

No. 2838

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 102) concerning minimum standards of social security. Adopted by the General Conference of the International Labour Organisation at its thirty-fifth session, Geneva, 28 June 1952

Official texts: English and French.

Registered by the International Labour Organisation on 23 May 1955.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 102) concernant la norme minimum de la sécurité sociale. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa trente-cinquième session, Genève, 28 juin 1952

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 23 mai 1955.

No. 2838. CONVENTION¹ (No. 102) CONCERNING MINIMUM STANDARDS OF SOCIAL SECURITY. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS THIRTY-FIFTH SESSION, GENEVA, 28 JUNE 1952

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;

¹ In accordance with article 79, the Convention came into force on 27 April 1955, twelve months after the date on which the ratifications of two members of the International Labour Organisation (Sweden and the United Kingdom of Great Britain and Northern Ireland) had been registered with the Director-General of the International Labour Office. Thereafter the Convention comes into force for any member twelve months after the date on which its ratification has been so registered.

The ratifications of the following States were registered with the Director-General of the International Labour Office on the dates indicated :

SWEDEN	12 August	1953
(Accepting Parts IV, VI, VII of the Convention)		
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	27 April	1954
(Accepting Parts II, III, IV, V, VII and X of the Convention)		
NORWAY	30 September	1954
(Accepting Parts II, III, IV, V, VI and VII of the Convention)		
YUGOSLAVIA	20 December	1954
(Accepting Parts II, III, IV, V, VI, VIII and X of the Convention)		

- (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 Constitution¹ 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.

¹ United Nations, *Treaty Series*, Vol. 15, p. 40; Vol. 18, p. 386; Vol. 20, p. 307, and Vol. 191, p. 359.

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 the 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