

No. 2961

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 82) concerning social policy in non-metropolitan territories. Adopted by the General Conference of the International Labour Organisation at its thirtieth session, Geneva, 11 July 1947

Official texts: English and French.

Registered by the International Labour Organisation on 10 October 1955.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 82) concernant la politique sociale dans les territoires non métropolitains. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa trentième session, Genève, le 11 juillet 1947

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 10 octobre 1955.

No. 2961. CONVENTION (No. 82)¹ CONCERNING SOCIAL POLICY IN NON-METROPOLITAN TERRITORIES. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS THIRTIETH SESSION, GENEVA, 11 JULY 1947

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 Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning social policy in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eleventh day of July of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Social Policy (Non-Metropolitan Territories) Convention, 1947 :

PART I. OBLIGATIONS OF PARTIES

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that the policies and measures set forth in the Convention shall be applied in the non-metropolitan territories for which it has or assumes responsibilities, including any trust territories for which it is the administering authority, other than the territories referred to in paragraphs 2 and 3 of this Article, subject to the concurrence of the Governments of the territories concerned in respect of any matters which are within the self-governing powers of the territories.

¹ In accordance with article 26, the Convention came into force on 19 June 1955, twelve months after the date on which the ratifications of two Members were registered with the Director-General of the International Labour Office. Thereafter it comes into force for any Member twelve months after the date on which its ratification has been so registered. Following is the list of Members which ratified the Convention indicating the dates of registration of ratifications with the Director-General of the International Labour Office :

United Kingdom of Great Britain and Northern Ireland . . .	27 March	1950
New Zealand	19 June	1954
France	26 July	1954
Belgium	27 January	1955

For declarations made pursuant to articles 21 and 22 of the Convention, see p. 370 of this volume.

2. Where the subject matter of this Convention is wholly or primarily within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

3. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority ; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

PART II. GENERAL PRINCIPLES

Article 2

1. All policies designed to apply to non-metropolitan territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of the peoples of non-metropolitan territories.

Article 3

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance to the local administrations in order to further the economic development of non-metropolitan territories.

2. The terms under which such assistance is granted shall provide for such control by or co-operation with the local administrations in determining the nature of the economic development and the conditions under which the resulting work is undertaken as may be necessary to safeguard the interests of the peoples of such territories.

3. It shall be an aim of policy for the responsible government authorities to arrange that adequate funds are made available to provide public or private capital or both for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.

4. In appropriate cases, international, regional, or national action shall be taken with a view to establishing conditions of trade which will encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living in non-metropolitan territories.

Article 4

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

Article 5

All possible steps shall be taken effectively to interest and associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

PART III. IMPROVEMENT OF STANDARDS OF LIVING

Article 6

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

Article 7

1. All practicable measures shall be taken in the planning of economic development to harmonise such development with the healthy evolution of the communities concerned.

2. In particular, efforts shall be made to avoid the disruption of family life and of traditional social units, especially by :

- (a) close study of the causes and effects of migratory movements and appropriate action where necessary ;
- (b) the promotion of town and village planning in areas where economic needs result in the concentration of population ;
- (c) the prevention and elimination of congestion in urban areas ;
- (d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 8

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include :

- (a) the elimination to the fullest practicable extent of the causes of chronic indebtedness ;
- (b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the inhabitants of the territory ;
- (c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land and resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the territory ;
- (d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels ;
- (e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers' co-operatives.

Article 9

1. Measures shall be taken to secure for independent producers and wage earners conditions which will give them scope to improve living standards by their own efforts and will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions, conducted after consultation with the representative organisations of employers and workers.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

PART IV. PROVISIONS CONCERNING MIGRANT WORKERS

Article 10

Where the circumstances under which workers are employed involve their living away from their homes, the terms and conditions of their employment shall take account of their normal family needs.

Article 11

Where the labour resources of one area of a non-metropolitan territory are used on a temporary basis for the benefit of another area, measures shall be taken

to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 12

1. Where the labour resources of a territory are used in an area under a different administration, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.

3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

Article 13

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

PART V. REMUNERATION OF WORKERS AND RELATED
QUESTIONS

Article 14

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations shall be encouraged.

2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist.

3. The necessary measures shall be taken to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates in cases where they are applicable.

4. A worker to whom minimum rates are applicable and who, since they become applicable, has been paid wages at less than these rates shall be entitled

to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 15

1. The necessary measures shall be taken to ensure the proper payment of all wages earned and employers shall be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.

2. Wages shall normally be paid in legal tender only.

3. Wages shall normally be paid direct to the individual worker.

4. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

5. Payment of wages shall not be made in taverns or stores, except in the case of workers employed therein.

6. Unless there is an established local custom to the contrary, and the competent authority is satisfied that the continuance of this custom is desired by the workers, wages shall be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.

7. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken by the competent authority to ensure that they are adequate and their cash value properly assessed.

8. All practicable measures shall be taken :

(a) to inform the workers of their wage rights ;

(b) to prevent any unauthorised deductions from wages ; and

(c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the proper cash value thereof.

Article 16

1. The maximum amounts and manner of repayment of advances on wages shall be regulated by the competent authority.

2. The competent authority shall limit the amount of advances which may be made to a worker in consideration of his taking up employment ; the amount of advances permitted shall be clearly explained to the worker.

3. Any advance in excess of the amount laid down by the competent authority shall be legally irrecoverable and may not be recovered by the withholding of amounts of pay due to the worker at a later date.

Article 17

1. Voluntary forms of thrift shall be encouraged among wage earners and independent producers.

2. All practicable measures shall be taken for the protection of wage earners and independent producers against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

PART VI. NON-DISCRIMINATION ON GROUNDS OF RACE, COLOUR, SEX, BELIEF, TRIBAL ASSOCIATION OR TRADE UNION AFFILIATION

Article 18

1. It shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of :

- (a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the territory ;
- (b) admission to public or private employment ;
- (c) conditions of engagement and promotion ;
- (d) opportunities for vocational training ;
- (e) conditions of work ;
- (f) health, safety and welfare measures ;
- (g) discipline ;
- (h) participation in the negotiation of collective agreements ;
- (i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking to the extent to which recognition of this principle is accorded in the metropolitan territory.

2. Subject to the provisions of sub-paragraph (i) of the preceding paragraph, all practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

3. Workers from one territory engaged for employment in another territory may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

4. The foregoing provisions of this Article shall be without prejudice to such measures as the competent authority may think it necessary or desirable to take for the safeguarding of motherhood and for ensuring the health, safety and welfare of women workers.

PART VII. EDUCATION AND TRAINING

Article 19

1. Adequate provision shall be made in non-metropolitan territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the effective preparation of children and young persons of both sexes for a useful occupation.

2. Territorial laws or regulations shall prescribe the school-leaving age and the minimum age for and conditions of employment.

3. In order that the child population may be able to profit by existing facilities for education and in order that the extension of such facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age during the hours when the schools are in session shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 20

1. In order to secure high productivity through the development of skilled labour in non-metropolitan territories, training in new techniques of production shall be provided in suitable cases in local, regional or metropolitan centres.

2. Such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers' and workers' organisations of the territory from which the trainees come and of the country of training.

PART VIII. MISCELLANEOUS PROVISIONS

Article 21

1. In respect of the territories covered by paragraph 1 of Article 1 of this Convention, each Member of the Organisation which ratifies this Convention

shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 22

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 2 and 3 of Article 1 of this Convention shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications ; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 27, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 23

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 24

If any Convention which may subsequently be adopted by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any territory in respect of which there has been communicated to the Director-General of the International Labour Office a declaration—

- (a) undertaking that the provisions of the said Convention shall be applied in pursuance of paragraph 2 of Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946,¹ or
- (b) accepting the obligations of the said Convention in pursuance of paragraph 5 of the said Article 35.

PART IX. FINAL PROVISIONS

Article 25

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 26

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

¹ United Nations, *Treaty Series*, Vol. 15, p. 40.

Article 27

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 28

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 29

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 30

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 31

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 27 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32

The English and French versions of the text of this Convention are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this nineteenth day of July 1947.

The President of the Conference :

Irving M. IVES

The Director-General of the International Labour Office :

David A. MORSE

DECLARATIONS MADE PURSUANT TO ARTICLES 21 AND 22 OF THE
CONVENTION

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Application without modification: Aden Colony, Bahamas, Bermuda, Dominica, British Guiana, British Honduras, Gambia, Gibraltar, Grenada, Jamaica, Leeward Islands, Malta, Federation of Malaya, Mauritius, Northern Rhodesia, Saint Helena, Saint Lucia, Saint Vincent and South Rhodesia.

Application with modifications: Articles referred to below will not be applied : Barbados (Articles 15 and 16), Brunei (Articles 15 (1) and 19 (2)), Cyprus (Articles 15 (1) and (4), 16 and 19 (2)), Falkland Islands (Article 16), Fiji (Articles 15, 16 and 19 (2)), Gold Coast (Article 19 (2)), Hong Kong (Articles 15, 16 and 19 (2)), Kenya (Article 19 (2)), Nigeria (Articles 15 (3 and 5), 16 and 19 (2)), North Borneo (Articles 15 (1) and 19 (2)), Nyasaland (Articles 16 and 19 (2)), Seychelles (Articles 15 (1) and 19 (2)), Sierra Leone (Articles 16 and 19 (2)), Singapore (Articles 14 (2), 15 (5), 16 and 19 (2)), Tanganyika (Articles 15, 16 and 19 (2)), Trinidad (Article 14 — (3 and 4)) will not be applied to rates established by freely negotiated collective agreements - and Article 15), Uganda (Articles 16 and 19 (2)), British Solomon Islands (Article 19 (2)), Gilbert and Ellice Islands (Articles 15, 16 and 19 (2)), Zanzibar (Article 19 (2)), Basutoland (Articles 14, 15 and 16), Bechuanaland (Articles 14, 15 and 16), Swaziland (Articles 14, 15 and 16).

Decision reserved: Sarawak (only until such time as all necessary legislation can be enacted).

NEW ZEALAND

Application with modifications: Parts and Articles referred to below will not be applied : Cook Islands — including Nieu — (Articles 15, 16, 17 (2) and 19 (2)) ; Tokelau Islands (Part V (Articles 14-17 inclusive) and Article 19 (2) and (3)).

Decision reserved: Trust Territory of Western Samoa.

FRANCE

Application without modifications: Comoro Islands, French Equatorial Africa, French Establishments in India, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar and Dependencies, New Caledonia and Dependencies, St. Pierre and Miquelon and the Trust Territories of the Cameroons and Togoland ; the Convention is applicable to these territories, subject to the following modifications :

Replace Articles 3(3), 4 and 8(b) by the following texts :

Article 3 (3) — "It shall be an aim of policy for the responsible government authorities to provide for the development of public or private capital, or both, on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development."

Article 4 — "All possible steps shall be taken by appropriate measures at international, regional, national or territorial levels to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of work, the remuneration of wage-earners and independent producers, the protection of migrant workers, social security and production in general."

Article 8(b) — “The control of alienation of agricultural land to non-agriculturists so as to ensure such alienation takes place only when it is in the best interests of the peoples of the territory.”

Article 18 — Paragraph 2 of this article is not applicable to the territories enumerated in the Declaration.

Inapplicable: Overseas Departments of Guadeloupe, Martinique, French Guiana and Réunion.

BELGIUM

Application with modifications: Territory of the Belgian Congo and the Trust Territory of Ruanda-Urundi; the Convention is applicable to these territories subject to the following modifications :

Replace Articles 3(3), 4 and 20(2) by the following texts :

Article 3(3) — “It shall be an aim of policy for the responsible government authorities to appropriate public or private capital, or both, for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.”

Article 4 — “All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvements in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage-earners and independent workers, the protection of migrant workers, social security and production in general.”

Article 20(2) — “In appropriate cases, such training shall be organised by or under the supervision of the competent authorities, in consultation with the employers’ and workers’ organisations of the territory from which the trainees come and of the country of training.”