

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
**UNEMPLOYMENT PROVISION CONVENTION,  
1934 (No. 44)**

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."

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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.

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## Article 22 of the Constitution of the ILO

Report for the period \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### UNEMPLOYMENT PROVISION CONVENTION, 1934 (No. 44)

(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*

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to maintain a scheme ensuring to persons who are involuntarily unemployed and to whom this Convention applies:

- (a) benefit, by which is meant a payment related to contributions paid in respect of the beneficiary's employment whether under a compulsory or a voluntary scheme; or
- (b) an allowance, by which is meant provision being neither benefit nor a grant under the ordinary arrangements for the relief of destitution, but which may be remuneration for employment on relief works organised in accordance with the conditions laid down in Article 9; or
- (c) a combination of benefit and an allowance.

2. Subject to this scheme ensuring to all persons to whom this Convention applies the benefit or allowance required by paragraph 1, the scheme may be:

- (a) a compulsory insurance scheme;
- (b) a voluntary insurance scheme;
- (c) a combination of compulsory and voluntary insurance schemes; or
- (d) any of the above alternatives combined with a complementary assistance scheme.

3. The conditions under which unemployed persons shall pass from benefit to allowances, if the occasion arises, shall be determined by national laws or regulations.

*Please describe the action taken to give effect to this Article, giving full details of the nature of the scheme or schemes, showing in particular, in the case of an assistance scheme, how it differs from the ordinary arrangement for the relief of destitution, the amount of the benefit and/or allowance ensured and the conditions of passage from benefit to allowance.*

## Article 2

1. This Convention applies to all persons habitually employed for wages or salary.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of:

- (a) persons employed in domestic service;
- (b) homeworkers;
- (c) workers whose employment is of a permanent character in the service of the government, a local authority or a public utility undertaking;
- (d) non-manual workers whose earnings are considered by the competent authority to be sufficiently high for them to ensure their own protection against the risk of unemployment;
- (e) workers whose employment is of a seasonal character, if the season is normally of less than six months' duration and they are not ordinarily employed during the remainder of the year in other employment covered by this Convention;
- (f) young workers under a prescribed age;
- (g) workers who exceed a prescribed age and are in receipt of a retiring or old-age pension;
- (h) persons engaged only occasionally or subsidiarily in employment covered by this Convention;
- (i) members of the employer's family;
- (j) exceptional classes of workers in whose cases there are special features which make it unnecessary or impracticable to apply to them the provisions of this Convention.

3. Members shall state in the annual reports submitted by them upon the application of this Convention the exceptions which they have made under the foregoing paragraph.

4. This Convention does not apply to seamen, sea fishermen, or agricultural workers as these categories may be defined by national laws or regulations.

*Please indicate the scope of the scheme, stating what exceptions have been made under paragraph 2 of this Article. In particular please indicate the limit of earnings and the lower and upper age limits which apply in cases where exceptions have been made in accordance with subparagraphs (d), (f) and (g) of paragraph 2, and state what classes of workers have been excepted in accordance with subparagraph (j) and the reasons justifying their exception. So far as possible please give information to show the numbers or proportions of workers included in and excepted from the operation of the scheme.*

*Please state what definitions have been adopted in the relevant national laws or regulations for the purposes of paragraph 4 of this Article.*

## Article 3

In cases of partial unemployment, benefit or an allowance shall be payable to unemployed persons whose employment has been reduced in a way to be determined by national laws or regulations.

*Please state to what extent benefit or an allowance is paid to persons whose employment has been reduced and what are the provisions of the national laws or regulations concerning such payment.*

## Article 4

The right to receive benefit or an allowance may be made subject to compliance by the claimant with the following conditions:

- (a) that he is capable of and available for work;
- (b) that he has registered at a public employment exchange or at some other office approved by the competent authority and, subject to such exceptions and conditions as may be prescribed by national laws or regulations, attends there regularly; and
- (c) that he complies with such other requirements as may be prescribed by national laws or regulations for the purpose of showing whether he fulfils the conditions for the receipt of benefit or an allowance.

*Please state what conditions are imposed in virtue of this Article, indicating in particular the exceptions and conditions referred to in subparagraph (b) and the requirements referred to in subparagraph (c).*

#### Article 5

The right to receive benefit or an allowance may be made subject to other conditions and disqualifications in particular those provided for in Articles 6, 7, 8, 9, 10, 11 and 12. Any conditions or disqualifications other than those provided for in the said Articles shall be indicated in the annual reports submitted by Members upon the application of this Convention.

*Please state whether any conditions or disqualifications, other than those provided for in Articles 6 to 12, are imposed and, if so, give full details thereof. Wherever possible information should be given as to the number or proportion of employed persons affected by such conditions or disqualifications.*

#### Article 6

The right to receive benefit or an allowance may be made conditional upon the completion of a qualifying period, involving:

- (a) the payment of a prescribed number of contributions within a prescribed period preceding the claim to benefit or preceding the commencement of the period of unemployment;
- (b) employment covered by this Convention for a prescribed period preceding the claim to benefit or an allowance or preceding the commencement of a period of unemployment; or
- (c) a combination of the above alternatives.

*Please state whether any condition is imposed in virtue of this Article and, if so, give full details thereof, including in particular the number of contributions and/or the period prescribed.*

#### Article 7

The right to receive benefit or an allowance may be made conditional upon the completion of a waiting period the duration and conditions of application of which shall be prescribed by national laws or regulations.

*Please state whether any condition is imposed in virtue of this Article and, if so, give the duration and conditions of application of the waiting period prescribed.*

#### Article 8

The right to receive benefit or an allowance may be made conditional upon attendance at a course of vocational or other instruction.

*Please state whether, and if so under what conditions, attendance at a course of vocational or other instruction is required. So far as possible indicate the nature of the courses and the numbers, or proportion of the total number in receipt of benefit or allowance, attending courses.*

#### Article 9

The right to receive benefit or an allowance may be made conditional upon the acceptance, under conditions prescribed by national laws or regulations, of employment on relief works organised by a public authority.

*Please state if acceptance of such employment is required and, if so, under what conditions, together with the numbers, or proportion of the total number in receipt of benefit or allowance, of those so employed.*

#### Article 10

1. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period if he refuses an offer of suitable employment. Employment shall not be deemed to be suitable:

- (a) if acceptance of it would involve residence in a district in which suitable accommodation is not available;

- (b) if the rate of wages offered is lower, or the other conditions of employment are less favourable:
  - (i) where the employment offered is employment in the claimant's usual occupation and in the district where he was last ordinarily employed, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation in that district or would have obtained if he had continued to be so employed;
  - (ii) in all other cases, than the standard generally observed at the time in the occupation and district in which the employment is offered;
- (c) if the situation offered is vacant in consequence of a stoppage of work due to a trade dispute;
- (d) if for any other reason, having regard to all the considerations involved including the personal circumstances of the claimant, its refusal by the claimant is not unreasonable.

2. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period:

- (a) if he has lost his employment as a direct result of a stoppage of work due to a trade dispute;
- (b) if he has lost his employment through his own misconduct or has left it voluntarily without just cause;
- (c) if he has tried to obtain fraudulently any benefit or allowance; or
- (d) if he fails to comply with the instructions of a public employment exchange or other competent authority with regard to applying for employment, or if it is proved by the competent authority that he has failed or neglected to avail himself of a reasonable opportunity of suitable employment.

3. A claimant who on leaving his employment has received from his employer in virtue of his contract of service compensation for and substantially equal to his loss of earnings for a certain period may be disqualified for the duration of that period for the receipt of benefit or of an allowance. A discharge allowance provided for by national laws or regulations shall not be deemed to be such compensation.

*Please give details of any disqualifications imposed in virtue of this Article, stating in particular what is the definition of employment which is not deemed to be suitable under paragraph 1 and how the appropriate period is determined in the cases provided for in each of the paragraphs 1, 2 and 3.*

#### Article 11

The right to receive benefit or an allowance may be limited in duration to a period which shall not normally be less than 156 working days per year, and shall in no case be less than 78 working days per year.

*Please state the limit or limits fixed for the duration of the right to receive benefit or an allowance.*

#### Article 12

- 1. Benefit shall be payable irrespective of the needs of the claimant.
- 2. The right to receive an allowance may be made conditional upon the need of the claimant being proved in such manner as may be prescribed by national laws or regulations.

*Please state what are the provisions of the national laws or regulations as to proof of need of the claimant.*

#### Article 13

- 1. Benefit shall be payable in cash, but supplementary grants to facilitate the re-employment of an insured person may be in kind.
- 2. Allowances may be in kind.

*Please state whether, and under what conditions, grants supplementary to benefit are made in kind.*

*Please state whether any allowances are given in kind and, if so, under what conditions and what is the nature of the allowances. Where possible, information should be given as to the number or proportion of allowances in kind as compared with allowances in cash.*

*Article 14*

There shall be constituted in accordance with national laws or regulations tribunals or other competent authorities for the purpose of determining questions arising on applications for benefit or an allowance made by persons to whom this Convention applies.

*Please give full information as to the action taken to give effect to this Article.*

*Article 15*

1. The claimant may be disqualified for the receipt of benefit or of an allowance in respect of any period during which he is resident abroad.

2. Special provisions may be prescribed for frontier workers employed in one country and resident in another.

*Please state whether any disqualification is imposed in respect of residence abroad and, if so, what are the conditions of such disqualification.*

*If any special provisions have been prescribed for frontier workers, please give full information concerning them.*

*Article 16*

Foreigners shall be entitled to benefit and allowances upon the same conditions as nationals. Provided that any Member may withhold from the nationals of any Member or State not bound by this Convention equality of treatment with its own nationals in respect of payments from funds to which the claimant has not contributed.

*Please state what action has been taken to give effect to this Article.*

**III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is enforced. In particular, please supply information on the organisation and working of the scheme.**

**IV. 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.**

**V. Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the services charged with the administration of the scheme and, if such statistics are available, information concerning the number and nature of the contraventions reported, the cost of granting benefits and allowances, etc.**

**VI. 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.<sup>1</sup> 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.**

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<sup>1</sup> 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."