CONVENȚIA Nr. 117
PRIVIND OBIECTIVELE ȘI NORMELE DE BAZĂ ALE POLITICII SOCIALE*

ADOPTATĂ LA GENEVA LA 22 IUNIE 1962

CONVENTION No. 117
CONCERNING THE BASIC AIMS AND STANDARDS OF SOCIAL POLICY

ADOPTED AT GENEVA ON JUNE 22, 1962

*În vigoare pentru Republica Moldova din 12 august 1997

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-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals concerning the revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, which is the tenth item on the agenda of the session, primarily with a view to making its continued application and ratification possible for independent States, and

Considering that these proposals must take the form of an international Convention, and

Considering that economic development must serve as a basis for social progress, and

Considering that every effort should be made, on an international, regional or national basis, to secure financial and technical assistance safeguarding the interests of the population, and

Considering that, in appropriate cases, international, regional or national action should be taken with a view to establishing conditions of trade which would encourage production at a high level of efficiency and make possible the maintenance of a reasonable standard of living, and that all possible steps should be taken by appropriate international, regional and national measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production, and

Considering that all possible steps should be taken effectively to interest and associate the population in the framing and execution of measures of social progress,

adopts the twenty-second day of June of the year one thousand nine hundred and sixty-two, the following Convention, which may be cited as *the Social Policy (Basic Aims and Standards) Convention, 1962.*

PART I

GENERAL PRINCIPLES

Article 1

1. All policies shall be primarily directed to the well-being and development of the population and to the promotion of its desire for social progress.

2. All policies of more general application shall be formulated with due regard to their effect upon the well-being of the population.

PART II

IMPROVEMENT OF STANDARDS OF LIVING

Article 2

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

Article 3

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

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

(a) close study of the causes and effect of migratory movements and appropriate action where necessary;

(b) the promotion of town and village planning in areas where economic needs result in the concentration of population;

(c) the prevention and elimination of congestion in urban areas;

(d) the improvement of living conditions in rural areas and the establishment of suitable industries in rural areas where adequate manpower is available.

Article 4

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

(a) the elimination to the fullest practicable extent of the causes of chronic indebtedness;

(b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interests of the country;

(c) the control, by the enforcement of adequate laws or regulations, of the ownership and use of land resources to ensure that they are used, with due regard to customary rights, in the best interests of the inhabitants of the country;

(d) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels;

(e) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers co-operatives.

Article 5

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

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

PART III

PROVISIONS CONCERNING MIGRANT WORKERS

Article 6

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

Article 7

Where the labour resources of one area are used on a temporary basis

for the benefit of another area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the area of labour supply.

Article 8

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

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

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

Article 9

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

PART IV

REMUNERATION OF WORKERS AND RELATED QUESTIONS

Article 10

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

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

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

4. A worker to whom minimum rates are applicable and who, since they became applicable, has been paid wages at less than these rates shall be entitled to recover, by judicial or other means authorised by law, the amount by which he has been underpaid, subject to such limitation of time as may be determined by law or regulation.

Article 11

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

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

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

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

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

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

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

8. All practicable measures shall be taken—

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

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

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

Article 12

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

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

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

Article 13

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

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

Article 14

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

(a) labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the country;

(b) admission to public or private employment;

(c) conditions of engagement and promotion;

(d) opportunities for vocational training;

(e) conditions of work;

(f) health, safety and welfare measures;

(g) discipline;

(h) participation in the negotiation of collective agreements;

(i) wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking.

2. All practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

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

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

PART V

EDUCATION AND TRAINING

Article 15

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

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

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

Article 16

1. In order to secure high productivity through the development of skilled labour, training in new techniques of production shall be provided in suitable cases.

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

PART VI

FINAL PROVISIONS

Article 17

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

Article 18

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

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

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

Article 19

The coming into force of this Convention shall not involve the ipso jure denunciation of the Social Policy (Non-Metropolitan Territories) Convention, 1947, by any Member for which that Convention continues to remain in force, nor shall it close that Convention to further ratification.

Article 20

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 should 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 21

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

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

Article 22

The Director-General of the International Labour Office shall communi-

cate 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 23

At such times as 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 24

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 20 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 25

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