

INTERNATIONAL LABOUR OFFICE

REPORT FORM FOR THE EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (No. 118)

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 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 supervisory bodies*: the report must contain replies to any comments regarding the application of the Convention in your country which may 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

EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (No. 118)

(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 these texts to the International Labour Office.

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 above-mentioned legislation and administrative regulations, etc., or other measures, which give effect to each Article.

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

In this Convention—

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "benefits" refers to all benefits, grants and pensions, including any supplements or increments;
- (c) the term "benefits granted under transitional schemes" means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force, or benefits granted as a transitional measure in consideration of events occurring or periods completed outside the present boundaries of the territory of a Member;
- (d) the term "death grant" means any lump sum payable in the event of death;
- (e) the term "residence" means ordinary residence;
- (f) the term "prescribed" means determined by or in virtue of national legislation as defined in subparagraph (a) above;
- (g) the term "refugee" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951;
- (h) the term "stateless person" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.

Article 2

1. Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation covering its own nationals within its own territory:

- (a) medical care;

- (b) sickness benefit;
- (c) maternity benefit;
- (d) invalidity benefit;
- (e) old-age benefit;
- (f) survivors' benefit;
- (g) employment injury benefit;
- (h) unemployment benefit; and
- (i) family benefit.

2. Each Member for which this Convention is in force shall comply with its provisions in respect of the branch or branches of social security for which it has accepted the obligations of the Convention.

3. Each Member shall specify in its ratification in respect of which branch or branches of social security it accepts the obligations of this Convention.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more branches of social security not already specified in its ratification.

5. The undertakings referred to in paragraph 4 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

6. For the purpose of the application of this Convention, each Member accepting the obligations thereof in respect of any branch of social security which has legislation providing for benefits of the type indicated in clause (a) or (b) below shall communicate to the Director-General of the International Labour Office a statement indicating the benefits provided for by its legislation which it considers to be—
(a) benefits other than those the grant of which depends either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity; or
(b) benefits granted under transitional schemes.

7. The communication referred to in paragraph 6 of this Article shall be made at the time of ratification or at the time of notification in accordance with paragraph 4 of this Article; as regards any legislation adopted subsequently, the communication shall be made within three months of the date of the adoption of such legislation.

Article 3

1. Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

2. In the case of survivors' benefits, such equality of treatment shall also be granted to the survivors of the nationals of a Member for which the Convention is in force, irrespective of the nationality of such survivors.

3. Nothing in the preceding paragraphs of this Article shall require a Member to apply the provisions of these paragraphs, in respect of the benefits of a specified branch of social security, to the nationals of another Member which has legislation relating to that branch but does not grant equality of treatment in respect thereof to the nationals of the first Member.

A. Please state whether the nationals of any other Member for which the Convention is in force enjoy equality of treatment with the nationals of your country, both as regards coverage and as regards the right to benefits.

B. Please indicate whether, in the case of survivors' benefits, such equality of treatment is also granted, irrespective of their nationality, to the survivors of the nationals of any Member for which the Convention is in force.

C. Please indicate any exceptions made in accordance with paragraph 3 of this Article.

Article 4

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.

2. Notwithstanding the provisions of paragraph 1 of this Article, the grant of the benefits referred to in paragraph 6 (a) of Article 2—other than medical care, sickness benefit, employment injury benefit and family benefit—may be made subject to the condition that the beneficiary has resided on the territory of

the Member in virtue of the legislation of which the benefit is due, or, in the case of a survivor, that the deceased had resided there, for a period which shall not exceed—

- (a) six months immediately preceding the filing of claim, for grant of maternity benefit and unemployment benefit;
- (b) five consecutive years immediately preceding the filing of claim, for grant of invalidity benefit, or immediately preceding death, for grant of survivors' benefit;
- (c) ten years after the age of 18, which may include five consecutive years immediately preceding the filing of claim, for grant of old-age benefit.

3. Special provisions may be prescribed in respect of benefits granted under transitional schemes.

4. The measures necessary to prevent the cumulation of benefits shall be determined, as necessary, by special arrangements between the Members concerned.

A. *Please indicate whether, as regards the grant of benefits, equality of treatment is accorded without any condition of residence, and whether any exceptions to this rule have been made in accordance with paragraph 1 of this Article.*

B. *Please indicate any benefits referred to in paragraph 6 (a) of Article 2, the grant of which is subject to the condition that the beneficiary—or, in the case of a survivor, the deceased—has resided on the territory of the Member, and state the period of residence required.*

C. *Please state whether any special provisions have been prescribed in respect of transitional schemes and indicate the schemes concerned.*

D. *Please indicate the special arrangements made between the Members concerned to prevent the cumulation of benefits, in accordance with paragraph 4 of this Article, and attach copies of these arrangements.*

Article 5

1. In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of the branch or branches of social security concerned shall guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, provision of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions, subject to measures for this purpose being taken, where necessary, in accordance with Article 8.

2. In case of residence abroad, the provision of invalidity, old-age and survivors' benefits of the type referred to in paragraph 6 (a) of Article 2 may be made subject to the participation of the Members concerned in schemes for the maintenance of rights as provided for in Article 7.

3. The provisions of this Article do not apply to benefits granted under transitional schemes.

A. *Please state whether provision of invalidity, old-age and survivors' benefits, death grants and employment injury pensions is guaranteed in case of residence abroad.*

B. *Please indicate how provision of these benefits is ensured and whether recourse is had to the provisions of Article 8.*

C. *Please attach copies of any mutual agreements or any multilateral or bilateral agreements giving effect to the obligations under Article 5.*

D. *Please indicate whether, in case of residence abroad, the provision of invalidity, old-age and survivors' benefits of the type referred to in paragraph 6 (a) of Article 2 is made subject to the participation of the Members concerned in schemes for the maintenance of acquired rights and rights in course of acquisition.*

Article 6

In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of family benefit shall guarantee the grant of family allowances both to its own nationals and to the nationals of any other Member which has accepted the obligations of this Convention for that branch, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned.

A. *If your country has accepted the obligations of the Convention in respect of family benefit, please indicate whether family allowances are granted to the nationals of your country, as well as to the nationals of any other Member which has accepted the obligations of the Convention for that branch, in respect of children who reside either on the territory of your country or on the territory of any other Member concerned.*

B. *Please indicate any conditions and limits imposed in this connection by agreement between the Members concerned, and attach copies of any such agreements.*

Article 7

1. Members for which this Convention is in force shall, upon terms being agreed between the Members concerned in accordance with Article 8, endeavour to participate in schemes for the maintenance of the acquired rights and rights in course of acquisition under their legislation of the nationals of Members for which the Convention is in force, for all branches of social security in respect of which the Members concerned have accepted the obligations of the Convention.

2. Such schemes shall provide, in particular, for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits.

3. The cost of invalidity, old-age and survivors' benefits as so determined shall either be shared among the Members concerned, or be borne by the Member on whose territory the beneficiaries reside, as may be agreed upon by the Members concerned.

A. Please indicate whether your country participates, under the conditions provided for in this Article, in schemes for the maintenance of the acquired rights and rights in course of acquisition under their legislation of the nationals of Members for which the Convention is in force.

B. Please indicate whether such schemes provide, in particular, for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits.

C. Please indicate how the cost of benefits so determined is shared between your country and the other Members concerned.

D. Please attach copies of any agreements made between the Members concerned in application of this Article.

Article 8

The Members for which this Convention is in force may give effect to their obligations under the provisions of Article 5 and 7 by ratification of the Maintenance of Migrants' Pension Rights Convention, 1935, by the application of the provisions of that Convention as between particular Members by mutual agreement, or by any multilateral or bilateral agreement giving effect to these obligations.

Article 9

The provisions of this Convention may be derogated from by agreements between Members which do not affect the rights and duties of other Members and which make provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

Please attach copies of any agreements providing for derogations in accordance with this Article.

Article 10

1. The provisions of this Convention apply to refugees and stateless persons without any conditions of reciprocity.

2. This Convention does not apply to special schemes for civil servants, special schemes for war victims, or public assistance.

3. This Convention does not require any Member to apply the provisions thereof to persons who, in accordance with the provisions of international instruments, are exempted from its national social security legislation.

A. Please indicate the legislative or other provisions by virtue of which the Convention is applicable to refugees and stateless persons without any conditions of reciprocity.

B. If exceptions to the application of the Convention have been provided for in accordance with paragraph 3 of this Article, please indicate their nature.

Article 11

The Members for which this Convention is in force shall afford each other administrative assistance free of charge with a view to facilitating the application of the Convention and the execution of their respective social security legislation.

Please indicate the measures taken to give effect to this Article and attach copies of any agreements concluded in this connection.

Article 12

1. This Convention does not apply to benefits payable prior to the coming into force of the Convention for the Member concerned in respect of the branch of social security under which the benefit is payable.

2. The extent to which the Convention applies to benefits attributable to contingencies occurring before its coming into force for the Member concerned in respect of the branch of social security under which the benefit is payable thereafter shall be determined by multilateral or bilateral agreement or in default thereof by the legislation of the Member concerned.

Please indicate the measures taken in application of paragraph 2 of this Article and attach copies of any multilateral or bilateral agreements concluded in this connection.

III. Please state to what authority or authorities the application of the above-mentioned 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 inspection.

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 give a general appreciation of the manner in which the Convention is applied in your country, including, for example, extracts from the reports of the authorities responsible for the administration of social security schemes or of inspection services, and, if such statistics are available, information concerning the approximate number of foreign workers in the national territory, their nationality, their occupational distribution, etc.

VI. Please indicate the representative organisations 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 Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations 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."