

Description: Convention concerning Medical Care and Sickness Benefits (Note: Date of coming into force: 27.05.1972.)

Conventio

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Session of the Conference:53

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Subject classification: Medical Care and Sickness Benefit

Subject: Social Security

The General Conference of the International Labour Organisation,

having taken account of the Convention of the International Labour Office,

and having met in its fifty-third session on 4 June 1969, and

Having decided upon the adoption of certain proposals with regard to the revision of the

Convention (Industry) Concerning the Sickness Insurance (Agriculture)

Convention, 1927, which is the fifth item on the agenda of the session, and

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

adopts the twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the

following Convention, which may be cited as the Medical Care and Sickness Benefits

Convention, 1969:

PART I. GENERAL PROVISIONS:

Article 1

In this Convention--

(a) the term legislation includes any social security rules as well as laws and regulations

(b) the term residence means ordinary residence in the territory of the Member and the term

resident means a person ordinarily resident in the territory of the Member

(c) the term dependent refers to a state of dependency which is presumed to exist in

prescribed cases

(d) the term wife means a wife who is dependent on her husband

(e) the term child covers--

(i) a child under school-leaving age or under 15 years of age, whichever is the higher;

Provided that a Member which has made a declaration under Article 2 may, after such

declaration is in force, apply the Convention as if the term covered a child under school-

leaving age

(ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph

and who is an apprentice or student or has a chronic illness or injury disabling him for any

period of time; provided that the Member which has made such a declaration shall be deemed

to be met where national legislation defines the term so as to cover any child under an age

appreciably higher than that specified in clause (i) of this subparagraph

(iii) the term dependent beneficiary means a man with a wife and two children

(iv) the term qualifying period means a period of contribution, or a period of employment, or a

period of residence, or any combination thereof, as may be prescribed

(v) the term sickness means any morbid condition, whatever its cause

(vi) the term medical care includes allied benefits.

Article 2

1. A Member whose economy and medical facilities are insufficiently developed may avail

itself of a declaration accompanying its ratification, of the temporary exceptions provided for

in Article 1, subparagraph (g), clause (i)

2. Each Member which has made a declaration under paragraph 1 of this Article shall include

in its reports upon the application of this Convention a statement in respect of each exception

of which it avails itself:

(a) that its reason for doing so subsists

(b) that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall, as

soon as possible after the date of its declaration and as circumstances permit--

(a) increase the number of persons protected

(b) extend the range of medical care provided

(c) extend the duration of its report.

Article 3

1. Any Member whose legislation protects employees may, by a declaration accompanying its

ratification, exclude from the application of this Convention the employees in the

sector comprising agricultural occupations who, at the time of the ratification, are not yet

protected by legislation which is in conformity with the standards of this Convention.

2. Where a Member which has made a declaration under paragraph 1 of this Article shall include

in its reports upon the application of this Convention submitted under article 22 of the

Constitution of the International Labour Organisation to what extent effect is given and what

steps are being taken to give effect to the provisions of the Convention in respect of the employees

in the sector comprising agricultural occupations and any progress which may have been

made with a view to the application of the Convention to such employees or, where there is no

change in its report, shall furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall

include the number of employees protected in the sector comprising agricultural occupations

in its report and with the report the circumstances referred to in paragraph 2.

Article 4

1. Any Member which ratifies this Convention may, by a declaration accompanying its

ratification, exclude from the application of the Convention--

(a) seafarers, including sea fishermen,

(b) public servants.

2. Where a Member whose economy is protected by special schemes which provide in the aggregate

benefits at least equivalent to those required by this Convention--

(a) exclude the persons belonging to the category or categories excluded from the application

of the Convention from the number of persons taken into account when calculating the

percentages specified in Article 5, subparagraph (c)

(b) exclude the persons belonging to the category or categories excluded from the application

of the Convention, as well as the wives and children of such persons, from the number of

persons taken into account when calculating the percentage specified in Article 10,

subparagraph (c).

3. Any Member which has made a declaration under paragraph 1 of this Article may

subsequently notify the Director-General of the International Labour Office that it accepts the

obligations of this Convention in respect of a category or categories excluded at the time of its

ratification.

Article 5

Any Member whose legislation protects employees may, as necessary, exclude from the

application of this Convention--

(a) persons whose employment is of a casual nature.

(b) persons whose employer's family living in his home in respect of their work for him

(c) other categories of employees, which shall not exceed in number 10 per cent of all

employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 6

For the purpose of compliance with this Convention, a Member may take account of

protection effected by means of insurance which, although not made compulsory by its

legislation at the time of ratification for the persons to be protected--

(a) is supervised by the public authorities or administered, in accordance with prescribed

standards, by joint operation of employers and workers

(b) covers a substantial proportion of the persons whose earnings do not exceed those of the

skilled manual male employee defined in Article 22, paragraph 6

(c) complies, in conjunction with other forms of protection, where appropriate, with the

provisions of the Convention.

Article 7

The contingencies covered shall include--

(a) need for medical care of a curative nature and, under prescribed conditions, need for

medical care of a preventive nature

(b) incapacity for work resulting from sickness and involving suspension of earnings, as

defined by national legislation.

Article 8

Each Member shall secure to the persons protected, subject to prescribed conditions, the

provision of medical care in respect of a curative or preventive nature in respect of the contingency

referred to in subparagraph (a) of Article 7.

Article 9

The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring

or improving the health of the person protected and his ability to work and to attend to his

personal needs.

Article 10

The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7

shall comprise--

(a) all employees, including apprentices, and the wives and children of such employees

(b) prescribed classes of the economically active population, constituting not less than 75 per

cent of the whole economically active population, and the wives and children of persons in the

said classes

(c) prescribed classes of residents constituting not less than 75 per cent of all residents.

Article 11

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of

the contingency referred to in subparagraph (a) of Article 7 shall comprise--

(a) prescribed classes of employees, constituting not less than 25 per cent of all employees,

and the wives and children of employees in the said classes

(b) 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, in respect of the

contingency referred to in subparagraph (a) of Article 7.

Article 12

The medical care referred to in Article 8 shall comprise at least--

(a) general practitioner care, including domiciliary visiting

(b) specialist care at hospitals for in-patients and out-patients, and such specialist care as

may be available outside hospitals

(c) the necessary pharmaceutical supplies on prescription by medical or other qualified

practitioners

(d) hospitalisation where necessary

(e) dental care, as prescribed

(f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and

orthopaedic appliances, as prescribed.

Article 14

Where a declaration made in virtue of Article 2 is in force, the medical care referred to in

Article 8 shall comprise at least--

(a) general practitioner care, including wherever possible, domiciliary visiting

(b) specialist care at hospitals for in-patients and out-patients, and, wherever possible, such

specialist care as may be available outside hospitals

(c) the necessary pharmaceutical supplies on prescription by medical or other qualified

practitioners

(d) hospitalisation where necessary.

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

1. The medical care referred to in Article 8 shall be provided throughout the contingency.

2. 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 longer than 26 weeks:

Provided that the medical care shall not cease while the beneficiary continues to receive a

sickness benefit.

3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care

shall be extended for prescribed diseases recognised as entailing prolonged care.

Article 17

Where the legislation of a Member requires the beneficiary to his breadwinner to share in the

cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall

be so designed as to avoid hardship and not to prejudice the effectiveness of medical and

surgical protection.

PART III. SICKNESS BENEFIT

Article 18

Each Member shall secure to the persons protected, subject to prescribed conditions, the

provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of

Article 7.

Article 19

The persons protected in respect of the contingency specified in subparagraph (b) of Article 7

shall comprise--

(a) all employees, including apprentices

(b) prescribed classes of the economically active population, constituting not less than 75 per

cent of the whole economically active population

(c) all residents whose means during the contingency do not exceed limits prescribed in such

years from the date of its ratification as to comply with the requirements of Article 20.

Article 20

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of

the contingency referred to in subparagraph (b) of Article 7 shall comprise--

(a) prescribed classes of employees, constituting not less than 25 per cent of all employees

(b) prescribed classes of employees in industrial undertakings, constituting not less than 50

per cent of all employees in industrial undertakings.

Article 21

The sickness benefit referred to in Article 18 shall be a periodical payment and shall--

(a) where employees or classes of the economically active population are protected, be

calculated in such a manner as to comply either with the requirements of Article 22 or with

the requirements of Article 23

(b) where all residents whose means during the contingency do not exceed prescribed limits

are protected, be calculated in such a manner as to comply with the requirements of Article

24.

Article 22

1. In the case of a periodical payment to which this Article applies, the rate of the benefit,

increased by the amount of any family allowances payable during the contingency, shall be

such as to attain for the standard beneficiary, in respect of the contingency referred to in

subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the

beneficiary and of the amount of any family allowances payable to a person protected with the

same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary shall be calculated according to prescribed rules,

and, where the persons protected are arranged in classes according to their earnings, their

previous earnings may be calculated from the base earnings of the class to which they

belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into

account for the calculation of the benefit, provided that the maximum limit is fixed in such a

way that the provisions of paragraph 1 of this Article are complied with where the previous

earnings of the beneficiary are equal to or lower than the wage of a skilled manual male

employee.

4. The previous earnings of the beneficiary, the wage of the skilled manual male employee, the

benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the

standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be--

(a) a fitter or turner in the manufacture of machinery or other electrical machinery

(b) a person deemed typical of skilled labour selected in accordance with the provisions of the

following paragraph

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per

cent of all the persons protected, such earnings to be determined on the basis of annual or

shorter periods as may be prescribed

(d) a person whose earnings are equal to 125 per cent of the average earnings of all the

persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the

preceding paragraph shall be a person employed in the major group of economic activities

with the largest number of economically active male persons protected in the contingency

referred to in subparagraph (b) of Article 7 in the division comprising the largest number of

such persons.

8. Where the rate of benefit varies by region, the skilled manual male employee may be

determined for each region in accordance with paragraphs 4 and 5 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the

rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of

national legislation, where applicable, or by custom, including cost-of-living allowances, if any.

Article 23

1. In the case of a periodical payment to which this Article applies, the rate of the benefit,

increased by the amount of any family allowances payable during the contingency, shall be

such as to attain for the standard beneficiary, in respect of the contingency referred to in

subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the

beneficiary and the amount of any family allowances payable to a person protected with the

same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall

be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the

standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be--

(a) a person deemed typical of unskilled labour selected in accordance with the provisions of

the following paragraph

(b) a person deemed typical of unskilled labour selected in accordance with the provisions of

the following paragraph

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per

cent of all the persons protected, such earnings to be determined on the basis of annual or

shorter periods as may be prescribed

(d) a person whose earnings are equal to 125 per cent of the average earnings of all the

persons protected.

5. The person deemed typical of unskilled labour for the purposes of subparagraph (b) of the

preceding paragraph shall be a person employed in the major group of economic activities

with the largest number of economically active male persons protected in the contingency

referred to in subparagraph (b) of Article 7 in the division comprising the largest number of