

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
**SICKNESS INSURANCE (SEA)
CONVENTION, 1936 (No. 56)**

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.
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Article 22 of the Constitution of the ILO

Report for the period _____ to _____

made by the Government of _____

on the

SICKNESS INSURANCE (SEA) CONVENTION, 1936 (No. 56)

(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. Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme.

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

- (a) persons employed on board vessels of public authorities when such vessels are not engaged in trade;
- (b) persons whose wages or income exceed a prescribed amount;
- (c) persons who are not paid a money wage;
- (d) persons not resident in the territory of the Member;
- (e) persons below or above prescribed age-limits;
- (f) members of the employer's family;
- (g) pilots.

Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation concerning compulsory sickness insurance for masters and members of the crew of vessels engaged in maritime navigation or sea-fishing.

If advantage has been taken of the exceptions provided for in paragraph 2 of this Article, please indicate which of the classes of persons mentioned in this paragraph have been excepted and indicate how these classes are defined.

Article 2

1. An insured person who is rendered incapable of work and deprived of his wages by reason of sickness shall be entitled to a cash benefit for at least the first twenty-six weeks or one hundred and eighty days of incapacity from and including the first day for which benefit is payable.

2. The right to benefit may be made conditional upon the completion of a qualifying period and of a waiting period of a few days to be counted from the beginning of the incapacity.

3. The cash benefit granted to the insured person shall never be fixed at a rate lower than that fixed by the general scheme of compulsory sickness insurance, where such a scheme exists but does not apply to seamen.

4. Cash benefit may be withheld:

- (a) while the insured person is on board or abroad;
- (b) while the insured person is maintained by the insurance institution or from public funds. Provided that in such case it shall only partially be withheld when the insured person has family responsibilities;
- (c) while in respect of the same illness the insured person receives compensation from another source to which he is entitled by law, so however that in such case benefit shall only be wholly or partially withheld if and so far as such compensation is equal to or less than the amount of the benefit payable under the sickness insurance scheme.

5. 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 national legislation, and, if this right is made conditional on the insured person's having first complied with a qualifying period and a waiting period, please indicate the duration of the qualifying period and that of the waiting period.

If there exists a general scheme of compulsory sickness insurance which does not apply to seamen, please indicate the rates of the cash benefit as fixed by the general scheme and the seamen's scheme respectively.

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 4 of this Article.

Please state whether national legislation provides for the reduction or withholding of cash benefit in the case of sickness caused by the insured person's wilful misconduct, and, if so, please indicate what constitutes "wilful misconduct".

Article 3

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 practitioner and to the supply of proper and sufficient medicines and appliances.

2. Provided that 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 while the insured person is on board or abroad.

4. Whenever the circumstances so require, the insurance institution may provide for the treatment of the sick person in hospital and in such case shall grant him full maintenance together with the necessary medical attention and care.

Please indicate what measures have been taken by national legislation to ensure that the medical treatment by a fully qualified medical practitioner and the supply of proper and sufficient medicines and appliances to which the insured person is entitled under paragraph 1 of this Article, are provided from the commencement of the illness. Please indicate the duration and the nature of the medical and pharmaceutical benefits.

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 apart of the cost of medical benefit, and, if so, what part.

Please state whether the national legislation provides for treatment in hospital, and, if so, please indicate in what circumstances, and whether full maintenance is granted, as well as treatment.

Article 4

1. When the insured person is abroad and by reason of sickness has lost his right to wages, whether previously payable in whole or in part, the cash benefit to which he would have been entitled had he not been abroad shall be paid in whole or in part to his family until his return to the territory of the Member.

2. National laws or regulations may prescribe or authorise the provision of the following benefits:

- (a) when the insured person has family responsibilities, a cash benefit additional to that provided for in Article 2;
- (b) in case of the sickness of members of the insured person's family living in his home and dependent on him, aid in kind or in cash.

Please indicate, with reference to paragraph 1 of this Article, whether the whole or a part of the cash benefit is payable to the family of the insured person and, if a part, what part.

Please state whether national legislation has authorized or prescribed the provision of benefits under subparagraphs (a) and (b) of paragraph 2 of this Article, and, if so, please indicate the amount or character of such benefits.

Article 5

1. National laws or regulations shall prescribe the conditions under which an insured woman, while in the territory of the Member, shall be entitled to maternity benefit.

2. National laws or regulations may prescribe the conditions under which the wife of an insured man, while in the territory of the Member, shall be entitled to maternity benefit.

Please indicate, with reference to paragraph 1 of this Article, the conditions under which an insured woman is entitled to maternity benefit while in your territory, and the amount and duration of such benefit.

Please state whether national legislation has prescribed that the wife of an insured man shall be entitled to maternity benefit while in your territory, and, if so, please indicate the amount and duration of such benefit.

Article 6

1. On the death of the insured person, a cash benefit of an amount prescribed by national laws or regulations shall be paid to the members of the family of the deceased or be applied for defraying the funeral expenses.

2. Where there is in force a pension scheme for the survivors of deceased seamen, the grant of the cash benefit provided for in the preceding paragraph shall not be compulsory.

Please state whether national legislation provides for the payment, on the death of the insured person, of the cash benefit prescribed by paragraph 1 of this Article.

If not, please state whether there is in force a pension scheme for the survivors of deceased seamen.

Article 7

The right to insurance benefit shall continue even in respect of sickness occurring during a definite period after the termination of the last engagement, which period shall be fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

Please indicate the extent of the period, after termination of the last engagement, during which right to sickness benefit continues under the national legislation, and state whether this period covers the normal interval between successive engagements.

Article 8

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance scheme.
2. National laws or regulations may provide for a financial contribution by the public authorities.

Please indicate the conditions under which the insured persons and their employers share in providing the financial resources of the sickness insurance scheme, specifying the respective shares.

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

Article 9

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the public authorities and shall not be carried on with a view to profit.
2. Insured persons, and in the case of insurance institutions set up specially for seamen under laws or regulations the employers also, shall participate in the management of the institutions under such conditions as may be prescribed by national laws or regulations, which may also provide for the participation of other persons concerned.
3. Provided that the administration of sickness insurance may be undertaken directly by the State where and so long as its administration by self-governing institutions is rendered difficult or impossible by reason of national conditions.

Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of seamen's 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, and, in the case of insurance institutions set up specially for seamen under laws or regulations, the employers, 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 the insured persons and employers, respectively, in the organs of these institutions.

Please state whether other persons concerned participate in the management of the self-governing institutions and, if so, what categories of persons and to what extent.

If advantage has been taken of the provisions of paragraph 3 of this Article, please indicate the nature of the national conditions which at present render the administration of seamen's sickness insurance by self-governing institutions difficult or impossible.

Article 10

1. The insured person shall have a right of appeal in case of dispute concerning his right to benefit.
2. The procedure for dealing with disputes shall be rendered rapid and inexpensive for the insured person by means of special courts or any other method deemed appropriate under national laws or regulations.

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

Please indicate how provision is made by national legislation to render the procedure for dealing with disputes concerning the right to benefit of the insured person rapid and inexpensive; please state, in particular, whether special courts have been established for this purpose.

Article 11

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

- 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 sickness insurance scheme for seamen and, where such statistics are available, also information concerning the application of the legislation relating to compulsory sickness insurance for seamen, especially on the following points:
- 1. Scope of application:**
 - (a) total number of seamen serving on ships which are subject to the provisions concerning sickness insurance for seamen;
 - (b) total number of the above seamen covered by compulsory sickness insurance;
 - (c) 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 granted in the event of incapacity for work;
 - (b) average cost of such benefits per insured person;
 - (c) total cost of death benefit (Art. 6).
 - 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."