Ratification of ILO Convention No. 102 and other social security standards

Social Protection for All Issue Brief June 2019

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

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
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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.

ILO 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 with these minimum requirements periodically in law and in practice. The application of ratified ILO Conventions is monitored by a supervisory machinery based on periodic reporting to demonstrate compliance and special complaint-based procedures.

ILO Recommendations provide non-binding guidelines based on best practices. They are not open to ratification, but provide essential guidance for ILO member States in formulating their national social protection strategies and legal frameworks, and designing, implementing and monitoring their social protection systems.

Why should countries ratify Convention No. 102?

There are multiple reasons why the ratification of Convention No. 102 should be considered and placed high on any national agenda:

**Promoting human rights and attaining global goals**

Ratifying Convention No. 102 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 Convention No. 102 represents an essential step towards meeting commitments under international human rights instruments (UN CESCR, 2008; UN OHCHR, 2012).

The ratification and implementation of Convention No. 102 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 the eradication of poverty, good health and well-being (namely through universal health coverage), gender equality, decent work and reduced inequalities.

The ratification of Convention No. 102 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 support 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 in times of crisis and beyond.

**Setting internationally agreed benchmarks**

Convention No. 102 defines internationally agreed minimum requirements for social protection systems, which serve as a framework for the establishment of comprehensive social protection systems. It establishes the minimum set of risks that should be addressed by national social protection systems, and specifies minimum requirements for each area with regard to coverage, benefit adequacy, entitlement conditions and other key parameters. A summary of minimum requirements for each area is provided in the annexes of the World Social
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Protection Report (ILO, 2017a) and the compendium of ILO social security standards (ILO, 2017b). In addition to these quantitative minimum benchmarks, the Convention 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

Convention No. 102 guides the progressive development of national social protection systems towards the objective of universal social protection based on social solidarity through collective financing. By defining minimum requirements for social protection systems, Convention No. 102 provides guidance for the establishment, maintenance and reform of social protection systems even in the absence of ratification, ensuring that they can function effectively, equitably and sustainably based on clearly defined rights and obligations.

This includes in particular the gradual extension of coverage to achieve universal social protection, measures to improve benefit adequacy, and ensuring effective governance and financing mechanisms that are indispensable for sustainable and equitable social protection systems.

The ratification of Convention No. 102 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. It has also been of particular importance for countries undergoing reform processes or experiencing crises (ILO, 2017b). Finally, ratifying Convention No. 102 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

Convention No. 102 provides a flexible framework to steer the progressive expansion of protection for all types of social protection systems. It sets out minimum benchmarks with several options for contributory schemes (usually social insurance), tax financed schemes (social assistance and universal schemes), or a combination of both.

It allows for the progressive attainment of comprehensive coverage, allowing for temporary derogations for countries whose economy and medical facilities are insufficiently developed. Countries can ratify the Convention 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 as their systems develop.

How to ratify?

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

The ILO offers a tailor-made step-by-step approach to support countries and their various constitutional settings in their endeavour to ratify Convention No. 102 (see figure 2). 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.

Following ratification of ILO social security Conventions, 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.

The ILO has a vast experience in providing such services 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 of social protection systems and schemes.

Figure 2. Main steps common to ratification processes in most countries
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References


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