RESOURCE KIT FOR THE DESIGN OF LEARNING ACTIVITIES ON LABOUR RIGHTS





Social Security and Maternity Protection

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First published 2020

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Support for Implementation of the Decent Work Country Programme of Uzbekistan Project (ILO DWT and Country Office for Eastern Europe and Central Asia) & International Training Center of the ILO.

Resource Kit for the Design and Learning Activities on Labour Rights / International Labour Organization, , International Training Center of the ILO (ITC-ILO). Geneva: ILO, 2020.

ISBN: 9789220328873 (Web PDF); International Labour Organization; Fundamental Principles and Rights at Work Branch, International Training Center of the ILO. Also available in Uzbek: ISBN 9789220328880; and Russian: ISBN 9789220328897

ACKNOWLEDGEMENTS

This Resource kit was prepared by Giselle Mitton (ITC-ILO) and Olena Vazhynska (ITC-ILO). Funding for this ILO publication is provided by the United States Department of Labor (USDOL) under cooperative agreement number IL-26629-14-75-K-11 Support for Implementation of the Decent Work County Programme of Uzbekistan Project (UZB/14/01/USA). One hundred percent of the total costs of the project is financed with Federal funds, for a total of \$6,000,000.00 US dollars.

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Key selected International Labour Standards

Comprehensive social security standards

C102 Social Security (Minimum Standards) Convention, 1952 (No. 102)

Social Protection Floors

- R202 Social Protection Floors Recommendation, 2012 (No. 202)
- R204 Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)

Advanced ILO social security standards

- C118 Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- C121 Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- C128 Invalidity, Old-Age and Survivors> Benefits Convention, 1967 (No. 128)
- C130 Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- C157 Maintenance of Social Security Rights Convention, 1982 (No. 157)
- C168 Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Maternity protection:

C183 Maternity Protection Convention, 2000 (No. 183)

Introduction

Social security is not only a recognized human right, but also a social and economic necessity. Historically it played a key role in protection from uncertainty, disease and deprivation, and gradually evolved into social security systems providing for basic income in cases of unemployment, illness and employment injury, old age and retirement, invalidity, family responsibilities such as pregnancy and childcare, and loss of the family breadwinner. By providing health care, income security and social services, social security enhances productivity and contributes to the dignity and full realization of the individual. Closing coverage gaps is therefore indispensable for equitable economic growth, social cohesion and decent work for all women and men.

There is a range of challenges around building comprehensive social protection systems, among which substantial global gaps in financing social protection. One of the policy options to expand fiscal space for social protection is increasing social insurance coverage and contributory revenues. Various countries in the world made a progress in extending effective social protection coverage through some form of contribution-based social insurance system, covering a wide range of policy areas such as employment-related protection, including unemployment and employment injury protection, as well as old-age and disability pensions, family and children protection, and health insurance, among others. Increasing social security coverage and collecting social contributions is a reliable way to finance social protection, freeing fiscal space for alternative social spending. Social protection benefits linked to employment-based contributions also encourage formalization of the informal economy ¹.

As a standard-setting organization, the ILO offers a comprehensive set of international social security Conventions and Recommendations to guide member States in building comprehensive social security systems and providing with the key parameters ensuring their sustainability and adequacy. Conceptually, there are three generations of ILO standards, which evolve into a comprehensive system for universal protection. Unemployment Convention, 1919 (No. 2) and Maternity Protection Convention, 1919 (No. 3) were among the first standards adopted the

year of creation of the Organisation in 1919. In the following 20 years, the first generation of standards were aimed at creating social insurance systems: Conventions Nos. ,40 ,39 ,38 ,37 ,36 ,35 ,25 ,24 ,19 ,18 ,17 ,12 44 ,42, and 48.

The second generation of standards (adopted during the period -1944 1964) aimed at coordinating various social security schemes, while extending social security to everyone in need of such protection. ILO's comprehensive instrument offering protection against nine social risks, C102, was adopted in 1952. The Convention sets minimal standards with regard to coverage, the level and duration of the protection, conditions for eligibility for benefits and covers social security administration and sources of financing. The same year maternity protection standards have been revised.

Comprehensive social security standards

C102 Social Security (Minimum Standards) Convention, 1952 (No. 102)

R067 Income Security Recommendation, 1944 (No. 67)

Social security for migrant workers

C118 Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Maternity protection

C103 Maternity Protection Convention (Revised), 1952 (No. 103)

Building on Convention 102, the third generation of standards offer a higher level of protection, extending coverage and raising the level of benefits. These standards revise the first generation standards.

Advanced social security instruments

- C121 Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- Invalidity, Old-Age and Survivors> Benefits Convention, 1967 C128 (No. 128)
- C130 Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- C168 **Employment Promotion and Protection against Unemployment** Convention, 1988 (No. 168)

Advanced maternity protection instrument

Maternity Protection Convention, 2000 (No. 183) C183



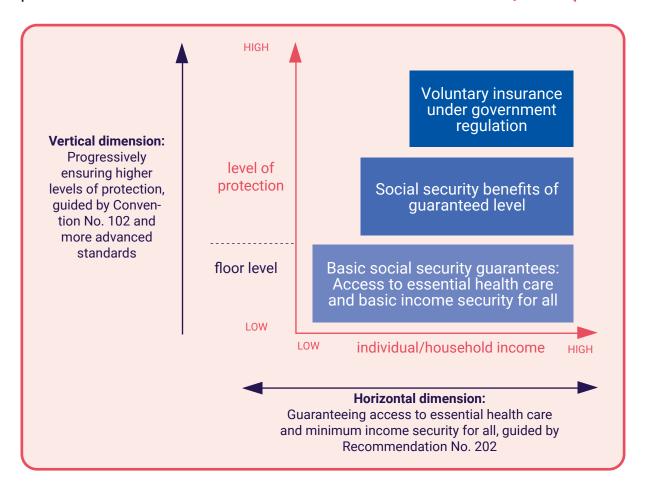
Universal protection

The ILO developed a two-dimensional strategy² in its efforts to promote and ensure the provision of comprehensive social security coverage in all its member States. The horizontal dimension reflects the global initiative to establish social protection floors, comprising a set of four essential basic social security guarantees provided to everyone: essential health care, basic income security for children; basic income security for persons in active age; and basic income security for older persons. The vertical dimension of the ILO extension strategy seeks the provision of a

² Social security for all. Building social protection floors and comprehensive social security systems. The strategy of the International Labour Organization, ILO, 2012 - https://www.ilo.org/secsoc/information-resources/publications-and-tools/booksand-reports/WCMS_SECSOC_34188/lang--en/index.htm

wider range of benefits covering additional social risks and categories of persons, and the increase of benefits rates to at least the level prescribed by Convention No. 102 and other up-to-date social security Conventions.

The instrument that promotes the ILO strategy on the extension of social protection is the **Social Protection Floors Recommendation**, **2012** (No.



202). It gives guidance on introducing or maintaining social security floors and on implementing social protection floors as part of strategies to extend higher levels of social security to as many people as possible, in accordance with the guidelines set out in International Labour Standards relating to social security.

Social protection floors

R202 Social Protection Floors Recommendation, 2012 (No. 202)

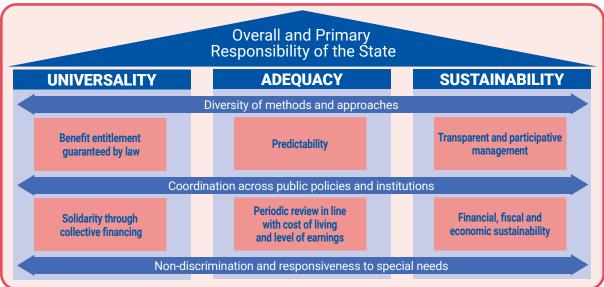
In building and maintaining national social protection floors within social security systems, each member State of the ILO is encouraged

to pay particular attention to the needs and circumstances of those in the informal economy and their families. The ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) recognizes the need to progressively extend, in law and practice, to all workers in the informal economy: social security, in particular extending the coverage of social insurance, maternity protection, decent working conditions and a minimum wage. In doing so, countries need to be taking into account the needs of workers and other relevant factors, such as the cost of living and the general national level of wages.

R204 Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)



CORE PRINCIPLES EMBODIED IN ILO STANDARDS



The International Labour Standards of the ILO help countries to move forward with the implementation of the right to social security and the establishment of comprehensive, sustainable and adequate social security systems. The successful implementation of social protection policies requires legal frameworks that establish equitable financing mechanisms as a key element of adequate, predictable and user-oriented social protection systems embedded in broader socio-economic development policies.

Universality

The **principles of universality of protection**, as prescribed by Recommendation No. 202, requires protection to be based on legal guarantees and entitlements, accompanied by appropriate enforcement mechanisms and a legal framework that ensures respect for the rights and dignity of the persons protected by social security guarantees. Providing for universality of protection, the basic social security guarantee should apply to at least all residents, and all children, as defined in national laws and regulations and subject to existing international obligations.

Social solidarity is a prerequisite for universal social protection. Social solidarity, including its financial aspects, strengthens social cohesion and social peace, and that it is a powerful weapon against poverty and inequality, and an effective instrument for making societies more equal and just.

Collective financing offers the best guarantees for financial sustainability, especially in times of fiscal consolidation. Extending social solidarity and solidarity in financing contributes to the progressive universalization of social security, reflecting collective and human values of social cohesion, compassion and care for the weak and most vulnerable.

Adequacy

Social security systems can only achieve their objectives through the provision of benefits that are adequate in relation to the needs to be covered and predictable, so that persons who are eligible are aware of the level and type of their entitlements if a situation of need arises.

Securing the **adequacy of benefits** goes hand in hand with the universality principle. In parallel to the priority of extending basic protection to those left unprotected, all countries should strive to provide higher levels of protection to as many people as possible, as soon as possible, guided by the up-to-date ILO social security standards, such as the Social Security (Minimum Standards) Convention, 1952 (No. 102), and standards setting higher levels of protection for the development of comprehensive national social security systems. An increasing number of ILO member States recognize the advantage of these standards by either ratifying them or building on them to develop or review their social protection policies, legislation and systems, and to establish a road map and set benchmarks.

Periodic review is an important step in ensuring the adequacy of social security standards. Countries use a variety of benchmarks and references for the establishment and calculation of benefits levels taking into account national characteristics, including their economic, demographic and geographical situation. The references most commonly used to set the level of basic benefits are minimum consumer baskets, minimum wages and national subsistence levels or poverty lines. The adequacy of basic income security should be assessed taking into account the whole set of social protection measures that contribute to income security for the persons concerned and their families, and their effective implementation.

Sustainability

ILO standards recognize the overall and primary responsibility of the State to secure sustainable financing for the establishment and maintenance of "social protection floors as a fundamental element of their national social security systems" and to guarantee the **financial**, **fiscal and economic sustainability** of these systems with due regard to social justice and equity (Recommendation No. 202, Paragraphs 1(a) and 3(k)).

National social protection policies and strategies should specify the "financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives" (Paragraph 14(e)). The design, as called for by the Recommendation, of "transparent, accountable and sound financial management and administration" mechanisms (Paragraph 3(j)) is therefore critical in a context of changing forms of work and employment, labour market disruptions, high

unemployment and poverty risks, as well as the demographic challenges faced by many societies.

The principle of the **transparent and participatory management** as well as supervision of social protection, including financial management, has proved to be essential for good governance and efficiency. This principle is long established in the international social security law, specifically in the Convention No. 102, Article 1)72): "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 laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities".

Recommendation No. 202, Paragraph 3(r) reaffirms and extends this principle: "tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned".

Transparent, accountable and participatory management of social security schemes offers the best guarantees of the financial viability and sustainable development of social security, in association with solidarity in financing under the responsibility of the State. Achieving substantial progress requires all available means of action to be mobilized, including financial and fiscal means. In this respect, involving all relevant stakeholders in the determination, implementation and monitoring of the social protection framework gives better results, due in part to broader public acceptance and support resulting from effective social dialogue and participation.

Nine branches of social security

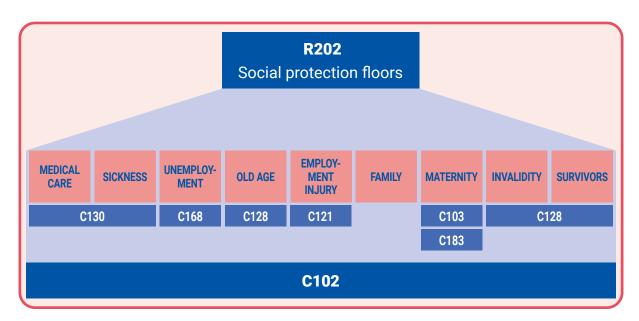
A set of technical instruments have been adopted in order to provide an adequate level of protection against nine major social risks.

The Social Security (Minimum Standards) Convention, 1952 (No. 102) lays down the minimum standard for the level of social security benefits

and the conditions under which they are granted. It covers the nine principal branches of social security, namely:

- medical care;
- sickness benefit;
- unemployment benefit;
- old age benefit;
- employment injury benefit;
- lamily benefit;
- maternity benefit;
- invalidity benefit and
- survivors' benefit.

It offers States the possibility of ratification by accepting at least three of its nine branches and subsequently accepting obligations under other branches.



Maternity protection

For working women and their families the period of pregnancy and maternity is a particularly vulnerable time, which requires special measures of protection to prevent any harm to the health of future mother or that of their infants'. Working women also need adequate time to give birth, recover, breastfeed and nurse their children, while they equally require protection to ensure that they will not loose their job because of pregnancy or maternity leave. Maternity protection is interconnected with the women's income security as well as the right to equal access to employment and any type of job discrimination.

Maternity Protection Convention, 2000 (No. 183)³

Minimum Maternity Leave Compulsory Leave after Childbirth

14 weeks 6 weeks

Maternity leave

All women are to be entitled to a **period of maternity leave of not less** than 14 weeks.

This leave must include a period of six weeks compulsory leave following childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

The prenatal portion of maternity leave must be extended by the length of any period elapsing between the presumed date and the actual date of childbirth.

In case of illness, complications or risk of complications arising out of pregnancy or childbirth, additional leave must be granted.

³ Convention No. 183 is the most up-to-date international labour standard on maternity protection, although the earlier relevant instruments – the Maternity Protection Convention, 1919 (No. 3), and the Maternity Protection Convention (Revised), 1952 (No. 103) – are still in force in certain countries. Convention No. 183 is accompanied by the Maternity Protection Recommendation, 2000 (No. 191).

Related types of leave

Recommendation No. 1914 also envisages other types of leave:

- leave for the father in the case of the death, sickness or hospitalization of the mother before the expiry of postnatal leave;
- parental leave during a period following the expiry of maternity leave; and
- leave in the case of adoption.

Nursing breaks

Each State that ratifies Convention No. 183 must establish the right of breastfeeding mothers to one or more daily breaks or a reduction in daily hours of work.

These breaks or reduction of hours of work shall be counted as working time and remunerated accordingly.

Recommendation No. 191 provides that where practicable, and with the agreement of the employer and the woman concerned, it should be possible to add together the time allotted for daily nursing breaks, to allow a reduction in the hours of work.

Health protection

Each State party to Convention No. 183 must take measures to ensure that pregnant or breastfeeding women are not obliged to perform work that has been determined to be prejudicial to the health of the mother or child.

Recommendation No. 191 envisages the adoption of measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child.

⁴ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100 :P12100_INSTRUMENT_ID:312529:NO

Non-discrimination

Each State, that ratifies Convention No. 183, must adopt measures to ensure that maternity does not constitute a source of discrimination in employment or in access to employment.

It is also prohibited for employers to terminate the employment of a woman during her pregnancy or absence on leave, or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or to nursing. In the latter case, the burden of proving the absence of such a relationship rests on the employer.

Q Note

This module does not go into detail of the main requirements set out in ILO standards. If you wish to learn more about the coverage, level of benefit and its duration and conditions that can be prescribed for entitlement to a benefit, please consult the following page on the ILO dedicated platform: Minimum requirements in ILO social security standards. For more advanced technical material on valuation covering a wide-range of risks including old age, survivors, disability, sickness, maternity, employment injury, and unemployment, please consult: Actuarial practice in social security.

- **1** https://www.social-protection.org/gimi/gess/RessourcePDF. action?id=55516
- 2 https://www.social-protection.org/gimi/gess/RessourcePDF.action?id=776



Infographics:

Meet Peter - Exploring social security and maternity protection



Women are entitled to daily remunerated breaks or reduced hours for breastfeeding 2

CHILD CARE AND BREASTFEEDING

The first months Peter's mother had the right to breastfeeding breaks at work twice a day

earn more about related ILO instruments:

C183

R191

LOSS OF BREADWINNER

As a temager, Peter lost his father who was a breadwinner in the family. He and his mather started reserving the <u>survivor's</u> heacift

3

Widow's or children's loss of support in case of death of breadwinner needs to be substituted with the survivor's benefit, ensuring a minimum standard of living

Survivor's benefit should be granted until children reach active age; there are no limitations for widows:

C102

C128

R131

Social protection floors are nationally defined as sets of basic social security guarantees that should ensure, at a minimum, that, over the life cycle, all those in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level

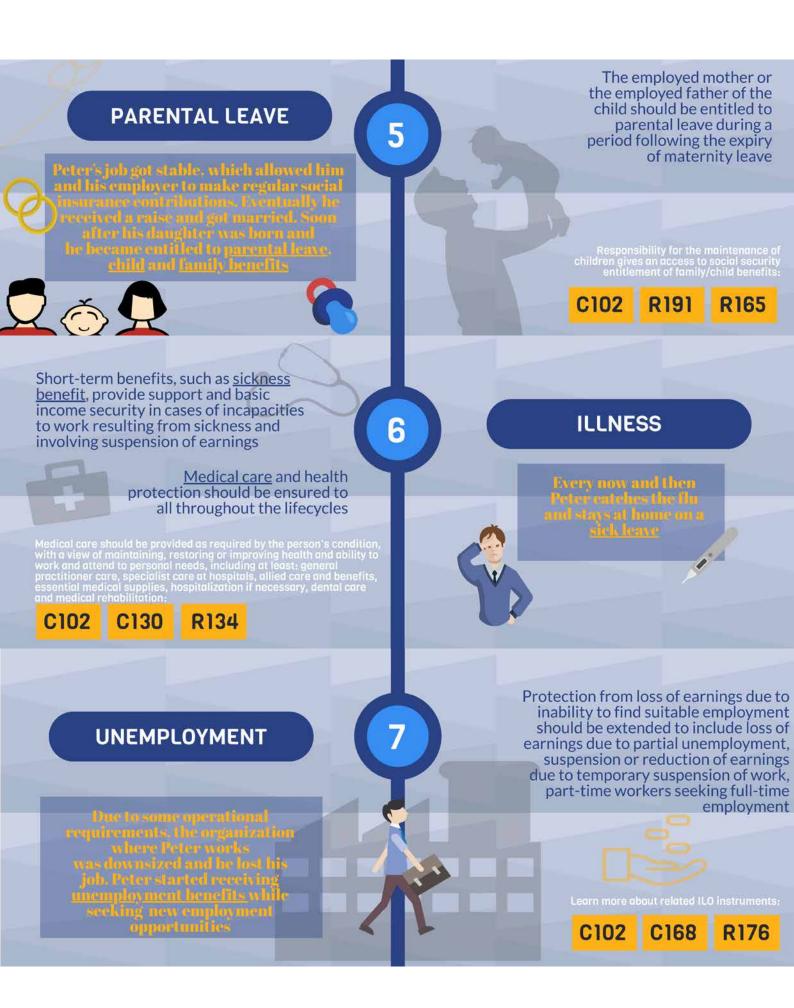
Learn more

R202

4

SOCIAL ASSISTANCE

Peter graduated and starter working. He did not have a stable job and occasional working apportunities did not allow him to carn a sufficient income nor to contribute towards social insurance. Peter availed bimself of social assistance



Specific measures compatible with national conditions and possibilities should be taken:

 to enable workers with family responsibilities to exercise their right to vocational training and to free choice of employment;

· to take account of their needs in terms and conditions of employment and in social security:

 and to develop or promote child-care, family and other community services, be they public or private, which respond to their needs.

Family benefits are to be granted in recognition of the responsibility for the maintenance of children

C156 R165

C102



8

FAMILY RESPONSIBILITIES

Peter appreciates <u>flexible</u>



EMPLOYMENT INJURY PROTECTION

In cases of employment injuries, workers are entitled to medical care and allied benefits: general practitioner, specialist, dental care, nursing care, etc., with a view of maintaining, restoring and improving health and ability to work and attend to personal needs.

The suspension of earnings resulting from ill health or incapacity for work due to work-related accident or disease should be compensated by cash benefits (either periodic payments or lump sum).

C102

C121

R121

An individual is entitled to an old-age pension on the basis of two schemes: on the basis of 30 years of contribution or employment (for contributory schemes) or 20 years of residence (for non-contributory schemes).

Entitlement to a reduced old-age benefit should be foreseen after 15 years of contribution or employment.

Learn more about ILO standards related to pensions:

C102

C128

R131



INCOME SECURITY IN OLD AGE





Sample session 1:

Benefits of social security



OBJECTIVES

- To become familiar with International Labour Standards related to social security and maternity protection.
- To identify benefits of social security systems.



SETTING

Working either in groups or in pairs; having pens and paper for the brainstorming and a flipchart/poster/writing board for presenting the results.



DURATION

30 minutes to exchange views in groups; 5 minutes for each group/pair to present the results in plenary; 10 minutes to discuss in plenary.



TASK

- Analysing Peter's case, participants are invited to discuss each of the benefits exemplified and different outcomes for Peter if he had not had an access to any of these benefits.
- 2. Using flipchart, each group is suggested to illustrate those scenarios where Peter does not benefit from social security schemes.
- 3. Participants are then invited to identify and discuss benefits of social security (and maternity protection), using references to corresponding ILS.

4. At the end of the discussion, each group presents the findings in plenary followed by a moderated discussion.



TIPS FOR TRAINERS

- Invite each group to designate a spokesperson to present the results in plenary.
- Make sure you have the texts of the relevant ILS available to the participants.
- Based on groups' size and familiarity with the subject area, you may wish to break down the task into several activities to be introduced gradually:
- Allowing enough time for participants to familiarize themselves with the details of Peter's story.
- ♣ Conducting brainstorming to generate active discussion and collect as many ideas on different outcomes for Peter should he not be able to enjoy all the benefits.
- ∓ Facilitating discussion on benefits of different social security standards, using guiding questions prepared in advance or references to the texts of ILS.
- Be ready to provide more information on the protection provided under the different branches of social security using relevant ILO materials, tools and publications.



Sample session 2: Identifying gaps



OBJECTIVES

- To identify and analyse gaps in terms of access to social security at the level of organization/institution.
- To discuss which steps would be helpful or necessary to sensitize, change the attitudes or improve working environment and productivity.



SETTING

depending on the size of the audience, divide participants into small groups of 5-4 persons per group. Ensure that each group has space for discussion and essential stationary: pens, paper for notes and flipchart or writing board for the presentation of results.



DURATION

60 minutes to exchange views in groups; 20 minutes to present the results in plenary; 10 minutes to discuss in plenary.



TASK

1. In small groups, participants are invited to discuss the available in the country social security benefits and how they contribute to the work-life balance and overall achievement of their organization's/institution's goals.

- 2. Each group is then suggested to identify gaps in terms of application of social security standards at the workplace, taking into account the national context as well as the international standards they have familiarized themselves
- **3.** At the end of the discussion, each group presents the findings in plenary followed by a moderated discussion.



TIPS FOR TRAINERS

with.

- ♣ This exercise can be conducted in continuation to Sample Session 1; In this case, participants will already be familiar with the texts of the main ILO instruments, however, they would need to be guided in order to reach a sufficient understanding of their application at the national level and to be able to give practical examples of how to apply them at their own place of work.
- ♣ Invite each group to designate a note taker, moderator for the discussion and spokesperson to present the results in plenary.
- ♣ Prepare in advance questions to initiate discussion. Based on the level of audience and time dedicated to the session, you may wish to have two sets of questions: questions covering issues of direct significance for the organization/ institution questions and additional questions to explore the subject more in depth. Examples of guiding questions:
 - **1.** Are there flexible hours arrangements for workers with families responsibilities? How are they viewed/perceived in the organization/institution?
 - **2.** Are workers with disabilities well integrated in the team? What are the special needs they have? How is the organization/institution responding to those needs?
 - 3. Do female workers enjoy the right to take maternity leave? What does this entail in terms of duration, benefit or child/family allowances? Are there any difficulties women face coming back to work after maternity leave? If any, how are

- they addressed, e.g. reintegration into team, professional training, skills development, etc.?
- **4.** Is there a possibility for fathers to take parental leave?
- **5.** Are there breastfeeding arrangements previewed at the workplace such as periodic breaks or nursing facilities?
- 6. Are there any differences in treatment among specific groups of workers? As an example: workers of preretirement age are viewed as wise and knowledgeable, other workers tend to seek them for advice; young women/mothers are perceived as less productive having additional family responsibilities compared to men; recent receivers of unemployment benefits are having difficulties to integrate into a team, etc.
- 7. Is there a system of bonuses/premium to encourage or recognize individual's/teams' performance and/or efforts? Are there needs-based allowances for workers? Etc.
- Ask each group to avoid generalizations and encourage all the participants to provide concrete examples.



Further references

- ILO Social protection platform https://www.social-protection.org/gimi/ShowMainPage.action
- Toolkit on ILO Social Security Standards (EN) https://www.social-protection.org/gimi/ILO100Ratification.action
- Maternity Protection Resource Package (EN/RU) http://mprp.itcilo.org
- Building social protection systems: International standards and human rights instruments, ILO, 2017 https://www.ilo.org/secsoc/information-resources/publicationsand-tools/books-and-reports/WCMS_651219/lang--en/index.htm
- 100 years of social protection. The road to universal social protection systems and floors. Vol. 50:1 country cases, 2019 https://www.ilo.org/secsoc/information-resources/publicationsand-tools/books-and-reports/WCMS_669790/lang-en/index.htm
- World social protection report 2019-2017 (ILO, 2019) https://www.social-protection.org/gimi/RessourcePDF. action?ressource.ressourceId=54887
- General Survey concerning the Social Protection Floors Recommendation, 2012 (No. 202), Universal social protection for human dignity, social justice and sustainable development https://www.ilo.org/ilc/ILCSessions/108/reports/reports-to-theconference/WCMS_673680/lang--en/index.htm
- General Survey concerning social security instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization, ILO, 2011 https://www.ilo.org/ilc/ILCSessions/previoussessions/100thSession/reports/reports-submitted/ WCMS_152602/lang--en/index.htm