



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2620 της 26ης ΙΟΥΛΙΟΥ 1991
ΝΟΜΟΘΕΣΙΑ

Ο Κυρωτικός της Σύμβασης περί Ελαχίστων Ορίων Κοινωνικής Ασφάλειας Νόμος του 1991 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 158 του 1991

ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΣΥΜΒΑΣΗΣ 102
ΤΟΥ ΔΙΕΘΝΟΥΣ ΓΡΑΦΕΙΟΥ ΕΡΓΑΣΙΑΣ
ΠΕΡΙ ΚΟΙΝΩΝΙΚΗΣ ΑΣΦΑΛΕΙΑΣ (ΕΛΑΧΙΣΤΑ ΟΡΙΑ) ΤΟΥ 1952

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός της Σύμβασης περί Ελαχίστων Ορίων Κοινωνικής Ασφάλειας Νόμος του 1991.

Συνοπτικός
τίτλος.

2. Κατά την έννοια του παρόντος Νόμου—

Ερμηνεία.

«Σύμβαση» σημαίνει την περί Κοινωνικής Ασφάλειας (Ελάχιστα Όρια) Σύμβαση που υιοθέτησε το 1952 η Διεθνής Συνδιάσκεψη της Διεθνούς Οργάνωσης Εργασίας, την προσχώρηση της Δημοκρατίας την οποία ενέκρινε το Υπουργικό Συμβούλιο με την υπ' αρ. 31.863 και ημερομηνία 1η Ιουνίου 1989 Απόφασή του και της οποίας το πρωτότυπο κείμενο εκτίθεται στην αγγλική στο Μέρος Α του Πίνακα και σε ελληνική μετάφραση στο Μέρος Β του Πίνακα.

Πίνακας
Μέρος Α
Μέρος Β
Κύρωση.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

(2) Σε περίπτωση αντίθεσης μεταξύ του στο Μέρος Α πρωτότυπου κειμένου και της στο Μέρος Β ελληνικής μετάφρασης επικρατεί το στο Μέρος Α πρωτότυπο κείμενο.

4. Για τους σκοπούς του άρθρου 2(α) (β) της Σύμβασης η Δημοκρατία αναγνωρίζει ότι εκτός από τις υποχρεώσεις του Μέρους Ι, αποδέχεται και θα εφαρμόζει και τις υποχρεώσεις που απορρέουν από τα Μέρη ΙΙΙ, ΙV, V, VI, IX, X, της Σύμβασης.

ΠΙΝΑΚΑΣ
(Άρθρο 2)
ΠΡΩΤΟ ΜΕΡΟΣ
CONVENTION No. 102 CONCERNING MINIMUM
STANDARDS OF SOCIAL SECURITY

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the Inter-
national 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 inter-
national 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—