Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 81
22 August 1950

Creation of a European code of social security

Report
Social, Health and Family Affairs Committee
Rapporteur: Mr Henri C. J . HEYMAN, Belgium

A. Draft Recommendation

1. The Assembly declares itself in favour of the establishment of a European Code of Social Security, the effect of which would be not the standardisation of the social security legislation in the different countries, but the raising, by various methods, of social security in every country to an equally high level, in accordance with the general principles set forth in the Appendix.to the present Document.

2. The Assembly is of the opinion that this Code should be prepared as a Convention by the Council of Europe, in collaboration with the I. L. 0., whose documentation must be used as the basis for all the work in this field of the Council of Europe.

3. The Convention should be adopted by a European Labour Conference, convened according to the rules adopted by the I. L. 0., on the basis of a threefold representation of Governments, employers and workers.

4. Recommends that the Committee of Ministers take the necessary steps, in conjunction with the I. L. 0., for the preparation and summoning of such a Conference.

B. Explanatory Memorandum

1.

The Assembly adopts the principles enunciated in Article 25 of the universal declaration on Human Rights :

" Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old ago or other lack of livelihood in circumstances beyond his control. "

The Assembly considers that in this struggle for social justice, social security plays a capital part; in a civilised country, it constitutes a safeguard for the people against adversity. It is also the best means of fighting poverty and hardship.

Consequently, one of the first duties of Member States is to continue this struggle, loyally, persistently, and energetically.

The Assembly is convinced that one of the best ways of maintaining peace in Europe is for all the nations to strive untiringly to satisfy the vital needs of the workers of the lower income groups.

It notes that today, as in the past, social security constitutes one of the best safeguards of democratic institutions against the dangers of totalitarian dictatorships.

The Assembly considers that this action must be carried forward on the same lines as, and in collaboration with, the action, the conventions, and the recommendations of the International Labour Organisation.

It nevertheless notes that the lack of a sufficient number of ratifications has hitherto prevented the generalisation and the co-ordination of social security legislation in the European countries.

Such a generalisation and co-ordination would nevertheless make possible an equalisation of the social charges which influence cost of production.

Appendix APPENDIX

Elementary principles of a European Code on Social Security

With a view to achieving an equally high level of social security in Europe, with similar social charges, the elementary principles of a European Code on Social Security are set forth in the following basic draft.

Income security

Foremost among the objectives of social security policy should be placed the income security of the population, achieved through measures providing for maintenance of income whenever threatened; and the health of the population, achieved through measures which make available adequate medical care. To promote these ends effectively, social security legislation should have the broadest possible coverage of both risks and persons, and approach as nearly as possible to adequacy in benefits.

Champ d'applicationScope

The measures adopted in respect of each contingency will be progressively extended until they apply to all categories of workers and their families who are exposed to the particular contingency concorned, including not only those in industrial employment but, where appropriate, those engaged in work on their own account, that is to say, to self-employed workers or even to the whole population.

Migrants

The provisions of each Nation which govern the scope of its social security measures shall not contain restrictive nationality or residence conditions which result in inequitable discrimination between its own nationals and those of other Nations belonging to the Council of Europe, and oach Nation will actively seek agreements with the other Nations which define and safeguard the social security rights of migrants.

Finance

Provisions of each country will be financed either on a contributory or non-contributory basis; the financial system selected must necessarily be based, on the one hand, on a collaboration between all the parties concerned and the State, and must take into account, on the other hand, the nature of the risks incurred, the national customs, and the particular social conditions, whether economic or fiscal, peculiar to each country. Such a system should aim at preventing the costs from exceeding the potential productive capacity and national income of each country. But it must aim, above all, at ensuring the regular payment of the benefits authorised.

Qualifying conditions

Social security allowances, pensions and medical benefits will be available as a right, protected by appeal procedures, to any person suffering a contingency covered, who satisfies conditions prescribed by national law as to insured status, length of employment, amount or regularity of contributions, residence or similar matters. Qualifying periods for sickness and unemployment allowances as well as those, if any, for medical benefits and family allowances will normally be much briefer than those for pensions and will be concerned primarily with verification of the date of attachment to the labour force. No minimum qualifying period will be required as a condition of eligibility for employment injury benefits.

Benefit amounts

Cash allowances and pensions, including supplements for dependent spouses and children not eligible for family allowances, will usually be paid on a periodical rather than lump-sum basis. They will be of such size, whether uniform for all beneficiaries or varied with their previous earnings, as to restore enough of the income lost through the contingency suffered to enable beneficiaries to live at least at a decent subsistence level judged by reference to the average living standard of the comparable working population in the region concerned.

Sickness

Provision will be made for cash allowances to be paid to workers who suffer a loss of income for longer than a very few clays as a result of temporary incapacity for work occasioned by sickness, such allowances in case of sickness to be payable for up to at least six months.

With regard to maternity, the Member States should as soon as possible guarantee the protection laid down in the Convention adopted by the International Labour Conference on October 29th,1919, which provides that there should be a rest period of six weeks before and six weeks after the confinement.

Medical Care

Action will be taken to ensure that at least medical, surgical, obstetrical and hospital care, and pharmaceutical products of both a preventive and curative character, are available to all insured persons and to their families, in the form either of direct services or cash reimbursement of a major fraction of costs incurred for such care. These provisions should extend for the duration of sickness.

Industrial injury

Cash compensation, including allowances in case of temporary incapacity for work and full or partial pensions in cases of permanent, total or partial incapacity, should be available for the victims of injuries or diseases which result from employment. Medical care will also be provided free to such victims so long as their injury or disease make such care necessary. Cash pensions will be paid to the dependent survivors of the victims who die as a result of an employment injury or occupational disease.

Pensions

Schemes will be established in each country under which cash pensions will be payable for life to workers who have reached old age and haA'e retired from all but casual gainful work; for the duration of substantial incapacity for work to workers who suffer from long-continued sickness or are chronic invalids; and for the duration of dependent widowhood or of childhood, to the surviving wife and children of a deceased family breadwinner.

As in most of the European countries the retiring age is 65, this age should be adopted in principle. This principle should, however, not be applied in such a way as to affect adversely the more favourable conditions in force in some countries, in particular for women and for workers employed in unhealthy industries, nor to render the ratification of the Code impossible for countries where the retiring age at present is higher than 65 years.

Unemployment

Unemployment insurance should be included in the social security systems of all the European countries.

Cash allowances should be provided for employees who suffer a loss of all or part of their income for longer than a very few days as a result of involuntary unemployment, so long as they are capable of and available for work and actively seeking work by means of registration at an employment exchange.

Family allowances

A system of State or equalisation funds will be maintained in each country for the regular payment, at least to families containing two or more dependent children, of cash allowances which are graduated proportionally, or even progressively, according to the number of children in the family and which are designed to increase their welfare; the allowances to be payable both when the family head is employed and when he is in receipt of a social security allowance or pension.

Assistance

Arrangements will be maintened under which immediate assistance payments, financed by the public authorities and adjusted to need, will be available to persons who are unable to work and whose means are found to be insufficient for their subsistence, whether, as a consequence of ineligibility for insurance benefits or of insufficiency of such benefits, for emergency needs, or for any other valid circumstance.

Organisation

The administration of social security measures will be organised on a unified basis in such a way as to ensure efficient and economical as well as sympathetic application of benefit provisions, and will be entrusted either to a Government Department which has advisory bodies including representatives of insured persons and ! employers, or to non-profit self-governing insti- i tutions operating under State supervision in the management of which insured persons are represented. A combination of the two systems may also be used.

As regards the application of social security i to the overseas territories, reference should be | made, at present, to the conventions and recom- j mendations adopted by International Labour Conferences, which have elaborated a system i applicable to these areas.