

No. 5005

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## INTERNATIONAL LABOUR ORGANISATION

**Convention (No. 110) concerning conditions of employment of plantation workers. Adopted by the General Conference of the International Labour Organisation at its forty-second session, Geneva, 24 June 1958**

*Official texts: English and French.*

*Registered by the International Labour Organisation on 29 January 1960.*

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## ORGANISATION INTERNATIONALE DU TRAVAIL

**Convention (n° 110) concernant les conditions d'emploi des travailleurs des plantations. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quarante-deuxième session, Genève, 24 juin 1958**

*Textes officiels anglais et français.*

*Enregistrée par l'Organisation internationale du Travail le 29 janvier 1960.*

No. 5005. CONVENTION (No. 110)<sup>1</sup> CONCERNING CONDITIONS OF EMPLOYMENT OF PLANTATION WORKERS. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTY-SECOND SESSION, GENEVA, 24 JUNE 1958

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-second Session on 4 June 1958, and

Having considered the question of conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and

Having decided that, as an exceptional measure, in order to expedite the application to plantations of certain provisions of existing Conventions, pending the more general ratification of these Conventions and the application of their provisions to all persons within their scope, and to provide for the application to plantations of certain Conventions not at present applicable thereto, it is desirable to adopt an instrument for these purposes, and

Having determined that this instrument shall take the form of an international Convention,  
adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Plantations Convention, 1958 :

PART I. GENERAL PROVISIONS

*Article 1*

1. For the purpose of this Convention, the term "plantation" includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.

<sup>1</sup> In accordance with article 93, the Convention came into force on 22 January 1960, six months after the date on which the ratifications of the following two Members had been registered with the Director-General of the International Labour Office on the dates indicated :

Cuba . . . . .	30 December 1958
Liberia . . . . .	22 July 1959

2. Each Member for which this Convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Convention applicable to other plantations by—

- (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops : rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
- (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;

and shall indicate the action taken in its annual reports upon the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.<sup>1</sup>

3. For the purpose of this Article the term “plantation” shall ordinarily include services carrying out the primary processing of the product or products of the plantation.

### Article 2

Each Member which ratifies this Convention undertakes to apply its provisions equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.

### Article 3

1. Each Member for which this Convention is in force—

- (a) shall comply with—

- (i) Part I
- (ii) Parts IV, IX and XI;
- (iii) at least two of Parts II, III, V, VI, VII, VIII, X, XII and XIII; and
- (iv) Part XIV;

- (b) shall, if it has excluded one or more Parts from its acceptance of the obligations of the Convention, specify, in a declaration appended to its ratification, the Part or Parts so excluded.

2. Each Member which has made a declaration under paragraph 1 (b) of this Article shall indicate in its annual reports submitted under article 22 of the Constitution of the International Labour Organisation any progress made towards the application of the excluded Part or Parts.

3. Each Member which has ratified the Convention, but has excluded any Part or Parts thereof under the provisions of the preceding paragraphs, may

<sup>1</sup> United Nations, *Treaty Series*, Vol. 15, p. 40.

subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of any Part or Parts so excluded; such undertakings shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

#### *Article 4*

In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for by the Convention.

### PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

#### *Article 5*

For the purposes of this Part of this Convention the term "recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority.

#### *Article 6*

The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

#### *Article 7*

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

#### *Article 8*

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and of organisations subsidised by employers shall only engage in recruiting if licensed by the competent authority.

*Article 9*

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

*Article 10*

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

*Article 11*

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting, or has been recruited in one territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 9 to authorise the departure prior to medical examination of workers in whose case they are satisfied—

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
- (b) that the worker is fit for the journey and the prospective employment; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

#### *Article 12*

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure—
- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;
  - (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
  - (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment the competent authority shall take all necessary measures to ensure—

- (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
- (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be conveyed by a responsible person.

#### *Article 13*

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with every-

thing necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

#### *Article 14*

Any recruited worker who—

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment,
  - (b) is found on medical examination to be unfit for employment,
  - (c) is not engaged after recruiting for a reason for which he is not responsible, or
  - (d) is found by the competent authority to have been recruited by misrepresentation or mistake,
- shall be repatriated at the expense of the recruiter or employer.

#### *Article 15*

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly—

- (a) Articles 12 and 13 of this Convention shall apply to such families;
- (b) in the event of the worker being repatriated in virtue of Article 14, his family shall also be repatriated; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

#### *Article 16*

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

#### *Article 17*

1. Each Member for which this Part of this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For this purpose it will, where appropriate, act in co-operation with other Members concerned.

*Article 18*

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment on a plantation.

*Article 19*

Each Member for which this Part of this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for—

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment on a plantation and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment on a plantation and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

*Article 20*

1. The law and/or regulations in force in the territory concerned shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.

2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed 12 months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

3. The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

4. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, where such exist, exclude from the application of this Part of this Convention contracts entered into between employers and non-manual workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to all plantation workers in a territory, to plantation workers engaged in the produc-



tion of a particular crop, to the workers in any specified undertaking or to special groups of plantation workers.

#### *Article 21*

The competent authority in each country where there exists any penal sanction for any breach of a contract of employment by a plantation worker shall take action for the abolition of all such penal sanctions.

#### *Article 22*

Such action shall provide for the abolition of all such penal sanctions by means of an appropriate measure of immediate application.

#### *Article 23*

For the purpose of this Part of the Convention the term "breach of contract" means—

- (a) any refusal or failure of the worker to commence or perform the service stipulated in the contract;
- (b) any neglect of duty or lack of diligence on the part of the worker;
- (c) the absence of the worker without permission or valid reason; and
- (d) the desertion of the worker.

### PART IV. WAGES

#### *Article 24*

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, where appropriate by means of national laws or regulations, in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist, such consultation to be on a basis of complete equality.

3. Minimum rates of wages which have been fixed in accordance with arrangements made in pursuance of the preceding paragraph shall be binding on the employers and workers concerned so as not to be subject to abatement.

#### *Article 25*

1. Each Member for which this Convention is in force shall take the necessary measures to ensure that the employers and workers concerned are

informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable; these measures shall include such provision for supervision, inspection, and sanctions as may be necessary and appropriate to the conditions obtaining on plantations in the country concerned.

2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other appropriate proceedings, the amount by which he has been underpaid, subject to such limitations of time as may be determined by national laws or regulations.

#### *Article 26*

Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

#### *Article 27*

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind where payment in the form of such allowances is customary or desirable; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family.

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

#### *Article 28*

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

#### *Article 29*

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

*Article 30*

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

*Article 31*

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

*Article 32*

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

*Article 33*

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

*Article 34*

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner—

- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed; and
- (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

#### *Article 35*

The laws or regulations giving effect to the provisions of Articles 26 to 34 of this Convention shall—

- (a) be made available for the information of persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;
- (d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

### PART V. ANNUAL HOLIDAYS WITH PAY

#### *Article 36*

Workers employed on plantations shall be granted an annual holiday with pay after a period of continuous service with the same employer.

#### *Article 37*

1. Each Member for which this Part of this Convention is in force shall be free to decide the manner in which provision shall be made for holidays with pay on plantations.

2. Such provision may be made, where appropriate, by means of collective agreement or by entrusting the regulation of holidays with pay on plantations to special bodies.

3. Wherever the manner in which provision is made for holidays with pay on plantations permits—

- (a) there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons, specially qualified by their trade or functions, whom the competent authority deems it useful to consult;
- (b) the employers and workers concerned shall participate in the regulation of holidays with pay, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations, but in any case on a basis of complete equality.

*Article 38*

The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

*Article 39*

Where appropriate, provision shall be made, in accordance with the established procedure for the regulation of holidays with pay on plantations, for—

- (a) more favourable treatment for young workers, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers;
- (b) an increase in the duration of the annual paid holiday with the length of service;
- (c) proportionate holidays or payment in lieu thereof, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay but exceeds such minimum period as may be determined in accordance with the established procedure;
- (d) the exclusion from the annual holiday with pay of public and customary holidays and weekly rest periods, and, to such extent as may be determined in accordance with the established procedure, temporary interruptions of attendance at work due to such causes as sickness or accident.

*Article 40*

1. Every person taking a holiday in virtue of this Part of this Convention shall receive, in respect of the full period of the holiday, not less than his usual remuneration, or such remuneration as may be prescribed in accordance with paragraphs 2 and 3 of this Article.

2. The remuneration payable in respect of the holiday shall be calculated as prescribed by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

3. Where the remuneration of the person taking a holiday includes payments in kind, provision may be made for the payment in respect of holidays of the cash equivalent of such payments in kind.

*Article 41*

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

*Article 42*

A person who is dismissed or who has relinquished his employment before he has taken the whole or any part of the holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Part of this Convention the remuneration provided for in Article 40.

## PART VI. WEEKLY REST

*Article 43*

1. Plantation workers shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to all the workers of each plantation.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

*Article 44*

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 43, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

*Article 45*

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 44, except in cases where agreements or customs already provide for such periods.

## PART VII. MATERNITY PROTECTION

*Article 46*

For the purpose of this Part of this Convention, the term " woman " means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term " child " means any child whether born of marriage or not.

*Article 47*

1. A woman to whom this Part of this Convention applies shall, on the production of appropriate evidence of the presumed date of her confinement, be entitled to a period of maternity leave.

2. The competent authority may, after consultation with the most representative organisations of employers and workers, where such exist, prescribe a qualifying period for maternity leave which shall not exceed a total of 150 days of employment with the same employer during the 12 months preceding the confinement.

3. The period of maternity leave shall be at least 12 weeks, and shall include a period of compulsory leave after confinement.

4. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

5. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

6. In case of illness suitably certified as arising out of pregnancy national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

7. In case of illness suitably certified as arising out of confinement the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

8. No pregnant woman shall be required to undertake any type of work harmful to her in the period prior to her maternity leave.

*Article 48*

1. While absent from work on maternity leave in accordance with the provisions of Article 47, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include prenatal, confinement and postnatal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected as far as practicable.

4. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

#### *Article 49*

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose, under conditions to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

#### *Article 50*

1. While a woman is absent from work on maternity leave in accordance with the provisions of Article 47, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

2. The dismissal of a woman solely because she is pregnant or a nursing mother shall be prohibited.

### PART VIII. WORKMEN'S COMPENSATION

#### *Article 51*

Each Member of the International Labour Organisation for which this Part of this Convention is in force undertakes to extend to all plantation workers its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.



*Article 52*

1. Each Member for which this Part of this Convention is in force undertakes to grant to the nationals of any other Member for which this Part of this Convention is in force, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

*Article 53*

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

## PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

*Article 54*

The right of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

*Article 55*

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

*Article 56*

1. Employers and workers shall be encouraged to avoid disputes and, if they arise, to reach fair settlements by means of conciliation.

2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.

4. Where practicable, these officers shall be officers specially assigned to such duties.

#### *Article 57*

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

#### *Article 58*

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

#### *Article 59*

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

#### *Article 60*

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

*Article 61*

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

## PART X. FREEDOM OF ASSOCIATION

*Article 62*

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

*Article 63*

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

*Article 64*

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

*Article 65*

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

*Article 66*

The provisions of Articles 62, 63 and 64 apply to federations and confederations of workers' and employers' organisations.

*Article 67*

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions

of such a character as to restrict the application of the provisions of Articles 62, 63 and 64.

#### *Article 68*

1. In exercising the rights provided for in this Part of this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Part of this Convention.

#### *Article 69*

In this Part of this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

#### *Article 70*

Each Member for which this Part of this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

### PART XI. LABOUR INSPECTION

#### *Article 71*

Each Member for which this Convention is in force shall maintain a system of labour inspection.

#### *Article 72*

Labour inspection services shall consist of suitably trained inspectors.

#### *Article 73*

Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

#### *Article 74*

1. The functions of the system of labour inspection shall be—
- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as

provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;

- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

#### *Article 75*

The competent authority shall make appropriate arrangements to promote—

- (a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- (b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

#### *Article 76*

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

#### *Article 77*

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with—

- (a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

*Article 78*

1. Labour inspectors provided with proper credentials shall be empowered—

- (a) to enter freely and without previous notice at any hour of the day or night any place of employment liable to inspection;
- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
- (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular—
  - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
  - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions and to copy such documents or make extracts from them;
  - (iii) to enforce the posting of notices required by the legal provisions;
  - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.

2. On the occasion of an inspection visit inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

*Article 79*

Subject to such exceptions as may be made by law or regulation, labour inspectors—

- (a) shall be prohibited from having any direct or indirect interest in the undertaking under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

*Article 80*

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

*Article 81*

Places of employment shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

*Article 82*

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning : Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

*Article 83*

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

*Article 84*

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

## PART XII. HOUSING

*Article 85*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, en-

courage the provision of adequate housing accommodation for plantation workers.

#### *Article 86*

1. The minimum standards and specifications of the accommodation to be provided in accordance with the preceding Article shall be laid down by the appropriate public authority. The latter shall, wherever practicable, constitute advisory boards consisting of representatives of employers and workers for consultation in regard to matters connected with housing.

2. Such minimum standards shall include specifications concerning—

- (a) the construction materials to be used;
- (b) the minimum size of accommodation, its layout, ventilation, and floor and air space;
- (c) verandah space, cooking, washing, storage, water supply and sanitary facilities.

#### *Article 87*

Adequate penalties for violations of the legal provisions made in accordance with the preceding Article shall be provided for by laws or regulations and effectively enforced.

#### *Article 88*

1. Where housing is provided by the employer the conditions under which plantation workers are entitled to occupancy shall be not less favourable than those established by national custom or national legislation.

2. Whenever a resident worker is discharged he shall be allowed a reasonable time in which to vacate the house. Where the time allowed is not fixed by law it shall be determined by recognised negotiating machinery, or, failing agreement on the subject, by recourse to the normal procedure of the civil courts.

### PART XIII. MEDICAL CARE

#### *Article 89*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate medical services for plantation workers and members of their families.



*Article 90*

1. Medical services shall be of a standard prescribed by the public authorities, shall be adequate having regard to the number of persons involved, and shall be operated by a sufficient number of qualified personnel.

2. Such services where provided by the appropriate public authorities shall conform to the standards, customs and practices of the authority concerned.

*Article 91*

The appropriate authority, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, shall take steps in plantation areas to eradicate or control prevalent endemic diseases.

## PART XIV. FINAL PROVISIONS

*Article 92*

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

*Article 93*

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. This Convention shall come into force six months after the date on which there have been registered ratifications, in conformity with Article 3, of two of the following countries : Argentina, Belgium, Bolivia, Brazil, Burma, Ceylon, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, France, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Italy, Liberia, Federation of Malaya, Mexico, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Portugal, El Salvador, Spain, Sudan, Thailand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

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

*Article 94*

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 95

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications 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 96

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 and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 97

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 98

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 94 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 99*

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-second Session which was held at Geneva and declared closed the twenty-sixth day of June 1958.

IN FAITH WHEREOF we have appended our signatures this fifth day of July 1958.

The President of the Conference :

B. K. DAS

The Director-General of the International Labour Office :

David A. MORSE

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