



Fourth Study Commission
Public and Social Law

Meeting in Amsterdam , 22-26 September 1996

Conclusions

SOCIAL INSURANCES IN RELATION TO JOB DISMISSAL

The discussions held after the examination of the national reports lead the members of the commission to the following conclusions.

1. In all countries legislation has provided for social insurances of public or private character, of semi-public character or of partly public and partly private character.
2. Social insurances covers loss of income by workers who are dismissed, with or without the motive of the dismissal taken into account. It has been noted that in some countries this is not the case; The commission recommends that in those countries workers should be covered by social insurance. It should be considered that if indemnities are allocated to dismissed workers on the ground of social insurances, the compensation which is to be paid by the employer is taken into account. The legal regulations in general provide for social insurances covering the loss of income emanating from job dismissal after a certain period.
3. In the case that a worker claims compensation from his employer it is possible for him to obtain a judgment by a judge. Whereas in the case of a dispute with Social Security Authorities administrative procedures are widely utilized.
4. The funds for social insurances are obtained through payments by workers and employers with or without participation of the state.
5. Furthermore dismissed workers and their families can obtain complete or partial allowances by social insurances because of health care, retirement and death.