



Governing Body

347th Session, Geneva, 13–23 March 2023

Legal Issues and International Labour Standards Section

LILS

International Labour Standards and Human Rights Segment

Date: 22 March 2023

Original: English

Fifth item on the agenda

Proposed form for reports requested under article 19, paragraphs (5)(e) and (6)(d) of the ILO Constitution in 2024

Purpose of the document

In this document, the Governing Body is invited to request governments to submit reports under article 19 of the ILO Constitution on six instruments – the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25); the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI; the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); and the Employment Injury Benefits Recommendation, 1964 (No. 121) – for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2024, and to approve the corresponding report form (see the draft decision in paragraph 7).

Relevant strategic objective: All.

Main relevant outcome: Outcome 2: International labour standards and authoritative and effective supervision.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Implementation of the Governing Body’s decision.

Author unit: International Labour Standards Department (NORMES).

Related documents: [GB.346/LILS/2](#); [GB.346/LILS/PV](#).

1. At its 346th Session (October–November 2022), the Governing Body had before it a document concerning the choice of Conventions and Recommendations on which reports could be requested under article 19 of the ILO Constitution in 2024, with a view to the preparation of the annual General Survey in 2024 by the Committee of Experts on the Application of Conventions and Recommendations, for discussion by the Conference Committee on the Application of Standards in 2025.¹
2. The Governing Body decided that the General Survey to be prepared by the Committee of Experts in 2024 and submitted to the International Labour Conference in 2025 should focus on the first option set out in the document, covering the instruments on employment injury benefits.² In the discussions, it was suggested that the General Survey would provide a comprehensive overview of the current state of law and practice with reference to employment injury schemes across ILO Member States, and the role played by social security institutions in the context of the COVID-19 pandemic response and recovery, notably concerning social protection coverage among disadvantaged groups of workers, such as agricultural workers.
3. The Governing Body decided also to include the Equality of Treatment (Accident Compensation) Convention (No. 19) and Recommendation (No. 25), 1925, under the instruments to be covered by the General Survey,³ in order to address possible gaps in coverage for foreign workers and the extent to which they are entitled to compensation in relation to work-related accidents.
4. Furthermore, it was suggested that a General Survey concerning employment injury schemes could also serve as a useful complement to the preparations for the standard-setting discussion on occupational safety and health protection against biological hazards, which has been placed on the agenda of the 112th (2024) and 113th (2025) Sessions of the Conference.⁴
5. The Governing Body therefore requested the Office to prepare, for its consideration at its 347th Session (March 2023), a draft report form for the General Survey concerning six instruments: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25); the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI; the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); and the Employment Injury Benefits Recommendation, 1964 (No. 121).
6. The proposed report form prepared by the Office aims to take into account the views and concerns expressed by the Governing Body at its 346th Session and is submitted for its consideration and approval (see appendix).

¹ GB.346/LILS/2.

² GB.346/LILS/2, paras 9–16.

³ GB.346/LILS/PV, para. 56.

⁴ GB.346/LILS/PV, para.42.

► Draft decision

7. The Governing Body:

- (a) requested governments to submit reports for 2024, under article 19 of the ILO Constitution, on: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25); the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI; the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); and the Employment Injury Benefits Recommendation, 1964 (No. 121);
- (b) approved the report form concerning those instruments, which is appended to document GB.347/LILS/5(Rev.1).

► Appendix

Appl. 19

C.012, C.019, R.025, C.102, VI, C.121, R.121

INTERNATIONAL LABOUR OFFICE

REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of the
International Labour Organization)*

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REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)

Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI)

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)

Employment Injury Benefits Recommendation, 1964 (No. 121)

Geneva

2023

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:
- ...
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.
6. In the case of a Recommendation:
- ...
- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.
7. In the case of a federal State, the following provisions shall apply:
- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:
- ...
- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which

effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 29 February 2024, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2024.

* * *

Context and scope of the questions

At its 346th Session in October–November 2022, the Governing Body requested the Office to prepare for its consideration at its 347th Session (March 2023) the article 19 report form on six instruments: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), the Social Security (Minimum Standards) Convention, 1952 (No. 102), Part VI, the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), and the Employment Injury Benefits Recommendation, 1964 (No. 121), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2024, to be discussed by the Conference Committee on the Application of Standards in 2025.¹

The General Survey will provide a comprehensive overview of the current state of law and practice with reference to employment injury benefits across ILO Member States – notably in respect of coverage and benefits – and help identify key challenges and opportunities in relation to the application of employment injury benefit schemes to all workers, including agricultural workers and other vulnerable groups of workers, as well as to map obstacles to the ratification and implementation of instruments setting standards for employment injury protection, as well as any recommendations to be made by the ILO supervisory bodies in this regard.

The General Survey could draw attention to the mutually reinforcing impact of fostering a culture of prevention² and expanding employment injury benefit schemes, contributing to achieving universal access to social protection, consistent with ILO standards, as a core element of a human-centred approach to the future of work, in accordance with the

¹ GB.346/PV, para. 877.

² At its 110th Session in June 2022, the International Labour Conference decided to amend paragraph 2 of the [ILO Declaration on Fundamental Principles and Rights at Work](#) (1998) to include “a safe and healthy working environment” as a fundamental principle and right at work. All Members, even if they have not ratified the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#), now have an obligation to promote the development and implementation of a national preventative safety and health culture.

Declaration on Social Justice for a Fair Globalization, 2008.³ It shall also contribute to the overall objective of the Standards Review Mechanism Tripartite Working Group (SRM TWG)⁴ in ensuring that the body of standards is up to date and relevant to the world of work. In this regard, in its recent decision, the SRM TWG proposed to invite the Committee of Experts on the Application of Conventions and Recommendations to consider seeking information from Member States on their application, in law and practice, of Conventions Nos 102 (Part VI) and 121, especially concerning agricultural workers. At the same time, it considered the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), to have the classification "up to date", and recommended for the abrogation of the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), and the withdrawal of Recommendations Nos 22, 23 and 24.⁵

Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the instruments, the challenges and opportunities in their application, and will encourage the sharing of experiences and good practices among ILO Member States.

* * *

The following questions relate to issues covered by Conventions Nos 12, 19, 102 (Part VI), 121 and Recommendations Nos 25 and 121.

Where possible, please give a specific reference (including a web hyperlink) for information relating to the provisions of legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies (or attach an electronic copy).

³ ILO, *Record of Proceedings: Fifth Item on the Agenda: A Recurrent Discussion on the Strategic Objective of Social Protection (Social Security), under the Follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008*, ILC.109/Record No. 7A, 2021.

⁴ Standards Review Mechanism Tripartite Working Group.

⁵ ILO, *Report of the Seventh Meeting of the Standards Review Mechanism Tripartite Working Group*, GB.346/LILS/1, 2022.

Article 19 report form concerning employment injury

A. Definitions

1. The term **employment injury benefits** refers to benefits in cash, medical care and allied benefits, as well as vocational rehabilitation, provided to workers in case of work-related injury, or to cash benefits or financial compensation, and funeral benefit, as the case may be, provided to the dependants of workers who die as a result of a work-related injury (Articles 34–36 of Convention No. 102 and Articles 9–21 of Convention No. 121). There is a diversity of nomenclature used at the national level to refer to such benefits, depending mainly on the type of scheme in place for their provision. In certain countries, these benefits are referred to as “workers’ compensation” or “workmen’s compensation”, following the approach set out in earlier ILO standards, including Conventions Nos 12 and 19 and Recommendation No. 25.¹
2. The contingency of **employment injury**² comprehends the following where due to/caused by a work-related accident or occupational disease : (1) a morbid condition; (2) temporary or initial incapacity for work resulting from a morbid condition and involving suspension of earnings; (3) total or partial loss of earning capacity likely to be permanent or corresponding loss of faculty; (4) the loss of support suffered as the result of the death of the breadwinner (Article 32 of Convention No. 102 and Articles 6, 13, 14, 18 of Convention No. 121).

B. Notes

1. It will not be necessary to repeat information already provided in reports under article 22 in connection with ratified Conventions. In this case, Governments of countries should use the present form with regard to Conventions which have not been ratified and Recommendations Nos 25 and 121.
2. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

¹ Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12), Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), and Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25).

² In the context of this questionnaire, the term “employment injury” embodies “workplace injury” and “work-related injury”, so that it covers in a broader manner three generations of instruments based on an evolving approach: (i) recognition of the entitlement to compensation to workers injured at work (Convention No. 12); (ii) introduction of a social insurance approach with a defined level of benefits (Convention No. 102, Part VI); and (iii) higher level of benefits linked to measures of prevention and rehabilitation (Convention No. 121 and Recommendation No. 121).

3. For federal States, please provide answers to the questions below with regard to both the federal level and the level of the federated units.
4. The provisions of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25) are applied to ratifying Member States based on the principle of reciprocity, by which equal treatment is granted to nationals from countries, which – by ratifying the respective Convention – have the same legal obligation concerning workers' accident compensation/employment injury benefits. In this regard, for the purposes of this questionnaire, Member States that have not ratified Convention No. 19 are advised to provide information based on their own national legislation and practices as to the coverage of foreign workers and their respective dependants.

LEGISLATIVE AND REGULATORY FRAMEWORK

General provisions

1. Please indicate any legal provisions concerning work-related accidents and occupational diseases, in particular legal provisions defining employment injury and specifying the contingencies, or circumstances, covered by related schemes and benefits, which may include: (i) morbid condition; (ii) temporary or initial incapacity for work resulting from a morbid condition and involving suspension of earnings; (iii) total or partial loss of earning capacity likely to be permanent or corresponding loss of faculty; and (iv) loss of support resulting from the death of breadwinner.

C.019: Art. 3;
C.102: Arts 31, 32 and 71;
C.121: Art. 6;
R.121: Para. 3.

Types of schemes

Please indicate any type of scheme(s) or system(s) by means of which employment injury benefits are provided in your country. For example, such schemes or systems may include:

- (a) **employment injury (social) insurance:** Employers collectively finance an employment injury compensation scheme against the risk of work accidents and occupational diseases under the no-fault principle;
- (b) **employers' liability:** Employers are individually responsible and directly liable for the provision of compensation to injured workers;
- (c) **private insurance:** Employers can choose or are obligated by law to take out an insurance contract in order to insure their liability;
- (d) a combination of two or more of the above;
- (e) another type of scheme (for example, non-contributory schemes).

Please indicate if the coverage of workers under existing schemes or provisions is provided on the basis of compulsory or voluntary affiliation.

SCOPE OF COVERAGE: TYPE OF EMPLOYMENT INJURIES

Industrial accidents

2. Please indicate whether industrial accidents covered by the legislation include those, regardless of their cause, sustained: (i) during the working hours at or near the workplace or at any place where the worker would not have been except for his/her work; (ii) within a reasonable period before or after working hours, in connection with transporting, cleaning, preparing, securing, conserving, and storing or packing of work tools and clothes; and (iii) while on the direct way between the place of work and the employee's principal or secondary residence, the place where the employee usually takes his/her meals, or the place where he/she usually receives his/her remuneration (commuting accident).

C.102: Arts 31 and 32;
C.121: Art. 7;
R.121: Para. 5.

Occupational diseases

3. Please indicate if and how occupational diseases are defined in the national legislation and, if so, if it takes into account the following options: (a) a national list of diseases which shall be regarded as occupational diseases under prescribed conditions; or (b) a general definition of occupational diseases established in the legislation; or (c) a national list of diseases 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.

C.121: Art. 8 and Schedule I;

4. In case there is a procedure for the recognition of the occupational origin of diseases that are not included in the national list of occupational diseases, please explain such procedures in detail and indicate rules of proof in this respect. In this regard, please indicate whether there is any presumption of occupational origin of diseases arising either from employee's exposure to such diseases for a certain period or development of symptoms within a specified period following the last employment involving exposure.

R.121: Paras 6 and 7.

SCOPE OF COVERAGE: PERSONS PROTECTED

Persons protected

- | | |
|---|--|
| <p>5. Please indicate which prescribed categories of workers are covered by employment injury benefits. Please provide information on the possible exceptions in coverage by employment injury benefits particularly concerning the following categories of workers: (i) casual workers, out-workers, or family workers, etc.; (ii) seafarers, including sea fishermen; (iii) public servants; (iv) self-employed; (v) members of cooperatives (including agricultural); (vi) apprentices; (vii) domestic workers; (viii) prisoners and other detained persons doing work approved by authorities; and (ix) other categories of persons not otherwise covered who are active in the public interest or engaged in civic or benevolent pursuits (volunteers for public office, social service or hospitals, combatting natural disasters, etc.).</p> | <p>C.012: Art. 1;
C.102: Arts 3, 31 and 33;
C.121: Arts 2, 3, 4 and 5;
R.121: Paras 3 and 4;</p> |
| <p>6. In case the application of national legislation concerning employment injury benefits is limited to prescribed categories of employees, please provide information about the percentage or number of persons protected in relation to total number of employees.</p> | <p>C.102: Art. 33;
C.121: Arts 4 and 5;</p> |
| <p>7. Please indicate which categories of agricultural workers are covered by employment injury benefits. In this respect, please provide information on the scheme in place for the coverage of: (i) agricultural wage earners; and (ii) small farmers and their families, in case their members work in the same undertaking. In case there is a separate employment injury scheme covering all or specific categories of agricultural workers, please provide an assessment of whether these workers enjoy the same level of protection and benefits as other categories of workers.</p> | <p>C.012: Art. 1;</p> |
| <p>8. Please indicate whether non-nationals/foreign workers and their dependants have equality of treatment with nationals as regards coverage and access to workers' accident compensation/employment injury benefits. If not, please provide information on how non-nationals/foreign workers and their dependants are covered and entitled to such benefits.</p> | <p>C.102: Art. 68;
C.121: Art. 27;</p> |
| <p>9. Please indicate whether equality of treatment is guaranteed to non-nationals/foreign workers and their dependants without any condition as to residence.</p> | <p>C.019: Art. 1;</p> |
| <p>10. Please also indicate if there are any special arrangements that have been made with other Member States to provide that workers' accident compensation or employment injury benefits, including access to medical care, due to work-related accidents happening to workers while temporarily or intermittently employed in a territory under your jurisdiction, on behalf of an undertaking located in the territory of another Member State is governed by the laws and regulations of that Member State.</p> | <p>C.019: Art. 2.</p> |

EMPLOYMENT INJURY BENEFITS

Medical care and allied benefits

11. Please indicate if there are any legal provisions specifying the guarantee of medical care and allied benefits to victims of employment injuries and, if so, provide information on whether and to what extent the medical care procedures guaranteed include the following:
- (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 recognized 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.
- Please indicate whether there is a maximum period for provision of the medical care and allied benefits indicated above.
12. Please provide information as to what extent medical care and allied benefits are provided to victims of employment injuries in the agricultural sector, considering the medical care procedures indicated in the question above.
13. Please provide information whether the medical care and allied benefits specified in question 11 are delivered against co-payment or participation and the extent to which the beneficiary is required to share in the cost of the medical care received.

C.102: Art. 34;
C.121: Arts 9 and 10;

C.012: Art. 1;

C.102: Art. 34;
C.121: Art. 11.

EMPLOYMENT INJURY BENEFITS

General provisions for cash benefits

14. Please indicate whether there are qualifying periods for entitlement to workers' accident compensation/employment injury cash benefits, such as the length of employment or duration of insurance or period of contributions. In the case of an occupational disease, please indicate whether eligibility for benefits is made subject to a certain period of exposure.
15. Please indicate the duration of the payment of cash benefits, for both temporary and permanent incapacity. Please indicate whether there is a waiting period (an initial period during which cash benefits are not paid).
16. Please indicate whether there is a maximum amount prescribed for cash benefits to be provided or for the earnings considered for the computation of benefits.

C.102: Art. 37;
C.121: Art. 9(2);

C.102: Art. 38;
C.121: Arts 9(3), 13 and 14;
R.121: Para. 8;
C102: Art. 65(3);
C121: Art. 19(3).

Cash benefits to specific categories

17. Please provide information, if applicable, on the level of workers' accident compensation/employment injury cash benefits and qualifying conditions for entitlement of such benefits for agricultural workers who are victims of employment injuries and their survivors.
18. Please provide information, if applicable, about any specific conditions applied to self-employed persons, in particular persons owning and actively engaged in the operation of small-scale businesses or farms, and/or members of cooperatives, to workers' accident compensation/employment injury cash benefits, either under mandatory or voluntary schemes.

C.012: Art. 1;

R.121: Para. 3(b);

Cash benefits in case of temporary incapacity

19. Please indicate whether a minimum prescribed degree of loss of capacity resulting from a morbid condition and involving suspension of earnings is required for entitlement to workers' accident compensation/employment injury benefits and what is the established degree.
20. Please provide detailed information, as applicable, on the manner by which compensation/cash benefits due to temporary incapacity to work are calculated, or how their level is determined. In case of periodical payments, please indicate whether they are paid in a flat rate or calculated based on previous earnings of beneficiary, and, in this case, the percentages applied.

C.012: Art. 1;
C.102: Arts 32(b) and 36;
C.121: Arts 13, 19 and 20,
Schedule II;

C.102: Arts 36, 65 and 66, Schedule
of Part XI;
C.121: Arts 13,19 and 20,
Schedule II;
R.121: Para. 9

EMPLOYMENT INJURY BENEFITS

Cash benefits in case of permanent total or partial loss of earning capacity or corresponding loss of faculty (disability benefits)

21. Please indicate whether disability is determined based on: (i) loss of earning capacity; (ii) corresponding loss of faculty; or (iii) a mix of both. In cases where the provision of benefits is dependent upon the attainment of a minimum degree of disability, please indicate what is the minimum degree established.
22. Please provide detailed information, as applicable, on the manner by which compensation/cash benefits due to permanent loss of earning capacity or corresponding loss of faculty are calculated, and how their level is determined for (a) total disability, and (b) partial disability. In case of periodical payments, please indicate whether they are paid in a flat rate or calculated based on the previous earnings of the beneficiary, and, in this case, the percentage applied.
23. Please provide information on the degree of loss of earning capacity or loss of faculty required to qualify: (i) for periodical benefits at the minimum level; and (ii) the full amount of compensation/cash benefits.

C.012: Art. 1;
 C.102: Arts 32(c) and 36;
 C.121: Art. 14;
 C.012: Art. 1;
 C.102: Arts 36, 65 and 66, Schedule of Part XI;
 C.121: Arts 14, 19 and 20, Schedule II;
 R.121: Para. 9;
 C.121: Arts 14(2), (3), 19 and 20, Schedule II.

Cash benefits in case of death of the worker (survivors' benefits)

24. Please indicate, as applicable, the categories of beneficiaries (for example, spouses/partners, children, parents, siblings, grandchildren, etc.) who are eligible to benefits (survivors' benefits) in case of the death of the worker due to an employment injury. In this regard, please indicate whether there is any difference in the provision of compensation/cash benefits depending on the gender of the survivor.
25. Please indicate whether the right to compensation/cash benefits provided to surviving spouses/partners is conditional on their being presumed to be incapable of self-support. When available, please indicate in which cases the spouse/partner is presumed incapable of self-support (for example: when the survivor achieves prescribed age, has a disability, or has dependent children).
26. Please indicate whether the survivors of an employee who was employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the survivors' benefits without any conditions as to residence.
27. Please indicate how survivors' benefits are calculated and specify the level of cash benefits provided to each survivor. In case of periodical payments, please indicate whether they are paid a flat rate or calculated based on previous earnings of the deceased, and, in this case, the percentage applied. Please indicate whether there is a maximum limit upon the total benefits payable to all the survivors.
28. Please indicate the waiting period prior to receiving survivors' benefits and for how long each type of survivor can receive cash benefits in case of periodical payments.
29. Please indicate if survivors are entitled to receive funeral benefits and how such benefits are calculated.

C.012: Art. 1;
 C.102: Art. 32(d);
 C.121: Art. 6(d) and 18(2);
 R.121: Para. 13;
 C.102: Art. 32(d);
 C.102: Art. 37.
 C.102: Arts 36, 65 and 66; Schedule of Part XI;
 C.121: Arts 18, 19 and 20; Schedule II;
 R.121: Para. 14;
 C102: Art. 38;
 C121: Art. 9(3)
 C.121: Art.18(2).

EMPLOYMENT INJURY BENEFITS

Optional question

30. Please also indicate whether a minimum duration of marriage is required for the entitlement to survivors' benefits.

Commuting periodical payments in lump sum

31. Please indicate if, under certain circumstances, employment injury benefits in the form of periodical payments can be converted into a lump sum. For example, please indicate if a conversion is possible:

- (i) in cases where the degree of incapacity is slight. In this case, please indicate which is the degree enabling a lump sum conversion and explain how this degree is determined;
- (ii) where competent authorities are satisfied that such lump sum will be properly utilized or is particularly advantageous for the injured person. In this case, please indicate which is the authority that has the competence to make this assessment and provide information as to the manner such assessment is carried out.

For both cases, please indicate how this lump sum is calculated (for example, whether variables such as age, sex, benefit-type and life expectancy or other factors are considered).

Constant help or assistance of another person

32. Please provide information as to the possibility of increase, either in percentage or in a prescribed amount, of the compensation/cash benefits paid periodically in case the injured worker needs the constant help or attendance of another person.

Payment of workers' accident compensation/employment injury benefits abroad

33. Please indicate whether there are any special arrangements that have been made with other Member States (for example, bilateral or multilateral agreements) which provide for: (i) the payment of employment injury benefits/compensation outside the territory of your country, e.g. direct transfer to the bank account abroad of the beneficiary; and (ii) any measures of mutual assistance taken with a view to facilitating the execution of national laws and regulations concerning equality of treatment in the provision of workers' compensation/employment injury benefits.

34. When a person, national or non-national, to whom compensation is due under national laws and regulations resides in the territory of another Member State, please provide information about necessary measures taken to facilitate the payment of workers' compensation/employment injury benefits abroad and to ensure the observance of the conditions governing such payments laid down by national legislation.

C.012: Art. 1;
C.102: Art. 36(3);
C.121: Art. 15;
R.121: Para. 10.

C.012: Art. 1;
C.121: Art 16;
R.121: Para. 11.

C.019: Arts 1 and 4.

R.025: Para. I(a).

PREVENTION AND VOCATIONAL AND REHABILITATION SERVICES

<p>35. Please provide, as applicable, detailed information concerning: (1) measures taken to prevent industrial accidents and occupational diseases; (2) provision of vocational rehabilitation services to assist a worker with permanent disability to resume his/her previous professional activities or, in case this is not possible, to resume the most suitable gainful professional activity; and (3) measures taken to further the placement of persons with disability in suitable employment.</p>	<p>C.102: Art. 35; C.121: Art. 26.</p>
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FINANCING AND RATING

<p>Financing of employment injury benefits</p> <p>36. Please explain how and by whom (e.g. employers, workers, government, others) workers' compensation and employment injury benefits are financed. Please indicate the contribution rate or level of the premiums that are collected for the benefits' financing.</p>	<p>C.102: Art. 71.</p>
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INSTITUTIONAL FRAMEWORK – CLAIMS, SUPERVISION AND ENFORCEMENT

<p>Administration and application procedures</p> <p>37. Please indicate how your country accepts general responsibility for the due provision of employment injury benefits (for example, in case responsible private institutions or employers have failed in providing such benefits).</p> <p>38. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department, please provide detailed information as to the participation of the representatives of persons protected, representatives of employers and, when appropriate, government authorities in the management or consultive body of the institution responsible for the due provision of employment injury benefits.</p> <p>39. Please indicate if any advantage, granted by national legislation, concerning the provision of workers' compensation/employment injury benefits is extended under the same conditions to the nationals of other Member States (for example, exemption from duties and taxes, free issue of official documents or other privileges). In case there is no system for the provision of worker's compensation/employment injury benefits in case of work-related injury, please indicate if any facilities are afforded to foreign workers enabling them to benefit by the laws and regulations concerning such benefits in their own countries.</p>	<p>C.102: Arts 71(3) and 72(2); C.121: Arts 24(2) and 25; C.102: Art. 72(1); C.121: Art. 24(1); R.025: Paras I(c) and II.</p>
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INSTITUTIONAL FRAMEWORK – CLAIMS, SUPERVISION AND ENFORCEMENT

Assessment and revision of the level of incapacity and benefits

40. Please indicate the conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty are reassessed, suspended, or cancelled by reference to a change in the degree of loss. Please indicate whether supplementary or special benefits are provided in case an employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person.

C.121: Art. 17;
R.121: Para. 12.

Suspension, accumulation, adjustment and reduction of employment injury benefits

41. Please indicate whether and, if so, under what conditions workers' accident compensation/employment injury benefits can be suspended or reduced. In this regard, please indicate whether such benefits are subject to suspension in case of absence from the territory of your country, with respect to both nationals and non-nationals.

C.102, Art. 69;
C.121: Art. 22;

42. Please indicate whether, and under which circumstances, it is possible to cumulate employment injury benefits with other types of social security benefits. Regarding the adjustment and periodicity of cash benefits, please indicate whether such adjustments are made following substantial changes in the level of earnings or cost of living, or a mix of both.

C.102: Arts 65(10), 66(8) and 69(c);
C.121: Art. 21;
R.121: Para. 15.

Right to appeal

43. Please indicate any legal provisions and specify the type of mechanisms that guarantee victims of employment injury the right to appeal in case of refusal of the benefit or complaint as to its quality and quantity.

C.102: Art. 70;
C.121: Art. 23;

44. In case of dispute or claim originating in your country concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing abroad, please indicate whether facilities are afforded for taking proceedings in the competent courts of law of your country without requiring the attendance of the person concerned.

R.025: Para. I(b).

Optional question:

Enforcement and compliance measures

45. Please provide detailed information concerning any means to ensure: (i) the registration of eligible workers and enterprises, including small and medium-sized enterprises, with the employment injury scheme; and (ii) the reporting of industrial accidents and notification of occupational diseases.

C.102: Arts 71(3) and 72(2).

Optional questions

46. Well-designed and effective employment injury insurance schemes are reflected in Sustainable Development Goal target 1.3 and indicator 1.3.1, and can be the foundation for sustainable enterprises to thrive when having to face economic and social challenges. In this sense, you may wish to provide relevant information if your country has a strategy (e.g. national plan or strategy) to bring law and practice more in line with the approach set out in Conventions Nos 19, 102, Part VI, and 121 and to address gaps in population coverage or differentiated treatment between various categories of workers, in particular agricultural workers, in line with Convention No. 12, and foreign workers and their dependants, in line with Convention No. 19.

Prospects for and obstacles to ratification

47. Please provide information on any prospects of ratification of Conventions Nos 12, 19, 102, Part VI, and 121. In this context, please identify the challenges or obstacles regarding its possible ratification, and indicate any measures taken or envisaged to overcome these obstacles.

Standard-related action

48. With a view to enhancing the impact of the international standards on employment injury, please indicate which standard-related actions or activities should be taken in order to guarantee due provision of employment injury benefits in your country (for example, technical assistance, technical cooperation activities, organization of tripartite consultations, etc.).

Possible need for technical assistance

49. Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire. If so, please provide information on existing plans for the provision of such assistance or the effect of such support if already provided. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' social security schemes, in particularly concerning provision of employment injury benefits.

Article 23(2) of the ILO Constitution

50. Please indicate the representative employers' and workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.