

INTERNATIONAL LABOUR ORGANISATION

Convention concerning compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions and for outworkers and domestic servants, adopted by the General Conference of the International Labour Organisation at its seventeenth session, Geneva, 29 June 1933, as modified by the Final Articles Revision Convention, 1946

English and French official texts communicated by the Director-General of the International Labour Office. The registration took place on 15 September 1949.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention concernant l'assurance-décès obligatoire des salariés des entreprises industrielles et commerciales, des professions libérales, ainsi que des travailleurs à domicile et des gens de maison, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa dix-septième session, Genève, 29 juin 1933, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946

Textes officiels anglais et français communiqués par le Directeur général de l'Organisation internationale du Travail. L'enregistrement a eu lieu le 15 septembre 1949.

No. 621. CONVENTION¹ CONCERNING COMPULSORY WIDOWS' AND ORPHANS' INSURANCE FOR PERSONS EMPLOYED IN INDUSTRIAL OR COMMERCIAL UNDERTAKINGS, IN THE LIBERAL PROFESSIONS, AND FOR OUTWORKERS AND DOMESTIC SERVANTS, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

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 Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory widows' and orphans' insurance, which is included in the second item on the agenda of the Session, and

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

adopts this twenty-ninth day of June of the year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Survivors' Insurance (Industry, etc.) Convention, 1933, 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 set up or maintain a scheme of compulsory widows' and orphans' insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory widows' and orphans' insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants.

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 282.

² United Nations, *Treaty Series*, Volume 38, page 3.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of—

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions;
- (b) workers who are not paid a money wage;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners;
- (e) members of the employer's family;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit and persons engaged solely in occasional or subsidiary employment;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies;
- (j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons whose survivors will, by virtue of any law, regulations or special scheme, become entitled to benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

Article 3

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case

of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widows' pension.

Article 4

1. Notwithstanding the provisions of Article 5, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

Article 5

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed.

(a) Where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) Where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

Article 6

The widows' and orphans' insurance scheme shall as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

Article 7

1. The right to a widow's pension may be reserved to widows who are above a prescribed age or are invalid.

2. The provisions of paragraph 1 shall not apply in the case of special schemes for non-manual workers.

3. The right to a widow's pension may be restricted to cases where the marriage has lasted for a prescribed period and was contracted before the insured or pensioned person had reached a prescribed age or become invalid.

4. The rights to a widow's pension may be withheld if, at the time of the death of the insured or pensioned person, the marriage had been dissolved or if a separation had been pronounced in proceedings in which the wife was found solely at fault.

5. Where there are several claimants to a widow's pension, the amount payable may be limited to that of one pension.

Article 8

1. Any child who has not reached a prescribed age which shall not be less than fourteen shall be entitled to a pension in respect of the death of either parent.

2. Provided that the right to a pension in respect of the death of an insured or pensioned mother may either be made conditional upon the mother's having contributed to the support of the child or be made conditional upon her having been a widow at the time of her death.

3. National laws or regulations shall determine the cases in which a child other than a legitimate child shall be entitled to a pension.

Article 9

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.