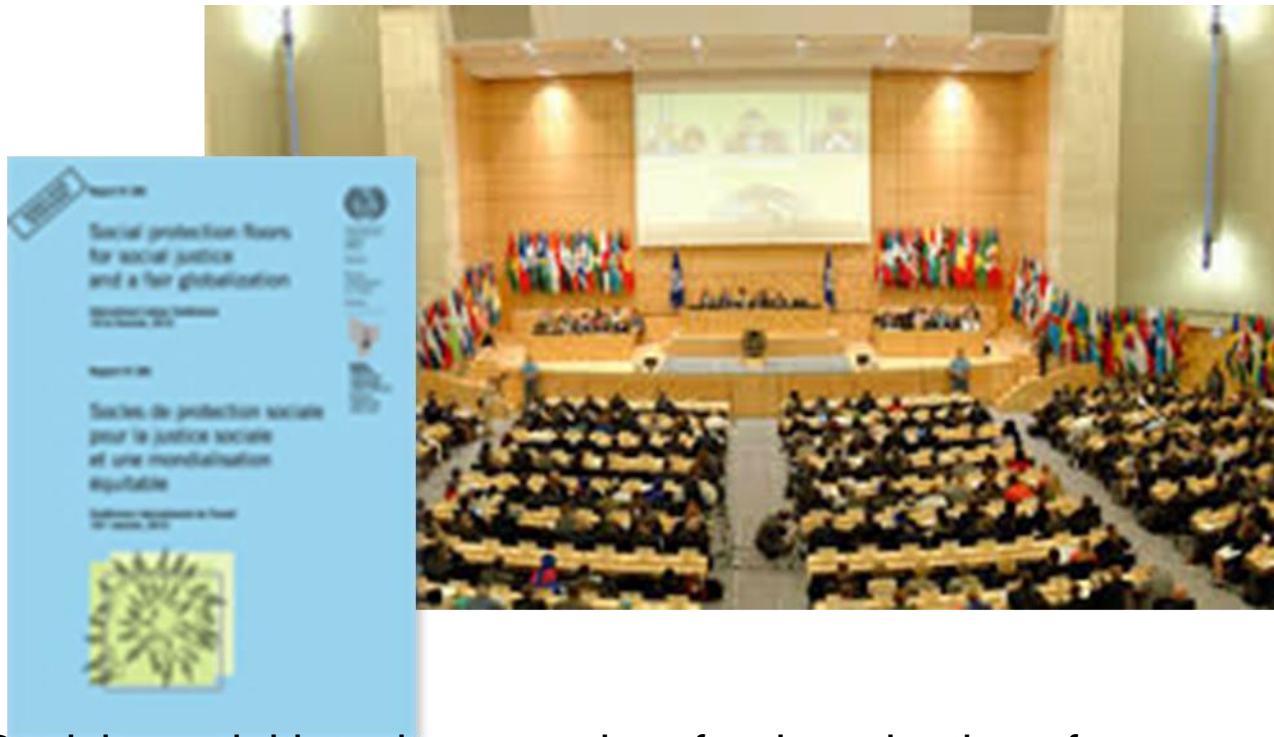
Social Security is a Human Right

YET...

73% of the world's
population continues to live
without adequate social
protection coverage



2011 : International Labour Conference



Decision to initiate the procedure for the adoption of a new international standard on social protection floors

Forth Generation

IV

202

Social Protection Floors Recommendation

C121

C128

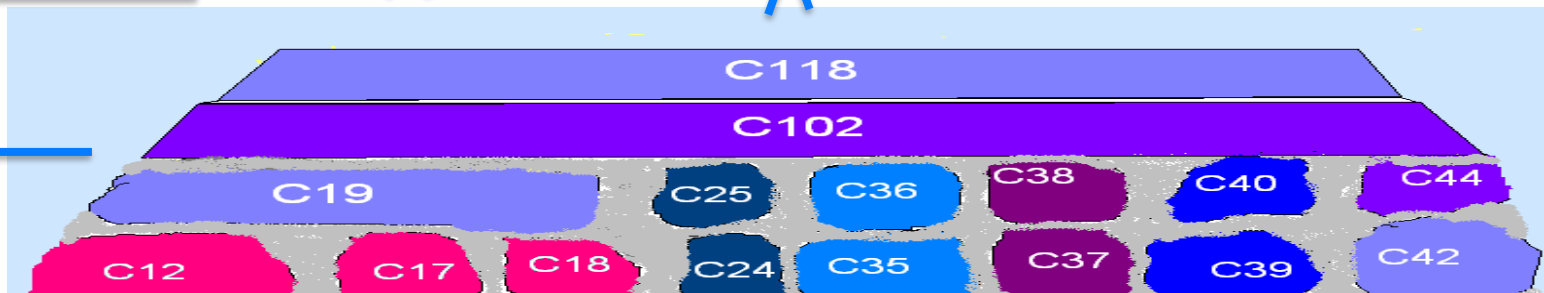
C130

C168

III

II

I



Milestones since the adoption of R202

- June 2012: G20 Leaders commit to establishing nationally-defined social protection floors
- March 2014: One-UN Social Protection Floors Country Teams
- Sept 2015: Adoption of the SDGs
 - Target 1.3 – No poverty
 - Target 3.8 – Good Health and Well-Being
 - Target 5.4 – Gender Equality
 - Target 8.5 – Decent Work and Economic Growth
 - Target 10.4 - Reduced inequalities
- Nov 2015: Universal Social Protection Initiative (initially World Bank and ILO, now more partners) – 21 Sep 2016 NY





**4. ILO social security standards:
*the normative basis of the ILO's
strategy for the extension
of social to all***



ILO main social security standards

**Employment
Injury Benefits**
Convention,
1964 (No. 121)



**Invalidity, Old-
Age and
Survivors'**
Benefits
Convention,
1967 (No. 128)



**Medical Care
and Sickness**
Benefits
Convention,
1969 (No. 130)



Employment
Promotion and
Protection against
Unemployment
Convention, 1988
(No. 168)



**Maintenance of
Social Security
Rights**
Convention,
1982 (No. 157)



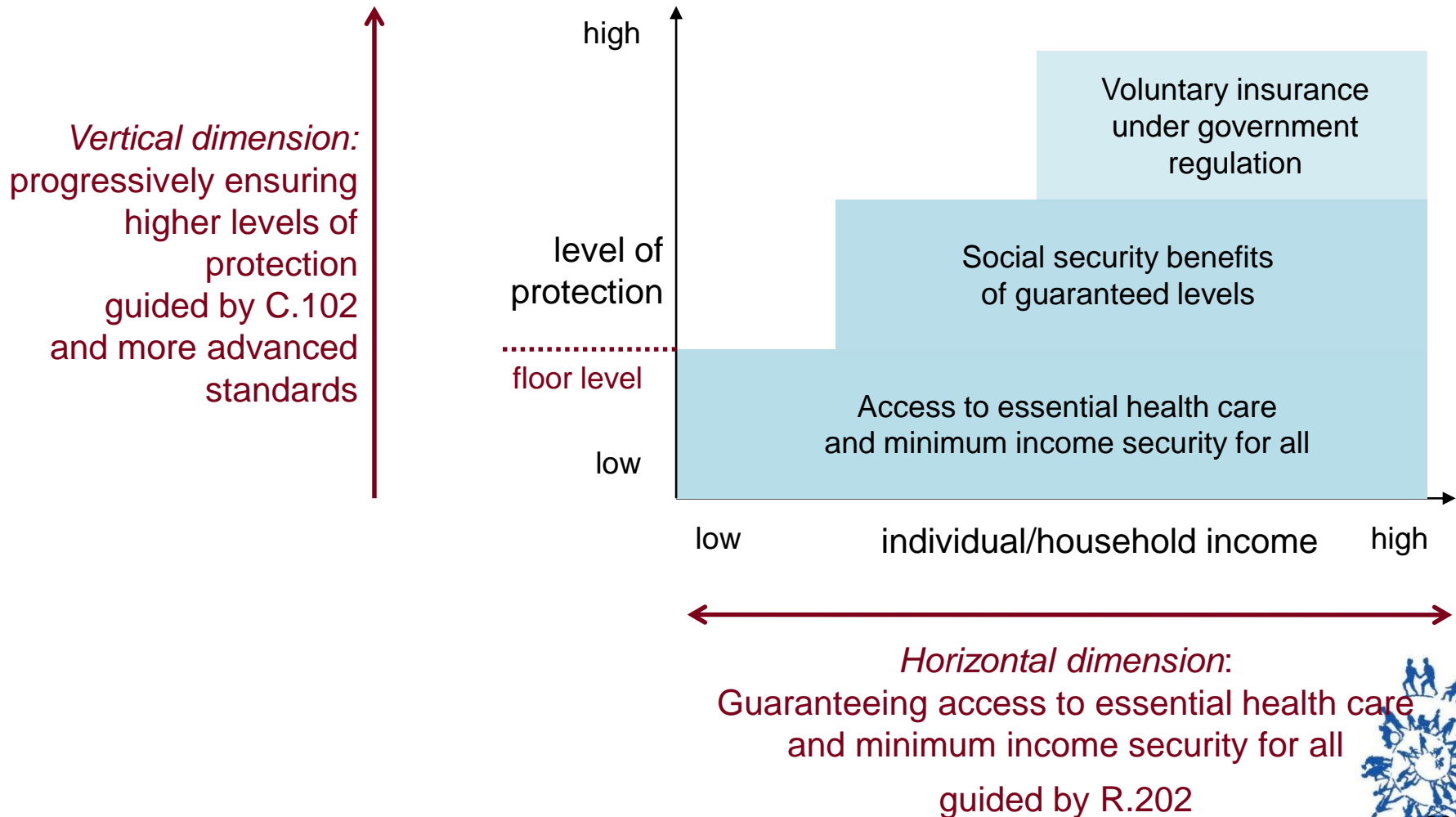
C.102 Social Security (Minimum Standards) Convention, 1952

R202 Social protection floors Recommendation, 2012



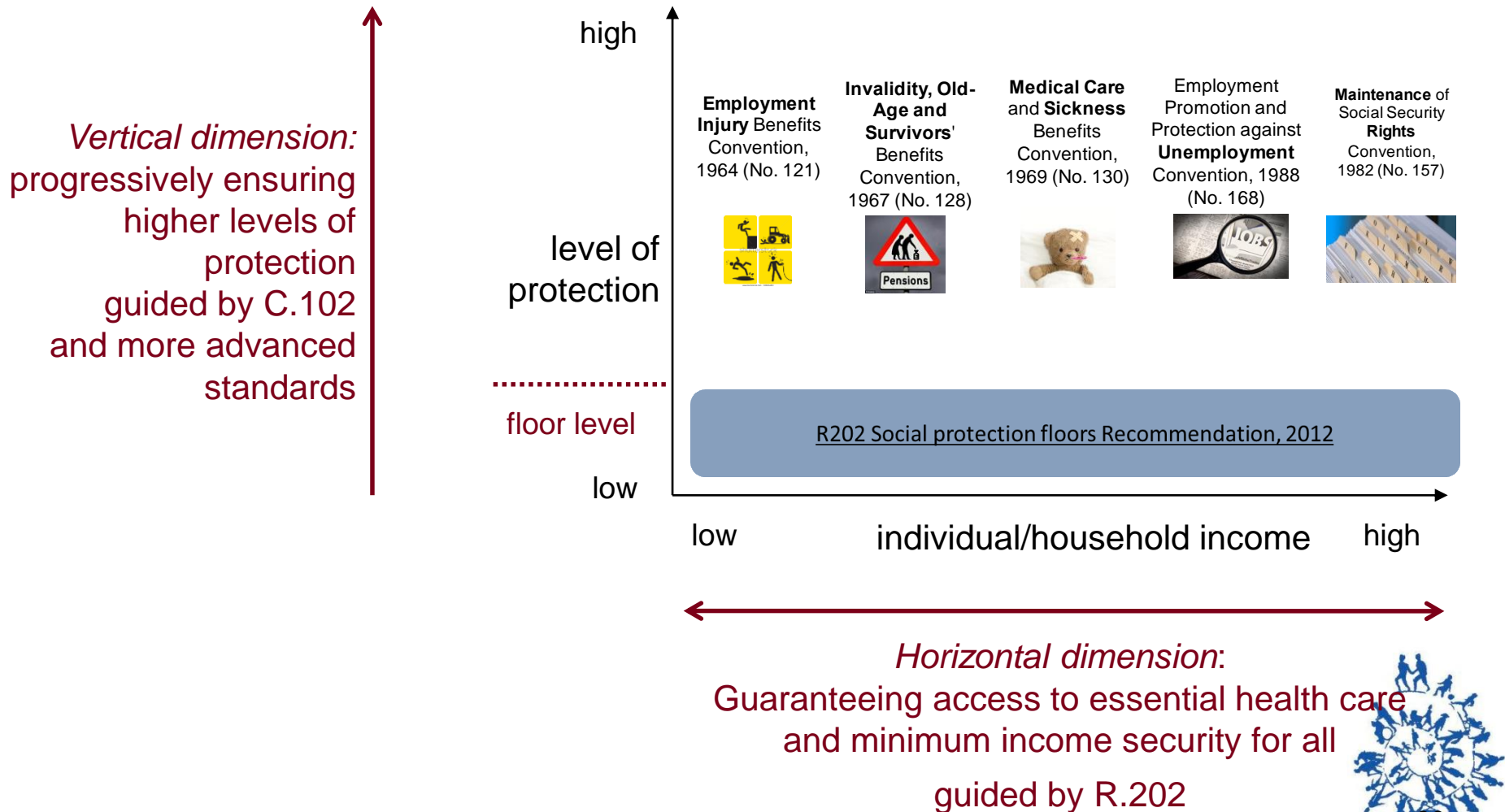
Effective national social security extension strategies: building comprehensive systems

(Normative basis: Recommendation No. 202)



Effective national social security extension strategies: building comprehensive systems

(Normative basis: Recommendation No. 202)



Horizontal dimension

National SPFs:

At least four nationally-defined guarantees

The social protection floors should comprise at least the following **basic social security guarantees**: (para. 5)



access to a set of
goods and services
constituting
essential health
care including
maternity care



basic income
security for
children



basic income
security for
persons in active
age unable to earn
sufficient income



basic income
security for
persons in old
age

national definition of minimum levels

Subject to their existing international obligations, Members should provide these basic social guarantees to at least all residents and children, as defined in national laws and regulations. (para. 6)



Who should be covered?

- At least all residents and all children – throughout the life cycle, subject to countries' existing international obligations
- Apply the principle of universality of protection, as an objective, with that of progressive realization for reaching it



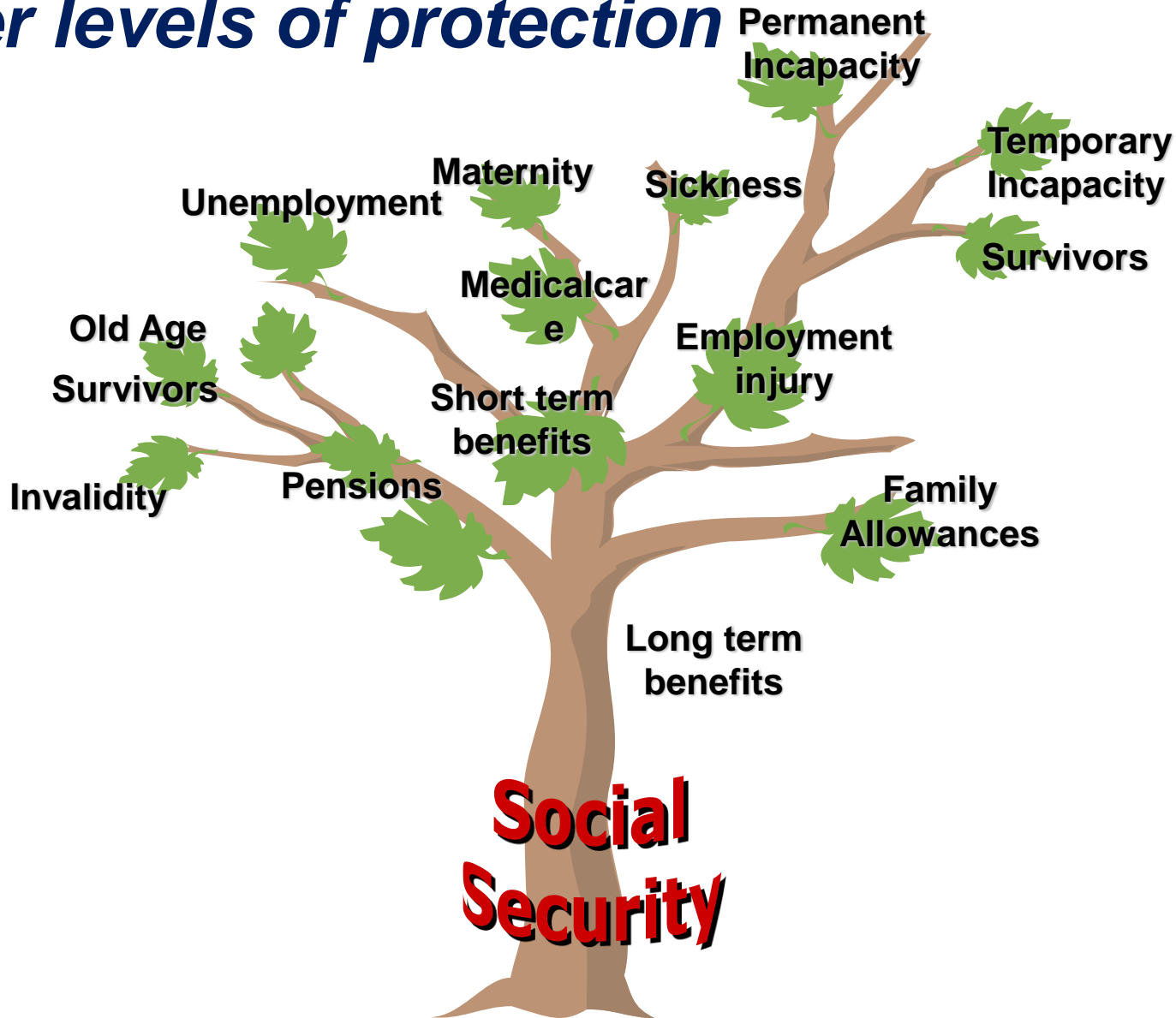


Universal social protection for human dignity, social justice and sustainable development

INTERNATIONAL LABOUR CONFERENCE
108th SESSION, 2016



The vertical dimension: higher levels of protection





5 core parameters...

WHY ?
Protection against which risks?

WHO ?
Minimum number of persons protected?

WHEN ?
Qualifying conditions for benefits

HOW MUCH ?
Minimum level of benefits

FOR HOW LONG ?
Minimum duration of benefit



C.102 includes **multiple flexibility clauses** to allow as many countries as possible to fulfill its provisions and **progressively extend their system towards comprehensive coverage**

- *Ratification «à la carte»;*
 - *Preferential conditions for developing countries;*
 - *Flexibility that allows any system to comply.*

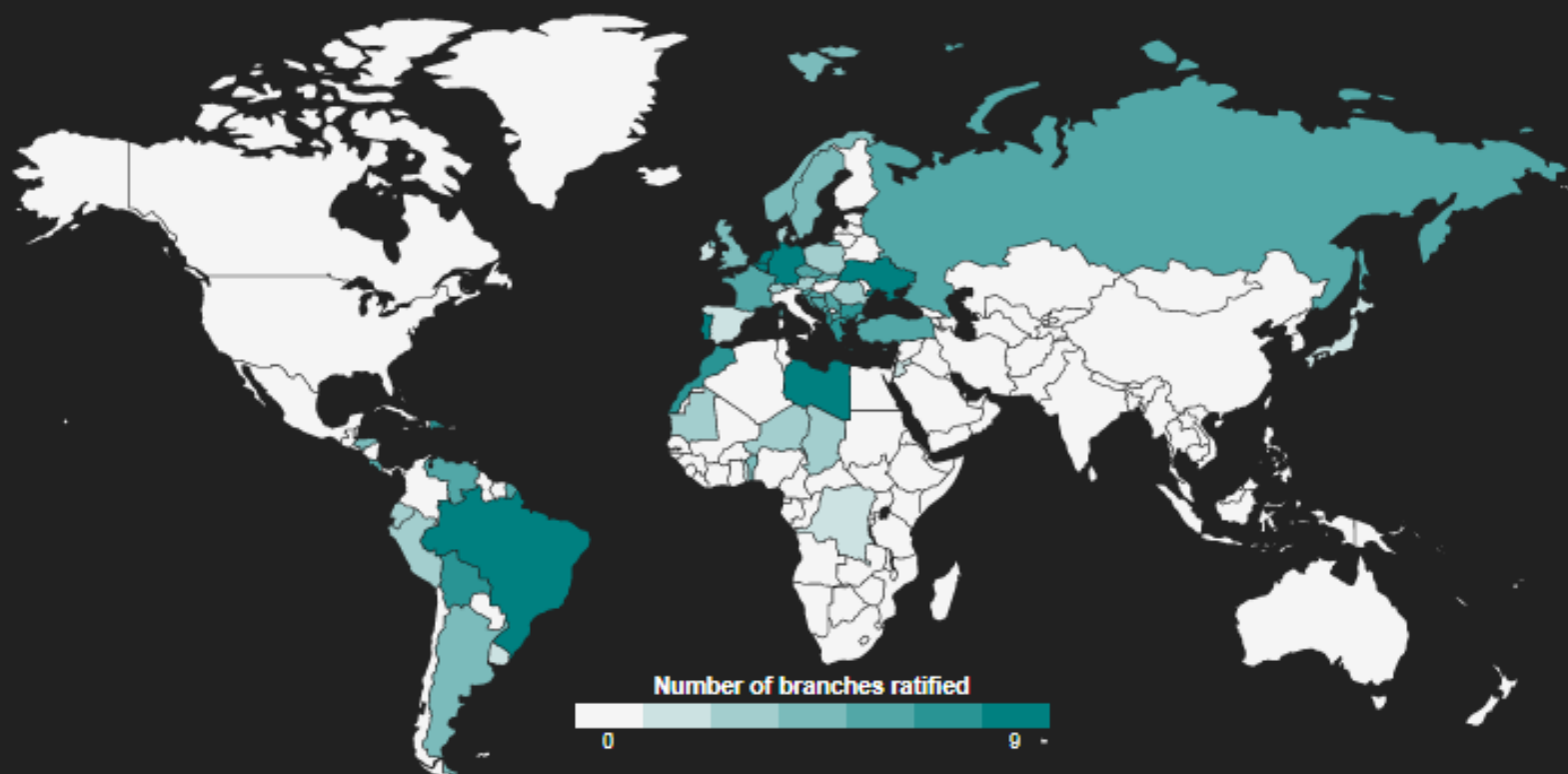




Question: Is your country a state party to
Convention No.102?



Ratification of Convention No.102



58 ratifications

Albania, Argentina, Barbados, Austria, Belgium, Bosnia and Herz., Benin, Bolivia, Brazil, Bulgaria, Chad, Costa Rica, Croatia, Cyprus, Czech Rep., Dem. Rep. Congo, Denmark, Dominican Rep., Ecuador, France, Germany, Greece, Honduras, Iceland, Ireland, Israel, Italy, Japan, Jordan, Libya, Luxembourg, North Macedonia, Mauritania, Mexico, Montenegro, Morocco, Netherlands, Niger, Norway, Peru, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Turkey, Ukraine, United Kingdom, Uruguay, Bolivarian Republic of Venezuela,

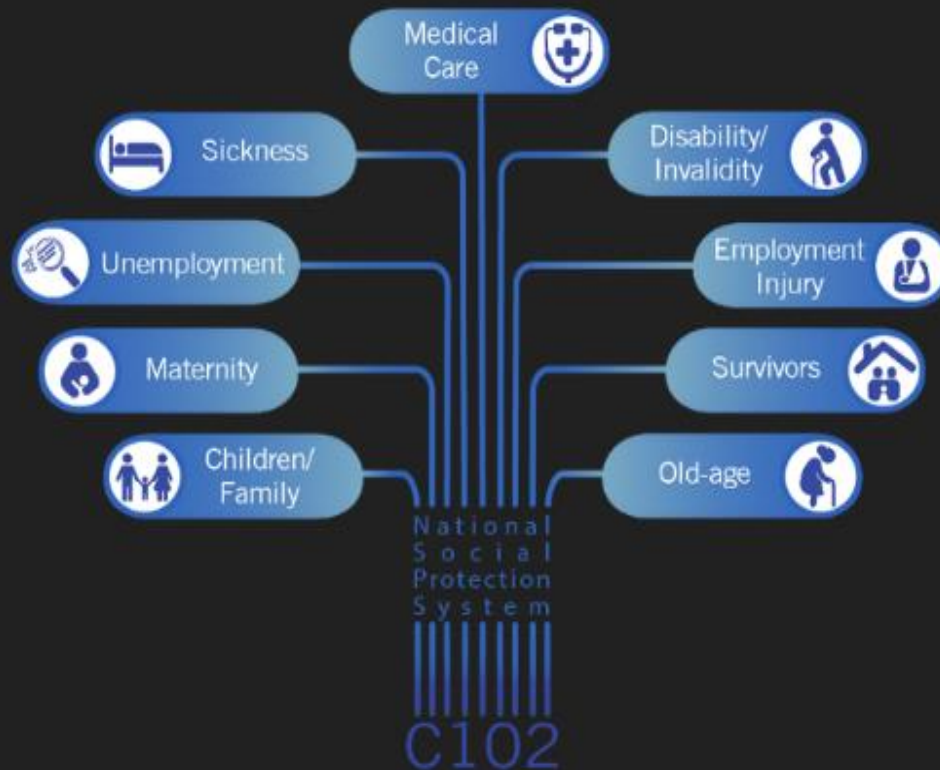


RATIFICATION TOOLKIT

ILO social security conventions



Take the quiz on Convention No. 102





How should national social security systems,
including SPF's be implemented?



National social security extension strategies: Formulation and implementation

- set objectives reflecting national priorities

support disadvantaged groups and people with special needs

- identify gaps in, and barriers to, protection

support growth of formal employment and the reduction of informality

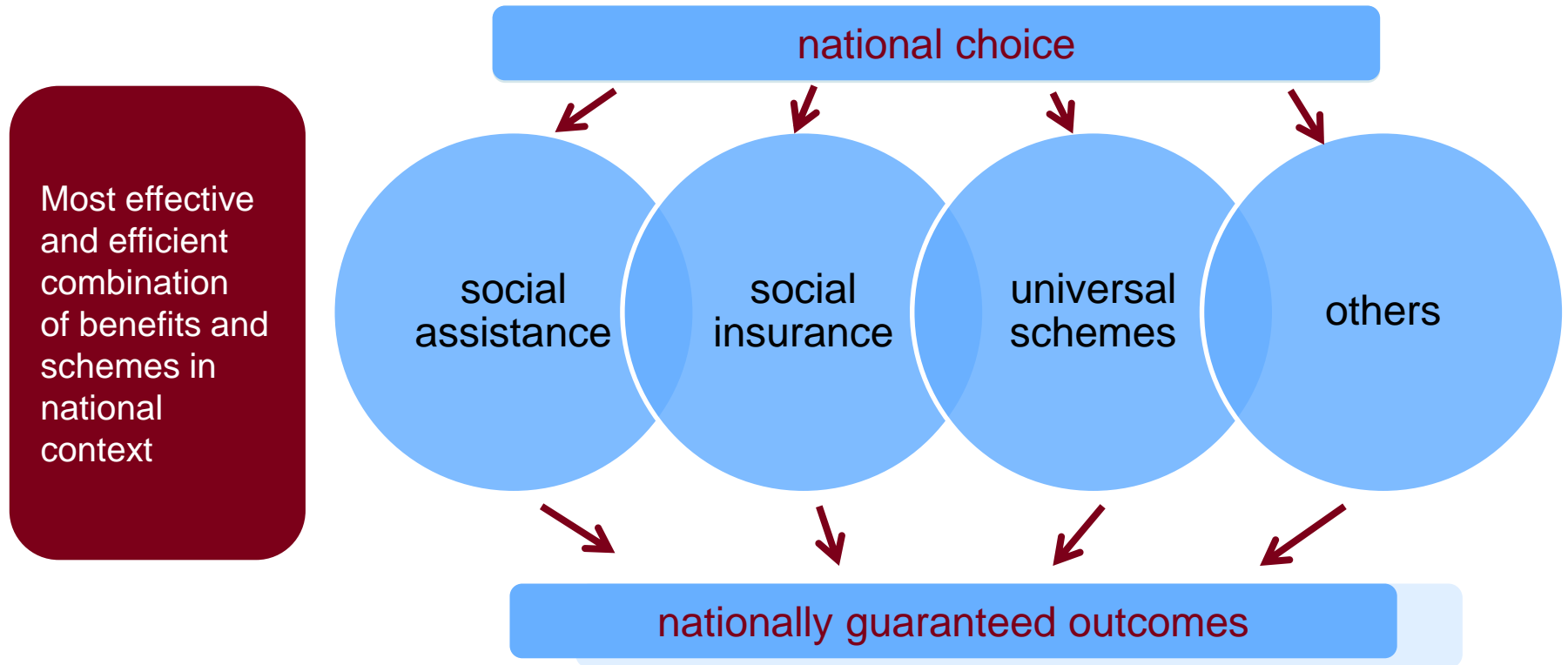
- seek to close gaps in protection through appropriate and effectively coordinated schemes

consistent with and conducive to the implementation of national social and economic development plans

- specify financial requirements and resources, time frame and sequencing for the progressive achievement of the objectives



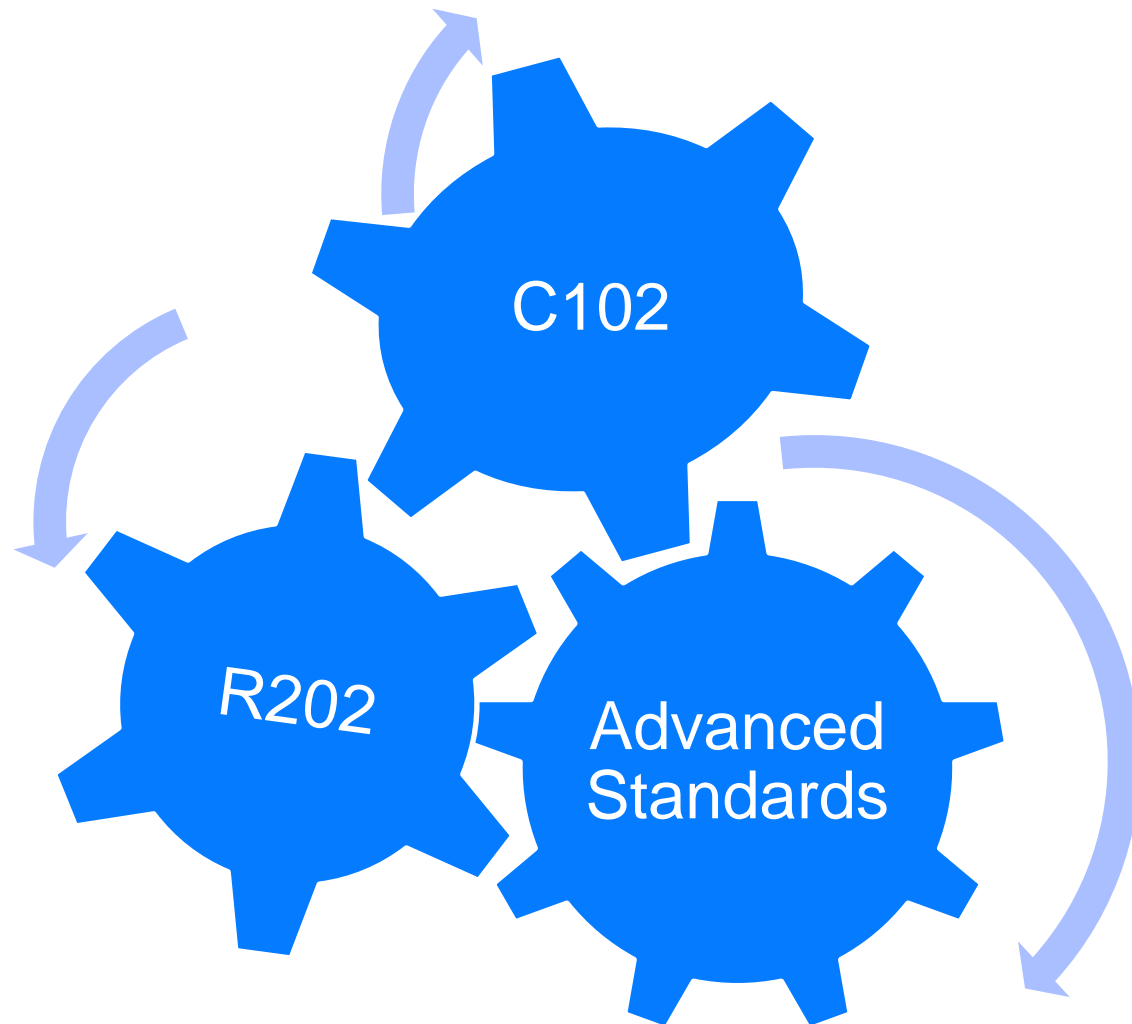
Pluralism of approaches...



Outcomes can be guaranteed through different means
– including benefits in cash and in kind, transfers and services –
there is no one-size-fits-all



Comprehensive social security systems





5. What role can international social security standards play?







A path to decent work, strategy for reducing poverty and contribution to the realization of SDGs

giving effect to the human right to social security by ensuring that its core content is, at the minimum, achieved, thus increasing States' compliance with their obligations under other international and regional conventions and treaties

Social and economic stabilizers in times of crisis



THANK YOU!

