

June 24, 1958

**CONVENTION (NO. 110) CONCERNING CONDITIONS OF
EMPLOYMENT OF PLANTATION WORKERS. ADOPTED BY THE
GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR
ORGANISATION AT ITS FORTY-SECOND SESSION**

INTERNATIONAL LABOR ORGANIZATION

**CONVENTION (NO. 110) CONCERNING CONDITIONS OF EMPLOYMENT OF
PLANTATION WORKERS**

Convention adopted by the General Conferenee of the International Labour Organisation at its forty-second session, Geneva 24 June 1958; Ratified by the Philippines 10 October 1968 to take effect 10 April 1969; Entered into force 22 January 1960, and for the Philippines 10 April 1969,

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

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

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

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

PART I. GENERAL PROVISIONS

ARTICLE 1

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

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

(a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;

(b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations; and shall indicate the action taken in its annual reports upon the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.^[1]

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

ARTICLE 2

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

ARTICLE 3

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

(a) shall comply with —

(i) Part I

(ii) Parts IV, IX and XI;

(iii) at least two of Parts II, III, V, VI, VII, VIII, X, XII and XIII; and

(iv) Part XIV;

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

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

3. Each Member which has ratified the Convention, but has excluded any Part or Parts thereof under the provisions of the preceding paragraphs, may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of any Part or Parts so excluded; such undertakings shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

ARTICLE 4

In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom

or agreement which ensures more favourable conditions to the workers concerned than those provided for by the Convention.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

ARTICLE 5

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

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

ARTICLE 9

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

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

ARTICLE 10

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

ARTICLE 11

1. Every recruited worker shall be medically examined.
2. Where the worker has been recruited for employment at a distance from the place of recruiting, or has been recruited in one territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.
3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 9 to authorise the departure prior to medical examination of workers in whose case they are satisfied—
 - {a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
 - (b) that the worker is fit for the journey and the prospective employment; and
 - (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.
4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.
5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

ARTICLE 12

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.
2. The competent authority shall take all necessary measures to ensure—
 - (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not over-crowded;
 - (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
 - (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers,
3. When recruited workers have to make long journeys on foot to the place of employment the competent authority shall take all necessary measures to ensure—
 - (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
 - (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on

main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

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

ARTICLE 13

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

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

ARTICLE 14

Any recruited worker who—

(a) becomes incapacitated by sickness or accident during journey to the place of employment,

(b) is found on medical examination to be unfit for employment,

(c) is not engaged after recruiting for a reason for which he is not responsible, or

(d) is found by the competent authority to have been recruited by misrepresentation or mistake, shall be repatriated at the expense of the recruiter or employer.

ARTICLE 15

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

(a) Articles 12 and 13 of this Convention shall apply to such families;

(b) in the event of the worker being repatriated in virtue of Article 14, his family shall also be repatriated; and

(c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

ARTICLE 16

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

ARTICLE 17