How to ratify?

Generally, the ILO has a vast experience in providing technical support to its Members, ranging from setting up and improving social protection schemes 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 social protection systems and schemes. Promoting the ratification and effective implementation of up-to-date ILO Conventions is a priority for the ILO and its constituents, and the Office proactively supports member States in ratifying social security Conventions, notable Convention No. 102.

As there is no one size fits all in terms of social protection systems, there is also no one size fits all ratification process. Ratification is often driven by constitutional provisions determining the competent authorities and the process to be followed. In spite of these peculiarities, Figure 2 below attempts to provide an overview of the main steps that are common to ratifications processes in most countries with different legal traditions and constitutional systems. The ILO aims at offering a tailor-made step-by-step approach to support countries in their endeavour to ratify Convention No. 102 and other ILO social security standards. This forms part of the integrated response 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 response 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. If need be, this often implies contracting a national expert charged with producing the comparative report with the assistance of the Office. Following completion, the comparative reports are usually discussed by national tripartite workshops with a view to determining the next steps towards a possible ratification. 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. Once the Convention enters into force, member States benefit from priority technical assistance in its implementation. Assistance is also available to help countries meeting their reporting obligations, with training seminars targeted at national report drafters.
Figure 2. Main steps common to ratification processes in most countries

- Assessment of national law and practice against requirement of Convention (if necessary with ILO Support) and validation of conclusions with ILO
- Tripartite endorsement of compatibility assessment, and establishment of roadmap towards ratification
- Ratification process according to national constitutional requirement
- Transmission of instrument of ratification to ILO Director General; registration of ratification as of the date of deposit or receipt
- Entry into force of Convention 12 months after the date of ratification
- First report on application of the Convention in the year following the entry into force
Ratification of ILO Convention No. 102 and other social security Conventions

References


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