

Unemployment Protection – International Social Security Standards

Capacity building workshop on unemployment protection

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International
Labour
Organization

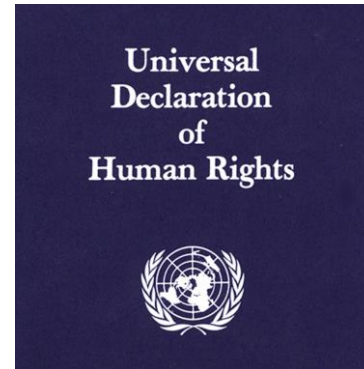
► The right to social security



► The right to social security (and unemployment protection)



The Universal Declaration of Human Rights (1948)



Article 22

Everyone, as a member of society, has the right to social security (...)

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to **protection against unemployment.**

Article 25

(1) *Everyone* has the right to a standard of living adequate ..., and the right to security in the event of **unemployment**, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (...)

► Implementing the right to social security

- Viewing the right to social security as interdependent, indivisible and interrelated with all other rights;
- States' obligation to implement a sustainable social security system through a legislative framework that provides benefits for the nine principle branches of social security.
- States' obligation to provide benefits that are adequate in amount and duration; and
- States' to ensure the financial and physical access of benefits to all persons, with special attention to vulnerable or marginalized groups.
- States obligation to guarantee that this right is enjoyed by everyone without discrimination, in a manner that promotes equality between men and women, and responds to the needs of migrants and workers in non-traditional forms of work.

International Social Security Standards



International Social Security Standards

A reference framework for building universal social protection systems

The ILO is the international institution producing the largest number of binding instruments in the field of social security.

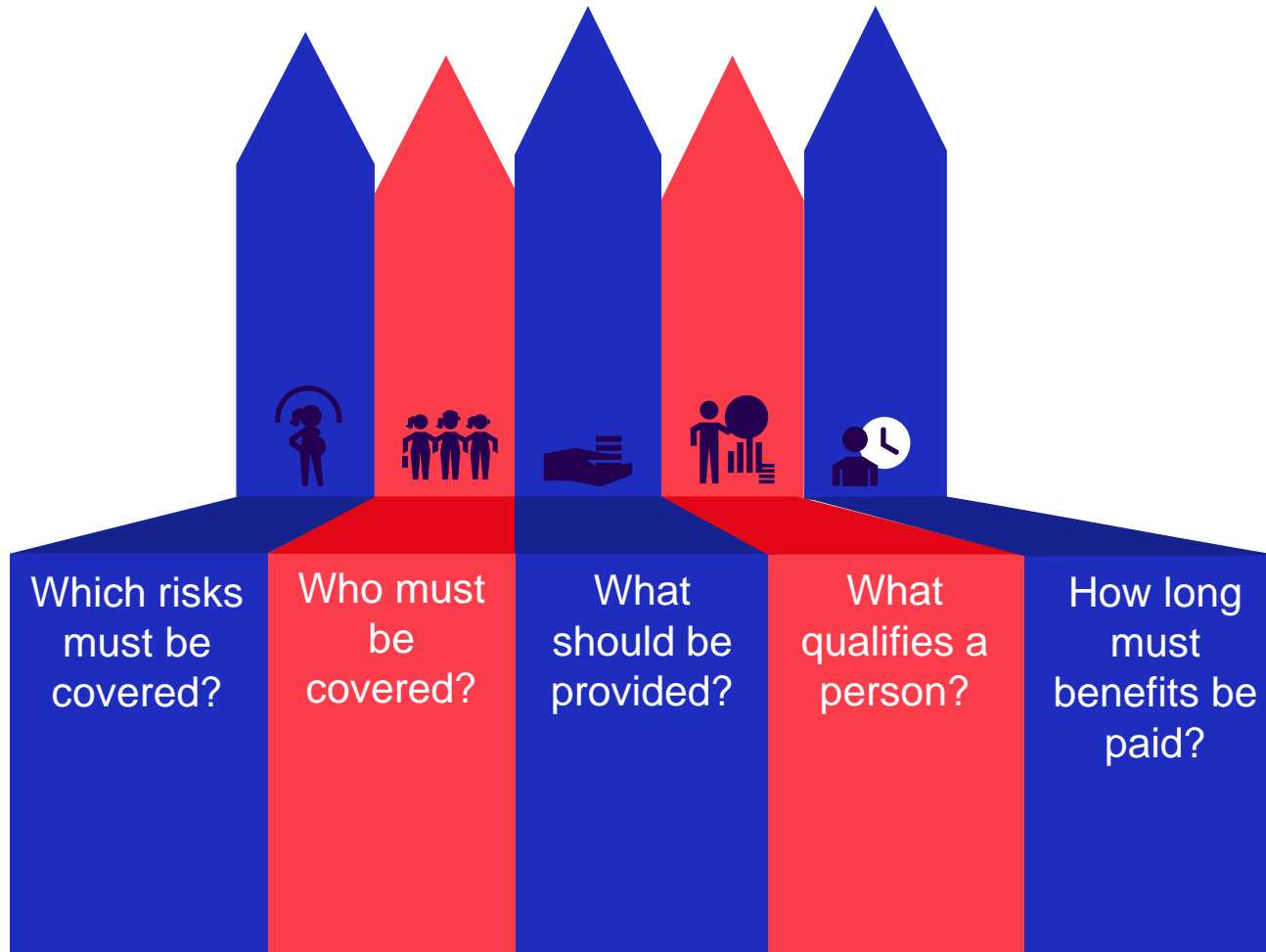
ILO social security standards have come to be recognised as **key references** for the design of rights-based, sound and sustainable social protection schemes and systems.

They serve as tools for **governments, employers, and workers** tasked with drafting social security law.

Standards serve as **key references** for inter alia:

- ▶ the elaboration of national social security **extension strategies**;
- ▶ the **development** and **maintenance** of comprehensive national social security systems;
- ▶ the **design** and **parametric adjustments** of social security schemes;
- ▶ the establishment and implementation of effective **recourse, enforcement** and **compliance mechanisms**;
- ▶ Working towards the achievement of the **SDGs**, particularly goals 1, 3, 5, 8, 10 and 16.

International Social Security Standards



Qualitative and quantitative benchmarks which together determine the minimum standards of social protection

- ▶ Definition of contingency
- ▶ Persons protected
- ▶ Type and level of benefits
- ▶ Entitlement conditions, including qualifying period
- ▶ Duration of benefit and waiting period

Up-to-date ILO Social Security Standards



CONVENTIONS (C)

- 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

RECOMMENDATIONS (R)

- 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

For more details: Building social protection systems: International standards and human rights instruments:

https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_651219.pdf

International Standards on UNEMPLOYMENT PROTECTION



Unemployment Protection in International Standards (up-to-date)



C.102: Convention concerning Minimum Standards of Social Security, 1952 (Part IV – Unemployment Benefit)

C.168: Convention concerning Employment Promotion and Protection against Unemployment, 1988

R.176: Employment Promotion and Protection against Unemployment Recommendation, 1988

R.202: Recommendation concerning national floors of social protection, R.202

Key ideas (C 168 & R 176) - 1988

- ✓ **Inclusive economic growth :**
 - ✓ **good cure** against unemployment with a flexible response to change;
 - ✓ **lead** to creation and promotion of all forms of **productive and freely chosen employment** including small undertakings, cooperatives, self-employment and local initiatives for employment;
- ✓ **Social security** = a **means** to **promote employment** and **increase capability & employability** (concept recalled by the SPF Recommendation 202)
- ✓ Need for active **coordination, integration and consolidation** of the **different means** (employment assistance and economic support) serving the goal of employment promotion
- ✓ By establishing a “**system of protection against unemployment**”.
- ✓ captures the new thinking that looks beyond the social security system
- ✓ considers the external socio-economic environment in which social security interacts - labour market, the economy and human resources development

International standards on unemployment protection

	Convention No. 102 (minimum standards)	Convention No. 168 (higher standards)	Recommendation No. 176 (higher standards)
What should be covered?	Suspension of earnings due to inability to find suitable employment for capable and available person	Loss of earnings due to inability to find suitable employment for capable and available person actively seeking work. Protection should be extended to partial unemployment , suspension, or reduction of earnings due to temporary suspension of work, part-time workers seeking full-time work	Provides guidance for assessing suitability of potential employment
Who should be protected?	At least: <ul style="list-style-type: none"> – 50% of all employees; or – all residents with means under prescribed threshold 	At least 85% of employees, including public employees and apprentices; all residents with means under prescribed threshold. Coverage should be extended to persons seeking work who have never been, or have ceased to be, recognized as unemployed or covered by unemployment protection schemes	Coverage should be extended progressively to all employees as well as to persons experiencing hardship during waiting period
What benefit?	45% of reference wage	50% of reference wage or total benefits must guarantee the beneficiary healthy and reasonable living conditions	For partial employment: total benefit and earnings from the part-time work should reach the sum of previous earnings from full-time work and the amount of full unemployment benefit
What duration?	13 weeks of benefits within a period of 12 months Waiting period: max seven days	26 weeks , or 39 weeks over any period of 24 months Waiting period: max 7 days	Benefit duration should be extended until pensionable age for unemployed persons who have reached a prescribed age
What conditions for entitlement to benefit?	Qualifying period may be prescribed as necessary to prevent abuse	Qualifying period may be prescribed as necessary to prevent abuse	Qualifying period should be adapted or waived for new jobseekers