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REPUBLIC OF KENYA

Sessional Paper No. 2 of 1970

INTERNATIONAL LABOUR ORGANIZATION

**Proposed action by the Republic of Kenya on certain
Conventions and Recommendations adopted by the
International Labour Conference.**

Five Shillings — 1970

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INTERNATIONAL LABOUR ORGANIZATION

Presentation to the National Assembly of Kenya of eight Conventions and eight Recommendations adopted by the International Labour Conference at its 3rd, 12th, 34th, 43rd, 46th, 50th, 51st, 52nd and 53rd Sessions, and the views thereon of the Government of Kenya, which it is proposed to communicate to the Director-General of the International Labour Office.

The texts of the Conventions and Recommendations are given in the Appendix to this Paper.

Convention No. 16

CONCERNING THE COMPULSORY MEDICAL EXAMINATION OF CHILDREN AND YOUNG PERSONS EMPLOYED AT SEA

The Convention provides that any child or young person under the age of 18 years shall not be employed on any vessel, except in certain defined circumstances, unless he produces a medical certificate from an approved doctor attesting fitness for such work, and that if he continues to be employed at sea, he shall be subject to the repetition of such medical examination at intervals of not more than one year. However, in urgent cases the instrument allows a young person under the age of 18 years to embark on a vessel without having undergone medical examination provided such an examination is done at the first port the vessel calls. The term "vessel" includes ships and boats of any nature and which are engaged in maritime navigation.

Section 96 of the Merchant Shipping Act (No. 35 of 1967), covers the measures described in the Convention and it is, therefore, proposed to ratify the instrument.

Convention No. 27

CONCERNING THE MARKING OF WEIGHTS ON HEAVY PACKAGES TRANSPORTED BY VESSELS

The Convention requires that any packages or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or a vessel.

The obligation to see that this requirement is observed shall rest solely on the Government of a country through which it passes on the way to its destination.

At the request of the Ministry of Labour, the East African Railways and Harbours Administration made amendments to both the East African Harbours Regulations and the Railway Tariff Book to provide for the marking of all single packages weighting 2,200 lb. or more with effect from 1st December 1964. This amendment was published as a Legal Notice in the East African Common Services Gazette on 30th September 1964.

As our present law now covers all the measures described in the Convention, it is therefore proposed to ratify this instrument.

Convention No. 99

CONCERNING THE MINIMUM WAGES FIXING MACHINERY IN AGRICULTURE

The Convention seeks to ensure that minimum wage fixing machinery covering agricultural undertakings and related occupations shall be created and maintained and that before a decision is taken, organizations representative of workers and employers shall be consulted; and that they shall participate in the operation of this machinery. Workers and employers concerned shall be informed of the minimum wages in force and there shall be means of enforcing the statutes governing such minimum wages. There shall be provision for a worker to redress underpayments of minimum remuneration by litigation and that disabled or mentally handicapped workers should be protected from employment competition by a provision in the regulations allowing employers to hire such people below the statutory minimum remuneration. Where part of the statutory wages is paid in kind, the payment must be fair and equitable.

Wage fixing machinery by way of a Wages Council already exists covering employees engaged in agricultural undertakings. Employers' and workers' representatives take part in the deliberations of the Wages Council. The Regulation of Wages and Conditions of Employment Act, and the Regulation of Wages (Agricultural Industry) Order, L.N. 275/1967, fulfil the other requirements of the Convention.

It is felt that there are sufficient statutory enactments covering the requirements of the Convention and it is proposed to ratify this instrument.

Convention No. 112

CONCERNING THE MINIMUM AGE OR ADMISSION TO EMPLOYMENT AS FISHERMEN

The Convention provides that children under the age of 15 years should not be employed or work on fishing vessels except in certain defined circumstances, and that young persons under the age of 18 years shall not be employed or work on coal-burning vessels as trimmers or stokers. All vessels engaged in maritime fishing come within the scope of the Convention.

The Convention shall not apply to fishing in ports and harbours or in estuaries or rivers, or to individuals fishing for sport or recreation.

Section 96 of the Merchant Shipping Act, No. 35 of 1967, covers the measures described in the Convention and it is, therefore, proposed to ratify the Convention.

Convention No. 118

CONCERNING EQUALITY OF TREATMENT OF NATIONALS AND NON-NATIONALS IN SOCIAL SECURITY

Member States that ratify this Convention may accept obligations of the Convention in respect of any one or more of the following branches of Social Security viz.: medical care; sickness; invalidity; old-age; survivors; employment injury; unemployment and family benefits.

Article 3 of the Instrument requires each Member State who ratifies the Convention in respect of any one or more benefits specified in para. 1 above to grant to nationals of any other Member State of the I.L.O., for which this Convention is in force, equality of treatment with its own nationals, both as regards coverage

and the right to benefits specified at ratification. In the case of survivors' benefits, equality of treatment should also be provided for survivors of nationals of any other Member State of the I.L.O., for which this Convention is in force, irrespective of the nationality of such survivors.

The Convention suggests that there may be voluntary arrangements for the reciprocity of benefits between Member States which have ratified this Instrument in respect of any similar branches of Social Security. Article 10 of the Convention proposes that the provisions of the benefits should apply to refugees and stateless persons without any conditions of reciprocity. Persons covered by special schemes such as civil servants, war victims, etc., are exempted from the provisions of the Convention.

Sections 20, 21 and 22 of the Kenya National Social Security Fund Act (Cap. 258), accords old-age, survivor's and invalidity benefits both to nationals and non-nationals alike without distinction. Section 43 of the Act sets forth provisions under which the Minister may make regulations governing any reciprocal agreements that may be entered into between Kenya and any other country in respect of any branch of Social Security.

It is considered that existing legislation permits Kenya to accept the obligations of the Convention in respect of invalidity, old-age and survivor's benefits. The Government intends, therefore, to ratify this Convention.

Recommendation No. 127

THE ROLE OF CO-OPERATIVES IN ECONOMIC AND SOCIAL DEVELOPMENT OF DEVELOPING COUNTRIES

The Recommendation applies to all categories of co-operative movements including consumer, agricultural, processing, marketing, credit, housing, health and labour contracting co-operatives. Such co-operatives should be geared to the improvement of economic, social and cultural life of people in developing countries by bettering both personal and national capital resources both in the rural and urban areas.

It suggests further that the governments of the countries concerned should, when making national economic plans, associate co-operatives with the planning.

Part III of the Instrument states that appropriate legislation in consultation with existing co-operatives should be enacted. The legislation should include a description of a co-operative; functions of a co-operative and conditions of membership including the maximum cost of each share for every member, and define the rights and duties of each member. Where co-operatives would like to federate provisions should be made for such action.

Both academic and occupational training institutions are suggested and these should be augmented by seminars and the use of all media of disseminating information on the principles of co-operatives. Where necessary, financial aid and tax rebates should be given to the co-operatives. The accounts and general functions of co-operatives should be audited and the action undertaken by the competent authority if necessary. There should also be international collaboration between co-operatives both in developed and developing countries in matters of technical aid embracing personnel, scholarships and information.

These measures are in accord with our national laws governing the co-operative movement in Kenya and it is proposed to recommend adoption of the Recommendation in its entirety.

Convention No. 127

CONCERNING THE MAXIMUM PERMISSIBLE WEIGHT TO BE CARRIED BY ONE WORKER

The Instrument seeks to cover workers engaged in regular manual transportation of loads and applies to all branches of economic activity where the Member concerned maintains a system of labour inspection.

It states that no worker shall be required or permitted to engage in manual transport of load which, by reason of its weight, is likely to jeopardize his health or safety. Where women and young workers are engaged in manual transport of loads, the maximum weight of such loads shall be substantially less than those transported by adult male workers.

The Convention further requires that workers engaged in manual transportation of loads shall receive training in those occupations in order to learn better and safer methods of handling loads.

It is considered that the Government cannot, at the present time, ratify this Instrument. To do so would entail a considerable expansion of the Labour Inspectorate to enforce provisions which would cover a wide range of industrial activities. Skilled workers must continue to receive priority in training at this stage of our development and we cannot afford to dissipate the limited resources available in order to engage in training manual workers in such a diversified field.

In these circumstances, the Government cannot ratify this Convention at the present time.

Recommendation No. 128

CONCERNING THE MAXIMUM PERMISSIBLE WEIGHT TO BE CARRIED BY ONE WORKER

The Recommendation covers workers engaged in regular or in occasional transportation of loads other than light loads; and applies to all branches of economic activity.

It seeks to ensure that workers assigned to regular manual transportation of loads should, prior to such assignment, receive training in working techniques, with a view to safeguarding health and preventing accidents; and that such training should include methods of loading and unloading and be conducted by qualified persons; and that re-training facilities are available.

Medical facilities for examination and re-examination of workers should be made available and as far as possible, suitable technical devices should be used to facilitate the manual transport of loads. Where the maximum permissible weight to be carried by one adult male worker is more than 55 kg., measures should speedily be taken to reduce the weight to that level. Women and young persons should not engage in regular manual transport of loads and where they do, the loads carried by them should be substantially less than those carried by adult male workers.

If the Government adopted the Instrument at the present time, it would mean that training, retraining and medical examination facilities would have to be established to meet the requirements of the Recommendation. Our present medical facilities and training institutions are already overtaxed and are unable to absorb new expansion in the proposed direction within the present level of development. The Labour Department Inspectorate is not large enough to assume the additional responsibilities of ensuring compliance with the requirements of the Instrument by employers.

In these circumstances, it is considered that the Government cannot at present adopt this Recommendation.

Convention No. 128

CONCERNING INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS

Each Member State that ratifies this Instrument is required to comply with Parts I and VII, at least one of Parts II, III and IV and the relevant provisions of Parts V and VI.

Part I of the Convention gives definitions of various terms used in the Instrument and also states what Member States that ratify the Instrument should do on ratification.

The Convention covers invalidity (Part II); old-age (Part III); and survivors' benefits (Part IV).

Invalidity is defined as "incapacity to engage in any gainful activity, to an extent prescribed, where incapacity is likely to be permanent or persist after termination of prescribed period of temporary incapacity". Persons protected include all employees including apprentices. The Instrument also suggests a cover of not less than 75 per cent of the economically active population. Invalidity benefit is to be a periodic payment calculated to attain a prescribed standard of 50 per cent of previous earnings or of a normal wage. Developed countries which ratify the Instrument undertake to provide rehabilitation services for invalids.

Old-age benefit should be payable at least at the age of 65 unless a higher age can be established for economic and social reasons. Where occupations are deemed arduous or unhealthy, the qualifying age can be lowered. The benefit is to be a periodic payment granted throughout the contingency after 30 years' contributions, or of employment or 20 years of residence. The persons protected are defined as those for invalidity benefits, mentioned above.

Member countries that ratify the Instrument at Part IV undertake to provide survivors' benefits for the persons protected. The contingency covered must include "loss of support suffered by the widow or child as the result of the death of the breadwinner". In the case of a widow (unless an invalid or caring for a dependent child) the right to this benefit may be conditional on the attainment of a prescribed age. The survivors' benefit is to be a periodic payment at a minimum standard of 45 per cent of previous earnings or of a normal wage, or according to a prescribed scale where all residents are covered.

The Instrument sets out alternative standards where casual employees or family workers, seamen and public servants may be excluded. Temporary exception for certain agricultural workers is also allowed. Rates of current cash benefits may be reviewed following substantial changes in level of earnings. Further, the rights of beneficiaries are protected by allowing appeals where the right benefits are refused.

Although our National Social Security Fund is developing on similar lines, it is felt that the Instrument is too sophisticated to be ratified by this country at present. This is mainly so because the standards laid down in Part V, include periodic payments of benefits, which cannot be met at the moment. The Government cannot therefore, ratify this Instrument at the present time.

Recommendation No. 131

CONCERNING INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS

This Recommendation seeks to cover employees who become invalids or become of age as may be prescribed. It also suggests that Members should extend the application of the Instrument by stages, if necessary, to cover casual workers as well as all the economically active population, and proposes that the definition of invalidity should cover incapacity to engage in an activity involving substantial gain. Reduced benefit should be provided for partial invalidity. Where there are justifiable reasons, such as prolonged involuntary unemployment or unfitness, lower pension ages are suggested. The Recommendation suggests five years of contribution, employment, or residence, as a qualifying period for an invalidity benefit.

It is felt that this Instrument cannot be adopted by the Government at the present time, as all its provisions are a further extension of those of Convention No. 128 on Invalidity, Old-age and Survivors' Benefits.

Recommendation No. 132

CONCERNING THE IMPROVEMENT OF CONDITIONS OF LIFE AND WORK OF TENANTS, SHARE-CROPPERS AND SIMILAR CATEGORIES OF AGRICULTURAL WORKERS

This Instrument was adopted by the International Labour Conference at its 52nd Session on 5th June 1968.

The Recommendation applies to agricultural workers who pay a fixed rent in cash, or in kind by a share of the produce when they work on the land themselves and who are not covered by laws or regulations applicable to wage earners. The Recommendation suggests that it should be an objective of social and economic policy of a State to safeguard by legal provisions, the economic and social security of these categories of agricultural workers. They should be educated in matters relating to their occupations to ensure that their interest in the land is encouraged.

Article 14 of the Recommendations requires that the relationship between such agricultural workers and their landowners as far as contractual matters are concerned should be established by a competent authority and these should specify the duration of the contracts including an easy or automatic way of renewing such contracts. Procedure for settling disputes between the contracting parties is also proposed.

Article 22 (3) advises consideration on giving easy low-cost loans and credits to these agricultural workers.

The Recommendation ends by advocating that the competent authority should ensure that these agricultural workers have adequate social security coverage and are protected against risks of loss of income caused by natural calamities.

In Kenya very few of these types of agricultural workers exist. Small numbers of tenants and share-croppers live in the ranching area in low lands of the Rift Valley Province and around Malindi where tree crops form the main agricultural occupation, and these systems are rapidly disappearing.

While there is nothing to prevent Kenya from adopting the Recommendation since most of its provisions fall within existing national laws, it would be unwise to subscribe to an instrument covering diminishing numbers of tenants, share-croppers and similar categories of agricultural workers in this country.

The Government does not, therefore, intend to adopt the Instrument at the present time.

Recommendation No. 129

CONCERNING COMMUNICATION BETWEEN MANAGEMENT AND WORKERS WITHIN THE UNDERTAKING

This recommendation suggests that there should be an effective policy of communication between the management and workers and their representatives within the undertaking; and that to be able to ensure the effectiveness of the policy, a favourable climate within the undertaking is necessary. Such a climate should enable rapid dissemination and exchange of information between management and workers.

The media of information may include meetings; personnel policy manuals, magazines newsletters; notice boards; plant visits exhibitions, films, radio, etc.; and the media should also aim at permitting workers to submit suggestions on questions relating to the operation of the undertaking. Information given by the management should include matters relating to the terms and conditions of employment; occupational safety and health; welfare; social security; and grievance procedures, etc.

Consultation should take place between the parties concerned before decisions on matters of major interest are taken by management, in so far as the disclosure of the information does not cause damage to either party.

The Recommendation further suggests that steps should be taken to train those concerned in the use of communication methods.

The Government has ratified I.L.O. Convention No. 98 on the "Right to Organize and Collective Bargaining" which together with the Trade Union Act (Cap. 233) provide both management and workers in an undertaking a large measure of freedom to communicate. Indeed, the Industrial Relations Charter signed between management and workers in 1962 is a practical demonstration for those concerned that there must be communication within undertakings. Moreover, most undertakings in this country have joint consultative machinery and works councils. The Management Training and Advisory Centre runs courses geared to train those concerned in the use of communication methods.

It is proposed to recommend that this instrument be adopted in its entirety since all its provisions fall within national laws and practice. The Government, therefore, proposes to adopt this Recommendation.

Recommendation No. 130

CONCERNING THE EXAMINATION OF GRIEVANCES WITHIN THE UNDERTAKING WITH A VIEW TO THEIR SETTLEMENT

The Recommendation stipulates that any worker acting individually or jointly with other workers, should have the right to submit any grievances and take part or be represented by a workers' representative during the hearing; and that the grievances should be examined without the worker having to suffer any prejudices whatsoever as a result. As far as possible, grievances should be settled within the undertaking itself.

Grievance procedures should be as uncomplicated as possible and each stage of the procedure should have a time limit in which, if the grievance is not settled, it should go to the next stage. The worker should have the right to apply direct to a labour court or to arbitration or even to the competent authority for redress without much ado. The employer should also have these rights including the right to be assisted or represented by an employers' organization.

The Recommendation does not purport to cover collective claims aimed at modifying terms and conditions of employment. It is suggested that this Recommendation may be implemented through national laws, collective agreement, works rules or by arbitration awards.

Most collective agreements entered between workers and employers or their representative organizations in this country contain clauses outlining grievance procedures, a model of which was appended to the Industrial Relations Charter of 1962 signed between F.K.E. on the one hand and K.F.L. (now superseded by COTU (K)) on the other. The Trade Disputes Act (Cap. 234) covers the remainder of the requirements of the Recommendation.

Since the provisions of this Recommendation fall within national laws and practice, it is proposed to adopt this instrument.

Convention No. 130

CONCERNING MEDICAL CARE AND SICKNESS BENEFITS

This Convention revises the Sickness Insurance Convention No. 24 of 1927 which Kenya has not ratified. It establishes standards for medical care and cash sickness benefits to be provided under National Social Security Schemes.

In this Convention the term "standard beneficiary" means a man with a wife and two children; "sickness" means any morbid condition, whatever its cause; and "medical care" includes allied benefits.

The contingencies covered include medical care of a curative and preventive nature as well as incapacity for work resulting from sickness and involving suspension of earnings. Article 9 of the Convention suggests that medical care provided shall aim at maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

The Convention provides for minimum requirements in respect of persons protected, range of medical care to be extended, rate of cash sickness benefits, qualifying conditions, cost-sharing and equality of treatment of nationals and non-nationals.

Persons to be protected include all employees and employers and their wives and children, or not less than 75 per cent of economically active population, or not less than 75 per cent of all residents as may be prescribed by national laws irrespective of whether or not these classes of people are covered by any other existing social security schemes for invalidity, old-age or survivors' benefits. Article 16 suggests that the medical care provided under this Convention shall be provided throughout the contingency.

Although our social security scheme and the general hospital treatment coverage in Kenya are developing in the spirit of the Convention, it is felt that our level of economic development does not permit us at the moment to give medical and sickness coverage to classes of people and to the extent envisaged by the instrument. The Government cannot, therefore, ratify this Convention.

Recommendation No. 134

ON MEDICAL CARE AND SICKNESS BENEFITS

This Recommendation is intended to complete Convention No. 130 by establishing higher standards in respect of persons to be protected and benefits to be provided than those in the Convention. Thus it stipulates that medical care should, by stages, be applied to—

- (a) casual workers;
- (b) members of the employer's family living in his house, in respect of their work for him;

- (c) all economically active persons;
- (d) the wives and children of persons specified in clauses (a) to (c) above; and
- (e) to all residents.

Further, it suggests that a worker should be given appropriate means, either in the form of services or cash benefits, in cases where he is unable to work because he has to take care of a sick dependant.

As this Recommendation provides for further benefits than the Convention, the Government cannot adopt it at the present time.

Recommendation No. 133

CONCERNING LABOUR INSPECTION IN AGRICULTURE

Article 2 of the Recommendation states that labour inspectorate in agriculture may be associated with the enforcement of legal provisions on such matters as training of workers; social services work in agriculture; co-operatives; and compulsory school attendance of children of agricultural workers.

The inspectorate staff should have adequate academic, professional or practical experience that can enable them to discharge their duties effectively. They should also be associated with the preventive control of new plant, materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety to agricultural workers. Further, they should be involved in the promotion of educational campaigns including the use of mass media meant to inform such agricultural workers on matters affecting the workers conditions of work and life.

The Ministry of Labour maintains a labour inspectorate system for all sectors of economic activity which is not geared for duties mentioned in the Recommendation. Moreover, at the present stage of our economic development, it is not envisaged to cover the activities enunciated by this instrument, i.e. having a separate inspectorate service for agriculture and another one for other general sectors of the economy. It is, therefore, felt that the Government cannot adopt this Recommendation.

INTERNATIONAL LABOUR CONFERENCE

Convention 16**CONVENTION CONCERNING THE COMPULSORY MEDICAL
EXAMINATION OF CHILDREN AND YOUNG
PERSONS EMPLOYED AT SEA**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the compulsory medical examination of children and young persons employed at sea, which is included in the eighth item of the agenda of the Session, and

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

adopts the following Convention, which may be cited as the Medical Examination of Young Persons (Sea) Convention 1921 for ratification by the Members of the International Labour Organization in accordance with the provisions of the Constitution of the International Labour Organization:

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members for the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

Article 4

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

Article 5

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organization, shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organization have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 7

As soon as the ratifications of two Members of the International Labour Organization have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

Article 8

Subject to the provisions of Article 6, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3 and 4 into operation not later than 1st January 1924 and to take such action as may be necessary to make these provisions effective.

Article 9

Each Member of the International Labour Organization which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organization.

Article 10

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 with the International Labour Office.

Article 11

At least once in ten years, 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 or modification.

Article 12

The French and English texts of this Convention shall both be authentic.

INTERNATIONAL LABOUR CONFERENCE

Convention 27**CONVENTION CONCERNING THE MARKING OF THE WEIGHT
ON HEAVY PACKAGES TRANSPORTED BY VESSELS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30th May 1929, and

Having decided upon the adoption of certain proposals with regard to the marking of the weight on heavy packages transported by vessels, which is included in the first item of the agenda of the Session, and

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

adopts this twenty-first day of June of the year one thousand nine hundred and twenty-nine the following Convention, which may be cited as the Marking of Weight (Packages Transported by Vessels) Convention 1929, for ratification by the Members of the International Labour Organization in accordance with the provisions of the Constitution of the International Labour Organization:

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

Article 2

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organization shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organization 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.

Article 4

As soon as the ratifications of two Members of the International Labour Organization have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

Article 5

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 with the International Labour Office.

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 6

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 7

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 8

The French and English texts of this Convention shall both be authentic.

INTERNATIONAL LABOUR CONFERENCE

**CONVENTION (No. 99) CONCERNING MINIMUM WAGE FIXING
MACHINERY IN AGRICULTURE**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6th June 1951, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery in agriculture, which is the eighth item on the agenda of the session, and

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

adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Minimum Wage Fixing Machinery (Agriculture) Convention 1951:

Article 1

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.

2. Each Member which ratifies this Convention shall be free to determine, after consultation with the most representative organizations of employers and workers concerned, where such exist, to which undertakings, occupations and categories of persons the minimum wage fixing machinery referred to in the preceding paragraph shall be applied.

3. The competent authority may exclude from the application of all or any of the provisions of this Convention categories of persons whose conditions of employment render such provisions inapplicable to them, such as members of the farmer's family employed by him.

Article 2

1. National laws or regulations, collective agreements or arbitration awards may authorize the partial payment of minimum wages in the form of allowances in kind in cases in which payment in the form of such allowances is customary or desirable.

2. In cases in which partial payment of minimum wages in the form of allowances in kind is authorized, appropriate measures shall be taken to ensure that—

(a) such allowances are appropriate for the personal use and benefit of the worker and his family; and

(b) the value attributed to such allowances is fair and reasonable.

Article 3

1. Each Member which ratifies this Convention shall be free to decide, subject to the conditions stated in the following paragraphs, the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation.

2. Before a decision is taken there shall be full preliminary consultation with the most representative organizations of employers and workers concerned, where such exist, and with any other person specially qualified by their trade or functions whom the competent authority deems it useful to consult.

3. The employers and workers concerned shall take part in the operation of the minimum wage fixing machinery, 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.

4. Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement.

5. The competent authority may permit exceptions to the minimum wage rates in individual cases, where necessary, to prevent curtailment of the opportunities of employment of physically or mentally handicapped workers.

Article 4

1. Each Member which ratifies this Convention 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 in agriculture 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 limitation of time as may be determined by national laws or regulations.

Article 5

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement indicating the methods and the results of the application of the machinery and, in summary form, the occupations and approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

Article 6

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

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organization 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.

Article 8

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate—

- (a) the territories in respect of which the Member concerned 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 pending further consideration of the position.

2. The undertakings referred to in subparagraphs (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 reservation made in its original declaration in virtue of subparagraphs (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 10, 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 9

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organization 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 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 10, 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 10

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 11

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

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

Article 12

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 13

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 14

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 10 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 15

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

INTERNATIONAL LABOUR CONFERENCE

Convention 112**CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION TO EMPLOYMENT AS FISHERMEN**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-third Session on 3rd June 1959, and

Having decided upon the adoption of certain proposals with regard to the minimum age for admission to employment as fishermen, which is included in 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 nineteenth day of June of the year one thousand nine hundred and fifty-nine the following Convention, which may be cited as the Minimum Age (Fishermen) Convention, 1959:

Article 1

1. For the purpose of this Convention the term "fishing vessel" includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters.

2. This Convention shall not apply to fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation.

Article 2

1. Children under the age of fifteen years shall not be employed or work on fishing vessels.

2. Provided that such children may occasionally take part in the activities on board fishing vessels during school holidays, subject to the conditions that the activities in which they are engaged—

- (a) are not harmful to their health or normal development;
- (b) are not such as to prejudice their attendance at school; and
- (c) are not intended for commercial profit.

3. Provided further that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3

Young persons under the age of eighteen years shall not be employed or work on coal-burning fishing vessels as trimmers or stokers.

Article 4

The provision of Article 2 and 3 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 5

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

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organization 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.

Article 7

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 8

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

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

Article 9

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 10

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 11

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 7 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 12

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

INTERNATIONAL LABOUR CONFERENCE

Convention 118**CONVENTION CONCERNING EQUALITY OF TREATMENT OF NATIONALS AND NON-NATIONALS IN SOCIAL SECURITY¹**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-sixth Session on 6th 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-eighth 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;
- (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 28th 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 28th 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:

¹ Adopted on 28th June 1962 by 259 votes to 1, with 50 abstentions.

- (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.

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.

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.

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.

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 totalization 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.

Article 8

The Members for which this Convention is in force may give effect to their obligations under the provisions of Articles 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.

Article 10

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

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.

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.

Article 13

This Convention shall not be regarded as revising any existing Convention.

Article 14

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

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 Members twelve months after the date on which its ratification has been registered.

Article 16

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 17

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

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

Article 18

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 19

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 20

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 16 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 21

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 Organization during its Forty-sixth Session which was held at Geneva and declared closed the twenty-eighth day of June 1962.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June 1962.

The President of the Conference,
JOHN LYNCH.

The Director-General of the International Labour Office,
DAVID A. MORSE.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 127

**RECOMMENDATION CONCERNING THE ROLE OF CO-OPERATIVES
IN THE ECONOMIC AND SOCIAL DEVELOPMENT OF DEVELOPING
COUNTRIES**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1st June 1966, and

Having decided upon the adoption of certain proposals with regard to the role of co-operatives in the economic and social development of developing countries, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and sixty-six the following Recommendation, which may be cited as the Co-operatives (Developing Countries) Recommendation, 1966:

I. SCOPE

1. This Recommendation applies to all categories of co-operatives, including consumer co-operatives, land improvement co-operatives, agricultural productive and processing co-operatives, rural supply co-operatives, agricultural marketing co-operatives, fishery co-operatives, service co-operatives, handicrafts co-operatives, workers' productive co-operatives, labour contracting co-operatives, co-operative thrift and credit societies and banks, housing co-operatives, transport co-operatives, insurance co-operatives and health co-operatives.

II. OBJECTIVES OF POLICY CONCERNING CO-OPERATIVES

2. The establishment and growth of co-operatives should be regarded as one of the important instruments for economic, social and cultural development as well as human advancement in developing countries.

3. In particular, co-operatives should be established and developed as a means of—

- (a) improving the economic, social and cultural situation of persons of limited resources and opportunities as well as encouraging their spirit of initiative;
- (b) increasing personal and national capital resources by the encouragement of thrift, by eliminating usury and by the sound use of credit;
- (c) contributing to the economy an increased measure of democratic control of economic activity and of equitable distribution of surplus;
- (d) increasing national income, export revenues and employment by a fuller utilization of resources, for instance in the implementation of systems of agrarian reform and of land settlement aimed at bringing fresh areas into productive use and in the development of modern industries, preferably scattered, processing local raw materials;

- (e) improving social conditions, and supplementing social services in such fields as housing and, where appropriate, health, education and communications;
- (f) helping to raise the level of general and technical knowledge of their members.

4. Governments of developing countries should formulate and carry out a policy under which co-operatives receive aid and encouragement, of an economic, financial, technical, legislative or other character, without effect on their independence.

5. (1) In elaborating such a policy, regard should be had to economic and social conditions, to available resources and to the role which co-operatives can play in the development of the country concerned.

(2) The policy should be integrated in development plans in so far as this is consistent with the essential features of co-operatives.

6. The policy should be kept under review and adapted to changes in social and economic needs and to technological progress.

7. Existing co-operatives should be associated with the formulation and, where possible, application of the policy.

8. The co-operative movement should be encouraged to seek the collaboration in the formulation and, where appropriate, application of the policy, or organizations with common objectives.

9. (1) The governments concerned should associate co-operatives on the same basis as other undertakings with the formulation of national economic plans and other general economic measures, at least whenever such plans and measures are liable to affect their activities. Co-operatives should also be associated with the application of such plans and measures in so far as this is consistent with their essential characteristics.

(2) For the purposes provided for in Paragraph 7 and Paragraph 9, subparagraph (1), of this Recommendation, federations of co-operatives should be empowered to represent their member societies at the local, regional and national levels.

III. METHODS OF IMPLEMENTATION OF POLICY CONCERNING CO-OPERATIVES

A. LEGISLATION

10. All appropriate measures, including the consultation of existing co-operatives, should be taken—

- (a) to detect and eliminate provisions contained in laws and regulations which may have the effect of unduly restricting the development of co-operatives through discrimination, for instance in regard to taxation or the allocation of licences and quotas, or through failure to take account of the special character of co-operatives or of the particular rules of operation of co-operatives;
- (b) to avoid the inclusion of such provisions in future laws and regulations;
- (c) to adapt fiscal laws and regulations to the special conditions of co-operatives.

11. There should be laws or regulations specifically concerned with the establishment and functioning of co-operatives, and with the protection of their right to operate on not less than equal terms with other forms of enterprise. These laws or regulations should preferably be applicable to all categories of co-operatives.

12. (1) Such laws and regulations should in any case include provisions on the following matters:

- (a) a definition or description of a co-operative bringing out its essential characteristics, namely that it is an association of persons who have voluntarily joined together to achieve a common end through the formation of a democratically controlled organization, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in which the members actively participate;
- (b) a description of the objects of a co-operative, and procedures for its establishment and registration, the amendment of its statutes, and its dissolution;
- (c) the conditions of membership, such as the maximum amount of each share and, where appropriate, the proportion of the share due at the moment of subscription and the time allowed for full payment, as well as the rights and duties of members, which would be laid down in greater detail in the by-laws of co-operatives;
- (d) methods of administration, management and internal audit, and procedures for the establishment and functioning of competent organs;
- (e) the protection of the name "co-operative";
- (f) machinery for the external audit and guidance of co-operatives and for the enforcement of the laws and regulations.

(2) The procedures provided for in such laws or regulations, in particular the procedures for registration, should be as simple and practical as possible, so as not to hinder the creation and development of co-operatives.

13. Laws and regulations concerning co-operatives should authorize co-operatives to federate.

B. EDUCATION AND TRAINING

14. Measures should be taken to disseminate a knowledge of the principles, methods, possibilities and limitations of co-operatives as widely as possible among the peoples of developing countries.

15. Appropriate instruction on the subject should be given not only in co-operative schools, colleges and other specialized centres but also in educational institutions such as—

- (a) universities and centres of higher education;
- (b) teachers' training colleges;
- (c) agricultural schools and other vocational educational establishments and workers' education centres;
- (d) secondary schools;
- (e) primary schools.

16. (1) With a view to promoting practical experience in co-operative principles and methods, the formation and operation of student co-operatives in schools and colleges should be encouraged.

(2) Similarly, workers' organizations and craftsmen's associations should be encouraged and helped in the implementation of plans for the promotion of co-operatives.

17. Steps should be taken, in the first place at the local level, to familiarize the adult population with the principles, methods and possibilities of co-operatives.

18. Full use should be made of such media of instruction as textbooks, lectures, seminars, study- and discussion groups, mobile instructors, guided tours of co-operative undertakings, the press, films, radio and television and other media of mass communication. These should be adapted to the particular conditions of each country.

19. (1) Provision should be made both for appropriate technical training and for training in co-operative principles and methods of persons who will be—and, where necessary, of persons who are—office-bearers or members of the staffs of co-operatives, as well as of their advisers and publicists.

(2) Where existing facilities are inadequate, specialized college or schools should be established to provide such training, which should be given by specialized teachers or leaders of the co-operative movement with teaching materials adapted to the requirements of the country; if such specialized institutions cannot be established, special courses on co-operation should be given either by correspondence or in such establishments as schools of accountancy, schools of administration and schools of commerce.

(3) The use of special programmes of practical training should be one of the means of contributing to the education and basic and further training of members of co-operatives; these programmes should take into account local cultural conditions, and the need to disseminate literacy and knowledge of elementary arithmetic.

C. AID TO CO-OPERATIVES

Financial Aid

20. (1) Where necessary, financial aid from outside should be given to co-operatives when they initiate their activities or encounter financial obstacles to growth or transformation.

(2) Such aid should not entail any obligations contrary to the independence or interests of co-operatives, and should be designed to encourage rather than replace the initiative and effort of the members of co-operatives.

21. (1) Such aid should take the form of loans or credit guarantees.

(2) Grants and reductions in or exemptions from taxes may also be provided, in particular, to help finance—

(a) publicity, promotional and educational campaigns;

(b) certain clearly defined tasks in the public interest.

22. Where such aid cannot be provided by the co-operative movement, it should preferably be given by the State or other public bodies, although it may, if necessary come from private institutions. Such aid should be co-ordinated so as to avoid overlapping and dispersal of resources.

23. (1) Grants and tax exemptions or reductions should be subject to conditions prescribed by national laws or regulations and relating in particular to the use to be made of the aid and the amount thereof; the conditions of loans and credit guarantees may be determined in each case.

(2) The competent authority should ensure that the use of financial aid and, in the case of a loan, its repayment, are adequately supervised.

24. (1) Financial aid from public or semi-public sources should be channelled through a national co-operative bank or, failing that, another central co-operative institution capable of assuming responsibility for its use and, where appropriate, repayment; pending the establishment of such institutions the aid may be given directly to individual co-operatives.

(2) Subject to the provisions of paragraph 20, subparagraph (2), of this Recommendation, financial aid from private institutions may be given directly to individual co-operatives.

Administrative Aid

25. While it is essential that the management and administration of a co-operative be, from the outset, the responsibility of the members and persons elected by them, the competent authority should, in appropriate cases and normally for an initial period only—

- (a) assist the co-operative in obtaining and remunerating competent staff;
- (b) place at the disposal of the co-operative persons competent to give guidance and advice.

26. (1) Generally, co-operatives should be able to obtain guidance and advice, which respect their autonomy and the responsibilities of their members, their organs and their staff, on matters relating to management and administration, as well as on technical matters.

(2) Such guidance and advice should preferably be given by a federation of co-operatives or by the competent authority.

D. SUPERVISION AND RESPONSIBILITY FOR IMPLEMENTATION

27. (1) Co-operatives should be subject to a form of supervision designed to ensure that they carry on their activities in conformity with the objects for which they were established and in accordance with the law.

(2) Supervision should preferably be the responsibility of a federation of co-operatives or of the competent authority.

28. Auditing of the accounts of co-operatives affiliated to a federation of co-operatives should be the responsibility of that federation; pending the establishment of such federation, or where a federation is unable to provide this service, the competent authority or a qualified independent body should assume the task.

29. The measures referred to in paragraph 27 and 28 of this Recommendation should be so planned and carried out as to—

- (a) ensure good management and administration of co-operatives;
- (b) protect third parties;
- (c) provide an opportunity of completing the education and training of the office-bearers and members of the staff of co-operatives through practice and through critical examination of mistakes.

30. (1) The functions of promoting co-operatives, providing for education concerning co-operatives and for the training of office-bearers and members of the staff of co-operatives, and giving aid in their organization and functioning, should preferably be performed by one central body so as to ensure coherent action.

(2) The performance of these functions should preferably be the responsibility of a federation of co-operatives; pending the establishment of such a body the competent authority or, where appropriate, other qualified bodies, should assume the task.

31. (1) The functions referred to in paragraph 30 of this Recommendation should, wherever possible, be discharged as full-time work.

(2) They should be performed by persons who have received training specifically directed towards the exercise of such functions; such training should be provided

by specialized institutions or, wherever suitable, through specialized courses in schools and colleges referred to in paragraph 19 of this Recommendation.

32. The competent authority should collect and publish at least once a year a report and statistics relating to the operations and growth of co-operatives in the national economy.

33. Where the services of federations of co-operatives or of other existing institutions cannot adequately meet the need for research, exchanges of experience and publications, special institutions, serving the entire country or several regions, should, if possible, be established.

IV. INTERNATIONAL COLLABORATION

34. (1) Members should, to the greatest extent possible, collaborate in providing aid and encouragement to co-operatives in developing countries.

(2) Such collaboration should be envisaged—

(a) between developing countries;

(b) between countries of a particular region, especially within the framework of regional organizations, where such exist; and

(c) between countries with an old-established co-operative movement and developing countries.

(3) As appropriate, the help of national co-operative organizations should be enlisted for such collaboration, and use should be made, particularly with a view to the co-ordination of international effort, of international co-operative organizations and other interested international bodies.

(4) The collaboration should extend to such measures as—

(a) the increased provision of technical assistance to the co-operative movement of developing countries, wherever possible in the form of co-ordinated programmes involving different agencies, both inter-governmental and non-governmental;

(b) the preparation and supply of information, textbooks, audio-visual aids and analogous material to assist in the drafting of legislation, in instruction on co-operation and in the training of office-bearers and qualified staffs of co-operatives;

(c) the exchange of qualified personnel;

(d) the grant of fellowships;

(e) the organization of international seminars and discussion groups;

(f) the inter-co-operative exchange of goods and services;

(g) the initiation of systematic research into the structure, working methods and problems of co-operative movements in developing countries.

V. SPECIAL PROVISIONS CONCERNING THE ROLE OF CO-OPERATIVES IN DEALING WITH PARTICULAR PROBLEMS

35. It should be recognized that co-operatives may, in certain circumstances, have a special role to play in dealing with particular problems of developing countries.

36. Suggestions illustrating the use which may be made of various forms of co-operatives in the successful implementation of agrarian reform and in the improvement in the level of living of the beneficiaries are set forth in the Annex to this Recommendation.

1. In view of their importance as a means of promoting general economic and social progress and as a means of directly associating the rural population with the development process, as well as in view of their educational and cultural value, co-operatives should be considered as having a vital role to play in programmes of agrarian reform.

2. Co-operatives should be used as a means of assessing the problems and interests of the rural population in the planning and preparation of agrarian reform measures. They should also serve for channeling information among agriculturalists and making the purposes, principles and methods of such reforms understood.

3. Particular attention should be paid to the development of appropriate forms of co-operatives adapted to the various patterns and phases of agrarian reform. They should enable cultivators to operate holdings efficiently and productively and allow for the greatest possible initiative and participation of the membership.

4. Where appropriate suitable voluntary forms of co-operative land use should be encouraged. These forms may range from the organization of certain services and farming operations in common to the complete pooling of land, labour and equipment.

5. Wherever appropriate the voluntary consolidation of fragmentary holdings through co-operatives should be encouraged.

6. In cases where measures are being envisaged for the transfer of ownership or division of large estates, due consideration should be given to the organization by the beneficiaries of co-operative systems of holding or cultivation.

7. The establishment of co-operatives should also be considered in connexion with land settlement schemes, especially as regards land reclamation and improvement measures and the organization of joint services and joint farming operations for settlers.

8. Development of co-operative thrift and credit societies and co-operative banks should be encouraged among the beneficiaries of agrarian reforms as well as among other small farmers for the purpose of—

- (a) providing loans to cultivators for the purchase of equipment and other farm requisites;
- (b) encouraging and assisting cultivators to save and accumulate capital;
- (c) advancing loans to, and promoting thrift among, agricultural families, including those of hired workers, who normally would not have access to established sources of credit;
- (d) facilitating the implementation of special governmental credit schemes through an efficient channelling of loans to beneficiaries and appropriate supervision of the use made of such loans and of their timely reimbursement.

9. The development of supply, marketing or multi-purpose co-operatives should be encouraged for the purpose of—

- (a) the joint purchase and supply of farm requisites of good quality on favourable terms;
- (b) the supply of basic domestic requirements for all categories of agricultural workers;
- (c) the joint conditioning, processing and marketing of agricultural products.

10. Encouragement should be given to the development of co-operatives providing farmers with other services such as the joint use of farm machinery, electrification, livestock breeding, the provision of veterinary and pest control services, facilities for irrigation, and crop and livestock insurance.

11. With a view to improving employment opportunities, working conditions and income, landless agricultural workers should be assisted, where appropriate, to organize themselves voluntarily into labour contracting co-operatives.

12. Agricultural co-operatives of different localities in areas in which agrarian reforms are being implemented should be encouraged to combine their activities where this is economically advantageous.

13. Due consideration should also be given to the encouragement and development of other types of co-operative activities providing full-or part-time non-agricultural employment for members of farmers' families (for instance, crafts, home or cottage industries) adequate distribution of consumer goods, and social services which the State may not always be in a position to provide (for instance, health, education, culture, recreation or transport).

14. The interchange and dissemination of information on the methods, possibilities and limitations of co-operatives in relation to agrarian reform should be encouraged by all possible means so that the experience acquired may be made available to the largest possible number of countries.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 127

**RECOMMENDATION CONCERNING THE MAXIMUM PERMISSIBLE
WEIGHT TO BE CARRIED BY ONE WORKER**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7th June 1967, and

Having decided upon the adoption of certain proposals with regard to maximum permissible weight to be carried by one worker, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Maximum Weight Convention, 1967,

adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven the following Recommendation, which may be cited as the Maximum Weight Recommendation, 1967:

I. DEFINITION AND SCOPE

1. For the purpose of this Recommendation—

- (a) the term "manual transport of loads" means any transport in which the weight of the load is wholly borne by one worker; it covers the lifting and putting down of loads;
- (b) the term "regular manual transport of loads" means any activity which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads;
- (c) the term "young worker" means a worker under 18 years of age.

2. Except as otherwise provided herein, this Recommendation applies both to regular and to occasional manual transport of loads other than light loads.

3. This Recommendation applies to all branches of economic activity.

II. GENERAL PRINCIPLE

4. No worker should be required or permitted to engage in the manual transport of a load which by reason of its weight is likely to jeopardize his health or safety.

III. TRAINING AND INSTRUCTIONS

5. (1) Any worker assigned to regular manual transport of loads should, prior to such assignment, receive adequate training or instruction in working techniques; with a view to safeguarding health and preventing accidents.

(2) Such training or instruction should include methods of lifting, carrying, putting down, unloading and stacking of different types of loads, and should be given by suitably qualified persons or institutions.

(3) Such training or instruction should, wherever practicable, be followed up by supervision on the job to ensure that the correct methods are used.

6. Any worker occasionally assigned to manual transport of loads should be given appropriate instructions on the manner in which such operations may be safely carried out.

IV. MEDICAL EXAMINATIONS

7. A medical examination for fitness for employment should, as far as practicable and appropriate, be required before assignment to regular manual transport of loads.

8. Further medical examinations should be made from time to time as necessary.

9. Regulations concerning the examinations provided for in Paragraphs 7 and 8 of this Recommendation should be made by the competent authority.

10. The examination provided for in Paragraph 7 of this Recommendation should be certified. The certificate should refer only to fitness for employment and should not contain medical data.

V. TECHNICAL DEVICES AND PACKAGING

11. In order to limit or to facilitate the manual transport of loads, suitable technical devices should be used as much as possible.

12. The packaging of loads which may be transported manually should be compact and of suitable material and should, as far as possible and appropriate, be equipped with devices for holding and so designed as not to create risk of injury; for example, it should not have sharp edges, projections or rough surfaces.

VI. MAXIMUM WEIGHT

13. In the application of this Part of this Recommendation, Members should take account of—

- (a) physiological characteristics, environmental conditions and the nature of the work to be done;
- (b) any other conditions which may influence the health and safety of the worker.

A. ADULT MALE WORKERS

14. Where the maximum permissible weight which may be transported manually by one adult male worker is more than 55 kg., measures should be taken as speedily as possible to reduce it to that level.

B. WOMEN WORKERS

15. Where adult women workers are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult male workers.

16. As far as possible, adult women workers should not be assigned to regular manual transport of loads.

17. Where adult women workers are assigned to regular manual transport of loads, provisions should be made—

- (a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;

(b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous.

18. No woman should be assigned to manual transport of loads during a pregnancy which has been medically determined or during the ten weeks following confinement if in the opinion of a qualified physician such work is likely to impair her health or that of her child.

C. YOUNG WORKERS

19. Where young workers are engaged in the manual transport of loads, the maximum weight of such loads should be substantially less than that permitted for adult workers of the same sex.

20. As far as possible, young workers should not be assigned to regular manual transport of loads.

21. Where the minimum age for assignment to manual transport of loads is less than 16 years, measures should be taken as speedily as possible to raise it to that level.

22. The minimum age for assignment to regular manual transport of loads should be raised, with a view to attaining a minimum age of 18 years.

23. Where young workers are assigned to regular manual transport of loads, provision should be made—

(a) as appropriate, to reduce the time spent on actual lifting, carrying and putting down of loads by such workers;

(b) to prohibit the assignment of such workers to certain specified jobs, comprised in manual transport of loads, which are especially arduous.

VII. OTHER MEASURES TO PROTECT HEALTH AND SAFETY

24. On the basis of medical opinion and taking account of all the relevant conditions of the work, the competent authority should endeavour to ensure that the exertion required in a working day or shift of workers assigned to manual transport of loads is not likely to jeopardize the health or safety of such workers.

25. Such appropriate devices and equipment as may be necessary to safeguard the health and safety of workers engaged in manual transport of loads should be provided or made available to such workers and should be used by them.

VIII. MISCELLANEOUS PROVISIONS

26. The training or instruction and the medical examination provided for in this Recommendation should not involve the worker in any expense.

27. The competent authority should actively promote scientific research, including ergonomic studies, concerning the manual transport of loads, with the object, *inter alia*, of—

(a) determining the relationship, if any, between occupational diseases and disorders and manual transport of loads; and

(b) minimizing the hazards to health and safety of workers engaged in the manual transport of loads.

28. Where methods of transportation of goods by pulling and pushing are prevalent with impose physical strain analogous to that involved in the manual transports of loads, the competent authority may give consideration to the application to such work of such provisions of this Recommendation as may be appropriate.

29: Each Member should, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organizations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of this Recommendation.

30. Members may permit exceptions to the application of particular provisions of this Recommendation, after consultation with the national inspection service and with the most representative organizations of employers and workers concerned, where the circumstances of the work or the nature of the loads require such exceptions; for every exception or category of exceptions the limits of the derogation should be specified.

31. Each Member should, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests as well as the authority responsible for the supervision of the application of these provisions.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-first Session which was held at Geneva and declared closed the twenty-ninth day of June 1967.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June 1967.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office:

INTERNATIONAL LABOUR CONFERENCE

Convention 127

**CONVENTION CONCERNING THE MAXIMUM PERMISSIBLE
WEIGHT TO BE CARRIED BY ONE WORKER**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7th June 1967, and

Having decided upon the adoption of certain proposals with regard to maximum permissible weight to be carried by one worker, which is the sixth item on the agenda of the session, and

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

adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven the following Convention, which may be cited as the Maximum Weight Convention, 1967:

Article 1

For the purpose of this Convention—

- (a) the term "manual transport of loads" means any transport in which the weight of the load is wholly borne by one worker; it covers the lifting and putting down of loads;
- (b) the term "regular manual transport of loads" means any activity which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads;
- (c) the term "young worker" means a worker under 18 years of age.

Article 2

1. This Convention applies to regular manual transport of loads.

2. This Convention applies to all branches of economic activity in respect of which the Member concerned maintains a system of labour inspection.

Article 3

No worker shall be required or permitted to engage in the manual transport of a load which, by reason of its weight, is likely to jeopardize his health or safety.

Article 4

In the application of the principle set forth in Article 3, Members shall take account of all the conditions in which the work is to be performed.

Article 5

Each Member shall take appropriate steps to ensure that any worker assigned to manual transport of loads other than light loads receives, prior to such assignment, adequate training or instruction in working techniques, with a view to safeguarding health and preventing accidents.

Article 6

In order to limit or to facilitate the manual transport of loads, suitable technical devices shall be used as much as possible.

Article 7

1. The assignment of women and young workers to manual transport of loads other than light loads shall be limited.

2. Where women and young workers are engaged in the manual transport of loads, the maximum weight of such loads shall be substantially less than that permitted for adult male workers.

Article 8

Each Member shall, by laws or regulations or any other method consistent with national practice and conditions and in consultation with the most representative organizations of employers and workers concerned, take such steps as may be necessary to give effect to the provisions of this Convention.

Article 9

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

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization 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.

Article 11

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 12

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

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

Article 13

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 14

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 15

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 11 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 16

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 Organization during its Fifty-first Session which was held at Geneva and declared closed the twenty-ninth day of June 1967.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June 1967.

The President of the Conference, G. TESEMMA.

The Director-General of the International Labour Office, DAVID A. MORSE.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office.

INTERNATIONAL LABOUR CONFERENCE

Convention 128

**CONVENTION CONCERNING INVALIDITY, OLD-AGE
AND SURVIVORS' BENEFITS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7th June 1967, and

Having decided upon the adoption of certain proposals with regard to the revision of the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933, which is the fourth item on the agenda of the session, and

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

adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven the following Convention, which may be cited as the Invalidity, Old-Age and Survivors' Benefits Convention, 1967:

PART I. GENERAL PROVISIONS

Article 1

In this Convention—

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "prescribed" means determined by or in virtue of national legislation;
- (c) the term "industrial undertaking" includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;
- (d) the term "residence" means ordinary residence in the territory of the Member, and the term "resident" means a person ordinarily resident in the territory of the Member;
- (e) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases;
- (f) the term "wife" means a wife who is dependent on her husband;
- (g) the term "widow" means a woman who was dependent on her husband at the time of his death;
- (h) the term "child" covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and

- (ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;
- (i) the term "qualifying period" means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (j) the terms "contributory benefits" and "non-contributory benefits" mean respectively benefits the grant of which depends or does not depend on direct financial participation by the persons protected or their employer or on a qualifying period of occupational activity.

Article 2

1. Each Member for which this Convention is in force shall comply with—
- Part I;
 - at least one of Parts II, III and IV;
 - the relevant provisions of Parts V and VI; and
 - Part VII.
2. Each Member shall specify in its ratification in respect of which of Parts II to IV it accepts the obligations of the Convention.

Article 3

1. 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 of Parts II to IV not already specified in its ratification.
2. The undertakings referred to in paragraph 1 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.

Article 4

1. A Member whose economy is insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in the following Articles: Article 9, paragraph 2; Article 13, paragraph 2; Article 16, paragraph 2; and Article 22, paragraph 2. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization a statement in respect of each exception of which it avails itself—

- that its reason for doing so subsists; or
- that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected as circumstances permit.

Article 5

Where, for the purpose of compliance with any of the Parts II to IV of this Convention which are to be covered by its ratification, a Member is required to

protect prescribed classes of persons constituting not less than a specified percentage of employees or of the whole economically active population, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

Article 6

For the purpose of compliance with Parts II, III or IV of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation for the persons to be protected—

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

PART II. INVALIDITY BENEFIT

Article 7

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 8

The contingency covered shall include incapacity to engage in any gainful activity, to an extent prescribed, which incapacity is likely to be permanent or persists after the termination of a prescribed period of temporary or initial incapacity.

Article 9

1. The persons protected shall comprise—

- (a) all employees, including apprentices; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or
- (c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.

2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise—

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees;
- (b) prescribed classes of employees in industrial undertakings constituting not less than 50 per cent of all employees in industrial undertakings.

Article 10

The invalidity benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

Article 11

1. The benefit specified in Article 10 shall, in a contingency covered, be secured at least—

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number or yearly number of contributions has been paid.

2. Where the invalidity benefit is conditional upon a minimum period of contribution, employment or residence, a reduced benefit shall be secured at least—

- (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution, employment or residence; or
- (b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whom, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected who has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

Article 12

The benefit specified in Articles 10 and 11 shall be granted throughout the contingency or until an old-age benefit becomes payable.

Article 13

1. Each Member for which this Part of this Convention is in force shall, under prescribed conditions—

- (a) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if

this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and

(b) take measures to further the placement of disabled persons in suitable employment.

2. Where a declaration made in virtue of Article 4 is in force, the Member may derogate from the provisions of paragraph 1 of this Article.

PART III. OLD-AGE BENEFIT

Article 14

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 15

1. The contingency covered shall be survival beyond a prescribed age.

2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to demographic, economic and social criteria, which shall be demonstrated statistically.

3. If the prescribed age is 65 years or higher, the age shall be lowered, under prescribed conditions, in respect of persons who have been engaged in occupations that are deemed by national legislation, for the purpose of old-age benefit, to be arduous or unhealthy

Article 16

1. The persons protected shall comprise—

(a) all employees, including apprentices; or

(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or

(c) all residents or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.

2. Where a declaration made in virtue of Article 4 is in force the persons protected shall comprise—

(a) prescribed classes of employees, constituting not less than 25 per cent of all employees; or

(b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings.

Article 17

The old-age benefit shall be a periodical payment calculated as follows:

(a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;

(b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

Article 18

1. The benefit specified in Article 17 shall, in a contingency covered, be secured at least—

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.

2. Where the old-age benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least—

(a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or

(b) where, in principle, all economically active persons are protected, to a person protected who has completed, prior to the contingency, a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half of the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment or five years of residence but is less than 30 years of contribution or employment or 20 years of residence; if such qualifying period exceeds 15 years of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

Article 19

The benefit specified in Articles 17 and 18 shall be granted throughout the contingency.

PART IV. SURVIVORS' BENEFIT

Article 20

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 21

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner.

2. In the case of a widow the right to a survivors' benefit may be made conditional on the attainment of a prescribed age. Such age shall not be higher than the age prescribed for old-age benefit.

3. No requirement as to age may be made if the widow—

(a) is invalid, as may be prescribed; or

(b) is caring for a dependent child of the deceased.

4. In order that a widow who is without a child may be entitled to a survivors' benefit, a minimum duration of marriage may be required.

Article 22

1. The persons protected shall comprise—

- (a) the wives, children and, as may be prescribed, other dependants of all breadwinners who were employees or apprentices; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 75 per cent of the whole economically active population; or
- (c) all widows, all children and all other prescribed dependants who have lost their breadwinner, who are residents and, as appropriate, whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the provisions of Article 28.

2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise—

- (a) the wives children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees, which classes constitute not less than 25 per cent of all employees; or
- (b) the wives, children and, as may be prescribed, other dependants of breadwinners in prescribed classes of employees in industrial undertakings, which classes constitute not less than 50 per cent of all employees in industrial undertakings.

Article 23

The survivors' benefit shall be a periodical payment calculated as follows:

- (a) where employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 26 or with the requirements of Article 27;
- (b) where all residents or all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 28.

Article 24

1. The benefits specified in Article 23 shall, in a contingency covered, be secured at least—

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or ten years of residence: Provided that, for a benefit payable to a widow, the completion of a prescribed qualifying period of residence by such widow may be required instead; or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number or the yearly number of contributions has been paid.

2. Where the survivors' benefit is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least—

- (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment: or
- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half of the yearly average number or of the yearly number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.

3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part V may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution, employment or residence but is less than 15 years of contribution or employment or ten years of residence; if such qualifying period is one of contribution or employment, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.

5. The requirements of paragraphs 1 and 2 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part V is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of contribution or employment which shall not be more than five years at a prescribed minimum age and may rise with advancing age to not more than a prescribed maximum number of years.

Article 25

The benefit specified in Articles 23 and 24 shall be granted throughout the contingency.

PART V. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 26

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this

Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of his Article, a skilled manual male employee shall be—
(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or

(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or

(d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any: where such rates differ by region but paragraph 7 of this Article is not applied, the median rate shall be taken.

Article 27

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be—
- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
 - (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended up to 1958 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

Article 28

In the case of a periodical payment to which this Article applies—

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 27;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent the total amounts of benefits which would be obtained by applying the provisions of Article 27 and the provisions of—
 - (i) Article 9, paragraph 1, subparagraph (b) for Part II;
 - (ii) Article 16, paragraph 1, subparagraph (b) for Part III;
 - (iii) Article 22, paragraph 1, subparagraph (b) for Part IV.

Article 29

1. The rates of cash benefits currently payable pursuant to Article 10, Article 17 and Article 23 shall be reviewed following substantial changes in the general level of earnings or substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization, and shall specify any action taken.

**SCHEDULED TO PART V:
PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES**

Part	Contingency	Standard beneficiary	Percentage
II	Invalidity	Man with wife and two children	50
III	Old age	Man with wife of pensionable age	45
IV	Death of breadwinner ..	Widow with two children ..	45

PART VI. COMMON PROVISIONS

Article 30

National legislation shall provide for the maintenance of rights in course of acquisition in respect of contributory invalidity, old-age and survivors' benefits under prescribed conditions.

Article 31

1. The payment of invalidity, old-age or survivors' benefit may be suspended, under prescribed conditions, where the beneficiary is engaged in gainful activity.

2. A contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary exceed a prescribed amount; the reduction in benefit shall not exceed the earnings.

3. A non-contributory invalidity, old-age or survivors' benefit may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 32

1. A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to IV of this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member, except, under prescribed conditions, in the case of a contributory benefit;
- (b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been wilfully caused by the serious misconduct of the person concerned;
- (f) in appropriate cases, where the person concerned, without good reason, neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and

(g) in the case of survivors' benefit for a widow, as long as she is living with a man as his wife.

2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 33

1. If a person protected is or would otherwise be eligible simultaneously for more than one of the benefits provided for in this Convention, these benefits may be reduced under prescribed conditions and within prescribed limits; the person protected shall receive in total at least the amount of the most favourable benefit.

2. If a person protected is or would otherwise be eligible for a benefit provided for in this Convention and is in receipt of another social security cash benefit for the same contingency, other than a family benefit, the benefit under this Convention may be reduced or suspended under prescribed conditions and within prescribed limits, subject to the part of the benefit which is reduced or suspended not exceeding the other benefit.

Article 34

1. Every claimant shall have a right of appeal in the case of refusal of benefit or complaint as to its quality or quantity.

2. Procedures shall be prescribed which permit the claimant to be represented or assisted, where appropriate, by a qualified person of his choice or by a delegate of an organization representative of persons protected.

Article 35

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 36

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

PART VII. MISCELLANEOUS PROVISIONS

Article 37

Any Member whose legislation protects employees may, as necessary, exclude from the application of this Convention—

(a) persons whose employment is of a casual nature;

(b) members of the employer's family living in his house, in respect of their work for him;

(c) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 38

1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who are not yet protected by its legislation at the time of the ratification.

2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the agricultural sector to the extent and with the speed that the circumstances permit.

Article 39

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

(a) seafarers, including sea fishermen,

(b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when calculating the percentages specified in paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 9; paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 16; paragraph 1, subparagraph (b), and paragraph 2, subparagraph (b), of Article 22; and subparagraph (c) of Article 37.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 40

If a person protected is entitled, under national legislation, in case of death of the breadwinner, to periodical benefits other than a survivors' benefit, such periodical benefits may be assimilated to the survivors' benefit for the application of this Convention.

Article 41

1. A Member which—

(a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and

(b) covers a percentage of the economically active population which is at least ten points higher than that required by Article 9, paragraph 1, subparagraph (b), Article 16, paragraph 1, subparagraph (b), and Article 22, paragraph 1, subparagraph (b), or complies with Article 9, paragraph 1, subparagraph

(c), Article 16, paragraph 1, subparagraph (c), and Article 22, paragraph 1, subparagraph (c), and

(c) secures in respect of at least two of the contingencies covered by Parts II, III and IV benefits of an amount corresponding to a percentage at least five points higher than the percentages specified in the Schedule appended to Part V,

may take advantage of the provisions of the following paragraph.

2. Such Member may—

(a) substitute, for the purposes of Article 11, paragraph 2, subparagraph (b), and Article 24, paragraph 2, subparagraph (b), a period of five years for the period of three years specified therein;

(b) determine the beneficiaries of survivors' benefits in a manner which is different from that required by Article 21, but which ensures that the total number of beneficiaries does not fall short of the number of beneficiaries which would result from the application of Article 21.

3. Each Member which has taken advantage of the provisions of paragraph 2 of this Article shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization the position of its law and practice as regards the matters dealt with in that paragraph and any progress made towards complete application of the terms of the Convention.

Article 42

1. A Member which—

(a) has accepted the obligations of this Convention in respect of Parts II, III and IV, and

(b) covers a percentage of the economically active population which is at least ten points higher than that required by Article 9, paragraph 1, subparagraph (b), Article 16, paragraph 1, subparagraph (b), and Article 22, paragraph 1, subparagraph (b), or complies with Article 9, paragraph 1, subparagraph (c), Article 16, paragraph 1, subparagraph (c), and Article 22, paragraph 1, subparagraph (c),

may derogate from particular provisions of Parts II, III and IV: on condition that the total amount of benefits paid under the Part concerned shall be at least equal to 110 per cent of the total amount which would be obtained by applying all the provisions of that Part.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Article 43

This Convention shall not apply to—

(a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;

(b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 44

1. This Convention revises, on the terms set forth in this Article, the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933.

2. The legal effect of the acceptance of the obligations of this Convention by a Member which is a party to one or more of the Conventions which have been revised, when this Convention shall have come into force, shall be as follows for that Members:

- (a) acceptance of the obligations of Part II of the Convention shall, *ipso jure*, involve the immediate denunciation of the Invalidity Insurance (Industry, etc.) Convention, 1933, and the Invalidity Insurance (Agriculture) Convention, 1933;
- (b) acceptance of the obligations of Part III of the Convention shall, *ipso jure*, involve the immediate denunciation of the Old-Age Insurance (Industry, etc.) Convention, 1933, and the Old-Age Insurance (Agriculture) Convention, 1933;
- (c) acceptance of the obligations of Part IV of the Convention shall, *ipso jure*, involve the immediate denunciation of the Survivors' Insurance (Industry, etc.) Convention, 1933, and the Survivors' Insurance (Agriculture) Convention, 1933.

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date which this Convention is binding on that Member and no declaration under Article 38 is in force.

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

Article 46

If any Convention which may be adopted subsequently 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 Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

PART VIII. FINAL PROVISIONS

Article 47

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

Article 48

1. This Convention shall be binding only upon those Members of the International Labour Organization 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.

Article 49

1. A Member which has ratified this Convention may, after the expiration of ten years from the date on which the Convention first comes into force, denounce the Convention or any one or more of Parts II to IV thereof 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 the Convention or any one or more of Parts II to IV thereof at the expiration of each period of ten years under the terms provided for in this Article.

Article 50

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

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

Article 51

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 52

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 53

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 49 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 54

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

International Standard Industrial Classification of all Economic Activities

(Revised up to 1958)

LIST OF DIVISIONS AND MAJOR GROUPS

Major group	Division
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Division 0. Agriculture, Forestry, Hunting and Fishing

01. Agriculture.
02. Forestry and logging.
03. Hunting, trapping and game propagation.
04. Fishing.

Division 1. Mining and Quarrying

11. Coal mining.
12. Metal mining.
13. Crude petroleum and natural gas.
14. Stone quarrying, clay and sand pits.
19. Other non-metallic mining and quarrying.

Divisions 2-3. Manufacturing

20. Food manufacturing industries, except beverage industries.
21. Beverage industries.
22. Tobacco manufacturers.
23. Manufacture of textiles.
24. Manufacture of footwear, other wearing apparel and made-up textile goods.
25. Manufacture of wood and cork, except manufacture of furniture.
26. Manufacture of furniture and fixtures.
27. Manufacture of paper and paper products.
28. Printing, publishing and allied industries.
29. Manufacture of leather, and leather and fur products, except footwear and other wearing apparel.
30. Manufacture of rubber products.
31. Manufacture of chemicals and chemical products.
32. Manufacture of products of petroleum and coal.
33. Manufacture of non-metallic mineral products, except products of petroleum and coal.
34. Basic metal industries.
35. Manufacture of metal products, except machinery and transport equipment.
36. Manufacture of machinery, except electrical machinery.
37. Manufacture of electrical machinery, apparatus, appliances and supplies.
38. Manufacture of transport equipment.
39. Miscellaneous manufacturing industries.

Division 4. Construction

40. Construction.

Division 5. Electricity, Gas, Water and Sanitary Services

51. Electricity, gas and steam.
52. Water and sanitary services.

Division 6. Commerce

- 61. Wholesale and retail trade.
- 62. Banks and other financial institutions.
- 63. Insurance.
- 64. Real estate.

Division 7. Transport, Storage and Communications

- 71. Transport.
- 72. Storage and warehousing.
- 73. Communications.

Division 8. Services

- 81. Government services.
- 82. Community services.
- 83. Business services.
- 84. Recreation services.
- 85. Personal services.

Division 9. Activities Not Adequately Described

- 90. Activities not adequately described.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 131**RECOMMENDATION CONCERNING INVALIDITY, OLD-AGE
AND SURVIVORS' BENEFITS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7th June 1967, and

Having decided upon the adoption of certain proposals with regard to the revision of the Old-Age Insurance (Industry, etc.) Convention, 1933, the Old-Age Insurance (Agriculture) Convention, 1933, the Invalidity Insurance (Industry, etc.) Convention, 1933, the Invalidity Insurance (Agriculture) Convention, 1933, the Survivors' Insurance (Industry, etc.) Convention, 1933 and the Survivors' Insurance (Agriculture) Convention, 1933, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Invalidity, Old-Age, and Survivors' Benefits Convention, 1967,

adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven the following Recommendation, which may be cited as the Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967:

I. GENERAL PROVISIONS

1. In this Recommendation—

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "prescribed" means determined by or in virtue of national legislation;
- (c) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases;
- (d) the term "wife" means a wife who is dependent on her husband;
- (e) the term "widow" means a woman who was dependent on her husband at the time of his death;
- (f) the term "child" covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) of this clause and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions;
- (g) the term "qualifying period" means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;

- (h) the term "contributory benefits" means benefits the grant of which depends on direct financial participation by the persons protected or their employer or on a qualifying period of occupational activity.

II. PERSONS PROTECTED

2. Members should extend the application of their legislation providing for invalidity and old-age benefits, by stages if necessary, and under appropriate conditions—

- (a) to persons whose employment is of a casual nature;
- (b) to all economically active persons.

3. Members should extend the application of their legislation providing for survivors' benefits, by stages if necessary, and under appropriate conditions, to the wives, children and, as may be prescribed, other dependants of—

- (a) persons whose employment is of a casual nature;
- (b) all economically active persons.

III. CONTINGENCIES COVERED

4. The definition of invalidity should take into account incapacity to engage in an activity involving substantial gain.

5. A reduced benefit should be provided in respect of partial invalidity, under prescribed conditions.

6. With a view to protecting persons who are over a prescribed age but have not attained pensionable age Members should provide benefits, under prescribed conditions for—

- (a) persons whose unfitness for work is established or presumed;
- (b) persons who have been involuntarily unemployed for a prescribed period; or
- (c) any other prescribed categories of persons for which such a measure is justified on social grounds.

7. The pensionable age should where appropriate be lowered, under prescribed conditions, in respect of any prescribed categories of persons for which such a measure is justified on social grounds.

8. A reduced old-age benefit should be payable under prescribed conditions to a person protected who, by reason only of his advanced age where the legislation giving effect to the Invalidity, Old-age and Survivors' Benefits Convention, 1967, comes into force, has not satisfied the qualifying conditions prescribed, unless a benefit in conformity with the provisions of paragraph 1, 3 or 4 of Article 18 of that Convention is secured to such person at an age higher than the normal pensionable age.

9. Where the widow's right to a survivors' benefit is conditional on the attainment of a prescribed age, a widow below that age should be given every assistance and all facilities, including training and placement facilities and the provision of benefit where appropriate, to enable her to obtain suitable employment.

10. A widow whose husband had fulfilled the prescribed qualifying conditions, but who does not herself fulfil the conditions for a survivors' benefit, should be entitled to an allowance for a specified period, or a lump-sum death benefit.

11. A contributory old-age benefit, or a contributory survivors' benefit payable to a widow, should not be suspended after a prescribed age solely because the person concerned is gainfully occupied.

12. An invalid and dependent widower should, under prescribed conditions, enjoy the same entitlements to survivors' benefit as a widow.

13. An invalidity benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules a qualifying period which may be five years of contribution, employment or residence.

14. The qualifying period for an invalidity benefit should be eliminated or reduced, under prescribed conditions, in the case of young workers who have not attained a prescribed age.

15. The qualifying period for an invalidity benefit should be eliminated or reduced, under prescribed conditions, where the invalidity is due to an accident.

16. An old-age benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 20 years of contribution or employment or 15 years of residence.

17. Where an old-age benefit is conditional upon a minimum period of contribution or employment, a reduced old-age benefit should be secured at least to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of ten years of contribution or employment.

18. Where an old-age benefit is conditional upon a minimum period of contribution or employment, the amount of the old-age benefit should be increased under prescribed conditions—

(a) where the grant of the benefit is conditional upon retirement from a prescribed gainful activity, if a person who has reached the pensionable age and has fulfilled the qualifying conditions of contribution or employment prescribed for a benefit defers his retirement;

(b) where the grant of an old-age benefit is not conditional upon retirement from a prescribed gainful activity, if a person who has reached the pensionable age and has fulfilled the qualifying conditions prescribed for a benefit defers his claim to benefit.

19. A survivors' benefit should be secured at least on the qualifying conditions provided for in Paragraph 13 of this Recommendation for an invalidity benefit.

20. Where the grant of invalidity, old-age and survivors' benefits depends on a period of contribution or employment, at least periods of incapacity due to sickness, accident or maternity and periods of involuntary unemployment, in respect of which benefit was paid, should be assimilated, under prescribed conditions, to periods of contribution or employment in calculating the qualifying period that has been fulfilled by the person concerned.

21. Where the grant of invalidity, old-age and survivors' benefits depends on a qualifying period of contribution or employment, periods of compulsory military services should be assimilated, under prescribed conditions, to periods of contribution or employment in calculating the qualifying period that has been fulfilled by the person concerned.

IV. BENEFITS

22. The percentages indicated in the Schedule appended to Part V of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967, should be increased by at least ten points.

23. National legislation should fix minimum amounts of invalidity, old-age and survivors' benefits, so as to ensure a minimum standard of living.

24. The amount of invalidity, old-age and survivors' benefits should be periodically adjusted taking account of changes in the general level of earnings or the cost of living.

25. Increments in benefits or supplementary or special benefits should be provided, under prescribed conditions, for pensioners requiring the constant help or attendance of another person.

26. Benefits to which a person protected would otherwise be entitled should not be suspended solely because the person concerned is absent from the territory of the Member.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 132

**RECOMMENDATION CONCERNING THE IMPROVEMENT
OF CONDITIONS OF LIFE AND WORK OF TENANTS,
SHARE-CROPPERS AND SIMILAR CATEGORIES
OF AGRICULTURAL WORKERS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-second Session on 5th June 1968, and

Having decided upon the adoption of certain proposals with regard to improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, and

Considering that these proposals constitute only one aspect of the problem of agrarian reform, and must be placed in that wider framework, and

Noting that the United Nations and the specialized agencies, in particular the International Labour Organization and the Food and Agriculture Organization of the United Nations, have been called upon in resolutions of the Economic and Social Council of the United Nations to devote greater attention to all aspects of land reform, and

Noting further that, for the success of action relating to the very varied aspects of agrarian reform, it is essential that close co-operation be maintained in their respective fields between the United Nations and the specialized agencies, and especially the Food and Agriculture Organization of the United Nations, whose major role regarding land reform has been recognized by the Economic and Social Council of the United Nations, and

Noting that the following standards have accordingly been framed in co-operation with the United Nations and the Food and Agriculture Organization of the United Nations and that, with a view to avoiding duplication and to ensuring appropriate co-ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Noting in particular that any reports submitted by Members in pursuance of Article 19 of the Constitution of the International Labour Organization would be made available to the United Nations and Food and Agriculture Organization of the United Nations to enable them to take account of such reports in their own work regarding land reform and for any reports on progress of land reform requested by the Economic and Social Council of the United Nations,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-eight the following Recommendation, which may be cited as the Tenants and Share-croppers Recommendation, 1968 :

I. SCOPE

1. (1) This Recommendation applies to agricultural workers—

- (a) who pay a fixed rent in cash, in kind, in labour, or in a combination of these,
- (b) who pay rent in kind consisting of an agreed share of the produce,
- (c) who are remunerated by a share of the produce, in so far as they are not covered by laws or regulations applicable to wage earners,

when they work the land themselves or with the help of their family, or when they engage outside help within limits prescribed by national laws or regulations.

(2) These workers are hereinafter referred to as "tenants, share-croppers and similar categories of agricultural workers".

2. This Recommendation does not apply to employment relationships in which work is remunerated by a fixed wage.

3. The provisions of this Recommendation which refer to "landowners" apply to any person with whom a worker covered thereby enters into a tenancy, share-cropping or similar arrangement, whether this person is the owner of the land, a representative of the owner of the land or any other person having the authority to enter into the contracts in question.

II. OBJECTIVES

4. It should be an objective of social and economic policy to promote a progressive and continuing increase in the well-being of tenants, share-croppers and similar categories of agricultural workers and to assure them the greatest possible degree of stability and security of work and livelihood, account being taken of the need to follow good farming techniques and to make efficient use of natural and economic resources, and regard being had to the financial capacity of the country concerned.

5. Members should, without prejudice to the essential rights of landowners, take appropriate measures so that tenants, share-croppers and similar categories of agricultural workers may themselves have the main responsibility for managing their holding; they should give them necessary assistance to that end while ensuring that the resources are used to the greatest advantage and are properly maintained.

6. In conformity with the general principle that agricultural workers of all categories should have access to land, measures should be taken, where appropriate to economic and social development, to facilitate the access of tenants, share-croppers and similar categories of agricultural workers to land.

7. The establishment and development, on a voluntary basis, of organizations representing the interests of tenants, share-croppers and similar categories of agricultural workers and of organizations representing the interests of landowners should be encouraged and every facility provided to that end.

8. It should be recognized that all the measures provided for in this Recommendation with a view of attaining the objectives set out in paragraphs 4 to 7 would be more effective if they were integrated in a comprehensive national agrarian reform plan.

III. METHODS OF IMPLEMENTATION

9. Where the foregoing objectives of policy, and in particular those set forth in paragraph 4, cannot be adequately attained on the basis of existing tenancy or labour legislation, such legislation should be amended or special laws or regulations should be adopted, after consultation with the organizations concerned or, where they do not exist, with representatives of those concerned.

10. Steps should be taken and procedures appropriate to national conditions established with a view to—

(a) ensuring that rent is at a level which—

(i) permits a standard of living for the occupant which is compatible with human dignity;

(ii) gives each of the parties concerned a just and equitable return;

(iii) promotes progressive husbandary;

(b) determining the minimum share of the produce to which the persons referred to in paragraph 1, subparagraph (1) (c), are entitled.

(c) making rent adjustments in certain circumstances such as substantial changes in yield, prices and value of land;

(d) postponing the payment of rent and, where circumstances so require, reducing it in case of crop failure or other disasters affecting the holding, due to natural causes which the tenant, share-cropper or agricultural worker in a similar category could not foresee or control.

11. Appropriate provision should be made for the protection of tenants, share-croppers and similar categories of agricultural workers against the imposition on them by landowners of the obligation to perform personal services in any form, paid or unpaid, and any attempts at such imposition should be subject to an appropriate penalty determined by the competent authority.

12. There should be appropriate machinery suited to national conditions for—

(a) the enforcement of laws, regulations, contracts and customary arrangements which promote the well-being, encourage the spirit of initiative and ensure the protection of tenants, share-croppers and similar categories of agricultural workers;

(b) the speedy settlement, with minimum expense, of disputes between landowners, on the one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other.

13. Organizations representing the interests of tenants, share-croppers and similar categories of agricultural workers and organizations representing the interests of landowners or, where they do not exist, representatives of those concerned should be associated with the working of the procedures and machinery referred to in paragraphs 10 and 12 and with the consideration of contracts referred to in paragraph 14, subparagraph (1) (a), and paragraph 15.

14. (1) Contracts governing the relationship between landowners, on the one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other—

(a) should preferably be in writing or should conform to a model contract established by the competent authority;

(b) should be agreed to in a prescribed manner and, in order to ensure that the tenant, share-cropper or agricultural worker in a similar category has fully understood the terms of the contract, under conditions which ensure adequate supervision by the competent authority;

(c) should be of such duration, with such provision for automatic renewal, as to provide security of tenure and to encourage good agricultural practices.

(2) The requirement by the landowner of any special fees or gifts, or of any other contribution, for the granting or the renewal of the contract should be prohibited and any attempt at such requirement should be subject to an appropriate penalty determined by the competent authority.

15. (1) Every contract should contain all such particulars as may be necessary in conjunction with relevant laws or regulations to define the rights and obligations of the parties.

(2) The particulars to be contained in the contract should in all cases include the following:

- (a) the names of the contracting parties and any other particulars necessary for their identifications;
- (b) the description of the holding together with an inventory;
- (c) the rent to be paid for the holding or the remuneration due for the labour of the occupant and the form of payment in either case.

(3) The particulars to be contained in the contract should also include the following, to the extent that they are not sufficiently provided for in national laws or regulations:

- (a) the duration of the contract and the method of calculating this duration;
- (b) provisions concerning the renewal and the termination of the contract and, as appropriate, the assignment of the contract, and sub-contracts;
- (c) determination of the types of repairs for which each of the parties concerned would be responsible;
- (d) the respective rights and obligations of the parties concerning the costs of production and the produce of the holding and its disposal;
- (e) the right to compensation for improvements made by the occupant during the currency of the contract, as envisaged in paragraph 17;
- (f) the right to compensation for disturbance in the case of termination of the contract by the landowner before its expiry, as envisaged in paragraph 16, subparagraph 4;
- (g) the respective rights and obligations of the parties concerning damage to buildings and equipment;
- (h) procedures for settlement of disputes;
- (i) provision concerning the case of the death of the occupant;
- (j) provision to protect the respective rights of the parties relating to minerals, water and other resources connected with the holding.

(4) Where appropriate, contracts should also contain the following particulars:

- (a) the methods of husbandry to be used to ensure the proper maintenance of the holding and its resources;
- (b) the facilities to be provided by the landowner, such as housing and other amenities;
- (c) the insurance to be carried against agricultural and other risks, and responsibility for the cost of such insurance.

16. (1) The right of the landowner to terminate the contract before its expiry, after giving due notice, should be limited to cases prescribed by laws or regulations, such as bad husbandry on the part of the occupant or resumption of the occupancy of the holding for justifiable purposes determined by the competent authority.

(2) Where a contract is so terminated, tenants, share-croppers and similar categories of agricultural workers should be given sufficient time to gather in their crops or be adequately compensated therefor, at their option.

(3) Tenants, share-croppers and similar categories of agricultural workers should be given notice in writing, sufficiently in advance, in the case of sale by the land-

owner; where they have satisfactorily cultivated the holding which they occupy for a prescribed number of years, they should have the right of pre-emption over that holding.

(4) Tenants, share-croppers and similar categories of agricultural workers should be entitled to compensation for disturbance in the case of termination of the contract by the landowner before its expiry for reasons other than failure to meet agreed commitments.

17. Tenants, share-croppers and similar categories of agricultural workers should have the right to make such improvements as may be necessary on the holding which they occupy, and should if, they obtain the prior approval of the landowner or of the competent authority to make such improvements, or in cases where these are authorized by law, be entitled to compensation for the unexhausted added value of such improvements on giving up the holding.

18. Where it is customary or necessary for the tenant, share-croppers and similar categories of agricultural workers to live on the holding, landowners should be encouraged to provide them with adequate housing conforming to standards compatible with human dignity with respect to such matters as protection against natural elements, provision of drinking water, sanitary installations and separate accommodation for animals. The competent authority should take such measures as may be appropriate and practicable to assist the landowners in this responsibility.

19. Where appropriate and in so far as this is not inherent in the nature of the contractual arrangement, tenants, share-croppers and similar categories of agricultural workers should be authorized to use some land for producing food for themselves and their families.

20. Appropriate steps should be taken within the framework of systems of public registration properly to record the rights of tenants, share-croppers and similar categories of agricultural workers, free of charge, and to maintain relevant entries up to date.

VI. COMPLEMENTARY MEASURES

21. Where appropriate, the competent authorities, in collaboration in so far as possible with the organizations concerned, should encourage, and give instruction in, the organization by tenants, share-croppers and similar categories of agricultural workers of co-operative institutions, such as production co-operatives, co-operatives for the processing of agricultural produce, credit co-operatives, marketing co-operatives and purchasing co-operatives, and the strengthening of such institutions where they already exist.

22. (1) Measures should be taken in the light of available national resources and conditions prevailing in the country to make adequate low-cost credit in cash and kind available to tenants, share-croppers and similar categories of agricultural workers so as, in particular, to—

- (a) contribute to raising levels of production and consumption;
- (b) promote access to land;
- (c) increase the effectiveness of agrarian reform and of land settlement projects.

(2) So far as practicable, the provision of such credit should be associated with approved supervised farm development and management schemes.

(3) Special consideration should be given in the light of national conditions to systems of—

- (a) low-cost co-operative credit;
- (b) supervised credit;

- (c) low-cost bank credit;
- (d) interest-free government loans.

(4) Tenants, share-croppers and similar categories of agricultural workers should not be required to obtain the authorization of landowners to obtain credit to be used for improving their holding.

23. (1) The competent authorities and bodies should take appropriate measures to ensure that general education as well as programmes of agricultural education and vocational training in agriculture are effectively available to tenants, share-croppers and similar categories of agricultural workers and their dependants.

(2) Where such persons are covered by agrarian reform or land settlement projects, special programmes of education and training should be developed to enable them to benefit fully therefrom.

(3) Representatives of agricultural organizations concerned should be associated with the work of governmental bodies responsible for the application of the provisions of this paragraph.

24. Particular attention should be paid by the competent authorities to integrated programmes for rural employment promotion so as to—

- (a) give tenants, share-croppers and similar categories of agricultural workers as well as their families, every opportunity of making fuller use of their capacity for work;
- (b) provide permanent non-agricultural employment for those unable to obtain employment in agriculture.

25. The competent authorities should ensure that tenants, share-croppers and similar categories of agricultural workers—

- (a) are covered in so far as practicable by appropriate and adequate social security schemes; and
- (b) benefit from programmes for rural development concerned with matters such as education, public health, housing and social services, including cultural and recreational activities, and, in particular, from the extension of community development programmes to them.

26. (1) Tenants share-croppers and similar categories of agricultural workers should be protected as far as possible and practicable against risks of loss in income resulting from natural calamities such as drought, floods, hail, fire and animal and plant diseases.

(2) Where appropriate and practicable, the competent authorities, after taking into account the situation in the country, should introduce or encourage insurance schemes to cover these workers against such risks and play a prominent role in financing them.

Recommendation 130

RECOMMENDATION CONCERNING THE EXAMINATION OF GRIEVANCES WITHIN THE UNDERTAKING WITH A VIEW TO THEIR SETTLEMENT

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first, Session on 7th June 1967, and

Noting the terms of existing international labour Recommendations dealing with various aspects of labour-management relations, and in particular the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Co-operation at the Level of the Undertaking Recommendation, 1952, and the Termination of Employment Recommendation, 1963, and

Considering that additional standards are called for, and

Noting the terms of the Communications within the Undertaking Recommendation, 1967, and

Having decided upon the adoption of certain proposals with regard to the examination of grievances within the undertaking, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-ninth day of June of the year one thousand nine hundred and sixty-seven the following Recommendation, which may be cited as the Examination of Grievances Recommendation, 1967:

I. METHODS OF IMPLEMENTATION

1. Effect may be given to this Recommendation through national laws, or regulations, collective agreements, works rules, or arbitration awards, or in such other manner consistent with national practice as may be appropriate under national conditions.

II. GENERAL PRINCIPLES

2. Any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right—

- (a) to submit such grievance without suffering any prejudice whatsoever as a result; and
- (b) to have such grievances examined pursuant to an appropriate procedure.

3. The grounds for a grievance may be any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith.

4. (1) The provisions of this Recommendation are not applicable to collective claims aimed at the modification of terms and conditions of employment.

(2) The determination of the distinction between cases in which a complaint submitted by one or more workers is a grievance to be examined under the procedure provided for in this Recommendation and cases in which a complaint is a general claim to be dealt with by means of collective bargaining or under some other procedure for settlement of disputes is a matter for national law or practice.

5. When procedures for the examination of grievances are established through collective agreements, the parties to such an agreement should be encouraged to include therein a provision to the effect that, during the period of its validity, they undertake to promote settlement of grievances under the procedures provided and to abstain from any action which might impede the effective functioning of these procedures.

6. Workers' organizations or the representatives of the workers in the undertaking should be associated, with equal rights and responsibilities, with the employers or their organizations, preferably by way of agreement, in the establishment and implementation of grievance procedures within the undertaking, in conformity with national law or practice.

7. (1) With a view to minimizing the number of grievances, the greatest attention should be given to the establishment and proper functioning of a sound personnel policy, which should take into account and respect the right and interest of the workers.

(2) In order to achieve such a policy and to solve social questions affecting the workers within the undertaking, management should, before taking a decision, co-operate with the workers' representatives.

8. As far as possible, grievance should be settled within the undertaking itself according to effective procedures which are adapted to the conditions of the country, branch of economic activity and undertaking concerned and which give the parties concerned every assurance of objectivity.

9. None of the provisions of this Recommendation should result in limiting the right of a worker to apply directly to the competent labour authority or to a labour court or other judicial authority in respect of a grievance, where such right is recognized under national laws or regulations.

III. PROCEDURES WITHIN THE UNDERTAKING

10. (1) As a general rule an attempt should initially be made to settle grievances directly between the worker affected, whether assisted or not, and his immediate supervisor.

(2) Where such attempt at settlement has failed or where the grievance is of such a nature that a direct discussion between the worker affected and his immediate supervisor would be inappropriate, the worker should be entitled to have his case considered at one or more higher steps, depending on the nature of the grievance and on the structure and size of the undertaking.

11. Grievance procedures should be so formulated and applied that there is a real possibility of achieving at each step provided for by the procedure a settlement of the case freely accepted by the worker and the employer.

12. Grievance procedures should be as uncomplicated and as rapid as possible, and appropriate time limits may be prescribed if necessary for this purpose; formality in the application of these procedures should be kept to a minimum.

13. (1) The worker concerned should have the right to participate directly in the grievance procedure and to be assisted or represented during the examination of his grievance by a representative of a workers' organization, by a representative of the workers in the undertaking or by any other person of his own choosing, in conformity with national law or practice.

(2) The employer should have the right to be assisted or represented by an employers' organization.

(3) Any person employed in the same undertaking who assists or represents the worker during the examination of his grievance should, on condition that he acts in conformity with the Grievance procedure, enjoy the same protection as that enjoyed by the worker under paragraph 2, clause (a), of this Recommendation.

14. The worker concerned, or his representative if the latter is employed in the same undertaking, should be allowed sufficient time to participate in the procedure for the examination of the grievance and should not suffer any loss of remuneration because of his absence from work as a result of such participation, account being taken of any rules and practices, including safeguards against abuses, which might be provided for by legislation collective agreements or other appropriate means.

15. If the parties consider it necessary, minutes of the proceedings may be drawn up in mutual agreement and be available to the parties.

16. (1) Appropriate measures should be taken to ensure that grievance procedures, as well as the rules and practices governing their operation and the conditions for having recourse to them, are brought to the knowledge of the workers.

(2) Any worker who has submitted a grievance should be kept informed of the steps being taken under the procedure and of the action taken on his grievance.

IV. ADJUSTMENT OF UNSETTLED GRIEVANCES

17. Where all efforts to settle the grievance within the undertaking have failed, there should be a possibility, account being taken of the nature of the grievance, for final settlement of such grievance through one or more of the following procedures:

- (a) procedures provided for by collective agreement, such as joint examination of the case by the employers' and workers' organizations concerned or voluntary arbitration by a person or persons designated with the agreement of the employer and worker concerned or their respective organizations;
- (b) conciliation or arbitration by the competent public authorities;
- (c) recourse to a labour court or other judicial authority;
- (d) any other procedure which may be appropriate under national conditions.

18. (1) The worker should be allowed the time off necessary to take part in the procedures referred to in paragraph 17 of this Recommendation.

(2) Recourse by the worker to any of the procedures provided for in paragraph 17 should not involve for him any loss of remuneration when his grievance is proved justified in the course of these procedures. Every effort should be made, where possible, for the operation of these procedures outside the working hours of the workers concerned.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-first Session which was held at Geneva and declared closed the twenty-ninth day of June 1967.

Recommendation No. 129

RECOMMENDATION CONCERNING COMMUNICATION BETWEEN MANAGEMENT AND WORKERS WITHIN THE UNDERTAKING

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-first Session on 7th June 1967, and

Noting the terms of the Co-operation at the Level of the Undertaking Recommendation, 1952, and

Considering that additional standards are called for, and

Having decided upon the adoption of certain proposals with regard to communications within the undertaking, which is included in the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of June of the year one thousand nine hundred and sixty-seven the following Recommendation, which may be cited as the Communications within the Undertaking Recommendation, 1967:

I. GENERAL CONSIDERATIONS

1. Each Member should take appropriate action to bring the provisions of this Recommendation to the attention of persons, organizations and authorities who may be concerned with the establishment and application of policies concerning communications between management and workers within undertakings.

2. (1) Employers and their organizations as well as workers and their organizations should, in their common interest, recognize the importance of a climate of mutual understanding and confidence within undertakings that is favourable both to the efficiency of the undertaking and to the aspirations of the workers.

(2) This climate should be promoted by the rapid dissemination and exchange of informations, as complete and objective as possible, relating to the various aspects of the life of the undertaking and to the social conditions of the workers.

(3) With a view to the development of such a climate management should, after consultation with workers' representatives, adopt appropriate measures to apply an effective policy of communication with the workers and their representatives.

3. An effective policy of communication should ensure that information is given and that consultation takes place between the parties concerned before decisions on matters of major interest are taken by management, in so far as disclosure of the information will not cause damage to either party.

4. The communication methods should in no way derogate from freedom of association; they should in no way cause prejudice to freely chosen workers' representatives or to their organizations or curtail the functions of bodies representative of the workers in conformity with national law and practice.

5. Employers' and workers' organizations should have mutual consultations and exchange of views in order to examine the measures to be taken with a view to encouraging and promoting the acceptance of communications policies and their effective application.

6. Steps should be taken to train those concerned in the use of communication methods and to make them, as far as possible, conversant with all the subjects in respect of which communication should take place.

7. In the establishment and application of a communications policy, management, employers' and workers' organizations, bodies representative of the workers and, where appropriate under national conditions, public authorities should be guided by the provisions of Part II below.

II. ELEMENTS FOR COMMUNICATIONS POLICY WITHIN THE UNDERTAKING

8. Any communications policy should be adopted to the nature of the undertaking concerned, account being taken of its size and of the composition and interests of the work force.

9. With a view to fulfilling its purpose, any communications system within the undertaking should be designed to ensure genuine and regular two-way communication—

(a) between representatives of management (head of the undertaking, department chiefs, foreman, etc.) and the workers; and

(b) between the head of the undertaking, the director of personnel or any other representative of top management and trade union representatives or such other persons as may, under national law or practice, or under collective agreements, have the task of representing the interests of the workers at the level of the undertaking.

10. Where the management desires to transmit information through workers' representatives, the latter, if they agree to do so, should be given the means to communicate such information rapidly and completely to the workers concerned.

11. Management should, in choosing the channel or channels of communication which it considers appropriate for the type of information to be transmitted, take due account of the difference in the nature of the functions of supervisions and workers' representatives so as not to weaken their respective positions.

12. The selection of the appropriate medium of communication, and its timing, should be on the basis of the circumstances of each particular situation, account being taken of national practice.

13. Media of communication may include—

(a) meetings for the purpose of exchanging views and information;

(b) media aimed at given groups of workers, such as supervisors' bulletins and personnel policy manuals;

(c) mass media such as house journals and magazines; news-letters and information and induction leaflets; notice-boards; annual or financial reports presented in a form understandable to all the workers; employee letters; exhibitions, plant visits, films, film-strips and slides; radio and television;

(d) media aimed at permitting workers to submit suggestions and to express their ideas on questions relating to the operation of the undertaking.

14. The information to be communicated and its presentation should be determined with a view to mutual understanding in regard to the problems posed by the complexity of the undertaking's activities.

15. (1) The information to be given by management should, account being taken of its nature, be addressed either to the workers' representatives or to the workers and should, as far as possible, include all matters of interest to the workers relating to the operation and future prospects of the undertaking and to the present and future situation of the workers, in so far as disclosure of the information will not cause damage to the parties.

(2) In particular, management should give information regarding—

- (a) general conditions of employment, including engagement, transfer and termination of employment;
- (b) job descriptions and the place of particular jobs within the structure of the undertaking;
- (c) possibilities of training and prospects of advancement within the undertaking;
- (d) general working conditions;
- (e) occupational safety and health regulations and instructions for the prevention of accidents and occupational diseases;
- (f) procedure for the examination of grievances as well as the rules and practices governing their operation and the conditions for having recourse to them;
- (g) personnel welfare services (medical care, health, canteens, housing, leisure, savings and banking facilities, etc.);
- (h) social security or social assistance schemes in the undertaking;
- (i) the regulations of national social security schemes to which the workers are subject by virtue of their employment in the undertaking;
- (j) the general situation of the undertaking and prospects or plans for its future development;
- (k) the explanation of decisions which are likely to affect directly or indirectly the situation of workers in the undertaking;
- (l) methods of consultation and discussion and co-operation between management and its representatives on the one hand and the workers and their representatives on the other.

(3) In the case of a question which has been the subject of negotiations between employer and the workers or their representatives in the undertaking or of a collective agreement concluded at a level beyond that of the undertaking, the information should make express reference thereto.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-first Session which was held at Geneva and declared closed the twenty-ninth day of June 1967.

Recommendation 133

RECOMMENDATION CONCERNING LABOUR INSPECTION IN AGRICULTURE

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4th June 1969, and

Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection (Agriculture) Convention, 1969,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Recommendation, which may be cited as the Labour Inspection (Agriculture) Recommendation, 1969:

1. Where national conditions permit, the functions of the labour inspectorate in agriculture should be enlarged so as to include collaboration with the competent technical services with a view to helping the agricultural producer, whatever his status, to improve his holding and the conditions of life and work of the persons working on it.

2. Subject to the provisions of Article 6, paragraph 3, of the Labour Inspection (Agriculture) Convention, 1969, the labour inspectorate in agriculture might be associated in the enforcement of legal provisions on such matters as—

- (a) training of workers;
- (b) social services in agriculture;
- (c) co-operatives;
- (d) compulsory school attendance.

3. (1) Normally, the functions of labour inspections in agriculture should not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

(2) Where no special bodies for this purpose exist in agriculture, labour inspectors in agriculture may be called upon as a temporary measure to act as conciliators.

(3) In the case provided for by subparagraph (2) of this paragraph, the competent authority should take measures in harmony with national law and compatible with the resources of the labour department of the country concerned with a view to relieving labour inspectors progressively of such functions, so that they are able to devote themselves to a greater extent to the actual inspection of undertakings.

4. Labour inspectors in agriculture should become familiar with conditions of life and work in agriculture and have knowledge of the economic and technical aspects of work in agriculture.

5. Candidates for senior positions in the labour inspectorate in agriculture should be in possession of appropriate professional or academic qualifications or have acquired thorough practical experience in labour administration.

6. Candidates for other positions in the labour inspectorate in agriculture (such as assistant inspectors and junior staff) should, if the level of education in the country allows, have completed secondary general education, supplemented, if possible, by appropriate technical training, or have acquired adequate administrative or practical experience in labour matters.

7. In countries where education is not sufficiently developed, persons appointed as labour inspectors in agriculture should at least have some practical experience in agriculture or show an interest in and have capacity for this type of work; they should be given adequate training on the job as rapidly as possible.

8. The central labour inspection authority should give labour inspectors in agriculture guidelines so as to ensure that they perform their duties throughout the country in a uniform manner.

9. The activity of labour inspectors in agriculture during the night should be limited to those matters which cannot be effectively controlled during the day.

10. The use in agriculture of committees for hygiene and safety which include representatives of employers and of workers might be one of the means of collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organizations where such exist.

11. The association of the labour inspectorate in agriculture in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety, provided for in Article 17 of the Labour Inspection (Agriculture) Convention, 1969, should include prior consultation with the labour inspectorate on—

- (a) the putting into operation of such plant, materials or substances, and methods; and
- (b) the plans of any plant in which dangerous machines or unhealthy or dangerous work processes are to be used.

12. Employers should provide the necessary facilities to labour inspectors in agriculture, including, where appropriate, the use of a room for interviews with persons working in the undertaking.

13. The annual report published by the central inspection authority might, in addition to the subjects listed in Article 27 of the Labour Inspection (Agriculture) Convention, 1969, deal with the following matters in so far as they are within the competence of the said authority:

- (a) statistics of labour disputes in agriculture;
- (b) identification of problems regarding application of the legal provisions, and progress made in solving them; and
- (c) suggestions for improving the conditions of life and work in agriculture.

14. (1) Members should undertake or promote education campaigns intended to inform the parties concerned, by all appropriate means, of the applicable legal provisions and the need to apply them strictly as well as of the dangers to the life or health of persons working in agricultural undertakings and of the most appropriate means of avoiding them.

- (2) Such campaign might, in the light of national conditions, include—
 - (a) use of the services of rural promoters or instructors;
 - (b) distribution of posters, pamphlets, periodicals and newspapers;
 - (c) organization of films shows, and radio and television broadcasts;

- (d) arrangements for exhibitions and practical demonstrations on hygiene and safety;
- (e) inclusion of hygiene and safety and other appropriate subjects in the teaching programmes of rural schools and agricultural schools;
- (f) organization of conferences for persons working in agriculture who are affected by the introduction of new working methods or of new materials or substances;
- (g) participation of labour inspectors in agriculture in workers' education programmes; and
- (h) arrangements for lectures, debates, seminars and competitions with prizes.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-third Session which was held at Geneva and declared closed the twenty-fifth day of June 1969.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1969.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office:

**CONVENTION CONCERNING MEDICAL CARE AND SICKNESS
BENEFITS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4th June 1969, and

Having decided upon the adoption of certain proposals with regard to the revision of the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927, 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-fifth day of June of the year one thousand nine hundred and sixty-nine the following Convention, which may be cited as the Medical Care and Sickness Benefits Convention, 1969:

PART I. GENERAL PROVISIONS

Article 1

In this Convention—

- (a) the term "legislation" includes any social security rules as well as laws and regulations;
- (b) the term "prescribed" means determined by or in virtue of national legislation;
- (c) the term "industrial undertaking" includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas and water; and transport, storage and communication;
- (d) the term "residence" means ordinary residence in the territory of the Member and the term "resident" means a person ordinarily resident in the territory of the Member;
- (e) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases;
- (f) the term "wife" means a wife who is dependent on her husband;
- (g) the term "child" covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher: Provided that a Member which has made a declaration under Article 2 may, while such declaration is in force, apply the Convention as if the term covered a child under school-leaving age or under 15 years of age; and
 - (ii) a child under a prescribed age higher than that specified in clause (i) of this subparagraph and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in clause (i) of this subparagraph;

- (h) the term "standard beneficiary" means a man with a wife and two children;
- (i) the term "qualifying period" means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (j) the term "sickness" means any morbid condition, whatever its cause;
- (k) the term "medical care" includes allied benefits.

Article 2

1. A Member whose economy and medical facilities are insufficiently developed may avail itself, by a declaration accompanying its ratification, of the temporary exceptions provided for in Article 1, subparagraph (g), clause (i); Article 11; Article 14; Article 20; and Article 26, paragraph 2. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization a statement in respect of each exception of which it avails itself—

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the exception in question as from a stated date.

3. Each Member which has made a declaration under paragraph 1 of this Article shall, as appropriate to the terms of such declaration and as circumstances permit—

- (a) increase the number of persons protected;
- (b) extend the range of medical care provided;
- (c) extend the duration of sickness benefit.

Article 3

1. Any Member whose legislation protects employees may, by a declaration accompanying its ratification, temporarily exclude from the application of this Convention the employees in the sector comprising agricultural occupations who, at the time of the ratification, are not yet protected by legislation which is in conformity with the standards of this Convention.

2. Each Member which has made a declaration under paragraph 1 of this Article shall indicate in its reports upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization to what extent effect is given and what effect is proposed to be given to the provisions of the Convention in respect of the employees in the sector comprising agricultural occupations and any progress which may have been made with a view to the application of the Convention to such employees or, where there is no change to report, shall furnish all the appropriate explanations.

3. Each Member which has made a declaration under paragraph 1 of this Article shall increase the number of employees protected in the sector comprising agricultural occupations to the extent and with the speed that the circumstances permit.

Article 4

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

- (a) seafarers, including sea fishermen,
- (b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may—

- (a) exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of persons taken into account when calculating the percentages specified in Article 5, subparagraph (c); Article 10, subparagraph (b); Article 11; Article 19, subparagraph (b); and Article 20;
- (b) exclude the persons belonging to category or categories excluded from the application of the Convention, as well as the wives and children of such persons, from the number of persons taken into account when calculating the percentage specified in Article 10, subparagraph (c).

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

Article 5

Any Member whose legislation protects employees may, as necessary, exclude from the application of this Convention—

- (a) persons whose employment is of a casual nature;
- (b) members of the employer's family living in his house, in respect of their work for him;
- (c) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under subparagraphs (a) and (b) of this Article.

Article 6

For the purpose of compliance with this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by its legislation at the time of ratification for the persons to be protected—

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial proportion of the persons whose earnings do not exceed those of the skilled manual male employee defined in Article 22, paragraph 6; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the provisions of the Convention.

Article 7

The contingencies covered shall include—

- (a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature;
- (b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.

PART II. MEDICAL CARE

Article 8

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 9

The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 10

The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise—

- (a) all employees, including apprentices, and the wives and children of such employees; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or
- (c) prescribed classes of residents constituting not less than 75 per cent of all residents.

Article 11

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise—

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees, and the wives and children of employees in the said classes; or
- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings, and the wives and children of employees in the said classes.

Article 12

Persons who are in receipt of a social security benefit for invalidity, old-age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.

Article 13

The medical care referred to in Article 8 shall comprise at least—

- (a) general practitioner care, including domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;
- (d) hospitalization where necessary;
- (e) dental care, as prescribed; and
- (f) medical rehabilitation, including the supply, maintenance and renewal of prosthetic and orthopaedic appliances, as prescribed.

Article 14

Where a declaration made in virtue of Article 2 is in force, the medical care referred to in Article 8 shall comprise at least—

- (a) general practitioner care, including wherever possible, domiciliary visiting;
- (b) specialist care at hospitals for in-patients and out-patients, and, wherever possible, such specialist care as may be available outside hospitals;

- (c) the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners; and
- (d) hospitalization where necessary.

Article 15

Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 16

1. The medical care referred to in Article 8 shall be provided throughout the contingency.

2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.

3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognized as entailing prolonged care.

Article 17

Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.

PART III. SICKNESS BENEFIT

Article 18

Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.

Article 19

The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise—

- (a) all employees, including apprentices; or
- (b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.

Article 20

Where a declaration made in virtue of Article 2 is in force, the persons protected in respect of the contingency referred to in subparagraph (b) of Article 7 shall comprise—

- (a) prescribed classes of employees, constituting not less than 25 per cent of all employees; or

- (b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings.

Article 21

The sickness benefit referred to in Article 18 shall be a periodical payment and shall—

- (a) where employees or classes of the economically active population are protected be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24.

Article 22

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the previous earnings of the beneficiary and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary shall be calculated according to prescribed rules, and, where the persons protected are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be—

- (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
- (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
- (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
- (d) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male

persons protected in the contingency referred to in subparagraph (b) of Article 7 in the provision comprising the largest number of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The Wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

Article 23

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, at least 60 per cent of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be—
- (a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
 - (b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency referred to in subparagraph (b) of Article 7 in the division comprising the largest number of such persons; for this purpose, the International Standard Industrial Classification of All Economic Activities adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27th August 1948, as amended up to 1968 and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national legislation, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

Article 24

In the case of a periodical payment to which this Article applies—

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 23;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of sickness benefits paid under this Convention exceeds by at least 30 per cent the total amount of benefits which would be obtained by applying the provisions of Article 23 and the provisions of subparagraph (b) of Article 19.

Article 25

Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.

Article 26

1. The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.

2. Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.

3. Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.

Article 27

1. In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.

2. A member may derogate from the provision of paragraph 1 of this Article where—

- (a) it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;
- (b) it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and
- (c) the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.

PART IV. COMMON PROVISIONS

Article 28

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed—

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;
- (c) where the person concerned has made a fraudulent claim;
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;
- (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;
- (f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (g) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and
- (h) in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.

2. In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.

Article 29

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

Article 30

1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.

Article 31

Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature—

(a) representatives of the persons protected shall participate in the management under prescribed conditions;

- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.

Article 32

Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.

Article 33

1. A Member—

- (a) which has accepted the obligations of this Convention without availing itself of the exceptions and exclusions provided for in Article 2 and Article 3,
- (b) which provides over-all higher benefits than those provided in this Convention and whose total relevant expenditure on medical care and sickness benefits amounts to at least 4 per cent of its national income, and
- (c) which satisfies at least two of the three following conditions:
 - (i) it covers a percentage of the economically active population which is at least ten points higher than the percentage required by Article 10, subparagraph (b) and by Article 19, subparagraph (b), or a percentage of all residents which is at least ten points higher than the percentage required by Article 10, subparagraph (c),
 - (ii) it provides medical care of a curative and preventive nature of an appreciably higher standard than that prescribed by Article 13,
 - (iii) it provides sickness benefit corresponding to a percentage at least ten points higher than is required by Article 22 and 23,

may, after consultation with the most representative organization of employers and workers, where such exist, make temporary derogations from particular provisions of Parts II and III of this Convention on condition that such derogation shall neither fundamentally reduce nor impair the essential guarantees of this Convention.

2. Each Member which has made such a derogation shall indicate in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization the position of its law and practice as regards such derogation and any progress made towards complete application of the terms of the Convention.

Article 34

This Convention shall not apply to—

- (a) contingencies which occurred before the coming into force of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

PART V. FINAL PROVISIONS

Article 35

¹ This Convention revises the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927.

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

Article 37

If any Convention which may be adopted subsequently 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 Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

Article 38

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

Article 39

1. This Convention shall be binding only upon those Members of the International Labour Organization 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.

Article 40

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 41

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

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

Article 42

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 43

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 44

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 40 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 45

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

ANNEX

International Standard Industrial Classification of All Economic Activities (Revised up to 1968)

LIST OF MAJOR DIVISIONS, DIVISIONS AND MAJOR GROUPS

Division	Major group
	<i>Major Division 1. Agriculture, Hunting, Forestry and Fishing</i>
11	Agriculture and Hunting.
	111 Agricultural and livestock production.
	112 Agricultural services.
	113 Hunting, trapping and game propagation.
12	Forestry and logging.
	121 Forestry.
	122 Logging.
13	Fishing.
	<i>Major Division 2. Mining and Quarrying</i>
21	210 Coal mining.
22	220 Crude petroleum and natural gas production.
23	230 Metal ore mining
29	290 Other mining.

Division Major group

Major Division 3. Manufacturing

31		Manufacture of food, beverages and tobacco.
	311-312	Food manufacturing.
	313	Beverage industries.
	314	Tobacco manufactures.
32		Textile, wearing apparel and leather industries.
	321	Manufacture of textiles.
	322	Manufacture of wearing apparel, except footwear.
	323	Manufacture of leather and products of leather, leather substitutes and fur, except footwear and wearing apparel.
	324	Manufacture of footwear, except vulcanized or moulded rubber or plastic footwear.
33		Manufacture of wood and wood products, including furniture.
	331	Manufacture of wood and wood and cork products, except furniture.
	332	Manufacture of furniture and fixtures, except primarily of metal.
34		Manufacture of paper and paper products, printing and publishing.
	341	Manufacture of paper and paper products.
	342	Printing, publishing and allied industries.
35		Manufacture of chemicals and chemical, petroleum, coal, rubber and plastic products.
	351	Manufacture of industrial chemicals.
	352	Manufacture of other chemical products.
	353	Petroleum refineries.
	354	Manufacture of miscellaneous products of petroleum and coal.
	355	Manufacture of rubber products.
	356	Manufacture of plastic products not elsewhere classified.
36		Manufacture of non-metallic mineral products, except products of petroleum and coal.
	361	Manufacture of pottery, china and earthenware.
	362	Manufacture of glass and glass products.
	369	Manufacture of other non-metallic mineral products.
37		Basic metal industries.
	371	Iron and steel basic industries.
	372	Non-ferrous metal basic industries.
38		Manufacture of fabricated metal products, machinery and equipment.
	381	Manufacture of fabricated metal products, except machinery and equipment.
	382	Manufacture of machinery except electrical.
	383	Manufacture of electrical machinery apparatus, appliances and supplies.
	384	Manufacture of transport equipment.
	385	Manufacture of professional and scientific and measuring and controlling equipment not elsewhere classified, and of photographic and optical goods.
39	390	Other manufacturing industries.

Major Division 4. Electricity, Gas and Water

41	410	Electricity, gas and steam.
42	420	Water works and supply.

Major Division 5. Construction

50	500	Construction.
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Major Division 6. Wholesale and Retail Trade and Restaurants and Hotels

61	610	Wholesale trade.
62	620	Retail trade.
63		Restaurants and hotels.
	631	Restaurants, cafés and other eating and drinking places.
	632	Hotels, rooming houses, camps and other lodging places.

Major Division 7. Transport, Storage and Communication

71		Transport and storage.
	711	Land transport.
	712	Water transport.
	713	Air transport.
	719	Services allied to transport.
72	720	Communication.

Major Division 8. Financing, Insurance, Real Estate and Business Services

81	810	Financial Institutions.
82	820	Insurance.

Division Major group

83		Real estate and business services.
	831	Real estate.
	832	Business services except machinery and equipment rental and leasing.
	833	Machinery and equipment rental and leasing.

Major Division 9. Community, Social and Personal Services

91	910	Public Administration and Defence.
92	920	Sanitary and similar services.
93		Social and related community services.
	931	Education services.
	932	Research and scientific institutes.
	933	Medical, dental, other health and veterinary services.
	934	Welfare institutions.
	935	Business, professional and labour associations.
	939	Other social and related community services.
94		Recreational and cultural services.
	941	Motion picture and other entertainment services.
	942	Libraries, museums, botanical and zoological gardens, and other cultural services not elsewhere classified.
	949	Amusement and recreational services not elsewhere classified.
95		Personal and household services.
	951	Repair services not elsewhere classified.
	952	Laundries, laundry services, and cleaning and dyeing plants.
	953	Domestic services.
	959	Miscellaneous personal services.
96	960	International and other extra-territorial bodies.

Major Division 0. Activities Not Adequately Defined

0	000	Activities not adequately defined.
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The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Fifty-third Session which was held at Geneva and declared closed the twenty-fifth day of June 1969.

IN FAITH WHEREOF we have appended our signature this twenty-fifth day of June 1969.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office :

Recommendation 134

RECOMMENDATION CONCERNING MEDICAL CARE AND SICKNESS BENEFITS

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-third Session on 4th June 1969, and

Having decided upon the adoption of certain proposals with regard to the revision of the Sickness Insurance (Industry) Convention, 1927, and the Sickness Insurance (Agriculture) Convention, 1927, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Medical Care and Sickness Benefits Convention, 1969,

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Recommendation, which may be cited as the Medical Care and Sickness Benefits Recommendation, 1969:

1. In this Recommendation—

- (a) the term “legislation” includes any social security rules as well as laws and regulations;
- (b) the term “prescribed” means determined by or in virtue of national legislation;
- (c) the term “residence” means ordinary residence in the territory of the Member and the term “resident” means a person ordinarily resident in the territory of the Member;
- (d) the term “dependent” refers to a state of dependency which is presumed to exist in prescribed cases;
- (e) the term “wife” means a wife who is dependent on her husband;
- (f) the term “child” covers—
 - (i) a child under school-leaving age or under 15 years of age, whichever is the higher; and
 - (ii) a child under a prescribed age higher than that specified in subclause (i) of this clause and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, under prescribed conditions;
- (g) the term “qualifying period” means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed;
- (h) the term “sickness” means any morbid condition, whatever its cause;
- (i) the term “medical care” includes allied benefits.

2. Members should extend the application of their legislation providing for the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, by stages, if necessary, and under appropriate conditions—

- (a) to persons whose employment is of a casual nature;
- (b) to members of the employer's family living in his house, in respect of their work for him;
- (c) to all economically active persons;

(d) to the wives and children of the persons specified in clauses (a) to (c) of this paragraph; and

(e) to all residents.

3. The medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should include—

(a) the supply of medical aids, such as eyeglasses; and

(b) services for convalescents.

4. The right to the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should not be made subject to a qualifying period.

5. Where a beneficiary ceases to belong to the categories of persons protected, the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969, should be provided throughout the contingency for a case of sickness which started while he belonged to the said categories.

6. Under prescribed conditions, benefits provided for in Parts II and III of the Medical Care and Sickness Benefits Convention, 1969, should continue to be provided to a person protected who is temporarily absent from the territory of the Member.

7. A beneficiary or, where appropriate, his breadwinner should not be required to share in the cost of the medical care referred to in Article 8 of the Medical Care and Sickness Benefits Convention, 1969—

(a) if his means do not exceed prescribed amounts;

(b) in respect of diseases recognized as entailing prolonged care.

8. A person protected for sickness benefits should be granted a cash benefit in cases of absence from work involving loss of earnings which is justified on the ground that—

(a) he is required to undergo curative or preventive medical care;

(b) he is isolated for the purpose of quarantine;

(c) he is placed under medical supervision for the purpose of rehabilitation; or

(d) he is on convalescent leave.

9. A reasonable opportunity to obtain necessary medical treatment during normal working hours should be afforded to a person protected who suffers from a sickness which does not fully incapacitate him from attending to his normal work.

10. Appropriate provision should be made to help a person protected who is economically active and who has to care for a sick dependant.

11. Members should extend the application of their legislation providing for the sickness benefit referred to in Article 18 of the Medical Care and Sickness Benefits Convention, 1969, by stages, if necessary, and under appropriate conditions—

(a) to persons whose employment is of a casual nature;

(b) to members of the employer's family living in his house, in respect of their work for him; and

(c) to all economically active persons.

12. The percentage specified in Article 22, paragraph 1, and Article 23, paragraph 1, of the Medical Care and Sickness Benefits Convention, 1969, should be increased by at least 6½ points.

13. Cash benefit in respect of incapacity for work resulting from a sickness and involving suspension of earnings should be paid throughout the contingency.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-third Session which was held at Geneva and declared closed the twenty-fifth day of June 1969.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1969.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

for the Director-General of the International Labour Office: