

No. 2898

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 85) concerning Labour Inspectorates in Non-Metropolitan Territories. Adopted by the General Conference of the International Labour Organisation at its thirtieth session, Geneva, 11 July 1947

Official texts: English and French.

Registered by the International Labour Organisation on 1 September 1955.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 85) concernant l'inspection du travail dans les territoires non métropolitains. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa trentième session, Genève, 11 juillet 1947

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 1^{er} septembre 1955

No. 2898. CONVENTION¹ (No. 85) CONCERNING LABOUR INSPECTORATES IN NON-METROPOLITAN TERRITORIES. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS THIRTIETH SESSION, GENEVA, 11 JULY 1947

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

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

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

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

Article 1

Labour inspection services complying with the requirements of Articles 2 to 5 of this Convention shall be maintained in non-metropolitan territories.

Article 2

Labour inspection services shall consist of suitably trained inspectors.

¹ In accordance with article 11, the Convention came into force on 26 July 1955, twelve months after the date on which the ratifications of two members of the International Labour Organisation had been registered with the Director-General of the International Labour Office. Thereafter, the Convention comes into force for any member twelve months after the date on which its ratification has been registered.

The ratification of the following members have been registered with the Director-General on the dates indicated :

United Kingdom of Great Britain and Northern Ireland	27 March 1950
France	26 July 1954
Australia	30 September 1954
Belgium	27 January 1955

(For declarations concerning the application of this Convention to non-metropolitan territories, see p. 46 of this volume.)

Article 3

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

Article 4

1. Inspectors appointed by the competent authority and provided with credentials shall be required to inspect conditions of employment at frequent intervals.

2. Inspectors shall be authorised by law to exercise the following powers for the purpose of carrying out their duties—

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

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

Article 5

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

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

Article 6

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946,¹ other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

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

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

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

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 12, 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.

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