



GLOBALIZATION AND INTERNATIONAL STANDARDS ON SOCIAL SECURITY

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ABSTRACT

Social security systems in many parts of the world have been under challenge. Some consider that the systems are too expensive, and that they harm the process of economic growth and development. Others point to deficiencies in the level of protection and the scope of coverage, and argue that in times of increased unemployment and other forms of labour insecurity, social security is more needed than ever. In some countries, there is dissatisfaction with the administration of social security, and calls for reform involve a review of the role of the State, the responsibilities of the social partners and the desirability of greater participation of the private sector. One of the key global problems facing social security today is the fact that more than half of the world's population is excluded from any type of social security protection which adversely affects their quality of life. Since, there has been a technological change with the globalization, societies have been exposed to greater threats of income security. People wish to secure a decent standard of living by getting income security which can be achieved not only through productive employment savings and accumulated assets but also through social protection mechanisms. In the era of Globalization, where people are increasingly exposed to global economic risks, there is growing consciousness of the fact that a broad-based national as well as international social protection policy can provide a strong buffer against many of the

negative social effects of crisis. Taking into account the pervading global changes, this paper aims at analyzing the impact of Globalization on social security and the role of International Organizations and International Instruments in securing social security for the betterment of community at large.

Keywords: Globalization; Human Rights; International Covenant on Economic, International Labour Organization; Social and cultural rights; Social Protection Floor; Universal Declaration on Human Rights;

Introduction

Social Security is a comprehensive approach designed to prevent deprivation, assure the individual of a basic minimum income for himself and his dependents and to protect the individual from any uncertainties. The State bears the primary responsibility for developing appropriate system for providing protection and assistance to its workforce. Social Security is increasingly viewed as an integral part of the development process. It helps to create a more positive attitude to the challenge of globalization and the consequent structural and technological changes.¹

Social Security may refer to the action programmes of government intended to promote the welfare of the population through assistance measures guaranteeing access to sufficient resources for food and shelter and to promote health and well-being for population at large and potentially vulnerable segments such as children, the elderly, the sick and the unemployed. Services providing social security are often called social services.

The social security is an instrument for social transformation and good governance. Social security to the workers would involve providing or framing such schemes or services or facilities and amenities which can enable the workers to lead a decent minimum standard of life and having financial/economic security to fall back upon in the event of loosing job for whatsoever may be the reason in the circumstances beyond their control. The workers must be given the wages and other services which will enable them and the members of their family to lead a decent life. The term social security has been defined differently by various authorities and thus, there is no commonly accepted definition of the term. Recently, some new concepts viz. social safety nets, social protection and social funds relating to social security have emerged.

¹ Social security in India pdf available at www.workspace.unpan.org retrieved on 27-01-2016

Social safety nets are measures to mitigate the negative effects of structural adjustments mostly in form of cash payments. Broadly all these concepts are part of the all pervasive term '*social security*'

The concept of social security has evolved over a period of time. In the primitive societies it was mankind's prime need to protect himself from the vagaries of nature like earthquakes, famines or even finding shelter and food in his day to day life. Societal groups were formed to confront and brave such hazards which turned into community living and formation of villages and also bringing in the concept of a family.² These institutions provided whatever limited social security those societies needed and served them adequately.

The industrial revolution³ brought in its wake altogether a new set of needs for the workers. These workers living around factories were mostly dependent upon their wages for subsistence and sustenance. They had left their villages and families to come and work in the factories. In the event these workers were rendered jobless because of accident, injuries or sickness or may be their services were not required, they were to live on their savings or from help from the fellow workers. Such arrangements were found grossly inadequate and it was felt the civil society as a whole or the State was required to play a major role in providing much needed respite to workers under such circumstances. This is how the concept of social security kept evolving.

In the 1880s, Germany was the first nation to adopt a statutory social insurance system, thereby establishing the notion of benefits as a right and making it applicable to the industrial workforce as a whole. Some years later, similar schemes were introduced in Latin America (Argentina, Brazil, Chile and Uruguay). Existing insurance models were widened, new risks such as unemployment benefits were included, and the groups of persons covered were enlarged. Although the insurance model prevailed, tax-financed programmes were also introduced at an early stage. In the Nordic countries⁴, not only the workers but all the inhabitants were protected. Later, the worldwide economic crisis,⁵ which unfolded at the end of the 1920s and beginning of the 1930s, and the post-crisis recovery policies adopted subsequently, gave fresh impetus to the

²Planning Commission of India, *Report of the working Group on Social Security, Government of India*, New Delhi.

³ Transition to a new manufacturing processes in the period from about 1760 to sometime between 1820 and 1840. Details available at https://en.m.wikipedia.org/wiki/Industrial_Revolution. Retrieved on 27-01-2016.

⁴ Nordic countries are geographical and cultural region in Northern Europe and North Atlantic which is most commonly known as Norden. Details available at https://en.m.wikipedia.org/wiki/Nordic_countries. retrieved on 27-01-2016.

⁵ Details available at <http://www.en.wikipedia.org/>

development of social security programmes. The 1930s witnessed a further expansion of social security schemes, mainly in Europe and the Americas.

The Second World War and the post-war years saw significant developments in social security at the national, regional and international levels, with the confirmation of social security as a human right. The Beveridge Report,⁶ published in the United Kingdom in 1942 and implemented from 1945 onwards, had a considerable influence in this. In recognition of the responsibility and obligation of society as a whole towards those who had defended it against aggression, the aim was to extend the right to social security from the pool of insured workers to entire nations. Since then, the rapid globalization of markets and workforces, increased migratory flows and steadily growing informality and, more recently, the ongoing global financial crisis have brought about new challenges in the area of social security. Some 75 to 80 per cent of the global population still lives in a state of “social insecurity”

Social Security: A Human Right as Guaranteed under International Instruments

It has often been underlined that social security pertains to that minimum protective threshold below which human beings could not live and work with dignity.⁷ The right to social security is, thus, recognized as a human right in fundamental human rights instruments, namely the *Universal Declaration of Human Rights*⁸, and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)⁹, and enshrined as such in other international¹⁰ and regional legal instruments.¹¹ The International Covenant on Economic, Social and Cultural Rights¹² not only formally recognize the right to social security as a human right¹³, but also refer to the protection and assistance to the family and to the right of everyone to an adequate standard of

⁶ Sir William Beveridge: *Social insurance and allied services*, presented to Parliament by command of His Majesty, November 1942 (H.M. Stationery Office, United Kingdom, 1969).

⁷ J. van Langendonck, *Verfassung, Theorie und Praxis des Sozialstaats, Festschrift für Hans F. Zacher zum 70. Geburtstag* (F. Ruland, B.von Maydell, Papier ed., C. F. Müller Verlag, Heidelberg, 1998), 477–488; J.M.

⁸ United Nations: *Universal Declaration of Human Rights*, adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948 (New York, 1948).

⁹ United Nations: *International Covenant on Economic, Social and Cultural Rights*, adopted by General Assembly Resolution 2 200 A (XXI) of 16 December 1966 (New York, 1966).

¹⁰ United Nations: *Convention on the Elimination of All Forms of Discrimination against Women*, adopted by General Assembly Resolution 34/180 of 18 December 1979, Articles 11(1)(e), 11(2)(b) and 14(2) (New York, 1979); *Convention on the Rights of the Child*, adopted by General Assembly Resolution 44/25 of 20 November 1989, Articles 26, 27(1), 27(2) and 27(4) (New York, 1989); *International Convention on the Elimination of All Forms of Racial Discrimination*, adopted by General Assembly Resolution 2106 (XX) of 21 December 1965, Article 5(e)(iv) (New York, 1965); *International Convention on the Protection of the Rights of All Migrant Workers and Their Families*, adopted by General Assembly Resolution 45/158 of 18 December 1990, Articles 27 and 54 (New York, 1990); *Convention on the Rights of Persons with Disabilities*, adopted by General Assembly Resolution A/RES/61/106 of 13 December 2006 (New York, 2006).

¹¹ For example: *European Social Charter*, adopted by the Council of Europe in 1961 (CETS No. 35); *Revised European Social Charter*, adopted by the Council of Europe in 1996 (CETS No. 163).

¹² International Covenant on Economic, Social and cultural rights 1996. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx> retrieved on 27-01-2016

¹³ Article 9 mentions that, “The States Parties to the Present covenant recognize the right of everyone to social Security, including social Insurance.” Ibid 7

living, “including adequate food, clothing and housing, and to the continuous improvement of living conditions”.¹⁴ Each State Party undertakes to implement these rights progressively, upon ratification, i.e., to take steps towards the full realization of the relevant rights ‘to the maximum of its available resources’, while ensuring immediate protection against discrimination.¹⁵

The Universal Declaration of Human Rights 1948¹⁶ in its Article 22 mentions 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.”

Again in Article 25, it mentions that,

“everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including food clothing, housing, medical care and necessary social services and right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Mother and child are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”

In simple terms, the signatories agree that society in which a person lives should help them to develop and to make the most of all the advantages (culture, work, social welfare) which are offered to them in the country.¹⁷

While the Universal Declaration of Human Rights constitutes an authoritative recognition of fundamental human rights, the ICESCR is a treaty, open for signature and ratification – and therefore a key instrument for giving reality to these human rights. The obligation of each State Party in the implementation of these rights is one of progressive realization, as it undertakes,

¹⁴ Articles 9 to 11 of the Covenant. Supra 7

¹⁵ Article 2 of the Covenant.

¹⁶ Universal Declaration of Human Rights, 1948. Available at <http://www.un.org/Overview/rights.html> Retrieved on 28-01-2016

¹⁷ Universal declaration of Human Rights, Plain language version. United Nations. Retrieved on 27-10-2016. Article 22 states “ the Society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare) which are offered to you and to all the men and women in your country”

upon ratification, to take steps towards the full realization of the relevant rights “to the maximum of its available resources”, while ensuring immediate protection against discrimination.¹⁸

Impact of Globalization on the Concept of Social Security

The process of globalisation and integration has accelerated its pace and transformed its character under a confluence of forces embracing trade, technology, tariffs and investment flows, enabling it to transcend the geographical and political barriers. In fact, globalisation over the last three decades or so, has been associated with greater intra-industry and intermediate goods trade, reflecting more intense global competition. It has also been characterised by increasing share of services in world output; increasing asymmetry in the international mobility of labour and capital; and unregulated mobility of international capital as opposed to domestic capital. This often leads to bandwagon effects and cyclical co-movement of countries cutting across developed and developing nations. Besides, globalisation has entailed with itself new ideas and values like human rights, labour standards, empowerment of woman labours and protection to children, which can no longer be wished away.

The globalization process highlights the need for economic change to be accompanied by labour and social protection regulations, the fruit if possible of ILO cooperation with international economic, financial and trade institutions. It is no easy matter to devise those regulations. Tension subsists between economic imperatives and social concern, between countries of differing levels of economic development.¹⁹ Unemployment, underemployment and precarious employment spare almost no country. Living conditions are still all too often inhuman.²⁰ In 2000, the ILO renewed its commitment to the extension of social security coverage and to the improvement of the governance, financing and administration of the schemes and launched a ‘Global Campaign on Social Security and Coverage for All’.²¹ The Office has developed a two-dimensional strategy. The ‘horizontal’ dimension comprises the extension of income security and

¹⁸ United Nations: *International Covenant on Economic, Social and Cultural Rights*, Article 2, para. 1. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> retrieved on 27-01-2016.

¹⁹ P. Kettunen & K. Petersen, *Beyond Welfare State Models. Transnational Historical Perspectives on Social Policy* (Edward Elgar 2011).

²⁰ . See Intl. Lab. Conf., *Decent Work*, Report of the Director-General to the 87th Session (1999) of the International Labour Conference (Geneva), ILO, 1999; Intl. Lab. Conf., *Working out of Poverty*, Report of the Director-General to the 89th Session (2001) of the International Labour Conference (Geneva), ILO, 2001, as well as the Declaration on Social Justice for a Fair Globalization, adopted by the ILC on 10 June 2008

²¹ ILO, Resolution and conclusions concerning social security, International Labour Conference, 89th Session, Geneva, 2001, paras. 16–19; ILO: Report of the Director-General: Tripartite Meeting of Experts on Strategies for the Extension of Social Security Coverage, Governing Body, 306th Session, Geneva, Nov. 2009, GB.306/17/2.

access to health care, starting at a modest level, to the whole population. It echoes the idea of the transfer component of the Social Protection Floor (SPF), developed by the United Nations Chief Executives Board for Coordination (UN CEB), which promotes a set of basic transfers or entitlements enabling persons to access essential goods and services. The SPF extends the initiative to such other essential services as drinkable water, adequate food, sanitation, health, education and lodging. The second, 'vertical' dimension has sought to provide higher levels of income security and health protection in line with economic and social development, when people were faced with fundamental life contingencies such as unemployment, ill health, disability, maternity, loss of breadwinner and old-age. The ILO, together with the World Health Organization (WHO), has been given a leading role in the SPF. The collaboration with other agencies aims at building a coalition of international agencies and donors supporting countries to plan and implement sustainable social protection schemes. The SPF approach was incorporated into the Global Jobs Pact, adopted by the ILC in 2009. It was endorsed by the 2010 United Nations Summit on the Millennium Development Goals which stressed that 'social protection systems addressing and reducing inequality and social exclusion are essential for protecting the gains towards the achievement of the Millennium Development Goals'.²² A 'Social Protection Floor Advisory Group' has been created to provide general guidance with regard to the feasibility, applicability and adaptability of the concept and its implementation process in different socioeconomic and institutional contexts and to promote cooperation between countries.²³ At the Los Cobos summit held on 18–19 June 2012, the G.20 Leaders also insisted on the importance of SPFs. Recent ILO research has emphasized the pivotal role of social security in achieving a fair globalization, facilitating economic development and structural change, and managing crises; the setting of international labour standards helps the Organization achieve this mandate. An ILO-World Bank Report and on-line data tool shows that, despite the crisis, social protection systems expanded in many parts of the world between 2008 and 2010.²⁴ In 2012, the ILC has adopted Recommendation No. 202 concerning national floors of social protection. It promotes national policies aiming at implementing such policies. With a view to giving the necessary flexibility in the choice of the methods and policies for achieving the intended social protection outcomes, schemes providing such benefits may include universal

²² U.N., *Keeping the promise: United to achieve the Millennium Development Goals*, General Assembly Resolution A/65/L.1, adopted on 22 Sept. 2010 (New York, 2010), para. 51.

²³ See the ILO site on the Social Protection Floor Initiative.

²⁴ Intl. Lab. Org., World Bank, *Inventory of Policy Responses to the Financial and Economic Crisis 27* (World Bank, Intl. Lab. Org. 2012).

benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes.²⁵

The International Social Security Association (ISSA)²⁶ also considers that social security often comes at no additional cost to society but is integral to its smooth and successful functioning. It reduces poverty and inequality and contributes to social cohesion, while also representing an investment in human capital, unlocking the productive capacities of individuals and advancing economic development.²⁷

All recent ILO instruments on social security share the same vision and have therefore in common a number of principles.²⁸ They implement the human right to social security contained in the various UN treaties. They are based on solidarity and compulsory affiliation; their coverage is universal and their provision sufficiently flexible to apply to a large variety of countries.

The ILOs Mandate on Social Security

As the international agency specifically entrusted with setting international labour standards, the ILO has primary responsibility, since its creation in 1919, for the realization of the right to social security. This mandate was reaffirmed in 1944 in the Declaration of Philadelphia and incorporated subsequently in the ILO Constitution. It explicitly recognizes the “solemn obligation of the International Labour Organization” to further among the nations of the world programmes that will achieve, inter alia, “the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care”, as well as “provision for child welfare and maternity protection”, therefore extending the protection to all those in need. This was the first time in history that the world community had declared its commitment to extending social security to all. Although a sophisticated body of international social security law is active and growing, many States appear unable to honour it. Even in the absence of ratification and therefore of legal force, they are invaluable benchmarks in comparative law. Indeed, ILO standards are both useful instruments of analysis and excellent yardsticks for identifying common denominators among national systems.

²⁵ Paragraph 9(3).

²⁶ Details available at <https://www.issa.net/>

²⁷ Intl. Soc. Sec. Assn., *Coping with the Crisis: Managing Social Security in Uncertain Times* (2012).

²⁸ Some of the so-called principles mentioned in para. 3 of Recommendation No. 202 are rather sound and prudential guidelines of management.

The new universality paradigm view was reflected in the Income Security Recommendation, 1944 (No. 67)²⁹ and the Medical Care Recommendation, 1944 (No. 69)³⁰. These two Recommendations paved the way for the formulation of social security as a human right in the Universal Declaration of Human Rights and, some years later, in the ICESCR.

The first ILO instruments to reflect a shift were in the form of two recommendations adopted in 1944. Recommendation No. 67 which calls for income security schemes that relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner. It considers that income security should be organized as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled to benefits in consideration of the contributions they have paid to an insurance institution. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons (such as dependent children and needy invalids, aged persons and widows) should be entitled to reasonable allowances; social assistance appropriate to the needs of the case should be provided for other persons who want.³¹

The Recommendation lists the various contingencies that should be covered by compulsory social insurance. Social insurance should afford protection to employed and self-employed persons, together with their dependants; its administration should be unified or coordinated within a general system of social security services; contributors should, through their organizations, be represented on the bodies 'which determine or advise upon administrative policy and propose legislation or frame work regulations'.³²

The second Recommendation, No. 69, concerns medical care, which it suggests should fully cover all members of the community. It should be provided either through a social insurance medical care service with supplementary provision by way of social assistance, or through a public medical care service.³³

The Social Security (Minimum Standards) Convention, 1952 (No. 102) establishes, as its title suggests, a general system whose scope is (gradually) extended to all sectors of activity and to the entire population including the self-employed and non-working population. It comprises the nine main kinds of benefits that become due at the appearance of specific contingencies: medical

²⁹Recommendations concerning income security, 1944 Details available at www.ilo.org/dyn/normlex/en/f/?%3Fp%3D.

³⁰ Details available at www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB.

³¹ Paragraphs 1–4.

³² Paragraphs 5–27.

³³ Paragraphs 8, 19 and 5.

care and sickness, unemployment, old-age, employment injury, family, maternity, invalidity and survivors' benefits. The Convention introduces the principle of a minimum general level compatible with human dignity that the States must attain in the light of their socio-economic development. On 11 November 2014, Convention No. 102 had been ratified by 50 countries, including thirty-two in Europe, ten in Latin America, six in Africa and two in Asia. Another convention on the protection of maternity and several recommendations were voted during the immediate post-war period.³⁴ The instruments drawn up since are based on Convention No. 102, but provide broader protection in terms of the persons covered and the amount of the benefits. They cover specific areas of social security or problems inherent in international transfers of labour.³⁵

In 1999 – and pursuant to the ILO mandate – the strengthening of social protection and social security was established as one of the four strategic objectives of the Decent Work Agenda, which aims at decent and productive work for all women and men in conditions of freedom, equity, security and human dignity. Recognizing the increased need for social security in a volatile economic situation and the pressure exercised on existing social security systems, the Decent Work Agenda underlined the necessity of adjusting to social changes, extending social security, improving governance of social security, and linking labour market and employment policies with social security.

In 2001, the International Labour Conference reiterated that social security was a basic human right, and reaffirmed that its extension to all in need was a fundamental part of the ILO's mandate and a challenge that needed to be addressed seriously and urgently by all member States. In 2003, the Global Campaign on Social Security and Coverage for All was launched.

³⁴ Not counting the maritime instruments, they are: the Income Security Recommendation, 1944 (No. 67), the Social Security (Armed Forces) Recommendation, 1944 (No. 68), the Medical Care Recommendation, 1944 (No. 69), the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Maternity Protection Convention (Revised), 1952 (No. 103) and Recommendation (No. 95).

³⁵ The Equality of Treatment (Social Security) Convention (No. 118) of 1962, the Employment Injury Benefits Convention (No. 121) and Recommendation (No. 121) of 1964, the Invalidity, Old-age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131) of 1967, the Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134) of 1969, the Maintenance of Social Security Rights Convention, 1982 (No. 157) of 1982, the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) and Recommendation (No. 176) of 1988. They have received fewer ratifications: on 28 Jan. 2013, Convention No. 118 has been ratified by thirty-eight Member States; Convention No. 121 by twenty-four Member States; Convention No. 128 by sixteen Member States; Convention No. 130 by fifteen Member States; Convention No. 157 by four Member States; Convention No. 168 by eight Member States and Convention No. 183 by 26 Member States.

In emphasizing that the four strategic objectives of the ILO were “inseparable, interrelated and mutually supportive”, through the ILO Declaration on Social Justice for a Fair Globalization,³⁶ adopted in 2008, constituents reconfirmed their joint efforts in:

- ... *developing and enhancing measures of social protection – social security and labour protection which are sustainable and adapted to national circumstances, including: – the extension of social security to all, including measures to provide basic income to all in need of such protection, and adapting its scope and coverage to meet the new needs and uncertainties generated by the rapidity of technological, societal, demographic and economic changes.*

In response to the global financial and economic crisis, the ILO constituents adopted the Global Jobs Pact in June 2009, which recognized the role of social security as an automatic economic and social stabilizer and an essential component of integrated crisis response strategies. It called upon countries to reinforce and extend their social protection systems through the establishment of a Social Protection Floor (SPF).³⁷ The Global Jobs Pact was subsequently endorsed by the United Nations Economic and Social Council (ECOSOC), and the SPF was identified as one of nine United Nations-wide joint crisis response initiatives.³⁸ The SPF is also becoming an integral part of the ILO’s emerging two-dimensional strategy for the extension of social security. The ILO Recommendation No. 202 concerning national floors of social protection, 2012, also reaffirms that the right to social security is a human right and an economic and social necessity for development and progress.

An essential means of action available to the ILO for the realization of its mandate of extending social security to all is the setting of international labour standards. Since 1919, the ILO has adopted 31 Conventions and 23 Recommendations in this area, which have greatly contributed to the development of social security as a universal human right notably by laying down specific obligations and guidelines for member States. In 2002, the ILO Governing Body confirmed eight out of these 31 Conventions as up-to-date social security Conventions³⁹ which include

³⁶ ILO: *ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 97th Session, Geneva, 10 June 2008.

³⁷ ILO: *Recovering from the crisis: A Global Jobs Pact*, International Labour Conference, 98th Session, Geneva, 2009.

³⁸ ECOSOC: *Recovering from the crisis: A Global Jobs Pact*, resolution E/2009/L.24 (Geneva, 2009); UN CEB: *Global financial and economic crisis – UN system – Joint crisis initiatives* (New York, 2009).

³⁹ *Social Security for Social Justice and a fair Globalisation*, Report VI, 2011, International Labour Office Geneva.

- Social Security (Minimum Standards) Convention, 1952 (No. 102);
- Equality of Treatment (Social Security) Convention, 1962 (No. 118);
- Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121);
- Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128);
- Medical Care and Sickness Benefits Convention, 1969 (No. 130);
- Maintenance of Social Security Rights Convention, 1982 (No. 157);
- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and
- Maternity Protection Convention, 2000 (No. 183).

The ILO technical cooperation activities in the field of social security are based on its principles. Many States, like China, Latvia or Lebanon, take its provisions into account when drafting their own legislation, even if they have not yet ratified. The social security systems of nearly all European countries and many Latin American and Caribbean countries follow the pattern set out in Convention No. 102⁴⁰ and in the higher social security standards. The influence of these standards has also been felt in Japan and in the Republic of Korea as well as in Tunisia and Morocco. Furthermore, the Convention has influenced the development of formal social security systems in low-income countries: more than thirty African countries have set up pensions schemes modeled on it. Although these countries' formal social security systems cover only a small portion of the population, Convention No. 102 constitutes a development goal and is a reference used in documents setting long-term objectives with regard to the levels of protection and social security needed to be attained.⁴¹

According to paragraph 8 of Recommendation No. 202, basic income security should allow life in dignity. Nationally defined minimum levels of income may correspond to the monetary value of a set of necessary goods and services, national poverty lines, income thresholds for social assistance or other comparable thresholds established by national law or practice, and may take into account regional differences. The levels of basic social security guarantees should be

⁴⁰ Article 67 of Convention No. 102 states that the benefits should 'be sufficient to maintain the family of the beneficiary in health and decency'. Articles 65(10) and 66(8) adds that the rates of current periodical payments in respect of old-age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

⁴¹ Such as the Southern African Development Community (SADC) Code of Social Security, or a number of national social security policy documents, for example in the United Republic of Tanzania and Zambia. See Intl. Lab. Conf., *Social security for social justice and a fair globalization, supra.* at paras. 40–41.

regularly reviewed through a transparent procedure that is established by national laws and regulations. Representative organizations of employers and workers and, as appropriate, representatives of other organizations and persons concerned should be involved in the establishment and review of the levels of these guarantees.

The 1995 World Summit for Social Development, the adoption of the Millennium Development Goals (MDGs) in 2000 – particularly the goal of halving the global rate of poor households by 2015 – and the 2005 World Summit of the United Nations (which endorsed the goals of full and productive employment and decent work for all as central objectives of relevant national and international policies), established the principle that each society was responsible for people's social well-being, at least when it came to defining minimum social objectives.⁴²

An overview of some other ILO Conventions on Social Security

ILO standards on social security provide for different types of social security coverage under different economic systems and stages of development. Social security Conventions offer a wide range of options and flexibility clauses which allow the goal of universal coverage to be reached gradually. In a globalizing world, where people are increasingly exposed to global economic risks, there is growing consciousness of the fact that a broad-based national social protection policy can provide a strong buffer against many of the negative social effects of crises.

A later generation of conventions expands the scope of protection provided by Convention No. 102. While offering a higher level of protection in terms of scope and level of benefits to be guaranteed, these instruments authorize certain exceptions which ensure flexibility. The benefits provided under Convention No. 102 and under later conventions are outlined below. This information does not include provisions on the duration and conditions of entitlement to benefits, derogations allowed under these instruments, or higher levels of benefits provided by relevant recommendations.

Medical care⁴³

- Convention No. 102⁴⁴: provides for preventive care, general practitioner care, including home visits, specialist care, essential pharmaceutical supplies as prescribed, prenatal,

⁴² Supra 22

⁴³ Available at <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang--en/index.html> retrieved on 26-01-2016

confinement and postnatal care by medical practitioners or qualified midwives, and hospitalization where necessary.

- Convention No. 130⁴⁵: provides the same benefits as Convention No. 102, plus dental care and medical rehabilitation.

Sickness benefit ⁴⁶

- Convention No. 102⁴⁷: periodical payments, corresponding to at least 45% of the reference wage.
- Convention No. 130⁴⁸: periodical payments, corresponding to at least 60% of the reference wage. Also provides for funeral expenses in case of death of the beneficiary.

Unemployment benefit ⁴⁹

- Convention No. 102⁵⁰: periodical payments, corresponding to at least 45% of the reference wage.
- Convention No. 168⁵¹: periodical payments, corresponding to at least 50% of the reference wage. Beyond the initial period, possibility of applying special rules of calculation. Nevertheless, the total benefits to which the unemployed may be entitled must guarantee them healthy and reasonable living conditions in accordance with national standards.

⁴⁴ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 20-01-2016

⁴⁵ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C130:NO

Retrieved on 20-01-2016

⁴⁶ Supra 44

⁴⁷ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 20-01-2016

⁴⁸ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C130:NO

Retrieved on 20-01-2016

⁴⁹ Supra 44

⁵⁰ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 20-01-2016

⁵¹ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:4829518041614523::NO:12100:P12100_ILO_CODE:C168:NO Retrieved on 21-01-2016

Old-age benefit⁵²

- Convention No. 102⁵³: periodical payments, corresponding to at least 40% of the reference wage. The rates of relevant benefits must be revised following substantial changes in the general level of earnings and /or the cost of living.
- Convention No. 128⁵⁴: periodical payments, corresponding to at least 45% of the reference wage. Same conditions as Convention No. 102 relating to the revision of rates.

Employment injury benefit

- Convention No. 102⁵⁵: medical care, periodical payments corresponding to at least 50% of the reference wage in cases of incapacity for work or invalidity. Benefits for widow and dependent children in case of death of breadwinner with periodical payments corresponding to at least 40% of the reference wage. Possibility of converting periodical payments into lump sums under certain conditions. Except in the case of incapacity for work, obligation to revise the rates of periodical payments following substantial changes in the cost of living.
- Convention No. 121⁵⁶: same as Convention No. 102, plus certain types of care at the place of work. Periodical payments, corresponding to at least 60% of the reference wage in cases of incapacity for work or invalidity, benefits for widow, the disabled and dependent widower, and dependent children in case of death of breadwinner, with periodical payments corresponding to at least 50% of the reference wage. Obligation to prescribe minimum amount for these payments, possibility of converting payments into a lump sum under certain conditions, and supplementary benefits for disabled persons requiring the constant help of a third person.

Family benefit

⁵² Supra 44

⁵³ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

⁵⁴ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:2899614733118296::NO:12100:P12100_ILO_CODE:C128:NO

⁵⁵ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

⁵⁶ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:4367490161091091::NO:12100:P12100_ILO_CODE:C121:NO Retrieved on 24-01-2016

- Convention No. 102⁵⁷: provides either periodical payments or the provision of food, clothing, housing, holidays or domestic help, or a combination of these.
- No new convention exists on this topic.

Maternity benefit⁵⁸

- Convention No. 102⁵⁹: medical care including at least prenatal, confinement and postnatal care either by medical practitioners or by qualified midwives and hospitalization where necessary; periodical payments, corresponding to at least 45% of the reference wage.
- Convention No. 183⁶⁰: medical benefits including prenatal, childbirth and postnatal care, as well as hospitalization care when necessary; cash benefits to ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. At least two-thirds of previous earnings or comparable amount.

Invalidity benefit⁶¹

- Convention No. 102⁶²: periodical payments, corresponding to at least 40% of the reference wage; the rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or in the cost of living.
- Convention No. 128⁶³: periodical payments corresponding to at least 50% of the reference wage; the rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or in the cost of living.

⁵⁷ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 24-01-2014

⁵⁸ Supra 44

⁵⁹ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 24-01-2014

⁶⁰ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:3097851147708029::NO:12100:P12100_ILO_CODE:C183:NO

Retrieved on 24-01-2016

⁶¹ Suora 44

⁶² Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO

Retrieved on 21-02-2016

Survivors' benefit⁶⁴

- Convention No. 102⁶⁵: periodical payments, corresponding to at least 40% of the reference wage; the rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or in the cost of living. .
- Convention No. 128⁶⁶: periodical payments corresponding to at least 45% of the reference wage; the rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or in the cost of living.⁶⁷

Indian Constitution And the Concept of Social Security

Labour protection for the working people in India is available under various laws enacted by the Parliament as well as the State Legislatures. The Preamble of the Constitution of India guarantees its citizens justice- social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunities and fraternity, dignity of individual and dignity of nation.

Part III of the Constitution of India prohibits the forced labour and employment of children in factories or mines or in hazardous occupations (Articles 23 and 24). Fundamental right to freedom of association and formation of unions is also guaranteed under Article 19.

Part IV of the Constitution of India relating to Directive Principles of State Policy, inter-alia, call for provisions for right to work and education; public assistance in cases of unemployment and of social security; just and humane conditions of work; maternity relief; living wage and working conditions capable of ensuring decent standard of life (Articles 41 to 43); workers participation and management.

⁶³ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:2899614733118296::NO:12100:P12100_ILO_CODE:C128:NO Retrieved on 21-02-2016

⁶⁴ Supra 44

⁶⁵ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C102:NO Retrieved on 22-01-2016

⁶⁶ Available at

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:2899614733118296::NO:12100:P12100_ILO_CODE:C128:NO Retrieved on 23-01-2016

⁶⁷ Supra 44

The Constitution of India enacted upon independence of the country though does not provide for compulsory institution of social security for all, yet, its directive principles of state policy contained in article 38 to 47 provide for theme idea in this regard explicitly. Same precisely provides for as under:

- The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- The State shall in particular strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.
- The State shall in particular, direct its policy towards securing –
 - a) that the citizens both men and women equally have the right to an adequate means of livelihood;
 - b) that the ownership and control for the material resources of the community are so distributed as best to sub-serve the common good; and
- The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Social Security and labour welfare falls under Concurrent list, it means both union and state Government can make laws regarding these topics.

List III in the Seventh Schedule of the Constitution of India) goes as mentioned under:

❖ Under Item No. 23, following find space;

- Social Security and insurance,
- employment and unemployment.

❖ Under Item No. 24, following find space;

- Welfare of Labour including conditions of work,
- Provident funds,
- Employers' liability,
- Workmen's compensation,
- Invalidity and old age pension and maternity benefits.

Social security in India country has evolved in conformity with the spirit of this loftily goal. However, it has remained confined primarily to the organized sector which comprises not more than 7% of the workforce. Social security for the unorganized sector is justified primarily on grounds of equity and social justice. As pointed out by the First National Commission on Labour, the unorganized sector is characterized by irregular employment, unstable income, prevalence of piece wage rates and absence of any legal protection with regard to income, employment, health and safety. Further, in view of the low skill levels of this workforce, there is almost no scope for them to move vertically in the occupational ladder to increase their financial situation. Though the Government has taken several initiatives i.e. legislative measures and welfare schemes/programmes to improve the lot of this segment of working class, still the coverage is miniscule.

Conclusion

Social security comprises mainly two elements job/work and income securities. That is why social security is taken linked to work or economic security. As important as the work security is income security. Inadequate income resulting from unprotected and irregular employment is a direct threat to their lives and families. Their income needs to be protected against the vagaries of economy. Therefore, socially relevant minimum wages should be guaranteed. In addition to income security, certain other basic elements of social protection are also essential towards work security. These are health care, including maternity benefits (anti-natal and post-natal care), shelter and education. Social security is a human right to which everyone in any society should have access; it is also a prerequisite for social cohesion and justice. It constitutes a powerful tool to alleviate poverty and inequality, as demonstrated through long experience in more developed countries, as well as in those middle- and low-income countries. A sustainable system of social protection requires some basic conditions: a sound economic (financial) basis, an efficient State structure and, a strong sense of solidarity among the concerned people. The ILO underlines the

essential role of social security and of its standards to achieve a more human globalization, to promote economic development and the unavoidable structural adjustments or to manage crisis.

To guarantee better living conditions to its citizens, States have a role to play. States have to take strong initiatives to extend the coverage of various social security schemes and to devise new and innovative programmes to address the needs of the most vulnerable categories of citizens who have yet no social protection. Besides labour laws should be strengthened and properly implemented.

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