

Accident Insurance

12. Where a recruited worker became permanently incapacitated or died in consequence of an occupational accident or disease occurring in the recruiting country in respect of which compensation was payable under the laws or regulations of the recruiting country concerning accident insurance, or would have been so payable if he had been a national of the recruiting country, such compensation shall be commuted for a lump sum representing its capital value, calculated in accordance with actuarial tables applied under the accident insurance laws or regulations of the country of residence. Where necessary the rate of the pension shall be recalculated on the basis of the normal wage of a worker of the recruiting country performing similar work, and the provisions of paragraph 5 shall apply correspondingly.

13. Such lump sum shall constitute a debt due by the recruiting country to the country of residence, and paragraph 6 shall apply correspondingly.

14. The debt shall fall due at the date at which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of x per cent. annually from the date when the first instalment, due but not yet paid, became payable, until the debt is discharged; paragraph 8 shall apply correspondingly.

15. The country of residence shall use the proceeds of the debt paid in respect of the recruited worker in order to provide him or his survivors with a pension under its accident insurance laws or regulations.

Unemployment Insurance

16. The provisions of these arrangements shall apply correspondingly to the unemployment insurance contributions paid in respect of workers recruited by the recruiting country:

17. Provided that the country of residence shall apply the proceeds of the debts in respect of such contributions on behalf of recruited workers who are unemployed after their return.

General Provisions

18. For the purpose of assisting the countries of residence concerned in applying these arrangements, there shall be established in connection with the International Labour Office a commission consisting of one delegate from each such country, together with three persons appointed respectively by the Government, workers' and employers' representatives upon the Governing Body of the International Labour Office.

19. The commission shall be empowered to make regulations for the purpose of giving effect to these arrangements and resolving any difficulties which may arise in connection with the application thereof; it shall establish its own procedure.

20. Without prejudice to the generality of the powers conferred by paragraph 19, the commission is entitled to make regulations designed to—

- (a) Substitute more summary methods than those specified in paragraphs 4 to 6 for the calculation of debts;
- (b) Substitute for the present arrangements the general provisions of the Maintenance of Migrants' Pension Rights Convention, 1935, as between certain countries or certain categories of recruited workers;
- (c) Resolve any doubt whether workers are to be regarded as having been recruited;
- (d) Determine the rate of the contribution to be deemed to have been paid in respect of a recruited worker;
- (e) Determine one wage on which the contributions is to be deemed to have been based, taking into consideration typical wages of broad occupational groups and the necessity of ignoring all discrimination based on race, nationality and religion;
- (f) Determine the propriety of classifying as recruited workers nationals of members of the United Nations recruited while residing in the territory of an Axis or associated country and certain other groups such as deported persons, and, for the purposes of workmen's compensation, prisoners of war.

21. The commission shall accord just consideration to representations and complaints from recruiting countries arising out of the application of these arrangements.

22. Any expenses properly incurred by the commission shall be borne by the recruiting countries.

ANNEX II

PRINCIPLES CONCERNING INDEMNITIES FOR SOCIAL CLAIMS

1. In the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for full indemnities in respect of legitimate claims of a social character which result from the events of the present war and from the occupation of the territories of certain members of the United Nations.

2. The above provision relates—

- (a) On the one hand, to the satisfaction of claims for indemnity made by social security institutions (social insurance or autonomous welfare funds) of members of the United Nations in respect of all loss and damage which they have suffered as the result of the events mentioned in paragraph 1; the indemnity should include the reconstruction of the reserves of social insurance institutions which are necessary to cover their liabilities as affected by the said events, including the increase of those liabilities resulting from the aggravation of the risks in consequence of the said events;