



Social Protection spotlight

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ILO Social Security Standards: Learn, Ratify and Apply

ILO social security standards: a global reference for social security systems

ILO social security standards represent a unique set of legal instruments that give a concrete meaning to the human right to social security enshrined in the Universal Declaration on Human Rights (1948) and in the International Covenant of Economic, Social and Cultural Rights (1966). ILO standards are negotiated and adopted by the International Labour Conference (ILC), often referred to as the world labour parliament, in which governments, workers and employers of the ILO's 187 member States are represented.

ILO social security standards, and notably the landmark Social Security (Minimum Standards) Convention, 1952 (No. 102), are globally recognized as a key reference for the design of rights-based, sound and sustainable social protection systems. They are also being used as a reference by human rights bodies to assess the implementation of the right to social security and, at the regional level, as a model for crafting regional social security instruments.

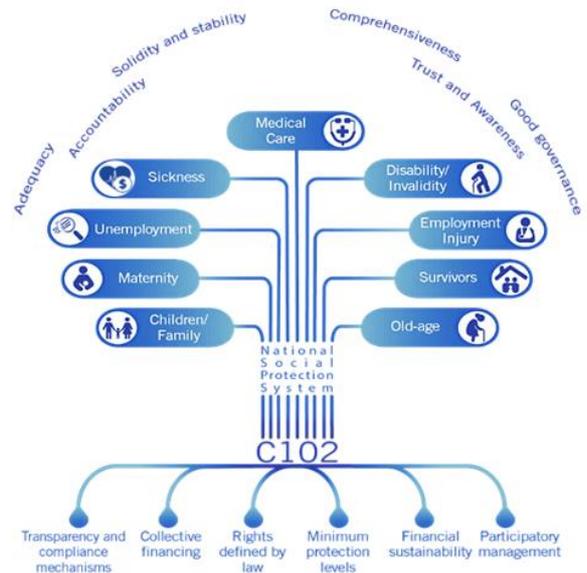
To date, Convention No. 102 is the only international treaty with a systemic vision of social security. It is grounded in a set of core financing, governance and administration principles that include:

- ▶ Responsibility of the State
- ▶ Rights defined by law
- ▶ Minimum levels of protection for both contributory and non-contributory schemes
- ▶ Collective financing and financial sustainable
- ▶ Participatory management
- ▶ Transparency and compliance mechanisms

Convention No. 102 further sets out the minimum levels of protection to be guaranteed in relation to coverage, adequacy of benefits, conditions for entitlement and duration with respect to a set of nine social risks often referred to as the branches of national social security systems. These include medical care and benefits provided in case of sickness,

unemployment, old age, employment injury, family responsibilities, maternity, invalidity and death of the breadwinner (see Figure 1).

Figure 1: Convention No. 102: Strong roots for sound and sustainable social protection systems



Together, the principles and minimum quantitative standards upon the occurrence of one of these risks contributes to ensuring adequate protection and the good governance of social security schemes and systems. Their observance guarantees solid and sustainable social protection systems.

Importantly, recognizing that countries use different strategies to reach the objective of universality of protection, usually through an optimal combination of contributory and non-contributory schemes, Convention No. 102 is designed around the notion of flexibility and on the premise that there is no one-size-fits-all model for social security. Every country, irrespective of the social protection system in place, can evaluate the compatibility of all its components against the minimums and principles set out in

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Convention No.102. Ratifying and applying Convention No. 102 therefore allows building sustainable and progressively comprehensive social protection systems in a manner adapted to national circumstances.

Building on Convention No. 102, the ILO subsequently adopted a set of five thematic Conventions which establish higher standards of protection for most of the contingencies by reference to persons protected and the levels of protection to be provided:

- *Employment Injury Benefits Convention*, 1964 (No. 121) and its accompanying Recommendation, 1964 (No. 121);
- *Invalidity, Old-Age and Survivors' Benefits Convention*, 1967 (No. 128) and its accompanying Recommendation, 1967 (No. 131);
- *Medical Care and Sickness Benefits Convention*, 1969 (No. 130) and its accompanying Recommendation, 1969 (No. 134);
- *Employment Promotion and Protection against Unemployment Convention*, 1988 (No. 168) and its accompanying Recommendation, 1988 (No. 176);
- *Maternity Protection Convention*, 2000 (No. 183) and its accompanying Recommendation, 2000 (No. 191);

In addition, the ILO has adopted standards that focus specifically on equality of treatment between nationals and non-nationals in regards to social security rights, as well as the maintenance of these rights in cases of international migration:

- *Equality of Treatment (Social Security) Convention*, 1962 (No. 118)
- *Maintenance of Social Security Rights Convention*, 1982 (No. 157) and its accompanying Recommendation, 1982 (No. 167)

In 2012, the ILO adopted a new instrument which marked a new milestone in the history of the international social security legal landscape. Considering that more than half of the world population still did not have access to any form of social security, the *Social Protection Floors Recommendation* (No. 202) guides the ILO and its Members towards the objective of reaching universal protection by prioritizing the establishment of nationally defined social protection floors as part of comprehensive social security systems. This objective was hence integrated into the 2030 Sustainable Development Goals.

Recommendation No. 202 is important in that it sets the ILO's vision and strategy for the extension of social protection to all, and guides ILO member States in formulating and implementing their national social protection policies and strategies. In this context, it reaffirms the central role of Convention No. 102 as an essential ILO instrument for progressively building universal and comprehensive social protection systems and adequate levels of protection. The ILO Governing Body has called on ILO member States in

2011 and 2012 to consider ratification of Convention No. 102, setting a target of 60 ratifications by the ILO's Centenary in 2019 (ILO, 2011, 2012).

So far, Convention No. 102 has been ratified by 59 Member States, namely Albania, Argentina, Austria, Barbados, Belgium, Benin, Plurinational State of Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Chad, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, France, Germany, Greece, Honduras, Iceland, Ireland, Israel, Italy, Japan, Jordan, Libya, Luxembourg, Mauritania, Mexico, Montenegro, Morocco, the Netherlands, Niger, Norway, North Macedonia, 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 (see Figure 2).

What makes ILO social security standards unique?

ILO social security standards provide a set of internationally adopted and accepted norms for its member States since the ILO's establishment in 1919. They comprise Conventions, Protocols to these Conventions, as well as Recommendations.

Unlike other international treaties, ILO standards are adopted by the ILC by a 2/3 majority of the votes of its tripartite stakeholders – a feature that guarantees they are the direct result of a participatory process and fully correspond to the diverse needs of all ILO member States and constituents. Once adopted, these standards crystallize a world consensus and become a reference point and a model to inspire reforms and improve national social protection systems.

Member States that ratify ILO Conventions assume the legal obligations and duties contained in the Convention upon its entry into force and need to demonstrate compliance, both in law and in practice, at regular intervals. The application of ratified ILO Conventions is monitored by a supervisory machinery based on periodic reporting and special procedures including complaints and representations.

ILO Recommendations provide non-binding guidelines based on best practices. They are not open to ratification, but provide essential guidance for ILO constituents in formulating their national social protection strategies and legal frameworks, as well as for the design, implementation and progressive development of their social protection systems.

Why should countries ratify ILO social security Conventions?

There are multiple reasons why the ratification of ILO social security Conventions should be considered and placed high on any national agenda:

Promoting human rights and attaining global goals

Ratifying ILO social security Conventions demonstrates a commitment to realizing the human right to social security, as set out in the Universal Declaration of Human Rights, 1948, the International Covenant of Economic, Social and Cultural Rights, 1966, and other human rights instruments. Thus, the ratification and implementation of ILO social security conventions represents a concrete step towards meeting commitments under international human rights instruments (UN CESCR, 2008; UN OHCHR, 2012).

The ratification and implementation of these standards also contributes to attaining the 2030 Agenda for Sustainable Development, namely SDG target 1.3 on building social protection systems and measures for all, including floors, with a view to achieving universal social protection. It is also instrumental in achieving other SDGs related to good health and well-being (namely through universal health coverage), gender equality, decent work and reduced inequalities.

Furthermore, the ratification of ILO social security Conventions is a commitment to observe internationally agreed minimum standards securing an adequate level playing field for increasingly globalized economies and societies. Adherence to these standards supports the promotion of inclusive growth and sustainable development, and encourages investments in people. Moreover, by building comprehensive social protection systems, countries contribute to strengthening their social contract and reinforcing economic and social stabilizers including in times of crisis.

Setting internationally agreed minimum benchmarks

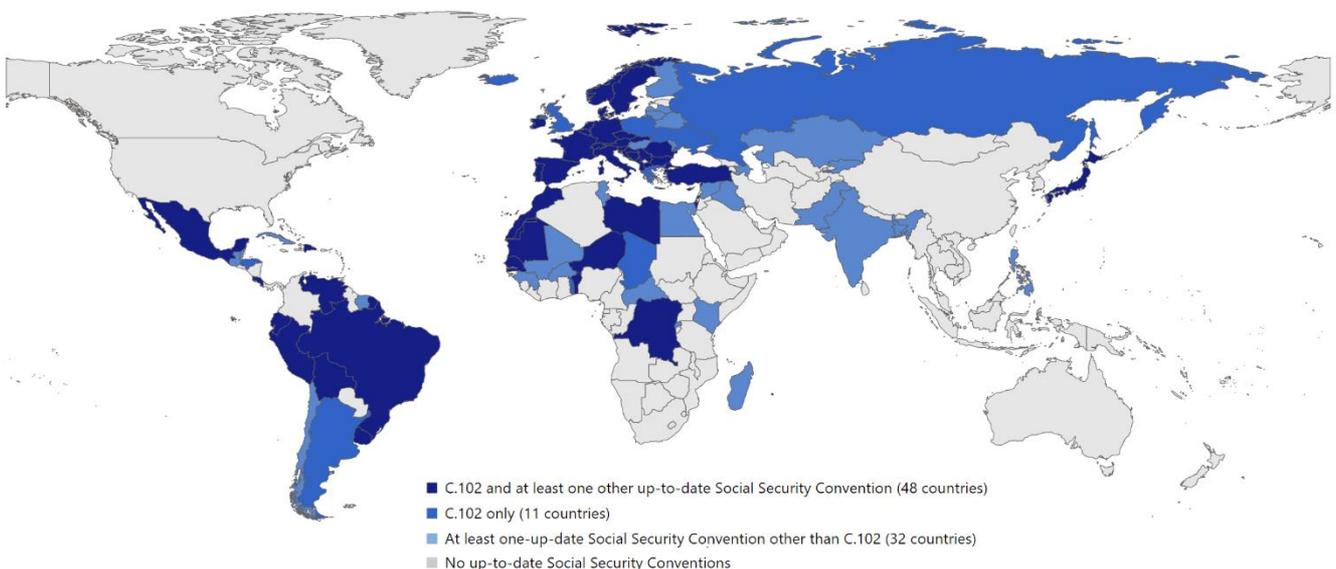
ILO standards and Convention No. 102 in particular, define internationally agreed minimum requirements, which serve as a framework for the establishment of comprehensive social protection systems. Convention No. 102 establishes the set of risks that should be progressively addressed by national social protection systems, and specifies minimum requirements for each area with regard to coverage, level of benefits, entitlement conditions and other key parameters. A summary of minimum requirements for each area is provided in the annexes of the compendium of ILO social security standards (ILO, 2019a). In addition to these quantitative minimum benchmarks, the Conventions also sets out the main principles guaranteeing sound financing, good, and participatory governance and administration, which ensure that social protection systems are effective, efficient, equitable and sustainable.

Roadmap for strengthening national social protection systems

ILO social security Conventions guide the progressive development of universal social protection systems based on social solidarity through collective financing. By defining a minimum framework for social protection systems, ILO social security standards guide the establishment, maintenance and reform of these systems. In this manner, even in the absence of ratification, these standards provide benchmarks that guarantee effective, equitable and sustainable systems based on clearly defined rights and obligations.

This minimum framework includes, in particular, the gradual extension of coverage to achieve universal social protection, measures to improve benefit adequacy, and ensuring effective governance and financing

► **Figure 2 : Map of ratification of ILO up-to-date social security conventions**



mechanisms that are indispensable for sustainable and equitable social protection systems.

The ratification of Convention No. 102 and the other up-to-date social security Conventions has been a catalyst for significant improvements in national social protection systems, which are guided by an internationally accepted framework that is supported by governments, workers and employers. ILO social security standards have also generally been of particular importance for countries undergoing reform processes or experiencing crises (ILO, 2017). Finally, ratifying these Conventions is a guarantee to benefit on a priority basis from ILO’s technical expertise in its implementation.

Flexible framework for the development of social protection systems

ILO social security Conventions are unique in that they provide a flexible framework to steer the progressive expansion of any all type of social protection system. While Convention No. 102 sets out benchmarks with reference to the different parameters of contributory schemes or non-contributory schemes, more advanced standards build on these minimum benchmarks, establishing higher levels of protection.

This allows for the progressive attainment of comprehensive coverage, allowing for temporary derogations for countries whose economy and medical facilities are insufficiently developed, or the progressive ratification of different risks. In the case of Convention No. 102, for example, countries can ratify by accepting at least three out of the nine branches, while further developing their social protection systems and accepting obligations with respect to additional branches, and more advanced standards, as their systems develop.

A guarantee that minimum levels of protection will be maintained including in times of crisis

The social impact of financial and economic crises on workers and their families can be mitigated by social protection. By ratifying ILO social security Conventions, a country undertakes to implement internationally agreed minimum social security standards through a legal framework; this requires the maintenance at all times of the minimum standards they set out. Conventions, once ratified, can therefore act as powerful tools for the preservation of social security guarantees and entitlements at the national

level – and thereby, the preservation of decent standards of living and health. Ratification can therefore produce a ratchet effect and thereby prevent backsliding below internationally agreed minima mitigating the long-term social consequences of crises.

How to ratify ILO social security Conventions?

Promoting the ratification and effective implementation of up-to-date Conventions is a priority for the ILO and its constituents, and the ILO proactively supports the latter in ratifying social security Conventions.

The ILO can provide tailor-made technical support at each stage of the ratification process with due regard to each countries’ national circumstances and constitutional framework (see Figure 3). This forms part of the integrated assistance provided to Governments and social partners to effectively formulate and implement appropriate policies and legal frameworks as a means to improve and maintain their social protection systems. This assistance includes a broad range of expert technical support and capacity building activities and is centered on effective and inclusive social dialogue.

The Office’s technical support mainly consists of helping the national counterparts assess the compatibility of their social protection system with the minimum requirements established by the relevant ILO standard. Following completion, comparative reports are usually discussed by national tripartite workshops with a view to determining the next steps towards a possible ratification or identifying obstacles to ratification and possible ways to address them.

In fact, Member states that have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), must engage in a tripartite consultation whenever they are considering ratifying a new ILO Convention.

The Office also provides countries engaged in a ratification process with authentic copies of the relevant Convention usually required in the context of the national parliamentary proceedings. Following completion of the ratification process at the national level, in order to be duly registered and start producing effects after 12 months, the ratification needs to be



transmitted to the ILO Director General. In the case of Convention No. 102, the document of ratification transmitted to the ILO Director General needs to specify which 3 (at least) of the nine branches of social security are accepted upon ratification, being it understood that countries may always expand the number of accepted branches in the future.

The application of ILO social security standards

Following ratification of ILO social security Conventions, their application, in law and in practice, is supervised through ILO's supervisory system¹. In case issues arise with respect to how Conventions are implemented in law or in practice, the Office may provide constituents legal and technical services with a view to overcoming problems. Assistance is also available to help countries meeting their reporting obligations on the application of ratified standards.

In addition to supporting the ratification and application of ratified Conventions, the ILO has a vast experience in providing technical assistance to its constituents, in line with international social security standards. These services range from setting up and improving social protection systems to reforming entire social protection systems. It includes policy, legal and financial advice, actuarial valuations and studies, assistance for the drafting of legislation, advice on the governance of social security schemes and their institutional set-up, as well as on monitoring the performance of social protection systems and schemes.

► Visit the "Toolkit on ILO Social Security Standards – learn, ratify and apply"

A Toolkit was developed with the aim of raising awareness about ILO social security standards and promoting their ratification. By bringing together information and resources on these standards, the toolkit further serves to increase their impact and application in national contexts. The toolkit provides very practical and useful insights as to the ratification procedure, model instruments of ratification, as well as interactive information on the key provisions of these standards.

Visit the toolkit:

<http://standards.social-protection.org>



¹ For more information consult ILO's information system on international labour standards (www.https://www.ilo.org/dyn/normlex/)

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► www.social-protection.org/gimi/ShowWiki.action?id=62&lang=EN