

Why and How to ratify ILO social security standards ?



International
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Office

Social Protection for All Issue Brief

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1. Why should the ratification of Convention No. 102 be considered?

There are multiple reasons why the ratification of Convention No. 102 should be considered and placed high on any national agenda:

Promoting human rights and attaining global goals

Ratifying Convention No. 102 demonstrates a commitment to realizing the human right to social security, as set out in the Universal Declaration of Human Rights, 1948, the International Covenant of Economic, Social and Cultural Rights, 1966, and other human rights instruments. Thus, the ratification and implementation of Convention No. 102 represents an essential step towards meeting commitments under international human rights instruments (UN CESCR, 2008; UN OHCHR, 2012).

The ratification and implementation of Convention No. 102 also contributes to attaining the 2030 Agenda for Sustainable Development, namely SDG target 1.3 on building social protection systems and measures for all, including floors, with a view to achieving universal social protection. It is also instrumental in achieving other SDGs related to the eradication of poverty, good health and well-being (namely through universal health coverage), gender equality, decent work and reduced inequalities.

The ratification of Convention No. 102 is a commitment to observe internationally agreed minimum standards securing an adequate level playing field for increasingly globalized economies and societies. Adherence to these standards support

the promotion of inclusive growth and sustainable development, and encourages investments in people. Moreover, by building comprehensive social protection systems, countries contribute to strengthening their social contract and reinforcing economic and social stabilizers in times of crisis and beyond.

Setting internationally agreed benchmarks

Convention No. 102 defines internationally agreed minimum requirements for social protection systems, which serve as a framework for the establishment of comprehensive social protection systems. It establishes the minimum set of risks that should be addressed by national social protection systems, and specifies minimum requirements for each area with regard to coverage, benefit adequacy, entitlement conditions and other key parameters. A summary of minimum requirements for each area is provided in the annexes of the World Social Protection Report (ILO, 2017a) and the compendium of ILO social security standards (ILO, 2017b). In addition to these quantitative minimum benchmarks, the Convention also sets out the main principles guaranteeing sound financing, good and participatory governance and administration, which ensure that social protection systems are effective, efficient, equitable and sustainable.

Roadmap for strengthening national social protection systems

Convention No. 102 guides the progressive development of national social protection systems towards the objective of universal social protection

based on social solidarity through collective financing. By defining minimum requirements for social protection systems, Convention No. 102 provides guidance for the establishment, maintenance and reform of social protection systems even in the absence of ratification, ensuring that they can function effectively, equitably and sustainably based on clearly defined rights and obligations.

This includes in particular the gradual extension of coverage to achieve universal social protection, measures to improve benefit adequacy, and ensuring effective governance and financing mechanisms that are indispensable for sustainable and equitable social protection systems.

The ratification of Convention No. 102 has been a catalyst for significant improvements in national social protection systems, which are guided by an internationally accepted framework that is supported by governments, workers and employers. It has also been of particular importance for countries undergoing reform processes or experiencing crises (ILO, 2017b). Finally, ratifying Convention No. 102 is a guarantee to benefit on a priority basis from ILO's technical expertise in its implementation.

Flexible framework for the development of social protection systems

Convention No. 102 provides a flexible framework to steer the progressive expansion of protection for all types of social protection systems. It sets out minimum benchmark with several options for contributory schemes (usually social insurance), tax financed schemes (social assistance and universal schemes), or a combination of both.

It allows for the progressive attainment of comprehensive coverage, allowing for temporary derogations for countries whose economy and medical facilities are insufficiently developed. Countries can ratify the Convention by accepting at least three out of the nine branches, while further

developing their social protection systems and accepting obligations with respect to additional branches as their systems develop.

2. How to ratify?

Generally, the ILO has a vast experience in providing technical support to its Members, ranging from setting up and improving social protection schemes to reforming entire social protection systems. It includes policy, legal and financial advice, actuarial valuations and studies, assistance for the drafting of legislation, advice on the governance of social security schemes and their institutional set-up, as well as on monitoring the performance social protection systems and schemes. Promoting the ratification and effective implementation of up-to-date ILO Conventions is a priority for the ILO and its constituents, and the Office proactively supports member States in ratifying social security Conventions, notable Convention No. 102.

As there is no one size fits all in terms of social protection systems, there is also no one size fits all ratification process. Ratification is often driven by constitutional provisions determining the competent authorities and the process to be followed. In spite of these peculiarities, Figure 2 below attempts to provide an overview of the main steps that are common to ratifications processes in most countries with different legal traditions and constitutional systems. The ILO aims at offering a tailor-made step-by-step approach to support countries in their endeavour to ratify Convention No. 102 and other ILO social security standards. This forms part of the integrated response provided to Governments and social partners to effectively formulate and implement appropriate policies and legal frameworks as a means to improve and maintain their social protection systems. This response includes a broad range of expert technical support

and capacity building activities and is centered on effective and inclusive social dialogue.

The Office's technical support mainly consists of helping the national counterparts assess the compatibility of their social protection system with the minimum requirements established by the relevant ILO standard. If need be, this often implies contracting a national expert charged with producing the comparative report with the assistance of the Office. Following completion, the comparative reports are usually discussed by national tripartite workshops with a view to determining the next steps towards a possible ratification. Following completion of the ratification process at the national level, in order to be duly registered and start producing effects after 12 months, the ratification needs to be transmitted to the ILO Director General. In the case of Convention No. 102, the document of ratification transmitted to the ILO Director General needs to specify which 3 (at least) of the nine branches of social security are accepted upon ratification, being it understood that countries may always expand the number of accepted branches in the future. Once the Convention enters into force, member States benefit from priority technical assistance in its implementation. Assistance is also available to help countries meeting their reporting obligations, with training seminars targeted at national report drafters.

Figure 2. Main steps common to ratification processes in most countries

