Conventional No. 102 and other ILO social security standards: a global reference for social protection systems

Social Protection for All Issue Brief

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The 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). All ILO standards are negotiated and adopted by the Governments, workers and employers’ representatives of the ILO’s 187 member States.

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 human 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 legal instrument 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
- Financial sustainability
- Collective financing
- 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, 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 specific minimum requirements for each social security branch and the principles contribute to ensuring high levels of adequacy, accountability and good governance resulting in stable and sustainable systems based on solidarity in financing, trust and awareness.
Importantly, recognizing that countries use different strategies to reach social protection objectives, usually through a combination of social insurance and social assistance, Convention No. 102 is designed with the flexibility needed to adapt to the various types of mechanisms and establishes minimum levels of protection to be guaranteed by reference to each of these mechanisms.

Ratifying and applying Convention No. 102 therefore allows building sustainable and progressively comprehensive social protection systems in a manner adapted to the 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)
- **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)
- **Maternity Protection Convention**, 2000 (No. 183)

In addition, the ILO adopted two Conventions that focus specifically on migrant workers and their social security rights:

- **Equality of Treatment (Social Security) Convention**, 1962 (No. 118)
- **Maintenance of Social Security Rights Convention**, 1982 (No. 157)

The year 2012 marked a new milestone in the international social security legal landscape. Recognizing that more than half of the world still did not have access to any form of social security, the International Labour Conference (ILC) adopted the **Social Protection Floors Recommendation** (No. 202) with the objective of reaching universal protection by prioritizing the establishment of nationally defined social protection floors as part of comprehensive social protection systems. This objective forms an integral part of 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 their national social protection policies and strategies. In this context, it reaffirms the central role of Convention No. 102 as the main ILO conventional instrument for progressively building universal, comprehensive and adequate social protection systems. 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 56 Member States, namely Albania, Argentina, Barbados, Belgium, Plurinational State of Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, 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, the Netherlands, Niger, Norway, Peru, Poland, Portugal, Romania, Russian Federation, Saint-Vincent and the Grenadines, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom, Uruguay, Bolivarian Republic of Venezuela.
What makes ILO social security standards unique?

ILO social security standards provide a set of internationally 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 result of a participatory process and fully correspond to the diverse needs of all ILO member States and constituents. Once adopted, these standards represent a major international and national reference point crystallizing consensus that can be used to build consensus at the national level during reforms and for improving the available protection mechanisms.
Ratification of ILO Convention No. 102 and other social security Conventions

References


ILO, 2012. Matters arising out of the work of the 101st Session (2012) of the International Labour Conference: Follow-up to the adoption of the resolution concerning efforts to make social protection floors a national reality worldwide (GB.316/INS/5/1(&Corr.)).


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