



INTERNATIONAL LABOUR OFFICE

REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS
(article 19 of the Constitution of the International Labour Organisation)

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)

Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI)

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)

Employment Injury Benefits Recommendation, 1964 (No. 121)

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

Report

to be made no later than 29 February 2024, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of _____, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2024.

Context and scope of the questions

At its 346th Session in October–November 2022, the Governing Body requested the Office to prepare for its consideration at its 347th Session (March 2023) the article 19 report form on six instruments: the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI, the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), and the Employment Injury Benefits Recommendation, 1964 (No. 121), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2024, to be discussed by the Conference Committee on the Application of Standards in 2025.¹

The General Survey will provide a comprehensive overview of the current state of law and practice with reference to employment injury benefits across ILO Member States – notably in respect of coverage and benefits – and help identify key challenges and opportunities in relation to the application of employment injury benefit schemes to all workers, including agricultural workers and other vulnerable groups of workers, as well as to map obstacles to the ratification and implementation of instruments setting standards for employment injury protection, as well as any recommendations to be made by the ILO supervisory bodies in this regard.

The General Survey could draw attention to the mutually reinforcing impact of fostering a culture of prevention² and expanding employment injury benefit schemes, contributing to achieving universal access to social protection, consistent with ILO standards, as a core element of a human-centred approach to the future of work, in accordance with the Declaration on Social Justice for a Fair Globalization, 2008.³ It shall also contribute to the overall objective of the Standards Review Mechanism Tripartite Working Group (SRM TWG)⁴ in ensuring that the body of standards is up to date and relevant to the world of work. In this regard, in its recent decision, the SRM TWG proposed to invite the Committee of Experts on the Application of Conventions and Recommendations to consider seeking information from Member States on their application, in law and practice, of Conventions Nos 102 (Part VI) and 121, especially concerning agricultural workers. At the same time, it considered the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12), to have the classification “up to date”, and recommended for the abrogation of the Workmen’s Compensation (Accidents) Convention, 1925 (No. 17), the Workmen’s Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Workmen’s Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), and the withdrawal of Recommendations Nos 22, 23 and 24.⁵

Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the instruments, the challenges and opportunities in their application, and will encourage the sharing of experiences and good practices among ILO Member States.

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¹ GB.346/PV, para. 877.

² At its 110th Session in June 2022, the International Labour Conference decided to amend paragraph 2 of the [ILO Declaration on Fundamental Principles and Rights at Work](#) (1998) to include “a safe and healthy working environment” as a fundamental principle and right at work. All Members, even if they have not ratified the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#), now have an obligation to promote the development and implementation of a national preventative safety and health culture.

³ ILO, [Record of Proceedings: Fifth Item on the Agenda: A Recurrent Discussion on the Strategic Objective of Social Protection \(Social Security\), under the Follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008](#), ILC.109/Record No. 7A, 2021.

⁴ Standards Review Mechanism Tripartite Working Group.

⁵ ILO, [Report of the Seventh Meeting of the Standards Review Mechanism Tripartite Working Group](#), GB.346/LILS/1, 2022.

The following questions relate to issues covered by Conventions Nos 12, 19, 102 (Part VI), 121 and Recommendations Nos 25 and 121.

Where possible, please give a specific reference (including a web hyperlink) for information relating to the provisions of legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies (or attach an electronic copy).

Article 19 report form concerning employment injury

A. Definitions

1. The term **employment injury benefits** refers to benefits in cash, medical care and allied benefits, as well as vocational rehabilitation, provided to workers in case of work-related injury, or to cash benefits or financial compensation, and funeral benefit, as the case may be, provided to the dependants of workers who die as a result of a work-related injury (Articles 34–36 of Convention No. 102 and Articles 9–21 of Convention No. 121). There is a diversity of nomenclature used at the national level to refer to such benefits, depending mainly on the type of scheme in place for their provision. In certain countries, these benefits are referred to as “workers’ compensation” or “workmen’s compensation”, following the approach set out in earlier ILO standards, including Conventions Nos 12 and 19 and Recommendation No. 25.⁶

2. The contingency of **employment injury**⁷ comprehends the following where due to/caused by a work-related accident or occupational disease: (1) a morbid condition; (2) temporary or initial incapacity for work resulting from a morbid condition and involving suspension of earnings; (3) total or partial loss of earning capacity likely to be permanent or corresponding loss of faculty; (4) the loss of support suffered as the result of the death of the breadwinner (Article 32 of Convention No. 102 and Articles 6, 13, 14, 18 of Convention No. 121).

B. Notes

1. It will not be necessary to repeat information already provided in reports under article 22 in connection with ratified Conventions. In this case, Governments of countries should use the present form with regard to Conventions which have not been ratified and Recommendations Nos 25 and 121.

2. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

3. For federal States, please provide answers to the questions below with regard to both the federal level and the level of the federated units.

4. The provisions of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25) are applied to ratifying Member States based on the principle of reciprocity, by which equal treatment is granted to nationals from countries, which – by ratifying the respective Convention – have the same legal obligation concerning workers’ accident compensation/employment injury benefits. In this regard, for the purposes of this questionnaire, Members States that have not ratified Convention No. 19 are advised to provide information based on their own national legislation and practices as to the coverage of foreign workers and their respective dependants.

⁶ [Workmen’s Compensation \(Agriculture\) Convention, 1921 \(No. 12\)](#), [Equality of Treatment \(Accident Compensation\) Convention, 1925 \(No. 19\)](#), and [Equality of Treatment \(Accident Compensation\) Recommendation, 1925 \(No. 25\)](#).

⁷ In the context of this questionnaire, the term “employment injury” embodies “workplace injury” and “work-related injury”, so that it covers in a broader manner three generations of instruments based on an evolving approach: (i) recognition of the entitlement to compensation to workers injured at work (Convention No. 12); (ii) introduction of a social insurance approach with a defined level of benefits (Convention No. 102, Part VI); and (iii) higher level of benefits linked to measures of prevention and rehabilitation (Convention No. 121 and Recommendation No. 121)

Legislative and regulatory framework

<p>General provisions</p> <p>1. Please indicate any legal provisions concerning work-related accidents and occupational diseases, in particular legal provisions defining employment injury and specifying the contingencies, or circumstances, covered by related schemes and benefits, which may include: (i) morbid condition; (ii) temporary or initial incapacity for work resulting from a morbid condition and involving suspension of earnings; (iii) total or partial loss of earning capacity likely to be permanent or corresponding loss of faculty; and (iv) loss of support resulting from the death of breadwinner.</p> <p>Types of schemes</p> <p>Please indicate any type of scheme(s) or system(s) by means of which employment injury benefits are provided in your country. For example, such schemes or systems may include:</p> <ul style="list-style-type: none"> (a) employment injury (social) insurance: Employers collectively finance an employment injury compensation scheme against the risk of work accidents and occupational diseases under the no-fault principle; (b) employers' liability: Employers are individually responsible and directly liable for the provision of compensation to injured workers; (c) private insurance: Employers can choose or are obligated by law to take out an insurance contract in order to insure their liability; (d) a combination of two or more of the above; (e) another type of scheme (for example, non-contributory schemes). <p>Please indicate if the coverage of workers under existing schemes or provisions is provided on the basis of compulsory or voluntary affiliation.</p>	<p>C.019: Art. 3; C.102: Arts 31, 32 and 71; C.121: Art. 6; R.121: Para. 3.</p>
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Scope of coverage: type of employment injuries

<p>Industrial accidents</p> <p>2. Please indicate whether industrial accidents covered by the legislation include those, regardless of their cause, sustained: (i) during the working hours at or near the workplace or at any place where the worker would not have been except for his/her work; (ii) within a reasonable period before or after working hours, in connection with transporting, cleaning, preparing, securing, conserving, and storing or packing of work tools and clothes; and (iii) while on the direct way between the place of work and the employee's principal or secondary residence, the place where the employee usually takes his/her meals, or the place where he/she usually receives his/her remuneration (commuting accident).</p>	<p>C.102: Arts 31 and 32; C.121: Art. 7; R.121: Para. 5.</p>
<p>Occupational diseases</p> <p>3. Please indicate if and how occupational diseases are defined in the national legislation and, if so, if it takes into account the following options: (a) a national list of diseases which shall be regarded as occupational diseases under prescribed conditions; or (b) a general definition of occupational diseases established in the legislation; or (c) a national list of diseases complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.</p>	<p>C.121: Art. 8 and Schedule I.</p>

<p>4. In case there is a procedure for the recognition of the occupational origin of diseases that are not included in the national list of occupational diseases, please explain such procedures in detail and indicate rules of proof in this respect. In this regard, please indicate whether there is any presumption of occupational origin of diseases arising either from employee's exposure to such diseases for a certain period or development of symptoms within a specified period following the last employment involving exposure.</p>	<p>R.121: Paras 6 and 7.</p>
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Scope of coverage: persons protected

<p>Persons protected</p> <p>5. Please indicate which prescribed categories of workers are covered by employment injury benefits. Please provide information on the possible exceptions in coverage by employment injury benefits particularly concerning the following categories of workers: (i) casual workers, out-workers, or family workers, etc.; (ii) seafarers, including sea fishermen; (iii) public servants; (iv) self-employed; (v) members of cooperatives (including agricultural); (vi) apprentices; (vii) domestic workers; (viii) prisoners and other detained persons doing work approved by authorities; and (ix) other categories of persons not otherwise covered who are active in the public interest or engaged in civic or benevolent pursuits (volunteers for public office, social service or hospitals, combatting natural disasters, etc.).</p>	<p>C.012: Art. 1; C.102: Arts 3, 31 and 33; C.121: Arts 2, 3, 4 and 5; R.121: Paras 3 and 4.</p>
<p>6. In case the application of national legislation concerning employment injury benefits is limited to prescribed categories of employees, please provide information about the percentage or number of persons protected in relation to total number of employees.</p>	<p>C.102: Art. 33; C.121: Arts 4 and 5.</p>
<p>7. Please indicate which categories of agricultural workers are covered by employment injury benefits. In this respect, please provide information on the scheme in place for the coverage of: (i) agricultural wage earners; and (ii) small farmers and their families, in case their members work in the same undertaking. In case there is a separate employment injury scheme covering all or specific categories of agricultural workers, please provide an assessment of whether these workers enjoy the same level of protection and benefits as other categories of workers.</p>	<p>C.012: Art. 1.</p>
<p>8. Please indicate whether non-nationals/foreign workers and their dependants have equality of treatment with nationals as regards coverage and access to workers' accident compensation/employment injury benefits. If not, please provide information on how non-nationals/foreign workers and their dependants are covered and entitled to such benefits.</p>	<p>C.102: Art. 68; C.121: Art. 27.</p>
<p>9. Please indicate whether equality of treatment is guaranteed to non-nationals/foreign workers and their dependants without any condition as to residence.</p>	<p>C.019: Art. 1.</p>

<p>10. Please also indicate if there are any special arrangements that have been made with other Member States to provide that workers' accident compensation or employment injury benefits, including access to medical care, due to work-related accidents happening to workers while temporarily or intermittently employed in a territory under your jurisdiction, on behalf of an undertaking located in the territory of another Member State is governed by the laws and regulations of that Member State.</p>	C.019: Art. 2.
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Employment injury benefits

<p>Medical care and allied benefits</p> <p>11. Please indicate if there are any legal provisions specifying the guarantee of medical care and allied benefits to victims of employment injuries and, if so, provide information on whether and to what extent the medical care procedures guaranteed include the following:</p> <p>(a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;</p> <p>(b) dental care;</p> <p>(c) nursing care at home or in hospital or other medical institutions;</p> <p>(d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;</p> <p>(e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;</p> <p>(f) the care furnished by members of such other professions as may at any time be legally recognized as allied to the medical profession, under the supervision of a medical or dental practitioner; and</p> <p>(g) the following treatment at the place of work, wherever possible:</p> <p style="margin-left: 20px;">(i) emergency treatment of persons sustaining a serious accident;</p> <p style="margin-left: 20px;">(ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.</p> <p>Please indicate whether there is a maximum period for provision of the medical care and allied benefits indicated above.</p>	C.102: Art. 34; C.121: Arts 9 and 10.
<p>12. Please provide information as to what extent medical care and allied benefits are provided to victims of employment injuries in the agricultural sector, considering the medical care procedures indicated in the question above.</p>	C.012: Art. 1.
<p>13. Please provide information whether the medical care and allied benefits specified in question 11 are delivered against co-payment or participation and the extent to which the beneficiary is required to share in the cost of the medical care received.</p>	C.102: Art. 34; C.121: Art. 11.
<p>General provisions for cash benefits</p> <p>14. Please indicate whether there are qualifying periods for entitlement to workers' accident compensation/ employment injury cash benefits, such as the length of employment or duration of insurance or period of contributions. In the</p>	C.102: Art. 37; C.121: Art. 9(2).

<p>case of an occupational disease, please indicate whether eligibility for benefits is made subject to a certain period of exposure.</p> <p>_____</p>	
<p>15. Please indicate the duration of the payment of cash benefits, for both temporary and permanent incapacity. Please indicate whether there is a waiting period (an initial period during which cash benefits are not paid).</p> <p>_____</p>	<p>C.102: Art. 38; C.121: Arts 9(3), 13 and 14; R.121: Para. 8.</p>
<p>16. Please indicate whether there is a maximum amount prescribed for cash benefits to be provided or for the earnings considered for the computation of benefits.</p> <p>_____</p>	<p>C.102: Art. 65(3); C.121: Art. 19(3).</p>
<p>Cash benefits to specific categories</p> <p>17. Please provide information, if applicable, on the level of workers' accident compensation/employment injury cash benefits and qualifying conditions for entitlement of such benefits for agricultural workers who are victims of employment injuries and their survivors.</p> <p>_____</p>	<p>C.012: Art. 1.</p>
<p>18. Please provide information, if applicable, about any specific conditions applied to self-employed persons, in particular persons owning and actively engaged in the operation of small-scale businesses or farms, and/or members of cooperatives, to workers' accident compensation/employment injury cash benefits, either under mandatory or voluntary schemes.</p> <p>_____</p>	<p>R.121: Para. 3(b).</p>
<p>Cash benefits in case of temporary incapacity</p> <p>19. Please indicate whether a minimum prescribed degree of loss of capacity resulting from a morbid condition and involving suspension of earnings is required for entitlement to workers' accident compensation/employment injury benefits and what is the established degree.</p> <p>_____</p>	<p>C.012: Art. 1; C.102: Arts 32(b) and 36; C.121: Arts 13, 19 and 20, Schedule II.</p>
<p>20. Please provide detailed information, as applicable, on the manner by which compensation/cash benefits due to temporary incapacity to work are calculated, or how their level is determined. In case of periodical payments, please indicate whether they are paid in a flat rate or calculated based on previous earnings of beneficiary, and, in this case, the percentages applied.</p> <p>_____</p>	<p>C.102: Arts 36, 65 and 66, Schedule of Part XI; C.121: Arts 13,19 and 20, Schedule II; R.121: Para. 9.</p>
<p>Cash benefits in case of permanent total or partial loss of earning capacity or corresponding loss of faculty (disability benefits)</p> <p>21. Please indicate whether disability is determined based on: (i) loss of earning capacity; (ii) corresponding loss of faculty; or (iii) a mix of both. In cases where the provision of benefits is dependent upon the attainment of a minimum degree of disability, please indicate what is the minimum degree established.</p> <p>_____</p>	<p>C.012: Art. 1; C.102: Arts 32(c) and 36; C.121: Art. 14.</p>
<p>22. Please provide detailed information, as applicable, on the manner by which compensation/cash benefits due to permanent loss of earning capacity or corresponding loss of faculty are calculated, and how their level is determined for</p>	<p>C.012: Art. 1; C.102: Arts 36, 65 and 66, Schedule of Part XI;</p>

<p>(a) total disability, and (b) partial disability. In case of periodical payments, please indicate whether they are paid in a flat rate or calculated based on the previous earnings of the beneficiary, and, in this case, the percentage applied.</p> <p>_____</p>	<p>C.121: Arts 14, 19 and 20, Schedule II; R.121: Para. 9.</p>
<p>23. Please provide information on the degree of loss of earning capacity or loss of faculty required to qualify: (i) for periodical benefits at the minimum level; and (ii) the full amount of compensation/cash benefits.</p> <p>_____</p>	<p>C.121: Arts 14(2), (3), 19 and 20, Schedule II.</p>
<p>Cash benefits in case of death of the worker (survivors' benefits)</p> <p>24. Please indicate, as applicable, the categories of beneficiaries (for example, spouses/partners, children, parents, siblings, grandchildren, etc.) who are eligible to benefits (survivors' benefits) in case of the death of the worker due to an employment injury. In this regard, please indicate whether there is any difference in the provision of compensation/cash benefits depending on the gender of the survivor.</p> <p>_____</p>	<p>C.012: Art. 1; C.102: Art. 32(d); C.121: Art. 6(d) and 18(2); R.121: Para. 13.</p>
<p>25. Please indicate whether the right to compensation/cash benefits provided to surviving spouses/partners is conditional on their being presumed to be incapable of self-support. When available, please indicate in which cases the spouse/partner is presumed incapable of self-support (for example: when the survivor achieves prescribed age, has a disability, or has dependent children).</p> <p>_____</p>	<p>C.102: Art. 32(d).</p>
<p>26. Please indicate whether the survivors of an employee who was employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the survivors' benefits without any conditions as to residence.</p> <p>_____</p>	<p>C.102: Art. 37.</p>
<p>27. Please indicate how survivors' benefits are calculated and specify the level of cash benefits provided to each survivor. In case of periodical payments, please indicate whether they are paid a flat rate or calculated based on previous earnings of the deceased, and, in this case, the percentage applied. Please indicate whether there is a maximum limit upon the total benefits payable to all the survivors.</p> <p>_____</p>	<p>C.102: Arts 36, 65 and 66; Schedule of Part XI; C.121: Arts 18, 19 and 20; Schedule II; R.121: Para. 14.</p>
<p>28. Please indicate the waiting period prior to receiving survivors' benefits and for how long each type of survivor can receive cash benefits in case of periodical payments.</p> <p>_____</p>	<p>C.102: Art. 38; C.121: Art. 9(3).</p>
<p>29. Please indicate if survivors are entitled to receive funeral benefits and how such benefits are calculated.</p> <p>_____</p>	<p>C.121: Art.18(2).</p>

<p>Optional question</p> <p>30. Please also indicate whether a minimum duration of marriage is required for the entitlement to survivors' benefits.</p> <p>_____</p>	
<p>Commuting periodical payments in lump sum</p> <p>31. Please indicate if, under certain circumstances, employment injury benefits in the form of periodical payments can be converted into a lump sum. For example, please indicate if a conversion is possible:</p> <p>_____</p> <p>(i) in cases where the degree of incapacity is slight. In this case, please indicate which is the degree enabling a lump sum conversion and explain how this degree is determined;</p> <p>(ii) where competent authorities are satisfied that such lump sum will be properly utilized or is particularly advantageous for the injured person. In this case, please indicate which is the authority that has the competence to make this assessment and provide information as to the manner such assessment is carried out.</p> <p>For both cases, please indicate how this lump sum is calculated (for example, whether variables such as age, sex, benefit-type and life expectancy or other factors are considered).</p> <p>_____</p>	<p>C.012: Art. 1; C.102: Art. 36(3); C.121: Art. 15; R.121: Para. 10.</p>
<p>Constant help or assistance of another person</p> <p>32. Please provide information as to the possibility of increase, either in percentage or in a prescribed amount, of the compensation/cash benefits paid periodically in case the injured worker needs the constant help or attendance of another person.</p> <p>_____</p>	<p>C.012: Art. 1; C.121: Art 16; R.121: Para. 11.</p>
<p>Payment of workers' accident compensation/employment injury benefits abroad</p> <p>33. Please indicate whether there are any special arrangements that have been made with other Member States (for example, bilateral or multilateral agreements) which provide for: (i) the payment of employment injury benefits/compensation outside the territory of your country, e.g. direct transfer to the bank account abroad of the beneficiary; and (ii) any measures of mutual assistance taken with a view to facilitating the execution of national laws and regulations concerning equality of treatment in the provision of workers' compensation/employment injury benefits.</p> <p>_____</p>	<p>C.019: Arts 1 and 4.</p>
<p>34. When a person, national or non-national, to whom compensation is due under national laws and regulations resides in the territory of another Member State, please provide information about necessary measures taken to facilitate the payment of workers' compensation/employment injury benefits abroad and to ensure the observance of the conditions governing such payments laid down by national legislation.</p> <p>_____</p>	<p>R.025: Para. I(a).</p>

Prevention and vocational and rehabilitation services

<p>35. Please provide, as applicable, detailed information concerning: (1) measures taken to prevent industrial accidents and occupational diseases; (2) provision of vocational rehabilitation services to assist a worker with permanent disability to resume his/her previous professional activities or, in case this is not possible, to resume the most suitable gainful professional activity; and (3) measures taken to further the placement of persons with disability in suitable employment.</p>	<p>C.102: Art. 35; C.121: Art. 26.</p>
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Financing and rating

Financing of employment injury benefits

<p>36. Please explain how and by whom (e.g. employers, workers, government, others) workers' compensation and employment injury benefits are financed. Please indicate the contribution rate or level of the premiums that are collected for the benefits' financing.</p>	<p>C.102: Art. 71.</p>
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Institutional framework – claims, supervision and enforcement

Administration and application procedures

<p>37. Please indicate how your country accepts general responsibility for the due provision of employment injury benefits (for example, in case responsible private institutions or employers have failed in providing such benefits).</p>	<p>C.102: Arts 71(3) and 72(2); C.121: Arts 24(2) and 25.</p>
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<p>38. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department, please provide detailed information as to the participation of the representatives of persons protected, representatives of employers and, when appropriate, government authorities in the management or consultive body of the institution responsible for the due provision of employment injury benefits.</p>	<p>C.102: Art. 72(1); C.121: Art. 24(1).</p>
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<p>39. Please indicate if any advantage, granted by national legislation, concerning the provision of workers' compensation/employment injury benefits is extended under the same conditions to the nationals of other Member States (for example, exemption from duties and taxes, free issue of official documents or other privileges). In case there is no system for the provision of worker's compensation/employment injury benefits in case of work-related injury, please indicate if any facilities are afforded to foreign workers enabling them to benefit by the laws and regulations concerning such benefits in their own countries.</p>	<p>R.025: Paras I(c) and II.</p>
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Assessment and revision of the level of incapacity and benefits

<p>40. Please indicate the conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty are reassessed, suspended, or cancelled by reference to a change in the degree of loss. Please indicate whether supplementary or special benefits are provided in case an</p>	<p>C.121: Art. 17; R.121: Para. 12.</p>
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<p>employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person.</p>	
<p>Suspension, accumulation, adjustment and reduction of employment injury benefits</p> <p>41. Please indicate whether and, if so, under what conditions workers' accident compensation/employment injury benefits can be suspended or reduced. In this regard, please indicate whether such benefits are subject to suspension in case of absence from the territory of your country, with respect to both nationals and non-nationals.</p>	<p>C.102, Art. 69; C.121: Art. 22.</p>
<p>42. Please indicate whether, and under which circumstances, it is possible to cumulate employment injury benefits with other types of social security benefits. Regarding the adjustment and periodicity of cash benefits, please indicate whether such adjustments are made following substantial changes in the level of earnings or cost of living, or a mix of both.</p>	<p>C.102: Arts 65(10), 66(8) and 69(c); C.121: Art. 21; R.121: Para. 15.</p>
<p>Right to appeal</p> <p>43. Please indicate any legal provisions and specify the type of mechanisms that guarantee victims of employment injury the right to appeal in case of refusal of the benefit or complaint as to its quality and quantity.</p>	<p>C.102: Art. 70; C.121: Art. 23.</p>
<p>44. In case of dispute or claim originating in your country concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing abroad, please indicate whether facilities are afforded for taking proceedings in the competent courts of law of your country without requiring the attendance of the person concerned.</p>	<p>R.025: Para. I(b).</p>
<p>Optional question: Enforcement and compliance measures</p> <p>45. Please provide detailed information concerning any means to ensure: (i) the registration of eligible workers and enterprises, including small and medium-sized enterprises, with the employment injury scheme; and (ii) the reporting of industrial accidents and notification of occupational diseases.</p>	<p>C.102: Arts 71(3) and 72(2).</p>

The way forward

Optional questions

46. Well-designed and effective employment injury insurance schemes are reflected in Sustainable Development Goal target 1.3 and indicator 1.3.1, and can be the foundation for sustainable enterprises to thrive when having to face economic and social challenges. In this sense, you may wish to provide relevant information if your country has a strategy (e.g. national plan or strategy) to bring law and practice more in line with the approach set out in Conventions Nos 19, 102, Part VI, and 121 and to address gaps in population coverage or differentiated treatment between various categories of workers, in particular agricultural workers, in line with Convention No. 12, and foreign workers and their dependants, in line with Convention No. 19.

Prospects for and obstacles to ratification

47. Please provide information on any prospects of ratification of Conventions Nos 12, 19, 102, Part VI, and 121. In this context, please identify the challenges or obstacles regarding its possible ratification, and indicate any measures taken or envisaged to overcome these obstacles.

Standard-related action

48. With a view to enhancing the impact of the international standards on employment injury, please indicate which standard-related actions or activities should be taken in order to guarantee due provision of employment injury benefits in your country (for example, technical assistance, technical cooperation activities, organization of tripartite consultations, etc.).

Possible need for technical assistance

49. Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire. If so, please provide information on existing plans for the provision of such assistance or the effect of such support if already provided. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' social security schemes, in particularly concerning provision of employment injury benefits.

Article 23(2) of the ILO Constitution

50. Please indicate the representative employers' and workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Preamble

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and
having met in its Third Session on 25 October 1921, and
Having decided upon the adoption of certain proposals with regard to the protection of agricultural
workers against accident, which is included in the fourth item of the agenda of the Session, and
Having determined that these proposals shall take the form of an international Convention,
adopts the following Convention, which may be cited as the Workmen's Compensation (Agriculture)
Convention, 1921, for ratification by the Members of the International Labour Organisation in
accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes
to extend to all agricultural wage-earners its laws and regulations which provide for the compensation
of workers for personal injury by accident arising out of or in the course of their employment.

Article 2

The formal ratifications of this Convention, under the conditions set forth in the Constitution of
the International Labour Organisation, shall be communicated to the Director-General of the
International Labour Office for registration.

Article 3

1. This Convention shall come into force at the date on which the ratifications of two Members of
the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the
International Labour Office.

3. Thereafter, the Convention shall come into force for any member at the date on which its
ratification has been registered with the International Labour Office.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been
registered with the International Labour Office, the Director-General of the International Labour
Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify
them of the registration of the ratifications which may be communicated subsequently by other
Members of the Organisation.

Article 5

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring
the provisions of Articles 1 into operation not later than 1 January 1924 and to take such action as may
be necessary to make these provisions effective.

Article 6

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 7

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 8

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 9

The French and English texts of this Convention shall both be authentic.

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the fifth day of June of the year one thousand nine hundred and twenty-five, the following Convention, which may be cited as the Equality of Treatment (Accident Compensation) Convention, 1925, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Article 3

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any member at the date on which its ratification has been registered with the International Labour Office.

Article 7

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of the ratifications which may be communicated subsequently by other Members of the Organisation.

Article 8

Subject to the provisions of Article 6, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, and 4 into operation not later than 1 January 1927 and to take such action as may be necessary to make these provisions effective.

Article 9

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 10

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 11

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this fifth day of June of the year one thousand nine hundred twenty-five, the following Recommendation, which may be cited as the Equality of Treatment (Accident Compensation) Recommendation, 1925, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

I

In order to facilitate the application of the Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents the Conference recommends that:

- (a) when a person to whom compensation is due under the laws and regulations of one Member resides in the territory of another Member, the necessary measures be taken to facilitate the payment of such compensation and to ensure the observance of the conditions governing such payment laid down by the said laws and regulations;
- (b) in case of dispute concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing elsewhere than in the territory of the Member where his claim to compensation originated, facilities be afforded for taking proceedings in the competent courts of law in such territory without requiring the attendance of the person concerned;
- (c) any advantage in respect of exemption from duties and taxes, free issue of official documents or other privileges granted by the law of any Member for purposes connected with workmen's compensation, be extended under the same conditions to the nationals of the other Members which shall have ratified the aforementioned Convention.

II

The Conference recommends that, where in any country there exists no system, whether by insurance or otherwise, of workmen's compensation for industrial accidents, the Government shall, pending the institution of such a system, afford facilities to alien workers enabling them to benefit by the laws and regulations on workmen's compensation in their own countries.

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Preamble

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Thirty-fifth Session on 4 June 1952, and
 Having decided upon the adoption of certain proposals with regard to minimum standards of social
 security, which are included in the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the
 following Convention, which may be cited as the Social Security (Minimum Standards) Convention,
 1952:

Part I. General provisions

Article 1

1. In this Convention —

- (a) the term “prescribed” means determined by or in virtue of national laws or regulations;
- (b) the term “residence” means ordinary residence in the territory of the Member and the term “resident” means a person ordinarily resident in the territory of the Member;
- (c) the term “wife” means a wife who is maintained by her husband;
- (d) the term “widow” means a woman who was maintained by her husband at the time of his death;
- (e) the term “child” means a child under school-leaving age or under 15 years of age, as may be prescribed;
- (f) the term “qualifying period” means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

2. In Articles 10, 34 and 49 the term “benefit” means either direct benefit in the form of care or indirect benefit consisting of a reimbursement of the expenses borne by the person concerned.

Article 2

Each Member for which this Convention is in force—

- (a) shall comply with—
 - (i) Part I;
 - (ii) at least three of Parts II, III, IV, V, VI, VII, VIII, IX and X, including at least one of Parts IV, V, VI, IX and X;
 - (iii) the relevant provisions of Parts XI, XII and XIII; and
 - (iv) Part XIV; and
- (b) shall specify in its ratification in respect of which of Parts II to X it accepts the obligations of the Convention.

Article 3

1. A Member whose economy and medical facilities are insufficiently developed may, if and for so long as the competent authority considers necessary, avail itself, by a declaration appended to its ratification, of the temporary exceptions provided for in the following Articles: 9(d); 12(2); 15(d); 18(2); 21(c); 27(d); 33(b); 34(3); 41(d); 48(c); 55(d); and 61(d).

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in the annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement, in respect of each exception of which it avails itself—

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 4

1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to X not already specified in its ratification.

2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 5

Where, for the purpose of compliance with any of the Parts II to X of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

Article 6

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected—

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

Part II. Medical care

Article 7

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

Article 8

The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

Article 9

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or
- (b) prescribed classes of economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or
- (c) prescribed classes of residents, constituting not less than 50 per cent of all residents; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more, and also their wives and children.

Article 10

1. The benefit shall include at least—

- (a) in case of a morbid condition—
 - (i) general practitioner care, including domiciliary visiting;
 - (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
 - (iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and
 - (iv) hospitalisation where necessary; and
- (b) in case of pregnancy and confinement and their consequences—
 - (i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
 - (ii) hospitalisation where necessary.

2. The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.

3. The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

4. The institutions or government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 11

The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

Article 12

1. The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited to 13 weeks in each case.

Part III. Sickness benefit

Article 13

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.

Article 14

The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

Article 15

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 16

1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 17

The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 18

1. The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited—

- (a) to such period that the total number of days for which the sickness benefit is granted in any year is not less than ten times the average number of persons protected in that year; or
- (b) to 13 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

PART IV. UNEMPLOYMENT BENEFIT

Article 19

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.

Article 20

The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

Article 21

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- (b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (c) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 22

1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 23

The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 24

1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited—

- (a) where classes of employees are protected, to 13 weeks within a period of 12 months, or
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months.

2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of subparagraph (a) of paragraph 1 shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.

4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

Part V. Old-age benefit

Article 25

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 26

1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned.
3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 27

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 28

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 29

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least—
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least—
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed

rules, a qualifying period of 15 years of contribution or employment; or

- (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

Article 30

The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

Part VI. Employment injury benefit

Article 31

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following Articles of this Part.

Article 32

The contingencies covered shall include the following where due to accident or a prescribed disease resulting from employment:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

Article 33

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children; or

- (b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children.

Article 34

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall comprise—

- (a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
- (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.

3. Where a declaration made in virtue of Article 3 is in force, the medical care shall include at least—

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies as prescribed by a medical or other qualified practitioner; and
- (d) hospitalisation where necessary.

4. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 35

1. The institutions or government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.

2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

Article 36

1. In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.

3. The periodical payment may be commuted for a lump sum—

- (a) where the degree of incapacity is slight; or
- (b) where the competent authority is satisfied that the lump sum will be properly utilised.

Article 37

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed in the territory of the Member at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

Article 38

The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.

Part VII. Family benefit

Article 39

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.

Article 40

The contingency covered shall be responsibility for the maintenance of children as prescribed.

Article 41

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- (c) all residents whose means during the contingency do not exceed prescribed limits; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 42

The benefit shall be—

- (a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- (b) the provision to or in respect of children, of food, clothing, housing, holidays or domestic help; or
- (c) a combination of (a) and (b).

Article 43

The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be prescribed.

Article 44

The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent—

- (a) 3 per cent of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; or
- (b) 1.5 per cent of the said wage, multiplied by the total number of children of all residents.

Article 45

Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.

Part VIII. Maternity benefit

Article 46

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.

Article 47

The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations, resulting therefrom.

Article 48

The persons protected shall comprise—

- (a) all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees and, for maternity medical benefit, also the wives of men in these classes; or
- (b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents, and, for maternity medical benefit, also the wives of men in these classes; or
- (c) where a declaration made in virtue of Article 3 is in force, all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more, and, for maternity medical benefit, also the wives of men in these classes.

Article 49

1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.

2. The medical care shall include at least—

- (a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
- (b) hospitalisation where necessary.

3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.

4. The institutions or government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 50

In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

Article 51

The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

Article 52

The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.

Part IX. Invalidity benefit

Article 53

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 54

The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.

Article 55

The persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 50 per cent of all employees; or

- (b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 56

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 57

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least—

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least—

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced pension shall be payable in conformity with paragraph 2 of this Article.

Article 58

The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.

Part X. Survivors' benefit

Article 59

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 60

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 61

The persons protected shall comprise—

- (a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees; or
- (b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents; or
- (c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.

Article 62

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 63

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least—

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least—

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

Article 64

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

Part XI. Standards to be complied with by periodical payments

Article 65

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be—

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or

- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
 - (d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.
7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.
8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.
9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.
10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 66

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.
3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
4. For the purpose of this Article, the ordinary adult male labourer shall be—
- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
 - (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.
5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 67

In the case of a periodical payment to which this Article applies—

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
 - (i) Article 15(b) for Part III;
 - (ii) Article 27(b) for Part V;
 - (iii) Article 55(b) for Part IX;
 - (iv) Article 61(b) for Part X.

Schedule to Part XI. Periodical payments to standard beneficiaries

Part	Contingency	Standard beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	Employment injury:		
	Incapacity for work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

Part XII. Equality of treatment of non-national residents

Article 68

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.

2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

Part XIII. Common provisions

Article 69

A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;
- (c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;
- (d) where the person concerned has made a fraudulent claim;
- (e) where the contingency has been caused by a criminal offence committed by the person concerned;
- (f) where the contingency has been caused by the wilful misconduct of the person concerned;
- (g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (h) in the case of unemployment benefit, where the person concerned has failed to make use of the

employment services placed at his disposal;

- (i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and
- (j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.

Article 70

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

Article 71

1. The cost of the benefits provided in compliance with this Convention and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member and of the classes of persons protected.

2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member in compliance with this Convention, except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.

3. The Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention, and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

Article 72

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention.

Part XIV. Miscellaneous provisions

Article 73

This Convention shall not apply to—

- (a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 74

This Convention shall not be regarded as revising any existing Convention.

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

Article 76

1. Each Member which ratifies this Convention shall include in the annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation—

- (a) full information concerning the laws and regulations by which effect is given to the provisions of the Convention; and
- (b) evidence, conforming in its presentation as closely as is practicable with any suggestions for greater uniformity of presentation made by the Governing Body of the International Labour Office, of compliance with the statistical conditions specified in—
 - (i) Articles 9(a), (b), (c) or (d); 15(a), (b) or (d); 21(a) or (c); 27(a), (b) or (d); 33(a) or (b); 41(a), (b) or (d); 48(a), (b) or (c); 55(a), (b) or (d); 61(a), (b) or (d), as regards the number of persons protected;
 - (ii) Articles 44, 65, 66 or 67, as regards the rates of benefit;
 - (iii) subparagraph (a) of paragraph 2 of Article 18, as regards duration of sickness benefit;
 - (iv) paragraph 2 of Article 24, as regards duration of unemployment benefit; and
 - (v) paragraph 2 of Article 71, as regards the proportion of the financial resources constituted by the insurance contributions of employees protected.

2. Each Member which ratifies this Convention shall report to the Director-General of the International Labour Office at appropriate intervals, as requested by the Governing Body, on the position of its law and practice in regard to any of Parts II to X of the Convention not specified in its ratification or in a notification made subsequently in virtue of Article 4.

Article 77

1. This Convention does not apply to seamen or seafishermen; provision for the protection of seamen and seafishermen has been made by the International Labour Conference in the Social Security (Seafarers) Convention, 1946, and the Seafarers' Pensions Convention, 1946.

2. A Member may exclude seamen and seafishermen from the number of employees, of the economically active population or of residents, when calculating the percentage of employees or residents protected in compliance with any of Parts II to X covered by its ratification.

Part XV. Final provisions

Article 78

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 79

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 80

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organisation shall indicate—

- (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention or of any Parts thereof shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention or of any Parts thereof shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 81

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention or of the Parts thereof accepted by the Declaration will be applied in the territory concerned without modification or subject to modifications; when the Declaration indicates that the provisions of the Convention or of certain Parts thereof will be applied subject to modifications, it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 82

1. A Member which has ratified this Convention may, after the expiration of ten years from the date on which the Convention first comes into force, denounce the Convention or any one or more of Parts II to X thereof by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce the Convention or any one of Parts II to X thereof at the expiration of each period of ten years under the terms provided for in this Article.

Article 83

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 84

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 85

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 86

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 82 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 87

The English and French versions of the text of this Convention are equally authoritative.

ANNEX

International standard industrial classification of all economic activities (Revision 4)*

Section A. Agriculture, forestry and fishing

Division	Description
01	Crop and animal production, hunting and related service activities
02	Forestry and logging
03	Fishing and aquaculture

Section B. Mining and quarrying

Division	Description
05	Mining of coal and lignite
06	Extraction of crude petroleum and natural gas
07	Mining of metal ores
08	Other mining and quarrying
09	Mining support service activities

Section C. Manufacturing

Division	Description
10	Manufacture of food products
11	Manufacture of beverages
12	Manufacture of tobacco products
13	Manufacture of textiles
14	Manufacture of wearing apparel
15	Manufacture of leather and related products
16	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials
17	Manufacture of paper and paper products
18	Printing and reproduction of recorded media
19	Manufacture of coke and refined petroleum products
20	Manufacture of chemicals and chemical products
21	Manufacture of basic pharmaceutical products and pharmaceutical preparations
22	Manufacture of rubber and plastics products
23	Manufacture of other non-metallic mineral products
24	Manufacture of basic metals
25	Manufacture of fabricated metal products, except machinery and equipment
26	Manufacture of computer, electronic and optical products
27	Manufacture of electrical equipment
28	Manufacture of machinery and equipment n.e.c.
29	Manufacture of motor vehicles, trailers and semi-trailers
30	Manufacture of other transport equipment
31	Manufacture of furniture

* **Note:** In accordance with articles 65(7) and 66(5) of the Convention, its original Annex has been updated with the amended version of the International standard industrial classification of all economic activities (ISIC) Rev. 4, as approved by the Statistical Commission of the UN Economic and Social Council in March 2006 (Statistical Papers, Series M No. 4, Rev. 4 – Full text on <http://unstats.un.org/unsd/cr/registry/isic-4.asp>).

32	Other manufacturing
33	Repair and installation of machinery and equipment

Section D. Electricity, gas, steam and air conditioning supply

Division	Description
35	Electricity, gas, steam and air conditioning supply

Section E. Water supply; sewerage, waste management and remediation activities

Division	Description
36	Water collection, treatment and supply
37	Sewerage
38	Waste collection, treatment and disposal activities; materials recovery
39	Remediation activities and other waste management services

Section F. Construction

Division	Description
41	Construction of buildings
42	Civil engineering
43	Specialized construction activities

Section G. Wholesale and retail trade; repair of motor vehicles and motorcycles

Division	Description
45	Wholesale and retail trade and repair of motor vehicles and motorcycles
46	Wholesale trade, except of motor vehicles and motorcycles
47	Retail trade, except of motor vehicles and motorcycles

Section H. Transportation and storage

Division	Description
49	Land transport and transport via pipelines
50	Water transport
51	Air transport
52	Warehousing and support activities for transportation
53	Postal and courier activities

Section I. Accommodation and food service activities

Division	Description
55	Accommodation
56	Food and beverage service activities

Section J. Information and communication

Division	Description
58	Publishing activities
59	Motion picture, video and television programme production, sound recording and music publishing activities
60	Programming and broadcasting activities
61	Telecommunications
62	Computer programming, consultancy and related activities
63	Information service activities

Section K. Financial and insurance activities

Division	Description
64	Financial service activities, except insurance and pension funding
65	Insurance, reinsurance and pension funding, except compulsory social security
66	Activities auxiliary to financial service and insurance activities

Section L. Real estate activities

Division	Description
68	Real estate activities

Section M. Professional, scientific and technical activities

Division	Description
69	Legal and accounting activities
70	Activities of head offices; management consultancy activities
71	Architectural and engineering activities; technical testing and analysis
72	Scientific research and development
73	Advertising and market research
74	Other professional, scientific and technical activities
75	Veterinary activities

Section N. Administrative and support service activities

Division	Description
77	Rental and leasing activities
78	Employment activities
79	Travel agency, tour operator, reservation service and related activities
80	Security and investigation activities
81	Services to buildings and landscape activities
82	Office administrative, office support and other business support activities

Section O. Public administration and defence; compulsory social security

Division	Description
84	Public administration and defence; compulsory social security

Section P. Education

Division	Description
85	Education

Section Q. Human health and social work activities

Division	Description
86	Human health activities
87	Residential care activities
88	Social work activities without accommodation

Section R. Arts, entertainment and recreation

Division	Description
90	Creative, arts and entertainment activities
91	Libraries, archives, museums and other cultural activities
92	Gambling and betting activities
93	Sports activities and amusement and recreation activities

Section S. Other service activities

Division	Description
94	Activities of membership organizations
95	Repair of computers and personal and household goods
96	Other personal service activities

Section T. Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use

Division	Description
97	Activities of households as employers of domestic personnel
98	Undifferentiated goods- and services-producing activities of private households for own use

Section U. Activities of extraterritorial organizations and bodies

Division	Description
99	Activities of extraterritorial organizations and bodies

Employment Injury Benefits Convention, 1964 (No. 121)

Preamble

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-eighth Session on 17 June 1964, and
 Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial
 accidents and occupational diseases, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of an international Convention,
 adopts the eighth day of July of the year one thousand nine hundred and sixty-four, the following
 Convention, which may be cited as the Employment Injury Benefits Convention, 1964:

Article 1

In this Convention—

- (a) the term legislation includes any social security rules as well as laws and regulations;
- (b) the term prescribe means determined by or in virtue of national legislation;
- (c) the term industrial undertaking includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term dependent refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term dependent child covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher, and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, on conditions laid down by national legislation: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in subclause (i).

Article 2

1. A Member whose economic and medical facilities are insufficiently developed may avail itself by a declaration accompanying its ratification of the temporary exceptions provided for in the following Articles: Article 5, Article 9, paragraph 3, clause (b), Article 12, Article 15, paragraph 2, and Article 18, paragraph 3. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself—

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 3

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

- (a) seafarers, including seafishermen,
- (b) public servants, where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with paragraph 2, clause (d), of Article 4, and with Article 5.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 4

1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

2. Any Member may make such exceptions as it deems necessary in respect of—

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) out-workers;
- (c) members of the employer's family living in his house, in respect of their work for him;
- (d) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under clauses (a) to (c).

Article 5

Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent. of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

Article 6

The contingencies covered shall include the following where due to an employment injury:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.

Article 7

1. Each Member shall prescribe a definition of industrial accident, including the conditions under which a commuting accident is considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation.

2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of industrial accident.

Article 8

Each Member shall—

- (a) prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under prescribed conditions; or
- (b) include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention; or
- (c) prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.

Article 9

1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits:

- (a) medical care and allied benefits in respect of a morbid condition;
- (b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and (d).

2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.

3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days—

- (a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement that its reason for availing itself of this provision subsists; or
- (b) where a declaration provided for in Article 2 is in force.

Article 10

1. Medical care and allied benefits in respect of a morbid condition shall comprise—

- (a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;
- (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner; and

- (g) the following treatment at the place of work, wherever possible:
- (i) emergency treatment of persons sustaining a serious accident;
 - (ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.

2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.

Article 11

1. Any Member which provides medical care and allied benefits by means of a general health scheme or a medical care scheme for employed persons may specify in its legislation that such care shall be made available to persons who have sustained employment injuries on the same terms as to other persons entitled thereto, on condition that the rules on the subject are so designed as to avoid hardship.

2. Any Member which provides medical care and allied benefits by reimbursing expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.

Article 12

Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include at least—

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;
- (d) hospitalisation, where necessary; and
- (e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.

Article 13

The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

Article 14

1. Cash benefits in respect of loss of earning capacity likely to be permanent or corresponding loss of faculty shall be payable in all cases in which such loss, in excess of a prescribed degree, remains at the expiration of the period during which benefits are payable in accordance with Article 13.

2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.

4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take the form of a lump-sum payment.

5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.

Article 15

1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilised in a manner which is particularly advantageous for the injured person.

2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 16

Increments in periodical payments or other supplementary or special benefits, as prescribed, shall be provided for disabled persons requiring the constant help or attendance of another person.

Article 17

The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall be prescribed.

Article 18

1. The cash benefit in respect of death of the breadwinner shall be a periodical payment to a widow as prescribed, a disabled and dependent widower, dependent children of the deceased and other persons as may be prescribed; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirement of Article 20: Provided that it shall not be necessary to make provision for a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.

2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.

3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 19

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II

to this Convention, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be—

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
 - (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
 - (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
 - (d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.
7. The person deemed typical of skilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. No periodical payment shall be less than a prescribed minimum amount.

Article 20

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the wage of an ordinary

adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be—

- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. No periodical payment shall be less than a prescribed minimum amount.

Article 21

1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

Article 22

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the employment injury has been caused by a criminal offence committed by the person concerned;
- (e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care and

allied benefits or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and

(g) as long as the surviving spouse is living with another person as spouse.

2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependants of the person concerned.

Article 23

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.

Article 24

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.

Article 25

Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

Article 26

1. Each Member shall, under prescribed conditions—

- (a) take measures to prevent industrial accidents and occupational diseases;
- (b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and
- (c) take measures to further the placement of disabled persons in suitable employment.

2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation information concerning the frequency and severity of industrial accidents.

Article 27

Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits.

Article 28

1. This Convention No. 121 revises the Workmen's Compensation (Agriculture) Convention, 1921, the Workmen's Compensation (Accidents) Convention, 1925, the Workmen's Compensation (Occupational Diseases) Convention, 1925, and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

2. Ratification of this Convention by a Member which is a party to the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934, shall, in accordance with Article 8 thereof, ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force, but the coming into force of this Convention shall not close that Convention to further ratification.

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

Article 30

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

Article 31

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to Schedule I to this Convention.
2. Such amendments shall take effect in respect of any Member already a party to the Convention when such Member notifies the Director-General of the International Labour Office of its acceptance thereof.
3. Unless the Conference otherwise decides when adopting an amendment, an amendment shall be effective, by reason of its adoption by the Conference, in respect of any Member subsequently ratifying the Convention.

Article 32

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 33

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 34

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 35

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 36

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 37

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 38

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 34 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 39

The English and French versions of the text of this Convention are equally authoritative.

Schedule I. List of occupational diseases (amended 1980)*

* The original Schedule I was amended in 1980 in accordance with Article 31 of the Convention.

Occupational diseases	Work involving exposure to risk**
1. Pneumoconioses caused by sclerogenous mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard-metal dust.	See above
3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	See above
4. Occupational asthma caused by sensitising agents or irritants both recognised in this regard and inherent in the work process.	See above
5. Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.	See above
6. Diseases caused by beryllium or its toxic compounds.	See above
7. Diseases caused by cadmium or its toxic compounds.	See above
8. Diseases caused by phosphorus or its toxic compounds.	See above
9. Diseases caused by chromium or its toxic compounds.	See above
10. Diseases caused by manganese or its toxic compounds.	See above
11. Diseases caused by arsenic or its toxic compounds.	See above
12. Diseases caused by mercury or its toxic compounds.	See above
13. Diseases caused by lead or its toxic compounds.	See above
14. Diseases caused by fluorine or its toxic compounds.	See above
15. Diseases caused by carbon disulfide.	See above
16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	See above
17. Diseases caused by benzene or its toxic homologues.	See above
18. Diseases caused by toxic nitro- and amino- derivatives of benzene or its homologues.	See above
19. Diseases caused by nitroglycerin or other nitric acid esters.	See above
20. Diseases caused by alcohols, glycols or ketones.	See above
21. Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.	See above
22. Hearing impairment caused by noise.	See above
23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).	See above
24. Diseases caused by work in compressed air.	See above
25. Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
26. Skin diseases caused by physical, chemical or biological agents not included under other items.	All work involving exposure to the risk concerned.
27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	See above
28. Lung cancer or mesotheliomas caused by asbestos.	See above
29. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) Health or laboratory work. (b) Veterinary work. (c) Work handling animals, animal carcasses, parts of such carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses. (d) Other work carrying a particular risk of contamination.

Schedule II. Periodical payments to standard beneficiaries

Contingency Standard beneficiary Percentage

** In the application of this Schedule the degree and type of exposure should be taken into account when appropriate.

1. Temporary or initial capacity for work Man with wife and two children 60
2. Total loss of earning capacity or corresponding loss of faculty Man with wife and two children 60
3. Death of breadwinner Widow with two children 50

ANNEX

International standard industrial classification of all economic activities (Revision 4)

(see Convention No. 121, page 41)

Employment Injury Benefits Recommendation, 1964 (No. 121)

Preamble

The General Conference of the International Labour Organisation,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and
 having met in its Forty-eighth Session on 17 June 1964, and
 Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial
 accidents and occupational diseases, which is the fifth item on the agenda of the session, and
 Having determined that these proposals shall take the form of a Recommendation supplementing the
 Employment Injury Benefits Convention, 1964,
 adopts this eighth day of July of the year one thousand nine hundred and sixty-four, the following
 Recommendation, which may be cited as the Employment Injury Benefits Recommendation, 1964:

1. In this Recommendation—

- (a) the term legislation includes any social security rules as well as laws and regulations;
- (b) the term prescribed means determined by or in virtue of national legislation;
- (c) the term dependent refers to a state of dependency which is presumed to exist in prescribed cases.

2. Each Member should extend the application of its legislation providing for employment injury benefits, if necessary by stages, to any categories of employees which may have been excepted in virtue of Article 4, paragraph 2, of the Employment Injury Benefits Convention, 1964, from the protection provided for in that Convention.

3.

(1) Each Member should, subject to prescribed conditions, secure the provision of employment injury or analogous benefits, if necessary by stages and/or through voluntary insurance, to—

- (a) members of co-operatives who are engaged in the production of goods or the provision of services;
- (b) prescribed categories of self-employed persons, in particular persons owning and actively engaged in the operation of small-scale businesses or farms;
- (c) certain categories of persons working without pay, which should include—
 - (i) persons in training, undergoing an occupational or trade test or otherwise preparing for their future employment, including pupils and students;
 - (ii) members of volunteer bodies charged with combating natural disasters, with saving lives and property or with maintaining law and order;
 - (iii) other categories of persons not otherwise covered who are active in the public interest or engaged in civic or benevolent pursuits, such as persons volunteering their services for public office, social service or hospitals;
 - (iv) prisoners and other detained persons doing work which has been required or approved by the competent authorities.

(2) The financial resources of voluntary insurance for the categories referred to in subparagraph (1) of this Paragraph should not be provided from contributions intended to finance the compulsory schemes for employees.

4. Special schemes applicable to seafarers, including seafishermen, and to public servants should provide benefits in case of an employment injury which are not less favourable than those provided for in the Employment Injury Benefits Convention, 1964.

5. Each Member should, under prescribed conditions, treat the following as industrial accidents:

- (a) accidents, regardless of their cause, sustained during working hours at or near the place of work or at any place where the worker would not have been except for his employment;
- (b) accidents sustained within reasonable periods before and after working hours in connection with transporting, cleaning, preparing, securing, conserving, storing and packing work tools or clothes;
- (c) accidents sustained while on the direct way between the place of work and—
 - (i) the employee's principal or secondary residence; or
 - (ii) the place where the employee usually takes his meals; or
 - (iii) the place where he usually receives his remuneration.

6. Each Member should, under prescribed conditions, regard diseases known to arise out of the exposure to substances or dangerous conditions in processes, trades or occupations as occupational diseases.

(2) Unless proof to the contrary is brought, there should be a presumption of the occupational origin of such diseases where the employee—

- (a) was exposed for at least a specified period; and
- (b) has developed symptoms of the disease within a specified period following termination of the last employment involving exposure.

(3) When prescribing and bringing up to date national lists of occupational diseases, Members should give special consideration to any list of occupational diseases which may from time to time be approved by the Governing Body of the International Labour Office.

7. Where national legislation contains a list establishing a presumption of occupational origin in respect of certain diseases, proof should be permitted of the occupational origin of diseases not so listed and of diseases listed when they manifest themselves under conditions different from those establishing a presumption of their occupational origin.

8. Cash benefits in respect of incapacity for work should be paid from the first day in each case of suspension of earnings.

9. The rates of cash benefits in respect of temporary or initial incapacity for work, or in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty, should be—

- (a) not less than two-thirds of the injured person's earnings: Provided that a maximum limit may be prescribed for the rate of benefit or for the earnings taken into account for the calculation of the benefit; or
- (b) where such benefits are provided at flat rates, not less than two-thirds of the average earnings of persons employed in the major group of economic activities with the largest number of economically active male persons.

10.

(1) The cash benefit payable by reason of loss of earning capacity likely to be permanent, or corresponding loss of faculty, should take the form of a periodical payment for the duration of such loss in all cases in which the degree of loss equals at least 25 per cent.

(2) In cases in which the degree of loss of earning capacity likely to be permanent, or corresponding loss of faculty, is less than 25 per cent. a lump sum may be paid in lieu of a periodical payment. Such lump sum should bear an equitable relationship to periodical payments and should not be less than the periodical payments which would be due in respect of a period of three years.

11. Provision should be made to defray the reasonable cost of the constant help or attendance of another person in cases in which the injured person requires such services; alternatively, the periodical payment should be increased by either a prescribed percentage or a prescribed amount.

12. Where an employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person, supplementary or special benefits should be provided.

13. Where the periodical payments made to the surviving spouse and children are less than the maximum amounts prescribed, a periodical payment should be made to the following categories of persons if they were dependent on the deceased for support:

- (a) parents;
- (b) brothers and sisters;
- (c) grandchildren.

14. Where a maximum limit upon the total benefits payable to all the survivors is prescribed, such maximum should be not less than the rate of benefits payable in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty.

15. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and to paragraph 1 of Article 18 of the Employment Injury Benefits Convention, 1964, should be periodically adjusted, taking account of changes in the general level of earnings or the cost of living.