Chapter – 3
SOCIAL SECURITY UNDER INTERNATIONAL LEGAL REGIME

"Working for social justice is our assessment of the past and our mandate for the future".  

Juan Somavia,

I. INTRODUCTION

The term "social security" means any scheme or programme established by legislation, or any other mandatory arrangement, which provides protection, whether in cash or in kind, in the event of employment accidents, occupational diseases, unemployment, maternity, sickness, invalidity, old age, retirement, survivorship, or death, and encompasses, among others, benefits for children and other family members, health care benefits, prevention, rehabilitation, and long-term care. It can include social insurance, social assistance, mutual benefit schemes, provident funds, and other arrangements which, in accordance with national law or practice, form part of a country's social security system.¹

Social security is a concept, which states that, “everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”² In simple term, this means that the signatories agree that society in which a person lives should help them to develop and to make the most of all the advantages (cultural, work, social welfare) which are offered to them in the country.³

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² Universal Declaration of Human Rights, 1948, Article 22.
There is a mention of the workmen of Deir-el-Medina⁴, worked for the state they built the tombs in the Valley of the Kings near Thebes⁵. A limestone ostracon lists the quantities of grain that served as basic wages. Four women are also named. They are not noted herein as slaves, though female slaves are appropriately noted as such in other lists. Perhaps these were widows of workmen and were thus being included in compensation. Even if this is true, however, it is not clear if these women were elderly. The older men of the village, explicitly noted as "old", received a monthly grain-ration as well, though theirs’ was lower than that of the ordinary workmen.

Social security originated in Germany, when in 1881, Emperor William I urged upon the Reichstag to adopt social insurance schemes.⁶ This term in the United States has spread throughout the world. Social security is the aim of all social welfare activities of all countries following different ideologies, different social and political structures and different economic policies. Abraham Epstein, the Executive Secretary of the American Association of Social Security is credited with originating the term ‘social security’.⁷

Advocacy for an international organization dealing with labour issues began in the nineteenth century, led by two industrialists, Robert Owen and Daniel Legrand. The driving forces for ILO’s creation arose from security, humanitarian, political and economic considerations. Summarizing them, the ILO Constitution's Preamble provides that High Contracting Parties were 'moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world. There was keen appreciation of the importance of social justice in securing peace, against a background of exploitation

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⁴ Deir el-Medina is an ancient Egyptian village which was home to the artisans who worked on the tombs in the Valley of the Kings during the 18th to 20th dynasties of the New Kingdom period (ca. 1550–1080 BC)
⁵ Thebes is the Greek name for a city in Ancient Egypt, natively known as Waset, located about 800 km south of the Mediterranean, on the east bank of the river Nile within the modern city of Luxor. The Theban Necropolis is situated nearby on the west bank of the Nile.
of workers in the industrializing nations of that time. There was also increasing understanding of the world's economic interdependence and the need for co-operation to obtain similarity of working conditions in countries competing for markets.8

At that stage many countries made efforts at their own level for regulation of labour supply, prevention of unemployment and provision of an adequate living wage, protection of the workers against sickness, disease and injury arising out of his employment, protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, organization of vocational and technical education, and other measures.9 At that time collective efforts were not made at international level. The International Conference of National Unions of Mutual Benefit Societies and Sickness Insurance Funds was launched in Brussels in October 1927. The initiative of creating it was directly linked to the steps being undertaken by the International Labour Organization (ILO) to introduce international regulations for the economic and health protection of workers by means of social insurance schemes.

In most countries, and particularly those where it originated, social security has developed by stages. New branches and new categories of beneficiaries are being added to the original ones. Between the two world wars, experts considered the possibility of integration by reducing the number of branches to two only medical care and loss of earnings.10 Which was the mainspring in the expansion of social security that had witnessed for close to a quarter of a century in a society given a new impetus by the liberation, helped

9 Id.
to bring to the fore. The two basic trends in social security policy, one aimed at guaranteeing, if possible, a minimum standard of subsistence for everybody and the other aimed at maintaining the individual standard of living according to income from work.\textsuperscript{11} The social importance of social security systems for society is now widely accepted. However, there is less unanimity regarding the economic importance of social security systems. Regardless, that social security systems should be understood as a productive factor in economic development is a view that is gaining ground.

When arguing the case for the economic importance of social security provision, European social security history is particularly instructive. Many European countries introduced social security programmes early in their development; before they were rich societies. European history also shows that efficient economies and efficient social security systems can grow hand-in-hand, and that the latter is not a brake on the former. Clearly, all countries can develop their social security systems according to their own socio-economic needs and circumstances. Nonetheless, on the basis of European experience, the message for developing countries is clear that effective and efficient social security systems are key to long term social and economic development.\textsuperscript{12}

The Philadelphia Charter\textsuperscript{13} provided that the poverty anywhere constitutes a danger to prosperity everywhere is really appropriate even today. The developed countries have realized that if they have to enjoy the fruits of progress, it is essential for the whole world to unite and work in close co-operation with one another. It has now been recognized that nations do not and cannot live alone by themselves but only as parts of “one world” and political or economic disturbances in one area are bound to create far reaching effects in

\textsuperscript{11} Ibid at 162.
\textsuperscript{12} Available at http://www.issa.int/Topics/About-social-security (visited on September 18, 2013).
\textsuperscript{13} The Declaration of Philadelphia, May 10, 1944 restated the traditional objectives of the International Labour Organisation.
other parts of the world. Universal peace can be achieved through the contentment of the masses that has come to be the ideal. To help in the attainment of this objective of social justice, the International Labour Organization was established in 1919. International organizations which have contributed in the field of social security are-

a. International Labour Organization
b. International Social Security Association
c. Other International Organizations

a. INTERNATIONAL LABOUR ORGANIZATION (ILO)

The ILO was created in 1919, as part of the Treaty of Versailles that ended World War I, to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice. The Constitution contained ideas tested within the International Association for Labour Legislation, founded in Basel in 1901. Campaign for the establishment of an international organization dealing with labour issues began in the nineteenth century, led by two industrialists, Robert Owen and Daniel Legrand. There was keen appreciation of the importance of social justice in securing peace, against a background of exploitation of workers in the industrializing nations of that time. There was also increasing understanding of the world's economic interdependence and the need for co-operation to obtain similarity of working conditions in countries competing for markets.

Over the course of the First World War, the international labour movement proposed a comprehensive programme of protection for the working classes, conceived as compensation for labour's support during the war. Post-war reconstruction and the protection of labour unions occupied the attention of many nations during and immediately after World War I. In Great Britain, the Whitley Commission, a subcommittee of the Reconstruction Commission,

14 *Supra* note 3 at 492.
15 *Supra* note 8.
recommended in its July 1918 Final Report that "industrial councils" be established throughout the world. The British Labour Party had issued its own reconstruction programme in the document titled Labour and the New Social Order. In February 1918, the third Inter-Allied Labour and Socialist Conference (representing delegates from Great Britain, France, Belgium and Italy) issued its report, advocating an international labour rights body, an end to secret diplomacy, and other goals and in December 1918, the American Federation of Labour (AFL) issued its own distinctively apolitical report, which called for the achievement of numerous incremental improvements via the collective bargaining process.\textsuperscript{16}

Even before the establishment of the ILO, attempts were made in the 19th century to form international organizations to bring together the working classes in different countries. As economic problems were considered more as problems relating to labour, the earlier attempts were greatly directed towards improving the conditions of workers. Labour was considered to be the pivot of the whole economic system and "the sole constituent of value". Whereas the League of Nations and other international agencies had either failed to bring positive results or could not stand the onslaught of the Second World War, the ILO alone has survived and has achieved remarkable results.\textsuperscript{17}

The ILO is the first international body which is not expressly concerned with the political questions but its role is limited to the problems of industry and with the conditions under which ordinary workers throughout the world work and live. Its motto is that there can be no peace without social justice and no social justice without peace. Its meaning, nature and activities centre around three words peace, social justice and labour.\textsuperscript{18}

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\textsuperscript{16} Available at http://en.wikipedia.org/wiki/International_Labour_Organization\#cite_ref-
\textsuperscript{16} (visited on September 15, 2010).
\textsuperscript{17} \textit{Supra} note 3 at 492.
\textsuperscript{18} \textit{Supra} note 8.
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i. **Role of the Treaty of Versailles in the Establishment of ILO**

As part of the Treaty of Versailles that ended World War I, The ILO was created in 1919. The Constitution was drafted between January and April, 1919, by the Labour Commission set up by the Peace Conference, which first met in Paris and then in Versailles. The Commission, chaired by Samuel Gompers, head of the American Federation of Labour (AFL) in the United States, was composed of representatives from nine countries.\(^{19}\) It resulted in a tripartite organization, the only one of its kind bringing together representatives of governments, employers and workers in its executive bodies.\(^{20}\) The Treaty to abolish the ‘injustice, hardship and privation’ which workers suffered and to guarantee ‘fair and humane’ conditions of labour.

The treaty was registered by the Secretariat of the League of Nations on October 21\(^{st}\) 1919.\(^{21}\) Began in early 1919 and completed in April after several months of hard bargaining, it was presented to Germany for consideration on 7 May 1919.\(^{22}\) The treaty referred to the need for the workers, providing them the right to social security.

There is parity of representation as between government and non-government groups and also between employers and workers groups. The structure of the organization has helped in welding together employers and workers in different countries into independent organizations.\(^{23}\)

ii. **Objectives of ILO**

The International Labour Organization (ILO) is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that labour peace is

\(^{19}\) Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States.


\(^{21}\) Id.

\(^{22}\) Available at http://www.firstworldwar.com/source/versailles.htm (visited on November 18, 2012).

essential to prosperity. Today, the ILO helps advance the creation of decent work and the economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress. Its tripartite structure provides a unique platform for promoting decent work for all women and men. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.\textsuperscript{24} The Declaration provides its objectives.\textsuperscript{25} These are as under:

1. Full employment and rise in living standards;
2. Minimum living wages;
3. Social security;
4. Recognition to the right of collective bargaining;
5. Proper security of health of the workers;
6. Child welfare;
7. Proper arrangements of housing, entertainment, etc;
8. Assurance of equal opportunity in education and employment.\textsuperscript{26}

Since its creation in 1919, ILO has actively promoted policies and provided its member States with tools and assistance aimed at improving and expanding the coverage of social protection to all groups in society and for improving working conditions and safety at work.\textsuperscript{27} This tripartite structure makes the ILO a unique forum in which the governments and the social partners of the economy of its 185 Member States can freely and openly debate and elaborate labour standards and policies.\textsuperscript{28}

\textsuperscript{25} Declaration of Philadelphia of ILO, Article 3.
\textsuperscript{26} Dr. S.P. Gupta, International Organisation, 82 (2009).
\textsuperscript{27} Available at http://www.ilo.org/global/about-the-ilo/decent-work-agenda/social-protection (visited on February 16, 2013).
iii. **Basic Principles of the Labour Policy of the ILO**

The General Conference of ILO, reaffirmed these principles and adopted a Declaration concerning the aims and purposes of the organization and which were to inspire the policy of its members.\(^\text{29}\) The Declaration is popularly known as the ‘Philadelphia Charter.’ Its basic principles are-

1. Labour is not a commodity.
2. Freedom of expression and of association are essential to continue progress.
3. Poverty anywhere constitutes a danger to prosperity everywhere.\(^\text{30}\)
4. War against want requires to be carried on with unending vigour within each nation and by continuous efforts in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussions and with a democratic way, with a view to the promotion of the common welfare.\(^\text{31}\)

iv. **Composition of ILO**

The ILO serves the needs of working women and men by bringing together governments, employers and workers to set labour standards, develop policies and devise programmes for labour welfare. The very structure of the ILO, where workers and employers together have an equal voice with governments in its deliberations, shows social dialogue in action. It ensures that the views of the social partners are closely reflected in ILO labour standards, policies and programmes. The ILO accomplishes its work through three main bodies-

1. The International Labour Conference,
2. The Governing Body and
3. International Labour Office

\(^{29}\) 26th session held in Philadelphia in 1944.
Which comprise governments', employers' and workers' representatives.\textsuperscript{32}

1. The International Labour Conference

It is the supreme deliberative body of the ILO and acts as the legislative wing of the organization. The International Labour Conference elects the governing body and adopts international labour standards in the form of Conventions and Recommendations collectively known as the International Labour Code and provides a forum for discussion on social and labour questions. This organization holds its session very frequently minimum once a year. These sessions are attended by the members of three hands like government, the employers and the workers. They attend these sessions in the ratio of 2:1:1: i.e. government, employers and the workers respectively. Its scope is very wide. Its main functions relate to formulate labour standards, decide budget, studies the labour problems and appoint committees to deal with different problems etc.\textsuperscript{33} This body of law began with the adoption of six Conventions and six Recommendations by the first International Labour Conference in 1919\textsuperscript{34} and At present ILO has 189 Conventions and 202 Recommendations.\textsuperscript{35}

The ILC provides a forum for discussion and deliberation of international labour problems and then formulates the standards in the form of conventions and recommendations. These conventions and recommendations are collectively known as the International Labour Code. A Convention is a treaty, which when ratified by a member state, creates binding international obligations on that State whereas a recommendation creates no such obligations, but is essentially a

\textsuperscript{32} Supra note 6 at 709-712.
\textsuperscript{33} N.K.Sahni, Dr. Amandeep Kaur and Dr. Punam Aggarwal, Industrial Relation and labour laws, 102-103 (2012).
guide to national action.India has regularly and actively participated in the Conferences through its tripartite delegations.

2. The Governing Body

It functions as the executive wing of the organization. It is a non-political, non-legislative, tripartite body. It carries out the decisions of the Conference with the help of the International Labour Office. The Governing Body appoints Director-General and prepares the agenda for the International Conference. It consists of 56 members, 28 representing governments, 14 employers and 14 workers. The period of office of this body is for 3 years. It meets several times a year. The Governing Body of ILO functions through its various Committees of ILO e.g., Industrial Committees and Analogous bodies, Committees of Experts and Correspondence Committees, Regional Conferences, Panels of Consultants and other special meetings and conferences.

The work of the Governing Body and of the Office is aided by tripartite committees covering major industries. It is also supported by committees of experts on such matters as vocational training, management development, occupational safety and health, industrial relations, workers’ education, and special problems of women and young workers. Regional meetings of the ILO member States are held periodically to examine matters of special interest to the regions concerned. Since 1922 India has been holding a non-elective seat on the Governing Body as one of the 10 countries of chief industrial importance. Indian employers and workers’ representatives have been elected as members of the Governing Body from time to time.

3. The International Labour Office

Its headquarter is located in Geneva. It provides the Secretariat for all Conferences and other meetings and is responsible for day-to-

37 Ibid at 324.
38 Supra note 6 at 716.
day implementation of the administrative and other decisions of the Conference, and the Governing Body. The Director General of the ILO is the Chief Executive of the office. The International Labour Office is the permanent secretariat of the International Labour Organization, its operational headquarters. Administration and management are decentralized in regional, area, and branch offices in more than 40 countries under the leadership of a Director-General.

There are also some other organs. Those are necessary for the working of ILO. These are-

4. **ILO Administrative Tribunal**

The Administrative Tribunal examines employment-related complaints by officials of the International Labour Office and of the other international organizations that have recognized its jurisdiction.

5. **ILO Director-General**

A Director-General is elected for five years by the Governing Body. Subject to the instructions of the Governing Body, the Director-General is responsible for the efficient conduct of the International Labour Office and other duties as may be assigned.

6. **ILO Centres and Institutes**

The ILO is universally regarded as an authoritative source of knowledge on the world of work. The Organization has established institutes and centres that provide specialized research, training and support for the ILO’s offices and constituents. The ILO recommendations have always provided guidelines and useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labour.

v. **Important Social Security Areas of ILO Activities and Field Operations**

United Nation and ILO have made many efforts regarding social security at international level by number of Conventions and Recommendations. ILO takes part in vocational training, women

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workers conditions and social security for improving the working conditions of workers at international level. A number of recommendations and conventions deal with workmen’s compensation, sickness insurance, invalidity, old-age, and survivor’s insurance, unemployment provisions, maternity protection and general aspects of social security.\textsuperscript{42} ILO deals with following social security areas and activities at international level:

1. **Manpower Organization and Vocational Training**

The ILO as well as the United Nations made concerted efforts in the post second world war period in the manpower field to stimulate the most effective and productive use of human resources in the whole process of economic and social development. The ILO manpower experts have been made available to developing countries seeking help in assessing their manpower needs and in organizing vocational training programmes for meeting skill shortage.

2. **Women Workers**

The ILO constitution specifically provides for the protection of women workers. The first Session of the International Labour Conference held in Washington in October 1919, adopted international standards protecting expectant mothers and limiting the amount of night work by women. In 1937, the Conference laid down the ILO’s aims in regard to women workers, namely-

a. the guarantee of all civil and political rights;
b. full opportunities to improve their education;
c. better conditions for finding employment;
d. equal pay for equal work;
e. legal protection against dangerous working conditions;
f. legal maternity protection;
g. the same trade union rights as that of men.

3. Social Security

The ILO has done the pioneering work in the field of social security. One of the most important instruments adopted by the ILO is the Social Security (Minimum Standards) Convention, 1952. Currently, the organization’s main object is to extend social security to agriculture and plantation workers.\(^{43}\) ILO also established the International Social Security Association (ISSA).

The ILO is the UN’s agency with a mandate to improve standards, conditions and social security of workers throughout the world. The ILO’s most important function is to adopt Conventions and Recommendations, which set minimum labour standards internationally. The principles embodied in the conventions, if adopted and ratified, impose a duty to comply on the ratifying states.\(^{44}\)

vi. International Conventions Relating to the Social Security

The ILO Conventions have been greatly adored by the working class all over the world for their beneficial, humanitarian and missionary influence. The principal means of action in the ILO is the setting up the International Labour Standards in the form of Conventions and Recommendations. Conventions are international treaties and are instruments, which create legally binding obligations on the countries that ratify them.\(^{45}\)

ILO has number of Conventions relating to social security of workers Main Conventions are given below--

1. Workmen’s Compensation (Accidents) Convention, 1925\(^{46}\)

The ILO adopted Convention relating to workmen’s compensation as early as 1921 followed by other conventions on the same subject in the year 1925.\(^{47}\) It provides for the payment of compensation for employment injury to all employees except those

\(^{43}\) Supra note 8.
\(^{44}\) Supra note 23.
\(^{46}\) Convention No.17 of ILO.
\(^{47}\) Supra note 23.
employed in agriculture, ships and fishermen. Each Member of the International Labour Organization which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention. Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, or by accident insurance institutions, or by sickness or invalidity insurance institutions.\textsuperscript{48}

\textbf{2. Workmen's Compensation (occupational diseases) Convention, 1925}\textsuperscript{49}

The list of occupational diseases established in the international and national legal system has played important roles in both prevention and compensation for workers’ diseases. Since the first establishment of the ILO list of occupational diseases in 1925, the list has played a key role in harmonizing the development of policies on occupational diseases at the international level. The three occupational diseases\textsuperscript{50} in the first ILO list of occupational diseases set up in 1925 as workmen’s compensation convention, represented an increase of occupational diseases from the Industrial Revolution. Until the 1960s, 10 occupational diseases had been representative compensable occupational diseases listed in Convention No. 121, which implies that occupational diseases in this era were equated to industrial poisoning.\textsuperscript{51}

Since 1980, with advancements in diagnostic techniques and medical science, noise-induced hearing loss, and several bronchopulmonary diseases have been incorporated into the ILO

\textsuperscript{48} Workman's Compensation (Accidents) Convention, 1925 at Article 2 to 9.
\textsuperscript{49} Convention No.18 of ILO.
\textsuperscript{50} Anthrax, lead poisoning, and mercury poisoning.
occupational list. Since 2002, changes in the structure of industries, emerging new chemicals, and advanced national worker’s compensation schemes have provoked the ILO to revise the occupational disease list. A new format of ILO list appended in Recommendation 194 was composed of two dimensions (causes and diseases) and subcategories. Among 50 Member States that had provided their national lists of occupational diseases, until 2012 thirty countries were found to have the list of occupational diseases having similar structure to ILO list.52

3. Migration for Employment Convention (Revised), 1949 53

This Convention was revision of the Migration for Employment Convention, 1939 and was held on June 8, 1949. Each Member of the International Labour Organisation for which this Convention is in force undertakes to make available on request to the International Labour Office and to other Members information on national policies, laws and regulations relating to emigration and immigration; information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment information concerning general agreements and special arrangements on these questions concluded by the Member.54 Members are required to establish, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.55

Each Member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for--

(a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members

52 Id.
53 Convention No. 97 of ILO.
54 Migration for Employment Convention (Revised), 1949 at Article 1.
55 Ibid at Article 2.
of their families authorised to accompany or join them are in reasonable health;
(b) ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.56

Each Member for which this Convention is in force undertakes to apply, without discrimination to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:
(a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities--
1. remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women’s work and the work of young persons;
2. membership of trade unions and enjoyment of the benefits of collective bargaining;
3. accommodation;
(b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:
1. there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
2. national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public

56 Ibid at Article 5.
funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;

(c) employment taxes, dues or contributions payable in respect of the person employed; and

(d) legal proceedings relating to the matters referred to in this Convention.57

A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorised to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated, because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the Member is a party so provides. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.58

The term migrant for employment means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. This Convention does not apply to frontier workers; short-term entry of members of the liberal professions, artistes and seamen.59

4. **Equal Remuneration Convention, 1951**60

This Convention was held on June 6, 1951 at Geneva and decided upon the adoption of certain proposals with regard to the principle of

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58 *Ibid* at Article 8.
59 *Ibid* at Article 11.
60 Convention No. 100 of ILO.
equal remuneration for men and women workers for work of equal value. The purpose of this Convention is that the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment and rates of remuneration established without discrimination based on sex.\(^6^1\) Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.\(^6^2\)

5. The Social Security (Minimum Standards) Convention, 1952\(^6^3\)

It covers all nine branches\(^6^4\) of social security and sets minimum standards for these nine branches. It is considered as a tool for the extension of social security coverage and provides ratifying countries with an incentive for doing so by offering flexibility in its application, depending on their socio-economic level. It came into force on April 27, 1955. By May 2009, 44 countries had ratified the Convention.\(^6^5\) The Convention has been ratified by India in 1964. The

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\(^{61}\) Equal Remuneration Convention, 1951 at Article 1.

\(^{62}\) Ibid at Article 3.

\(^{63}\) Convention No.102 of ILO.

\(^{64}\) (a) Medical care (b) Sickness benefit (c) Unemployment benefit (d) Old-age benefit (e) Employment injury benefit (f) Family benefit (g) Maternity benefit (h) Invalidism benefit (i) Survivor’s benefit.

1952 ILO Convention on Social Security (Minimum Standard) has divided social security into nine components:

(a) Medical care

It covers pregnancy, confinement, and its consequences and any disease which may lead to a morbid condition. The need for pre-natal and post-natal care, in addition to hospitalization, was emphasized. A morbid condition may require general practitioner care, provision of essential pharmaceuticals and hospitalization.66

(b) Sickness benefit

It includes incapacity to work following morbid condition resulting in loss of earnings. This calls for periodical payments based on the convention specification. The worker need not be paid for the first three days of suspension of earnings and the payment of benefit may be limited to 26 weeks in a year.67

(c) Unemployment benefit

It covers the loss of earning during a worker’s unemployment period. When he is capable and available for work but remains unemployed because of lack of suitable employment. This benefit may be limited to 13 weeks payment in a year, excluding the first seven days of the waiting period.68

(d) Old-age benefit

This benefit provides for the payment—the quantum depending upon an individual’s working capacity during the period before retirement of a certain amount beyond a prescribed age and continues till death.69

(e) Employment injury benefit

It covers the following contingencies resulting from accident or disease during employment:

66 Supra note 63 at Article 7-12.
67 Ibid at Article 13-18.
69 Ibid at Article 25-30.
i) Inability to work following a morbid condition, leading to suspension of earning;

ii) Total or partial loss of earning capacity which may become permanent;

iii) Death of the breadwinner in the family, as a result of which family is deprived of financial support. Medical care and periodical payment corresponding to an individual’s need should be available.70

(f) Family benefit

It means responsibility for the maintenance of children during an entire period of contingency. Periodical payment, provision of food, housing, clothing, holidays or domestic help in respect of children should be provided to a needy family.71

(g) Maternity benefit

This benefit includes pregnancy, confinement and their consequences resulting in the suspension of earnings. Provision should be for medical care, including pre-natal confinement, post-natal care and hospitalization if necessary. Periodical payment limited to 12 weeks should be made during the period of suspension of earnings.72

(h) Invalidism benefit

This benefit, in the form of periodical payments should cover the needs of workers who suffer from any, disability arising out of sickness or accident and who are unable to engage in any gainful activity. This benefit should continue till invalidism changes into old-age, when old age benefits would become payable.73

70 Ibid at Article 31-38.
71 Ibid at Article 39-45.
72 Ibid at Article 46-52.
73 Ibid at Article 53-58.
(i) **Survivor’s benefit**

It means periodical payments to the family following the death of its breadwinner and should continue till the entire period of contingency.\(^{74}\)

The role of the International Labour Organisation in creating international standards of social insurance and in the promotion of social security has been significant. Through its Conventions and Recommendations, the ILO has exerted its influence to extend the range and classes of persons protected and the contingencies covered, and has improved the efficacy of the benefits assured.\(^{75}\)

**6. Discrimination (Employment and Occupation) Convention, 1958\(^{76}\)**

The General Convention of ILO convened this Convention on June 4, 1958 at Geneva. The main objective of this convention is that there shall be no discrimination in the field of employment and occupation, and Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights.

Each Member for which this Convention is in force shall undertake and practice the following by methods appropriate to national conditions\(^{77}\)--

(a) to seek the co-operation of employers’ and workers’ organisations and other appropriate bodies in promoting the acceptance and observance of this policy;

(b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;

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\(^{74}\) *Ibid* at Article 59-64.

\(^{75}\) World Social Security Report 2010-11.

\(^{76}\) Convention No. 111 of ILO.

\(^{77}\) Discrimination (Employment and Occupation) Convention, 1958 at Article 3.
(c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
(d) to pursue the policy in respect of employment under the direct control of a national authority;
(e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
(f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

7. The Equality of Treatment (Social Security) Convention, 1962

It has decided upon the adoption of certain proposals with regard to equality of treatment of nationals and nonnationals in social security. 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 Forty-sixth Session on 6 June 1962, and decided upon the adoption of certain proposals with regard to equality of treatment of nationals and nonnationals in social security. By May 2009, 37 countries had ratified the Convention.79

Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has ineffective operative legislation covering its own nationals within its own territory i.e medical care, sickness benefit, maternity benefit, invalidity benefit, old-age benefit, survivors' benefit, employment injury benefit, unemployment benefit and family benefit.80 These benefits are to be granted in member States who ratify this Convention. They can withdraw from it if they so desire, after

78 Convention No.118 of ILO.
79 Supra note 65.
80 Supra note 78 at Article 2.
giving necessary notice to Director General. These will be implemented without any discrimination regarding nationality.

8. The Employment Injury Benefits Convention, 1964

It applies to employment injury benefits to the workers. This Convention provides for payment of cash and medical benefits in cases of employment injury and at least 75% of expenses involved for all employees. The General Conference of the International Labour Organization, convened at Geneva by the Governing Body of the International Labour Office, had decided upon the adoption of certain proposals with regard to benefits in the case of industrial accidents and occupational diseases, By May 2009, 24 countries had ratified this Convention.

A Member State whose economic and medical facilities are insufficiently developed may avail itself by a declaration accompanying its ratification of the temporary exceptions provided for in the Articles. Any Member which ratifies this Convention, may by a declaration accompanying its ratification, exclude from the application of the Convention seafarers, including seafishermen, public servants. These categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives. Any Member may make such exceptions as it deems necessary in respect of persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer’s trade or business, out-workers,

81 Convention No.121 of ILO.
82 Forty-eighth session on June 17th 1964.
83 Supra note 65.
84 The Employment Injury Benefits Convention, 1964 at Article 2.
85 Seafarer is the general term for men (and occasionally women also) who work on ships at sea.
86 Supra note 84 at Article 3.
in respect of their work for him, other categories of employees, which shall not exceed in number, 10 per cent of all employees.87

The application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, and prescribed categories of beneficiaries.88 The contingencies covered shall include where due to an employment injury, a morbid condition, incapacity for work resulting from such a condition and involving suspension of earnings as defined by national legislation, total loss of earning capacity or partial loss thereof in excess of a prescribed degree likely to be permanent, or corresponding loss of faculty and the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.89

Each Member State shall prescribe a definition of "industrial accident", including the conditions under which a commuting accident is considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization.90

Each Member State shall secure to the persons protected, subject to prescribed conditions, the provision of the benefits including medical care and allied benefits in respect of a morbid condition, cash benefits in respect of the contingencies specified in the Article 6, clauses (b), (c) and (d) of the convention.91 Medical care and allied benefits in respect of a morbid condition shall comprise general practitioner and specialist in-patient and out-patient care, including domiciliary visiting, dental care, nursing care at home or in hospital or other medical institutions, maintenance in hospitals, convalescent homes, sanatoria or other medical institutions, dental, pharmaceutical and other medical or surgical supplies including

87 Ibid at Article 4.
88 Ibid at Article 5.
89 Ibid at Article 6.
90 Ibid at Article 7.
91 Ibid at Article 9.
prosthetic appliances kept in repair and renewed as necessary, and
eyeglasses, the care furnished by members of such other professions
as may at any time be legally recognised as allied to the medical
profession, under the supervision of a medical or dental practitioner
and the emergency treatment at the place of work, wherever
possible.92

Any State which provides medical care and allied benefits by
means of a general health scheme or a medical care scheme for
employed persons may specify in its legislation that such care shall be
made available to persons who have sustained employment injuries on
the same terms as to other persons entitled thereto, on condition that
the rules on the subject are so designed as to avoid hardship.93 Cash
benefits in respect of loss of earning capacity likely to be permanent or
corresponding loss of faculty shall be payable in all cases in which
such loss, in excess of a prescribed degree, remains at the expiration
of the period during which benefits are payable.94 Increments in
periodical payments or other supplementary or special benefits, as
prescribed, shall be provided for disabled persons requiring the
constant help or attendance of another person.95

The cash benefit in respect of death of the breadwinner shall be
a periodical payment to a widow as prescribed, a disabled and
dependent widower, dependent children of the deceased and other
persons as may be prescribed.96

A person employed in the major group of economic activities
with the largest number of economically active male persons was
protected in the contingency in question, or of the breadwinners of the
persons protected, as the case may be, in the division comprising the
largest number of such persons or breadwinners; for this purpose.
The wages of the skilled manual male employee shall be determined

\[\text{Ibid at Article 10.}\]
\[\text{Ibid at Article 11.}\]
\[\text{Ibid at Article 14.}\]
\[\text{Ibid at Article 16.}\]
\[\text{Ibid at Article 18.}\]
on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost of living allowances, if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken. 97 No periodical payment shall be less than a prescribed minimum amount.

Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose. Each Member shall, under prescribed conditions take measures to prevent industrial accidents and occupational diseases and each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits. 98


It covers old-age benefit, invalidity benefit and survivor's benefit. The coverage for payment of compensation in case of invalidity, death or old age is 50% for industrial employees, 25% for all employees including agriculture.

This Convention has got parts namely; General provisions, invalidity benefit, old-age benefit, survivals benefit, standards to be complied with by periodical payments, common provisions, miscellaneous and final provisions. It has total 54 Articles. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts

97 Ibid at Article 19.
98 Ibid at Articles 23, 25, 26, 27, 28.
99 Convention No.128 of ILO.
100 Recommendation No.131 of ILO.
101 Invalid means same as who is so ill that they have to be looked after by other people.
the obligations of the Convention in respect of one or more of Parts II to IV not already specified in its ratification. Following are provisions relating to social security of workers/employees in it-

**Article 14**

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

**Article 15**

It covers the survival beyond a prescribed age, the prescribed age shall not be more than 65 years or such higher age as may be fixed by the competent authority.

**Article 22**

The persons protected shall comprise the wives, children and as may be prescribed, other dependants of all breadwinners who were employees or apprentices or the whole economically active population.

**Article 29**

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

**PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES UNDER THE CONVENTION**

<table>
<thead>
<tr>
<th>Part</th>
<th>Contingency</th>
<th>Standard beneficiary</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>Invalidity</td>
<td>Man with wife and two children</td>
<td>50</td>
</tr>
<tr>
<td>III</td>
<td>Old age</td>
<td>Man with wife of pensionable age</td>
<td>45</td>
</tr>
<tr>
<td>IV</td>
<td>Death of breadwinner</td>
<td>Widow with two children</td>
<td>45</td>
</tr>
</tbody>
</table>

102 The Invalidity, Old Age and Survivors Benefits Convention, 1967 at Article 3.
10. The Medical Care and Sickness Benefits Convention, 1969 and the Medical Care and Sickness Benefits Recommendation, 1969

It applies to medical care and sickness benefit of the employees. The General Conference of the International Labour Organization, convened at Geneva on 4 June 1969 passed at by May 2009, 15 countries had ratified the Convention. Following provisions of this Convention are related with social security of workers:

**Article 8**

Each Member State shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency.

**Article 12**

Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment and where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions.

**Article 15**

Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

**Article 16**

Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks. Provided

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103 Convention No. 130 of ILO.
104 Recommendation No. 134 of ILO.
105 Supra note 65.
that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.

11. **Occupational Safety and Health Convention, 1981**

The General Conference of the International Labour Organisation, convened this Convention at Geneva on June 3, 1981 and decided certain proposals with regard to safety and health and the working environment for the workers. This Convention applies to all branches of economic activity. It covers all branches in which workers are employed, including the public service. The term workers covers all employed persons, including public employees. The term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer, the term regulations covers all provisions given force of law by the competent authority or authorities. The term health, in relation to work, indicates not merely the absence of disease or infirmity it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection. The enforcement system shall provide for adequate penalties for violations of the laws and regulations. Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

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106 Convention No. 155 of ILO.
108 Ibid at Article 4.
109 Ibid at Article 9.
110 Ibid at Article 10.
To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

(a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;

(b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;

(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

(d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;

(e) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue
consequences in accordance with national conditions and practice. Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.  

12. **Termination of Employment Convention, 1982**

ILO convened this Convention on June 2, 1982 at Geneva. This Convention applies to all branches of economic activity and to all employed persons. A Member may exclude the following categories of employed persons from all or some of the provisions of this Convention:

(a) workers engaged under a contract of employment for a specified period of time or a specified task;

(b) workers serving a period of probation or a qualifying period of employment, determined in advance and of reasonable duration;

(c) workers engaged on a casual basis for a short period.

In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organizations of employers and workers concerned, where such exist, to exclude from the application of this Convention or certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size or nature of the undertaking that employs them. The employment of a worker shall not be terminated unless there is a valid reason for such termination.

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114 Convention No. 158 of ILO.
115 Termination of Employment Convention, 1982 at Article 3.
connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.\textsuperscript{116}

The following, inter alia, shall not constitute valid reasons for termination:

(a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;
(b) seeking office as, or acting or having acted in the capacity of, a workers’ representative;
(c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
(d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
(e) absence from work during maternity leave.\textsuperscript{117}
(f) Temporary absence from work because of illness or injury.\textsuperscript{118}

The employment of a worker shall not be terminated for reasons related to the worker’s conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity.\textsuperscript{119} The bodies referred to in Article 8 of this Convention shall be empowered to examine the reasons given for the termination and the other circumstances relating to the case and to render a decision on whether the termination was justified.\textsuperscript{120}

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{116} Ibid at Article 4.
\item\textsuperscript{117} Ibid at Article 5.
\item\textsuperscript{118} Ibid at Article 6.
\item\textsuperscript{119} Ibid at Article 7.
\item\textsuperscript{120} Ibid at Article 9.
\end{enumerate}
\end{footnotesize}
unjustified and if they are not empowered or do not find it practicable, in accordance with national law and practice, to declare the termination invalid and/or order or propose reinstatement of the worker, they shall be empowered to order payment of adequate compensation or such other relief as may be deemed appropriate.¹²¹ A worker whose employment is to be terminated shall be entitled to a reasonable period of notice or compensation in lieu thereof, unless he is guilty of serious misconduct.¹²²

A worker whose employment has been terminated shall be entitled, in accordance with national law and practice, to –

(a) a severance allowance or other separation benefits, the amount of which shall be based inter alia on length of service and the level of wages, and paid directly by the employer or by a fund constituted by employers’ contributions; or

(b) benefits from unemployment insurance or assistance or other forms of social security, such as old-age or invalidity benefits, under the normal conditions to which such benefits are subject; or

(c) a combination of such allowance and benefits.

A worker who does not fulfil the qualifying conditions for unemployment insurance or assistance under a scheme of general scope need not be paid any allowance or benefit.¹²³


It provides reinforced protection to migrant workers. It provides rules for the adoption of national legislation implementing the

¹²¹ Ibid at Article 10.
¹²² Ibid at Article 11.
¹²³ Ibid at Article 12.
¹²⁴ Convention No.157 of ILO.
¹²⁵ Recommendation No.167 of ILO.
principles of the maintenance of rights in course of acquisition and of acquired rights for migrant workers, in respect of all branches of social security covered by the Social Security Convention 1952.\textsuperscript{126}

\textbf{14. Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983}\textsuperscript{127}

The General Conference of the International Labour Organization, convened at Geneva by the Governing Body of the International Labour Office on June 1, 1983, and noting the existing international standards contained in the Vocational Rehabilitation (Disabled) Recommendation, 1955, and the Human Resources Development Recommendation, 1975, and since after the adoption of the Vocational Rehabilitation (Disabled) Recommendation, 1955, significant developments have occurred in the understanding of rehabilitation needs. The scope and organization of rehabilitation services, and the law and practice of many Members on the questions covered that Recommendation. The year 1981 was declared by the United Nations General Assembly, the International Year of Disabled Persons, with the theme "full participation and equality" and that a comprehensive World Programme of Action concerning Disabled Persons is to provide effective measures at the international and national levels for the realization of the goals of "full participation" of disabled persons in social life and development. These developments made it appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community. This Convention provides that the competent authorities shall take measures with a view to providing and evaluating vocational guidance, vocational training, placement, employment and other related services to enable disabled persons to

\begin{footnotesize}
\textsuperscript{126} Supra note 65.
\textsuperscript{127} Convention No. 159 of ILO.
\end{footnotesize}
secure, retain and advance in employment; existing services for workers generally shall, wherever possible and appropriate, be used with necessary adaptations. Measures shall be taken to promote the establishment and development of vocational rehabilitation and employment services for disabled persons in rural areas and remote communities.

15. The Employment Promotion and Protection against Unemployment Convention, 1988 and the Employment Promotion and Protection against Unemployment Recommendation, 1988

It relates to unemployment benefit. It is a revision of the Unemployment Provision Convention of 1934. It provides standards in the field of employment and unemployment protection, notably for the promotion of full, productive and freely chosen employment, the principles of equality of treatment and non-discrimination, the methods of providing unemployment benefit.


This Convention lays down standards of general application concerning working conditions as are applicable to workers in hotels, restaurants and similar establishments. It also provides that the particular conditions characterising work in hotels, restaurants and similar establishments make it desirable to improve the application of these Conventions and Recommendations in these categories of establishments and to supplement them by specific standards designed to enable the workers concerned to enjoy a status corresponding to their role in these rapidly expanding categories of establishments and to attract new workers to them, by improving working conditions, training and career prospects. Collective bargaining is an effective means of determining conditions of work in

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129 Ibid at Article 8.
130 Convention No.168 of ILO.
131 Recommendation No.176 of ILO.
132 Convention No. 172 of ILO.
this sector, and considering that the adoption of a Convention together with collective bargaining will enhance working conditions, career prospects and job security, to the benefit of the workers, and decided upon the adoption of certain proposals with regard to working conditions in hotels, restaurants and similar establishments.

17. **Safety and Health in Mines Convention, 1995**

According to this Convention workers have a need for, and a right to, information, training and genuine consultation on and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry, and recognizing that it is desirable to prevent any fatalities, injuries or ill health affecting workers or members of the public, or damage to the environment arising from mining operations, and the need for co-operation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations and Having decided upon the adoption of certain proposals with regard to safety and health in mines. This Convention applies to all mines. In the light of national conditions and practice and after consultations with the most representative organizations of employers and workers concerned, the Member shall formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention. National laws and regulations pursuant to Article 4 shall designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines. Such national laws and regulations shall provide for:

(a) the supervision of safety and health in mines;

(b) the inspection of mines by inspectors designated for the purpose by the competent authority;

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133 Convention No. 176 of ILO, held on June 6, 1995 at Geneva.
134 Ibid at Article 3.
(c) the procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters, each as defined by national laws or regulations;
(d) the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences, each as defined by national laws or regulations;
(e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds, until the condition giving rise to the suspension or restriction has been corrected; and
(f) the establishment of effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted on matters and to participate in measures relating to safety and health at the workplace.¹³⁵

Such national laws and regulations shall specify:

1. requirements relating to mine rescue, first aid and appropriate medical facilities;
2. an obligation to provide and maintain adequate self-rescue respiratory devices for workers in underground coal mines and, where necessary, in other underground mines;
3. protective measures to secure abandoned mine workings so as to eliminate or minimize risks to safety and health;
4. requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine; and
5. where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.¹³⁶ Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control. The employer

¹³⁵ Ibid at Article 5.
¹³⁶ Id.
shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.137

The employer shall ensure that adequate training and retraining programmes and comprehensible instructions are provided for workers, at no cost to them, on safety and health matters as well as on the work assigned; in accordance with national laws and regulations, adequate supervision and control are provided on each shift to secure the safe operation of the mine; a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location; all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken; and a report, as specified by national laws and regulations, is made to the competent authority on accidents and dangerous occurrences.138 Whenever two or more employers undertake activities at the same mine, the employer in charge of the mine shall coordinate the implementation of all measures concerning the safety and health of workers and shall be held primarily responsible for the safety of the operations. This shall not relieve individual employers from responsibility for the implementation of all measures concerning the safety and health of their workers.139

18. The Maternity Protection Convention, 2000140, and the Maternity Protection Recommendation, 2000141

This Convention revised a 1952 ILO Convention (C103), which in turn was a revision of the original 1919 ILO Convention (C3). The revision was aimed at gaining more ratification by easing the requirements of the 1952 convention.

137 Ibid at Article 8.
138 Ibid at Article 10.
139 Ibid at Article 12.
140 Convention No.183 of ILO.
141 Recommendation No.191 of ILO.
It covers maternity benefit to women workers. This Convention provides comprehensive protection to pregnant working women in case unemployment is due to child birth. By May 2009, 17 countries had ratified the Convention.\textsuperscript{142}

It provides for 14 weeks of maternity benefit to women to whom the instrument applies. Women who are absent from work on maternity leave shall be entitled to a cash benefit which ensures that they can maintain themselves and their child in proper conditions of health and with a suitable standard of living and which shall be no less than two-thirds of her previous earnings or a comparable amount. The Convention also requires ratifying States to take measures to ensure that a pregnant woman or nursing mother is not obliged to perform work which has been determined to be harmful to her health or that of her child, and provides for protection from discrimination based on maternity. The standard also prohibits employers to terminate the employment of a woman during pregnancy or absence on maternity leave, or during a period following her return to work, except on grounds unrelated to pregnancy, childbirth and its consequences, or nursing. Women returning to work must be returned to the same position or an equivalent position, paid at the same rate. It also provides a woman the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.\textsuperscript{143}

19. \textbf{Safety and Health in Agriculture Convention, 2001}\textsuperscript{144}

The purpose of this Convention was to widen the term agriculture. According to this Convention agriculture covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery,

\textsuperscript{142} Supra note 65.
\textsuperscript{143} Supra note 140.
\textsuperscript{144} Convention No. 184 of ILO, held at Geneva on June 5, 2001.
equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.\textsuperscript{145} The term agriculture does not cover subsistence farming; industrial processes that use agricultural products as raw material and the related services; and the industrial exploitation of forests.\textsuperscript{146} Workers in agriculture shall have the right to be informed and consulted on safety and health matters including risks from new technologies; to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to co-operate with employers in order for the latter to comply with their own duties and responsibilities.\textsuperscript{147}

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.\textsuperscript{148} Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.\textsuperscript{149} National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned the provision of adequate welfare facilities at no cost to the worker; and the minimum accommodation standards for

\textsuperscript{145} Safety and Health in Agriculture Convention, 2001 at Article 1.  
\textsuperscript{146} Ibid at Article 2.  
\textsuperscript{147} Ibid at Article 8.  
\textsuperscript{148} Ibid at Article 17.  
\textsuperscript{149} Ibid at Article 18.
workers who are required by the nature of the work to live temporarily or permanently in the undertaking.\textsuperscript{150} Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.\textsuperscript{151}

Workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.\textsuperscript{152}

\textbf{20. The Maritime Labour Convention, 2006}\textsuperscript{153}

The Maritime Labour Convention, 2006 is an international labour Convention adopted by the International Labour Organization (ILO). It provides international standards for the world’s first genuinely global industry. Widely known as the “Seafarers’ Bill of Rights,” was adopted by government, employer and workers representatives at a special ILO International Labour Conference in February 2006. It is a unique feature of this Convention as it aims both to achieve decent work for seafarers and to secure economic interests through fair competition for quality ship owners. The Convention is comprehensive and sets out, in one place, seafarers' rights to decent working conditions.\textsuperscript{154} It covers almost every aspect of their work and life on board including:

- minimum age;
- seafarers’ employment agreements;
- hours of work or rest;
- payment of wages;

\textsuperscript{150} Ibid at Article 19.
\textsuperscript{151} Ibid at Article 20.
\textsuperscript{152} Ibid at Article 21.
\textsuperscript{153} Available at http://en.wikipedia.org/wiki/Maritime_Labour_Convention (Visited on December 20, 2013).
\textsuperscript{154} The Maritime Labour Convention, 2006.
paid annual leave;
repatriation at the end of contract;
onboard medical care;
the use of licensed private recruitment and placement services;
accommodation, food and catering;
health and safety protection and accident prevention and
seafarers’ complaint handling.

The Convention was designed to be applicable globally, easy to understand, readily updatable and uniformly enforced and will become the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO) dealing with safety and security of ships and protection of the marine environment. It is important because it brings together, in one place, international minimum standards that ensure decent work for the estimated more than 1.5 million seafarers around the world whose work is essential to international trade as well as to an increasingly important form of tourism and recreational activity. Under this Convention every seafarer has the right to a safe and secure workplace that complies with safety standards, fair terms of employment, decent working and living conditions on board ship, health protection, medical care, welfare measures and other forms of social protection.155

21. Work in Fishing Convention, 2007156

This Convention addresses such matters as minimum age for work on a fishing vessel, medical standards, work agreements, occupational safety and health, and social security.

22. Domestic Workers Convention, 2011157

Recognizing and considering the significant contribution of domestic workers to the global economy, which includes increasing

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156 Convention No. 188 of ILO.
157 Convention No. 189 of ILO.
paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and considering that domestic work continues to be undervalued and invisible is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights. Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized. Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully. The Convention declares that domestic workers are an important segment of labour and are entitled for decent working conditions proper rest, food, clothing etc. They are entitled for social security, health security, maternity benefit and other benefits.

**vii. ILO Declaration on Social Justice for a Fair Globalization, 2008**

The International Labour Organization unanimously adopted this ILO Declaration. This is the major statement of principles and policies adopted by the International Labour Conference since the ILO’s Constitution of 1919. It builds on the Philadelphia Declaration of 1944 and the Declaration on Fundamental Principles and Rights at Work of 1998. The 2008 Declaration expresses the contemporary vision of the ILO’s mandate in the era of globalization.

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This landmark Declaration is a powerful reaffirmation of ILO values. It is the outcome of tripartite consultations that started in the wake of the Report of the World Commission on the Social Dimension of Globalization. By adopting this text, the representatives of governments, employers and workers organizations from 182 member States emphasize the key role of our tripartite Organization in helping to achieve progress and social justice in the context of globalization. Together, they commit to enhance the ILO’s capacity to advance these goals, through the Decent Work Agenda. The Declaration institutionalizes the Decent Work concept developed by the ILO since 1999, placing it at the core of the Organization’s policies to reach its constitutional objectives.¹⁵⁹

The Committee of Experts on Welfare Facilities for Industrial Workers convened by the ILO in 1963 had divided welfare services in two groups—(a) within the precincts of the establishment and (b) outside the establishment

a. **Welfare and amenities within the precincts of the establishment**

These are- (1) Latrines and urinals (2) washing and bathing facilities (3) crèches (4) rest shelters and canteens (5) arrangements for drinking water (6) arrangements for prevention of fatigue (7) health services including occupational safety (8) administrative arrangement within a plant to look after welfare (9) uniforms and protective clothing and (10) shift allowance.¹⁶⁰

b. **Welfare outside the establishment**

These are- (1) Maternity benefit (2) social insurance measures including gratuity, pension, provident fund and rehabilitation (3) benevolent funds (4) medical facilities including programmes for physical fitness and efficiency, family planning and child welfare (5) education facilities including adult education (6) housing facilities (7)

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¹⁵⁹ World of Work, No.64, December 2008.
recreation facilities including sports, cultural activities, library and reading room (8) holiday homes and leave travel facilities (9) workers’ cooperatives including consumers' cooperative stores, fair price shops and cooperative thrift and credit societies (10) vocational training for dependants of workers (11) other programmes for the welfare of women, youth and children and (12) transport to and from the place of work.  

b. INTERNATIONAL SOCIAL SECURITY ASSOCIATION (ISSA)

Following the First World War, social insurance schemes developed rapidly in several regions, and social protection was included on the agendas of the newly-established international organizations. The ISSA had been an early forerunner, the Permanent International Committee on Social Insurance, which at first was concerned with the risk of accidents and in 1891 extended its scope to social insurance in general. In 1927, the Tenth Session of the International Labour Conference adopted the Sickness Insurance (Industry) Convention\textsuperscript{162}, and the Sickness Insurance (Agriculture) Convention.\textsuperscript{163} The ISSA was founded at this time, upon the initiative of the International Labour Office, with the aim of gaining support from experts in a number of European countries for the ratification of these instruments. Until 1947 the organization was known as the International Conference of Sickness Insurance Funds and Mutual Benefit Societies.\textsuperscript{164}

i. Establishment

In May 1927, for the first time, representatives of Mutual Benefit Societies and Sickness Insurance Funds were included among the national delegations at the tenth International Labour Conference, meeting in Geneva. The agenda included the introduction of international regulations for the economic and health protection of

\begin{itemize}
\item \textsuperscript{161} Id.
\item \textsuperscript{162} Convention No. 24 of ILO.
\item \textsuperscript{163} Convention No. 25 of ILO.
\item \textsuperscript{164} Dick J. Meertens, \textit{Social Security}, Chapter 23, International Social Security Association (ISSA).
\end{itemize}
workers by means of social insurance schemes. A group of delegates decided to form an international association for the purpose of developing and strengthening sickness insurance throughout the world. The International Conference of National Unions of Mutual Benefit Societies and Sickness Insurance Funds was launched in Brussels in October 1927.165 Founded in Brussels on 4 October 1927, the International Social Security Association (ISSA) was known as "International Social Insurance Conference" until 1947. The initiative of creating it was directly linked to the steps being undertaken by the International Labour Organization (ILO) to introduce international regulations for the economic and health protection of workers by means of social insurance schemes.166

The International Social Security Association (ISSA) is an international organization bringing together national social security administrations and agencies. Founded in 1927, the ISSA has around 340 member organizations in 150 countries. It has its headquarters in Geneva, Switzerland, in the International Labour Office (ILO). The development of social security programmes is one of the most significant social achievements of the international community, but its enhancement and extension remains one of the main challenges of the 21st century.167

The objectives were soon widened to include old-age, invalidity and survivors’ insurance and in 1936 the name was changed to the International Social Insurance Conference, known from its French initials as CIMAS168. The National Social Insurance Fund of Peru became the first non-European institution to join the CIMAS.

Commemorating 20 years of existence, the 8th General Assembly of

the CIMAS ratified a new Constitution. From that time, the organization opened its membership to state-administered schemes such as those in the United Kingdom, the USSR and the United States. Its combination of government departments with autonomous administrations made the structure of the ISSA, unique in the world of international organizations. A new name was adopted and the CIMAS became the International Social Security Association (ISSA).

The extension of social security measures and for the promotion, on an international or regional basis, of systematic and direct co-operation among social security institutions, the regular interchange of information and the study of common problems relating to the administration of social security, It affirmed that universal and lasting peace can be established only if it is based upon social justice, including the extension of social security to all. In France, Pierre Laroque led government made efforts to extend social protection to the entire population, and a national social security system was set up in 1946.\textsuperscript{169}

In 1949, the Social Insurance Institution of Turkey became the first of the ISSA’s Asian members; their number grew significantly during the 1950s. The 1947 Constitution made provision for the creation of technical committees. This was to be the most significant constitutional provision for the ISSA’s development and its method of work over the next 20 years. The first to be established were the Permanent Medico-Social Committee,\textsuperscript{170} and the Permanent Committee on Mutual Benefit Societies. Further permanent technical committees, subsequently called technical commissions, were set up in the next years, with the focus on family allowances, unemployment insurance and employment maintenance, prevention of occupational risks, insurance against employment accidents and occupational diseases, old-age, invalidity and survivors' insurance, actuarial and

\textsuperscript{169} Declaration of Philadelphia, 1944.
\textsuperscript{170} Committee was renamed Permanent Committee on Medical Care and Sickness Insurance in 1971.
statistical issues, organization and methods, and legal aspects of social security. Social security is everybody’s business. It affects our daily life by protecting us against work and life risks – health care needs, disability, old age and unemployment.

ii. Preamble

The constitutional mandate of the ISSA is "to co-operate, at the international level, in the promotion and development of social security throughout the world in order to advance the social and economic conditions of the population on the basis of social justice."[172]

iii. Structure

The main statutory bodies of the ISSA are the General Assembly that consists of delegates appointed by member organizations;

a) The Council (normally meets at each session of the General Assembly) that comprises one titular delegate or one substitute delegate from each country where there is at least one affiliate member organization;

b) The Bureau (meets twice annually) that comprises the President,

c) Treasurer,

d) Secretary General and
e) elected representatives of the 4 geographical regions.[173]

iv. Membership

As of March 2013, the ISSA has 336 member organizations in 157 countries and territories. The ISSA offers two types of membership affiliate and associate. Institutions, government departments, agencies or other entities and (non-international) federations of these that administer any aspect of social security are eligible for affiliate membership. Institutions not directly involved in

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171 Available at http://www.issa.int/About-ISSA/ISSA-History (visited October 22, 2013).
173 Supra note 169.
the administration of social security but whose objectives are compatible with those of the ISSA may be admitted as associate members. It has its headquarters in Geneva, Switzerland, in the International Labour Office (ILO).174

v. Objectives of ISSA

The ISSA’s aim is to promote dynamic social security as the social dimension in a globalizing world through supporting excellence in social security administration. To face the evolving needs of the world’s population, the ISSA advocates that social security must increasingly adapt and innovate to foster integrated, coherent, proactive, and forward-looking social security policies with the aim of better ensuring universal access to social security.175

The ISSA provides access to information, expert advice, business standards, practical guidelines and platforms for members to build and promote dynamic social security systems worldwide. The vision of dynamic social security provides a framework for the ISSA’s action. Dynamic social security refers to social security systems that are accessible, sustainable, adequate, socially inclusive and economically productive and that are based on performing, well-governed, proactive and innovative social security institutions. The ISSA programme focuses on working with members in following priority areas:

- Administrative and operational efficiency and effectiveness.
- Extension of social security coverage.
- Proactive and preventive approaches in social security.
- Adequacy and quality of social security benefits and services.

Priority to the development of guidelines for other key areas of social security, which are intended to provide social security institutions with general principles and considerations, for board members and senior management, to implement a range of projects and activities. The ISSA monitors and disseminates, mainly via its

174 Available at http://www.issa.int/About-ISSA/Membership (visited on October 22, 2013).
Web portal, data on national social security programmes as well as the results of research and policy analysis. The Association facilitates the collection and exchange of good practices and the improvement of social security through knowledge transfer and advocacy. The ISSA maintains close partnerships with the International Labour Organization and with other international bodies active in the field of social security.¹⁷⁶

vi. Activities

Co-operation between the ISSA and the ILO on occupational safety and health (OSH) started in practice during the 1955 First World Congress for the Prevention of Occupational Accidents and Diseases in Rome. Since then, the World Congress, the biggest international event on OSH, has been organized jointly by the ISSA and the ILO every three years. Once established, the Prevention Commission implemented several joint projects in collaboration with the ILO Occupational Safety and Health Service. Among them was the International Occupational Safety and Health Information Centres (CIS), which complements the various national CIS centers, such as those in France, Italy and the United Kingdom. In recent years the ISSA has supported the promotional activities for the International Day for Safety and Health at Work, launched by the ILO in 2003. The co-operation between the ISSA and the ILO in the field of workers’ health has contributed to the achievement of mutual goals and is as fruitful and important as 50 years ago.¹⁷⁷

The ISSA organizes a World Social Security Forum and General Assembly at the end of each triennium and during each triennium organizes four Regional Social Security Forums¹⁷⁸ convenes topic-related technical seminars in various regions; hosts international conferences on information and communication technology in social

¹⁷⁸ The four forums are Africa, the Americas, Asia/Pacific and Europe.
security and international policy research and is the co-organizer of the World Congress on Occupational Safety and Health every three years. The ISSA collects and disseminates information on social security programmes throughout the world; undertakes research and policy analysis on the social security issues and distributes their results; encourages mutual assistance between member organizations; facilitates good practice collection and exchange; cooperates with other international or regional organizations exercising activities related to the field; communicates with its constituency and media and promotes social security through advocacy and information.\textsuperscript{179}

At a meeting of the ISSA Bureau in Stockholm in 1996, under the presidency of Karl Gustaf Scherman, it was decided to create a forum for international dialogue on social security’s essential role in social and economic development. The first of a new kind of ISSA office managed and staffed by members themselves, the Subregional Office for Arab Countries in Asia, was opened in Amman in 2005, hosted by the Social Security Corporation of Jordan. ISSA Liaison Offices were soon to be established in several other regions. A Technical Commission on the Investment of Social Security Funds was the latest to be established in 2007.\textsuperscript{180} ISSA Secretary General Hans-Horst Konkolewsky explains how social security and the prevention of occupational accidents and diseases go hand-in-hand.\textsuperscript{181}

The ISSA and the ILO co-sponsored the congress, hosted by the Korea Occupational Safety and Health Agency (KOSHA). They also organized just prior to the opening of the World Congress a Safety and Health Summit which led to the Seoul Declaration adopted by some 50 high-level decision-makers from around the world as a major new blueprint for constructing a global culture of safety and health at work. Recognizing that improving safety and health at work has a

\textsuperscript{179} Supra note 165.
\textsuperscript{180} Available at http://www.issa.int/About-ISSA/ISSA-History (visited on July 12, 2013).
\textsuperscript{181} Supra note 175.
positive impact on working conditions, productivity and economic and social development, the Declaration also emphasizes that the right to a safe and healthy working environment should be recognized as a fundamental human right. The Declaration recognizes the important role of social security organizations in promoting prevention and in providing treatment, support and rehabilitation services. The prevention of occupational risks and the promotion of workers’ health constitute an essential part of the ISSA’s mandate. Demographic changes, globalization and demands for greater social justice confirm that the protection of workers’ health is vital for economic and social progress. Health may be determined by occupational and non-occupational factors, but healthy individuals, and especially healthy workers, make for healthier and more just societies. And as the ISSA is fully aware, healthy societies contribute to making social security programmes healthy financially too.182

At the World Social Security Forum held in December 2010 in Cape Town, South Africa, the ISSA Secretary General Mr. Konkolewsky called for a “worldwide culture of social security” as a foundation for the financial, social and political legitimacy of social security in challenging times. The International Labour Organization (ILO) and International Social Security Association (ISSA) have formalized an agreement aimed at reinforcing their collaboration in support of the extension and promotion of social security, during a ceremony held in Geneva on 22 March. The Memorandum of Understanding is the result from the conclusions of the decision of the International Labour Conference in 2011 that called on the ILO to strengthen co-operation with other international organizations in the area of social security. The agreement recognizes the complementarities and potential of strengthened co-ordination of ISSA and ILO capacities, particularly in the extension of social protection,

and commits the two organizations to closer programmatic and strategic co-operation.\textsuperscript{183}

c. OTHER INTERNATIONAL ORGANIZATIONS

i. European Social Model

The European social model is a common vision many European states have for a society that combines economic growth with high living standards and good working conditions. Historian Tony Judt has argued that the European social model "binds Europe together" in contrast to the 'American way of life'. European states do not all use a single social model, but welfare states in Europe do share several broad characteristics. These generally include a commitment to full employment, social protections for all citizens, social inclusion, and democracy. The Treaty of the European Community set out several social objectives: promotion of employment, improved living and working conditions ... proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion. Because different European states focus on different aspects of the model, it has been argued that there are four distinct social models in Europe – the Nordic, Anglo-Saxon, Mediterranean and the Continental. Although each European country has its own singularities, one can distinguish four different welfare or social models in Europe.\textsuperscript{184}

1. Nordic Model

This model holds the highest level of social insurance. Its main characteristic is its universal provision nature which is based on the principle of "citizenship”. Therefore, there exists a more generalised access, with lower condition ability, to the social provisions. As regards labour market, these countries are characterised by important expenditures in active labour market policies whose aim is a rapid

\textsuperscript{183} News item ILO March 22, 2012.
reinsertion of the unemployed into the labour market. These countries are also characterised by a high share of public employment. Trade unions have a high membership and an important decision-making power which induces a low wage dispersion or more equitable income distribution.

2. Continental Model

The Continental model has some similarities with the Nordic model. Nevertheless, it has a higher share of its expenditures devoted to pensions. The model is based on the principle of "security" and a system of subsidies which are not conditioned to employability. As regards the labour market, active policies are less important than in the Nordic model and in spite of a low membership rate, trade-unions have important decision-making powers in collective agreements. Another important aspect of the Continental model are the disability pensions.185

3. Anglo-Saxon Economy

This model features a lower level of expenditures than the previous ones. Its main particularity is its social assistance of last resort. Subsidies are directed to a higher extent to the working-age population and to a lower extent to pensions. Access to subsidies is (more) conditioned to employability (for instance, they are conditioned on having worked previously). Active labour market policies are important. Instead, trade unions have a smaller decision-making power than in the previous models, this is one of the reasons explaining their higher income dispersion and their higher number of low-wage employments.186

4. Mediterranean Model

This model corresponds to southern European countries who developed their welfare state later than the previous ones (during the 1970s and 1980s). It is the model with lowest share of expenditures

185 Id.
186 Id.
and is strongly based on pensions and a low level of social assistance. There exists in these countries a higher segmentation of rights and status of persons receiving subsidies which has as one of its consequences a strongly conditioned access to social provisions. The main characteristic of labour market policies is a rigid employment protection legislation and a frequent resort to early retirement policies as a means to improve employment conditions. Trade unions tend to have an important membership which again is one of the explanations behind a lower income dispersion than in the Anglosaxon model.\textsuperscript{187}

\textbf{ii. ASEAN\textsuperscript{188} Social Security Association (ASSA)}

Social security has far-reaching implications in our lives. These implications are augmented by the socio-economic forces which are constantly reshaping our environments. Faced with a situation of increasing life expectancy and rising population growth, the need for social security planning has become more crucial than before. In the light of these developments, the ASEAN Social Security Association (ASSA) was formed to provide a forum for member institutions to exchange views and experiences on social security issues. Its members comprise the Social Security Institutions of ASEAN countries namely, Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Singapore, Thailand and Vietnam. As a non-government organization, ASSA seeks to promote the development of social security in the region in consonance with the aspirations, laws and regulations of the member countries.\textsuperscript{189}

On February 13, 1998, a meeting was held at the Social Security Office in Bangkok, Thailand, between top officials of ASEAN social security organizations; namely, Prof. Dr. Awaloedin Djamin (President, Indonesian National Social Security Association), Tan Sri Sallehuddin bin Mohamed (Executive Chairman, Employees Provident Fund, Malaysia), Mr Wan Abdul Wahab Abdullah (Director-General,

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{187} \textit{Id.}
\item \textsuperscript{188} Association of Southeast Asian Nations.
\item \textsuperscript{189} Available at \url{http://www.asean-ssa.org/} (visited on July 18, 2013).
\end{itemize}
\end{footnotesize}
Social Security Organization, Malaysia), Mr Leong Lick Tien (Deputy General Manager, Central Provident Fund Board, Singapore) and Mr Chamlong Sriprasart (Secretary-General, Social Security Office, Thailand). During the meeting which preceded the ASSA Memorandum of Agreement (MOA) signing ceremony was held.¹⁹⁰

iii. Social Security Alumni Association, USA

An USA had the Social Security Alumni Association, hereinafter referred to as the SSAA.¹⁹¹ The basic purpose of the SSAA had to serve as the mechanism whereby the people who have worked together in Social Security over many years may maintain and enhance their friendships with one another and their relationships with the Social Security Administration, hereinafter referred to as the SSA, and its staff. The premise underlying the establishment of the SSAA was that involvement in the organization and activities of the SSA up to the time of retirement or for a substantial number of years before transfer to other employment creates enduring attachments, to those co-workers who have retired or who after substantial service left the organization for other employment. This premise assumes that these attachments should be preserved and enhanced for the contributions they can make to advancing good fellowship among retirees and former employees with one another.¹⁹² Its headquarters is at Baltimore, Maryland.¹⁹³

The national governing body of the organization is composed of a Board of Directors elected by the membership at large. The Board of Directors will consist of nine members who shall elect annually from their members a chairperson and a Vice-Chairperson. Honorary Directors will be all former Directors of the Bureau of Old-Age and Survivors Insurance and all former Commissioners of the successor organizations, and all former Chairpersons of the Board of the Social

¹⁹⁰ Id.
¹⁹¹ Social Security Alumani Association, Article 1.
¹⁹² Ibid at Article 2
Security Alumni SSAA. The Honorary Directors will serve as non-voting advisors to the Board of Directors.\textsuperscript{194}

iv. Social Security Agency (SSA), UK

The Social Security Agency (SSA) is to assess and pay social security benefits accurately and securely; give advice and information about these benefits; support people by helping them move closer to work; process benefit reviews and appeals; prevent and detect benefit fraud, prosecute offenders and recover any benefit which has been paid incorrectly; recover benefit which has been paid in compensation cases; assess people’s financial circumstances if they are applying for legal aid; and provide services to clients in Great Britain on behalf of the Department for Work and Pensions (DWP).\textsuperscript{195}

II. CONCLUSION

ILO is the most appropriate entity, which is already protecting the labour rights. ILO has worked efficiently as the guidelines and useful framework for the origination of legislative and administrative measures for the protection and advancement of the interest of labour. The ILO was created for determining and administration of international labour standards. The ILO has been successfully fighting labour problems, since its foundation. The ILO is the finest forum for addressing labour standards but other organizations and countries worldwide, will only serve to increase its effectiveness.

ILO is a tripartite body of which 185 countries are members. Its members are in the ratio of 2:1:1 i.e. government, employers and employees. The ILO through its organs passes labour Conventions. It has passed many Conventions on social security. It is therefore setting of labour standard in the world Conventions on social security divided social security into nine components. There is a close relationship

\textsuperscript{194} Supra note 189 at section 2.
\textsuperscript{195} Available at http://www.dsdni.gov.uk/index/ssa.htm (visited on August 19, 2013).
between ILO and ISSA. ISSA is working for formulating, implementing and encouraging to adopt social security measures in the world. In the present times ILO is playing a major role for achieving the objectives of UNO to eradicate poverty, to maintain peace and to bring prosperity in the world. The co-ordination among ILO and ISSA is a must for bringing the population of the world under social security measures which is lacking in the member countries.