

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**EMPLOYMENT INJURY BENEFITS
CONVENTION, 1964 (No. 121)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

GENEVA
1982

REPORT

for the period to , made by the Government of
. , in accordance with article 22 of the
Constitution of the International Labour Organisation, on the measures taken to give
effect to the provisions of the

EMPLOYMENT INJURY BENEFITS CONVENTION, 1964

ratification of which was registered on

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

In this Convention—

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “prescribed” means determined by or in virtue of national legislation;
- (c) the term “industrial undertaking” includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term “dependent” refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term “dependent child” covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher, and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, on conditions laid down by national legislation: Provided that this requirement 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 subclause (i).

Article 2

1. A Member 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 following Articles: Article 5; Article 9, paragraph 3, clause (b); Article 12; Article 15, paragraph 2; and Article 18, paragraph 3. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself—

- (a) that its reason for doing so subsists; or

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

Note: If recourse is had to any temporary exception, please indicate under each of the Articles to which such exception relates whether the reasons for any such exceptions subsist during the period covered by the report (Articles 5, 9 (3) (b), 12 and 15 (2)).

Article 3

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

(a) seafarers, including seafishermen,

(b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with paragraph 2, clause (d), of Article 4, and with Article 5.

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.

If recourse is had to the provisions of paragraph 1 of this Article, please indicate the equivalent aggregate benefits provided under the special scheme or schemes and the total number of persons protected under these schemes.

Article 4

1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

2. Any Member may make such exceptions as it deems necessary in respect of—

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employers' trade or business;

(b) out-workers;

(c) members of the employer's family living in his house, in respect of their work for him;

(d) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under clauses (a) to (c).

A. Please state whether recourse is had to any clause of paragraph 2 of this Article and indicate the categories of employees excluded under each exception.

B. If recourse is had to Article 4 (2) (d) please also give the following information :

Number of employees protected¹—

(i) under general scheme

(ii) under special schemes—

scheme for

scheme for

.

Total

C. Total number of employees²

D. Number of employees excepted—

(i) under Article 4 (2) (a)

(ii) under Article 4 (2) (b)

(iii) under Article 4 (2) (c)

Total

E. Number of employees excepted under Article 4 (2) (d)

¹ Dependants who are protected in their breadwinner's right should not be included in this number.

² This number should comprise all employees including seafarers (which includes seafishermen) and public servants unless such employees are excluded under Article 3, paragraph 2.

F. Number of employees excepted under E as percentage of total number of employees (C) less D (those excepted under Article 4 (2) (a), (b) and (c))

Article 5

Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

If a declaration under Article 2 has been made in respect of Article 5, please supply the information required under Article 2 and indicate—

- (i) *the categories of employees protected ;*
- (ii) *number of employees protected in those categories ;*
- (iii) *number of employees in industrial undertakings ; and*
- (iv) *total number of employees protected in the categories protected (ii) as percentage of number of employees in industrial undertakings (iii) ; and*
- (v) *in the case of the death of the breadwinner, the categories of beneficiaries protected.*

Article 6

The contingencies covered shall include the following where due to an employment injury:

- (a) *a morbid condition ;*
- (b) *incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation ;*
- (c) *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*
- (d) *the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.*

Please state in particular the minimum degree of loss of earning capacity prescribed by national laws or regulations that gives rise to cash benefits in accordance with Article 14, paragraph 1.

Article 7

1. Each Member 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 Organisation.

2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of "industrial accident".

A. Please quote the definition of "industrial accident" for each scheme concerned and, if recourse is not had to paragraph 2 of Article 7, indicate the conditions under which a commuting accident is considered an industrial accident.

B. If recourse is had to paragraph 2 of Article 7, please specify any social security scheme or schemes other than an employment injury scheme, which applies to commuting accidents and the benefits provided by each such scheme.

Article 8

Each Member shall—

- (a) *prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under prescribed conditions ; or*
- (b) *include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention ; or*
- (c) *prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.*

Please specify, according to the clause of this Article to which recourse is had :

- (a) *the list of diseases ;*
- (b) *the general definition of occupational disease ; or*
- (c) *both the list and the definition.*

Article 9

1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits:

- (a) medical care and allied benefits in respect of a morbid condition;
- (b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and (d).

2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.

3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days—

- (a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement that its reason for availing itself of this provision subsists; or
- (b) where a declaration provided for in Article 2 is in force.

A. Please indicate whether, in accordance with the provisions of this Article, the benefits mentioned in paragraph 1 of this Article are granted throughout the contingency, subject to such exceptions as are indicated in respect of Article 22 of the Convention.

B. Please indicate whether eligibility for benefits is not subject to a condition as to the length of employment, the duration of insurance or the payment of contributions.

C. If a declaration under Article 2 has been made in respect of Article 9, paragraph 3 (b), please supply the information required under Article 2.

D. If recourse is had to paragraph 3 (a) of this Article, please indicate—

- (i) the length of the waiting period ; and*
- (ii) state whether the reasons for having recourse to this provision subsist during the period covered by this report.*

Article 10

1. Medical care and allied benefits in respect of a morbid condition shall comprise—

- (a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;
- (b) dental care;
- (c) nursing care at home or in hospital or other medical institutions;
- (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
- (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;
- (f) 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
- (g) the following treatment at the place of work, wherever possible:
 - (i) emergency treatment of persons sustaining a serious accident;
 - (ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.

2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.

A. Unless recourse is had to Article 12, please indicate in detail for each scheme concerned the nature of the medical benefits provided which are referred to in paragraph 1 above.

B. Please state what measures are taken to give effect to paragraph 2.

Article 11

1. Any Member 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.

2. Any Member which provides medical care and allied benefits by reimbursing expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.

A. *Please indicate, if recourse is had to paragraph 1 of this Article, the legislation which states the terms on which medical care is made available to persons who have suffered employment injury.*

B. *Please state whether recourse is had to paragraph 2 and, if so, indicate the special rules made.*

Article 12

Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include 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 essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;
- (d) hospitalisation, where necessary; and
- (e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.

If a declaration under Article 2 has been made in respect of Article 12, please supply the information required under Article 2 and show in particular that at least the benefits under clauses (a) to (e) of Article 12 are provided.

Article 13

The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

A. *Please state whether recourse is had, under this Article, to the provisions of Article 19 or to the provisions of Article 20 for the purposes of the calculation of the amount of benefit.*

B. *Please supply the following information about cash benefits in respect of temporary or initial incapacity for work :*

- (i) *if recourse is had to Article 19, in the form set out in Titles I, II, IV and V under Article 19 below ;*
- (ii) *if recourse is had to Article 20, in the form set out in Titles I, II, IV and V under Article 20 below.*

C. *Please state the maximum period for which cash benefits are paid in respect of temporary or initial incapacity.*

Article 14

1. 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 in accordance with Article 13.

2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.

4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take the form of a lump-sum payment.

5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.

A. *Please state the prescribed degree of loss of earning capacity likely to be permanent or the corresponding loss of faculty in respect of which cash benefits are payable in accordance with paragraph 1 of this Article.*

B. *Please state whether recourse is had, under paragraph 2 of this Article, to the provisions of Article 19 or to those of Article 20.*

C. *Please supply under this Article the following information in respect of benefits to which paragraph 2 applies :*

- (i) if recourse is had to Article 19, in the form set out in Titles I, II, IV and V under Article 19 below;
- (ii) if recourse is had to Article 20, in the form set out in Titles I, II, IV and V under Article 20 below.

D. Please indicate what proportion of the benefit in respect of total loss of earning capacity is granted in case of substantial partial loss of earning capacity, likely to be permanent, or the corresponding loss of faculty and indicate the prescribed degree for the purposes of paragraph 3 of this Article.

E. Please state whether recourse is had to paragraph 4.

Article 15

1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilised in a manner which is particularly advantageous for the injured person.

2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

A. Please state whether recourse is had to paragraph 1 of this Article and, if so, please specify—

- (i) the circumstances in which periodical payments may be in whole or in part converted into lump sums ;
- (ii) the method of calculating the lump-sum actuarial equivalent of the periodical payment ;
- (iii) what measures are taken to enable the competent authority to satisfy itself that lump sums will be utilised in a manner which is particularly advantageous for the injured person.

B. If a declaration under Article 2 has been made in respect of Article 15 (2), please—

- (i) supply the information required under Article 2 ; and
- (ii) indicate the method of calculating the actuarial lump-sum equivalents of the periodical payments provided for in Article 14, paragraphs 2 and 3.

Article 16

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.

Please indicate the provisions which give effect to this Article, specifying in particular the amounts of the increments in the periodical payments and the other supplementary and special benefits.

Article 17

The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall be prescribed.

Please indicate in which conditions periodical payments are reassessed, suspended or cancelled by virtue of this Article.

Article 18

1. 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; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20: Provided that it shall not be necessary to make provision for a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.

2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.

3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

A. Please indicate whether the periodical payments in respect of the death of the breadwinner are made to—

- (i) *the widow, as prescribed ;*
- (ii) *a disabled and dependent widower ;*
- (iii) *dependent children of the deceased ; and*
- (iv) *other persons, as prescribed ;*

and please specify the rules prescribed in relation to (i) and (iv) above.

B. Please state whether recourse is had under this Article to the provisions of Article 19 or to Article 20 for the purposes of the calculation of the amount of benefits.

C. Please supply under this Article the following information :

- (i) *if recourse is had to Article 19 as regards death of the breadwinner in the form set out in Titles I, III, IV and V under Article 19 below ;*
- (ii) *if recourse is had to Article 20 as regards death of the breadwinner in the form set out in Titles I, III and V under Article 20 below.*

D. Please state whether recourse is had to the exception contained in the proviso to Article 18, paragraph 1, and if so, indicate the relevant details of the scheme or schemes other than employment injury schemes under which a disabled and dependent widower is entitled to an invalidity benefit in accordance with the proviso.

Article 19

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, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner 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 or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes 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 or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, 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 other than electrical machinery; or
 - (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
 - (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; or
 - (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 purpose of clause (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 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 international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 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 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.

10. No periodical payment shall be less than a prescribed minimum amount.

Note: The information asked for below in Titles I to V is required as evidence of compliance with the statistical conditions specified in Article 19, and should be given as indicated under Articles 13, 14 and 18 above.

Governments are requested, when supplying the statistical data required by this form, to take the gross wage as the standard wage for the calculation of benefits paid in the form of periodical payments within the meaning of the Convention, i.e. the amount of wages before deduction of taxes and social security contributions.

TITLE I

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

A. Please summarise the rules for calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 19 and, if so, please indicate the maximum amount prescribed for the benefits or for the earnings taken into account for the computation of the benefits.

B. Please state to which of the provisions of paragraph 6 and following of Article 19 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 19 refers.

1. Please specify more particularly—

(a) if recourse is had to clause (b) of paragraph 6—

(i) how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7 ; and

(ii) how the typical skilled employee in the major group is chosen ; or

(b) if recourse is had to clause (c) of paragraph 6, how the earnings of all persons protected are computed ; or

(c) if recourse is had to clause (d) of paragraph 6, how the average earnings of all the persons protected are computed.

2. Please indicate the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 19. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.

C. Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage)—

1. Where the rate of benefit under the scheme concerned varies by region please state whether recourse is had to the provisions of paragraph 8 of Article 19 and, if so, please give the amount of the wage of the skilled employee selected for each region concerned.

2. Where the wage varies by region and paragraph 8 of Article 19 is not applicable, please give the amount of the median wage.

TITLE II

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I, under C, above.

D. Amount of benefit granted during the time basis.

E. Amount of family allowances, if any, payable during employment for a period equal to the time basis.

F. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.

G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

If recourse is had to paragraph 8 of Article 19 please supply the same information for each region concerned.

TITLE III

(Articles 14, paragraph 2; and 18, paragraph 1)

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a widow with two children where the previous earnings of the late breadwinner serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I, under C, above.

D. *Amount of benefit granted during the time basis.*

E. *Amount of family allowances, if any, payable during employment¹ for a period equal to the time basis.*

F. *Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.*

G. *Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).*

If recourse is had to paragraph 8 of Article 19, please furnish the same information for each region concerned.

TITLE IV

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

The beneficiary for whom the following information should be given, for each scheme concerned, is a woman employee² whose previous earnings serving for the calculation of benefits were equal to the wage of the skilled manual male employee in Title I, under C, above.

D. *Amount of benefit granted during the time basis.*

G. *Amount of benefit (D) per cent of the standard wage (C).*

If recourse is had to paragraph 8 of Article 19, please supply the same information for each region concerned.

TITLE V

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

Please state whether for the purpose of paragraph 10 of Article 19 a minimum amount has been prescribed in respect of periodical payments, and specify such minimum amount for each type of benefit.

Article 20

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, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of 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 in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number

¹ Family allowances payable during employment to an employee with two children where the wage is equal to the standard wage shown in Title I, under C.

² For survivors' benefit (Article 18, paragraph 1), a beneficiary should be a childless widow.

of economically active male persons 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 international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer 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 laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. No periodical payment shall be less than a prescribed minimum amount.

Note: The information asked for below in Titles I to V is required as evidence of compliance with the statistical conditions specified in Article 20, and should be given as indicated under Articles 13, 14 and 18 above.

Governments are requested, when supplying the statistical data required by this form, to take the **gross wage as the standard wage for the calculation of benefits paid in the form of periodical payments within the meaning of the Convention, i.e. the amount of wages before deduction of taxes and social security contributions.**

TITLE I

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

A. Please state to which of the provisions of paragraph 4 of Article 20 recourse is had for selection of the ordinary adult male labourer to whose wage paragraph 1 of Article 20 refers.

1. *Please specify, more particularly, whether recourse is had to clause (b) of paragraph 4 ; if so, please state—*
 - (i) *how the division and the major group of economic activity to which the ordinary labourer belongs are determined, with reference to paragraph 5 ; and*
 - (ii) *how the typical ordinary labourer in the major group is chosen.*
2. *Please indicate, in any event, the time basis on which the wage of the ordinary adult labourer is calculated, with reference to the provisions of paragraph 7 of Article 20. Please indicate whether, in accordance with the provisions of paragraph 2 of that Article, the same time basis is used for calculating the benefit and the family allowances.*

B. Please state the amount of the wage of the ordinary adult labourer selected (standard wage).

1. *Where the rate of benefit under the scheme concerned varies by region, please state whether recourse is had to the provisions of paragraph 6 of Article 20, and, if so, please give the amount of the wage of the ordinary adult labourer for each region concerned.*
2. *Where the wage varies by region and paragraph 6 of Article 20 is not applicable, please give the amount of the median wage.*

TITLE II

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a dependent wife and two children.

C. Amount of benefit granted during the time basis.

D. Amount of family allowances, if any, payable during employment, for a period equal to the time basis.

E. Amount of family allowances, if any, payable during the contingency, for a period equal to the time basis.

F. Sum of benefit and family allowances payable during the contingency (C+E) per cent of sum of the standard wage and family allowances payable during employment (B+D).

If recourse is had to paragraph 6 of Article 20 please supply the same information for each region concerned.

Please summarise the rules for the calculation of the benefit.

TITLE III

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a widow with two children.

C. *Amount of benefit granted during the time basis.*

D. *Amount of family allowances, if any, payable during employment¹ for a period equal to the time basis.*

E. *Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.*

F. *Sum of benefit and family allowances payable during the contingency (C+E) per cent of sum of the standard wage and family allowances payable during employment (B+D).*

If recourse is had to paragraph 6 of Article 20, please supply the same information for each region concerned.

Please summarise the rules for the calculation of the benefit.

TITLE IV

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

The beneficiary for whom the following information should be given, for each scheme concerned, is a woman employee.²

C. *Amount of benefit granted during the time basis.*

F. *Amount of benefit (C) per cent of the standard wage (B).*

If recourse is had to paragraph 6 of Article 20, please supply the same information for each region concerned.

Please summarise the rules for the calculation of benefit.

TITLE V

(Articles 13; 14, paragraph 2; and 18, paragraph 1)

Please state whether, for the purposes of paragraph 8 of Article 20, a minimum amount has been prescribed in respect of periodical payments; and please supply such minimum amount for each type of benefit.

Article 21

1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

2. 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 Organisation, and shall specify any action taken.

1. *Please state the methods adopted for giving effect to the provisions of this Article showing separately the cash benefits under Articles 14, paragraph 2; 14, paragraph 3; and 18, paragraph 1.*

2. *Please give the following information:*

Period under review	Cost-of-living index	Index of earnings ¹
A. Beginning of period ²		
B. End of period ²		
C. Percentage $\frac{A}{B}$		

¹ The index of earnings should correspond to the employees protected under Article 4. If no index of earnings is available, the indices of money wages may be substituted.

² The indices at the beginning and end of each period should refer to the same base.

¹ Family allowances payable during employment to an employee with two children.

² For survivors' benefit (Article 13), the beneficiary should be a childless widow.

3. Please state whether the amount of the periodical payments has been reviewed during the period of reference. If so, please indicate the changes made in the rate of benefits and supply the following information :

Period under review ¹	Benefit		
	Average per beneficiary ² I	Benefit for standard beneficiary ² II	Other estimates of benefit level ² III
A. Beginning of period			
B. End of period			
C. Percentage $\frac{A}{B}$			

¹ This period should, as far as possible, coincide with the period referred to in the table under paragraph 2.

² Please give such data in columns I, II and III as will show the percentage variation of the benefit.

Article 22

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the employment injury has been caused by a criminal offence committed by the person concerned;
- (e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care and allied benefits or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and
- (g) as long as the surviving spouse is living with another person as spouse.

2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependants of the person concerned.

A. Please supply information in respect of any of the suspensions authorised in paragraph 1 (a) to (g) above.

B. Please indicate in which conditions and within which limits a part of the cash benefit may be paid to the dependants of the person concerned, in accordance with the provisions of paragraph 2 of this Article.

Article 23

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.

1. Please state whether every claimant has a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarise the rules which apply in the case of an appeal.

2. If recourse is had to paragraph 2 of this Article, please indicate what measures are taken to ensure that every person protected has the right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. *If recourse is had to paragraph 3 of this Article, please specify the constitution of the special tribunals to which that paragraphs applies.*

Article 24

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.

Where a scheme is not administered, directly or indirectly, by a public authority, please state whether the persons protected participate in the management of the scheme concerned; or whether their representatives are associated therewith. If so, please state how participation or association is secured.

Article 25

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.

Please state to what extent responsibility has been assumed by the Member for the provision of benefits:

Article 26

1. Each Member shall, under prescribed conditions—

- (a) take measures to prevent industrial accidents and occupational diseases;
- (b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and
- (c) take measures to further the placement of disabled persons in suitable employment.

2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation information concerning the frequency and severity of industrial accidents.

A. *Please indicate the measures taken and the rehabilitation services provided which give effect to paragraph 1 (a), (b) and (c) above.*

B. *Please supply statistical information concerning the frequency and severity of employment injuries.*

Article 27

Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits.

Please state the extent to which the Member assures equality of treatment in accordance with this Article.

SCHEDULE I. LIST OF OCCUPATIONAL DISEASES
(AMENDED 1980)¹

Occupational diseases	Work involving exposure to risk *
1. Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard-metal dust.	"
3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	"
4. Occupational asthma caused by sensitising agents or irritants both recognised in this regard and inherent in the work process.	"
5. Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.	"
6. Diseases caused by beryllium or its toxic compounds.	"
7. Diseases caused by cadmium or its toxic compounds.	"
8. Diseases caused by phosphorus or its toxic compounds.	"
9. Diseases caused by chromium or its toxic compounds.	"
10. Diseases caused by manganese or its toxic compounds.	"
11. Diseases caused by arsenic or its toxic compounds.	"
12. Diseases caused by mercury or its toxic compounds.	"
13. Diseases caused by lead or its toxic compounds.	"
14. Diseases caused by fluorine or its toxic compounds.	"
15. Diseases caused by carbon disulfide.	"
16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.	"
17. Diseases caused by benzene or its toxic homologues.	"
18. Diseases caused by toxic nitro- and amino-derivatives of benzene or its homologues.	"
19. Diseases caused by nitroglycerin or other nitric acid esters.	"
20. Diseases caused by alcohols, glycols or ketones.	"
21. Diseases caused by asphyxiants: carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.	"
22. Hearing impairment caused by noise.	"
23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).	"
24. Diseases caused by work in compressed air.	"
25. Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
26. Skin diseases caused by physical, chemical or biological agents not included under other items.	All work involving exposure to the risk concerned.
27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	"
28. Lung cancer or mesotheliomas caused by asbestos.	"
29. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) Health or laboratory work. (b) Veterinary work. (c) Work handling animals, animal carcasses, parts of such carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses. (d) Other work carrying a particular risk of contamination.

¹ The attached list concerns (a) member States already parties to the Convention which have subsequently accepted it and (b) member States which may have ratified the Convention after 24 June 1980. The member States which ratified the Convention before this date and did not notify acceptance of the amended list are asked to refer to the previous list which is to be found at the end of this form (Annex II).

* In the application of this Schedule the degree and type of exposure should be taken into account when appropriate.

SCHEDULE II. PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES

Contingency	Standard beneficiary	Per cent
1. Temporary or initial incapacity for work.	Man with wife and two children.	60
2. Total loss of earning capacity or corresponding loss of faculty.	Man with wife and two children.	60
3. Death of breadwinner.	Widow with two children.	50

ANNEX I

International Standard Industrial Classification of All Economic Activities

(Revised 1968)

The following list of major divisions, divisions and major groups replaces the list in the annex to the Convention.

Division Major group Title of category

Major Division 1. Agriculture, hunting, forestry and fishing

- 11 Agriculture and hunting
 - 111 Agricultural and livestock production
 - 112 Agricultural services
 - 113 Hunting, trapping and game propagation
- 12 Forestry and logging
 - 121 Forestry
 - 122 Logging
- 13 Fishing

Major Division 2. Mining and quarrying

- 21 210 Coal mining
- 22 220 Crude petroleum and natural gas production
- 23 230 Metal ore mining
- 29 290 Other mining

Major Division 3. Manufacturing

- 31 Manufacture of food, beverages and tobacco
 - 311- Food manufacturing
 - 312
 - 313 Beverage industries
 - 314 Tobacco manufactures
- 32 Textile, wearing apparel and leather industries
 - 321 Manufacture of textiles
 - 322 Manufacture of wearing apparel, except footwear
 - 323 Manufacture of leather and products of leather, leather substitutes and fur, except footwear and wearing apparel
 - 324 Manufacture of footwear, except vulcanised or moulded rubber or plastic footwear
- 33 Manufacture of wood and wood products, including furniture
 - 331 Manufacture of wood and wood and cork products, except furniture
 - 332 Manufacture of furniture and fixtures, except primarily of metal
- 34 Manufacture of paper and paper products, printing and publishing
 - 341 Manufacture of paper and paper products
 - 342 Printing, publishing and allied industries
- 35 Manufacture of chemicals and chemical, petroleum, coal, rubber and plastic products
 - 351 Manufacture of industrial chemicals
 - 352 Manufacture of other chemical products
 - 353 Petroleum refineries
 - 354 Manufacture of miscellaneous products of petroleum and coal
 - 355 Manufacture of rubber products
 - 356 Manufacture of plastic products not elsewhere classified
- 36 Manufacture of non-metallic mineral products, except products of petroleum and coal
 - 361 Manufacture of pottery, china and earthenware
 - 362 Manufacture of glass and glass products
 - 369 Manufacture of other non-metallic mineral products
- 37 Basic metal industries
 - 371 Iron and steel basic industries
 - 372 Non-ferrous metal basic industries
- 38 Manufacture of fabricated metal products, machinery and equipment
 - 381 Manufacture of fabricated metal products, except machinery and equipment
 - 382 Manufacture of machinery except electrical
 - 383 Manufacture of electrical machinery apparatus, appliances and supplies
 - 384 Manufacture of transport equipment
 - 385 Manufacture of professional and scientific and measuring and controlling equipment not elsewhere classified, and of photographic and optical goods
- 39 390 Other manufacturing industries

Division	Major group	Title of category
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Major Division 4. Electricity, gas and water

41	410	Electricity, gas and steam
42	420	Water works and supply

Major Division 5. Construction

50	500	Construction
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Major Division 6. Wholesale and retail trade and restaurants and hotels

61	610	Wholesale trade
62	620	Retail trade
63		Restaurants and hotels
	631	Restaurants, cafés and other eating and drinking places
	632	Hotels, rooming houses, camps and other lodging places

Major Division 7. Transport, storage and communication

71		Transport and storage
	711	Land transport
	712	Water transport
	713	Air transport
	719	Services allied to transport
72	720	Communication

Major Division 8. Financing, insurance, real estate and business services

81	810	Financial institutions
82	820	Insurance
83		Real estate and business services
	831	Real estate
	832	Business services except machinery and equipment rental and leasing
	833	Machinery and equipment rental and leasing

Major Division 9. Community, social and personal services

91	910	Public administration and defence
92	920	Sanitary and similar services
93		Social and related community services
	931	Education services
	932	Research and scientific institutes
	933	Medical, dental, other health and veterinary services
	934	Welfare institutions
	935	Business, professional and labour associations
	939	Other social and related community services
94		Recreational and cultural services
	941	Motion picture and other entertainment services
	942	Libraries, museums, botanical and zoological gardens, and other cultural services not elsewhere classified
	949	Amusement and recreational services not elsewhere classified
95		Personal and household services
	951	Repair services not elsewhere classified
	952	Laundries, laundry services, and cleaning and dyeing plants.
	953	Domestic services
	959	Miscellaneous personal services
96	960	International and other extra-territorial bodies

Major Division 0. Activities not adequately defined

0	000	Activities not adequately defined.
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ANNEX. II

LIST OF OCCUPATIONAL DISEASES

(Adopted in 1964)

Occupational diseases	Work involving exposure to risk
1. Pneumoconioses caused by sclerogenetic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Diseases caused by beryllium or its toxic compounds.	"
3. Diseases caused by phosphorus or its toxic compounds.	"
4. Diseases caused by chrome or its toxic compounds.	"
5. Diseases caused by manganese or its toxic compounds.	"
6. Diseases caused by arsenic or its toxic compounds.	"
7. Diseases caused by mercury or its toxic compounds.	"
8. Diseases caused by lead or its toxic compounds.	"
9. Diseases caused by carbon bisulphide.	"
10. Diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series.	"
11. Diseases caused by benzene or its toxic homologues.	"
12. Diseases caused by nitro- and amido-toxic derivatives of benzene or its homologues.	"
13. Diseases caused by ionising radiations.	All work involving exposure to the action of ionising radiations.
14. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risks concerned.
15. Anthrax infection.	Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns. Loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax.

- III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.
- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please add a general appreciation of the manner in which the Convention is applied in your country, including for instance extracts from official reports as well as information concerning the practical difficulties encountered in the application of the Convention.
- VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."