

Appl. 19

R.202

INTERNATIONAL LABOUR OFFICE

REPORTS ON

**UNRATIFIED CONVENTIONS
AND RECOMMENDATIONS**

*(Article 19 of the Constitution
of the International Labour Organization)*

REPORT FORM FOR THE FOLLOWING INSTRUMENT:

**SOCIAL PROTECTION FLOORS
RECOMMENDATION, 2012 (No. 202)**

GENEVA
2016

INTERNATIONAL LABOUR OFFICE

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 31 December 2017, in accordance with article 19 of the Constitution of the International Labour Organization by the Government -

APPENDIX 1: JOINT STATEMENT

Central Organisation of Finnish Trade Unions - SAK, Confederation of Unions for Professional and Managerial Staff in Finland - Akava and Finnish Confederation of Professionals STTK

, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

MAJOR TERMS AND ABBREVIATIONS USED IN THE QUESTIONNAIRE

In accordance with Recommendation No. 202, national social security extension strategies should pursue “**horizontal and vertical extension of social security**” [Paragraph 20].

The **horizontal extension** aims at the extension of social security coverage to as many people as possible, including through the rapid implementation of national social protection floors.

The **vertical extension** aims at the progressive achievement of higher levels of protection, within comprehensive social security systems guided by the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the more advanced ILO social security instruments.

For the purpose of this questionnaire, the terms “**social security**” and “**social protection**” have been used interchangeably, as in Recommendation No. 202, with the aim of encompassing and gathering information on all contributory and non-contributory schemes, benefits and social services that provide income support in cash or in kind and access to health care to the persons protected against one or more of the contingencies defined by Convention No. 102 and Recommendation No. 202.

Comprehensive social security/protection systems, as stipulated by Recommendation No. 202, should “achieve the range and levels of benefits set out in the Social Security (Minimum Standards) Convention, 1952 (No. 102), or in other ILO social security Conventions and Recommendations setting out more advanced standards”, [Paragraph 17].

For the purpose of this questionnaire, **national social security/protection system** is understood as the combination of all existing social security/social protection schemes, benefits and services in the country, irrespective of whether they form part of a social insurance system, social welfare system, social assistance system or other similar systems however they might be called.

Schemes providing social security/protection benefits may include universal benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes [Paragraph 9(3)].

“**Benefits** may include child and family benefits, sickness and health-care benefits, maternity benefits, disability benefits, old-age benefits, survivors’ benefits, unemployment benefits and employment guarantees, and employment injury benefits as well as any other social benefits in cash or in kind” [Paragraph 9(2)].

Social protection floor (SPF) – a fundamental element of the national social security system comprising “nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion” [Paragraph 2].

Basic social security guarantees (BSSGs) – legally established provisions ensuring “at a minimum that, over the life cycle, all in need have access to essential health care and basic income security which together secure effective access to goods and services defined as necessary at the national level” [Paragraph 4].

Essential health care – nationally defined set of goods and services, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality [Paragraph 5(a)].

Basic income security (BIS) – nationally defined minimum levels of benefits in cash and in kind, at least at a nationally defined minimum level, which secure access to the necessary goods and services allowing life in dignity for children, persons in active age and for older persons [Paragraph 5(b), (c) and (d)].

I. CONCEPTUAL FRAMEWORK OF THE RECOMMENDATION

Recommendation No. 202 contains a number of conceptual and value statements concerning the role and functions of social security in modern society, which underpin the regulatory framework laid down in the Recommendation and the principles of its implementation listed in Paragraph 3 of Recommendation No. 202. Some of them are explicitly included in ILO standards for the first time. The following questions try to elucidate to what extent these concepts and principles as presented in Social Protection Floors Recommendation, 2012 (No. 202), are recognized in law and implemented in practice in your country. Key notions, marking the stepping stones on the way to rights-based sustainable development, are put in italics.¹

HUMAN RIGHTS-BASED APPROACH TO SOCIAL SECURITY: UNIVERSALITY OF PROTECTION, SOCIAL INCLUSION AND LIFE IN DIGNITY

1. Recommendation No. 202 reaffirms that “the right to social security is a *human right*” ensuring “*universality of protection*, based on *social solidarity*” [Preamble and Paragraph 3(a)].
 - (a) Is the human right to social security supported by a policy of your government to extend social security to “as many people as possible ... and as soon as possible” to achieve universal coverage of all residents and children [Paragraphs 6 and 13(1)(b)]?
 - (b) Do policies of your government operationalize the principles of social solidarity and “solidarity in financing” and, if so, how? How do these policies maintain a fair balance “between responsibilities and interests of those who finance and benefit from social security schemes [Paragraph 3(h)]?”

- | |
|---|
| <ol style="list-style-type: none">(a) Yes(b) Yes; earnings related benefits are mainly financed by the employers and employees, basic social security is financed by the state through taxation. |
|---|

2. Recommendation No. 202 affirms the inclusive nature of social protection floors (SPFs) which are directed against “poverty, *vulnerability* and *social exclusion*” [Paragraph 2] and in favour of “non-discrimination, gender equality and responsiveness to *special needs*” [Paragraph 3(d)], “social inclusion, including of persons in the informal economy” [Paragraph 3(e)], “reduction of *informality*” [Paragraph 15], support for “the most vulnerable” [Paragraph 8(a)], “disadvantaged groups and people with special needs” [Paragraphs 3(d) and 16].
 - (a) Are there social security/protection laws, policies and mechanisms that ensure the non-discriminative and inclusive design of the national SPF? If so, please specify which.
 - (b) Do they define vulnerability, social exclusion and informality, and determine the vulnerable and disadvantaged groups, and people with special needs? If so, please specify how.

- | |
|---|
| <ol style="list-style-type: none">(a) Yes; Equality Act ensures that every one should be treated equal.(b) Yes; For example in Equality Act there is definitions that you cannot discriminate anyone because of their age, gender, gender identity, profession, education etc. |
|---|

¹ Italics have been added by the Office with a view to drawing attention to these key notions and concepts.

3. Recommendation No. 202 calls for “respect for the rights and *dignity* of people covered by the social security guarantees” [Paragraph 3(f)], which should ensure “*adequacy* and predictability of benefits” [Paragraph 3(c)] and “allow *life in dignity*” [Paragraph 8(b)].

- (a) Do the national legislation and judicial decisions guarantee respect for human dignity of the persons living on social security guarantees? If so, please specify how.
- (b) Are certain benchmarks used to assess adequacy of social security guarantees in terms of ensuring life in dignity? If so, please specify which.

- (a) Yes; There is legislation on how the decisions of the authorities should be made and how one can apply for a adjustment. The decision making should be see-through.
- (b) Yes; based on the Finnish constitution every person living in Finland is entitled to sufficient social security.

INTEGRATED DESIGN OF SOCIAL PROTECTION:
BASIC GUARANTEES, FLEXIBLE STRUCTURES AND COHERENCE OF POLICIES

4. Recommendation No. 202 substantiates the human right to social security by establishing, as a starting point, the core obligations of the State in the form of *basic social security guarantees* (BSSG) included in the SPF. The floor should become a *fundamental element* on which “Members should progressively build and maintain *comprehensive* and adequate social security systems” [Paragraphs 1(a), 3(g), 13(1)(a) and (2)]. Members without developed systems should establish “a minimum level of social security guarantees” [Paragraph 13(1)(a)] in schemes which do not have a guaranteed minimum.]

- (a) Have measures been taken or envisaged with a view to complementing the design, organization and financing of social security/protection with a fundamental element setting a floor to benefits, on the one side, while maintaining the objectives of progressively building more comprehensive and adequate social security systems, on the other side? If so, please specify which.

- (a) Yes; For example the Basic Income experiment. More information <http://www.kela.fi/web/en/experimental-study-on-a-universal-basic-income?inheritRedirect=true>.

5. In building SPFs, Recommendation No. 202 advises Members to consider a “*diversity of methods* and approaches, including of financing mechanisms and delivery systems” [Paragraphs 3(i) and 11(1)], select those that work better, and recombine them to implement “the *most effective and efficient combination* of benefits and schemes” [Paragraph 9(1)], “contributory and non-contributory schemes” [Paragraph 14(c)] and “preventive, promotional and active measures, benefits and social services” [Paragraph 10(a)].

- (a) Have different methods and approaches to financing and delivery of basic guarantees been considered for the purpose of making the social security system more efficient? If so, please specify which.
- (b) What combinations of benefits and schemes proved to be most effective in lifting people out of poverty, vulnerability, social exclusion and informality?

- (a) Yes and no; Due to the fiscal crisis the pressure to weaken the social security schemes has been on the table.
- (b) Finnish social security is based on earnings related benefits, and maintaining and rehabilitating the work capacity. In the Finnish model the purpose is to activate the individual as soon as possible for example in a case of unemployment, disease or other cases.

6. Social security systems should be “*coherent* with national policy objectives” [Paragraph 13(2)] and “with social, economic and employment policies” [Paragraph 3(l)]; coherence should also be enhanced “*across institutions* responsible for delivery of social protection” [Paragraph 3(m)]. Furthermore, in designing SPFs as an integral part of a comprehensive social security system, Members should “*coordinate* social security policies with *other public policies*” [Paragraph 13(2)] “within a decent work framework” [Paragraph 10(c)].
- (a) Do standing institutional mechanisms exist for the coherence of different contributory and non-contributory social security/protection schemes and benefits and for the coordination of social security policies with other social, economic, employment and fiscal policies? If no such mechanisms exist, do you consider introducing them a necessity?
- (b) What are the challenges and difficulties met in designing and implementing SPFs?

- (a) There are institutional mechanisms that make sure of the coherence of different social security schemes and coordinate the policies. For example the Finnish Centre for Pensions and the Social Security Institution of Finland.
- (b) Fiscal crisis, aging of population.

THE RIGHT TO SOCIAL SECURITY AS AN ECONOMIC NECESSITY: REDUCTION OF POVERTY,
MORE SUSTAINABLE ECONOMY AND GROWTH WITH EQUITY

7. Recommendation No. 202 recognizes that “social security is an *important tool* to prevent and reduce poverty, inequality, social exclusion and social insecurity” and that SPFs are established to “secure protection aimed at *preventing or alleviating poverty*, vulnerability and social exclusion” [Paragraphs 2 and 3(e)].
- (a) Does your Government have a national plan, programme or strategy to combat poverty and inequality and what is the role of social security/protection in attaining its objectives?
- (b) How is poverty defined and measured in your country? What national poverty lines are established particularly for extreme poverty and how are they calculated and monitored?
- (c) Is the social security/protection system used to prevent or reduce poverty? If so, please explain how.

- (a) Yes; the role of social security is paramount to combat poverty and inequality; housing, maintaining ones capabilities to work and function in general
- (b) Poverty is understood in industrialized countries such as Finland, as a relative poverty. In Finland, the relative poverty line is 60% of the average household income level.
- (c) Social security system is used to reduce poverty by offering benefits for rent, food and other necessary things. Other systems such as employment and educational policies are to prevent poverty by helping people to find work and educate them selves.

8. Recommendation No. 202 acknowledges that “the right to social security is, along with promoting employment, an economic and social necessity for development and progress, and ... that social security systems act as automatic social and economic stabilizers, help stimulate aggregate demand in times of crisis and beyond, and help support a transition to a more sustainable economy” [Preamble].
- (a) Please indicate whether and, if so, how the current economic, financial and labour market policies in your country support and implement these conclusions, in particular by enhancing “coherence with social, economic and employment policies” [Paragraph 3(l)].
- (b) Does the national SPF help to enhance formal employment, income generation, education, literacy, vocational training, skills and employability, reduce precariousness, and promote secure work, entrepreneurship and sustainable enterprises [Paragraph 10(c)]? If so, please indicate how.

- (a) Finnish negotiation systems, tripartite negotiations, have guaranteed the social, economic and

employment policies, but now they have been under scrutiny.

- (b) Yes; All of the above are mainly legally based rights. For example every one should have an education plan.

9. The Preamble to Recommendation No. 202 states that “sustainable long-term growth associated with social inclusion helps overcome extreme poverty and reduces social inequalities and differences within and among regions” [Preamble and Paragraphs 3(e) (l) and 15].

- (a) Please provide information you consider relevant on the experiences of combining economic growth with the extension of social security/protection, which may have been acquired by your country.
- (b) Are investments in social security/protection regarded as a factor sustaining long-term growth? Please give the most pertinent examples of the impact on poverty and social and regional inequalities of the policies which prioritize growth with equity.

(a)

- (b) Yes; For example the Finnish Pension system is paramount in sustaining long-term growth due to the funding nature of the system.

II. INSTITUTIONAL AND LEGAL FRAMEWORKS OF SOCIAL SECURITY – SOCIAL RESPONSIBILITY OF THE STATE

10. Recommendation No. 202 recognizes “the overall and primary responsibility of the State” [Paragraph 3] in establishing and maintaining a comprehensive social security system, including SPF, exercised according to a defined set of principles.

- (a) Is the social responsibility of the State defined in the constitutional and legal framework of your country? If so, please specify how. Does the State bear the overall and primary responsibility for the adequacy of benefits [Paragraph 3(c)] and the “financial, fiscal and economic sustainability” of the social security system, including SPF, “with due regard to social justice and equity” [Paragraph 3(k)]?
- (b) How are the social protection responsibilities, competencies and related financial resources distributed between the different levels of government – central government, regional governments, and local (municipal) authorities – and how is coherence ensured across these levels in national law and practice?

(a) Yes and no; in the Finnish constitution everyone should have the sufficient social security to get by. Since the Finnish social security is based on earnings related social security schemes paid by employers and employees, the social dialogue is essential in bearing the responsibilities for the adequacy of benefits etc.

(b) See above; Roughly said, the central government's responsibilities are mainly on the benefits and the regional and local government's responsibilities on the service such as active labour market policies, elderly care, healthcare etc.

Kommentti [RRM1]: This text has been moved to new para. 45.

11. Does the government ensure “transparent, accountable and sound financial management and administration” of the schemes constituting the social security/protection system, including SPFs [Paragraph 3(j)]? If so, please indicate how.

- (a) Are social security/protection institutions required by law to undertake audits, publish budget documents, prepare annual reports, and take other measures enhancing their transparency and accountability?
- (b) Are any of the social security/protection schemes in deficit and what measures are taken to redress the situation?

(a) Yes.
(b) No; In Finland there is a huge social healthcare reform going on, which is targeting on more efficient, economically sustainable service system.

12. Recommendation No. 202 provides that “entitlement to benefits”, in any social protection scheme, including those providing BSSGs, should be “established by law” [Paragraphs 3(b) and 7].

- (a) Please give a brief description of the legal framework implementing national SPF, specifying key provisions establishing coverage, qualifying conditions, level and duration of benefits delivering BSSGs.
- (b) Please indicate whether any modifications are envisaged or have been made to national legislation with a view to giving effect to the provisions of Recommendation No. 202.

(a) There are work related and resident based social security, example the level and the duration of the benefit are based on the legislation in question, for example the Unemployment Act.
(b)

13. Are measures put in place that “enhance compliance with national legal frameworks” establishing schemes providing BSSGs [Paragraph 7], including “measures to prevent fraud, tax evasion and non-payment of contributions” [Paragraph 11(1) and (2)]?

The Social Security Institution of Finland, the tax authorities and the occupational health and safety authorities gather information, investigate and collect wrongly paid benefits if necessary. The process is very effective and the is not that many neglects.

14. Does the national legal framework establishing BSSGs specify the complaint and appeal procedures that should be “impartial, transparent, effective, simple, rapid, accessible and inexpensive”? Is access to these procedures free of charge to the applicant [Paragraphs 3(o) and 7]?

III. POLICY FRAMEWORK – NATIONAL STRATEGIES FOR THE EXTENSION OF SOCIAL SECURITY

15. Have national objectives and priorities been identified in the area of social protection [Paragraphs 13–15]? Please indicate which and whether they include one or more of the following and enter the necessary explanations in the box below:

- establish and implement, as a priority, a national SPF or some elements of the floor as a starting point;
- implement the SPF as a new fundamental element of the national social security system;
- extend protection by establishing new social security guarantees covering additional risks;
- extend existing contributory schemes to all concerned persons with contributory capacity;

- extend existing social security schemes and benefits to persons in the informal economy;
- increase the existing minimum level of certain social security guarantees;
- consolidate, contain or reduce social security/protection expenses and budgets;
- complement social security/protection with active labour market policies and coordinate it better with other public policies;
- better coordinate existing contributory and non-contributory schemes, and social insurance with social assistance, so as to close gaps in protection;
- improve the design and regulatory framework for building a comprehensive social security system;
- undertake national consultations on social security matters through effective social dialogue and social participation;
- other objectives (please specify).

16. Have any of the abovementioned national objectives and priorities been framed into a national plan, programme or strategy for the extension of social security [Paragraph 13]?

- Yes, we are currently implementing a national plan/programme/strategy (NS).
- Yes, we are in the process of formulating a NS.
- No, but we intend to formulate a NS.
- No, we have not yet thought about developing a NS.
- No, we already possess a comprehensive social security/protection system.
- No, we are currently pursuing a strategy of fiscal consolidation and contraction of social spending.

17. In case the government has adopted a NS or is in the process of formulating one, please:

- (a) attach copies or web references of the official documents formulating the strategy;
- (b) specify the time frame and sequencing of measures, as well as the financial requirements and resources necessary for the progressive achievement of the objectives, including relevant international cooperation and support [Paragraphs 12 and 14(e)];
- (c) specify what objectives concerning the NS and SPF may have been included in the Decent Work Country Programme (DWCP).

18. In case the government does not have a national strategy for the extension of social security, please indicate the measures taken or envisaged by the government with a view to [Paragraph 14]:

- raising awareness about SPFs and social security extension strategies and undertaking information programmes, including through social dialogue;
- setting objectives for the extension of social security reflecting national priorities and economic and fiscal capacities, and identifying gaps in, and barriers to, protection.

Kommentti [RRM2]: This text has been moved to para. 44.

19. In case your government is currently pursuing a policy of fiscal consolidation and contraction of social spending, please indicate whether, before undertaking such a policy, an impact assessment of these policies on different categories of the population was carried out with a view to mitigating its effects on the most vulnerable and disadvantaged groups and persons with special needs in line with the principles of social solidarity, social inclusion, solidarity in financing and coherence between social protection and other public policies [Paragraphs 3(a), (e), (h) and (l),13(2) and 16].

In our opinion the government haven't taken all the necessary steps to assess the impacts of pursuing a policy of fiscal consolidation. For example down sizing the benefits for students and unemployed. On the other hand the earnings related pension reform 2017 was very well carried through with tripartite negotiations.

20. (a) Have mechanisms for regular monitoring progress in establishing and implementing SPFs and achieving other objectives of national social security policies and strategies been established in your country? If so, please specify which [Paragraphs 13 and 19].
- (b) Do they include tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations (please specify which) [Paragraph 19]?

(a) Yes; In Finland there is institutions that constantly monitore the social security policies and strategies .

(b) Yes.

21. Does the government regularly convene national consultations to assess progress and discuss policies for the further horizontal and vertical extension of social security [Paragraph 20]? If not, what measures are taken to ensure better participation and consultation in the future?

Yes.

22. Are social security/protection data, statistics and indicators regularly collected and published for this purpose and are they disaggregated, in particular, by gender [Paragraphs 21 and 22]? Please indicate which and provide a full list of relevant national databases and publications with web references.

Yes. For example Kelasto (<http://www.kela.fi/kelasto>), Tilastokeskus (<http://www.stat.fi/>), Institution of Health (www.thl.fi), The Finnish Centre of Pension (www.etk.fi)

IV. BASIC SOCIAL SECURITY GUARANTEES CONSTITUTING SOCIAL PROTECTION FLOORS

23. According to Paragraph 6 of Recommendation No. 202, Members should provide the BSSGs to at least all residents and children, as defined in national laws and regulations, subject to their existing international obligations.

- (a) How are the terms “residents” and “children” defined in national legislation? Do non-resident children or children of non-residents have access to some or all BSSGs for children? What residency status gives access to BSSGs as of right?
- (b) Which, if any, categories of residents are excluded? Would persons in an irregular or undocumented situation (e.g. homeless, victims of human trafficking, internally displaced persons, refugees, etc.) and their children have access in case of need to essential health care and basic income security (BIS)? (See also question 2(b).)

(a)
(b)

24. BSSGs should ensure that, “over the life cycle, all in need have access ... to goods and services defined as necessary at the national level” [Paragraph 4].

- (a) Is the situation of need defined by national laws and regulations? If so, what goods and services are defined as necessary for children, persons in active age and older persons [Paragraphs 4, 5(b) and 8(b)]?
- (b) How is the monetary value of a set of necessary goods and services calculated (e.g. reference budget method, minimum consumption basket, food and non-food costs, etc.) [Paragraph 8(b)]?

(a)
(b)

- (c) What income thresholds for statutory social assistance are established for different types of households and how are they calculated [Paragraph 8(b)]?
- (d) What other income thresholds are established for social protection purposes (e.g. minimum wage, guaranteed minimum income scheme, social pension, etc.) [Paragraph 8(b)]?

(c)
(d)

25. BIS should be established “at least at a nationally defined minimum level” [Paragraph 5].

- (a) Has a minimum level of income in cash or in kind guaranteeing BIS been legally defined for the following age groups (please specify age) and how is it calculated for [Paragraph 8(c)]:
 - children;
 - persons in active age who are unable to earn sufficient income;
 - older persons.
- (b) Do minimum levels of income defined in your country take into account regional differences and differences in age, gender, family composition, level of disability and other special needs [Paragraphs 3(d), 8(b) and 16]?

(a)

(b)

26. Does a procedure exist for the regular revision of the levels of BSSGs and when were they last reviewed? If so, please specify which [Paragraph 8(c)]. Does it include “tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned” [Paragraph 8(c) and (d)]?

Yes and the procedure includes tripartite participation. Regular reviews and revision happen on a daily basis on different Advisory Boards, Board of appeals etc.

27. What criteria and methods are used for reviewing the levels [Paragraph 8(c)]?

- (a) Do they help to prevent an increased risk of poverty?
(b) Have the levels of BSSGs been, or could they be, reviewed downwards?

28. Please specify which methods of resource mobilization are used to ensure financial, fiscal and economic sustainability of BIS and of essential health care [Paragraph 11]. (Please see note at the end of the questionnaire.)

A. BASIC INCOME SECURITY (BIS)

29. Please supply data on the level and coverage of existing benefits, schemes, social services and other public programmes providing BIS [Paragraph 5(b), (c) and (d)] for:

- children, including “access to nutrition, education, care and any other necessary goods and services” (table 1);
 “persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability” (table 2); and
 older persons (table 3).

Please see the detailed information from example Kelasto (<http://www.kela.fi/kelasto>) and ETK (<http://www.etk.fi/en/research-2/research/adequate-pension-provision/>).

30. Has the effectiveness and efficiency of the combination of benefits and schemes been assessed in terms of extending coverage and reducing poverty, vulnerability and social exclusion [Paragraph 9]? If not, would your government like the ILO to carry out such an assessment?

Yes.

31. Please indicate the gaps in, and barriers to, protection which may have been identified and what measures have been considered to enhance the delivery of BIS [Paragraph 14(b) and (c)].

32. Is the minimum level of BIS for children sufficient to ensure access to nutrition, education, care and any other necessary goods and services (please specify which) [Paragraph 5(b)]?

Yes.

33. How is provision of BIS for children coordinated with other policies that enhance education, literacy, vocational training, skills and employability [Paragraph 10(c)]?

B. ESSENTIAL HEALTH CARE

34. How is the notion of “essential health care” (or equivalent notion of minimum national set of health care services) defined in national laws or regulations [Paragraph 5(a)]?

- (a) What types of care are included in the basic package for children, persons in active age and older persons? Does it include maternity care?
- (b) Is it regularly reviewed with “tripartite participation of representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned” [Paragraph 8(c) and (d)]?

- (a) For example dental, old age care, basic health care. The Finnish health care system is very comprehensive through the individual's life cycle.
- (b) Yes

35. Please supply data on coverage and nature of benefits, schemes, social services and other public programmes delivering essential health care for children, persons in active age and older persons (table 4).

36. Have the effectiveness and efficiency of this combination been assessed by the “criteria of availability, accessibility, acceptability and quality” [Paragraph 5(a)]? (Please see note at the end of the questionnaire.)

If not, would your government like the ILO to assist you in carrying out such an assessment?

Yes

37. What gaps in coverage and barriers to protection have been identified, in particular for the population in rural and remote regions, the informal economy, disadvantaged groups and persons with special needs? What measures have been considered to enhance the delivery of essential health care to as many people as possible [Paragraphs 3(a) and (e), 15 and 16]?

38. Are the national rules concerning financing of the cost of essential health care, and in particular those imposing cost-sharing by the beneficiaries, so designed as to avoid hardship and prevent an increased risk of poverty for persons in need of health care [Paragraph 8(a)]?

Yes.

39. Are prices of goods and services comprising essential health care subject to government supervision, regulation, tax incentives or subsidies so as to make them accessible to persons of small means [Paragraphs 3(e) and (h), and 8(a)]?

Yes.

40. Is prenatal and postnatal medical care provided free of charge for the most vulnerable and under what conditions [Paragraph 8(a)]? If not, has a feasibility study been carried out for this purpose?

Yes.

V. STANDARDS-RELATED ACTION AND TECHNICAL COOPERATION

41. Recommendation No. 202 calls on countries to consider ratifying, as early as national circumstances allow, the Social Security (Minimum Standards) Convention, 1952 (No. 102), or other ILO social security Conventions setting out more advanced standards to guide the development of comprehensive social security systems [Paragraphs 17 and 18]. Would your country consider such ratification and in what time frame?

In our opinion the ILO 102 should be ratified as soon as possible.

42. What suggestions would your country wish to make concerning possible standards-related action to be taken by the ILO, including possible consolidation of up-to-date social security Conventions and Recommendations?

43. Please identify any obstacles impeding or delaying implementation of Recommendation No. 202 and indicate any measures taken or envisaged to overcome these obstacles.

44. Have there been any requests for policy support or technical cooperation provided by the ILO and what has been the effect of ILO assistance? What are your country's needs in terms of future policy advisory support and technical cooperation to give effect to the objectives of Recommendation No. 202? How could the ILO best support country efforts in the horizontal and vertical extension of social security? Would your country wish to undertake, in cooperation with the ILO, a process of Assessment-Based National Dialogue on Policy Options in Social Protection?

45. If your country is a federal State, please indicate:

(a) whether, under the constitutional system, the provisions of this Recommendation are regarded by the federal government as appropriate for federal action or for action, in whole or in part, by the constituent states, provinces or cantons;

(b) whether it has been possible to make any arrangements within the federal State with a view to promoting coordinated action to give effect to all or some of the provisions of Recommendation No. 202; please give a general indication of any results achieved through such action.

(a)

(b)

46. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the ILO. Please state whether you have received from the organizations of employers and workers concerned any observations concerning the effect given, or to be given, to Recommendation No. 202. If so, please communicate a copy of the observations received together with any comments that you may consider useful.

TABLES TO QUESTIONS 30 AND 35

COMBINATION OF BENEFITS, SCHEMES AND POLICIES PROVIDING BASIC SOCIAL SECURITY
GUARANTEES, WHICH ARE DEEMED TO FORM PART OF THE NATIONAL SOCIAL PROTECTION FLOOR

Table 1. Benefits, schemes and policies providing basic income security for children aged 0–15/...

Table 2. Benefits, schemes and policies providing basic income security for persons in active age (15–65)

Table 3. Benefits, schemes and policies providing basic income security for older persons aged 65+

Table 4. Benefits, schemes and policies providing essential health care

In each table, please enter into the cell corresponding to the type of benefit and scheme/policy providing basic income security or essential health care **ONLY** the exact name of the benefit which forms part of the national social protection floor. All other information about each benefit thus entered into the table shall be provided separately following the template below:

1. Name of the benefit/guarantee
2. Categories of persons protected and qualifying conditions
3. Guaranteed minimum amount(s) of cash benefit or quantity of benefit in kind (for each category of persons protected)
4. Average number of persons actually receiving such minimum amounts or quantity of benefit
5. Total number (or estimate) of persons covered by the corresponding scheme/programme
6. Total expenditure spent annually on the scheme/programme, including cost of administration and delivery of benefits

Table 1. Benefits, schemes and policies providing basic income security for children aged 0–15/...

Benefits, schemes and policies	Child cash benefits	Cash benefits to families with children	Orphans' (survivors') benefits	Benefits in kind (food, clothing, holidays, etc.)	Other benefits and guarantees	Vulnerable, disadvantaged groups – abandoned, homeless children	Children with special needs, disabled children
Universal							
Social insurance							
Social assistance, housing allowance, GMI							
Social safety nets, targeted anti-poverty programmes							
Social policy: services, care, education							
Fiscal policy: negative income tax, tax incentives, etc.							
Employment policy: public works, employment support, vocational training, etc.							
Economic policy: SME, micro-credit, regional development, etc.							
Other public policies providing social benefits (e.g. youth and sports, family planning, etc.)							
Schemes supported by international donors and NGOs							

Table 2. Benefits, schemes and policies providing basic income security for persons in active age (15–65 years old)

Benefits, schemes and policies	Maternity/paternity	Sickness	Disability	Employment injury	Widow/widower (survivors' benefit)	Unemployment	Other benefits and guarantees	Benefits to vulnerable and disadvantaged groups	Benefits to persons with special needs
Universal									
Social insurance									
Social assistance, housing allowance, GMI									
Social safety nets, targeted anti-poverty programmes									
Social policy: services, care, education									
Fiscal policy: negative income tax, tax incentives, etc.									
Employment policy: public works, employment support, vocational training, etc.									
Economic policy: SME, micro-credit, regional development, etc.									
Other public policies providing social benefits									
Schemes supported by international donors and NGOs									

Table 3. Benefits, schemes and policies providing basic income security for older persons aged 65+

Benefits, schemes and policies	Main old-age pension	Supplementary provisions	Benefits for advanced age (80+)	Other benefits and guarantees, benefits in kind	Benefits to vulnerable, disadvantaged groups	Benefits to persons with special needs
Universal						
Social insurance						
Social assistance, housing allowance, GMI						
Social safety nets, targeted anti-poverty programmes						
Social policy: services, care, education						
Fiscal policy: negative income tax, tax incentives, etc.						
Employment policy: public works, employment support, vocational training, etc.						
Economic policy: SME, micro-credit, regional development, etc.						
Other public policies providing social benefits (e.g. healthy ageing, gender equality, etc.)						
Schemes supported by international donors and NGOs						

Table 4. Benefits, schemes and policies providing essential health care

Benefits, schemes and policies	Emergency health care	Preventive care, vaccination	Maternity care	Health care to children (0–15 years)	Health care to adults (15–65 years)	Health care to older persons (65+ years)	Medicines and in-kind benefits	Vulnerable, disadvantaged groups	Persons with special needs
Universal									
Social insurance									
Social assistance, housing allowance, GMI									
Social safety nets, targeted anti-poverty programmes									
Social policy: services, care, education									
Fiscal policy: negative income tax, tax incentives, etc.									
Employment policy: public works, employment support, vocational training, etc.									
Economic policy: SME, micro-credit, regional development, etc.									
Other public policies providing social benefits (e.g. youth, sports, family planning, gender equality, etc.)									
Schemes supported by international donors and NGOs									

NOTE: During the preparatory work, it was agreed to use, with respect to the notion of essential health care, wording consistent with the agreed definition set out in general comment No. 14 (2000) regarding the right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights).

(a) Availability. Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's level of development. They will include, however, the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs, as defined by the WHO Action Programme on Essential Drugs.

(b) Accessibility. Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions: (i) non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds; (ii) physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities; (iii) economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households; (iv) information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.

(c) Acceptability. All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.

(d) Quality. As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.

Recommendation No. 202

RECOMMENDATION CONCERNING NATIONAL FLOORS OF SOCIAL PROTECTION

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 101st Session on 30 May 2012, and

Reaffirming that the right to social security is a human right, and

Acknowledging that the right to social security is, along with promoting employment, an economic and social necessity for development and progress, and

Recognizing that social security is an important tool to prevent and reduce poverty, inequality, social exclusion and social insecurity, to promote equal opportunity and gender and racial equality, and to support the transition from informal to formal employment, and

Considering that social security is an investment in people that empowers them to adjust to changes in the economy and in the labour market, and that social security systems act as automatic social and economic stabilizers, help stimulate aggregate demand in times of crisis and beyond, and help support a transition to a more sustainable economy, and

Considering that the prioritization of policies aimed at sustainable long-term growth associated with social inclusion helps overcome extreme poverty and reduces social inequalities and differences within and among regions, and

Recognizing that the transition to formal employment and the establishment of sustainable social security systems are mutually supportive, and

Recalling that the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to contribute to “achiev[ing] ... the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care”, and

Considering the Universal Declaration of Human Rights, in particular Articles 22 and 25, and the International Covenant on Economic, Social and Cultural Rights, in particular Articles 9, 11 and 12, and

Considering also ILO social security standards, in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69), and noting that these standards are of continuing relevance and continue to be important references for social security systems, and

Recalling that the ILO Declaration on Social Justice for a Fair Globalization recognizes that “the commitments and efforts of Members and the Organization to implement the ILO’s constitutional mandate, including through international labour standards, and to place full and productive employment and decent work at the centre of economic and social policies, should be based on ... (ii) developing and enhancing measures of social protection ... which are sustainable and adapted to national circumstances, including ... the extension of social security to all”, and

Considering the resolution and Conclusions concerning the recurrent discussion on social protection (social security) adopted by the International Labour Conference at its 100th Session (2011), which recognize the need for a Recommendation complementing existing ILO social security standards and providing guidance to Members in building social protection floors tailored to national circumstances and levels of development, as part of comprehensive social security systems, and

Having decided upon the adoption of certain proposals with regard to social protection floors, which are the subject of the fourth item on the agenda of the session, and

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

adopts this fourteenth day of June of the year two thousand and twelve the following Recommendation, which may be cited as the Social Protection Floors Recommendation, 2012.

I. OBJECTIVES, SCOPE AND PRINCIPLES

1. This Recommendation provides guidance to Members to:

- (a) establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and
- (b) implement social protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards.

2. For the purpose of this Recommendation, social protection floors are nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

3. Recognizing the overall and primary responsibility of the State in giving effect to this Recommendation, Members should apply the following principles:

- (a) universality of protection, based on social solidarity;
- (b) entitlement to benefits prescribed by national law;
- (c) adequacy and predictability of benefits;
- (d) non-discrimination, gender equality and responsiveness to special needs;
- (e) social inclusion, including of persons in the informal economy;
- (f) respect for the rights and dignity of people covered by the social security guarantees;
- (g) progressive realization, including by setting targets and time frames;
- (h) solidarity in financing while seeking to achieve an optimal balance between the responsibilities and interests among those who finance and benefit from social security schemes;
- (i) consideration of diversity of methods and approaches, including of financing mechanisms and delivery systems;
- (j) transparent, accountable and sound financial management and administration;
- (k) financial, fiscal and economic sustainability with due regard to social justice and equity;
- (l) coherence with social, economic and employment policies;
- (m) coherence across institutions responsible for delivery of social protection;
- (n) high-quality public services that enhance the delivery of social security systems;
- (o) efficiency and accessibility of complaint and appeal procedures;
- (p) regular monitoring of implementation, and periodic evaluation;
- (q) full respect for collective bargaining and freedom of association for all workers; and
- (r) tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.

II. NATIONAL SOCIAL PROTECTION FLOORS

4. Members should, in accordance with national circumstances, establish as quickly as possible and maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.

5. The social protection floors referred to in Paragraph 4 should comprise at least the following basic social security guarantees:

- (a) access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- (d) basic income security, at least at a nationally defined minimum level, for older persons.

6. Subject to their existing international obligations, Members should provide the basic social security guarantees referred to in this Recommendation to at least all residents and children, as defined in national laws and regulations.

7. Basic social security guarantees should be established by law. National laws and regulations should specify the range, qualifying conditions and levels of the benefits giving effect to these guarantees. Impartial, transparent, effective, simple, rapid, accessible and inexpensive complaint and appeal procedures should also be specified. Access to complaint and appeal procedures should be free of charge to the applicant. Systems should be in place that enhance compliance with national legal frameworks.

8. When defining the basic social security guarantees, Members should give due consideration to the following:

- (a) persons in need of health care should not face hardship and an increased risk of poverty due to the financial consequences of accessing essential health care. Free prenatal and postnatal medical care for the most vulnerable should also be considered;
- (b) basic income security should allow life in dignity. Nationally defined minimum levels of income may correspond to the monetary value of a set of necessary goods and services, national poverty lines, income thresholds for social assistance or other comparable thresholds established by national law or practice, and may take into account regional differences;
- (c) the levels of basic social security guarantees should be regularly reviewed through a transparent procedure that is established by national laws, regulations or practice, as appropriate; and
- (d) in regard to the establishment and review of the levels of these guarantees, tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned, should be ensured.

9. (1) In providing the basic social security guarantees, Members should consider different approaches with a view to implementing the most effective and efficient combination of benefits and schemes in the national context.

(2) Benefits may include child and family benefits, sickness and health-care benefits, maternity benefits, disability benefits, old-age benefits, survivors' benefits, unemployment benefits and employment guarantees, and employment injury benefits as well as any other social benefits in cash or in kind.

(3) Schemes providing such benefits may include universal benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes.

10. In designing and implementing national social protection floors, Members should:

- (a) combine preventive, promotional and active measures, benefits and social services;
- (b) promote productive economic activity and formal employment through considering policies that include public procurement, government credit provisions, labour inspection, labour market policies and tax incentives, and that promote education, vocational training, productive skills and employability; and
- (c) ensure coordination with other policies that enhance formal employment, income generation, education, literacy, vocational training, skills and employability, that reduce precariousness, and that promote secure work, entrepreneurship and sustainable enterprises within a decent work framework.

11. (1) Members should consider using a variety of different methods to mobilize the necessary resources to ensure financial, fiscal and economic sustainability of national social protection floors, taking into account the contributory capacities of different population groups. Such methods may include, individually or in combination, effective enforcement of tax and contribution obligations, reprioritizing expenditure, or a broader and sufficiently progressive revenue base.

(2) In applying such methods, Members should consider the need to implement measures to prevent fraud, tax evasion and non-payment of contributions.

12. National social protection floors should be financed by national resources. Members whose economic and fiscal capacities are insufficient to implement the guarantees may seek international cooperation and support that complement their own efforts.

III. NATIONAL STRATEGIES FOR THE EXTENSION OF SOCIAL SECURITY

13. (1) Members should formulate and implement national social security extension strategies, based on national consultations through effective social dialogue and social participation. National strategies should:

- (a) prioritize the implementation of social protection floors as a starting point for countries that do not have a minimum level of social security guarantees, and as a fundamental element of their national social security systems; and
- (b) seek to provide higher levels of protection to as many people as possible, reflecting economic and fiscal capacities of Members, and as soon as possible.

(2) For this purpose, Members should progressively build and maintain comprehensive and adequate social security systems coherent with national policy objectives and seek to coordinate social security policies with other public policies.

14. When formulating and implementing national social security extension strategies, Members should:

- (a) set objectives reflecting national priorities;
- (b) identify gaps in, and barriers to, protection;
- (c) seek to close gaps in protection through appropriate and effectively coordinated schemes, whether contributory or non-contributory, or both, including through the extension of existing contributory schemes to all concerned persons with contributory capacity;
- (d) complement social security with active labour market policies, including vocational training or other measures, as appropriate;
- (e) specify financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives; and
- (f) raise awareness about their social protection floors and their extension strategies, and undertake information programmes, including through social dialogue.

15. Social security extension strategies should apply to persons both in the formal and informal economy and support the growth of formal employment and the reduction of informality, and should be consistent with, and conducive to, the implementation of the social, economic and environmental development plans of Members.

16. Social security extension strategies should ensure support for disadvantaged groups and people with special needs.

17. When building comprehensive social security systems reflecting national objectives, priorities and economic and fiscal capacities, Members should aim to achieve the range and levels of benefits set out in the Social Security (Minimum Standards) Convention, 1952 (No. 102), or in other ILO social security Conventions and Recommendations setting out more advanced standards.

18. Members should consider ratifying, as early as national circumstances allow, the Social Security (Minimum Standards) Convention, 1952 (No. 102). Furthermore, Members should consider ratifying, or giving effect to, as applicable, other ILO social security Conventions and Recommendations setting out more advanced standards.

IV. MONITORING

19. Members should monitor progress in implementing social protection floors and achieving other objectives of national social security extension strategies through appropriate nationally defined mechanisms, including tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned.

20. Members should regularly convene national consultations to assess progress and discuss policies for the further horizontal and vertical extension of social security.

21. For the purpose of Paragraph 19, Members should regularly collect, compile, analyse and publish an appropriate range of social security data, statistics and indicators, disaggregated, in particular, by gender.

22. In developing or revising the concepts, definitions and methodology used in the production of social security data, statistics and indicators, Members should take into consideration relevant guidance provided by the International Labour Organization, in particular, as appropriate, the resolution concerning the development of social security statistics adopted by the Ninth International Conference of Labour Statisticians.

23. Members should establish a legal framework to secure and protect private individual information contained in their social security data systems.

24. (1) Members are encouraged to exchange information, experiences and expertise on social security strategies, policies and practices among themselves and with the International Labour Office.

(2) In implementing this Recommendation, Members may seek technical assistance from the International Labour Organization and other relevant international organizations in accordance with their respective mandate.