

No. 7238

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 118) concerning equality of treatment of nationals and non-nationals in social security, adopted by the General Conference of the International Labour Organisation at its forty-sixth session, Geneva, 28 June 1962

Official texts : English and French.

Registered by the International Labour Organisation on 4 May 1964.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 118) concernant l'égalité de traitement des nationaux et des non-nationaux en matière de sécurité sociale, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quarante-sixième session, Genève, 28 juin 1962

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 4 mai 1964.

No. 7238. CONVENTION (No. 118)¹ CONCERNING EQUALITY OF TREATMENT OF NATIONALS AND NON-NATIONALS IN SOCIAL SECURITY, ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTY-SIXTH SESSION, GENEVA, 28 JUNE 1962

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals with regard to equality of treatment of nationals and non-nationals in social security, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-eight day of June of the year one thousand nine hundred and sixty-two the following Convention, which may be cited as the Equality of Treatment (Social Security) Convention, 1962 :

Article 1

In this Convention

- (a) the term "legislation" includes any social security rules as well as laws and regulations;

¹ In accordance with article 15 (2), the Convention came into force on 25 April 1964, twelve months after the date on which the ratification of two members of the International Labour Organisation had been registered with the Director-General of the International Labour Office. Thereafter, the Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

The ratifications of the following States were registered with the Director-General of the International Labour Office on the dates indicated :

Jordan	7 March 1963	Guatemala	4 November 1963
Sweden	25 April 1963	Syrian Arab Republic	18 November 1963
Norway	28 August 1963		

In accordance with paragraph 3 of article 2 of the Convention, the ratifying States specified in their instruments of ratification the following branches of social security in respect of which they accepted the obligations of the Convention :

Jordan : (c) maternity benefit; (d) invalidity benefit; (f) survivors' benefit; (g) employment injury benefit.

Sweden : (a) medical care; (b) sickness benefit; (c) maternity benefit; (g) employment injury benefit; (h) unemployment benefit.

Norway : (f) survivors' benefit; (i) family benefit.

Guatemala : (c) maternity benefit.

Syrian Arab Republic : (d) invalidity benefit; (e) old-age benefit; (f) survivors' benefit; (g) employment injury benefit.

- (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;¹
- (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 1954.²

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.

¹ See footnote 1, p. 292 of this volume.

² United Nations, *Treaty Series*, Vol. 360, p. 117; Vol. 362, p. 344; Vol. 423, p. 327; Vol. 424, p. 384; Vol. 425, p. 366; Vol. 435, p. 374; Vol. 446, p. 396, and Vol. 448, p. 336.

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