

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
**SICKNESS INSURANCE (AGRICULTURE)
CONVENTION, 1927 (No. 25)**

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

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

(a) on any new legislative or other measures affecting the application of the Convention;

(b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

(c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the period _____ to _____

made by the Government of _____

on the

SICKNESS INSURANCE (AGRICULTURE) CONVENTION, 1927 (No. 25)

(ratification registered on _____)

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

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

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

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

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

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers, 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 agricultural undertakings.

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 employer's 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.

Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or system of legislation concerning compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by agricultural undertakings.

If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate:

- (a) the duration of temporary employment, the definition of occasional employment, and the definition of subsidiary employment in respect of which exemption may have been granted;*
- (b) the limit of the wages or income fixed by national laws or regulations for determining the scope of application;*
- (c) whether all workers who are not paid a money wage are excluded or only certain categories of such workers;*
- (d) the classes of out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;*
- (e) the age-limits determined by national laws or regulations for admission to insurance;*
- (f) the persons who are regarded as being “members of the employer’s family” as understood in the national legislation.*

If advantage has been taken of the exception provided for in paragraph 3 of this Article, please indicate the categories of persons exempted because of their being entitled in case of sickness to advantages at least equivalent, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of sickness, forwarding the texts of the said laws, regulations or statutes with this report.

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.

Please indicate the extent of the period during which an insured person is entitled to a cash benefit as fixed by the national legislation, and if this right is made conditional on the insured person having first complied with a qualifying period and on the expiry of the same with a waiting period, please indicate the duration of the qualifying period as well as that of the waiting period.

If national legislation provides for the withholding of the cash benefit, please indicate the cases in which such benefit may be withheld, classifying them in accordance with the reasons indicated in subparagraphs (a), (b) and (c) of paragraph 3.

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.

Please indicate the date of commencement, duration and the nature of the medical and pharmaceutical benefits to which an insured person is entitled, in case of sickness, under the first paragraph of this Article.

If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the circumstances in which the insured person may be required to pay a part of the cost of medical benefit.

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.

Please state whether national laws or regulations have authorized or prescribed the grant of medical benefit to members of an insured person's family.

If so, please indicate the conditions under which such benefit is 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.

Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of sickness insurance.

Please indicate the constitution and functions of the authorities entrusted with the administrative and financial supervision of such self-governing institutions.

Please indicate the conditions under which the insured persons are enabled to participate in the management of the self-governing insurance institutions, stating in particular the proportion of seats or of votes assigned to them in the organs of these self-governing institutions.

If advantage has been taken of the provisions of the last paragraph of this Article, please indicate the nature of the national conditions which at present render the administration of compulsory sickness insurance by self-governing institutions difficult or impossible or inappropriate.

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.

Please indicate the conditions under which the insured persons and their employers must share in providing the financial resources of the sickness insurance system.

Please state whether the national legislation provides for a financial contribution by the competent public authority.

Article 8

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

Please state whether the national legislation grants to the insured person a right of appeal in case of dispute concerning his right to benefit.

Article 9

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.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

IV. Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, particulars regarding the organization and working of the system of sickness insurance and, where such statistics are available, also information concerning the application of the legislation relating to compulsory sickness insurance, especially on the following points:

1. Scope of application:

**total number of persons employed in agricultural undertakings;
total number of the above persons covered by compulsory sickness insurance;
total number not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness.**

2. Benefits in cash:

**(a) total cost of benefits in cash;
(b) average cost of benefits in cash per insured person.**

3. Benefits in kind:

**(a) total cost of benefits in kind;
(b) average cost of benefits in kind per insured person.**

4. Financial resources:

**total amount of financial resources.
provision of financial resources:
(a) contributions from the employers;
(b) contributions from the insured persons;
(c) contribution by the public authority.**

V. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

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

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