

No. 607

INTERNATIONAL LABOUR ORGANISATION

Convention concerning sickness insurance for workers in industry and commerce and domestic servants, adopted by the General Conference of the International Labour Organisation at its tenth session, Geneva, 15 June 1927, as modified by the Final Articles Revision Convention, 1946

English and French official texts communicated by the Director-General of the International Labour Office. The registration took place on 15 September 1949.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention concernant l'assurance-maladie des travailleurs de l'industrie et du commerce et des gens de maisons, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa dixième session, Genève, 15 juin 1927, telle qu'elle a été modifiée par la Convention portant révision des articles finals, 1946

Textes officiels anglais et français communiqués par le Directeur général de l'Organisation internationale du Travail. L'enregistrement a eu lieu le 15 septembre 1949.

No. 607. CONVENTION¹ CONCERNING SICKNESS INSURANCE FOR WORKERS IN INDUSTRY AND COMMERCE AND DOMESTIC SERVANTS, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for workers in industry and commerce and domestic servants, which is included in the first item of the agenda of the Session, and

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

adopts this fifteenth day of June of the year one thousand nine hundred and twenty-seven the following Convention, which may be cited as the Sickness Insurance (Industry) Convention, 1927, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Article 2

1. The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 340.

² See page 3.

2. It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of—

- (a) temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment;
- (b) workers whose wages or income exceed an amount to be determined by national laws or regulations;
- (c) workers who are not paid a money wage;
- (d) out-workers whose conditions of work are not of a like nature to those of ordinary wage-earners;
- (e) workers below or above age-limits to be determined by national laws or regulations;
- (f) members of the employers' family.

3. It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

4. This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

Article 3

1. An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

2. The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

3. Cash benefit may be withheld in the following cases :

- (a) where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article;
- (b) as long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities;

(c) as long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

4. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 4

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

2. Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

Article 5

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

Article 6

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

2. The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

3. The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

Article 7

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

2. It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

Article 8

This Convention does not in any respect affect the obligations arising out of the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at its First Session.

Article 9

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

Article 10

1. It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

2. The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Director-General of the International Labour Office. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

3. In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

Article 11

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the International Labour Office.

Article 13

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 14

Subject to the provisions of Article 12, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 into operation not later than 1 January 1929, and to take such action as may be necessary to make these provisions effective.

Article 15

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 16

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 17

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 18

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Sickness Insurance (Industry) Convention, 1927, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 7 July 1927 by the signatures of Atul C. Chatterjee, President of the Conference, and Albert Thomas, Director of the International Labour Office.

The Convention first came into force on 15 July 1928.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirtieth day of April 1948 two original copies of the text of the Convention as modified.

Edward PHELAN
Director-General
of the International Labour Office

CERTIFIED STATEMENT

This is to certify that the Sickness Insurance (Industry) Convention, 1927, adopted by the International Labour Conference on 15 June 1927, at its Tenth Session, and which entered into force on 15 July 1928, has to date been ratified by the following countries¹, and that these ratifications were duly registered on the dates indicated²:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
* Austria	18. 2. 1929	* Luxembourg	16. 4. 1928
Bulgaria	1. 11. 1930	Nicaragua	12. 4. 1934
Chile	8. 10. 1931	Peru	8. 11. 1945
* Colombia	20. 6. 1933	* Poland	29. 9. 1948
Czechoslovakia	17. 1. 1929	Rumania	28. 6. 1929
* France	17. 5. 1948	Spain	29. 9. 1932
Germany	23. 1. 1928	United Kingdom	20. 2. 1931
Hungary	19. 4. 1928	Uruguay	6. 6. 1933
Latvia	29. 11. 1929	Yugoslavia	30. 9. 1929
Lithuania	19. 6. 1931		

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS

Legal Adviser

¹ It would not be appropriate for the International Labour Office to express an opinion with regard to the complex questions of a constitutional and juridical nature which may arise in regard to the effect of political or military events on the position of certain countries which have ratified the Convention.

² The names of Members Parties to the Final Articles Revision Convention, 1946 are marked by an asterisk.