

LEAGUE OF NATIONS

INTERNATIONAL LABOUR CONFERENCE

SIXTEENTH SESSION

GENEVA, 1932

SUMMARY OF ANNUAL REPORTS UNDER ARTICLE 408.



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INTRODUCTION.

Article 408 of the Treaty of Peace of Versailles, and the corresponding Articles of the other Treaties of Peace, read as follows:

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

This Article, the first of the series (Articles 408-420) having as their object to secure effective and uniform application of the Conventions adopted by the International Labour Conference, involves three distinct obligations: (1) an obligation on the Members to make annual reports to the International Labour Office on the measures which they have taken to give effect to the provisions of Conventions to which they are parties; (2) an obligation on the Governing Body to prescribe the form of such reports and the particulars which they should contain; (3) an obligation on the Director of the International Labour Office to lay a summary of the reports before the next meeting of the Conference.

In conformity with these obligations the Governing Body has prescribed the forms for the annual reports upon twenty-six of the Conventions in force for which reports have become due. The annual reports themselves have in most cases been regularly received from the Members; and, since 1924, summaries of the reports, which had previously been printed *in extenso* in the Report of the Director, have been duly laid before the Conference each year.

In the following pages the summary of the annual reports in respect of the period 1 January-30 September 1931 is formally laid before the Conference¹.

¹ In pursuance of a suggestion of the Committee of Experts appointed to examine the annual

It has not been possible this year in pursuance of the procedure followed for several years past, to publish, as an appendix to the summary, the report of the Committee of Experts appointed by the Governing Body in accordance with a Resolution of the Eighth Session of the International Labour Conference to examine the annual reports made under Article 408¹. It has been necessary, owing to the Disarmament Conference, to fix the date on which the International Labour Conference meets nearly two months earlier than usual, and to arrange to open the Conference on 12 April. Moreover, the Fifty-Seventh Session of the Governing Body, to which the report of the Committee of Experts must be submitted, opens on 6 April. In order to make it possible to publish the summary of the annual reports some weeks at least before the Conference, it has been necessary to print it without waiting for the report of the experts to be submitted to the Governing Body and approved by it. The report will be inserted in the first number of the Provisional Record of the Sixteenth Session of the Conference².

reports made under Article 408, the Governing Body of the International Labour Office decided, in its Fifty-Third Session (May-June 1931), that the period covered by the annual reports in future should be 1 October-30 September instead of 1 January-30 December. The Governing Body decided that, as a transitional measure, the reports for 1931 should cover a period of nine months only (from 1 January to 30 September).

¹ For an account of the constitution and functions of this Committee see the Introduction to the Second Part of the Director's Report to the Twelfth Session of the Conference.

² The following abbreviations are used throughout the summary:

B. B. = *Bulletin of the International Labour Office* (Basle).

L. S. = *Legislative Series* of the International Labour Office.

O. B. = *Official Bulletin* of the International Labour Office.

FIRST SESSION (WASHINGTON, 1919).

Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	6. 9. 1926	11. 11. 1931
Bulgaria	14. 2. 1922	24. 10. 1931
Chile	15. 9. 1925	12. 12. 1931
Czechoslovakia . . .	24. 8. 1921	8. 2. 1932
Greece	19. 11. 1920	
India	14. 7. 1921	26. 12. 1931
Lithuania	19. 6. 1931	19. 11. 1931
Luxemburg	16. 4. 1928	19. 11. 1931
Portugal	3. 7. 1928	21. 1. 1932
Rumania	13. 6. 1921	22. 12. 1931

The Government of *Chile* states in its report that "the clauses of Chilean legislation which apply the provisions of the Convention are §§ 11 to 14 of Chapter II of Act No. 4053 of 8 September 1924 concerning the contract of employment. The text of these §§ and the discrepancies which exist between them and the provisions of the Convention are reproduced and pointed out in the memorandum of the General Labour Inspectorate, No. 1132 of 23 February 1931 (see *Final Record of the Fifteenth Session of the International Labour Conference*, Volume II, English Edition, p. 487)... In the consolidated text of our labour legislation, approved by the Legislative Decree No. 178 of 28 May 1931, which will take effect as from 29 November 1931, the clauses introducing the provisions of the Conven-

tion are §§ 24 to 33, in which the necessary changes have been made so as to bring our national legislation into complete agreement with the Convention."

The report of the *Greek* Government has not yet been received.

The Government of *Luxemburg* states in its report that a draft Grand-ducal Order, concerning the application of various international Conventions adopted by the International Labour Conference in its first ten Sessions, is being submitted to the Council of State and to the trades and occupational chambers. § 2 of this draft Order reproduces the provisions of Articles 2, 3, 4, 5, 6 and 8 of the Convention. The scope of the Order is the same as that of the Convention (Article 1), with the exception of handicraft undertakings employing less than 20 workers. These undertakings are excluded under the Order.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 14 June 1921 to provide for an eight-hour day and a forty-eight hour week (L. S. 1921, Bel. 1).

Royal Orders issued in application of the above Act and relating to exceptions and to the conditions of labour in certain industries and commercial undertakings.

Bulgaria.

- Health and Safety of Workers' Act, 1917 (B.B. 1918, Vol. XIII, p. 26).
 Decree No. 24 of 24 June 1919 concerning the eight and six hour day.
 Order No. 2834 of 2 August 1919 in application of Decree No. 24 of 24 June 1919.
 Act of 1922 concerning the ratification of the Hours Convention, giving the force of law to Decree No. 24 of 24 June 1919.

Chile.

- Act of 8 September 1924 concerning the contract of employment. (L.S. 1924, Chil. 2)

Czechoslovakia.

- Act of 19 December 1918 respecting the eight-hour working day (L. S. 1919, Cz. 1-3).
 Order of 11 January 1919 in pursuance of the Act respecting the eight-hour working day (L. S. 1919, Cz. 1-3).
 Circular of the Ministry of Social Welfare to all administrative authorities respecting the interpretation of the provisions relating to the eight-hour day, dated 21 March 1919 (L. S. 1919, Cz. 1-3).

India.

- Indian Factories Act of 24 March 1911 as subsequently amended (L. S. 1926, Ind. 2).
 Indian Mines Act (§ 23) of 23 February 1923 (L. S. 1923, Ind. 3).
 Orders issued in 1921 by the Railway Department.
 Indian Mines Amendment Act of 22 August 1928 (came into force 7 April 1930).
 Act of 26 March 1930 amending the Indian Railways Act 1890.
 The Railway Servants Hours of Employment Rules, 1931.

Lithuania.

- Act of 30 November 1919 on daily hours of work (L.S. 1920, Lith. 2).
 Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2), amending the preceding Act.

Luxemburg.

- Order of 14 December 1918 on the introduction of the eight-hour day (L.S. 1919, Lux. 1 and 2).
 Ministerial Order of 14 December 1918 concerning the introduction of the eight-hour day (L. S. 1919, Lux. 1 and 2).
 Act of 31 October 1919 (§ 6) on service agreements for private salaried employees.
 Orders of 14 May 1921 and 26 May 1930 approving §§ 52 and following of the Railway Staff Regulations.
 Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Portugal.

- Decree No. 5516 of 7 May 1919, limiting the hours of work of workers and employees in commercial and industrial establishments (L. S. 1919, Por. 1).
 Decree No. 8244 of 8 July 1922 of the Ministry of Labour concerning hours of work, approving the Regulations issued under Decree No. 5516 of 7 May 1919 (L. S. 1922, Por. 2).
 Decree No. 10782 of 20 May 1925, to amend the Regulations concerning hours of work in order to ensure the better carrying out of the provisions laid down in Decree No. 5516 (L. S. 1925, Por. 2A).

- Order No. 4442 of 29 June 1925, to authorise industrial employers to organise work in shifts when it is necessary for them to continue operations in their establishments for a longer period than that specified in § 5 of Decree No. 10782, including two or more whole days in succession (L. S. 1925, Por. 2B).
 Decree No. 20207 of 13 August 1931 to reduce the amount of the fines for breaches of the provisions regulating hours of work.

Rumania.

- Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).
 Regulations issued under the above Act and published on 5 February 1929 (L. S. 1929, Rum. 1).

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

In addition, please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

Belgium. — The Act of 14 June 1921 does not apply to agriculture. It applies to industrial undertakings and to the offices of commercial undertakings (§ 1), and it has been extended by Royal Orders to apply to the other employees of the majority of commercial undertakings, in addition to the office employees. The report adds that, as this extension to commercial undertakings is to be made general, there would be no purpose in

distinguishing between industry and commerce and this has therefore not been done.

Bulgaria. — The Health and Safety of Workers' Act, upon which the Decree of 21 June 1919 is based, applies to all industrial and commercial undertakings, to handicrafts, to construction work, transport undertakings, mines and quarries, exploitation of mineral springs, and, if the work is dangerous or unhealthy, to home work where only members of the same family are employed. Agriculture is excluded. The report states that no line of division has been laid down between industry and commerce, and agriculture, owing to "the difficulties to which such a line of division would give rise".

Chile. — By the terms of § 1 (2) the Act of 8 September 1924 does not apply to industrial establishments employing less than ten workers. The report indicates that there are no legal provisions or regulations concerning the definition referred to in the last paragraph of this Article, the matter being left to the decision of the competent authorities and courts. See also introductory note.

Czechoslovakia. — The Act respecting the eight-hour working day of 19 December 1918 applies to undertakings subject to the Industrial Code or carried on as factories, to undertakings, works and institutions carried on by the State, by public or private associations, funds, societies and companies, to mining undertakings, and to persons regularly employed for wages in agriculture and forestry who live outside the household of the employer (§ 1 of the Act). The report adds that, given the wide field of application of the Act, it has not been necessary to define the line of division which separates industry from commerce and agriculture.

India. — See under ARTICLE 10.

Lithuania. — The Act of 30 November 1919, amended by the Act of 2 April 1931 applies to all factories and workshops in which wage-earners are employed, with the exception of undertakings in agriculture and forestry, in which the daily hours of work are regulated by special Orders, and work in transport undertakings which make it necessary for the workers to move from place to place (work on railways, steamers, boats, etc.). In this latter case the daily hours of work must be fixed by agreement between the workers and employers (§§ 1 and 2 of the Act). The report states that it has not been considered necessary to define the line of division which separates industry from commerce and agriculture.

Luxemburg. — The Act of 5 March 1928 approving the Convention repealed the Ministerial Order of 14 December 1918 except as regards handicraft undertakings; the distinction between industry, commerce and trades is a matter for the courts. Undertakings depending on the Chamber of handicrafts are considered as handicraft undertakings. In all cases not covered by the Order of 14 December 1918 the provisions of the Convention are directly applicable. See also introductory note.

Portugal. — Decree No. 5516 of 7 May 1919 and Decree No. 10782 of 20 May 1925 limit the hours of work of workers and employees of the State, of administrative authorities and of commercial and industrial undertakings, with the exception of agriculture and domestic service. The report does not mention any decisions taken under the last paragraph of the Article.

Rumania. — §§ 34 and 35 of the Act of 9 April 1928 make the Act applicable to all industrial undertakings, which are defined in the same terms as in the Convention. The Ministry of Labour, after consulting the Supreme Labour Council, gives a final decision on any disputes which may arise regarding the description or classification of undertakings.

ARTICLE 2.

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for.

(a) The provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

(b) Where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour.

(c) Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Belgium. — § 2 (1), of the Act of 14 June 1921 provides that actual hours of work may not exceed eight in the day and forty-eight in the week. By § 1,

last paragraph, the Act does not apply to work in establishments in which only the members of a family, under the authority either of the father or mother or of a guardian are employed; provided that these establishments have not been classified as dangerous, unhealthy and noxious and that steam boilers or mechanical power are not used. Persons invested with directive or confidential functions are also excepted by § 2, last paragraph, but not persons holding positions of supervision. The persons deemed to be invested with confidential functions have been defined by Royal Orders of 28 February 1922 (L. S. 1923, Bel. 2), 29 August 1926 (L. S. 1926, Bel. 4) and 22 December 1927 (L. S. 1927, Bel. 3); these persons are, generally speaking, managers, heads of departments and foremen. As regards the provisions of paragraph (b) of this Article of the Convention, § 2, (2), of the Act provides that, when Saturday afternoon is a holiday, the limit of eight hours may be exceeded on the other days of the week in order to make the time up. This exception is subject to authorisation granted by Royal Order when certain conditions have been complied with, more particularly the conclusion of agreements between the employers and the workers concerned, represented either by the organisations to which they belong or, in default of such organisations, by delegates. Further, § 10 forbids employers to prolong the working hours beyond nine in the day. As regards work organised in shifts, § 3 of the Act allows the limit of eight hours in the day and forty-eight hours in the week to be exceeded in undertakings in which work is organised in successive shifts, provided that the duration of actual work, averaged over a period of three weeks, does not exceed eight hours in the day and forty-eight hours in the week. The maximum daily hours of work of workers on the shift system are fixed by § 10 at ten hours.

Bulgaria. — The Eight and Six Hour Day Decree limits the hours of work of adult workers to eight in the day and forty-eight in the week except in undertakings which are dangerous to the health or life of the worker, where the work is limited to six hours in the day. Bulgarian legislation does not appear to contain the exceptions provided for in paragraphs (a), (b) and (c).

Chile. — § 11 of the Act of 8 September, 1924 provides that "the normal hours of actual work of each worker, irrespective of sex, shall not exceed eight in the day or forty-eight in the week. This provision shall not apply to persons occupying a post with supervisory, directive or confidential functions. Subject to the conclusion of an agreement between the employer and the workers in an industrial

undertaking, a weekly half-day holiday may be introduced therein; in this case the limit of eight hours may be exceeded on the other days of the week, subject to a maximum of forty-eight hours in the week." Under § 13 "the provisions laid down in §§ 11 and 12 (see below, under ARTICLE 3) notwithstanding, the workers may agree to longer actual hours of work, subject to payment for overtime, provided that the actual hours of work shall not exceed ten in the day and shall be separated by a rest period of not less than ten hours between one working day and another." Finally, § 14 provides that "the actual hours of work shall be interrupted by one or more breaks, the total duration of which shall not be less than one hour, and during which all work shall be prohibited, in conformity with the provision laid down in the following paragraph. The said breaks shall not be taken into consideration in calculating the daily hours of work." See also introductory note.

Czechoslovakia. — § 1 (1) of the Eight-Hour Day Act provides that "the actual hours of work of workers shall, in principle, not exceed 8 hours within 24 hours or 48 hours in the week." No provisions concerning the categories covered by paragraph (a) are contained in the Act. As regards paragraph (b), § 3 (1) of the Act provides that "the distribution of the daily and weekly hours of work and the fixing of definite breaks in work shall be a matter for agreement between the employers and the workers." In the Circular of the Ministry of Social Welfare of 21 March 1919 respecting the interpretation of the Act, this provision is amplified as follows: "The hours of work were fixed in principle only at eight per diem exclusive of breaks; a definite limitation is prescribed, namely, that the hours of work shall not exceed 48 in one week. Subject to this limitation, work may be distributed between the separate days of the week in any way that is convenient, by agreement with the workers; so that more than eight hours may be worked on certain days of the week in order that hours may be shorter on some particular day, e.g., Saturday." The exception provided for in paragraph (c) is not mentioned in the report. The report also states that the expression "actual hours of work", which appears in the Czechoslovak Act, is simply used in opposition to the "subsidiary operations" referred to in § 7 of the Act; the provisions in this § concerning the hours for which workers may be required "to remain on duty" are intended to apply particularly to railways and postal and telegraphic services. The report adds that in 1931 the representative of the Czechoslovak Government informed the Conference Committee on Article 408 that the Convention did not define the term

"work", and that his Government had thought it possible to deal with "mere attendance" as a question not referred to in the Convention at all. The Czechoslovak Act only allows the extension of hours in cases where the "actual hours of work" do not exceed six hours a day. The extension depends, moreover, on the consent of the employees given in collective agreements sanctioned by the Ministry of Social Welfare in agreement with the Ministries concerned. Finally, the report refers to decisions of the Supreme Administrative Court of the effect that the time during which the worker remains on duty must be included in the legal hours of work.

India. — For the general conditions of application of the Convention to India see under ARTICLE 10. As regards the exception provided for in paragraph (a), § 29 of the Factories Act of 24 March 1911 as subsequently amended, § 24 of the Mines Act of 23 February 1923 and Rule 3 (2) (c) of the Railway Servants Hours of Employment Rules, 1931 reproduce the provisions of the Convention. The provisions of paragraphs (b) and (c) have no application to India.

Lithuania. — § 4 of the Act of 30 November 1919 amended by the Act of 24 November 1925 provides that hours of work shall not exceed eight hours in the day or forty-eight hours in the week, after deduction of breaks. § 3 defines working time or hours of work as the time during which the workers are exclusively at the disposal of the employer or manager, and which they are not permitted to use for their own purposes. Lithuanian legislation does not appear to allow the exceptions provided for in paragraphs (a), (b) and (c) of this Article.

Luxembourg. — The report states that in case of infringement of these provisions penalties may be imposed, in accordance with § 5 of the Order of 14 December 1918 and § 2 of the Act of 5 March 1928. See also introductory note.

Portugal. — Decree No. 5516 of 7 May 1919 provides in § 1 that "the maximum hours of work whether carried on by day or by night, or partly by day and partly by night, of workers and employees of the State, of administrative authorities, and of commercial and industrial undertakings, with the exception of agriculture and domestic service, in the continental territory of the Republic and the adjacent islands, shall not exceed 8 in any one day and 48 in any one week." § 5 of Decree No. 10782 of 20 May 1925 provides that "throughout the continental territory and the adjacent islands all work of an industrial nature shall be carried on during the hours between 7 a.m. and 8 p.m. and the duration of normal working hours shall

be restricted to 8 hours a day or 48 hours a week, except as otherwise provided in §§ 6, 7, 8 and 9 of Decree No. 5516" (cases of emergency, continuous processes, etc.) "and in these regulations. Industries which on account of their nature require work to be carried on outside the hours specified in the first paragraph of this section shall be an exception to the provisions thereof." The report does not mention exceptions (a) and (b). As regards exception (c), § 7 of Decree No. 5516 provides that "in industries carried on by continuous processes or wherever in case of *force majeure* an industry cannot suspend its operations work shall be organised in shifts." § 9 of Decree No. 5516 provides that "in transport industries work may be organised in shifts, if necessary, in accordance with the provisions of suitable regulations and instructions", but that "whenever it is impossible to organise work in shifts an extension of working hours shall be permitted". As regards railway undertakings, Decree No. 8244 of 8 July 1922 provides that the hours of work may be varied when the nature of the duties requires the same, provided that the hours of work do not exceed 8 hours a day or 48 hours a week or any other equivalent limitation. In the two latter cases the distribution of the said hours between the working days covered thereby shall be fixed by special regulations. In the services in which work is essentially intermittent, the period elapsing between the time of beginning and ceasing such work must not exceed 12 hours, even if the total duration of actual work has not reached the limit of 8 hours. For all train duty, the daily period of actual work is reckoned on the basis of the average amount of work actually done during a week or any other period not exceeding one month. In the traffic and locomotive grades, shifts may be arranged according to which the staff is on duty for longer periods than those fixed above, if this conduces to smooth and satisfactory working or to the joint interests of the undertaking and the workers, provided that all time in excess of 48 hours a week or any other equivalent limitation is considered as overtime (§§ 33, 34 and 38). § 19 of Decree No. 10782 provides that "in establishments with continuous processes or whenever in case of *force majeure* an establishment cannot suspend its operations work shall be organised in shifts", but that "civil governors and the representatives of the Government shall not treat any establishment as continuous without previous consultation with the Ministry of Labour." Order No. 4442 of 29 June 1925 provides that "when an industrial employer proves the necessity for continuing operations in his establishment for a longer period than that specified in § 5 of Decree No. 10782, including two or more whole days in succession, and employing his wage-earning and salaried employees throughout

this period, he shall be granted a permit to do so, provided that he arranges the time table so that none of the wage-earning or salaried employees concerned works longer hours than those prescribed in Legislative Decree No. 5516 and Decree No. 10782. . . . When the prolongation of the hours of work in the above-mentioned circumstances is not such as to render the organisation of work in shifts advisable, the hours of work of the individual wage-earning or salaried employees may be prolonged, provided that they shall be paid twice the rate for ordinary work in respect of their overtime; and the same action may be taken in cases where work has been organised in shifts where it becomes necessary for unforeseen reasons to prolong the hours of work of any of the shifts or any of the workers thereof." At the Fourteenth Session of the Conference the Committee on Article 408 pointed out that Order No. 4442 of 29 June 1925 appeared to allow an extension of the hours of work without stipulating that the average over a period of three weeks shall be eight per day and forty eight per week. In its report for 1930 the Portuguese Government pointed out that this provision, which applies to work done in shifts, can only take effect subject to § 1 of Decree No. 5516, which lays down that hours of work shall in no case exceed 8 per day and 48 per week.

Rumania. — § 34 of the Act of 9 April 1928 fixes hours of work at eight in the day and 48 in the week, not including rest periods. The terms of § 34 of the Act do not prevent the adoption of shorter working hours. Under §§ 3 and 36 the Act does not apply to undertakings in which only members of the same family are employed under the control of the father or mother, unless these undertakings have been classified as dangerous or unhealthy; to seamen and persons employed in transport by sea or on inland waterways; to persons holding positions of supervision or management or employed in a confidential capacity; to home workers; or to persons in domestic employment. § 37 provides that where by custom or agreement between the parties the hours of work on one or more days of the week are less than eight or work is completely stopped, the limit of eight hours may be exceeded on the remaining days of the week, provided that the weekly limit of hours of work is observed and that the daily limit of hours of work does not exceed ten hours. The Conference Committee on Article 408 noted in 1931 that this provision of the Rumanian Act allows this limit to be exceeded by two hours a day, whereas the Convention expressly lays down that the limit "may in no case be exceeded by more than one hour a day". On this point the report states that "the competent services of the Ministry of Labour state that, in the case

of those few undertakings that work only a half-day on Saturdays, the three or four hours' work lost were made up by increasing the daily hours of work on the other days of the week by a *maximum* of one hour. At present, owing to the economic crisis, it is quite rare to find an industrial undertaking working 48 hours a week. The working day has been reduced by 3, 4 or at most 5 hours in the great majority of industrial undertakings. In practice, therefore, the provisions of Article 2 (b) of the Convention have always been observed in Rumania. It is, however, true that a discrepancy exists between the text of § 37 of the Rumanian Act and Article 2 (b) of the Convention. The question will, therefore, be submitted to the Supreme Labour Council for its opinion, since a bill is to be presented to Parliament at a future date. § 38 of the Act of 9 April 1928 lays down that where persons are employed in shifts they may be employed in excess of the hours laid down provided that the average number of hours over a period of three weeks does not exceed eight in the day or forty-eight in the week. § 43 provides that regulations issued by the Ministry of Labour after consultation with the Supreme Labour Council and the Health Council, may reduce the hours of work in undertakings classified as unhealthy or dangerous. The report adds that, "as regards the definition in Rumania of 'actual work', the Rumanian Government has informed the Conference Committee on Article 408 that it interprets the terms of the Washington Convention as applying to 'actual work', that is to say, not including breaks. If all the other States which have ratified, or which will ratify the Convention, adopt a different interpretation, Rumania will do its utmost to accept it. The question will be submitted to the Supreme Labour Council, which has been re-organised by the Act of 10 August 1931, for its opinion."

ARTICLE 3.

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Belgium. — § 9 of the Act of 14 June 1921 provides that the limitation of working hours may be exceeded in the case of work undertaken to deal with an accident, actual or impending, urgent work required to be done to machinery or material and work imposed by *force majeure* or unforeseen necessity, in so far as its execution outside the normal working hours is indispensable to avoid serious hindrance to the normal working of the

undertaking. The extra hours worked in pursuance of § 9 must be paid for as overtime (§ 10).

Bulgaria. — § 8 of the Order of 2 August 1919, issued in application of Decree No. 24, provides that "in exceptional and unforeseen cases such as fires, explosions, breakage of machinery or pipes, cases in which certain damage or danger is threatened to the undertaking or the staff, hours of work may exceed eight or six hours a day". In such cases the workers have a right to compensatory rest.

Chile. — § 12 of the Act of 8 September 1924 lays down that the eight-hour day may be exceeded in case of actual or impending accidents, urgent repairs to plant, machinery and tools, *force majeure* or a chance event, in so far as is necessary to avoid interference with the normal working of the establishment or undertaking. See also introductory note.

Czechoslovakia. — § 6 (1) and (2) of the Act of 19 December 1918 provides that permits may be issued for prolonging hours of work by not more than two hours a day and during not more than sixteen weeks of the year when extra work is necessary owing to an interruption caused by elementary phenomena or accidents, or where the public interest or other important reasons require an increase in production, and no other measures are practicable. By § 6 (3) these extra hours of work must be specially remunerated as overtime. Further, the general limitation of overtime specified in § 6 (4) does not apply to emergency work, especially repairs, where danger to life, health, and the public interest is involved, provided that such work is only carried on for a limited period unavoidably necessary for technical reasons and cannot be carried out during the usual hours of work. The report states that, in the opinion of the Czechoslovak Government, the term "elementary phenomena" is covered by the term "accident" used in the Convention, and that the term "public interest" should be interpreted in relation to the term "other important reasons requiring an increase in production", that is to say, only where the requirements of the public interest reach so considerable a degree of intensity as to be covered by the term "*force majeure*" in the Convention.

India. — According to § 30 (3) of the Factories Act, the limitation of hours of work does not apply to work on urgent repairs. In the case of mines, § 25 of the Mines Act provides that a mine manager may permit persons to be employed in excess of the statutory working hours on such work as may be necessary to protect the safety of the mine or of the persons employed therein. As regards railways, § 71 C (3) of the Indian Railways Act,

1890, as amended, permits temporary exemptions of railway servants from the hours of work laid down for them in the Act when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or to rolling-stock, or in any emergency which could not have been foreseen or prevented.

Lithuania. — § 5 of the Act of 1919 provides that exemptions from the provisions of § 4 shall be granted only in the case of workers employed in accessory work (minding boilers, motors and pumps, attending to the lighting, heating and water supply of the factory and workplace buildings), responsible for watching and fire protection, and in general employed in work without the previous performance of which the undertaking cannot begin work at the prescribed hour, and in consequence of any cessation of which work is necessarily interrupted. § 7 lays down that overtime shall be authorised for any undertaking, a department or considerable group of workers thereof, only in extraordinary and urgent cases, and only after first procuring a permit from the inspector of labour. Under § 8 the inspector of labour, with due regard to the circumstances of the undertaking, the conditions of labour, and the nature of the productive processes in general, may authorise the working of overtime even without the previous procuring of a permit, but he shall be notified thereof subsequently. Finally, § 9 provides that the working of overtime without the previous procuring of a permit from the inspector of labour, but subject to his subsequent notification, shall be authorised: (a) if the work cannot be interrupted without injury to the tools, the materials in preparation, or the product. (b) if repairs of unforeseen injuries to boilers, motors, machines and other installations have to be undertaken, in consequence of which work ceases in the whole undertaking or in a department thereof. (c) if such work is temporarily necessary in any department of an undertaking because the work in this department has been interrupted or completely stopped owing to unforeseen circumstances, and this hinders work in the other departments of the undertaking. (d) in undertakings working for requirements of national defence. (e) if such work is necessary to cope with disasters of any kind. (f) for individual workers or small groups of workers.

Luxemburg. — The report states that the Act of 5 March 1928 has given direct force of national law to the provisions of the Convention; it supplies, however, no details concerning application. See also introductory note.

Portugal. — § 18 of Decree No. 10782 provides, in pursuance of § 6 of Decree No. 5516, that hours of work may be increased in case of urgent requirements of the State, mobilisation, fire, flood, landslip, explosion or serious disaster, and also in other special cases, in accordance with official instructions. Applications for the extension of hours of work are to be made to the authorities; but in very exceptional and urgent cases, such as those of landslip, explosion, serious disaster and other events where delay or application in advance for a permit for the extension of hours of work would give rise to serious difficulties, hours of work may be extended without a permit, provided that notice thereof be given within three days to the authorities, who shall consider the case and grant their approval or draw up a report and fine the offender (§ 20).

Rumania. — Under § 41 of the Act of 9 April 1928 the limitation of working hours may be exceeded in the case of urgent work absolutely necessary to prevent accidents, or where accidents have occurred to repair the damage done and restore the undertaking to normal working order, and in case of urgent repairs to be done to machinery and in other cases of *force majeure*, to remove all serious obstacles to the normal working of the undertaking. § 47 provides that in the exceptional cases covered by § 41, if permission for an exception has not been previously requested, the hours of work may be extended by the employer on his own authority, but for three days at most. In such cases the employer must inform the factory inspector within three days that use has been made of this provision.

ARTICLE 4.

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

Belgium. — It is provided by § 4 of the Act of 14 June 1921 that the limitation of working hours laid down in § 2 may be exceeded in those processes in which, by reason of their nature, work cannot be interrupted. The duration of actual work for each worker may not however, exceed fifty-six hours in the week, averaged over a period of three weeks; the King may authorise the taking of this average over a period other than three weeks.

Without prejudice to the rest periods prescribed by the Sunday Rest Act, the workers engaged in these processes must be given one or more compensatory holidays, the total duration of which may not be less than twenty-six full days in the year. (For the list of processes classified as continuous, see below under III, ARTICLE 7.)

Bulgaria. — The report states that no exception has been granted under this Article. In cases where the nature of the work requires the use of shifts, these shifts work a maximum of eight hours a day or forty-eight hours a week. Decree No. 24 of 1919 does not permit a 56-hour week.

Chile. — The Act of 1924 contains no provision of this kind. See introductory note.

Czechoslovakia. — § 4 (3), (4) and (5) of the Eight-Hour Day Act provides that, in certain groups of continuous undertakings, specified by the Minister for Social Welfare, "when it would not be otherwise possible to alternate the shifts (alternation of the night and day shifts) and the work cannot be interrupted for technical reasons without considerable disturbance to the manufacturing process, and attention and supervision are necessary," the daily or weekly hours of work fixed in § 1 may be extended provided that the shifts are so arranged that the 32 hours' period of rest of each worker falls on Sunday at least every third week and that the hours by which the weekly 48 hours of work are exceeded are paid as overtime. In the interpretative Circular of 21 March 1919 it is explained that this system is only to be employed where it is impossible to ensure alternation of shifts by means of a relief shift. It is further pointed out that the effect is "that one shift is allowed the 32 hours' period of rest during Saturday and Sunday, while the other two shifts work 16 hours each without a break. The period of rest for these two shifts is thus reduced to 24 hours in the week in question, and the working hours of all three shifts are extended from 48 to 56." (For the list of continuous processes, see below under III, ARTICLE 7.)

India. — This Article does not apply to India. It may, however, be noted that the Indian Factories Act does not permit exceptions from the provision relating to the sixty-hour week in respect of continuous processes. Further, as regards the weekly rest in continuous processes, § 30 (1) of the Factories Act empowers the Local Government, subject to the control of the Governor General in Council, to exempt, on such conditions, if any, as it may impose, work which necessitates continuous production for technical reasons from the operation of the

provisions of § 22 (1) which prescribes that "no person shall be employed in any factory on a Sunday, unless (a) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday . . ." and provided that no substitution of another day for Sunday "shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day."

Lithuania. — The report states that "a 56-hour week is maintained in glass works, in certain branches of alcohol distilleries and in some breweries". See also under ARTICLE 3 above.

Luxembourg. — See above under ARTICLE 3 and introductory note.

Portugal. — See above under ARTICLE 2.

Rumania. — § 40 of the Act of 9 April 1928 allows the limit of hours of work to be exceeded in continuous processes which have to be carried on by a succession of shifts, provided that the working hours do not exceed 56 in the week on the average. This does not affect the weekly rest for which provision is made by the Act of 17 June 1925.

ARTICLE 5.

In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

The average number of hours worked per week over the number of weeks covered by any such agreement shall not exceed forty-eight.

Belgium. — § 5 (2), of the Act of 14 June 1921 provides that a limitation of working hours equivalent to that prescribed by § 2 may be established by the King over a period longer than a week in the exceptional cases in which it is recognised that the provisions of § 2 cannot be applied. This prerogative may only be exercised by the King as a result of, and in conformity with, agreements between the employers' and workers' organisations. (For the cases in which this exception has been applied, see below under III, ARTICLE 7. See also under ARTICLE 6.)

Bulgaria. — In its previous reports the Government stated that "the Decree No. 24 of 1919 does not permit such agreements between employers and workers as are provided for in this Article. Under § 18 of the Health and Safety of Workers' Act, the Minister of Commerce,

Industry and Labour, after consulting the Supreme Labour and Social Insurance Council, may make modifications in working hours, but this has not yet been done." The report for this year makes no reference to this Article.

Chile. — See under ARTICLE 2 and introductory note.

Czechoslovakia. — § 1 (5) of the Act of 19 December 1918 provides that the minister for Social Welfare in agreement with the Ministers concerned may allow for particular groups of undertakings, especially transport and agricultural undertakings, an arrangement of hours differing from the normal arrangement provided that the total number of hours of work over a period of four weeks does not exceed 192 hours. The Circular of 21 March 1919 specifies that only hours worked in excess of 192 in four weeks are to be counted as overtime. The Circular further defines the occupations which may be permitted to benefit by this arrangement as those "in which hours of work are usually extremely long, on account of the nature of the processes involved, so that 48 working hours cannot conveniently be spread over a week." (For the list of these undertakings, see below under III, ARTICLE 7.) The report states that no regulations on the basis of Article 5 are adopted without previous consultation of the organisations concerned and that in this connection account is taken of the arrangements made in collective agreements.

India. — This Article does not apply.

Lithuania. — The report states that the provisions of this Article have not been put into practice.

Luxembourg. — See above under ARTICLE 3.

Portugal. — The report does not indicate any specific application of the provisions of this Article. See, however, above under ARTICLE 2.

Rumania. — § 39 of the Act of 9 April 1928 provides that the limitation of hours of work need not be made by the week if the nature of the work confines it to certain seasons or if it is affected by certain atmospheric and agricultural conditions; or if the limits laid down are found to be impracticable. In any case the average number of hours of work, calculated over the number of working weeks upon which the parties have agreed, may not exceed 48 in the week. The actual working hours of young persons under 18 years of age and of women may in no case exceed eight in the day or 48 in the week.

ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings:

(a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

Belgium. — As regards permanent exceptions, § 9 of the Act of 14 June 1921 provides that the normal limitations of working hours may be exceeded in the case of preparatory or accessory work which must of necessity be executed outside the time assigned for the general process of production. The conditions of application of this provision are defined by Royal Orders. The King may also prescribe exceptions in the case of persons whose work is essentially of an intermittent nature. Temporary exceptions are permitted by § 7 of the Act, which provides that an authorisation to work hours in excess of the prescribed maximum may be granted as a result of an agreement between the employer and the organisation or organisations to which the majority of his workers belong, or, in default of an organisation, the majority of the workers. This authorisation is granted by the Minister of Labour on the report of the labour inspector or competent mining engineer, in order to enable an employer to cope with unusual increases of orders occasioned by unforeseen events. The authorisation may not be granted for more than three months in any one year; it must specify the period by which the normal working day may be prolonged, and such prolongation may not exceed two hours in the day. The report further states that the exceptional systems for seasonal industries, etc., provided for in §§ 5 and 6 of the Act of 14 June 1921, are considered by the Belgian Government to come under Article 6 (b) of the Convention. § 5 provides that the King may establish a limitation of working hours equivalent to the normal limitation, but spread over a period longer than a week, in the case of seasonal industries, undertakings where the sole motive force is the wind, and undertakings where the sole motive force is water and which may be brought to a standstill by drought or inundation. Under § 6 it may be prescribed by Royal Order that the normal limitation of working hours may be exceeded in industries or branches of industry in which the time necessary for the

completion of the processes cannot, by reason of their nature, be precisely determined, and in industries in which the materials in course of treatment are subject to rapid deterioration. Overtime may also be authorised under § 7 in the case of industries covered by §§ 5 and 6. All work done in excess of the normal limitations of working hours in pursuance of §§ 5, 6, 7 and 9 must, under § 13, be paid for at a rate exceeding the normal remuneration by not less than 25 per cent. for the first two hours of overtime, 50 per cent. for every succeeding hour, and 100 per cent. for Sunday overtime. (For details of the application of these exceptions, see below under III, ARTICLE 7.)

Bulgaria. — The report states that the exceptions provided for in Article 6 of the Convention are not permitted by Decree No. 24 of 1919.

Chile. — See under ARTICLE 2, and introductory note.

Czechoslovakia. — Permanent exceptions are permitted by § 7 (1) and (2) of the Eight-Hour Day Act in the case of subsidiary operations which must necessarily precede or follow work and for the handing over of work where this is necessary in the interests of continuity. For essentially intermittent work, the Czechoslovak Act, in § 7 (3), provides that in undertakings serving a public need the regular hours of work of particular groups of workers may be extended if the work does not occupy more than six hours a day although the worker has to remain on duty for longer hours. This extension can only be made in virtue of collective agreements sanctioned by the Minister for Social Welfare. The regulation of hours of work of railway-workers, however, is decided by the Minister for Railways, after consultation with the workers. § 7 (4) provides that additional hours worked in virtue of these provisions are to be paid for as overtime. As regards temporary exceptions in cases of pressure of work, permission to work overtime not exceeding two hours a day during not more than sixteen weeks in the year may be granted in virtue of § 6 of the Act by specified authorities if no other measures are practicable. The interpretative Circular further lays down that before permits are issued it should be considered whether the need for extra work can be met by increasing the number of workers, to the extent of working two shifts. § 6 (4) fixes the maximum amount of overtime which may be permitted: "Overtime shall not extend altogether beyond 20 weeks or 240 hours in the year." By § 6 (3) these extra hours of work count as overtime and must be specially remunerated. As regards the rate of pay for overtime, the report states that, although §§ 6 (3) and 7 (4) do not lay down a minimum rate, the practice in

Czechoslovakia, where there is a highly-developed system of collective agreements in all branches of wage-earning employment, is that overtime is paid in principle at rates exceeding one and one-quarter times the regular rate. (See also under III, ARTICLE 7.) The report states that at the Fourteenth and Fifteenth Sessions of the Conference the Czechoslovak Government Delegate informed the Committee on Article 408 that the rate paid in general, in Czechoslovakia, was at least equal to that prescribed by the Convention, and that it considerably exceeded it in the chief branches of industry.

India. — As regards permanent exceptions § 30 (1) of the Indian Factories Act empowers the Local Government, subject to the control of the Governor General in Council, to exempt, on such conditions, if any, as it may impose, preparatory and complementary and essentially intermittent work from the operation of the provision for a sixty-hour week and eleven-hour day. As regards mines, it is provided in § 46 of the Mines Act that the Governor General in Council may, by notification in the *Gazette of India*, exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of the Act, and, on the occurrence of any public emergency, a Local Government may, by an order in writing, confer any exemption which might be conferred by the Governor General in Council. No exemptions have, however, been granted in respect of hours of work in mines. As regards railways, § 71 C (2) of the Indian Railways (Amendment) Act, 1930, lays down that a railway servant whose employment is essentially intermittent shall not be employed for more than eighty-four hours in any week. As regards temporary exceptions, § 30 (2) of the Factories Act authorises the Local Government, by general or special order, to exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from all or any of the provisions of §§ 21, 22, 27 and 28 relating to hours of work, breaks and weekly rests, on the ground that such exemption is necessary in order to enable the factory to deal with an exceptional press of work. Under § 71 C (3) of the Indian Railways (Amendment) Act, 1930, temporary exceptions are granted: (a) when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accident, actual or threatened or when urgent work is required to be done to the railway or to rolling-stock, or in any emergency which could not have been foreseen or prevented; (b) in cases of exceptional pressure of work not falling within the scope of (a). Under § 31 of the Factories Act, hours worked in

excess of sixty in any one week in virtue of exemptions granted for complementary and preparatory work, intermittent work, continuous processes, production of articles of prime necessity, or seasonal industries, are to be remunerated at a rate at least one and a quarter times the regular rate. As regards railways, the last paragraph of § 71 C (3) of the Indian Railways (Amendment) Act, 1930, contains a proviso that a railway servant exempted under 71 C (3) (b) (exceptional pressure of work) shall be paid for overtime at not less than one and a quarter times his ordinary rate of pay. The report adds that the application of this proviso is explained in Instruction 7 of the Subsidiary Instructions to the Indian Railways (Amendment) Act, 1930 and the Railway Servants Hours of Employment Rules, 1931.

Lithuania. — The report states that the provisions of this Article have not been applied. Lithuanian law contains no provisions relating to rates of overtime pay.

Luxemburg. — See above under ARTICLE 3 and introductory note.

Portugal. — Overtime is permitted in virtue of § 6 of Decree No. 5516, §§ 5 and 18 of Decree No. 10782, and Order No. 4442 (see above under ARTICLES 2 and 3). In this connection the report indicates that the Government has always consulted the employers' and workers' organisations concerned as regards the granting of exceptions. § 12 of Decree No. 5516 provides that "overtime shall be paid for at double the normal rate", but that "overtime carried out by workers and salaried employees of the State and of administrative services shall be excepted from the provisions of this section and shall be paid for in accordance with the regulations of the respective establishments of services." The report stresses the point that the foregoing applies only to workers and salaried employees of the State and of administrative services; moreover, the terms of § 11 of the Decree do not prevent their being paid at double rates for overtime, since the § simply says that overtime shall be paid for at the rates fixed by the regulations of the administration concerned. Further, the position of workers and salaried employees of the State in Portugal leaves nothing to be desired; for example, as regards hours of work, it may be pointed out that civil servants enjoy a five-hour to six-hour day. § 21 of Decree No. 10782 provides that "all actual work beyond eight hours a day or 48 hours a week shall be paid for at double the rate for ordinary work" (except in the case of State workers, etc., in regard to whom this Decree provides the same exception as Decree No. 5516).

Rumania. — §§ 42 and 45 of the Act of 9 April 1928 exempt from the normal limitation of hours of work preparatory or complementary work which must necessarily be carried out outside the normal working hours; those classes of workers whose work is essentially intermittent; and work required by the necessity of increasing production. In such circumstances and in the specified industries or occupations a request for permission to work longer hours must be addressed to the Minister of Labour, who may not grant permission till he has consulted the Supreme Labour Council and has obtained a reasoned report from the factory inspector. The report must state, *inter alia*, whether agreement has been reached between employers and employed (§ 51 of the regulations). Additional hours worked in virtue of the exceptions for preparatory and complementary work and for increasing production must be paid at at least 25 per cent more than the normal rate. In 1931 the Conference Committee on Article 408 made the observation that the provisions of the Rumanian Act to the effect that permanent exceptions may be allowed in the case of "work required by the necessity of increasing production" appeared to be wider than the terms of Article 6 of the Convention. Further, consultation of the Supreme Labour Council and "previous agreement between employers and employed" did not appear fully to correspond to the terms of the Convention, which provides for consultation with the organisations of employers and workers concerned, if any such organisations exist. The report declares on this question that after examination the competent services of the Ministry of Labour have stated that the expression used in the Rumanian Act (work required by the necessity of increasing production) does not differ essentially from that employed by the Convention (exceptional cases of pressure of work). During the present crisis there is no further question of exceptional cases of pressure of work. As regards the consultation with organisations of employers and workers, these organisations were consulted when the regulations applying the Act were drawn up. The report adds that the provisions of § 51 of these regulations, which are intended to avoid all abuse of the principle of overtime, go further than those of the Convention, since the former require a previous agreement between employers and employed, a certificate from the Factory Inspection Service, in each case, stating that the increase of production has been caused by exceptional circumstances and is in the general interest, and, finally, the opinion of the Supreme Labour Council and the approval of the Ministry of Labour. In Rumania, where the principle of industrial organisation is not sufficiently developed (organisations exist

only in large centres), an agreement is worth more to the employees than a mere consultation. Consultations take place, nevertheless, since the more important industrial organisations are represented on the Supreme Labour Council.

ARTICLE 8.

In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required:

(a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

In addition, please forward specimen copies of the notices and forms specified in this Article.

Belgium. — §§ 15, 16 and 17 of the Act of 14 June 1921 contain provisions regarding the methods of making known to the workers the hours of work and any alterations that may be made. The Act provides *inter alia* for the posting of notices specifying the hours at which the normal working day begins and ends and the breaks, and for the keeping of special registers showing the number of hours of overtime worked and the number of workers who have been employed. The competent authorities have not drawn up forms for these notices and registers.

Bulgaria. — It is provided in § 14 of the Order of 2 August 1919, issued in application of Decree No. 24, that every undertaking must insert provisions in its works regulations corresponding to those of the aforesaid Decree relating to hours of work and rest.

Chile. — See introductory note.

Czechoslovakia. — The Industrial Code prescribes in § 88 (a) that workshop regulations must be posted in all undertakings employing more than 20 workers specifying *inter alia* the working days, hours at which work begins and ends, and times of breaks. As regards undertakings employing fewer than 20 workers,

the report remarks that the posting of workshop regulations in small factories and workshops does not appear to be necessary as employers and workers in such undertakings are in much closer personal contact than in large undertakings. However, the report adds, the question of workshop regulations is dealt with in the collective agreements which also apply to undertakings employing less than 20 workers.

India. — §§ 35 and 36 of the Indian Factories Act, §§ 28, 32 and 33 of the Mines Act and Rule 9 of the Railway Servants Hours of Employment Rules, 1931, contain provisions to give effect to this Article.

Lithuania. — § 10 of the Act of 1919 requires the manager of the undertaking to keep a regular register of all overtime, so that when necessary it can be ascertained how many hours of overtime have been worked, when and in what conditions. § 13 of the Act of 1919, amended in 1925, lays down that the time-table of hours for the beginning and ending of work and the times for breaks shall be fixed by the employer in agreement with the workers. This time-table shall be affixed in a conspicuous place. Under § 6, work done during hours not provided for on the time-table shall be designated overtime. A copy of the regulations to be posted up in establishments is forwarded with this report.

Luxembourg. — The notices are prepared by each employer and approved by the Director of Labour in accordance with § 3 of the Order of 14 December 1918; under the Act of 5 March 1928 the actual clauses of the Convention are in force. See also introductory note.

Portugal. — § 22 and 23 of Decree No. 10782 provide as follows: "The employers or persons to whom these Regulations may be deemed to apply shall forward the time-tables for their salaried and wage-earning employees in chief towns of districts to the civil governors and in places which are not chief towns of districts to the representatives of the Government. The time-tables shall be forwarded in triplicate within a month reckoned from the date of the publication of these Regulations; and any tables subsequently adopted or hereafter drawn up for the first time shall be forwarded within a week. The authorities mentioned in this section shall examine the time-tables, and, if they are in conformity with the law and the Regulations, shall countersign, date and number them, and shall return one copy to the employer, file another, and treat the third as a spare copy to be used to facilitate supervision when necessary. The time-tables shall be affixed in the establishments concerned

and the copies countersigned by the authorities mentioned in the preceding section shall be submitted to the persons concerned and the supervising officials whenever they so desire." § 5 of Decree No. 5516 provides that "work shall be interrupted by one or more periods of rest whenever the nature of the work so requires; the frequency and duration of such periods shall be fixed by special regulations and instructions, or officially authorised". § 7 of Decree No. 10782 provides that "during the hours of work the employees shall be granted a break of one hour after four or five consecutive hours of work". The report states that "the administrative authorities of each district are entrusted with the application and enforcement of these measures and it is therefore impossible at the moment to obtain the various forms of time-table, which, however, comply with all the provisions and rules imposed by the law as above described."

Rumania. — § 57 of the Regulations of 5 February 1929 requires the heads of undertakings subject to the Act to notify by means of the posting of notices in a conspicuous and permanent fashion the hours at which work begins and ends and the rest periods. Any alteration in the time-table must be brought to the notice of the employees in the same manner 24 hours before it comes into force. In reply to an observation made in 1931 by the Committee of Experts and the Conference Committee on Article 408, the report states that the competent services of the Ministry of Labour admitted the omission, in the Rumanian Act of 1928 and the regulations applying it, of a provision for the compulsory keeping of a register of overtime. At the same time, administrative measures had been taken in this sense by the factory inspectors. The competent services suggested that § 57 of the regulations should be completed by a new paragraph, requiring employers to keep a register in accordance with the model drawn up by the Ministry of Labour, in which all additional hours worked in pursuance of §§ 50 and 51 of the regulations should be entered. This suggestion will be submitted to the Supreme Labour Council for its opinion.

ARTICLE 10 (*British India only*).

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further

provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

India. — In execution of this Article the Government of India has caused legislation to be enacted introducing the following limitations of working hours : (a) In *factories*, which are defined in § 2 (3) of the Factories Act as “any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any manufacturing process”¹ or “any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any manufacturing process is carried on, whether any such power is used in aid thereof or not, which have been declared by the Local Government, by notification in the local Official Gazette, to be a factory”, no person may be employed for more than sixty hours in any one week (§ 27) or more than eleven hours in any one day (§ 28). (b) In *mines*, which are defined in § 3 (f) of the Mines Act as “any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on”, and including “all works, machinery, tramways, and sidings, whether above or below ground, in or adjacent to or belonging to a mine : provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals”, no person may be employed for more than six days in any one week and, above ground, for more than sixty hours in any one week, or, below ground, for more than fifty-four hours in any one week (§ 23). The Act was amended during the year 1928 in order to restrict hours of work in mines to a maximum of 12 hours in any consecutive period of 24 hours and to provide for work by a system of shifts. The amendment came into force on 7 April 1930. (c) As regards *railways*, § 71 C (1) of the Indian Railways (Amendment) Act, 1930 lays down that a railway servant, other than a railway servant whose employment is essentially intermittent, shall not be employed for more than sixty hours a week on the average in any month. § 71 C (2) provides that a railway servant whose employment is essentially intermittent shall not be employed for more

than eighty-four hours in any week. The classes of railway servants covered by this § are specified in Rule 3 of the Railway Servants Hours of Employment Rules, 1931. The provisions of the Act of 1930 and the Rules of 1931 came into force on the North Western and East Indian Railways on 1 April 1931. The report expresses the hope that it will be possible to apply the provisions of the Convention to the Great Indian Peninsula and the Eastern Bengal Railways on 1 April 1932. Other railways in India will be brought into line as early as financial circumstances permit.

ARTICLE 12 (*Greece only*).

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1923, in the case of the following industrial undertakings :

- (1) Carbon-bisulphide works ;
- (2) Acids works ;
- (3) Tanneries ;
- (4) Paper mills ;
- (5) Printing works ;
- (6) Sawmills ;
- (7) Warehouses for the handling and preparation of tobacco ;
- (8) Surface mining ;
- (9) Foundries ;
- (10) Limeworks ;
- (11) Dyeworks ;
- (12) Glassworks (blowers) ;
- (13) Gasworks (firemen) ;
- (14) Loading and unloading merchandise ;

and to not later than 1 July 1924 in the case of the following industrial undertakings :

- (1) Mechanical industries : Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus ;
- (2) Constructional industries : Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work ;
- (3) Textile industries : Spinning and weaving mills of all kinds except dye works ;
- (4) Food industries : Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops ;
- (5) Chemical industries : Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen) ;
- (6) Leather industries : Shoe factories, manufactories of leather goods ;
- (7) Paper and printing industries : Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops ;
- (8) Clothing industries : Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories ;

¹ The expression “manufacturing process” is defined in § 2 (4) as “any process for or incidental to (a) making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, transport or sale, any article, or part of an article, or (b) refining oil or pumping or filtering water, or (c) supplying, generating or transforming pneumatic, hydraulic or electrical energy, and includes the baling of any material for transport.”

(9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;

(10) Electrical industries: Power houses, shops for electrical installations;

(11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

The report of the *Greek* Government has not yet been received.

ARTICLE 13 (*Rumania only*).

In the application of this Convention to *Rumania* the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1924.

Rumania. — The report states that for a large part of *Rumania* and the most important industrially (*Transylvania* and the *Banat*) the legal eight-hour day and 48-hour week was already in force in 1919 under Decree No. XII of the former Directorial Council. In the other provinces the legal limitation of hours of work to eight in the day was effected by older measures which dealt especially with the employment of women and children. Until the Act of 9 April 1928 came into force the eight-hour day actually existed to a large extent in industrial undertakings throughout the country, either under collective agreements or works regulations. The Act of 9 April 1928 has brought the legal eight-hour day into force throughout the country.

ARTICLE 14.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

In addition, please state whether such suspension has been effected, and, if so, for what industries, periods and areas.

Belgium. — § 12 of the Act of 14 June 1921 provides that the King may suspend the operation of the limitations prescribed in or provided for by the Act: (1) in case of war or other event menacing danger to the national security; (2) whenever in the opinion of the Supreme Labour Council and the Supreme Council of Industry and Commerce it is a national necessity that the means of exchange indispensable for the importation of the requisites of existence be ensured by the development of export trade. The report states that up to the present no advantage has been taken of these powers. The report adds that the Belgian Government admits that the possibility of suspension in case of "necessity to ensure the means

of exchange indispensable for the importation of the requisites of existence" lies outside the scope of the Convention. However, the provision in question has never been applied and there is no reason to believe that it ever will be applied. The Government considers that the difficulties involved in amending its legislation so as to abolish the provision would outweigh the advantage thereby gained.

Bulgaria. — In its previous reports the Government stated that no application had been made of this Article. The report for this year does not refer to the question.

Chile. — The report does not refer to this Article.

Czechoslovakia. — No application has been made of this Article.

India. — The report does not refer to this Article.

Lithuania. — The report states that, up till now, the provisions of the Convention have not been suspended.

Luxemburg. — No use has been made of the power given by Article 14 of the Convention and § 4 of the Order of 14 December 1918.

Portugal. — No application has been made of this Article.

Rumania. — § 44 of the Act of 9 April 1928 provides that in case of war or other emergency endangering the national safety the provisions of the Act may be suspended by decision of the Council of Ministers. The report states that no use has been made of this power up to the present.

III.

Article 7 of the Convention is as follows:

Each Government shall communicate to the International Labour Office:

(a) A list of the processes which are classed as being necessarily continuous in character under Article 4;

(b) Full information as to working of the agreements mentioned in Article 5; and

(c) Full information concerning the regulations made under Article 6 and their application.

The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

Please give

(a) *A list of the processes which are deemed to be necessarily continuous in character for the purposes of Article 4.*

- (b) Full information as to working of the agreements mentioned in Article 5, i.e. a list of such agreements, showing the industries and classes of workers covered, together with, as far as possible, the texts of such agreements.
- (c) Full information concerning the regulations made under Article 6 and their application, i.e. a list of such regulations, together with the texts thereof, in so far as they may not already have been communicated under I of this report, at the same time stating what method was adopted for the consultation of organisations of employers and workers.

Belgium. — The report of the Belgian Government contains the following information supplied in application of Article 7 of the Convention :

- (a) *Necessarily continuous processes (Article 4).*

The report explains that the 56-hour week is not worked in all the processes contained in this list, which includes processes such as the manufacture of steel by converters and the rolling of iron and steel, which are carried on continuously for six days and interrupted from Sunday morning to Monday morning. It is also pointed out that the extent of the continuous processes varies from one undertaking to another in the same industry ; it depends upon the plant or whether the undertaking is or is not a branch of an undertaking working continuously. Finally, the report states that the list of continuous processes changes with the introduction of new industries or new processes ; it is not, therefore, strictly limitative, and processes not mentioned may possibly be assimilated to those contained in the list.

1. Undertakings inspected by the Mines Department

N.B. In this list, the expression "processes necessary for the working of a machine" means : (a) the running of the machine, (b) the feeding and product-removing processes ; (c) the running of any auxiliary apparatus the working of which is necessary for that of the principal machine.

In all industries. — Power production (steam, electricity, compressed air) necessary for the continuous processes of a given industry ; maintenance of fires that cannot be put out and relit every day ; watching of premises and plant ; hygiene and first-aid services, in so far as necessary for the continuous processes.

In underground mines and quarries. — Processes necessary for the continuous working of pumps and ventilators ; processes necessary for the repair of shafts and galleries which demand continuous maintenance work ; work in connection with shafts which it is necessary, for safety reasons, to be able to use at any time ; deep soundings ; processes for the congelation of earth in the sinking of shafts.

Surface quarries. — Processes necessary for the continuous working of pumps.

Coke works and coal bye-products works. — Processes necessary for the working of coke-furnaces ; processes necessary for the working of apparatus fed or traversed by coke-furnace gas ; processes necessary for the continuous working of apparatus for the recovery or treatment of bye-products.

Coal amalgam factories. — Nil (but see above under *In all industries*).

Lime, cement works, etc. — Processes necessary for the working of furnaces, whether normal combustion or slow combustion during specified hours, according to the type of furnace.

Works for the roasting, calcination, etc., of ores. — Processes necessary for the continuous working of furnaces.

Blast furnaces. — Processes necessary for the working of blast furnaces ; processes necessary for the working of apparatus fed or traversed by blast furnace gas.

Steel and iron works. — Processes necessary for the working of the refining apparatus (furnaces, converters, etc.)

Iron and steel rolling mills. — Processes necessary for the working of the roll trains.

Zinc works. — Nil (but see above under *In all industries*).

Lead and silver works. — Processes necessary for the working of furnaces used in treating ores, refining and desilverisation of crude lead, including testing.

Copper, tin and nickel works, etc. — Processes necessary for the working of furnaces used in the treatment of ores and mattes and in refining metal.

Zinc and copper rolling mills, etc. — Processes necessary for the working of the roll trains and the recasting furnaces.

II. Undertakings inspected by the Factory Inspectorate.

Gas works. — Processes necessary for the production and distribution of gas.

Waterworks. — Pumping (boilers and steam pumps) ; filtering (continuous maintenance work on the filter beds and working of the sluices for distributing the water over the filters).

Artificial ice works. — Processes necessary for maintaining the requisite degree of cold.

Electricity works. — (See above under I).

Glass works. — Glass blowing : work in connection with the hot glass, i.e. melting furnaces (blowing) and annealing, and accessory work (gazogenes, engine-men, firemen, etc.) ; mechanical glass works : work in connection with the melting furnaces, and accessory work (gazogenes, engine-men, firemen, etc.).

Crystal and hollow glass works. — Maintenance of fires, particularly for heating of furnaces and work in connection with the arches or calcars.

Plate glass works. — Watching of furnaces and work in connection with gazogenes, workshops (polishing processes), and accessory work (gazogenes, engine-men, firemen, etc.).

Manufacture of refractory products. — Work in connection with the roasting of these products.

Chemical works. — All processes involving chemical operations in which time is an important factor ; manufacture of sulphuric acid, sulphate of soda, nitric acid, carbon disulphide, sodium disulphide, chloride of lime, chemically pure acids.

Manufacture of artificial silk. — Collodion process : work in connection with the furnaces for the concentration of acids used for the recovery of alcohol and ether, work in the distillery and the spinning-mill ; viscous and acetate of cellulose processes : work in connection with the chemical preparation of the pulp and in the spinning-mill.

Manufacture of jam and apple paste. — Boiling, pressing and refining.

Coke furnaces. — (See under I above.)

Cement works. — (See under I above.)

Tar and wood distilleries. — Tar : processes necessary for the working of the distilling furnaces and apparatus ; wood : processes necessary for the carbonisation of the wood and for distilling ; processes necessary for the manufacture of bye-products (formaldehyde, acetate of soda, etc.).

Manufacture of ceramic tiles. — Work in connection with the baking of the products and the heating of the drying apparatus.

Mechanical brick and tile works. — Processes necessary for the baking of the bricks in vaulted furnaces, circular or Hoffman furnaces, and zig-zag furnaces ; all accessory operations (artificial drying, watching of ventilators and apparatus for the recovery of sulphurous anhydride).

Manufacture of alcohol and yeast. — Work in connection with the malting of grain for the manufacture of alcohol; work connected with the production of yeast; work connected with the manufacture of alcohol from molasses.

Sugar factories. — Processes necessary for the manufacture of raw sugar.

Gelatine factories. — Treatment of the bones by acids and the successive neutralisation processes; boiling of the liquids and the drying processes.

Manufacture of soldered or non-soldered steel tubes. — Processes necessary for the manufacture of these tubes.

Manufacture of oxygen and hydrogen. — Process of electrolysis of a solution of potassium (work in connection with the batteries of the electrolyzers); process of liquefaction of air (work in connection with the columns of liquefaction and distillation); in both processes, the work of compression of the gases and filling of the receptacles.

Manufacture of galvanised iron and cast-iron. — Processes necessary for the maintenance of the annealing furnaces and zinc baths.

Enamel works. — Work in connection with the baking of the enamels.

Malt works. — Watching and work in connection with the germination.

Manufacture of china and porcelain. — Work in connection with the baking of the products.

(b) *Agreements provided for in Article 5.*

Under § 5 (2) of the Act of 14 June 1921, Royal Orders have been issued authorising special time-tables for the following classes of workers: (1) travelling signalling squads on the State railways (Royal Order of 7 September 1924); (2) workers of the State railways and of the Electricity Office whose places of employment are variable (Royal Order of 29 August 1926); (3) labourers and other permanent way workers employed by the State railways to open padlocked level-crossing gates (Royal Order of 29 August 1926); (4) workers of the Telegraph and Telephone Department whose places of employment are variable (Royal Order of 20 September 1927); (5) train staff on the trains of the Société nationale des chemins de fer belges (Royal Order of 9 February 1929); goods delivery staff (Royal Order of 29 September 1930). In each case, agreement with the draft regulations communicated by the State Railways Department was notified by the trade union organisation representing the majority of the workers; as regards the travelling signalling squads, which only consist of a small number of workers, agreement was given by means of a properly organised referendum.

Several of the above Royal Orders contain the words "actual work". The Committee on Article 408 at the Fourteenth Session of the Conference raised the question whether the use of this term in Belgium corresponded to the interpretation of it given by the London Conference, viz. the time during which the workers are at the disposal of the employer. In its reports on the application of the Convention in 1930 and 1931 the competent Department states that the expression used in the Royal Orders was that used in the agreements concluded between employers and workers in the Joint Committee on Railways; it is however to be understood that in the view of the Belgian Government the meaning of the expression is that adopted by the London Conference.

(c) *Regulations made under Article 6.*

(1) *Permanent exceptions.* — Permanent exceptions have been made by Royal Order under § 9 of the Act of 14 June 1921 for preparatory and

complementary work in the baking industry (workers on preparatory work being allowed to begin at 2 a.m. and workers on complementary work to finish at 10 p.m. provided that they do not exceed eight hours in the day and forty-eight hours in the week), and for the intermittent work of certain classes of workers on the State railways (level-crossing keepers, point-keepers, level-crossing and point keepers, ticket collectors and waiting-room attendants at minor stations, men and women ticket distributors, persons engaged in delivering notices, bridge-keepers and assistant bridge-keepers), and telegram distributors.

(2) *Temporary exceptions.* — Authorisations to work overtime in virtue of § 7 of the Act of 14 June 1921, and subject to the conditions laid down in that § were granted during 1929 in respect of undertakings in the following industries: building, carpentering and cabinet-making, food, textiles, metals, clothing, artistic and precision, printing, hides and skins, tobacco, chemicals, paper, special industries, ceramics, glass works and transport. The total number of authorisations was 1,159, and the 49,412 workers affected worked 4,108,417½ hours overtime. Under § 5 of the Act, Royal Orders granting exceptions for seasonal industries have been issued in the following cases: undertakings where the sole motive force employed is wind or water; hiring of horse and motor vehicles; manufacture and repairing of automobiles and cycles, and upholsterers; hand manufacture of firearms; building, public works, quarries and brick-making; clothing and subsidiary industries; food industries; retting of flax in streams; manufacture of biscuits, gingerbread and marzipan; retting of flax in ponds; lemonade and aerated water factories; laundries in holidays resorts; electric tramways along the coast; confectioners' shops in Bruges and along the coast; temporary saw-mills, manufacture of straw hats; preservation of eggs by the freezing process. Under § 6 of the Act, general authorisations to work up to a specified maximum number of hours overtime have been granted by Royal Orders in the following cases: loading and unloading work in ports; fish curing and preserving of vegetables and fruit; transportation, loading and unloading of goods, shunting of trucks, weighing of trucks and other vehicles (in so far as accessory to an industrial undertaking); plate-glass making; manufacture of artificial slates; manufacture of varnish (boiling gums and finishing varnishes); manufacture of gum, gelatine and bone glue (emptying moulds, cutting, placing on sieves and carrying to gelatine drying rooms); vulcanising of rubber goods (vulcanising); electroplating (electrolytic baths); galvanisation of iron and cast iron by a hot process (iron galvanising); manufacture of artificial silk by the colloidion process (denitrifying, bleaching and drying); glazing of powders; manufacture of photographic requisites (coating and drying photographic plates, films and papers and treating them with barytes); manufacture of composition mouldings for frames; manufacture of glucose and of amalgams of cement and stones; manufacture of artificial wool; electricians employed by the Electricity Office; printing and kindred industries (binding, boarding, stitching, paper-making, lithography, photogravure and heliogravure, phototypography, colouring, typography—except the printing of daily newspapers—machine-rooms, type casting, block making, electrotypes); flax retting in fields. The exceptions granted under §§ 5 and 6 of the Act were made subject to a twofold consultation: (a) that of the most representative employers' and workers' organisations (the Belgian Central Industrial Committee, the Belgian Trade Union Committee, and the Belgian Confederation of Christian Trade Unions); (b) that of the Supreme Labour Council, composed of equal numbers of employers, workers and sociologists. The Government adds that the Royal Orders applying to seasonal industries are legally based on the report of the Hours Committee of the Washington Conference, rather than on the text of Article 6 (b) of the Convention.

BELGIUM.

AUTHORISATIONS GIVEN FROM 1 JANUARY TO 30 SEPTEMBER 1931 UNDER § 7
OF THE EIGHT-HOUR DAY ACT.

Industries	Undertakings in which the majority of those employed are members of unions			Undertakings in which the majority of those employed are not members of unions			Total no. of undertakings		
	No. of auth.	No. of workers	No. of hours overtime	No. of auth.	No. of workers	No. of hours overtime	No. of auth.	No. of workers	No. of hours overtime
Building	2	50	7.600	7	172	18.632	9	222	26.232
Wood work and furnishing	1	16	1.216	12	191	18.958	13	207	20.174
Food and Drink	1	28	1.456	6	174	14.247	7	202	15.703
Textiles	33	1.274	148.197	36	1.448	130.770	69	2.722	278.967
Metals	13	209	16.181	33	634	64.485	46	843	80.666
" ¹	—	—	—	2	40	3.780	2	40	3.780
Clothing	—	—	—	12	303	23.686	12	303	23.686
Artistic and fine work	—	—	—	1	33	1.716	1	33	1.716
Book printing, binding, etc.	3	45	3.036	3	65	9.280	6	110	12.316
Hides and skins	1	64	3.264	9	449	26.314	10	513	29.578
Tobacco	—	—	—	4	487	41.068	4	487	41.068
Chemicals	—	—	—	7	370	42.076	7	370	42.076
Paper	1	174	13.224	6	203	14.715	7	377	27.939
Special	2	156	7.960	16	779	82.991	18	935	90.951
Ceramics	—	—	—	1	32	4.864	1	32	4.864
Quarries	—	—	—	4	20	1.242	4	20	1.242
Glass	—	—	—	1	57	3.876	1	57	3.876
Transport	—	—	—	2	21	3.192	2	21	3.192
	57	2.016	202.134	162	5.478	505.892	219	7.494	708.026

¹ Authorisations given on request of the Mines Department.

Bulgaria. — In its previous reports, the Government stated that the list and information required by this Article were not furnished because the Decree No. 24 of 1919 did not permit the exceptions allowed by Articles 4, 5 and 6. The report for this year does not refer to the question.

Chile. — The report gives no information on this point.

Czechoslovakia. — In application of Article 7 the Czechoslovak Government has communicated the following information to the Office :

(a) *Necessarily continuous processes (Article 4).*

The undertakings "in which the process is continuous" and which are permitted, "for the purpose of the alteration of shifts, to extend the daily or weekly hours" on condition "that the employed persons shall have their 32 hours' weekly rest at least every third week on a Sunday, and that the hours by which the weekly total of 48 hours is exceeded when the shifts are alternated shall be paid for as overtime", are given in § II of the Order of 11 January 1919 as follows :

- (1) Ironworks ;
- (2) Metal works ;
- (3) Enamelling works ;
- (4) Lime kilns, plaster of Paris, magnesite, dolomite works ;
- (5) Brick works, works for the manufacture of fireproof stones, carborundum and emery wheels ;

- (6) Kaolin washing works ;
- (7) Pottery works ;
- (8) Glass works ;
- (9) Works for the manufacture of carbon electrodes and other objects made from plastic carbon ;
- (10) Works for the manufacture of goods from wood fibre ;
- (11) Works for the manufacture of accumulators ;
- (12) Works for the manufacture of cork sheets ;
- (13) Works for the manufacture of wood fibre cellulose ;
- (14) Water mills and windmills ;
- (15) Malt works and breweries ;
- (16) Works for the drying and sulphurating of hops ;
- (17) Sugar factories ;
- (18) Liquorice works ;
- (19) Syrup and grape sugar (starch sugar) works ;
- (20) Drying works for chicory, beet, potatoes; vegetables and fruit ;
- (21) Jam, fruit pulp, and sausage factories ;
- (22) Spirit distilleries and refineries, yeast works,
- (23) Starch works ;
- (24) Winning of natural mineral waters and their salts ;
- (25) Chemical works ;
- (26) Fat works ;
- (27) Petroleum refineries and kerosene works ;
- (28) Works for the manufacture of gas for light, heat and power ;
- (29) Independent electrical works, and electrical works which only form a subsidiary part of an undertaking.

(b) *Agreements provided for in Article 5.*

The Czechoslovak Government reports that, in virtue of § 1 (5) of the Act, § I of the Order of 11 January 1919 provides that in the following undertakings the arrangement of hours of work may be spread over a period of four weeks, provided that the total number of hours of work within this period does not exceed 192 hours:

- (1)
- (2)
- (3) Tile works;
- (4) Glass works with continuous furnaces;
- (5) Pottery works in which melting and muffle furnaces are used;
- (6) Foundries, for work in connection with cupola furnaces;
- (7) Mills and saw works driven by water;
- (8) Breweries in the summer;
- (9) The manufacture of soda-water in the summer;
- (10) Building operations in work on the building site;
- (11) Waterworks;
- (12) Work in connection with the procuring of natural ice;
- (13) Forwarding and transport undertakings;
- (14) River and sea baths;
- (15) Electricity works;
- (16) Lumbering.

(c) *Regulations made under Article 6.*

(1) *Permanent exceptions.* — Under § 7 of the Act no special permission is required as regards additional hours worked in the case of subsidiary operations which necessarily precede or follow the processes of production. As examples of such operations the Act cites the heating of boilers, cleaning of workrooms, feeding of animals, etc., to which the Circular of 21 March 1919 adds the setting of the dough in bakeries making black bread. The handing over of work, in cases where it is necessary for the continuity of operations, is assimilated to preparatory and complementary work. As examples the Circular of 21 March 1919 cites reporting for duty on railways, handing over cash in post offices, transference of waiters' duties in restaurants, etc. As regards intermittent work the exceptions for undertakings serving a public need permitted by § 7 (3) of the Act must be specified in collective agreements sanctioned by the Ministers concerned, except in the case of railways, where they are decided by the Minister for Railways after consultation with the workers' representatives. The only indication regarding the categories of workers to whom these exceptions may be applied is given in the Circular of 21 March 1919 as particular groups of workers in the railway and postal services, and inspectors employed by public utility undertakings. (See also above under ARTICLE 6.)

(2) *Temporary exceptions.* — The report gives the following statistics of overtime for which permission was granted under § 6 of the Act during the period 1 January to 30 September 1931: Permits were granted to 518 undertakings (0.02 per cent. of the total number of undertakings covered by accident insurance, or 0.07 per cent. after deduction of agricultural undertakings); the total number of workers employed in these 518 undertakings was 121,869 (2.9 per cent. of the total number of wage-earners); the number of workers who worked overtime was 32,229 (0.8 per cent. of the total number of wage-earners); the total number of hours of overtime expressed in working days of eight-hours was 151 677 or 26,612.8 working weeks. The report emphasises the considerable reduction in hours of overtime worked, in comparison to preceding years. This reduction results from the application of circulars of the Minister of Social Welfare of 21 January, 26 February

and 24 July 1930, relating to the limitation of permission for overtime.

India. — The Government has forwarded the following information in application of Article 7:

(a) *Necessarily continuous processes (Article 4).*

The Indian Factories Act does not permit of exemptions from the provisions relating to the sixty-hour week in respect of continuous processes.

(b) *Agreements provided for in Article 5.*

Article 5 does not apply to India.

(c) *Regulations made under Article 6.*

Temporary exceptions. — Rules have been made providing that where women are employed on overtime the maximum weekly hours may not exceed 66. In the case of men, the following limits have been fixed by the Local Governments by rules made under § 37 of the Factories Act: Coorg, 12 hours daily or 72 hours weekly; Bombay, 72 hours weekly; Bengal, 40 hours overtime monthly; United Provinces, 12 hours daily; Punjab, 12 hours daily; Bihar and Orissa, 12 hours daily; Central Provinces, 72 hours weekly; Assam, 12 hours daily and 40 hours overtime monthly; North West Frontier Province, Ajmer-Merwara, and Delhi, 12 hours daily. The previous report indicated that the organisation of workers was not sufficiently developed in India and that it was therefore not possible to take advantage of the provisions of Article 6 regarding consultation with responsible associations of employers and workers when the existing regulations were framed. The report for the period 1 January-30 September 1931 amplifies this by the statement that, when the provisions of the Convention were introduced in the existing Factories Act in 1921, the Bill containing the proposed amendments was circulated for public criticism, and the opinions received by Government, including those from associations of employees and workers, were given due consideration. Similarly the rules made by the Local Governments fixing the maximum of additional hours in each instance were made after previous publication, and the representative organisations of employers and workers, wherever such organisations existed at the time, were specifically consulted. A similar method was adopted as regards the Bill introduced in 1922 to amend the existing Mines Act. As regards railways, the Railway Servants Hours of Employment Rules, 1931 and the Instructions issued by the Railway Board amplifying the Rules and the Indian Railways (Amendment) Act, 1930, were framed after consultation with the employers' and workers' organisations concerned.

Lithuania. — The report states that "the 56-hour week is maintained in glass works, certain branches of alcohol distilleries and in some breweries". It adds that the provisions of Articles 5 and 6 of the Convention have not been applied.

Luxemburg. — The Government has forwarded the following information concerning the application of Article 7 (a) and (b).

(a) No use has been made of the powers given by Article 4.

(b) No agreements have been made under Article 5.

(c) The report contains no information on this point.

Portugal. — (a) The report states that there is not at present any legally established list of the processes which are classed as being necessarily continuous ; but under § 19 of Decree No. 10782 the civil governors and representatives of the Government can in no case consider an industry to be continuous without having first consulted the Minister of Labour. The law provides, however, as has already been seen, that any operations which must be carried on by continuous work must be organised in shifts, but so that the limit of 8 hours a day shall not be exceeded. The only exceptions admitted are with regard to commercial establishments and the transport industry.

(b) No agreements of the kind contemplated in Article 5 of the Convention exist in Portugal.

(c) The law allows permanent or temporary exceptions only as regards the transport industry, cases of *force majeure*, urgent national necessity, mobilisation, etc. (Decree No. 5516, § 6).

Rumania. — The report contains the following information under Article 7 :

(a) *Necessarily continuous processes (Article 4).*

A list of necessarily continuous processes will be drawn up after the promulgation and publication of the regulations for the application of the Act of 9 April 1928. At present for administrative purposes necessarily continuous processes are held to be those which are enumerated in § 16 of the Regulations under the Weekly Rest Act of 1925.

(b) *Agreements provided for in Article 5.*

No such agreements have been concluded.

(c) *Regulations made under Article 6.*

The following employments are considered as *permanent exceptions* : heating of boilers, cleaning of workrooms, preparation of machinery so that the factory is ready at the hour when work begins, and other similar work ; the classes of workers whose work is essentially intermittent, as, for example, railway and market porters, men in charge of rafts, watchmen, horse-drivers and other similar classes. Work required by the necessity of increasing production is treated as a *temporary exception*, which is allowed only by special permission of the Ministry of Labour, after consultation with the Supreme Labour Council. The permission is given only if the report of the factory inspector shows that the pressure of work is due to unforeseen events, that it is in the public interest and that an agreement has been concluded between the employers and workers concerned.

IV.

Article 16 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Portugal. — The previous report stated that the Convention was ratified by Portugal subject to the reservation of subsequent decisions as regards its application to the Portuguese colonies, in accordance with the provisions of Article 16 of the Convention and Article 421 of the Treaty of Versailles. The present report does not refer to the question.

The question does not arise in the case of the other reporting countries.

V.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 6 September 1926.

Bulgaria. — 1 July 1924.

Chile. — 30 March 1925 (date of coming into force of Act of 8 September 1924).

Czechoslovakia. — 19 March 1922.

India. — In the case of factories, the provisions came into effect on 1 July 1922 and, in the case of mines, on 1 July 1924. In the case of railways, the instructions issued by Government in pursuance of the Convention came into effect in September 1921. For the coming into effect of the Indian Railways (Amendment) Act, 1930 and the Railway Servants Hours of Employment Rules, 1931, see above, under ARTICLE 10.

Lithuania. — 19 June 1931.

Luxemburg. — 16 April 1928.

Portugal. — The Convention was published in the Official Journal on 8 September 1928, and come into effect immediately.

Rumania. — See the summary of the report upon ARTICLE 13 of the Convention.

VI.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The factory inspectorate and the engineers of the Corps of Mines supervise the application of the legislation and regulations in question in the undertakings within their sphere of inspection. An abstract of the contraventions reported is published monthly in the *Revue du Travail*.

Bulgaria. — The supervision of the application of the relevant legislation is entrusted to the factory inspectors. In cases of contravention, fines are imposed which are fixed as follows: a maximum of 250 leva for each workman, 5,000 leva in the case of the first contravention by an undertaking and 10,000 in the case of a further contravention.

Chile. — The authorities responsible for the application of the relevant laws and regulations are the General Labour Inspectorate and the labour courts, which include the Workers' Conciliation Boards, the Salaried Employees' Conciliation and Arbitration Boards and the Housing Boards.

Czechoslovakia. — The supervision of the Eight-Hour Act devolves upon the factory inspectors as regards industry and upon the mines inspectors as regards mines.

India. — The Factories Act is administered by the Local Governments, subject to the control of the Governor General in Council, through their factory inspectors. It is the Local Governments who are empowered to make rules for the application of the Act, although a model set of rules was drawn up by the Government of India in 1922 and communicated to the Local Governments for their guidance. In addition to the factory inspectors the Local Governments may, under § 4 (4), appoint other public officers to act as inspectors and the District Magistrates are all inspectors under the Act. The Mines Act is administered by the Govern-

ment of India through inspectors of mines who are appointed for the whole of British India by the Governor General in Council (§ 4). Nevertheless, the Local Governments may appoint mining boards and committees which may exercise such of the powers of the inspectors as they may consider necessary for the purpose of deciding or reporting upon any matter referred to them (§§ 10-12) and the District Magistrates may exercise certain of the powers and perform certain of the duties of inspectors, subject to the general or special orders of the Local Government. § 5 of the Indian Factories Act and § 6 of the Indian Mines Act give inspectors certain powers of entry, examination, etc. The application of the provisions introduced by the Indian Railways (Amendment) Act, 1930, is entrusted to Supervisors of Railway Labour to be appointed by the Governor General in Council. The Acts also contain provisions for penalties in case of infringement.

Lithuania. — The report states that under the Act of 14 November 1924 on labour inspection the application of the Acts mentioned under I is entrusted to the labour inspection service.

Luxemburg. — Supervision of enforcement rests with the factory inspectorate (Act of 22 May 1902), the Mining Administration (Acts of 21 April 1810 and 20 July 1869), the Railway Commissariat (Labour Code, §§ 410 *et seq.*), the Elective Chambers for workers and private employees (Act of 4 April 1924) and police officers. Workers' delegations (Order of 5 May 1926), the committees of salaried employees' delegations (Act of 31 October 1919) and the delegations of railway employees (Staff Regulations, § 20) are entitled to see that enforcement is effective. Arbitration courts and justices of the peace settle civil disputes arising from the application of the Convention and of the laws and regulations in force; cases involving penalties are settled by the police courts.

Portugal. — § 9 of Decree No. 10782 provides that "the administrative and police authorities shall supervise and enforce the carrying out of the provisions respecting hours of work, and shall draw up reports and impose fines in case of contravention. Class or trade associations or their delegates, or workers and employers in the industry or locality in question, may give notice of contraventions to the authorities mentioned in this section or to the law courts which under general law are required to adjudicate upon the said contraventions." As regards penalties, Decree No. 10782 contains the following provisions (§§ 13-15): "Any employer who contravenes the provisions of this Decree by ordering or consenting to hours of work exceeding those fixed therein

shall be liable to a fine equal to one month's wages or salary of the wage-earning or salaried employees carrying out the illegal work. For the purposes of these Regulations 'employer' shall mean any person or body on whose account work is carried out. Any employer dismissing any wage-earning or salaried employee for demanding the observance of the provisions of this Decree shall be liable to a fine equal to one year's wages or salary of the employee so dismissed. Any other contraventions of the provisions of this Decree shall entail a fine of not less than 10 *mi reis* and not more than 1,000 *milreis*, and double this amount in case of repetition of the offence, with due regard to the importance of the undertaking and the number of wage-earning and salaried employees prejudicially affected by the contravention."

Rumania. — § 49 of the Act of 9 April 1928 makes the inspectorate appointed under the Act concerning the organisation of the factory inspectorate of 13 April 1927 responsible for reporting infringements of the Act. Provision is made for penalties in case of infringement.

VII.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Belgium. — A decision of the Supreme Court of Appeal of 22 December 1930 has annulled a decision of the Court of Appeal at Brussels, to the effect that the higher rate of pay provided for in the Belgian Act of 14 June 1921 did not apply to additional hours worked in connection with undertakings of a seasonal character. The Supreme Court of Appeal referred the question back to the Court of Appeal at Liège, which delivered judgment on 26 March 1931, declaring itself in agreement with the opinion of the Supreme Court of Appeal, that higher rates of pay were payable for the overtime in question. (See "*Revue du Travail*", January, 1931, pp. 245 *et seq.*, and March, 1931, pp. 685 *et seq.*)

Chile. — The decisions of the labour courts in 1930 and 1931 on the question of overtime pay are published in "*Leyes sociales chilenas*, 1931."

Czechoslovakia. — Amongst the judicial decisions may be mentioned: (a) Supreme Court Order of 17 June 1926 giving the Washington Convention force of law throughout the country; (b) Supreme Court Order of 22 March 1927 on the position of persons occupying a post

of supervision in an undertaking; this Order is based on the principle laid down in the Convention; (c) Supreme Court Order of 20 April 1928 on the same lines as that of 17 June 1926; (d) Supreme Court Order of 12 June 1930 concerning the position of persons occupying posts of supervision or employed in a confidential capacity; the Order is based upon the principle laid down in Czechoslovak legislation.

The other reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under VI.

Czechoslovakia. — The Ministry for Social Welfare states that detailed information regarding the action taken by the factory inspection services in the course of their duties in supervising the application of the provisions relating to the eight-hour day is contained in the report of the industrial inspection service for 1930, which has been transmitted to the International Labour Office.

India. — Detailed information regarding the working of the Factories and Mines Acts is published by the Government of India and furnished to the International Labour Office. A full report of the manner in which the Convention has been or is to be applied to railways in India is contained in the Government of India, Railway Department, letter to the India Office of 13 August 1931. A copy of this letter has been forwarded to the International Labour Office.

Lithuania. — The number of workers covered by the relevant legislation during the first six months of 1931 was 14,381, of whom 8,485 were men, 5,454 women, and 442 young persons.

Portugal. — The report states that "the regulations in force regarding hours of work are actually observed, having been prepared with the co-operation of the organisations of the employers, workers and salaried employees, and with the assistance of the governing body of the Institute of Social Insurance, at numerous meetings in which practical assent was given to the draft of such regulations."

Regard has been had in these regulations to the desirability of not prejudicing conditions of production, while at the same time absolutely safeguarding the right established by the Washington Convention in 1919 and ratified by Portugal on 15 June 1928 as regards the maximum limit of hours of work thereby established. Attempts have also been made to correct certain defects in the Decree No. 5516, profiting by the study of the complaints made between 1919 and 1925, so as to make the regulation of hours of work harmonise better with the requirements of the branches of economic activity affected by the application of such legislation. The existing legislation still requires revision on some points and such revision will shortly be carried out, but in the meantime it may be stated with assurance that the regulations approved by Decree 10,782 fully satisfy the legal application of the hours of work within the limits comprised in the Washington Convention." As an example of the manner in which the Regulations are interpreted and applied, the report quotes a circular which the Under-Secretary of State for Finance authorised the Institute of Compulsory Social Insurance and General Provident Measures to send to civil governors. This circular declares that the Under-Secretary agrees with the following interpretation of the relevant Decrees: "1. That the civil governors have no power to prohibit the persons concerned or the delegates of class or trade associations from giving notice of contraventions to any of the authorities mentioned in subsection 1 of § 9 of Decree 10782 or to the police or administrative officials or to the law courts competent to deal with such contraventions. 2. That civil building works are of an industrial character and as such must be considered as falling within the classification of industries. 3. That contraventions of the hours of work may take place within the period between 7 a.m. and 8 p.m. as well as outside such period, inasmuch as the said limit, established by § 5 of Decree 10782, is the time during which industrial undertakings may normally remain open, but within such time no worker may be required to work more than 8 hours a day or 48 hours a week. 4. That an increase in the hours of work may only be authorised in the special and exceptional cases contemplated by §§ 6, 8 and 9 of Decree 5516 of 5 May 1919 and §§ 18 and 20 of Decree 10782 of 20 May 1925. Outside these cases, where industrial employers require more work the only legal form that they can use is the organisation of shifts. 5. That the prolongation of hours of work referred to in Order 4442 of 19 June 1925 may only be permitted in the special and exceptional cases prescribed by the Decrees above referred to, inasmuch as the said Order has not the legal power to repeal the provisions of the

said Decrees." By an Order dated 10 February 1930 a committee was set up to revise all the legislation concerning hours of work in order to make it correspond in every respect with the Washington Convention and the Convention (14th Session, Geneva) on hours of work in commerce and offices. This committee consists of seven Government representatives, four representatives of the employers and four of the workers; it has already held several meetings and begun the discussion of the clauses of a Bill.

Convention concerning unemployment.

This Convention came into force on 14 July 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
South Africa	20. 2. 1924	2. 12. 1931
Austria	12. 6. 1924	4. 11. 1931
Belgium	25. 8. 1930	8. 1. 1932
Bulgaria	14. 2. 1922	24. 10. 1931
Denmark	13. 10. 1921	27. 10. 1931
Estonia	20. 12. 1922	19. 10. 1931
Finland	19. 10. 1921	16. 12. 1931
France	25. 8. 1925	27. 11. 1931
Germany	6. 6. 1925	7. 11. 1931
Great Britain	14. 7. 1921	9. 11. 1931
Greece	19. 11. 1920	
Hungary	1. 3. 1928	23. 10. 1931
India	14. 7. 1921	26. 2. 1932
Irish Free State	4. 9. 1925	6. 11. 1931
Italy	10. 4. 1923	9. 12. 1931
Japan	23. 11. 1922	26. 12. 1931
Luxemburg	16. 4. 1928	19. 11. 1931
Norway	23. 11. 1921	24. 10. 1931
Poland	21. 6. 1924	25. 11. 1931
Rumania	13. 6. 1921	22. 12. 1931
Spain	4. 7. 1923	30. 11. 1931
Sweden	27. 9. 1921	5. 10. 1931
Switzerland	9. 10. 1922	28. 10. 1931
Yugoslavia	1. 4. 1927	2. 11. 1931

The report of the *Greek* Government has not yet been received.

The *Indian* Government states in its report that "the question of unemployment was considered in detail by the Royal Commission on Labour whose report was published in July 1931. Its recommendations in this connection which are now being considered by the Government of India will necessarily involve a review of the position in regard to this Convention".

The *Spanish* Government states in its report that before the ratification of the Convention certain legislative measures existed in Spain on the subject of unemployment, as, for instance, the Royal Decree of 27 April 1923 and the Royal Order of 29 September 1930. Since ratifying the Convention, the Spanish Government has passed a series of legislative measures with the object of applying it, but these measures have in reality not modified the previous legislation on the subject, since there was very little of such legislation, but have created new legislation in conformity with the Convention. Nevertheless, it is not possible, owing to various difficulties, to assert that these measures have as yet been fully applied. A measure involving complete reorganisation of the services of the Ministry of Labour is now before the Cortes for examination and approval, and the result will be a system better suited to the administration of the national social legislation. The Preamble to the Bill before the Cortes on the national organisation of employment finding runs as follows: "For this reason, we intend to organise a national system of public employment exchanges, administered by joint committees, which will enable the Republic to discover the extent and nature of the unemployment among its workers, to establish the necessary balance between labour supply and the needs of organised production and commerce, to develop and nationalise its services to the highest possible degree and to study, on the basis of reliable data, the most suitable solution for this serious problem".

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

South Africa.

Industrial Conciliation Act of 1924 (L. S. 1924, S. A. 1) together with the Regulations concerning Private Registry Offices published under Government Notice No. 1541 of 23 March 1926.

Other action affecting the Convention has been taken by the Union Government by ordinary administrative procedure without recourse to formal regulations.

Austria.

Unemployment Insurance Act of 24 March 1920 as subsequently amended by 27 amending Acts (text up to and including the XIXth amendment in L. S. 1927, Aus. 1; text of XXIIInd and XXIIIrd amendments in L. S. 1928, Aus. 9, and 1929, Aus. 4).

Belgium.

Royal Decree of 19 February 1924 (L. S. 1924, Belg. 1 and 2) amended by the Royal Decree of 19 January 1925 concerning the organisation of public employment exchanges (L. S. 1925, Bel. 1).

Royal Decree of 30 July 1926 concerning unemployment insurance (L. S. 1926, Bel. 8).

Royal Decree of 25 October 1930 concerning insurance against involuntary unemployment.

Various Royal Decrees issued since 1920 concerning employment-finding or unemployment relief.

Bulgaria.

Act of 12 April 1925 respecting employment exchanges and unemployment insurance (L. S. 1925, Bulg. 2).

Denmark.

Employment Exchanges Act of 1 July 1927 (L. S. 1927, Den. 3), amended by the Act of 9 November 1928.

Estonia.

Employment Exchanges Act of 1 August 1917.

Finland.

Public Employment Exchanges Act of 27 March 1926 (L. S. 1926, Fin. 1).

Resolution of the Council of Ministers of 22 April 1926 concerning the inspection of public employment offices and the payment of grants to employment offices and agencies (L. S. 1926, Fin. 1).

Order of 2 November 1917 concerning employment exchanges entitled to a State grant (French translation in B. B. 1918, Vol. XVII, p. 39) amended by the Acts of 8 May 1920 and 30 December 1921 and by the Order of 30 December 1921.

France.

Act of 14 March 1904 concerning the finding of employment for employees and workers of both sexes and in all occupations: Book I, Part IV, of the Labour Code (French text in B. B. 1904, Vol. III, p. 46).

Act of 2 February 1925 to amend § 85 of Book I, Part IV of the Code of Labour and Social Welfare with regard to employment exchanges and departmental employment offices (L. S. 1925, Fr. 4).

Public administrative regulations of 9 March 1926.

Act of 16 March 1928 concerning the finding of employment in the theatrical profession, amending § 98 of Book I of the Labour Code.

Act of 19 July 1928 to amend §§79, 81, 82, 83, 88 and 102 of Book I of the Labour Code.

Decree of 28 March 1922 as amended by Decree of 18 December 1927 concerning grants to public employment exchanges.

Decree of 28 December 1926 as amended by Decrees of 15 February 1927, 13 and 25 February 1931, 10 March 1931, 1 May 1931, 3 and 5 June 1931 and 31 July 1931 concerning the conditions to be fulfilled by municipal of departmental unemployment funds which grant subsidies to workers wholly unemployed, in order to obtain grants from the national Fund.

Decree of 10 March 1931 concerning the conditions to be fulfilled by partial unemployment relief funds.

Decree of 9 September 1905, as amended, concerning subventions for unemployment societies (B.B. 1906, Vol. I, p. 14).

Decree of 3 June 1931 concerning subventions for dock workers' unemployment funds.

Germany.

Act of 16 July 1927 respecting employment exchanges and unemployment insurance, as subsequently amended, particularly by the Act of 28 April 1930 concerning financial reform and Orders in application of the Act, especially the Order of 5 June 1931, concerning economic and financial security, Part III. "Unemployment Relief" Chapter I, "Unemployment Insurance and Emergency Relief" as completed or modified by later Orders.

Great Britain.

Labour Exchanges Act, 1909 (B. B. Vol. V, 1910, p. 21).

Unemployment Insurance Acts, 1920-1931 (L.S. 1920, G.B. 3; 1921, G.B. 2; 1922, G.B. 1; 1923, G.B. 1; 1924, G.B. 8; 1925, G.B. 6; 1926, G.B. 3; 1927, G.B. 6; see also 1926, G.B. 7).

National Economy Act, 1931.

The administration of unemployment insurance in Northern Ireland was transferred to the Northern Ireland Government on 1 January 1922. The Acts passed up to and including 1921 in Great Britain apply to Northern Ireland, but since that date legislation corresponding to the Acts passed at Westminster has been enacted in Belfast, with the exception noted under ARTICLE 3 below.

Hungary.

Act No. XVI of 1916, respecting official employment bureaux for industry, mining and commerce (B. B. Vol. XI, 1916, p. 225.)

Decree No. 92815/1916, issued by the Ministry of Commerce 17 February 1917, concerning the organisation and management of employment finding for workers in industry, mining and commerce.

Ministerial Decree of 2 February 1919 on the composition of the committees of employment offices.

Act. No. XV/1928, approving the ratification of the Convention.

Decree No. 85237/1928, issued by the Ministry of Commerce 23 May 1928, co-ordinating the free and the private employment offices (L.S. 1928, Hung. 5.)

Decree No. 77000/1926, issued by the Ministry of Agriculture, and dealing with the reorganisation of public employment finding for workers in agriculture.

Decree No. 27600/1930 concerning the setting up of an Advisory Committee for finding employment for agricultural workers.

India.

No new legislation was adopted. The Provincial Famine Codes regulate the provision of relief for workers unemployed by reason of famine or scarcity.

Irish Free State.

The Labour Exchanges Act, 1909, and the Unemployment Insurance Acts, 1920-26 (L. S. 1920, G. B. 3; 1924, I. F. S. 1; 1926, I. F. S. 3).

Italy.

Royal Decree of 30 December 1923 respecting compulsory insurance against unemployment (L. S. 1923, It. 10).

Royal Decree of 29 March 1928 concerning the national regulation of the demand and supply of labour.

Decree-Law of 15 November 1928 relating to the constitution of funds for the institution and working of free employment exchanges for the unemployed.

Royal Decree of 6 December 1928 issuing regulations for the application of the Royal Decree of 29 March 1928.

Royal Decree of 9 December 1929 to amend the Royal Decree of 29 March 1928 concerning State control of applications for and offers of employment.

Royal Decree of 9 December 1929 to amend the Royal Decree of 6 December 1928 concerning the rules for the application of the Royal Decree of 29 March 1928 concerning State control of applications for and offers of employment.

Royal Decree of 10 July 1930 approving an amendment to § 3 of the above-mentioned Royal Decree of 9 December 1929.

Act of 18 June 1931 on the composition and functions of provincial councils of corporative economy.

Act of 9 April 1931 on the regulation and development of internal migration.

Japan.

Employment Exchanges Act of 8 April 1921, (L. S. 1921, Jap. 1-4).

Imperial Ordinance No. 292 of 28 June 1921, respecting the administration of the Employment Exchanges Act (L. S. 1921, Jap. 1-4).

Regulations for the enforcement of the Employment Exchanges Act (Ordinance of the Department for Home Affairs, No. 29, promulgated on 27 November 1924).

Imperial Ordinance No. 107 of 31 March 1923, respecting the organisation of the employment exchange boards (L. S. 1925, Jap. 1).

Imperial Ordinance No. 20 of 20 February 1924, relating to the organisation of the employment exchange commissions (L. S. 1924, Jap. 1).

Regulations for the procedure of the employment exchange boards (Orders of the Department for Home Affairs, No. 7, promulgated on 3 March 1923), amended on 28 and 29 March 1929.

Instructions concerning the issue of warrants for the reduction of railway and steamboat fares to persons placed by the employment exchanges (Orders of the Department for Home Affairs, No. 23, issued on 16 September 1923).

Regulations concerning the issue of warrants for the reduction of railway and steamboat fares to persons placed by the employment exchanges (Notification of the Department for Home Affairs, No. 290, issued on 26 September 1923—L. S. 1925, Jap. 1, as subsequently amended.)

Ordinance No. 30 of the Department for Home Affairs of 19 December 1925, concerning the supervision of employment exchanges carried on for gain (L. S. 1925, Jap. 1).

Luxembourg.

- Act of 2 May 1913 concerning the organisation of employment exchanges.
- Act of 6 August 1931 concerning the organisation of unemployment exchanges and unemployment funds.
- Grand-ducal Decree of 21 August 1913 concerning employment exchanges.
- Grand-ducal Decree of 6 August 1921 for the application of the Act of 6 August 1921.

Norway.

- Employment Exchanges Act of 12 June 1896.
- Public Employment Exchanges Act of 12 June 1906 (B. B. Vol. I, 1906, p. 305).
- Act of 30 June 1921 to amend the Act of 6 August 1915 respecting State and communal subsidies to Norwegian unemployment funds, and the supplementary Act of 29 July 1918 (L. S. 1921. Nor. 1).

Poland.

- Decree of 27 January 1919 relating to the organisation of employment exchanges and of aid to emigrants.
- Order of 18 December 1923 relating to the organisation and powers of the joint advisory committees attached to employment exchanges.
- Act of 10 June 1924 respecting employment agencies, and Orders issued under the Act (L. S. 1924, Pol. 5 and 11).
- Act of 21 October 1921 respecting employment agencies carried on by way of trade, and amending Acts and Orders (L. S. 1921, Part II, Pol. 1).
- Act of 6 July 1923 to extend the legal provisions respecting compensation for industrial accidents, invalidity, old age, death and unemployment to nationals of other States (L. S. 1923, Pol. 3).
- Act of 18 July 1924 respecting unemployment insurance, and amending Acts and Orders (L. S. 1924, Pol. 3 and 6; 1925, Pol. 1; 1927, Pol. 6; 1928, Pol. 1; 1929, Pol. 2).
- Act of 25 March 1929 to amend the Act of 18 July 1924.
- Ministerial Decree of 7 December 1929 concerning the rights of seasonal workers to insurance benefits.
- Ministerial Decree of 2 May 1930 concerning the rights of workers employed abroad to insurance benefits.
- Various legislative and administrative measures dealing especially with Posnanian, Pomeranian and Upper Silesian.

Rumania.

- Employment Exchanges Act of 22/30 September 1921 (L. S. 1921, Rum. 2.)

Spain.

- Act of 13 July 1922 for the ratification of the Convention.
- Royal Order of 29 September 1920 creating under the direction and inspection of the Ministry of Labour a general service of employment exchanges and statistics of the labour demand and supply (L. S. 1920, Sp. 3).
- Royal Legislative Decree of 26 November 1926 establishing a National Corporative Organisation.
- Royal Decree of 14 February 1927 relating to the compilation of unemployment statistics.
- Decree of 28 April 1931 instructing the local committees of the Labour Council, or, failing them, the municipal authorities, to open registers for unemployed agricultural workers.

Decree of 25 May 1931 providing for the creation of a fund, to be known as the National Welfare Fund, at the National Institute of Social Welfare.

Decree of 18 July 1931 setting up special municipal administrative committees for the application of measures against unemployment among agricultural workers in Andalusia and Estramadura.

See also introductory note.

Sweden.

Royal Decree of 30 June 1916 (B.B. Vol. XI, 1916, p. 278), concerning State grants for the organisation and development of the public system of exchanges, as amended by Royal Decrees of 16 May 1918, 8 June 1928, 9 May 1930 and 15 May 1931.

Royal Decree of 30 June 1916 (B.B. Vol. XI, 1916, p. 277), amended by Royal Decrees of 16 May 1918, 23 May 1919 and 9 May 1930 respecting subsidies from State funds in order to cover a certain part of the travelling expenses of persons without means seeking work.

Royal Decree of 5 May 1916 concerning employment agents.

Switzerland.

Federal Decree of 29 October 1909 respecting the promotion of employment bureaux by the Federal Government (B.B. Vol. V, 1910, p. 68).

Regulations of 25 June 1923 concerning the use of a uniform procedure in the finding of employment.

Order of the Federal Council of 11 November 1924 respecting public employment exchanges (L.S. 1924, Switz. 5).

Federal Act of 17 October 1924 respecting the payment of subsidies for unemployment insurance (L.S. 1924, Switz. 3).

Order No. I of 9 April 1925 relating to the Federal Act of 17 October 1924.

Order No. II of 20 December 1929 relating to the Federal Act of 17 October 1924.

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S. C. S. 1).

Regulation of 26 November 1927 concerning the organisation of employment exchanges and of direct assistance to the unemployed.

Order of 12 June 1928 of the Minister for Social Affairs in agreement with the Minister for Commerce and Industry concerning the co-existence of private fee-charging employment exchanges.

The Government of Yugoslavia adds the following information. In ratifying a Convention the State gives an undertaking to the International Labour Organisation to apply the conditions of the Convention ratified in its national legislation. This undertaking on the part of the State has therefore an international character. In order that a Convention thus ratified should take effect as regards individuals, it is necessary to apply its provisions in national legislation, that is to say, where existing national legislation is incomplete or is not in agreement with the terms of the Convention, the State, or the competent authorities, must complete existing national legislation and bring it into agreement with the provisions of the Convention ratified.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

Please describe the action taken to give effect to this Article.

South Africa. — The Government states in its report that the periodical statistical information required under Article I of the Convention is now published in the *Monthly Bulletin of Union Statistics* issued by the Director of Census, a copy of which is regularly supplied to the International Labour Office. As a measure of economy, publication of the *Labour Gazette* (the official journal of the Department of Labour) was discontinued, March 1931 being the closing number.

Austria. — The report states that the information required by this Article is forwarded every three months to the International Labour Office.

Belgium. — The International Labour Office receives monthly a table giving the following information for different groups of industries; number of bulletins received, number of insured persons registered, number of wholly unemployed persons on the last working day of the last week of the month in question with details of the percentage in comparison with the total number of insured persons, number of partially unemployed persons on the same date and the percentage in comparison with the total number of insured persons, number of days of unemployment during the month, average of working days lost per thousand insured persons per week, difference between this average and that of the preceding month, number of days for which indemnities were paid by the unemployment insurance funds and percentage in comparison with the total number of days of unemployment. This table is forwarded to the International Labour Office within forty days of the end of the period concerned. In addition the *Revue du Travail*, which is communicated regularly to the International Labour Office, contains: (1) monthly, a table showing the activities of the official

labour exchanges during the preceding month and a statement of the allowances paid by the National Emergency Fund; (2) quarterly, a table giving the details, arranged under organisations, of placings effected by the independent labour exchanges approved by the State; (3), annually, (a) a table giving, in January, official employment statistics for the last year; (b) a table giving, in February, unemployment statistics for the past year; (c) a financial report at the end of the year on the activities of the unemployment insurance funds.

Bulgaria. — Provision is made in the Act of 12 April 1925 for the keeping of records applications by employers and workers. Further, a memorandum on unemployment in Bulgaria and on the measures taken to combat it, transmitted to the Office in May 1931, and mentioned in the report, indicates that the Ministry of Commerce, Industry and Labour receives every month information on the following points: (1) on the number of workers employed in industrial establishments using power machinery, without regard to the number of workers employed in each establishment, or establishments which do not use power machinery but employ at least 20 workers; (2) on the number of workers who have made application to employment offices or have been found employment by the offices; and (3) on the total number of unemployed workers as estimated by the inspectors. The memorandum contains information for the first three months of 1931.

Denmark. — All information relating to unemployment is forwarded by the Government as soon as available.

Estonia. — The Office regularly receives statistical information in the monthly reports on employment exchanges published in the review, *Eesti Statistika Kuukiri*.

Finland. — The Ministry of Social Affairs draws up special quarterly reports in pursuance of Article 1 of the Convention which it forwards to the Office in addition to the *Social Review* which contains monthly, quarterly and annual surveys of employment and unemployment, and an annual report of the activity of the unemployment funds subsidised by the State.

France. — Information relating to the situation as regards employment and unemployment is published every week (on Fridays) in the *Journal Officiel* under the heading *Bulletin du Marché du Travail*. An offprint is made of this Bulletin, which is sent regularly to the International Labour Office.

Germany. — The Ministry of Labour communicates the required information

every three months to the International Labour Office. The Office also regularly receives the *Reichsarbeitsblatt* (the official journal of the Ministry of Labour of the Reich and of the Federal Employment and Unemployment Insurance Institute).

Great Britain. — The *Ministry of Labour Gazette*, which is forwarded monthly to the Office, publishes a summary of the work of the employment exchanges, and contains information on the measures taken or contemplated to combat unemployment. In addition, statistical statements of unemployment are forwarded each week to the London correspondent of the Office.

Hungary. — The report states that the information mentioned in the Article is supplied monthly to the International Labour Office through the medium of the Hungarian Statistical Review (*Magyar Statisztikai Szemle*), edited and published by the Central Bureau of Statistics, whilst the measures taken from time to time for the purpose of combating unemployment in agriculture have been regularly communicated to the Office through the latter's Hungarian correspondent, or by the Minister of Foreign Affairs.

India. — At times of famine or scarcity the Government regularly communicates statements indicating the number of persons for whom employment had been found under the famine relief schemes.

Irish Free State. — Statistical statements referring to unemployment insurance and the working of the official employment offices are forwarded quarterly to the International Labour Office, together with reports on measures taken to combat unemployment.

Italy. — Monthly unemployment statistics are sent regularly to the International Labour Office. The Office also receives regularly the monthly publications *Bollettino del Lavoro e della Previdenza Sociale* and *Bollettino dei Lavori Pubblici*, and the *Informazioni Corporative*, which contain all available information on the labour market, the development of public works, and the measures specifically adopted to combat unemployment.

Japan. — The Regulations for the enforcement of the Employment Exchange Act require the directors of all employment exchanges to report on their activities. Employers must report to the prefectural governors and the chiefs of the mines inspection offices on the employment and discharge of workers in factories and mines. Information based on these reports is compiled and sent quarterly to the International Labour Office. The Govern-

ment states that further information respecting employment exchange activities and unemployment will in the future be communicated to the Office, in accordance with the Resolution concerning unemployment adopted by the International Labour Conference at its Eighth Session (1926). The report adds that the local authorities were ordered, by notification issued in August 1929, to investigate and report on the local unemployment situation at the first of each month.

Luxembourg. — The Central Committee set up by § 19 of the Decree of 6 August 1921 and the public employment exchanges furnish the Government as soon as possible with all the relevant information in their possession and particularly with details of unsuccessful applications for employment. The report merely states that the documentary information concerning unemployment has been forwarded to the International Labour Office.

Norway. — The Ministry of Social Affairs forwards all official publications which give information concerning unemployment, and the inspector of public exchanges makes a monthly situation report which is communicated to the Office.

Poland. — Information relating to unemployment is communicated to the Office in accordance with the provisions of the Convention.

Rumania. — The report states that statistics concerning unemployment in Rumania have been communicated to the Office month by month.

Spain. — The Royal Decree on 14 February 1927 instructed the General Labour Directorate to establish on a permanent basis the compilation of unemployment statistics. In pursuance of this Decree, the regional delegates of the Ministry of Labour and the provincial statistical authorities have been instructed to transmit to the Ministry any data which they have obtained on the subject.

Sweden. — The Government supplies statistical information monthly in the review *Sociala Meddelanden*, and the proceedings of the Unemployment Commission, in so far as they relate to unemployment, are sent to the Office monthly.

Switzerland. — The Government communicates monthly to the Office the *Rapports économiques et Statistiques sociales* published monthly by the Federal Department of Public Economy. These Reports contain statistical data relating to unemployment and the operations of employment exchanges. The Office also receives, as they appear, the *Feuille fédérale* and the *Recueil officiel des lois de la*

Confédération suisse, which contain legislative and administrative proposals and decisions of the Confederation. Further, the Federal Labour Office sends to the International Labour Office every three months a special report drawing attention to the articles which have appeared in the *Rapports économiques et Statistiques sociales* and to the new Federal Acts or regulations concerning the development of unemployment insurance and the steps taken to combat unemployment.

Yugoslavia. — Statistical information is supplied regularly to the Office, in accordance with § 57 of the Regulation concerning the organisation of employment exchanges.

ARTICLE 2.

Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

In addition

- (a) *Please give a general account of the working of the system of free employment agencies, stating how the Committees referred to in paragraph 1 are constituted and appointed and what method is adopted for the choice of the employers' and workers' representatives.*
- (b) *If private free employment agencies exist, please describe the steps which have been taken to co-ordinate their operations with those of the public agencies on a national scale.*
- (c) *Please state the views of your Government on the means of securing the application of the last paragraph of Article 2, viz. co-ordination of the operations of the various national systems by the International Labour Office in agreement with the countries concerned.*

South Africa. — (a) The Union is divided for labour purposes into eight divisions with headquarters in the largest town in each under an inspector and staff. At the headquarters, in each division, the employment exchange operates primarily for the town and further serves as a clearing house for the division generally. In rural areas subsidiary employment exchanges are established under head postmasters (some 256) who act as an intermediate clearing house for all outlying centres having subordinate post offices and postal agencies under their control. In headquarters (and a few other towns) adults and juveniles are separately dealt with, Juvenile Affairs Boards being set up under an Act administered by the Department of Labour. The Boards

co-operate closely with apprenticeship committees; and both are under the same central control as the labour exchanges. The placing of aboriginal natives is dealt with as a free service under special control of native commissioners of the Native Affairs Department, or by licensed recruiting officers, also as a free service. The functions of the committees referred to in paragraph 1 of Article 2 are fulfilled by the National Advisory Council of Labour, of which the Minister of Labour is the chairman and which is representative not only of diverse interests but also of different parts of the country, on whose behalf the members are competent to speak. The selection of the members is made by the Minister, who pays due regard to the requirements as to the adequate representation of important and well-marked interests and who consults responsible organisations where necessary in making his choice. It is the duty of the Council to advise the Minister, *inter alia*, on questions of unemployment; and the operations of the employment exchanges come under periodical review in that connection. The individual members or groups of members resident in one centre are regarded as acting in an advisory capacity in respect of local unemployment in those centres. Members are from time to time called upon to serve on special committees to consider specific unemployment problems; and in that connection important committees have been appointed to deal with urban and rural unemployment, the administration of poor relief, employment on the alluvial diamond diggings and employment by public bodies. Voluntary local committees have also been established in some of the smaller centres in conjunction with the post office employment exchanges. The appointment of these committees has usually followed a public meeting held for the purpose by an officer of the Department of Labour, and the committees are selected to represent different employers' and workers' interests. The postmaster, who is in control of the local exchange, acts as chairman. The committees hold periodical meetings and consider the results of the operations of the local exchange, as well as any local problems of unemployment. Central control is exercised by the Department of Labour.

(b) Provision for the establishment of private employment agencies is contained in § 20 of the Industrial Conciliation Act, 1924. Under the Act an agency may not be conducted unless the proprietor is in possession of a certificate of registration which may be issued by the Registrar of Trade Unions and Employers' Organisations who, in issuing certificates, takes into consideration the need for the agency and the suitability of the applicant. A maximum scale of fees has been fixed.

(c) As regards the application of the

last paragraph of Article 2 the Government reports that this is a question which touches the Union very remotely and is bound up with immigration policy. No policy for the introduction of immigrants to South Africa is in force at the present time, and it is difficult to see what kind of co-ordination would be effective as between the system in force in the Union and systems in force in other countries. The physical fact of distance presents an almost insuperable obstacle apart from any question of policy. Should it be found desirable, however, by other countries to avail themselves of the employment exchange system of the Union, the Government would be prepared to consider any feasible means of rendering any co-ordination effective.

Austria. — (a) The system of free public employment exchanges existing in Austria does not rest upon any special legislative provisions, but has developed in practice through the enforcement of the unemployment insurance scheme, the free public employment exchanges acting as unemployment offices. The chief provisions which regulate the working of these free public employment exchanges (unemployment offices) are § 20 of the Unemployment Insurance Act, the Xth and XIXth Orders issued under this Act and the Ministerial Orders of 26 May 1920 and 12 July 1921. In principle all the public employment exchanges are controlled by joint administrative committees of which employers and workers are members. There are no legal provisions governing the selection of the members of these committees; as a rule they are elected by the district industrial commissions from among candidates proposed by the employers' and workers' organisations.

(b) The existing private employment agencies are of little importance, and there is no collaboration between the private and licensed employment agencies and the public employment exchanges. Efforts are being made to limit as far as possible the activities of private fee-charging employment agencies. Some collaboration with private employment agencies which are of public utility has been effected by requiring these private employment agencies to announce their establishment to the competent district industrial commission and to supply statistical reports at regular intervals (Order of 26 May 1920).

(c) The Austrian employment exchanges have already got into touch with the competent authorities of some neighbouring States, as well as with other States with which an exchange of workers is possible. The Austrian Government considers, however, that it would not be desirable to effect a general co-ordination of employment exchanges in all countries so long as an effective exchange of workers

is rendered impossible by far-reaching regulations in those very countries which are of most importance. The Government fears that, for this reason, an international system of finding employment would result in a failure which would for many years discredit international co-operation. It considers that it would first be better if those countries the industrial development of which allows the introduction of foreign workers would give such workers free access.

Belgium. — (a) Official labour exchanges have been set up which are free employment exchanges, supervised by joint committees and under State control. Under the terms of § 2 of the Royal Decree of 19 February 1924, the Minister of Labour and Industry has the power to set up or close down these official labour exchanges; § 3 of that Decree (as amended by the Royal Decree of 19 January 1925) lays down that each official labour exchange shall be administered by a Governing Body composed of delegates of the public departments which contribute towards the expenses of the institution, and delegates of employers', workers' and salaried employees' organisations. The decisions of the Governing Body are taken by a majority vote; the number of votes to which the delegates of the public departments are entitled is fixed in proportion to the amount of the grants made to the Official exchange by their respective departments. Each delegate on a joint supervisory committee who is a member of the Governing Body has the right to one vote. In accordance with § 4 of the Royal Decree of 19 February 1924, the Governing Body takes decisions in regard to proposals submitted to it by the joint supervisory committee or by the Director; the latter is the Secretary of the Governing Body and of the joint supervisory Committees. These joint committees which supervise the activities of each Official exchange are, in accordance with § 5 of the Royal Decree of 19 February 1924 amended by the Decree of 19 January 1925, composed, as to half, of representatives of employers' federations or heads of undertakings falling within the jurisdiction of the particular committee and, as to half, of representatives of organisations of workers and salaried employees; the organisations themselves nominate their representatives on the Committee. The Governing Body fixes the number of seats allotted to each organisation and makes a fair allowance for the rights of minorities. The joint supervisory committee, within the limit of its powers under the regulations, gives instructions to the Director as regards the placing of workers in employment. The committee appoints to sit on the Governing Body, in addition to its Chairman, at least two and at the most three members of each of the groups of which

it is composed. § 6 of the Royal Decree of 1924, as amended by the Royal Decree of 19 January 1925, lays down that the Governing Body of each of the official exchanges may set up within the joint committee sub-committees entrusted with the duty of watching over the special interests of certain occupations. The Royal Decree of 19 February 1924, in § 7, authorises the joint supervisory Committee to fix, for each occupation, in agreement with the employers' and workers' organisations concerned, the minimum wage rate below which the employment exchange will not consent to assist in placing workers. With this exception, the staff of the employment exchange registers, in the case of each application for or offer of employment, the wage asked or offered without intervening in fixing the wage unless specially requested to do so. The employment exchange operates even in the event of collective disputes (§ 8). The representatives of the Minister of Labour and Industry always have the right, under the terms of § 9, to examine the work carried out by the employment exchange and to check the accounts. In industrial districts which do not fall within the jurisdiction of an official employment exchange, the Minister of Labour and Industry may, in accordance with § 10 of the Royal Decree of 19 February 1924, entrust all or part of the powers of an official exchange to a public employment office of which the manager is subject to the direct control of unemployment and employment inspectors.

(b) The Royal Decree of 19 February 1924 lays down, in § 2, that exchanges set up by private persons or by the public authority may be approved under conditions to be determined by the Minister. The report states that such free exchanges exist, that they are subsidised by the State and that they find employment free of charge under the supervision of joint committees. § 11 of the Royal Decree of 19 February 1924 entrusts the Minister of Labour and Industry with the duty of taking the necessary steps to co-ordinate, on a national basis, the activities of official or approved labour exchanges and of public employment offices. The report states that the necessary steps have already been taken and that all those offices communicate to one another the offers and applications which they receive.

(c) The report points out that in the event of the International Labour Office desiring, in agreement with the countries concerned, to co-ordinate the working of the various national systems, it can obtain from the Belgian Labour Review the monthly statistics of the action taken for finding employment in that country. In view, however, of the serious depression in trade and commerce, foreign workers

cannot at the present moment be welcomed in Belgium. The Belgian Government is ready, in all cases, to furnish the International Labour Office with any information which might, in the future, facilitate the task of co-ordinating the various national systems for finding employment.

Bulgaria. — (a) The Act of 12 April 1925 provides in § 1 that free employment exchange work is to be carried out by employment exchanges and by employment and unemployment offices. § 6 provides for the establishment of employment exchanges at Sofia and Philippopolis, and gives the Minister of Commerce, Industry and Labour the power on the recommendation of the Supreme Labour Council, to order the establishment of employment exchanges in localities in which there are more than 3,000 persons in permanent employment. The report states that 31 exchanges were operating during 1930. In localities where there are no employment exchanges, employment exchange work is carried on by the communal authorities. The employment exchange service thus created is directed and supervised in each department by the labour inspector, and throughout the country by a special branch of the Labour Department of the Ministry of Commerce, Industry and Labour (§ 15). In §§ 11 and 13 provision is made for setting up courts of arbitration and labour councils in connection with each local employment office. The courts of arbitration are to be composed of a justice of the peace as chairman, together with one representative each of the employers and workers; these courts decide all disputes relating to employment exchange work, etc. The labour councils are to consist of the labour inspector as chairman, a certain number of representatives of public authorities, and three employers' and three workers' representatives nominated by their respective local organisations; the duties of these councils are to investigate the work which can be carried out in case of unemployment, and also other measures for the prevention or reduction of unemployment, the application of labour legislation and the improvement of labour conditions.

(b) Private employment offices are prohibited. Employment offices belonging to trade organisations of employers or workers may continue to exist provided that they are carried on free of charge. These offices are supervised by the State and are co-ordinated with the public exchanges.

(c) The report does not refer to the question of international co-operation.

Denmark. — (a) The Act of 1 July 1927 provides for the establishment of free public employment exchanges in each department and at Copenhagen. Further,

if the municipal council so desires, municipal employment exchanges may be approved, provided that they are managed in the same way as the departmental exchanges, by a committee composed of a chairman and two members (one employer and one worker) and two substitutes, appointed by the municipal council after consultation with the employers' and workers' organisations concerned. In Copenhagen the committee is composed of a chairman and six members (three employers and three workers). The chairman must be neutral and approved by the Ministry of Social Affairs.

(b) The report states that private institutions for placing workers, e.g. unemployment funds and trade unions, collaborate to a considerable extent in the public placing of workers; the basis of collaboration is one which has developed in practice.

(c) As regards the possibility of collaborating with the employment exchanges of other countries through the intermediary of the International Labour Office, the report considers that very little can be done at present. The basis of such collaboration is, however, provided by the exchange of information regarding the state of the labour market under Article 1 of the Convention.

Estonia. — (a) A system of free public employment exchanges has been in existence since 1919, in the form of 14 labour exchanges. The committees responsible for the direction of these exchanges consist of representatives of the workers and employers nominated by their respective organisations, under the chairmanship of a person appointed by the commune.

(b) Only a very few private employment agencies exist and these are not concerned with industrial workers. Their activities are entirely limited to receiving offers of and requests for domestic service.

(c) The report adds that "the possibility of the various national systems being co-ordinated by the International Labour Office seems very slight. The countries concerned should be left to settle this question by means of direct agreements."

Finland. — (a) Under § 1 of the Act of 27 March 1926 communes and organisations are authorised to deal with the finding of employment. § 2 of the Act provides that in every town of more than 5,000 inhabitants a communal employment exchange must be set up. Towns of less than 5,000 inhabitants, as well as large villages and rural communes must also set up employment exchanges or appoint an agent to deal with the finding of employment when this is thought necessary. Under § 6 the communal or municipal council must appoint an equal number of employers' and workers' re-

presentatives as members of the board of directors of the employment exchange. The representative organisations of employers and workers, if such exist in the district, may previously nominate their candidates for election. The Council must also appoint an independent chairman.

(b) The only private employment agencies in existence are those maintained by certain organisations and by certain special trades. These agencies, after the employment agency inspectorate has reported, are authorised by the State to exercise their functions for three years. This authorisation may be renewed. As the activities of the few offices in existence are restricted to certain defined classes of employment which are not usually served by the public employment exchanges, the public exchanges are unaffected by them.

(c) The remoteness of the country renders the finding of employment internationally of little importance at present. In accordance with the instruction given by the Chamber of Deputies in 1926 the Government ensures that vacancies in the country are in the first place given to Finnish nationals. Foreign workers are, as a rule, granted permission to work only when the vacant place cannot be filled by Finnish labour and when the grant of a permission to work seems to be to the general interest and not merely to the interests of individuals.

France. — (a) The Act of 2 February 1925 to amend § 85 of Book I of the Code of Labour and Social Welfare with regard to employment exchanges and departmental employment offices maintained the existing obligation imposed upon towns of less than 10,000 inhabitants to keep a register containing offers of and application for employment and the obligation for towns of more than 10,000 inhabitants to establish a municipal employment exchange, and added a further obligation upon the Departments to set up departmental employment offices. The municipal employment exchanges are at the free disposal of the public, and the duties of the departmental offices are defined as being "to organise and ensure in every commune of their area the recruiting and placing, free of charge, of workers in agriculture, industry, commerce and the liberal professions, as well as domestic servants and apprentices." The expenses of setting up and administering municipal exchanges and departmental offices must be borne by the towns and departments concerned, and, if a town of more than 10,000 inhabitants fails to set up an exchange, it is provided that "the prefect shall take measures *ex officio* for its establishment, after a formal order has been given to the municipal council without effect." Municipal exchanges and departmental offices may

institute trade sections for certain trades ; an agricultural section must be set up in every departmental office. To every municipal exchange and departmental office, and if necessary to trade sections, is attached a managing committee composed of an equal number of wage-earning or salaried employees and employers belonging as far as possible to the trades which make most use of the exchange. Public administrative regulations prescribing the conditions to which in general the various offices, exchanges or trade sections must conform, especially as regards the constitution of joint committees, measures to ensure that the placing work of the offices is carried on *bonâ fide* and free of charge, and that there is impartiality in case of labour disputes, co-ordination between the various exchanges and offices, etc., were issued on 9 March 1926. The report further states that departmental offices have been created in the few Departments where they did not already exist. Since the issue of the regulations of 9 March 1926, instructions for the full application of the law have been issued to the prefects of the Departments concerned, and new offices have been created and others have been reorganised. At present the number of employment offices and exchanges is as follows : 7 regional offices, the operations of which extend over several Departments and the duties of which are to co-ordinate the activities of the various departmental and municipal offices ; 90 departmental offices (one in each Department) ; 230 municipal exchanges. In addition 37 departmental offices have appointed local correspondents, more particularly in agricultural centres.

(b) The co-ordination of the public employment offices is undertaken by the district labour exchanges ; the control of the private offices was strengthened by the Act of 19 July 1928 ; § 3 lays down that " every fee-charging or free employment agency shall be required to communicate weekly to the departmental public employment office, the figures of the requests for, and offers of, employment and of the vacancies filled ". In collaboration with the police officials, the agents of the public employment services appointed by the Minister of Labour control and check the statistics. Under the terms of § 88, no new fee-charging agency can be opened without the authority of the Mayor, Prefect or Minister according to whether it is proposed to operate in a local district, in a Department or throughout the whole country. All such requests for permission are submitted to the Administrative Committee of the Departmental Employment Office. Except in very exceptional cases, permission is no longer given to open new fee-charging agencies.

(c) The report does not refer to this question.

Germany. — (a) The public employment services in Germany are the concern of the Federal Employment and Unemployment Insurance Institution. The organisation consists of a Central Office, State employment offices and local employment offices. The authorities of the Federal Institution are the committees of management of the employment offices and of the State employment offices and the Governing Body and Executive of the Federal Institution. The committees of management consist of the chairman of the office and an equal number of representatives of employers, workers and public institutions as assessors. The Governing Body and Executive of the Institution consist respectively of the President of the Institution acting as chairman and of an equal number of representatives of employers, workers and public bodies as assessors. The employers' and workers' representatives on the committees of management of the local employment offices and of the State employment offices are appointed from nomination lists drawn up by the employers' and workers' organisations. The employers' representatives on the Governing Body of the Institution are elected by the employers' group of the Federal Economic Council ; the workers' representatives are elected by the workers' group of the Federal Economic Council. The employers' and workers' representatives on the Executive of the Institution are appointed by the Minister of Labour from special nomination lists drawn up by the groups concerned in the Governing Body.

(b) The finding of employment privately is carried on by employment agencies which do not work for profit and are outside the Institution ; these agencies, under § 49 (1) of the Act respecting employment exchanges and unemployment insurance, are placed under the control of the Institution, which also supervises their collaboration with the employment offices and the State employment offices.

(c) The German Government states that it is ready to help the Office in arranging the exchange of information between countries concerning requests for, and offers of work (not relating to individuals or specified places). It presumes that such requests for or offers of work would be of some importance and for a considerable period of time.

Great Britain. — (a) Free public employment agencies exist in pursuance of the Labour Exchanges Act of 1909. Divisional and national clearing systems facilitate the work of finding places for the unemployed. In connection with each exchange there is a body known as the Local Employment Committee appointed by the Minister of Labour and consisting in the main of representatives of employers and

employed, who advise on matters concerning the carrying on of the exchanges.

(b) Co-ordination between the public employment exchanges and the employment agencies of the trade unions which co-operate in the application of the Unemployment Insurance Acts (1920-1929) is effected by arrangements made under § 17 of the Unemployment Insurance Act, 1920, whereby weekly returns of unemployed members of the associations are rendered, and the public employment exchanges offer vacancies when trade unions cannot find employment for their members. The divisional and national clearing systems place this co-ordination on a national scale.

(c) The Government reports that the state of unemployment in Great Britain is such that the introduction of labour from other countries on any appreciable scale is not necessary. The permits required when alien labour is introduced into Great Britain, however, are issued by the Ministry of Labour after consultation with the Home Office. On the other hand, on account of the differences in language and social and domestic conditions, there is little emigration of British labour to other countries except to British Dominions and the U.S.A. Close arrangements already exist for regulating inter-Imperial migration. The U.S.A. immigration legislation does not provide for the transfer of labour from other continents through the machinery of employment exchanges.

Hungary. — (a) A system of employment exchanges for industry, mining and commerce has been set up under Act No. XVI of 1916 and Order No. 92815/1916 which is in conformity with the requirements of this Article of the Convention. Under §6 of the Order a committee must be set up for each public employment exchange consisting of equal numbers of representatives of employers and workers. The method of electing such representatives is laid down in regulations issued by the Minister; regulations dated 2 February 1919 were drawn up for each exchange; the report gives in an appendix as an example regulation No. 38228 covering the employment exchange of the City of Budapest. As regards the finding of employment for agricultural workers, the system set up under the Order No. 77000/1926 provides for the consultation of the agricultural committees and the National Chamber of Agriculture, on which the employers and workers have equal representation. Decree No. 27600/1930 lays down the manner of setting up these advisory bodies which assist the employment exchanges for agricultural workers; the National Chamber of Agriculture works in connection with the Central employment exchange for agricultural workers.

(b) Order No. 85273/1928 contains provisions for co-ordinating the work of the public and private exchanges. The latter have to supply regular statistical reports to the former. They are also obliged to notify immediately applications for labour which they are unable to supply.

(c) The Hungarian Government considers that systematic co-ordination with the systems of employment-finding in adjoining countries would be desirable, but states that for the present the situation of the labour market makes the carrying out of such a plan impossible.

India. — Free public employment agencies under the control of Government have not been established in British India because industrial unemployment did not formerly exist on any appreciable scale and the provisions of the Provincial Famine Codes adequately dealt with the case of agricultural unemployment. The Royal Commission on Labour which considered this question made certain recommendations to meet the case of urban unemployment when and where it may be found to exist. The present position will be reviewed in the light of the proposals made by the Commission.

Irish Free State. — (a) A system of free public employment exchanges exists in pursuance of the Labour Exchanges Act, 1909. Further, under the Unemployment Insurance Acts, practically the whole of the employed population (with the main exceptions of agriculture and private domestic service) is insured against unemployment. Insured persons, when unemployed, must lodge their unemployment books (without which employment in an insured trade cannot be obtained) at an employment exchange, before they can be entitled to benefit in respect of their unemployment. Employers notify opportunities of employment to the exchange, the duty of which is to offer suitable employment to unemployed persons registered there. Benefit is paid only if such employment is not available. The system of national employment exchanges is administered by the central Government through the Department of Industry and Commerce. Local offices, of which there are about 100, are established in the cities and principal towns of the country. Committees, which include representatives of employers, workers, education authorities and other local bodies or interested persons, have been appointed to advise on certain aspects of the work of exchanges. A system is in operation by which vacancies that cannot be filled locally are circulated nationally from a central clearing house. This system is known as the National Clearing System.

(b) The chief public employment agencies, apart from the employment

exchanges set up by the State under the Labour Exchanges Act, are those of the trade unions which work from district and branch offices. These offices keep registers of unemployed members. By means of arrangements made with associations under § 17 of the Unemployment Insurance Act of 1920, co-ordination is effected between the employment exchanges and the trade union branches. If the trade union cannot itself find employment for its members, the employment exchange offers any suitable available vacancies to them. By means of the National Clearing System mentioned above co-ordination is on a national scale.

(c) The report states that the Government will be prepared to consider any definite proposals put before it for the purpose of co-ordination by the International Labour Office of the various national systems of employment exchanges.

Italy. — (a) Under the various Decrees the placing of unemployed workers free of charge is effected by special offices for each class of workers; these offices have a national, inter-provincial or provincial jurisdiction, and are attached to the trade unions. National Offices have been set up for workers in rice-mills and for harvest workers, inter-provincial offices for workers who gather the olive crop, and provincial offices for agricultural workers in general and for industrial and commercial workers with branch offices and correspondents for the various districts. Each office is managed by an administrative committee composed of equal numbers of representatives directly chosen by the associations of employers and workers concerned; it is the duty of the committee to direct the activities of the office, to supervise its working, and to appoint employment agents chosen from amongst the leaders of the workers' organisations concerned. Within each province the supervision and co-ordination of the work of the various employment offices is entrusted to the provincial councils of corporative economy on which the employers' and workers' organisations are represented in equal numbers. Regional and national co-ordination, including internal and external migration questions, is dealt with by the Ministry for Corporations, in agreement with the Commissariat of internal migration and colonisation and with the other Ministries concerned, after consultation with the central offices of the corporations in cases where corporations have been organised. The use of the employment offices is compulsory for both employers and workers. In accordance with § XXIII of the Italian Labour Charter, employers are required, in virtue of § 11 of the Royal Decree of 29 March 1929, as amended by § 2 of the Royal Decree of 9 December 1929, to engage un-

employed workers through the employment offices. On the other hand, the employer is exempted from the obligation to act through the employment office when the worker is engaged for less than a week unless exceptions to this exemption are laid down by the Decrees by which the offices were set up. A special committee attached to the Ministry for Corporations administers the funds for the institution and working of the employment offices.

(b) Under § 1 of the Royal Decree of 9 December 1929, to amend § 10 of the Royal Decree of 29 March 1928, all agencies, even those operating free of charge, undertaken by private persons, associations or organisations for finding employment for unemployed persons are prohibited in regard to those categories of workers for whom employment offices have been set up and within the districts to which the competence of those offices extends. Since employment offices have been set up for agriculture, industry and commerce, private agencies are excluded—heavy penalties are imposed for any infraction—and there are thus very few categories of workers for whom employment can be found by fee-charging agencies. Moreover, in Italy private employment agencies have never played a part of any importance; they must be in possession of a licence and are subject to the control of the authorities of public safety and they are required to submit to the approval of those authorities the tariff of the fees which they charge. They must always have those tariffs posted up in a conspicuous place and no fee may be charged over and above the amounts set forth in those tariffs.

(c) The Italian Government is prepared to consider any proposals which may be made by the International Labour Office with a view to the co-ordination, as far as may be possible, of the operations of its employment exchange system with the systems of other countries.

Japan. — (a) The regulations adopted in 1921 provided for the establishment of free employment exchanges by the authorities of cities, towns and villages or, with the permission of the Director of the Employment Exchange Board, by private persons or bodies. The exchanges maintained by cities, towns and villages are subsidised by the State; they may be set up on the initiative of the local authorities or by direction of the Minister for Home Affairs. The exchanges thus established numbered 400 in September 1931. The organisation of employment exchange commissions is provided for in the Ordinance of 20 February 1924. In pursuance of this Ordinance a Central Employment Exchange Commission has been set up, followed by the appointment of local commissions in Tokyo, Osaka, Fukuoka,

Nagoya and Aomori. The appointment of local commissions at Nagano and Okayama is under consideration. The functions of these commissions are to advise the administrative authorities on the work of the employment exchanges by means of replies to enquiries or by representations. The chairman of the Central Employment Exchange Commission is the Director-General of the Bureau of Social Affairs, whilst the chairmen of the local commissions are nominated by the Cabinet on the recommendation of the Minister for Home Affairs from among the members of the commissions. The number of members of the central and local commissions may not exceed twenty; they are chosen, as regards the Central Commission by the Cabinet on the recommendation of the Minister for Home Affairs, as regards the local commissions directly by the Minister; they include equal numbers of persons representing the interests of the employers and persons representing the interests of the workers chosen, for the present, from amongst persons nominated by the prefects. In addition, there may be set up, to express opinions on matters relating to the management of the local employment exchanges, employment exchange commissions in the cities, towns and villages, the members of which are to be appointed by the heads of the respective cities, towns or villages. The regular composition and the procedure of the local commissions are also to be determined by the chief magistrates of the cities, towns or villages, who are required to report to the directors of the employment exchange boards. The members of these commissions include an equal number of representatives of both employers and workers. The method of their appointment is, for the time being, left in the hands of the chief magistrates of the cities, towns or villages.

(b) In order to co-ordinate the operations of the public and private employment exchanges there have been created, subject to the supervision of the Minister for Home Affairs, the central and local exchange boards, which, in addition to their ordinary work, supervise the work of the exchanges. There are, at present, in addition to the central exchange board, 7 local boards in Tokyo, Osaka, Nagoya, Fukuoka, Aomori, Nagano and Okayama. The Regulations for the enforcement of the Employment Exchanges Act contain detailed provisions for the co-ordination of the activities of the public and private exchanges. Thus, arrangements are made for the exchange of information between the agencies; a permit to establish a private agency can only be obtained from the head of the local employment exchange board; where there are several employment agencies in a city, town or village, one of them is designated to co-ordinate the activities of the whole group; similarly, in each Prefecture or other large district, the

local employment exchange board designate one agency to co-ordinate the activities of all the agencies in the group; vacancies which cannot be filled locally are notified to the higher co-ordinating authority, etc. The report also states that the operation of employment agencies for commercial purposes is only allowed subject to the authorisation of the Governor of the Prefecture, and that the policy at present adopted is not to authorise the establishment of new employment agencies for purposes of profit unless their establishment is deemed necessary.

(c) The Japanese Government is of opinion that there is considerable difficulty in realising the co-ordination of the operations of the various national systems by the International Labour Office, in agreement with the countries concerned. However, it is hoped that steps may be taken to give effect thereto as far as possible.

Luxemburg. — (a) In the Grand Duchy there is a system of free public employment exchanges known as "Bourses de Travail" set up as the result of an arrangement concluded between the State and the communal authorities concerned; they are controlled by the Government and under the direction and supervision of an administrative Commission composed of one employers' representative and one workers' representative; the seats of the official labour exchanges are: Luxemburg for the capital and the centre of the country, Esch-sur-Alzette for the mining districts, Diekirch for the north. The working of the official labour exchanges, the composition and the method of election of the supervisory committees are laid down by rules and regulations an example of which is attached to the report.

(b) Private employment offices are governed by the Act of 2 May 1913 and the Grand-Ducal Decree of 21 August 1931; § 1 prohibits any person from carrying on a private employment office without the permission of the Government. In view of the increase in official employment exchanges since 1913, the Government has issued no further licences for the establishment of private offices, which have ceased to exist with the sole exception of an agency for domestic servants.

(c) The co-ordination by the International Labour Office of the working of the national systems for finding employment on an international basis could be undertaken in a practical manner if the International Labour Office were put into direct touch with the Labour Exchanges and the Emigration Offices by the various countries of the State-Members of the Organisation which would, at regular intervals, furnish the Office with particulars of the applications for, and offers of, employment which they received. The

advantage of this system would be to supply information concerning emigration and the international exchange of workers and to protect the workers themselves against frequent disappointments.

Norway. — (a) The Public Employment Exchanges Act of 12 June 1906 established employment exchanges in communes, each under the control of a committee appointed by the commune and composed of a chairman and an equal number of representatives of employers and workers, who may be nominated by the employers' and workers' organisations. State supervision is carried out by the Ministry of Social Affairs, through the inspector of public employment exchanges. No fees are charged. There are at present 48 employment exchanges. Norway is divided into five employment areas for the transference of labour from one region to another. The local employment exchanges send to the central exchanges of the areas weekly reports showing the requests for and offers of employment with which they cannot deal. On the basis of these reports the central exchanges draw up lists for the whole of the area, which are sent to railway stations, etc., to be posted up. The exchanges are also authorised to issue half-fare tickets to the place of work to the destitute unemployed.

(b) The free private employment exchanges in Norway have become of so little importance that it would not be worth while to co-ordinate their activities with those of the public exchanges. The free private exchanges which hold a concession are required, under the Act of 12 June 1906, to send reports to the central statistical office.

(c) The report states that "collaboration with other countries in the finding of employment has always been practised when an opportunity occurred. Now that the migration of labour is regulated and restricted by the legislation of various countries, the free exchange of labour between different countries is no longer very considerable. It would clearly be desirable to co-ordinate the system of finding employment in different countries, both as regards procedure and also as regards statistics. A special drawback is that it is difficult to compare the statistics of employment found and of unemployment in different countries". The report concludes that in this respect the International Labour Office has a task which it has not yet carried out.

Poland. — A system of free public employment exchanges exists in virtue of the laws and orders referred to above under I. This system included, on 1 January 1931, 38 offices in the principal towns, 19 branch offices in places of lesser economic importance and 10 communal exchanges in Upper Silesia. During the

first nine months of 1931, these offices found employment for 187,252 workers, as against 337,000 during the year 1930. Employment abroad was found for approximately 50,000 workers. The number of unemployed on 1 September 1931 was 246,380. The indemnities paid during the first nine months of 1931 amounted to 84,081,207 *zlotys*. Mixed advisory committees including equal numbers of representatives of employers and workers have been set up in virtue of the Decree of 27 January 1919, relating to the organisation of employment exchanges, and of the Order of 18 December 1923, relating to the organisation and powers of the joint advisory committees attached to employment exchanges. These representatives are appointed by the municipal and district councils, or equivalent bodies, from candidates nominated by the industrial organisations, or, in default of such candidates, directly from the employers and workers, taking into account the economic importance of the occupations concerned. The committees advise on all matters relating to the working of the employment exchanges. In Posnania and Pomerania the working of these committees is governed by an Order of 30 September 1924.

(b) In addition to the public employment exchanges, there exist employment agencies carried on by social organisations in accordance with the Act of 10 June 1924, and commercial employment agencies regulated by the Act of 21 October 1921. The employment agencies carried on by social organisations are not to derive any financial profit from their activities, but to cover expenses they may charge employers a fee equal to 5 per cent. of the first month's earnings of the person placed. In 1930 there were 320 such agencies. These agencies are supervised by the public exchanges to which they must report monthly. As regards the employment agencies carried on commercially, §4 of the Act of 21 October 1921 provides that a permit to carry on an employment agency shall not be granted "if a sufficient number of employment agencies already exists in the locality in question, and especially if a State or other gratuitous employment exchange is in existence there and carries on its work satisfactorily." These permits may only be granted to persons who were already carrying on agencies when the Act came into operation; they may be granted for one year by the Minister of Labour and Social Welfare, who specifies the occupations and localities to which the permit applies. The number of fee-charging agencies was about 50 in 1930. The Act of 3 March 1926 amending §5 of the Act of 21 October 1921 extended the period of five years from the promulgation of the Act, within which non-gratuitous registry offices for domestic servants were to be abolished, to eight years. A circular issued under these

Acts on 13 November 1929 ordered the suppression of such offices.

(c) The Polish Government states that it attaches importance to the co-ordination provided for in the third paragraph of this Article of the Convention, and would like the International Labour Office to make proposals, after consulting the Governments concerned, with a view to the exchange of national statistics by emigration and immigration countries and the adoption of uniform methods of placing workers.

Rumania. — (a) In application of the Employment Exchanges Act of 22 September 1921 circuit employment exchanges have been established in the towns of chief commercial and industrial importance. On 30 September 1931, there were 36 such exchanges. There are also registration offices attached to the mayors' offices of all urban and rural communes which receive applications for employment or for labour which are communicated to the communal or circuit employment exchanges. No fees are charged for finding employment. The sums necessary for the working of the exchanges are provided for in the general budget, upon proposals made by joint committees, regional and central (appointed by the Minister of Labour) and confirmed by the Directorate of the Employment Exchange Service. Joint committees of an equal number of workers and of employers are attached to each exchange and make proposals as regards the work of the exchanges and the budget of the exchange. These committees are under the control of the Directorate of the Employment Exchange Service. The Government intends to increase the number of circuit exchanges as the need arises. When the circuit exchanges are sufficiently numerous the regional exchanges provided for in the Act will be set up; meanwhile, the circuit exchanges in localities where there are factory inspection offices act as regional exchanges. The activities of the circuit exchanges and the communal registration offices are co-ordinated by the central employment exchange directed by the Directorate of the Employment Exchange Service in the Ministry of Labour. During the year 1930, employment was found for 95,509 persons; the provisional statistics for the first nine months of 1931 assess the figure at 64,911.

(b) Fee-charging agencies have been abolished. Provision is made in §§ 7 and 8 of the Act for licensing and co-ordinating the activities of free private employment agencies, but no such agencies have been established.

(c) The report does not refer to the question of international co-ordination.

Spain. — (a) The Royal Decree of 29 September 1920 provided for the insti-

tution of a general employment service and a service of unemployment statistics under the control of the Ministry of Labour. The results of this system had, however, not been very extensive, according to the report for 1925, and the report for 1926 stated that further provisions relating to the finding of employment had been included in the Royal Legislative Decree of 26 November 1926 establishing a National Corporative Organisation. This Decree provided for the creation, for specified groups of trades or occupations, of joint local and interlocal committees, one of the functions of which was defined in § 17 (4) as follows: "To organise labour exchanges in order to find at any time employment for unemployed workers, and for this purpose they shall make an occupational census of the employers and workers in their branch in the locality." The report for 1929 stated that the labour exchange service in course of organisation under the joint committees constituted in pursuance of the Decree of 26 November 1926 (amended in 1928) began to take more active measures during the year 1929 for the purpose of constituting a national service of labour exchanges under the direction of the joint committees of the various industries and centralised in the councils of corporations and central services of the Ministry of Labour and Social Welfare. The report for the first nine months of 1931 adds: "With regard to the establishment of a system of public employment exchanges under the supervision of a central authority, we would say that, although there exist free employment agencies in several parts of Spain... we shall not now give details (which have in any case already been communicated to the International Labour Office), since these exchanges are at present undergoing a thorough reorganisation entailed by the administration of the Decree of 25 May and the Regulations made under it, by means of which the provisions of the Convention will be loyally applied". See also introductory note.

(b) The report for 1930 stated that the Government had intended to co-ordinate the various private employment offices by setting up a controlling organisation in which the various services would have been centralised; this duty might have been entrusted to joint committees under the direction of the Councils of corporations. However, owing to difficulties which arose in regard to the organisation of this scheme, the employers and workers requested that the matter should not be left to the joint committees but that special employment committees should be set up to deal exclusively with that question. The reform of the national organisation of the corporations which the Government proposed to lay before Parliament included these proposals and it was hoped that by the co-operation of the employers and workers a satisfactory

result might be reached. See also above under (a).

(c) The report does not refer to the question of international co-ordination.

Sweden. — (a) Employment exchanges established by the general councils of the provinces and by some communes have been in existence since 1902 and uniformity in the system has been attained by imposing certain conditions which must be fulfilled before support may be granted from State funds. These conditions are laid down by the Decree of 30 June 1916, amended by the Decree of 16 May 1918, concerning State grants for the organisation and development of the public system of exchanges. At the end of September 1931 there were working 36 public employment exchanges controlling 36 employment offices and 102 branch offices, 4 of which were engaged in finding employment for seamen. Employment agents, 20 of whom are concerned with finding employment for seamen are also established in some localities. The direct management of the work of the various public employment exchanges devolves on special committees, among whose members are an equal number of representatives of employers and workers. These committees are appointed by the provincial or communal authorities which have established the exchanges; the employers' and workers' organisations nominate their candidates previously.

(b) The report states that as the private employment agencies are not subject to State control, no steps have been taken to co-ordinate their activities with those of the public employment exchanges, but in practice there is collaboration to some extent between the private and public offices. Moreover, the co-ordination of these offices will be considered when the general revision of the legislation concerning employment offices takes place.

(c) As regards the possibility of co-ordinating internationally the various national employment systems, the report states that the question does not at present seem of practical interest, at least for Sweden. So long as there is no radical change in the dearth of employment and in the restrictive immigration legislation in many countries, an increase in the exchange of labour between States cannot be hoped for.

Switzerland. — (a) The Order of 11 November 1924 respecting public employment exchanges requires the Cantons to set up central employment exchanges. When, however, the circumstances justify it, and if the Federal Department of Public Economy agrees, several Cantons may set up a joint central exchange. In accordance with this requirement there is a central employment exchange (cantonal office) in

every Canton. Those Cantons, moreover, in which a central employment exchange is insufficient have set up employment exchanges in the communes, or, where it was thought desirable, district exchanges covering several communes. The work of the communal or district exchanges is co-ordinated by the cantonal offices, that of the cantonal offices by the Federal Labour Office which publishes a daily bulletin containing the offers of and requests for employment received from the Cantons. The Order of 11 November 1924 further requires the formation of committees, composed of equal numbers of employers' and workers' representatives, to serve as advisory bodies in questions concerning employment exchanges. Within these limits the Cantons and communes are left free to choose the method of selecting the employers' and workers' representatives, the manner of appointing and the exact task of these committees. The requirement that these committees must be set up has up to the present been interpreted to mean that the Cantons need not set them up if special circumstances make them superfluous. If, for example, the communal employment exchanges in a Canton have joint committees, it may not be necessary to require the central office to appoint a committee. On the other hand, when the central office of the Canton has a joint committee it may be useless to require the communal offices to appoint them as well. In practice, out of 36 public employment exchanges in Switzerland, consisting of 20 cantonal offices and 16 communal offices, 24 have at present joint committees. These joint committees do not all perform the same tasks. While some are bodies for the supervision of the employment exchange, others are of a purely advisory nature.

(b) The Order of 11 November 1924 lays down that the Federal Department of Public Economy shall take the necessary steps to co-ordinate the activities of free public and private employment exchanges. Some employers' or workers' organisations collaborate in the monthly statement upon the situation of the Swiss labour market. In addition, the daily bulletin prepared by the Federal Labour Office is communicated, whenever it contains information likely to interest them, to all the employers' or workers' organisations. There is a joint employment Office for "technical occupations"; moreover, in 1930, the employment service of the Swiss Society of Merchants was transformed into a joint institution entitled "Swiss Employment Service for Commercial Employees". These two institutions are recognised and subsidised by the Confederation. The co-ordination of this joint Service and of the public offices is assured by a close collaboration and by the regular communication of offers of, and applications for, employment to the Federal office and the cantonal

offices, also by a careful study of the Bulletin of the Federal office.

(c) Until the summer of 1929 the Federal Labour Office communicated every three months to the International Labour Office a list, by occupations, of Swiss workers prepared to emigrate to take work abroad. This was done by way of experiment and the practice was abandoned with the agreement of the International Labour Office. The report adds that "the co-ordination of the various national employment systems would be a very difficult task. It might even be asked whether it was worth undertaking so long as many countries place restrictions on immigration."

Yugoslavia. — (a) The Workers' Protection Act of 28 February 1922 provided for the establishment and organisation of employment exchanges for the workers. This system of the organisation and working of the employment exchanges was partially reorganised under the Regulation of 26 November 1927 concerning the organisation of employment exchanges and direct assistance to the unemployed. § 1 of the Regulation provides for the creation of public employment exchanges in the area of each Chamber of Labour, with a central public employment exchange in Belgrade. Under the same provision branches of these public employment exchanges will be established in the area of each Chamber of Labour, and in the most important industrial centres in case of necessity, and after authorisation from the Minister for Social Affairs. The old State employment exchanges and the exchanges established after 1 April 1927, or their branches, will be considered as public employment exchanges. At the end of 1930 the number of these employment exchanges was six, with eighteen branches. In accordance with § 4, the public employment exchanges are composed of: (a) a Board of Management; (b) an Executive Committee; (c) the director of the exchange with necessary staff. According to § 5 the Board of Management is the supreme body. It consists in each case of seven members and an equal number of substitutes. One member is a State official, two members are representatives of the Chamber of Labour, two are representatives of the Regional Council, and two members are representatives of the Regional Workers' Insurance Fund of the area where the employment exchange has its seat. According to § 7, each Board chooses from among its members the Executive Committee of the Employment Exchange, consisting of three persons: the Chairman of the Executive Committee, who is Chairman of the Board of Management; a representative of the Chamber of Labour; and a representative of the Regional Council. According to § 9, the Central Public

Employment Exchange in Belgrade is the supreme body for finding employment for workers in the country. It consists of three persons: a representative of the Ministry for Social Affairs and Public Health, a representative of the Central Secretariat of the Chambers of Labour and a representative of the Federation of Industries, who must be nominated by agreement among the Chambers of Industry, Commerce and Trade of Belgrade.

(b) According to § 3 of the above Regulation, the public employment exchanges perform their functions free of charge. They enjoy in their respective areas the right of priority in the matter of finding employment for workers, and may collaborate with the employment exchanges which may be established by the communes, by the various public utility corporations, by assistance and benefit associations, or by workers' organisations, and grant them subsidies if they fulfil the conditions laid down by the Regulation. With regard to the co-existence of private fee-charging employment exchanges, their working has been regulated by an Order of 12 June 1928 of the Ministry for Social Affairs and Public Health in agreement with the Minister for Commerce and Industry issued in virtue of § 105 of the Workers' Protection Act. § 23 of the Order prescribes that in places where a State or public employment exchange, or branch thereof, exists all private fee-charging exchanges shall be closed within one year, at latest, of the establishment of the public exchange. The report indicates that in accordance with the terms of this § private fee-charging exchanges are at present being closed throughout the Kingdom. Private exchanges must keep at the disposal of the authorities up-to-date statistics of their activities.

(c) The report does not refer to the question of international co-ordination.

ARTICLE 3.

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

If a system of insurance against unemployment is in existence in your country, please describe the arrangements made with other Members under this Article, forwarding the texts of such arrangements, if they have not already been communicated.

Please state whether, in the absence of such arrangements, the legislation in force in your country provides for the equality of treatment of national and foreign workers as regards unemployment insurance.

South Africa. — There is no system of unemployment insurance in the Union of South Africa.

Austria. — The provisions of the Unemployment Insurance Act make no distinction between national and foreign workers as regards unemployment insurance; though public relief, the cost of which is met by means of equal contributions from the authorities and the individuals, is in principle restricted to Austrians and to the nationals of States granting similar relief and treating Austrians on a footing of equality in this respect with their own nationals. Nevertheless, where another State gives more favourable treatment to its own workers as regards unemployment benefit than to Austrian workers resident in its territory, it may be stipulated by Order that the nationals of the State shall similarly be accorded less favourable treatment in respect of unemployment benefit in Austria.

Belgium. — Foreign workers employed on Belgian territory who are members of a Belgian insurance institution approved by the State receive from that institution statutory benefits equal to those paid to nationals. They also receive, during the statutory period, family allowances from the National Emergency Fund, and, in certain cases, additional allowances from the commune or province. When these statutory rights are exhausted, benefits from the National Emergency Fund are paid only to nationals of countries which afford reciprocal treatment to Belgians residing in their territory.

Bulgaria. — An unemployment insurance system is set up by the Act of 12 April 1925, and it is specified in § 31 of this Act that "wage-earning and salaried employees of alien nationality shall be deemed to be liable to unemployment insurance if their country of origin grants the same rights and approximately the same rates of benefit to Bulgarian nationals."

Denmark. — The report states that foreign workers may join approved unemployment funds on the same footing as Danish nationals, and may receive benefits from these funds. An agreement relating to equality of treatment as regards unemployment insurance was concluded with Switzerland on 9 February 1928.

Estonia. — The report states that Estonia has no system of unemployment insurance.

Finland. — The Order of 2 November 1917 provides that foreign workers who are members of unemployment funds entitled to receive State subsidies shall have the same rights as national workers.

The report adds that there is no other unemployment insurance in Finland. There is therefore no occasion to conclude the agreements to which Article 3 refers.

France. — No system of unemployment insurance has yet been set up in France. There exist, however, a national unemployment fund and State-aided trade union and mutual unemployment funds, etc. Agreements have been concluded with Italy, Poland, Czechoslovakia and Belgium, for reciprocity in unemployment benefits. The Labour Treaty between France and Italy¹, for example, signed at Rome on 30 September 1919 and ratified by the French Parliament, provides in Article 11 that "subsidies to funds for mutual assistance against unemployment and assistance from public unemployment funds and from public institutions for relief work shall be granted in each State to nationals of the other State." Similar provisions are found in the Convention concluded with Poland on 14 October 1920 and in the Labour Treaty concluded with Belgium² at Brussels on 24 December 1924. These three conventions have been ratified. Two further treaties have been signed, namely, one with Rumania on 28 January 1930, and one with Austria on 27 May 1930. The ratification of these two treaties is under consideration.

Germany. — Foreign workers and persons without nationality are treated on the same footing as German nationals as regards unemployment relief granted under insurance. Relief in times of crisis may, under § 101 (3) of the Act respecting employment exchanges and unemployment insurance be granted to aliens, but only on condition of reciprocity. Relief in times of crisis is in fact granted at present to Polish and Austrian nationals. Agreements on the subject have so far been concluded with Poland, on 14 July 1927, and with Austria, on 29 February 1928. Under an Order dated 19 February 1929 persons without nationality are now also granted such relief.

Great Britain. — The legislation in force in Great Britain (England, Wales and Scotland) provides for the equality of treatment of national and foreign workers as regards Unemployment Insurance; the only agreement entered into was concluded with Switzerland on 19 November 1929. The administrative rule under which unemployment benefit was withheld in certain circumstances from certain classes of aliens has been abolished. The report indicates that the administration of unemployment insurance in Northern Ireland was transferred to the Northern Ireland Government on 1 Janua-

¹ L.S. 1920, Int. 2.

² L.S. 1924, Int. 3.

ry 1922. The legislation in force in Northern Ireland corresponds to that in force in Great Britain with the exception of § 7 (1) and (6) of the Unemployment Insurance Act (Northern Ireland) 1928, under which it is a statutory condition for the receipt of unemployment benefit that the person claiming has, (except as otherwise prescribed, e.g. a man who has served in H. M. Forces), been resident in the United kingdom for a period of 3 years immediately preceding the date of claim.

Hungary. — There is no unemployment insurance.

India. — There is no system of unemployment insurance in India.

Irish Free State. — The Unemployment Insurance Acts provide for insurance against unemployment for all workpeople, whatever their nationality, without "residence" qualification, if they are engaged in the employments covered by the Acts. As these Acts are not less favourable to foreigners than the conditions implied in the Convention, there is no necessity for legislation to enable the Irish Free State to make arrangements as provided for in the Convention. An arrangement is in operation with Switzerland. The Irish Free State is prepared to enter into arrangements with any other State required for the protection of nationals abroad.

Italy. — § 25 of the Decree of 19 October 1919 provided that foreign workers should be subject to the compulsory unemployment insurance system and enjoy the same benefits as nationals. This provision is repeated in § 1 of the Royal Decree of 30 December 1923, No. 3158, which provided for the reorganisation of the unemployment insurance system. Further, in application of this Article of the Convention Italy has signed a declaration with Switzerland, which was made formally operative in the Kingdom by the Decree No. 363 of 17 February 1927.

Japan. — There exists no system of unemployment insurance.

Luxemburg. — The reciprocity of unemployment benefits is formally provided for by the Labour Treaty concluded, on 20 October 1926, between the Grand Duchy and Belgium. Moreover, the last paragraph of § 1 of the Grand Ducal Decree of 6 August 1921 provides that, as regards unemployment benefit, foreign workers can be treated on the same basis as nationals. In practice, Luxemburg affords absolute equality of treatment to foreign workers involuntarily unemployed whose country of origin affords the same treatment to Luxemburg workers similarly situated.

Norway. — Before 1921 subventions accorded by the State to unemployment funds were paid only to Norwegian members or foreign members of the funds who had resided in Norway for the two preceding years. Under the Act of 30 June 1921, however, exceptions may be made to the condition of residence where agreements have been made between the Norwegian unemployment funds and foreign unemployment funds concerning the payment of indemnities on a basis of complete reciprocity and when the King concludes an agreement to this effect with a foreign State. Up to the present, however, no such agreement has been concluded, but several unemployment funds have made agreements with employers' or workers' organisations in other countries, and when a foreigner who belongs to one of these organisations arrives in Norway, he is assisted by the Norwegian fund, without regard to the length of his residence in Norway. The Treasury, however, makes no contribution to such subsidies, unless the foreigner in question has been domiciled in Norway for at least two years. The reason why no agreements have so far been signed by the Ministry of Social Affairs is that the conditions of complete reciprocity are not fulfilled.

Poland. — Foreign workers benefit by the same laws and regulations for the protection of the workers as Polish nationals under the Act of 6 July 1923. This Act lays down the principle of equality of treatment and applies it, as regards social insurance, to the nationals of all countries. Nevertheless, if another State restricts the corresponding rights of Polish nationals, the Council of Ministers may issue regulations restricting the rights in question of nationals of the said State in Poland. The Council of Ministers has not yet made use of these powers. The Act of 25 March 1929 extended the right to benefits under unemployment insurance to young persons of 16 to 18 years of age and raised the rate of unemployment benefit; the Decree of 2 May 1930 lays down the conditions to which Polish workers in foreign countries must conform in order to enjoy the insurance benefits; it also provides for the insurance of professional workers and foreign workers. In addition to these cash payments the State also assists unemployed persons by providing benefits in cash and food. In accordance with the spirit of the Convention, Poland has concluded an agreement with Germany relating to unemployment relief and unemployment insurance renewable annually unless three months' notice of denunciation is given. The agreement does not apply to seasonal agricultural workers. Under the treaty signed at Berlin on 11 June 1931 the terms of the agreement will also apply to unemployment insurance of intellectual workers, which was created in Poland by

Decree of the President of the Republic 24 November 1927. By an exchange of notes with the Swiss Government, Poland has made an arrangement ensuring equality of treatment as regards unemployment insurance to the nationals of the two countries.

Rumania.—No system of unemployment insurance exists in Rumania.

Spain.—Ch. X § 3 of the Decree of 25 May 1931 runs as follows: "As regards foreign workers, the application of the measures against unemployment, as far as right to benefit by grants from the National Fund is concerned, shall be subject to the principle of reciprocity, in accordance with Article 3 of the Washington Convention... If the foreign workers are nationals of Andorra, Portugal, the Spanish-American Republics, or Brazil, reciprocity shall always be deemed to exist".

Sweden.—There is no system of unemployment insurance.

Switzerland.—The Federal Act of 17 October 1924 respecting the payment of subsidies for unemployment insurance gives a legal sanction to the Federal subsidies to unemployment funds. Foreign workers are assimilated to nationals in all respects. Nevertheless, § 11 of the Act provides that the Federal Council may refuse or diminish subsidies in the case of foreign workers belonging to a State which does not grant equality of treatment to unemployed of Swiss nationality or does not apply equivalent measures against unemployment. The report adds that "the Swiss Government has approached the States which have ratified the Convention, and which have established systems of insurance against unemployment, in order to ascertain whether they are willing to grant to Swiss citizens established in their territories absolute equality of treatment as regards insurance against unemployment, or whether they intend to make the treatment to be accorded to Swiss citizens dependent upon certain conditions." Up to the end of 1930 an agreement has been concluded with Italy, and arrangements have been made, by an exchange of notes, with Austria, Denmark, Germany, Great Britain, Poland and the Irish Free State. Switzerland has also made agreements for the application of the principle of equality of treatment as regards unemployment insurance with Czechoslovakia (1926) and the Netherlands (1929), neither of which has ratified the Convention." The report adds that §11 mentioned above has not been applied up to the present. Thus the Confederation has up till now sanctioned grants towards indemnities paid to foreign workers belonging to States which have not yet granted equality of treatment as

regards unemployment insurance with Switzerland. The question of the position, as regards unemployment insurance, of foreign seasonal workers who have been refused further permission to stay in the country or forbidden by the authorities to take up further work, is at present under consideration. Meanwhile, the unemployment insurance funds have been authorised to grant unemployment indemnities to these seasonal workers for a transitional period of short duration.

Yugoslavia.—With regard to the establishment of unemployment insurance, the Act of 14 May 1922 concerning workers' insurance provides in § 2 that a system of insurance in case of unemployment will be instituted subsequently. In the absence of such insurance, a system of unemployment relief is applied in practice. With regard to the equality of treatment for national and foreign workers in respect of relief, the report states that such equality is provided for in § 17 of the Regulation of 26 November 1927, conditionally upon reciprocity.

III

Article 5 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where, owing to the local conditions, its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

South Africa.—The report states that the Union of South Africa has no colonies, protectorates or possessions.

Belgium.—The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Denmark. — The instrument of ratification specified that the Convention should not apply to *Greenland*.

France. — Owing to local conditions the Convention has not up to now been applied in French overseas possessions. In *Algeria*, which is covered by the provisions concerning the finding of employment of Book I, Part IV of the Labour Code, a Decree of 16 March 1927 makes the provisions of the Act of 2 February 1925 applicable, with certain modifications. There are two departmental and municipal employment offices in *Algeria*; one at *Algiers*, the other at *Oran*. There are also two municipal employment offices in the Department of *Algiers*, at *Blida* and *Orleansville*. In the *Protectorate of Tunis*, mention is made of the labour office of *Tunis*, the chief duty of which is the centralisation and fulfilment of demands made to the employment offices. The functions of this labour office are very similar to those of the regional labour offices of the home country. During the years 1926 to 1930, the office effected an annual average of 1,115 placings.

Great Britain. — This Convention has been applied to none of the British colonies, protectorates and mandated territories. The Convention is based on conditions in highly organised industrial communities and is not applicable to conditions in tropical countries where the majority of the population are peasants, engaged in agricultural pursuits on their own or their tribal lands; or where (as in many cases) wage-earning employment is largely supplemented by such occupations. In the few colonies which are dependent on imported or immigrant labour, special arrangements are in force for co-ordinating the supply of labour to the local requirements. Except in very exceptional circumstances there is little "unemployment" as understood in Europe, and when such circumstances arise it is necessary to take application of the Convention. The Commissariat for internal migration and colonisation has, however, the power, in agreement with the Ministry for the Colonies, to encourage emigration to the colonies, with a view to their colonisation.

Italy. — The special conditions of the labour market in *Libya* and *East Africa* and the degree of social development in those Colonies do not permit of the application of the Convention. The Commissariat for internal migration and colonisation has, however, the power, in agreement with the Ministry for the Colonies, to encourage emigration to the colonies, with a view to their colonisation.

Japan. — The Government reports that as the conditions in the colonies are different from those of *Japan* proper the

Convention has not yet been applied to them. However, in conformity with the spirit of the Convention, attention is being drawn to the increase and improvement, as far as local conditions permit, of free public employment agencies, and at the same time an effort is being made to supervise employment agencies established for profit. Further, the report gives the following information: I. *Chosen* (Korea): With regard to the free public employment exchange agencies, it is the policy of the Government to leave their management to Departments (*Do*), Arrondissements (*Gun*) and villages (*Men*) and also to private institutions. Public employment agencies charge no fees. The record of placing in work of twenty public employment exchange agencies in 1930 is shown as follows:

	Placing of general workers	Placing of casual workers
Workers wanted	16,326	7,511
Employment wanted	28,816	8,353
Persons securing employment	9,293	6,652

Employment exchange agencies aiming at pecuniary gains are regulated by the Provincial Orders in the respective provinces issued between 1922 and 1929. At present, there are 2,797 commercial employment agencies, including 264 agencies dealing with persons from *Japan* proper and 2,533 with natives. II. *Taiwan* (Formosa): Free public agencies have gradually come into existence in *Taiwan* since August 1921. At present, there are thirteen public placing agencies and three private placing agencies which charge no fees. The record of these agencies in 1929 is as follows: Workers wanted, 3,955; Employment wanted, 4,750; Number of persons placed in contact with prospective employers, 4,179; Persons having secured employment, 2,756. The number of commercial employment agencies in *Taiwan* is so small that special regulations dealing with them have not been laid down. III. *Karafuto* (Saghalien): There are only three public employment exchange agencies in *Karafuto*, and these are operated by private bodies of social work. There are 130 commercial employment exchange agencies which are controlled by the Regulations of Employment Exchange Agencies (Order of the *Karafuto* Administrative Office) which became effective in 1907. In future, free public employment exchange agencies will be developed so as to replace the commercial employment exchange agencies. IV. *Kwantung Leased Territory*. In the *Kwantung* leased territory, free public employment exchange agencies were established by the city of *Dairen* in September 1921. At present, an enquiry is being undertaken with a view to taking measures of promoting and subsidising them. There are

a few employment exchange agencies aiming at profit. These are regulated by the Order of the Kwantung Administrative Office concerning exchange agencies, issued in 1920. V. *South Sea Islands*: There exist no employment exchange agencies in the South Sea Islands.

Spain. — The report states that the legislation in force applies to all territories under Spanish sovereignty.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

South Africa. — 9 April 1924.

Austria. — 20 July 1924.

Belgium. — 25 August 1930.

Bulgaria. — 1 January 1926.

Denmark. — 2 November 1921.

Estonia. — 20 December 1922.

Finland. — 19 October 1921.

France. — The Decree promulgating the Convention was issued on 20 February 1927.

Germany. — 6 June 1925.

Great Britain. — 14 July 1921.

Hungary. — 7 June 1928.

India. — 14 July 1921.

Irish Free State. — 4 September 1925.

Italy. — 27 June 1923.

Japan. — 1 April 1923.

Luxemburg. — 16 April 1928.

Norway. — 23 November 1921.

Poland. — 21 June 1924.

Rumania. — 30 September 1921.

Spain. — 4 July 1923. See also introductory note.

Sweden. — 27 September 1921.

Switzerland. — 10 October 1922.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

South Africa. — The application of the measures giving effect to the Convention

in the Union is entrusted to the Minister of Labour who ensures, through the central staff and the district inspectorate of the Department of Labour, that the provisions of the Convention are in practice applied.

Austria. — The enforcement of the Unemployment Insurance Act devolves, in the first place, on the unemployment offices and, in the second place, on the district industrial commissions which control these offices. There are eleven district industrial commissions. The Federal Ministry of Social Affairs is the principal controlling authority. The observance of the requirements of the Act is ensured by the right of inspection and supervision which the Act confers upon the various supervising authorities.

Belgium. — The application of the Royal Decrees concerning unemployment and employment is entrusted to the Minister of Industry, Labour and Social Welfare (Office of Labour), to the National Emergency Fund and to the inter-communal and communal Unemployment Funds. The work of the Labour Exchanges is checked and controlled by the Minister's representatives (§ 9 of the Royal Decree of 19 February 1924); the public employment offices set up in districts where no official labour exchange exists are directly controlled by the employment and unemployment inspectors (§ 10 of the Royal Decree of 19 February 1924).

Bulgaria. — The application of the Act of 12 April 1925 is entrusted to the labour inspectors and employment exchange officials under the control of the Ministry of Commerce, Industry and Labour.

Denmark. — The Ministry for Social Affairs, assisted by the Director of Employment Exchanges and Unemployment Insurance, is responsible for the application of existing legislation.

Estonia. — The supervision of the enforcement of the Act of 1 August 1917 is entrusted to the factory inspectors.

Finland. — The supervision of the observance of the legislation in question is entrusted to the Labour Office of the Ministry of Social Affairs and, in particular, to the inspector of public employment exchanges.

France. — The Ministry of Labour (Labour Directorate) is entrusted with the supervision of the application of the relevant laws and regulations. The local supervision of the employment exchanges is exercised by the representatives of the Minister, the regional offices, which are State institutions and which supervise not only the technical working of the exchanges but also their finances in con-

sequence of the grant of subsidies by the State. In addition the officers of the public employment exchanges appointed by the Minister of Labour, in conjunction with the officers of the judicial police, ensure the accuracy of the statistics and the maintenance of the principle that no fees are charged.

Germany. — The supervision of the enforcement of the Act respecting employment exchanges and unemployment insurance and of the Orders issued thereunder is entrusted to the Federal Employment and Unemployment Insurance Institute. This Institute exercises its functions under the supervision of the Ministry of Labour of the Reich. Enforcement is ensured by various means: systematic enforcement is mainly guaranteed by the considerable administrative independence which the employers and workers are allowed and by a special procedure for reaching decisions upon questions concerning the right to insurance. This procedure is kept entirely apart from the administrative bodies.

Great Britain. — Compliance with the various Employment Exchange and Unemployment Insurance Acts is enforceable under specific provisions contained in the Acts. As the furnishing of statistics by the employment exchanges is under the control of the Ministry of Labour, no other measures for enforcement are necessary. Associations of employers and employed are not compelled to furnish statistics, but these returns have for many years been rendered voluntarily. The Ministry of Labour, through the Intelligence and Statistical Department, furnishes statistics and other information to the International Labour Office. Through the Unemployment Insurance Department it administers the employment exchanges and the schemes for unemployment benefit.

Hungary. — The immediate supervision of the public employment exchanges for workers in industry, mining and commerce is carried out by the municipal councils, and the general supervision by the Hungarian State Employment Exchange. As regards agricultural workers, the local bodies are supervised by the National Bureau for Employment-finding in Agriculture, which in turn is placed under the control and supervision of the Minister of Agriculture.

India. — The machinery set up for providing employment under the Provincial Famine Codes is supervised by the Government through the revenue staff, supplemented where necessary by special officers and staff appointed for the purpose.

Irish Free State. — The Department of Industry and Commerce is responsible

for the application of the legislation and administrative regulations bearing on the Convention.

Italy. — The supervision of the provincial employment offices is carried out by the provincial councils of corporative economy, while that of the national and inter-regional offices is entrusted to the Ministry for Corporations. This Ministry is also responsible for the supervision of all the various Decrees.

Japan. — The enforcement of the relevant laws and regulations, etc., is entrusted to Director-General of the Bureau of Social Affairs under the direction of the Minister for Home Affairs, the central and local employment exchanges and the directors of the employment exchange boards; these directors are officials of the Bureau of Social Affairs. The employment exchange agencies are required to submit to the administrative authorities reports on their activities as well as all books and documents.

Luxemburg. — The application of the Acts and Regulations concerning unemployment is entrusted: (1) as regards the employment offices to the Official Labour Exchanges controlled by the Government and the authorities concerned; (2) as regards unemployment relief to the communal administrations (communal joint committees) controlled by the Central Committee of Supervision and Appeal.

Norway. — The inspector of employment exchanges and unemployment funds supervises the activities of these institutions.

Poland. — The supervision of employment exchanges is carried out, in pursuance of the Act of 2 August 1919, by the voivods as intermediary authorities and by the Ministry of Labour and Social Welfare as the final authority.

Rumania. — The supervision of the application of the Act of 30 September 1921 devolves upon the Directorate of the Employment Exchange Service and is carried out by the factory inspectors.

Spain. — Supervision is exercised by the Ministry of Labour, to which the central labour inspection service is attached.

Sweden. — The enforcement of the legislation mentioned under I is entrusted to the Royal Department of Labour and Social Welfare and to the committees of the employment exchanges, which work under the direction and supervision of the Department. The supervision exercised by the Royal Department is carried out by inspection of the employment exchanges and their various branches, as well as by detailed reports upon their activities which

the exchanges are required to render at regular intervals. Meetings of the heads of the employment exchanges are also arranged from time to time. The provincial governors and the local police authorities are responsible for the enforcement of the Royal Decree of 5 May 1916 concerning employment agents.

Switzerland. — The Federal Labour Office is responsible for collecting and communicating to the International Labour Office statistical and other information concerning unemployment. As regards the employment exchanges, the enforcement of the Order of 11 November 1924 is the duty of the Cantons, under the supervision of the Federal Department of Public Economy and, in particular, of the Federal Labour Office.

Yugoslavia. — The supervision of the application of the Act and the Regulation concerned is entrusted to the Minister for Social Affairs and Public Health while the supervision of the application of the Order is entrusted to the prefects as well as to the Ministers for Social Affairs and Public Health and for Commerce and Industry.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Germany. — No decisions of courts of law or other courts concerning the application of the Convention have been brought to the notice of the Government. The general decisions given by the German Insurance Office regarding the application of the Unemployment and Insurance Act are regularly published in Part IV of the *Reichsarbeitsblatt* under the heading "Unemployment Insurance".

The other reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country.

In particular, please supply any information that you may consider desirable concerning the finding of employment for workers in theatrical undertakings. (This request for information has been inserted in the report form in pursuance of decisions taken by the Governing Body on 1 June and 10 October 1930, in response to a wish expressed by the Advisory Committee on Professional Workers.)

Belgium. — No special measures have as yet been taken in Belgium regarding the finding of employment for workers in theatrical undertakings. The persons concerned have not yet come to an agreement as regards their collaboration with an official organisation for finding employment.

Denmark. — The public employment offices find employment for workers in theatrical undertakings (with the exception of the artistes), for example, programme-sellers, cloak-room attendants, washerwomen, scene-shifters, painters, etc. The public offices do not find employment for artistes who have no Unemployment Fund recognised by the State. The Association of Danish Actors (*Dansk Skuespillerforbund*) has set up for its members a free employment institution to which the theatres apply and which thus dispenses the artistes from the necessity of employing private agencies.

Estonia. — The report contains no general observations.

Finland. — In Finland there are no special bodies for finding employment for workers in theatrical undertakings.

France. — No difficulties have arisen in connection with the application of the Convention during the period between 1 January and 30 September 1931. Workers in theatrical undertakings are covered by the same legislation as other workers. Before the Act of 16 March 1928, the fees charged by theatrical agencies were borne by the artistes. Under the Act of 1928, these agencies were subjected to the general regulations and the fees are now borne by the employers. The finding of employment is, in practice, undertaken by the private agencies; in the Departmental Office of the Seine, however, there is an employment branch in which there is a Section for theatrical and operatic artistes. This branch is being developed in a normal manner. A similar branch is shortly to be established in Marseilles. The report contains detailed information on the organisation in France of the system of public employment exchanges. The number of placings effected by these exchanges in 1930 was 1,427,197. Finally, the report states that the French Act is in complete agreement with the provisions of Article 2 of the Convention, as regards the establishment, in France, of a system of public employment exchanges under the control of joint administrative committees.

Germany. — Two joint offices were set up in Germany in 1930, for finding employment for theatrical artistes, namely the Joint Office for Finding Employment for Music Hall, Circus and Café-concerts Artistes and the Joint Employment Office to the German Theatres; the working of

the former is assured by the International Federation of Music-Hall Directors and by the International Artistes' Lodge; the working of the latter is undertaken by the German Theatrical Association and by the trade unions of German theatrical artistes. In 1931 a joint employment office for singers and dancers was set up in Berlin by the German Stage Association of Berlin and the Association of Chorus Singers and Dancers of Mannheim. Fee-charging agencies for finding employment for artistes were prohibited as from 1 January 1931.

Great Britain. — No special arrangements have been made by the State for workers in theatrical undertakings. They are entitled, like other workers, to make use of Employment Exchanges. The great bulk of engagements in the theatrical profession are, however, arranged through private employment agencies.

Italy. — The finding of employment for categories of persons in public theatrical undertakings who are members of the federation of trade unions of the theatre, the cinematograph and similar undertakings is made compulsory by collective agreements only as regards orchestral musicians and chorists. The finding of employment is undertaken by special offices set up in connection with the provincial trade unions of the category of workers; no fees are, of course, charged. Employers must apply to these offices for the lists of persons available and can make their choice from such lists. For the other categories there are also employment offices possessing detailed information, to which a large number of employers apply for particulars concerning the careers of the artistes and for lists of persons available without being compelled, however, to engage such persons through the employment offices concerned. The above-mentioned offices are, however, *de facto* offices; they have not the same legal standing as those covered by the Royal Decree of 29 March 1928 and by subsequent national regulations concerning applications for, and offers of, employment.

Japan. — The employment exchange commissions advise the administrative authorities on questions concerning the working of the employment exchanges. In December 1930 the Minister for Home Affairs addressed enquiries to the central and local commissions of Tokyo, Osaka, Nagoya, Fukuoka and Aomori concerning the organisation of employment-finding for discharged soldiers, factory workers, casual workers and migratory workers. As regards measures taken to combat unemployment, the report states that since 1925 the Government has instructed the six great cities, where unemployment is most serious, to institute public works

(with a view more particularly to relieving seasonal unemployment during the winter) and has made them a Treasury grant. Moreover, in September 1929 a Central Committee for the Adjustment of Works was set up by the Cabinet, for the purpose of enquiring into the adjustment of public or private works with a view to the prevention and relief of unemployment. This Committee is presided over by the Minister for Home Affairs, and consists of representatives of the administrative authorities concerned. Local committees are also being set up. The report also describes other measures adopted by the central and local authorities for combating unemployment. The number of public and private employment agencies which, in 1921, amounted to 94, increased to 400 in September 1931. The employment agencies are classified as follows:

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	54	18
Women	6	7
Boys	1	5
Artisans	—	1
Professional workers	1	10
Korean workers	4	—
Liaison employment exchanges	1	—
Ex-soldiers and discharged soldiers	—	1
Seasonal workers	19	—
Total	86	42

In view of the present acute unemployment crisis, serious efforts have been made by the local employment exchange organisations and active propaganda has been undertaken. The Central Committee and the five local committees give their advice, on being requested to do so by the Minister, on all questions regarding employment; in December 1929 an enquiry was undertaken by these committees as to the best means of co-ordinating and supervising the finding of employment. On 24 April 1930 a Committee for the Prevention of Unemployment was created which comprises two sections, one dealing with the adjustment of work and the other with measures against unemployment.

In addition to the relief work by the local public bodies, it was decided in 1931 that the State should initiate relief works for unemployment. These works are at present being carried out, and the following statistics show the Ministries concerned, the estimated cost and the approximate number of workers employed:

Ministry	Estimate for work	Approximate number of workers employed (estimate)
Home Affairs	118,934,672	26,320,918
Communications	450,000	611,375
Railways	12,000,000	3,100,000
Total	131,384,672	30,032,293

Luxemburg. — Workers in theatrical undertakings enjoy, in general, the same facilities as other workers as regards the finding of employment.

Spain. — In virtue of the Decrees in force, the scope of the joint committees entrusted with the organisation of the employment offices (Labour Exchanges) has been extended, since 1927, to all workers in theatrical undertakings.

Sweden. — A Government Commission was appointed on 11 March 1927 to examine the nature and causes of unemployment, as well as the means of preventing it; it has recently published its first report, entitled: "The extent of unemployment, its nature and causes". This report has been communicated to the International Labour Office. Agreements have been concluded with Denmark, Norway, Germany, Switzerland and Czechoslovakia whereby reciprocity of treatment is ensured to the respective workers. No special measures are taken as regards the finding of employment for workers in theatrical undertakings. Public and private employment offices assist them but only to an insignificant extent. The Association of Swedish Actors, to which the majority of actors of the Swedish theatres belong, allows its members to ask its assistance in finding them employment.

Switzerland. — In principle, the public employment offices assist in finding engagements for workers in theatrical undertakings. But, in Switzerland, the finding of employment for artistes is very restricted since the majority belong to foreign companies which merely make tours in Switzerland or, at the most, remain for a season. However, the Swiss Society of Actors and the Swiss Society of Chorists both possess employment services. The engagements of music-hall and cabaret artistes are usually made by fee-charging agencies. Engagements of musicians are undertaken by public offices, fee-charging agencies and by the Swiss Musicians' Union. The latter only undertakes the placing of persons affiliated to it; up to the year 1930 its assistance was given free of charge, but it now charges a fee of 2% to cover the expenses of finding employment. The Federal Office of Industry, Arts and Crafts and Labour contemplated setting up a joint employment service, but it has, up to the present, met with certain difficulties.

Yugoslavia. — The report states that from 1 January to 30 September 1931, the public employment offices registered 106,747 unemployed persons, received 45,001 offers and placed 34,686 persons in employment. By a decision of 26 December 1930 taken in virtue of § 3 of the Order of 26 November 1927, the Minister of Education confirmed the rules

and regulations of the special Employment Office of the Federation of Yugoslav Artistes. The object of that Office is to assist national or foreign artistes, singly or in troupes, to make tours in Yugoslavia and to find employment; it regulates the national labour market and the finding of employment in foreign countries; it keeps up to date the statistics of employment, rates of salaries, etc.; and communicates with international institutions for finding employment. The financial resources of the Office are supplied from the funds of the Federation, from grants which may be made by the State, and from the fees charged to those for whom engagements are found; the maximum fees which may be charged are fixed by § 13 of the rules and regulations of the office. The Employment Office of the Federation of Yugoslav Artistes is subject to the supervision of the competent authorities and of the public employment exchanges. The report contains detailed information on the placings effected by this office.

Convention concerning the employment of women before and after childbirth.

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	14. 2. 1922	24.10.1931
Chile	15. 9. 1925	14.12.1931
Cuba	6. 8. 1928	
Germany	31. 10. 1927	7.11.1931
Greece	19. 11. 1920	
Hungary	19. 4. 1928	28.10.1931
Latvia	3. 6. 1926	21. 1. 1932
Luxemburg	16. 4. 1928	19.11.1931
Rumania	13. 6. 1921	22.12.1931
Spain	4. 7. 1923	20.11.1931
Yugoslavia	1. 4. 1927	2.11.1931

The Government of *Chile* states in its report: "The clauses of our national legislation which apply the provisions of this Convention are § 33 of the Act of 8 September 1924 concerning the contract of employment; § 15 (2) of the Decree of 11 November 1925 approving the text of the Act relating to salaried em-

ployees; §§ 1-4 of the Legislative Decree of 20 March 1925 relating to the welfare of working mothers and to crèches; §§ 3, 5 and 7 of the Decree of 28 May 1925 containing Administrative Regulations to the Legislative Decree of 20 March 1925; § 15 (c) of the Decree of 22 January 1926 consolidating the text of the Act concerning compulsory sickness and invalidity insurance. The text of these §§ and the divergences which exist between them and the provisions of the Convention are reproduced and noted in the memorandum of the General Labour Inspectorate No. 1132 of 23 February 1931 (see *Final Record of the Fifteenth Session of the International Labour Conference*, Vol. II, English edition, pp. 487-488). . . . In the consolidated text of our labour legislation, approved by the Legislative Decree of 28 May 1931, which will take effect as from 29 November 1931, the clauses introducing the provisions of this Convention are §§ 307-321, in which the necessary changes have been made so as to bring our national legislation into complete agreement with the Convention".

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The *Hungarian* Government stated in its report for 1930 that a Decree for the application of §§ 1-3, 8, 12-16, 18-20, 22-24 and 30 of Act No. V of 1928, the provisions of which give effect to Articles 3 (a), (b) and (d) and 4 of the Convention, was issued on 30 December 1930; under it the Act came into force generally on 1 July 1931, and for the textile industry on 1 January 1932.

The Government of *Luxembourg* states that the various enactments applying the Convention are codified in §§ 17 *et seq.* of a draft Grand-ducal Order which

has been communicated to the Council of State and the trades and occupational chambers. Further, §§ 12 and 13 of the Act of 17 December 1925 will be amended in the course of the next ordinary session of the Chamber of Deputies in order (a) to make it compulsory for sickness insurance funds to grant free medical treatment in cases of confinement, and (b) to extend to 12 weeks the period during which benefits shall be paid to a woman before and after her confinement.

The *Rumanian* Government states in its report that the Bill on social insurance which is intended to unify the insurance legislation throughout the whole Kingdom and which will give effect to certain provisions of Article 3 of the Convention, is included in the agenda of the Parliamentary session which opened on 15 November 1931. The King's message to Parliament, read on this occasion, announced the inclusion of the Bill in the agenda. The principal provisions of the Bill relating to insurance in cases of confinement are as follows: a woman who is insured and who has paid contributions for at least six consecutive months during the last year preceding her confinement, has the right, when she is confined, to the services of a doctor or a midwife and also to pecuniary aid during a period of twelve weeks, of which six at least must follow the confinement. Pecuniary aid will be granted on production of a certificate given by the doctor or midwife stating that the woman must stop working. This pecuniary aid ceases when the woman begins work again, except in cases where she nurses her child. In the latter case she has the right to a nursing benefit which may continue for twelve weeks. Pecuniary aid may be increased in certain cases to 75 per cent. of the wages of the insured person. The Bill further provides that in certain cases the woman may be treated in a maternity hospital. In this case the family of the insured person receives a pecuniary indemnity equal to half the benefit in money granted to the insured person, provided that the latter is responsible for the support of the family.

The *Spanish* Government states in its report that Spanish legislation on the subject previous to the ratification of the Convention is contained in the Act of 13 March 1900 respecting the employment of women and children as amended by the Act of 8 January 1907, which was in its turn amended by the Royal Decree of 21 August 1923 in pursuance of the Act of 13 July 1922 ratifying the Convention. This Decree widened the scope of maternity protection and extended it to women workers, whatever their nationality, in all occupations, including agriculture. Since the Convention deals only with women employed in industry

and commerce, the Spanish legislative authorities, in amending the text of the legislation on the subject, had to bear in mind that the wider scope (in respect of classes of occupation) of the previous measures must be maintained without prejudice to the loyal application of the Convention. As regards the benefit systems laid down in Article 3 (c) of the Convention, the Spanish Government has decided in favour of a system of compulsory insurance with State subsidy. This system is administered by the Institute of Social Welfare, and has been in force since 1 October 1931.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Bulgaria.

Social Insurance Act of 6 March 1924 (L. S. 1924, Bulg. 1).

Regulations of 25 June 1924 in application of the Social insurance Act.

Chile.

Act of 8 September 1924 relating to contracts of employment (L. S. 1924, Chile 2).

Decree of 11 November 1925 approving the text of the Act relating to salaried employees (L. S. 1925, Chile 1).

Legislative Decree of 20 March 1925 relating to the protection of working mothers and to crèches (L. S. 1925, Chile 3 A).

Decree of 28 May 1925 to approve the Regulations for the administration of the Legislative Decree of 20 March 1925 (L. S. 1925, Chile 3 B).

Decree of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity (L. S. 1926, Chile 1).

See also introductory note.

Germany.

Act of 16 July 1927 respecting the Washington Convention concerning the employment of women before and after childbirth.

Act of 16 July 1927 respecting the employment of women before and after childbirth (L. S. 1927, Ger. 8 A), amended by Act of 29 October 1927 (L. S. 1927, Ger. 8 B).

Act of 9 July 1926 amending Book II of the Insurance Code of the Reich (L. S. 1926, Ger. 4 B).

Act of 18 May 1929 respecting maternity assistance (amending Book II of the Insurance Code of the Reich) (L. S. 1929, Ger. 4).

Federal principles on the conditions, nature and extent of public relief, issued in pursuance of the Order of 13 February 1924 respecting compulsory social relief.

Hungary.

Act No. XXVII of 1928 approving the ratification of the Convention.

Act No. XXI of 1927 respecting compulsory sickness and accident insurance (L. S. 1927, Hung. 1).

Act No. V of 1928, respecting the protection of children, young persons and women employed in industrial and certain other undertakings (L. S. 1928, Hung. 1).

Decree No. 150443 of 30 December 1930 concerning the protection of children, young persons and women in industrial undertakings and certain other undertakings (Decree for the application of Act No. V of 1928).

See also introductory note.

Latvia.

Sickness Insurance Code, 1922 (L. S. 1922, Lat. 2), amended by the Order of 17 May 1926 (L. S. 1926, Lat. 1).

Act of 24 March 1922 respecting hours of work (L. S. 1922, Lat. 1).

Order of 13 September 1923 respecting the hours of work of railway employees (L. S. 1923, Lat. 2).

Order of 4 October 1923 respecting the hours of work of postal, telegraph and telephone employees.

Luxemburg.

Act of 31 October 1919 (§ 8) respecting the legal regulation of the contract of service of private employers (L. S. 1920, Lux. 2).

Grand-Ducal Orders of 14 May 1921 and 26 May 1930 (staff regulations of Luxemburg railways).

Act of 17 December 1925 (§§ 12 and 13) respecting the Social Insurance Code (L. S. 1925, Lux. 2).

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

See also introductory note.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).

Regulations issued under the above Act and published on 5 February 1929 (L. S. 1929, Rum. 1).

Spain.

Act of 13 March 1900 respecting the employment of women and children, amended by the Act of 8 January 1907 (B. B. Vol. II, 1907, p. 220).

Act of 13 July 1922 for the ratification of the Convention.

Royal Decree of 21 August 1923 amending section 9 of the Act of 13 March 1900 (L. S. 1923, Sp. 4) and Royal Order of 18 June 1925 relating to section 9.

Royal Order of 5 January 1924 extending the provisions of the law and of the Convention to women school-teachers.

Royal Order of 15 September 1926 extending maternity benefit to women officials of all Government Departments and public bodies.

Legislative Decree of 22 March 1929 concerning compulsory maternity insurance.

Regulations of 29 January 1930, issued in application of the Legislative Decree of 22 March 1929.

Decree of 17 May 1931 on the administration of maternity insurance.

See also introductory note.

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).

Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2).

Act of 20 December 1921 concerning Labour inspection (L. S. 1921, Part II, S.C.S. 2).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

In addition please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

Bulgaria. — The Social Insurance Act of 6 March 1924 covers all wage-earning and salaried employees of a State, public or private establishment, undertaking or estate, who are not liable to deductions from their pay under any clause of the

Pensions Act. The term "wage-earning and salaried employees" is held to mean "all persons engaged for work, irrespective of sex, age, nationality, or nature of employment or remuneration". The Act thus makes no distinction between workers employed in industry, commerce, and agriculture, insurance being obligatory in all cases except where the worker is covered through other State funds.

Chile. — The Act of 8 September 1924 does not apply to agricultural or domestic work, nor to work performed in commercial businesses or establishments or in industrial establishments which employ less than 10 workers or in which only members of the same family are employed under the control of one of them (§ 1). The Decree of 11 November 1925, which regulates the relations between employers and salaried employees, whatever the nature of the employment, its importance within the establishment concerned, or the system of remuneration, does not apply to certain categories of salaried employees, i.e. salaried employees in the service of the State or of municipalities or in the service of the Mortgage Credit Bank, the Santiago Savings Bank and the National Savings Bank; members of the police forces and prison staffs; salaried employees whose work is not regular and those who perform casual work or who replace others temporarily; employees working on commission and local agents or commercial travellers working on commission. Under § 1 of the Decree of 28 May 1925, the Decree of 20 March 1925 applies to all factories, workshops and industrial or commercial establishments of every kind, whether public or private or belonging to a public body, if 20 or more women are employed therein, and to establishments of a philanthropic character in which 20 or more women are employed. The Decree of 22 January 1926 states, in § 1, that insurance against sickness and invalidity shall be compulsory for all persons under the age of 65 years who normally have no income or means of subsistence other than the wage or salary paid to them by their employer, provided that the said wage or salary does not exceed 8,000 pesos a year. § 4 provides that, if these persons receive an income from the State or from any other source or from their own property, or live in a building which is their own property, the said income shall be added to the amount of their salary or wage for the purpose of calculating their total annual income. See also introductory note.

Germany. — For the scope of the Federal Insurance Code, which lays down the scale of maternity benefits, etc., see summary of report on the application of the *Convention concerning sickness insurance for workers in industry*, etc., ARTICLE 2,

Germany. The scope of the Act of 16 July 1927 respecting the employment of women before and after child-birth is the same as that of the Insurance Code, with the following exceptions: (1) agriculture, forestry, fishery, etc.; (2) undertakings accessory to those excepted under (1), the nature of which would not otherwise except them, and which as a rule employ not more than 3 persons; (3) domestic service. Up to the present no decision has been necessary to define the line of division which separates industry and commerce from agriculture. The report states that, in the opinion of the German Government, the scope of the Act of 16 July 1927 corresponds to that of the Convention. The German Government is entitled to make the exceptions for agriculture, forestry, etc., and small undertakings accessory thereto, under § 1 of the Act, in view of the last paragraph of Article 1 of the Convention, under which it is left to the competent authority in each country to define the line of division separating industry and commerce from agriculture. Small undertakings accessory to agriculture which employ not more than three workers are, in Germany, classified with agriculture for the purposes of the above-mentioned Act, since the women employed in them are usually also occupied in a particular agricultural undertaking and their agricultural work is as a rule more important. The scope of the provisions concerning the maternity benefit and family maternity benefit to be granted by the sickness funds exceeds the scope of the Convention, since the Insurance Code of the Reich also includes agriculture. The scope of the Order of 1924 respecting compulsory social relief is still wider as regards the protection of women before and after childbirth, since it include not only women workers but also women working on their own account, or not engaged in a gainful occupation at all.

Hungary. — Under Act No. V of 1928 the Convention is applied to all undertakings covered by the Hungarian Acts concerning industry (Act No. XVII of 1884 and Act No. XII of 1922) including commercial undertakings; the line of division referred to in the Convention is drawn by § 183, para. (a) of Act No. XVII of 1884; only agricultural and forestry undertakings and undertakings directly dependent on them are excluded from the application of the Convention. For the scope of the Compulsory Sickness and Accident Insurance Act (by which Art. 3 (c) of the Convention is applied) see summary of report on the application of the *Convention concerning sickness insurance for workers in industry, etc.*, ARTICLE 2, *Hungary*. The Government states that all the undertakings covered by the Convention are covered by this Act, except in so far as the Act does not cover the crews of sea-going vessels.

Latvia. — The Sickness Insurance Code applies to all private, communal and State undertakings, institutions and other workplaces, and also to all private individuals employing labour for remuneration; it does not apply to persons employed in agricultural undertakings. The Act of 24 March 1922 applies to all private, municipal, public and State undertakings and establishments; special provisions for railway workers and for postal, telegraph and telephone employees are contained in the Orders of 13 September and 4 October 1923. The report does not refer to the line of division which separates industry and commerce from agriculture.

Luxemburg. — The report states that the Act of 5 March 1928 gave the Convention the force of national law. See also introductory note.

Rumania. — The Act of 9 April 1928 applies (§ 27) to all industrial and commercial undertakings. No distinction is drawn between industry and commerce on the one hand and agriculture on the other, but provision is made in § 4 for the settlement of contested cases by the Ministry of Labour, after consultation with the Supreme Labour Council.

Spain. — § 1 of the Decree of 21 August 1923 provides that § 9 of the Act of 13 March 1900 (amended by the Act of 8 January 1907) respecting the employment of women and children shall be amended to cover all women wage-earners. In virtue of § 9 as amended all women wage-earners are covered by the provisions relating to absence from work and the right to continued employment. As regards maternity benefit, § 8 of the Decree lays down that provisionally, and pending the establishment of a compulsory insurance fund, maternity relief is to be granted to all women wage-earners and salaried employees on the condition, *inter alia*, that they are affiliated to the compulsory system of workers' pensions, which applies to workers in industry, commerce and agriculture whose earnings are not more than 4,000 *pesetas* a year. The Royal Order of 5 January 1924 provides that women school-teachers, pupil teachers, inspectors or officials of any kind under the Ministry of Public Instruction and Fine Arts are to be covered by the general system instituted by the Royal Decree of 21 August 1923. A Royal Order of 15 September 1926 further extended maternity benefit to cover the women officials of all official Departments and public bodies. The Legislative Decree of 22 March 1929 concerning maternity insurance does not restrict the scope of application of the previously existing laws and regulations in this respect. The report adds that the Act of 4 July 1918 on hours of work in commerce determined the line

of division separating industry and commerce from agriculture.

Yugoslavia. — The Act of 28 February 1922 (§ 1) applies to all undertakings (establishments) carrying on handicrafts, industry, commerce, transport, mining and similar activities within the territory of Yugoslavia in which workers are employed, irrespective of whether they belong to private individuals or public bodies, whether they are carried on permanently or temporarily, whether they are principal undertakings or subsidiary businesses carried on in connection with other undertakings, or whether they are carried on as entirely independent undertakings or form parts of undertakings in agriculture and forestry. In case of doubt, the Ministry of Social Affairs shall decide whether an undertaking comes under this Act or not, after hearing the chambers and councils concerned.

ARTICLE 2.

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

Bulgaria. — No specific definitions of the terms "woman" and "child" are given in the Social Insurance Act which, however, covers persons engaged for work irrespective of sex, age or nationality.

Chile. — The legislation mentioned in the report does not appear to contain any specific definition of the terms "woman" and "child". See also introductory note.

Germany. — The Act of 1927 respecting the employment of women before and after childbirth, which applies to female industrial workers who are subject to compulsory sickness insurance, and the provisions of the Federal Insurance Code, apply to women irrespective of age and nationality and whether they are married or not. The only criterion is that of employment. It follows from the provisions of the Act of 1927 and of the Insurance Code that female industrial workers are always subject to compulsory insurance. Compulsory insurance for female workers in commerce is at present limited to women earning an annual salary not exceeding 3,600 Reichsmark. Repeating the statement made in 1931 by the Representative of the German Government to the Conference Committee on Article 408, the report states that the purpose of the Convention is to assist lying-in women who are in need of relief. There is therefore a justification for fixing an income-

limit, and the limit fixed by German legislation is high enough to ensure this assistance. It would be unreasonable to interpret the term "woman" in the Convention to cover, for instance, well-paid women holding responsible administrative posts, women engineers, women engaged in scientific or artistic work or in wellpaid salaried employment. Nor should there be any objection to excluding salaried employees with high salaries from the special regulations for the protection of women before and after childbirth, since, as a rule, they enjoy a certain protection under their contracts of employment, fixing periods of notice of some length, and they may be expected to provide for themselves by way of private thrift or voluntary insurance. The report further states that necessitous foreign women who are entitled to protection before and after childbirth, under the Order respecting compulsory social relief, must be granted means of subsistence, and in particular board, lodging, clothing and attendance. If they need sickness benefit this must also be granted. On the other hand, they are not entitled to the special relief for women before and after childbirth under § 12 of the Federal Principles (in particular, allowance towards the cost of confinement, pecuniary maternity benefit, nursing benefit), since the provisions of the Federal Principles in question relate to foreigners only if this has been decided by the Federal Government, with the approval of the Reichsrat or by a State Treaty.

Hungary. — The report states that under Act No. XXI of 1927 maternity benefit is granted to all insured women, irrespective of age or nationality, and whether married or unmarried, and that the legitimacy or illegitimacy of the child has no effect on the granting of such benefit.

Latvia. — The legislation cited in the report does not specifically define the terms "woman" and "child", but the Sickness Insurance Code applies to all persons, without distinction of sex or age, who work or serve in the undertakings covered by the Code or under private individuals, and who are remunerated in accordance with a free agreement or under the law or special regulations.

Luxemburg. — See under ARTICLE 1 above.

Rumania. — The Act of 9 April 1928 applies (§ 27) to women of all ages, whether married or unmarried, and whether their children are legitimate or illegitimate.

Spain. — § 1 of the Decree of 21 August 1923 provides that § 9 of the Act of 13 March 1900 shall be amended to cover "all women wage-earners, irrespective of age, nationality or marital status." § 2,

para. 2, of the Act of 22 March 1929 concerning maternity insurance limits insurance to women over 16 and under 50 years of age.

Yugoslavia. — Under § 25 of the Workers' Protection Act a woman means any female person, without distinction of age, status (married or unmarried), or nationality and a child means any child, legitimate or illegitimate.

ARTICLE 3.

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman

(a) Shall not be permitted to work during the six weeks following her confinement.

(b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

(c) Shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Bulgaria. — The Social Insurance Act and the Regulations do not contain an exception for undertakings where only members of the same family are employed. With regard to the provisions of paragraphs (a), (b) and (c), § 21 of the Act defines the period of confinement as "a period of not more than twelve weeks, not less than one nor more than six of which precede the confinement, and not less than one or more than six of which follow it" and provides that a woman shall not be dismissed during this period. With regard to pecuniary benefits and medical attendance, by § 21 pregnant and lying-in women are entitled, provided that they have paid their membership contributions to the Social Insurance Fund for not less than 16 consecutive weeks before the period of confinement, to medical and pecuniary assistance to the extent specified in the Act. The benefits amount to from 12 to 30 *leva* a day for home treatment and from 8 to 22 *leva* for hospital treatment. The medical relief includes the services of a doctor or midwife, and the supply of the necessary pharmaceutical products, and provision is made for hospital treatment in cases where the medical officer decides

that this is necessary. A mistake of the medical practitioner in fixing the date of the confinement does not disqualify the woman from receiving the benefits. Lastly, with regard to the provisions of paragraph (d), § 21 of the Act provides that "during a period of six months after her confinement every mother nursing her child shall be granted two half-hour breaks a day at her request, one in the morning and the other in the afternoon, without deduction from her wages".

Chile. — (a) and (b) The Act of 8 September 1924 lays down, in § 33, that during pregnancy women workers shall have the right to forty days' rest before and twenty days' after confinement, and their posts shall be kept open for them. The regulations shall specify the conditions under which this rest period shall be given, and shall also lay down rules to ensure that nursing mothers shall not be prevented by their work from nursing their children. § 15 (2) of the Decree of 11 November 1925 provides that women employees shall in addition be entitled to leave with full pay for not more than one month before and one month after confinement. The Legislative Decree of 20 March 1925 provides, in § 1, that women workers shall be entitled to leave during pregnancy amounting to forty days before and twenty days after confinement. During this period they are entitled to receive 50 % of their wages. § 4 lays down that the condition of pregnancy shall be deemed to be proved by a certificate from any medical practitioner or midwife or from the medical officer of the General Labour Directorate. (c) Under § 15 of the Decree of 22 January 1926 it is provided that the Fund shall grant the following benefits to persons insured with it: . . . (c) medical attendance for insured women during pregnancy, at confinement and during the period following confinement, and also an allowance equal to 50 per cent. of the wage of the insured person during a fortnight before and after childbirth, and equal to 25 per cent. in the succeeding period until the weaning of the child, if it is nursed by the mother. This period shall not exceed eight months. (d) The Decree of 20 March 1925 lays down, in § 3, that every factory, workshop or industrial or commercial establishment in which twenty or more women are employed, irrespective of the age or civil status of such women, shall provide a room equipped in the manner laid down by the relevant regulations, for the reception during the hours of work of the children under one year old of the women workers. Under § 4 the mothers referred to in the preceding section shall be entitled to two breaks not exceeding one hour a day in all for the purpose of nursing their children. Irrespective of the method of remuneration, deductions for the value of such breaks shall not be made from

the mothers' wages and she shall not be entitled to renounce the right to make use of such breaks for the purpose indicated above. § 5 of the Decree of 28 May 1925 adds that the period of one hour a day to which mothers are entitled for the purpose of nursing their children shall be divided into periods of thirty minutes, one before midday and the other after 2 p.m. This period shall be reckoned independently of statutory breaks and the midday rest. In default of a special agreement, this hour shall be deemed to be fixed midway in each period of work. See also introductory note.

Germany. — (a) § 2 (2) of the Act respecting the employment of women before and after childbirth lays down that women shall not be employed during the six weeks following confinement. (b) § 2 (1) of the same Act lays down that a woman shall be entitled to leave work on production of a medical certificate stating that her confinement will probably take place within six weeks. (c) § 195 (a) of the Federal Insurance Code, as amended by the Acts of 9 July 1926 and 18 May 1929, lays down that insured women who have been insured against sickness under the Federal Insurance system or with the Federal Miners' Benefit Society for at least ten months in the two years immediately preceding their confinement, and for at least six months in the year immediately preceding their confinement, shall receive maternity benefit consisting of: (1) the services of a midwife and the provision of medicaments and minor therapeutic appliances, and medical treatment if necessary, (2) a lump sum of 10 Reichsmark towards the other expenses of confinement, etc. (or, if confinement fails to take place, 6 Reichsmark), (3) pecuniary maternity benefit equal to the amount of pecuniary sick benefit (i.e. from one-half to three-quarters of the basic wage), but not less in any case than 50 Reichspfennig a day, for six weeks before the confinement and six weeks immediately after it (during the period before confinement such benefit is equal to three-quarters of the basic wage, provided that she pursues no lucrative occupation), and (4) nursing benefit equal to half the pecuniary sick benefit, but not in any case less than 25 Reichspfennig a day, until the end of the twelfth week after the confinement, so long as she nurses the child herself. If the medical practitioner makes a mistake in estimating the date of confinement, pecuniary maternity benefit is nevertheless due from the dates specified in the medical certificate until confinement actually takes place. Under § 195 (b) the single amount of 10 Reichsmark payable towards the expenses of confinement may be increased up to 25 Reichsmark, and the duration of pecuniary maternity benefit may be extended to 13 weeks, and the duration of nursing benefit to 26 weeks. § 196

provides that, with the consent of the lying-in woman, the sickness insurance fund may grant treatment and maintenance in a maternity home instead of pecuniary maternity benefit, or grant attendance and treatment by a home nurse and deduct for it not more than half the pecuniary maternity benefit. Under § 199 a pregnant woman who has been a member of a fund for not less than 6 months, and becomes incapable of work in consequence of pregnancy, shall be granted pecuniary maternity benefit equal to the pecuniary sick benefit for not more than six weeks in all. As regards the question of the waiting period for the granting of maternity benefit, it should be noted that, where a woman has not completed the waiting period prescribed in § 195 (a) of the Federal Insurance Code, she will in many cases be entitled, as the wife of an insured person or as the daughter, stepdaughter or fosterdaughter of an insured person, to family maternity benefit under § 205 (a) of the Code. If not, relief is granted in cases of need under the Order respecting compulsory social relief (§ 12 of the Federal Principles) to an extent corresponding to the family maternity benefit. (d) § 3 of the Act respecting the employment of women before and after childbirth provides that a woman who is nursing her child shall be entitled during the six months following confinement to claim the time off from work necessary for this purpose, up to a maximum of two half-hours or a single hour per day.

Hungary. — (a) § 8 (2) of Act No. V of 1928 and § 6 (1) of the Decree of 30 December 1930 (for the coming into force of this Decree, see introductory note) provide that a woman shall not be permitted to work during the six weeks following her confinement. (b) § 8 (1) of Act No. V of 1928 and § 6 (2) of the Decree of 30 December 1930 provide that, if a woman proves by means of a certificate of a public medical officer (medical officer of health of the State, of a commune or of a district) or a medical practitioner employed by a workers' insurance fund, or a railway medical officer, that her confinement will probably take place within six weeks or that she is in danger of a miscarriage, she shall at her request be released from work at once. (c) Under the Compulsory Sickness and Accident Insurance Act an insured woman is entitled to receive: (1) such medical treatment and care as are required (including attendance by a doctor and a midwife); (2) during the last six weeks before confinement an allowance equal to her full average wage or salary; (3) during the six weeks following confinement an allowance equal to her full average wage or salary; (4) during the twelve weeks following the cessation of the above allowance a nursing

benefit of not less than 60 *fillérs* a day. Milk, up to an amount not exceeding 1 litre a day, may also be granted in addition to the above benefits. The Act also provides that no mistake on the part of the doctor or midwife in estimating the date of confinement shall prevent a woman from receiving maternity benefit from the date of the medical certificate up to the date of confinement; and that any excess amount paid owing to such error may not be deducted from the allowance due after confinement. (d) § 20 of Act No. V of 1928 lays down that every woman who is nursing her own child shall be allowed a break of at least an hour in the working day, to be given in at least two instalments, for the purpose of nursing her child. § 7 of the Decree of 30 December 1930 adds that the sense of the Act is that breaks of less than half an hour or breaks at intervals of more than four hours are not considered adequate.

Latvia. — § 12 of the Act of 24 March 1922 provides that women may not be employed on any work during the four weeks preceding and the eight weeks following confinement; a woman may not be dismissed during these twelve weeks. Under § 16 every woman who nurses her child herself must be granted one hour's rest for every eight hours' work, provided that she may avail herself of this rest in two instalments; these breaks must be included in the hours of work and no deduction from wages may be made on account of them. Similar provisions are contained in § 11 of the Order of 13 September 1923 and § 18 of the Order of 4 October 1923. As regards benefits, the Sickness Insurance Code, which set up a system of sick funds in Latvia, provides for medical assistance during confinement and specifies that it shall include attendance, admission to hospital with maintenance while there, free supply of medicines, dressings and other medical requisites. Pecuniary benefits are provided for in §§ 51 and 51 (2) of the Code, as amended by the Order of 17 May 1926. In case of confinement every female member of a sick fund is entitled to benefits amounting to a sum equal to full wages, or at least to the average wage of an unskilled female worker as fixed by the Ministry for Social Welfare, for a period of four weeks before and eight weeks after confinement. Women in childbirth are entitled to benefit only during the period when they actually abstain from paid work. In order to establish her claim to benefit, the insured woman must present a certificate delivered by the medical officer of the fund, or, with the consent of the fund, by a midwife, stating that the confinement will take place within four weeks. No mistake of the doctor or midwife in estimating the date of confinement may preclude a woman from receiving benefit from the date upon which

she leaves her work as authorised by the medical certificate, until the date of confinement. The general meeting of the sick fund has the right to decide that a female member who has become a mother shall receive extra benefit, for the maintenance of the child for eight months, amounting to about one-quarter of her wages. In case of the death of the mother, both the maternity benefit and the extra benefit are paid to the guardians of the child.

Luxemburg. — § 2 of the Act of 5 March 1928, which lays down penalties in case of infraction of the provisions of the Convention, ensures the application of paragraphs (a), (b) and (d) of the Convention. The benefits provided for by paragraph (c) are fixed by the Act of 17 December 1925 respecting the Social Insurance Code (§§ 1-5, 12 and 13). The following persons are compulsorily insured: (1) workers, assistants, journeymen and apprentices; (2) servants and day-labourers who are employed on regular part-time work in the commercial or industrial undertaking of their employers; (3) servants and day-labourers in agriculture who are regularly employed in the subsidiary undertakings of their employers; (4) works officials, office and other salaried employees, foremen and technical salaried employees, commercial assistants and apprentices. It is a prerequisite of insurance for the persons mentioned above, with the exception of apprentices, that they are employed for remuneration and that the employment mentioned is their principal occupation; in the case of persons mentioned under (4) above, their annual earnings from this occupation must not exceed 10,000 francs. The statutory maternity benefit is paid for eight weeks, at least six of which must be subsequent to the confinement. It includes a daily benefit equal to half the wage. An additional benefit equal to half the maternity benefit may be paid to women having members of their family dependent on them. In addition, a nursing benefit equal to one-quarter of the maternity benefit is paid for twelve weeks. Apart from these benefits, the rules may grant the free services of a doctor or midwife; ordinarily such assistance is only granted on condition of a deduction of one-third from the maternity benefit. The rules may also grant the benefit (equal to one-half of the wage) for six weeks before confinement in case of incapacity to work, and may raise the nursing benefit to one-half of the pecuniary benefit. The latter provisions are entirely optional, and the decision lies with the administration of the sick fund (§ 13). All these provisions apply only to women who have been insured for at least six months in the year preceding confinement. See also Introductory note.

Rumania. — The Act of 9 April 1928 does not apply (§ 3) to undertakings in

which only the members of the same family are employed, unless the undertaking has been classified as dangerous or unhealthy. § 28 requires employers to grant leave to pregnant women either at the request of the woman, her husband or the social insurance medical officer. The right to leave work is granted on production of a certificate from the social insurance medical officer or the medical officer of the Government, department or commune, containing a declaration that the confinement will probably take place within six weeks. The medical officer decides, within the limits of this period, how long an absence from work is necessary, taking into account the state of the woman's health and the nature of her employment. These provisions of § 28 are always interpreted as meaning that the woman is in all cases entitled to six weeks' rest before childbirth; the medical officer is only consulted on the period for which benefit is to be paid by the insurance fund. In the same way the employer may be requested to decrease the amount of work of a pregnant woman or to change its nature, for a given period. § 29 provides that the employment of women for six weeks after childbirth is prohibited. This period may be extended at the request of the woman or her husband, in case of illness resulting from pregnancy or confinement, on production of a medical certificate. Such an extension may not exceed two months, in addition to the six weeks. Throughout her absence (§ 31) the woman is entitled to an indemnity for the maintenance of herself and her child and to free medical attendance under the conditions laid down by the Sickness Insurance Act. Under § 32, a woman who is nursing her child is entitled, in addition to the usual rest hours, to two rest periods of half an hour every day during her working hours. These rest periods may not be made a pretext for reducing her wages. Under § 33 undertakings employing at least 50 women workers must provide a special room for the use of nursing mothers. As regards benefits under the different sickness insurance systems in force in the different parts of Rumania, the report states that in the Old Kingdom and Bessarabia, under the Act of 27 February 1912 respecting the organisation of handicrafts, minor credit institutions, and workers' insurance, women employed in industrial undertakings are compulsorily insured, and are entitled to the prescribed benefits if they have paid their contributions for at least 26 weeks before their confinement. Any lying-in woman belonging to a corporation has the right to medical assistance, medicines and, if necessary, hospital treatment for 16 weeks. Further, she receives pecuniary aid for two weeks before and six weeks after her confinement, equal to 50 per cent. of her average wage. If she nurses her child, this pecuniary

aid may be prolonged up to three months. If the financial situation of the insurance fund allows, lying-in women who are not themselves members of a corporation, but whose husbands are insured, may be granted treatment by a midwife and physician, as well as medicines. In Transylvania and in the Banat, the Hungarian Act No. XIX of 1907 applies to wage-earning women employed in commercial or industrial undertakings, businesses, and institutions. When she is confined an insured woman has the right to medical aid and medicines, and, if necessary, hospital treatment for 26 weeks. She also receives pecuniary aid equal to 75 per cent. of her average wage for a period of eight weeks from the first day of her confinement. An insured woman who nurses her child receives, at the end of these eight weeks, pecuniary aid for a further period of twelve weeks at the rate of 20 *lei* a day. In Bukovina, the Act of 30 March 1888, which applies to the same classes of women as the Hungarian Act No. XIX of 1907, provides that a lying-in woman has the right to medical assistance and medicines, and, if necessary, hospital treatment for 26 weeks. She receives pecuniary aid equal to 60 per cent. of her average wage for a period of four weeks before and six weeks after her confinement. An insured woman who nurses her child has the right, after these six weeks, to pecuniary aid, for a further period of 16 weeks, equal to half the amount mentioned above. Finally, the report adds that the insured women of Cernautzi receive an indemnity of 300 *lei* for treatment by a midwife. The report indicates that the provisions mentioned above, which are at present in force, will be unified by the Act on social insurance, the Bill for which has already been submitted to Parliament (see introductory note).

Spain. — § 1 of the Decree of 21 August 1923 amends § 9 of the Act of 13 March 1900 by providing that "a woman shall not be employed during the six weeks following her confinement" and that "a woman in the eighth month of pregnancy shall be entitled to leave her work on production of a medical certificate stating that her confinement will probably take place within six weeks." With regard to benefits, § 1 of the Decree of 21 August 1923 provides that women in childbirth entitled to benefits shall be given during their absence from work the free attendance of a doctor or midwife and a daily benefit sufficient for the healthy maintenance of the mother and child. By the provisional benefit system set up, the State grants a subvention or bonus of 50 *pesetas* for each confinement in order to meet the costs of medical assistance and for the maintenance of mother and child. All women

wage-earners and salaried employees are on confinement entitled to the above allowance provided that they are covered by the compulsory pensions system, that they do not abandon the newly-born child and that they refrain from all work for a fortnight. The provisions for nursing mothers are contained in § 1 of the Decree of 21 August 1923 amending § 9 E (2) of the Act of 13 March 1900. Nursing mothers are "entitled to one hour's rest in the day during working hours for the purpose of nursing their children, to be taken in two breaks of half an hour each." These breaks may be taken "whenever the mothers think fit, with no other formality than notification to the manager on beginning work of the times which they have chosen. No deduction of any kind shall be made from wages in respect of the hour's break for nursing." In the case of the persons covered by the Orders of 5 January 1924 and 15 September 1926, it is provided that when any one of the persons mentioned shall have reached the eighth month of pregnancy, she shall have the right to absent herself from her employment with full salary until confinement and during forty days after confinement. The Legislative Decree of 22 March 1929 concerning maternity insurance allows the following benefits to women workers of the classes mentioned above who are over 16 and under 50: (1) free treatment by a doctor and midwife, and free supply of medicines (§§ 7-22), (2) a money benefit during absence from work (§§ 23-31), (3) free service of the institutes for the protection of mothers and children (§§ 32-37), (4) nursing benefit (§§ 38-39), (5) special benefit in special cases: persistent illness of the child, surgical operation on the mother or illness following confinement, birth of twins, etc., unemployment of the mother in excess of the six weeks' legal rest and due to confinement (§§ 40-42). Under §§ 43-46 of the Legislative Decree, women under 16 or over 50 may also receive the above benefits under certain conditions. The Legislative Decree establishes a system of supervision and penalties to enforce the existing provisions.

Yugoslavia. — (a) The Act of 28 February 1922 lays down in § 22 that all work in the undertakings mentioned in § 1 of the Act shall be prohibited for women during the two months before and the two months after confinement; (b) a pregnant woman has the right to cease all work in the undertaking where she is employed as soon as it is shown by a medical certificate that her confinement is expected within two months; (c) within the limits of the above-mentioned four months a woman is entitled to all benefits accruing to her under the Workers' Sickness Insurance Act of 14 May 1922. § 45 of this Act provides that in case of confinement the insured persons shall

have the right to the following allowances: the requisite assistance from a midwife and medical attendance, maternity benefit for two months before and two months after confinement at a daily rate of three-quarters of the basic wage, child endowment benefit amounting to fourteen times the basic wage provided that the child is born alive, nursing benefit for insured women who nurse their children themselves, for twenty weeks after the cessation of the maternity benefit at a daily rate of half of the basic wage but not more than 3 *dinars*. Any insured woman who is medically certified to be unable to nurse her child herself shall receive food for the child not exceeding in value the amount of the nursing benefit due to her instead of the said nursing benefit. Any person who works for a living during a period when she is entitled to benefit will not be entitled to the maternity benefit in respect of the days in which she works for a living; (d) § 24 of the Act of 28 February 1922 lays down that occupiers of undertakings should afford mothers facilities for nursing their children at the proper times. For this purpose every occupier of an undertaking must grant a special break for nursing to mothers who nurse their children themselves, in addition to the ordinary breaks, as follows: (1) if the child is at the mother's dwelling, not more than 30 minutes every four or five hours of work; (2) if the child is in the crèche of the undertaking where the mother works, 15 minutes every four or five hours of work. The ordinary breaks and wages of the mothers concerned may not be reduced on account of this break.

ARTICLE 4.

Where a woman is absent from her work in accordance with paragraphs (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

Bulgaria. — The Social Insurance Act provides by § 21 that "as woman shall not be dismissed during pregnancy or confinement on account of her pregnancy. Nevertheless, if she is sick for more than six weeks in consequence of her confinement, she may be dismissed and treated as a sick person at the expense of the Fund in accordance with the general provisions".

Chile. — The Decree of 20 March 1925 lays down, in § 1, that during the period of forty days before and twenty days

after confinement, the employer or owner of the undertaking shall be bound to keep open her post for the woman in question and to pay her 50 per cent. of her wages, notwithstanding any agreement which may have been concluded to the contrary. § 2 provides that the employer shall not dismiss a woman worker without reasonable cause while she is pregnant. A reduction in the output of the woman worker owing to pregnancy shall not be deemed to be a reasonable cause for dismissal. The Decree of 28 May 1925 lays down, in § 3, that if confinement takes place more than forty days after the date on which the workers' leave began, or if it is followed by an illness directly due to the confinement which prevents the woman from working for a period exceeding twenty days reckoned from the date of the confinement, the employer shall be bound to extend the leave, provided that before the expiry thereof a certificate issued by a medical practitioner or midwife attesting the above facts is submitted to him. This certificate shall also be issued free of charge by the medical practitioners referred to in the second paragraph of section 2 of these Regulations. The woman worker shall be entitled to 50 per cent. of her wages during any extension of the leave. See also introductory note.

Germany. — The protection of women against dismissal is secured by § 4 of the Act respecting the employment of women before and after childbirth. This protection covers the period six weeks before and six weeks after confinement. It may be extended for a maximum of six further weeks if the worker is unable to resume her work owing to illness arising out of her pregnancy or confinement.

Hungary. — Act No. V of 1928 (§ 8) and the Decree for its application reproduce the terms of the Convention, and fix the period in excess of the statutory rest period which must elapse before notice can legally be given at four weeks. See also under ARTICLE 3 (a), (b) and (d), above.

Latvia. — The Act of 24 March 1922 provides in § 12 that women may not be dismissed during the four weeks preceding and the eight weeks following confinement. The report states that the medical and legislative authorities, taking into consideration the social and economic conditions prevailing in the country, consider this provision the most practical. As regards prolonged absence from work, the Sickness Insurance Code as amended by the Order of 17 May 1926, provides that an insured woman who is unfit for work on the expiry of the eight weeks after her confinement as a result of illness medically certified to arise out of pregnancy or confinement, shall receive sickness

benefit from the first day following the date on which the eight weeks expired equal to not less than two-thirds and not more than the total amount of her wages. This benefit is to be paid until the day of recovery, but not for more than 26 weeks, and in case of recurring sickness not for more than 30 weeks in the course of a year. For the calculation of the 26 or 30 weeks, the period during which the insured woman may have received maternity benefit may not be included.

Luxemburg. — The Luxemburg Act does not fix any maximum period of absence as mentioned in Article 4, and the Government stated in the report for 1930 that the employer's right to give notice "must be regarded as being suspended for the whole duration of the illness" caused by pregnancy or confinement. In case of illegal notice the parties may appeal to the courts of the justices of the peace and the arbitration courts. The penalties provided by § 2 of the Act of 5 March 1928 may be imposed for breaches of Article 4. § 8 of the Act of 31 October 1919 moreover lays down that if an employee is prevented, by an illness or accident not caused by his own act or will, from fulfilling his engagements, his post must be kept open for him for three months from the date on which he was prevented from fulfilling his engagements. He is entitled to full pay for the remaining fraction of the month and the three months following. See also introductory note.

Rumania. — § 30 of the Act of 9 April 1928 provides that an employer may not dismiss a woman who is absent in accordance with the provisions of the Act, nor may he give her notice of dismissal at such a time that the notice would expire during her absence.

Spain. — § 1 of the Decree of 21 August 1923 amends § 9 (C) of the Act of 13 March 1900 to provide that during the six weeks before and the six weeks after childbirth the employer is required to keep the woman worker's employment open for her. By the amended § 9 (D), where a woman leaves or remains absent from her work for periods exceeding the two periods of six weeks "on the ground of an illness which is medically certified to be due to pregnancy or confinement and which renders her unfit for work," the obligation to keep the employment open continues to be binding on the employer for a period not exceeding twenty weeks.

Yugoslavia. — The Workers' Protection Act of 28 February 1922 lays down in § 23 that a lying-in woman who is ill for more than two months shall not be dismissed by her employer until she has completely recovered, unless the illness

lasts for more than one year reckoned from the day of her confinement.

III.

Article 6 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Spain. — The report states that Spanish legislation on the subject of the Convention is applicable to all territory under Spanish sovereignty.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Bulgaria. — 1 July 1924.

Chile. — 15 September 1925. See also introductory note.

Germany. — 31 October 1927.

Hungary. — 19 April 1928. See also introductory note.

Latvia. — 3 June 1926.

Luxemburg. — 16 April 1928. See also introductory note.

Rumania. — 13 April 1928, the date of coming into force of the Act of 9 April 1928. See also introductory note.

Spain. — 22 August 1923. See also introductory note.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Bulgaria. — The application of the Social Insurance Act is entrusted to the factory inspection services under the control of the Ministry of Commerce, Industry and Labour. There are at present 26 factory inspection services in the country. The Ministry is assisted by the Superior Labour and Social Insurance Council, consisting of 16 representatives of the State, eight of the employers, eight of the wage-earning employees, two of the medical profession, and eight persons "well known on account of their work in connection with social legislation". Applications for medical attendance and pecuniary benefits are dealt with by the factory inspection authorities. All hospitals and sanatoria in Bulgaria are bound to admit the sick insured persons duly assigned to them, and preference must be given to maternity cases. All doctors, midwives, and chemists are likewise bound to give or to procure the services required of them.

Chile. — The authorities responsible for the application of the relevant legislation are the General Labour Inspectorate and the criminal courts.

Germany. — The supervision of the protection of women before and after childbirth lies primarily in the hands of the factory inspectors. As regards benefits, the sickness insurance authorities (sickness funds) and public relief authorities and their supervisory bodies are competent.

Hungary. — The supervision and application of the Act are entrusted to the authorities of first instance and the factory inspectorate. The application of the law concerning maternity benefit is supervised by the authorities responsible for the supervision of the application of the Compulsory Sickness and Accident Insurance Act as a whole (see below, under the *Convention concerning sickness insurance for workers in industry, etc.*).

Latvia. — The application of the legislation mentioned in the report is entrusted to the Labour Department of the Ministry of Social Welfare and to the Ministry of Communications.

Luxemburg. — The supervision of application is entrusted to the factory inspectorate (Act of 22 May 1902), the mines administration (Acts of 21 April 1810 and 20 July 1869), the Railways Commission, the elected Chambers of Labour

and of Private Employees, the Central Committee of Sick Funds (Act of 17 December 1925) and the police. The workers' delegations, the employee's delegate committees and the railwaymen's delegations have to supervise application. The Central Committee of Sick Funds, the arbitration courts and the courts of the justices of the peace settle civil disputes; the correctional courts deal with criminal prosecutions arising out of the application of the Convention and the legislation bringing it into force.

Rumania. — § 49 of the Act of 9 April 1928 makes the inspectorate appointed under the Act concerning the organisation of the factory inspectorate of 13 April 1927 responsible for reporting infringements of the Act. Criminal penalties are also provided.

Spain. — As regards the application of the legislative measures relating to benefits, paragraphs (C), (D) and (E) of § 9 of the Act of 13 March 1900 as amended by § 1 of the Royal Decree of 21 August 1923 lay down that the administration and distribution of the initial maternity fund created for providing these benefits shall devolve upon the National Welfare Institute. The Institute exercises these functions on the basis of the co-operation of regional and provincial funds. For purposes of the distribution of benefits, these bodies utilise, in their turn, the maternity friendly societies of each locality, or in their absence, the mutual assistance societies or *Montepios* of which the recipients of benefits are members, and which, in the judgment of the regional and provincial funds, offer sufficient guarantees. The Institute, and the funds working with it, endeavour to promote the constitution of maternity friendly societies. The benefits must be applied for within three months from the date of confinement, the application being addressed in writing to the regional or provincial fund concerned, or, in absence thereof, to the National Welfare Institute, and accompanied by the documents required by the law. The fact that the administration and distribution of maternity benefit falls to the National Welfare Institute means that the supervision of application devolves upon the inspectorate of the compulsory old age pension system, the duties of which are, in accordance with § 1 of its provisional regulations of 24 July 1921, to see that employers fulfil their obligation to insure all their workers and employees who are covered by the system in accordance with the regulations. As regards the other provisions relating to the employment of women before and after childbirth, their enforcement falls to the authorities and the general body of labour inspectors. The administration of maternity insurance is entrusted to the National Provident Institute; the inspection work

is carried out by the officials who carry out the inspection work for the obligatory pensions for workers (§§64 and 80-83 of the Legislative Decree of 22 March 1929.)

Yugoslavia. — The enforcement of the Workers' Protection Act is entrusted to the regional labour inspectors.

VI.

Please state whether decisions have been given by courts of law, on other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Germany. — The report states that as a rule no difficulties are met with in applying the legislation for the protection of women before and after childbirth, so that the courts have seldom occasion to mention disputes of this kind. In a case taken as far as the highest court of appeal, the Federal Labour Court decided, on 29 April 1931, that during the period of protection any kind of disturbance to the mother must be avoided, such as that which would necessarily follow from a notice of dismissal. Consequently, any notice given during the period of protection in contravention of the prohibition must be void, even though the dismissal were to take place after the period of protection.

Chile. — The report states that the criminal courts have given several decisions inflicting fines for infringements of the Legislative Decree of 20 March 1925 but does not give any detailed information as to these decisions.

The remaining reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Germany. — The report supplies the following information concerning the amount of maternity benefit given by the sickness funds under the Federal Insurance

Code in 1929, taken from the German Federal Statistics, Vol. 389, "*Die Krankenversicherung im Jahre 1929*". Taking the insurance scheme as a whole, the number of cases of maternity benefit dealt with in that year was 834,064 (70% of the total number of births in Germany). Concerning the average duration of maternity benefit, figures are available for a few important district sickness funds with an aggregate membership of one and a half million, as follows:

	Days of benefit.	
	Insured women	Women belonging to the family of the insured person
Maternity benefit	73.7	71.6
Nursing benefit	60.6	67.9

The cost of maternity benefit under the sickness insurance system in 1929 was 91,797,000 Reichsmark. To this should be added, in the case of family maternity benefit, a Federal subsidy of 50 Reichsmark in respect of each confinement. Under the Order respecting compulsory social relief, the number of cases of women in receipt of maternity relief in 1929-30 was 80,891. Every year the annual reports of the factory inspectors give numerous instances of the protection of women before and after childbirth.

Hungary. — The report states that the number of women covered by the compulsory sickness insurance scheme in 1930 was 339,111.

Latvia. — The report states that the provisions of the Convention apply to about 70,000 persons.

Yugoslavia. — According to information published by the Central Workers' Insurance Fund, the number of insured persons on 1 June 1928 was 582,732, of whom 126,725 or 22 per cent. were women (the 45,387 miners and 75,000 railwaymen, who have separate funds, are not included in these figures.). The total number of confinements in 1928 was 4,275; the benefits granted to insured members in 1930 amounted to a total of 13,568,801 *dinars*, and the benefits to members of their families to 21,176,481 *dinars*.

Convention concerning employment of women during the night.

This Convention came into force on 18 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
South Africa	1.11.1921	2.12.1931
Austria	12. 6.1924	4.11.1931
Belgium	12. 7.1924	11.11.1931
Bulgaria	14. 2.1922	24.10.1931
Cuba	6. 8.1928	
Czechoslovakia	24. 8.1921	8. 2.1932
Estonia	20.12.1922	19.10.1931
France	14. 5.1925	30.11.1931
Great Britain	14. 7.1921	21.11.1931
Greece	19.11.1920	
Hungary	19. 4.1928	28.10.1931
India	14. 7.1921	26.12.1931
Irish Free State	4. 9.1925	24.10.1931
Italy	10. 4.1923	9.12.1931
Lithuania	19. 6.1931	19.11.1931
Luxemburg	16. 4.1928	19.11.1931
Netherlands	4. 9.1922	8.10.1931
Rumania	13. 6.1921	22.12.1931
Switzerland	9.10.1922	28.10.1931
Yugoslavia	1. 4.1927	2.11.1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The *Hungarian* Government explained in its report for 1930 that a Decree was issued on 30 December 1930 for securing the effective application of §§ 1-3, 8, 12-16, 18-20, 22-24 and 30 of the Act No. V of

1928, the provisions of which give effect to the Convention. Under this Decree the Act came into force generally on 1 July 1931 and for the textile industry on 1 January 1932.

The Government of *Luxembourg* states, in its report, that the various enactments applying the Convention are codified in §§ 19 to 23 of a draft Grand-ducal Order, which has been communicated to the Council of State and the trades and occupational chambers. The above-mentioned sections of the draft Order reproduce the provisions of the Convention.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

South Africa.

Directly: Mines and Works Act No. 12 of 1911 (B.B. Vol. VI, 1911, p. 63).
Factories Act No. 28 of 1918.

Indirectly: Industrial Conciliation Act No. 11 of 1924 (L.S. 1924, S.A. 1).
Wage Act No. 27 of 1925 (L.S. 1925, S.A. 1).

Austria.

Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings (L.S. 1919, Aus. 7).
Mining Act of 28 July 1919 (L.S. 1919, Aus. 11).

The report states that "the promulgation in the *Bundesgesetzblatt* of 19 July 1924 of the ratification of the Convention gave force of law in Austria to the actual provisions of the Convention. By this ratification, the provisions of the Acts mentioned above which do not conform to the Convention became automatically amended in agreement with the provisions of the Convention, by virtue of the principle '*lex posterior derogat priori*'. The application of the Convention is therefore effected by the Acts mentioned above, within the limits of the Convention and in accordance with the provisions of paragraph 11 of Article 350 of the Treaty of St. Germain."

Belgium.

Act relating to the employment of women and children of 28 February 1919 (L.S. 1919, Bel. 2) as amended by the Eight-Hour Day Act of 14 June 1921 (L.S. 1921, Bel. 1).

Bulgaria.

Health and Safety of Workers Act of 1917 (B. B. 1918, Vol. XIII, p. 28).

Order No. 2834 of 1919 respecting the application of the eight and six-hour day in public and private undertakings.

Czechoslovakia.

Act of 19 December 1918 respecting the eight-hour working day (L.S. 1919, Cz. 1-3).

Order of 11 January 1919 in pursuance of the Act respecting the eight-hour day (L.S. 1919, Cz. 1-3).

Circular of 21 March 1919 of the Ministry of Social Welfare to all administrative authorities respecting the interpretation of the provisions relating to the eight-hour day (L.S. 1919, Cz. 1-3).

Estonia.

Employment of Children, Young Persons and Women Act of 20 May 1924 (L.S. 1924, Est. 1).

France.

Code of Labour and Social Welfare, Book II.
Act of 24 January 1925 to amend §§ 20(a) to 28 and 96 of Book II of the Code of Labour and Social Welfare (L.S. 1925, Fr. 1).

Decree of 5 May 1928 defining the allowances and exceptions contained in §§ 17, 24, 25 and 26 of Book II of the Labour Code (L.S. 1928, Fr. 10).

Act of 23 April 1919 respecting the eight-hour day (L.S. 1919, Fr. 3).

Great Britain.

Factory and Workshop Act, 1901.

Coal Mines Acts.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).

Hungary.

Act No. XXVIII of 1928, approving the ratification of the Convention.

Act No. V of 1928 respecting the protection of children, young persons and women employed in industrial and certain other undertakings (L. S. 1928, Hung. 1).

Decree No. 150,443 of 30 December 1930, issued by the Ministry of Commerce, applying the Act No. V of 1928.

See also introductory note.

India.

Indian Factories Act, 1911, as subsequently amended (L.S. 1926, Ind. 2).

Irish Free State.

Factory and Workshop Act, 1901.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).

Italy.

Act of 10 November 1907 relating to the employment of women and children (B.B. Vol. II, 1907, p. 578).

Legislative Decree of 15 March 1923 amending the Act of 10 November 1907 (L.S. 1923, It. 4).

Royal Decree of 29 March 1923 bringing the provisions of the Convention into force in Italy.

Lithuania.

Code of the laws of the Russian Empire, Vol. XI, Part II, text of 1906, § 122.

Act of 14 November 1924 on Labour Inspection (L. S. 1924, Lith. 3).

Luxembourg.

Act of 3 August 1907 relating to the International Convention respecting the prohibition of the night work of women in industrial occupations (B. B. Vol. II, p. 99).

Grand-ducal Resolution of 10 December 1907 to ratify and publish the Berne Convention (B. B. Vol. II, p. 392).

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

See also introductory note.

Netherlands.

Labour Act, 1919, as subsequently amended (L.S. 1922, Neth. 1).

Mines Regulations of 1906 as amended by Royal Decrees of 9 February 1917 and 7 October 1922 (L.S. 1922, Neth. 4).

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1.).

Regulations issued under the above Act on 5 February 1929 (L. S. 1929, Rum. 1).

Switzerland.

Federal Act of 18 June 1914/27 June 1919 relating to work in factories (B.B. Vol. IX, 1914, p. 269, and L.S. 1919, Switz. 3).

Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L.S. 1922, Switz. 2).

Administrative Order of 3 October 1919/7 Sept mber 1923 under the Factory Act (L.S. 1919, Switz. 4, and 1923, Switz. 3).

Administrative Order of 15 June 1923 respecting the application of the Federal Act relating to the employment of young persons and women in industry (L.S. 1923, Switz. 1).

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water-work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

In addition, please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

South Africa. — As regards paragraph (a), § 8 (1) of the Mines and Works Act prohibits the employment of females underground in any mine; mines include quarries. The definition of a factory under the Factories Act includes all the undertakings referred to in paragraph (b) where machinery is installed or where three persons are employed, but does not include the generation, transformation and transmission of electricity or motive power of any kind. These undertakings, however, are covered by provisions of the Conciliation Act and Wage Act, and in actual practice no women are employed in such undertakings during the night hours. As regards paragraph (c), the undertakings enumerated are all indirectly controlled by the provisions of the Conciliation Act and the Wage Act. Under the Industrial Conciliation Act, industrial councils or conciliation boards, representing employers and workers in an industry, trade or occupation in a specified area, may be established. These bodies may conclude agreements determining the conditions of labour in the industry concerned, and such agreements may be declared by the Minister of Labour to be legally binding in the area concerned upon the parties to the agreement, or, if the parties are sufficiently representative of the industry, trade or occupation, upon all employers and workers within the area (§ 9). By § 24 of this Act the term "employer" means any person or body of persons (including a local authority), whether corporate or unincorporate, employing two or more employees (as defined) upon any undertaking in an industry, trade or occupation to which the Act applies. Under the Wage Act, a Wage Board has been established which has power *inter alia* to make recommendations to the Minister of Labour regarding the hours of work of the employees in any industrial occupation which has formed the subject of investigation under the Act. The Minister may in accordance with certain procedure make a final determination in terms of the Wage Board's recommendations, fixing for a specified period the conditions of labour

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented,

in the industrial occupation in question, including hours of work. By means of such a determination, which is not limited by the size of an industrial undertaking, it is possible to protect the woman worker in establishments outside the scope of the Factories Act or the Industrial Conciliation Act. Already determinations under the Wage Act are in force in various industries. Commercial undertakings and agricultural operations as defined are excluded from the scope of the Factories Act¹. Agriculture and farming industries are also specifically excluded from the operation of the Industrial Conciliation Act and the Wage Act. Subject to this, no restriction is imposed on the class of occupation which may be regulated under the latter Acts.

Austria. — The Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings applies to all undertakings covered by the Industrial Code² and undertakings owned by corporations, especially those owned by the State, a province or a municipality, to which the Industrial Code would apply if they were carried on by way of trade; to all undertakings and establishments to which the Industrial Code does not apply, in which merchantable articles are produced or materials treated by way of trade, excluding agri-

¹ § 2 (2) expressly defines and excludes agriculture in the following words: "The provisions of this Act shall not apply to any farm in respect of the making, packing or preparation, by a bona fide farmer who is also the owner or occupier thereof, of produce grown or animals kept by him, of goods for transport, trade or sale as food or drink for human consumption." § 2 (3) similarly defines commercial undertakings: "This Act shall not be considered as modifying those provisions of Act No. 12 of 1911 and the regulations made therein which relate to works and machinery, or the laws relating to the hours of opening and closing of shops or as including within the definition of factory such portions of premises as are shops in any such law." The control of these commercial undertakings as defined is reserved to enactment by the provincial authorities.

² The Act promulgating the Industrial Code of 1859 stipulates that the provisions of the Code shall apply to all activity carried on for gain whether in producing, working up or altering transportable goods, to the running of commercial establishments and to the execution of services and work. From its scope are excluded (a) agriculture and forestry, together with allied industries in so far as their purpose is the working up of the products themselves, (b) mines and installations dependent upon a concession granted by the mining authorities in accordance with the Mining Act, (c) literary work, the right of authors to publish their own works and the fine arts, (d) jobbing work, (e) domestic work, (f, g, h, i, k) the liberal professions, teaching, financial establishments, public educational or reformatory establishments, (l) railways and steamship navigation, (m) maritime navigation subject to the Maritime Acts and sea fishing, (n) undertakings connected with public ferries on rivers, lakes, canals, lumbering, etc., (o) public amusements, etc., (p) undertakings connected with the production and sale of periodical publications, (q) hawking, etc.

culture and forestry and mining undertakings dealing with reserved minerals and works established by virtue of a mining concession. The Mining Act of 28 July 1919 applies to mining undertakings dealing with reserved minerals including works erected under mining concessions. However, by the publication of the text of the Convention in the *Bundesgesetzblatt* of 19 July 1924 the actual terms of the Convention have been given force of law in Austria. The report also states that no provision in accordance with paragraph 2 of Article 1 was necessary in Austria, because the words "industry, commerce and agriculture" are exactly defined by the national legislation. However, the term "industrial undertakings" used in the Act of 14 May 1919 does not correspond to the same term as used in the Convention. The industrial undertakings to which the Act applies also include commerce, so that the scope of the Austrian Act is wider than that of the Convention.

Belgium. — § 1 of the Act relating to the employment of women and children of 28 February 1919, as amended by § 31 of the Eight-Hour Day Act of 14 June 1921, defines the field of application as: (1) undertakings covered by the Eight-Hour Day Act; (2) establishments classified as dangerous, unhealthy and noxious; (3) transport by water. The undertakings covered by the Eight-Hour Day Act are given in § 1 of this Act as follows: (1) mines, surface mines, quarries and other works for the extraction of minerals from the earth; (2) industries in which goods are manufactured, raw materials or manufactured articles transformed, ornamented, finished, cleaned, or adapted for sale; (3) repair, cleaning, restoration of materials, effects or other used goods, as well as demolition of materials; (4) building and auxiliary industries, including maintenance, repair and demolition; (5) public works; (6) private works executed by civil engineers (*génie civil*), other than those proper to the building industry; (7) gas and water-works; (8) generation, transformation and transmission of electricity and motive power; (9) construction, transformation and demolition of ships and boats, their maintenance or repair by workers other than the crews; (10) transport by land; (11) loading, unloading and handling of goods at ports, quays, warehouses and stations; (12) dairies and cheese-factories; (13) offices of commercial undertakings. The provisions of the Act apply to both public and private undertakings, even when they serve the purposes of trade instruction or are of a philanthropic nature. The Act does not apply to agriculture. It applies to commercial establishments when and to the same extent as the Eight-Hour Day Act, in accordance with § 1 of the Act of 14 June 1921, is extended by Royal Order to cover these undertakings.

Bulgaria. — The Health and Safety of Workers Act of 1917, § 18 of which prohibits the night work of women, applies to "all industrial undertakings, workshops, commercial undertakings, construction and transport undertakings" (§ 1 (1)). Agricultural undertakings are excluded, but industrial and commercial undertakings carried on in connection therewith, e.g. workshops, transport undertakings, etc., are subject to the night work prohibition.

Czechoslovakia. — The Eight-Hour Day Act of 19 December 1918, § 9 of which prohibits the night work of women, applies generally to industries, to commerce and, save for a few exceptions, to agriculture. The report states that it has not been necessary in Czechoslovakia to define the line separating industry from commerce and agriculture.

Estonia. — § 1 (a) to (c) of the Employment of Children, Young Persons and Women Act of 20 May 1924 reproduces the terms of Article 1 (a) to (c) of the Convention, with the addition that among the works for the extraction of minerals from the earth are specifically included peat-digging undertakings. The report for 1926 stated that no decisions had been taken with regard to the line of division which separates industry from commerce and agriculture. Existing provisions are considered sufficiently definite, but should doubts arise in specific cases they would be settled by the Minister of Public Instruction and Social Affairs.

France. — The industrial undertakings to which the provisions of the Convention are applicable are enumerated in § 1 of Book II of the Code of Labour and Social Welfare as follows: works, factories, mines (underground and open workings), quarries, yards, workshops, and their dependencies, of any kind whatsoever, public or private, lay or religious, even when these establishments are of an educational or charitable character.

Great Britain. — § 4 of the Employment of Women, Young Persons and Children Act, 1920, reads: "The expression 'industrial undertaking' has with respect to the employment of children, young persons and women the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions regarding the line of division which separates industry from commerce and agriculture have been given by the competent authority, which in Great Britain would be the Courts of Law.

Hungary. — Under § 1 of Act No. V of 1928, the Act applies, as regards the night work of women, to establishments and undertakings covered by Act No. XVII

of 1884 (Industrial Code) and Act No. XIX of 1922 (amending the Industrial Code), and also to all building undertakings; to mining and metallurgical undertakings, and subsidiary establishments and establishments for further manufacture connected therewith; to industrial undertakings connected with State monopolies; to manufacturing and repairing workshops maintained by railway and shipping undertakings; and to manufacturing and repairing workshops maintained by the State Post Office, Telegraph and Telephone Department. The Act applies to the above-mentioned establishments and undertakings irrespective of their management, whether by the State, by counties or county boroughs or communes or by private persons. The report states that the line of division between industry and agriculture is laid down by Act No. XVII of 1884, which excludes from its application agriculture, forestry, stock-raising, fisheries, horticulture, viticulture, sericulture and apiculture, and all dependent branches of these industries, with the reservation that the activities of these branch industries should be limited to the transformation of the raw materials of the industries on which they depend. The report adds that "this provision has been found perfectly adequate and no doubt exists as to the line of division. These exceptions remain unaltered in § 2 (1) of Act No. V of 1928 and § 3 (1) of Decree No. 150,443."

India. — In accordance with Article 5 of the Convention which provides that the application of Article 3 may be suspended by the Government of India in respect to any undertaking except factories as defined by the national law, the sphere of application is limited to factories as defined in the Indian Factories Act.

Irish Free State. — This Article is applied by Section 1 and Part III of the Schedule attached to the Employment of Women, Young Persons and Children Act, 1920, which reproduces its terms. § 4 of the Act reads: "The expression 'industrial undertaking' has with respect to the employment of children, young persons and women the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions have been taken as to the line of demarcation separating industry from commerce and agriculture.

Italy. — § 1 of the Legislative Decree of 15 March 1923, amending the Act of 10 November 1907 relating to the employment of women and children, defines factories and workshops as any places where manual work of an industrial nature is performed with or without the aid of machines not driven by the worker using them, irrespective of the number of

workers employed and without distinction of age or sex. The report adds that "this provision is couched in such general terms that it evidently includes all the industrial undertakings enumerated in Article 1 of the Convention. During the period to which the report refers, no decision has been taken defining the line of division which separates industry from commerce and agriculture. However, the line of division between these branches of activity is determined by unequivocal criteria already laid down in case-law and administrative practice which has developed since the introduction of the amended system provided for in the above-mentioned Decree."

Lithuania. — § 122 of the Code of the Russian Laws, Vol. XI, Part II, applies to the following industrial undertakings: manufacture of cotton, linen and woollen materials; weaving and scutching of flax; spinning. The Superior Office of Industry may apply the same prohibition to other industrial undertakings by giving notice to the employers before the usual date of engaging workers. The report states that it has not been considered necessary to define the line of division which separates industry from commerce and agriculture.

Luxemburg. — The Act of 5 March 1928, giving force of law to the Convention reproduces the terms of this Article. The report states that this Article is applied by the provisions of the Act of 3 August 1907 the Grand-ducal Resolution of 10 December 1907, and the Act of 5 March 1928. Inasmuch as the legislative and executive authorities have not laid down the line of demarcation provided for in the last paragraph of the Article, such demarcation will be made in each case separately by the courts. See also introductory note.

Netherlands. — The employment of women in mines and the mining industry is entirely prohibited by the Mining Regulations of 1906 as amended in 1917 and 1922. In other industries the night work of women is prohibited by the Labour Act of 1919 as subsequently amended. The line of division which separates industry from commerce and agriculture "is determined by §§ 1-5 of the Labour Act of 1919." § 2 defines factories and workshops both positively and negatively, and § 3 differentiates shops from industrial undertakings.

Rumania. — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. It has not therefore been necessary to define the distinction between industry and commerce. Provision is made, however, in § 4 of the Act for the settlement of contested cases by the Ministry of Labour,

after consultation with the Supreme Labour Council.

Switzerland. — The provisions of the Federal Factory Act of 18 June 1914-27 June 1919 which relate to the employment of women, young persons and children were completed by the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry. The latter Act applies to all public and private industrial undertakings to which the Factory Act does not apply. By § 3 of the Administrative Order of 15 June 1923, the term "industrial undertaking" is defined as in Article 1 of the Convention. As regards the line of demarcation which separates industry from commerce and agriculture, the agricultural operations which are excluded from the application of the Federal Act relating to the employment of young persons and women in industry are defined by § 4 of the Administrative Order of 15 June 1923. In the case of commerce, the Act and Order exclude it from their field of application without further definition. Should doubt arise regarding the agricultural or commercial character of a particular undertaking, the decision lies with the Industries and Arts and Crafts Division of the Department of Public Economy, subject to appeal to the Federal Council. The report adds that it has not been necessary for the Federal Council to take any such decision during the period covered by the report.

Yugoslavia. — The Act of 28 February 1922 applies to all undertakings (establishments) carrying on handicrafts, industry, commerce, transport, mining and similar activities in which workers are employed, irrespective of whether they belong to private individuals or public bodies, whether they are carried on permanently or temporarily, whether they are principal undertakings or subsidiary businesses carried on in connection with other undertakings, or whether they are carried on as entirely independent undertakings or form parts of undertakings in agriculture or forestry. The report adds that as the scope of application of the Act is wider than that of the Convention, it has not been necessary to take any decision in respect of the last paragraph of this Article of the Convention.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a

maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In addition, please state whether, in the circumstances provided for in the second paragraph of this Article, the term "night" has been provisionally declared to signify a period of only ten hours.

South Africa. — § 15 of the Factories Act prohibits the employment of women between the hours of 6 o'clock in the evening and 7 o'clock in the morning, a total period of thirteen hours, which, however, may exceptionally be limited by the Minister to the period between 9 p.m. and 5 a.m. The term "night" signifies, therefore, a period of either thirteen or eight hours. Under the Industrial Conciliation Act and the Wage Act a wide latitude is allowed in the fixing of hours of work in accordance with the circumstances of an industry, but the maximum hours permissible under the Factories Act as indicated above may not be exceeded. No declaration under paragraph 2 of the Article is necessary.

Austria. — The Acts of 14 May 1919 and 28 July 1919 define the term "night" as a period of at least eleven consecutive hours including the interval between 8 p.m. and 5 a.m. In industrial undertakings in which two or more shifts of not more than eight hours are worked, the night's rest for women over sixteen years of age may begin at 10 p.m. In mines the beginning of the night's rest may also be fixed at 10 p.m. but only in the case of women over eighteen years of age.

Belgium. — The night rest period is defined in § 8 of the Act relating to the employment of women and children, as amended by § 31 of the Eight-Hour Day Act, as consisting of not less than eleven consecutive hours, including the period from 10 p.m. to 5 a.m.

Bulgaria. — § 18 (2) of the Act of 1917 stipulates that "night work shall be held to be work performed between 8 p.m. and 6 a.m." Under Order No. 2834, the Ministry of Commerce, Industry and Labour may authorise in particular cases, and for undertakings where work of a continuous character is carried on under the shift system and where the majority of the workers are women, the employment of women between 5 and 6 a.m. and between 8 and 9 p.m., always provided that the maximum daily limit of working hours is not exceeded. As the working day may not exceed eight hours, the rest period consists of 16 hours. No declaration under paragraph 2 of the Article is necessary.

Czechoslovakia. — § 8 (1) of the Eight-Hour Day Act defines the term "night" as the period between 10 p.m. and 5 a.m. The report adds that, according to § 1 of

Act, "this period is included in the rest period of sixteen hours which follows the eight hours of work."

Estonia. — According to § 18 of the Employment of Children, Young Persons and Women Act, the term "night" signifies a period of at least eleven consecutive hours, including the interval between 9 p.m. and 5 a.m., in undertakings working with a single shift, or the interval between 10 p.m. and 5 a.m. in undertakings working with two or more shifts. No use has been made of the exemption allowed under paragraph 2 of the Article.

France. — § 22 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, provides that "work performed between 10 p.m. and 5 a.m. shall be deemed to be night work," and § 23 specifies that "the nightly rest period of children of both sexes and of women shall not be less than eleven consecutive hours." No use has been made of the option provided for in the second paragraph of Article 2 of the Convention.

Great Britain. — The Employment of Women, Young Persons, and Children Act, 1920, reproduces in Part III of the Schedule the provisions of the Convention. The application of paragraph 2 of the Article has not arisen.

Hungary. — § 12 of Act No. V of 1928 and § 8 of Decree No. 150,443 provide for a nightly rest period of not less than eleven consecutive hours which shall include the interval between 10 p.m. and 5 a.m.

India. — According to §§ 24 (a) and 51 (2) of the Factories Act, the normal night period during which employment of women is forbidden is the period between 7 p.m. and 5.30 a.m. but Local Governments are empowered to substitute such one of the following sets of hours as may be deemed suitable: 6.30 p.m. and 5 a.m., 7.30 p.m. and 6 a.m., 8 p.m. and 6.30 a.m., 8.30 p.m. and 7 a.m. Under § 28 of the Act no women may be employed for more than eleven hours per day. The report adds that the attention of the Government has been drawn to the fact that these provisions are not necessarily sufficient to ensure to women workers in factories a night rest of 11 consecutive hours. The Indian Factories Act will, it is hoped, shortly come under revision as a result of the recommendations made by the Royal Commission on Labour, and opportunity will then be taken to remove this defect in the law to which attention has also been drawn by the Royal Commission on Labour.

Irish Free State. — The Employment of Women, Young Persons, and Children

Act, 1920, reproduces in Part III of the Schedule the provisions of the Convention. The term "night" has not been provisionally declared to signify a period of only ten hours.

Italy. — § 2 of the Legislative Decree of 15 March 1923 amended § 5 of the Act of 10 November 1907 to define the term "night" as "a period of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m." No declaration has been made under paragraph 2.

Lithuania. — § 122 of the Code of the Russian Laws, Vol. XI, Part II, prohibits the employment of women between 9 p.m. and 5 a.m. in the undertakings mentioned above under ARTICLE 1. The section in question does not provide for a rest period of eleven consecutive hours. The report states that no use has been made of the exception provided for in the second paragraph of this Article.

Luxemburg. — The Act of 5 March 1928, giving force of law to the Convention reproduces the terms of this Article. No use has been made of the exception provided for in the second paragraph of the Article. See also introductory note.

Netherlands. — The Labour Act, 1919, as amended by the Act of 20 May 1922, prohibits in § 24 (2) the employment of any worker between 6 p.m. and 7 a.m. and stipulates in § 30 (2) that if deviations are authorised under other provisions of the Act "it shall be borne in mind that the work of a young person or a woman in a factory or workplace on two consecutive days must be divided by a night's rest of not less than eleven consecutive hours and that such person must not work in a factory or workplace between 10 p.m. and 5 a.m."

Rumania. — § 15 of the Act of 9 April 1928 provides that the period of rest at night must not be less than eleven consecutive hours and must include the interval between 10 p.m. and 6 a.m. No use has been made of the exemption allowed by paragraph 2 of the Article.

Switzerland. — According to § 66 of the Federal Factory Act of 18 June 1914-27 June 1919 the term "night" signifies the period from 8 p.m. to 5 a.m. in the summer and to 6 a.m. in the winter; § 3 of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry defines "night" as a period of not less than eleven consecutive hours including the interval between 10 p.m. and 5 a.m. No advantage has been taken of the exception allowed by the second paragraph of the Article.

Yugoslavia. — Under § 19 of the Act of 28 February 1922 the term "night" means a period of not less than eleven consecutive hours covering the time from 10 p.m. to 5 a.m. No advantage has been taken of the exception provided for in the second paragraph of this Article of the Convention.

ARTICLE 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

South Africa. — See under ARTICLE 2. No reference is made to the exception for family undertakings.

Austria. — § 1 (1) of the Act of 14 May 1919 provides that "in undertakings to which the Industrial Code applies (industrial undertakings), women workers, irrespective of age, . . . shall not be employed at night, i.e. during the hours between 8 p.m. and 5 a.m." As regards mines, § 2 (1) of the Act of 28 July 1919 prescribes that "women, irrespective of age, . . . shall not be employed in connection with mining at night, i.e. between 8 p.m. and 5 a.m." No reference is made to the exception for undertakings in which only members of the same family are employed.

Belgium. — § 7 of the Act relating to the employment of women and children, as amended by § 31 of the Eight-Hour Day Act, prohibits the employment of women, without distinction of age, during the night. The Act does not apply to "undertakings in which only the members of the family are employed under the supervision of the father, mother or guardian, provided that such work is not classed as dangerous, unhealthy and noxious, and that no steam boilers or mechanical power are used."

Bulgaria. — § 18 (2) of the Act of 1917 provides that no woman of any age shall be employed on night work. No reference is made to the exception for undertakings in which only members of the same family are employed, but it is provided in § 1 of the Act that "home work on which only members of the family are employed shall not be subject to inspection unless it is classed as dangerous or unhealthy work."

Czechoslovakia. — The Eight-Hour Day Act of 19 December 1918 prescribes in § 9 (1) that "women shall not be employed on night work." No reference is made to the exception relating to undertakings employing only members of the same family, but the case of persons employed

in the employer's household is provided for in § 12, which stipulates, with certain exceptions, that "persons employed in the household of the employer, and living there, and engaged for more than one month, or employed on personal services . . . shall be allowed a 12 hours' period of rest in 24, eight of which shall be uninterrupted night's rest, and at least half an hour shall be allowed at midday." The report states that the remaining hours of the 12 hours' period of rest are evening hours and form, therefore, with the eight night hours, an uninterrupted period of rest. These provisions apply to women employed as servants in agricultural undertakings.

Estonia. — § 17 of the Employment of Children, Young Persons and Women Act prohibits the night work of women in any of the public or private undertakings enumerated in § 1 (a), (b) and (c) of the Act. No mention is made in the Act of the exception relating to undertakings in which only members of the same family are employed.

France. — § 21 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, provides that "children under the age of eighteen years, whether workers or apprentices, and women, shall not be employed on night work of any kind in the establishments specified in § 1." Under § 1 undertakings in which only the members of the family are employed under the authority of the father, or of the mother, or of the guardian, are excepted.

Great Britain. — The Employment of Women, Young Persons, and Children Act, 1920, embodies the provisions of the Convention.

Hungary. — § 12 of Act No. V of 1928 prohibits the employment of women during the night. The Act makes no distinction between public and private undertakings nor does it make any exception in favour of undertakings in which only members of the same family are employed.

India. — The Factories Act prescribes in § 24 (a) that "no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening." The application of the Convention is limited, in accordance with Article 5, to factories as defined in the Factories Act.

Irish Free State. — Part III of the Schedule attached to the Employment of Women, Young Persons and Children Act, 1920, reproduces the terms of the Convention. § 3 (2) lays down that nothing in the Act shall apply to an industrial undertaking in which only members of the same family are employed.

Italy. — § 2 of the Legislative Decree of 15 March 1923 amended § 5 of the Act of 10 November 1907 to read: "Women, irrespective of their age, shall not be employed at night in factories or workplaces or in annexes thereof." In § 1 it is specified that factories and workshops in which only members of the same family are employed are to be excepted.

Lithuania. — § 122 of the Code of the Russian Laws, Vol. XI, Part II, prohibits the employment of women between 9 p.m. and 5 a.m. in the undertakings mentioned above under ARTICLE 1. The section contains no provision for a general exception in the case of undertakings in which only members of the same family are employed.

Luxembourg. — The Act of 5 March 1928, giving force of law to the Convention reproduces the terms of this Article. Penalties for cases of infraction of the provisions of the Article are laid down in § 2 of the Act of 5 March 1928. See also introductory note.

Netherlands. — The Labour Act as amended prohibits in § 24 (2) the work of all workers in factories and workshops between 6 p.m. and 7 a.m., and in § 30 (2) safeguards the night's rest in the case of women who may be employed by way of exception after 5 a.m. and up to 10 p.m. Work done by the head or the manager of an undertaking or his wife is not covered by the Act (§ 1 (1)).

Rumania. — § 15 of the Act of 9 April 1928 prohibits the night work of women, irrespective of age. The Act does not apply to undertakings in which only the members of the same family are employed unless these undertakings have been classified as dangerous or unhealthy.

Switzerland. — The Federal Factory Act (§ 65) and the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (§ 3) prohibit the night work of women. By § 1 of the Act of 31 March 1922, undertakings where only members of one and the same family are employed are not covered. § 3 of the Administrative Order under the Factory Act lays down that the members of the family of the head of the undertaking, so long as no other persons are employed, shall not be considered as "workers."

Yugoslavia. — The Act of 28 February 1922 provides in § 17 that women, irrespective of their age, shall not be employed at night in the undertakings covered by the Act. Under § 1 of the Act, undertakings in which only members of one and the same family are employed are exceptions hereto.

ARTICLE 4.

Article 3 shall not apply :

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

As regards paragraph (a) please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.

As regards paragraph (b) please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which this exception is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.

South Africa. — The report states that the exceptions referred to in this Article are not included in the provisions of the Factories Act, which makes no provision for any exceptions. The exception referred to under ARTICLE 2 above, i.e. the reduction of the night period to eight hours, is, however, only used in circumstances analogous to those provided for in paragraph (b) of this Article; it is granted in the case of industries handling raw materials and the employees are guarded by the imposition of the provision which does not permit of the extension of the daily hours prescribed by the Act.

Austria. — As regards paragraph (a), § 3 of the Act of 14 May 1919 provides that women over eighteen years of age may, subject to notification to the inspectors, be employed on night work for not more than eight days, if this is necessary in order to remedy a state of disorganisation in an undertaking which could not have been foreseen and does not recur periodically. An undertaking may avail itself of this exception for not more than twenty-four days during the year. Heads of undertakings intending to take advantage of the exception must give previous notice of their intention to the appropriate factory inspection service. § 4 of the Act further provides that, if important considerations of national economy or the interests of the workers require it, the Department of Social Administration may, after hearing the various employers' and workers' organisations, grant exemptions from the provisions of the Act, specifying wherever necessary the conditions which are to be observed in the employment of women on night work. The Act of 28 July 1919 provides in § 14 that the Ministry of Commerce, Industry and Public Works may, in the public interest, authorise exemptions from the provisions of the Act after hearing the mine-owners and with the consent of the miners' trade unions. The report states that since the Convention came into

force, exceptions have been allowed only within the limits of Article 4 of the Convention. The exception allowed by paragraph (b) is provided for in § 3 of the Act of 14 May 1919, which prescribes that women over eighteen years of age may, after notification to the inspectors, be employed during the night for eight days at the most if this is necessary in order to prevent an otherwise unavoidable loss of material.

Belgium. — (a) § 14 of the Act of 1919, as amended by § 31 of the Eight-Hour Day Act, provides that, in cases of *force majeure*, "the Governors (of Provinces) may, on the report of the competent labour inspector, for all industries and trades and for a specified period, grant the authorisation to employ boys and girls over the age of sixteen years and women after 10 p.m. and before 5 a.m." This authorisation may not, however, be granted for more than sixty days in any one year and the night rest period may not be reduced to less than ten hours. (b) Under § 12 of the Act of 1919, as amended by § 31 of the Eight-Hour Day Act, the King may decree exceptions, as regards girls and women over eighteen years of age, in industries concerned with raw materials or materials in course of treatment which are subject to rapid deterioration and the loss of which would otherwise seem to be unavoidable. The report adds that up to the present the King has not exercised this power.

Bulgaria. — § 18 of the Health and Safety of Workers Act of 1917 provides that "night work may be permitted in undertakings and processes where this is necessitated by unforeseen circumstances due to *force majeure*." No special provision is made for exceptions in the case of work which has to do with perishable materials.

Czechoslovakia. — (a) The Eight-Hour Day Act contains no provisions relating to cases of *force majeure*. It may be noted that under § 9 (3) of the Act the Minister for Social Welfare may, in specified groups of undertakings, permit women over eighteen years of age to work during the night if it is necessary for the uninterrupted progress of the undertakings or out of special consideration for public interests, and if the work of the women consists of operations demanding comparatively little exertion. No such permission has, however, been granted by the Order of 11 January 1919 in the case of undertakings covered by the Convention. (b) As regards perishable materials, § 9 (2) of the Act states that the Minister for Social Welfare shall designate the groups of undertakings and industries in which the night work of women over eighteen years may be allowed as an exception for a short period in the preparation of raw materials and

substances liable to rapid deterioration. The Order of 11 January 1919 grants this permission, as an exception, and temporarily, during the season, in the manufacture of jam and fruit pulp, and the drying of vegetables and fruit.

Estonia. — § 19 (a) of the Employment of Children, Young Persons and Women Act provides that the provisions of § 17 shall not apply in cases of accident or *force majeure* which are not of a periodical character, and which interfere with the normal working of the undertaking. § 19 (b) of the Act reproduces the terms of Article 4 (b) of the Convention. No special conditions are laid down for the use of the exceptions provided for in this section.

France. — (a) It is provided in § 25 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, "that the head of an undertaking in any industry may employ women at night in case of an interruption of work due to an accidental cause or to *force majeure* which is not of a periodically recurring character", under the conditions laid down by public administrative regulations, and within the limit of the number of days lost, provided that the inspector is notified in advance. This right may not be exercised on more than fifteen nights in the year without the permission of the inspector. (b) According to § 24, "in certain industries to be specified by public administrative regulations, in which the raw materials handled or the materials being worked up are liable to very rapid deterioration, temporary exceptions . . . shall be permitted in respect of adult women where this is necessary in order to save the materials from certain loss, under the conditions laid down in the above-mentioned public administrative regulations, provided merely that notice is given in advance." The public administrative regulations required by §§ 24 and 25 are contained in § 1 of the Decree of 5 May 1928, which specifies the industries to which the exception applies, the number of nights on which the exception may be used and the maximum number of hours which may be worked (10 hours in the day). However, the maximum working day, by the enforcement of the Act of 23 April 1919 respecting the eight hour-day, is automatically reduced to eight hours under the public administrative regulations dealing with the industries concerned.

Great Britain. — The Employment of Women, Young Persons, and Children Act, 1920, reproduces the provisions of the Convention. As regards the manufacturing industries, however, the exceptions apply only to a limited extent, for the restrictions on the night employment

of women contained in the Factory and Workshop Act, 1901, are subject to no exception corresponding to paragraph (a) and only to two exceptions falling within paragraph (b). These are permitted under § 41 of that Act and relate to (1) the preserving and curing of fish which must be carried out immediately on arrival of fishing boats in order to prevent fish from being destroyed and spoilt, and (2) the cleaning and preparing of fruit so far as is necessary to prevent spoiling immediately on its arrival at a factory or workshop during the months of June, July, August and September. As regards (2), the exception is subject to conditions described by a Special Order of the Secretary of State which provides, *inter alia*, that no women shall be employed before 6 a.m. or after 10 p.m. The exceptions contained in Article 4 do not apply at all to mines under the Coal Mines Acts, since those Acts prohibit the night employment of women absolutely.

Hungary. — (a) § 15 of Act No. V. of 1928 and § 26 of Decree No. 150,443 provide that "owners of undertakings may . . . employ . . . women over the age of 18 years at night, subject merely to notification, if this is absolutely necessary in order (1) to prevent an impending accident or catastrophe; (2) to effect repairs in the event of a derangement of the working of the undertaking or of a catastrophe; (3) to effect repairs in the event of an interruption in the work of the undertaking due to *force majeure* which could not have been foreseen and is not of a periodical character; (4) in case of an epidemic to take measures to combat it. Notice of such night work shall be given within 24 hours from the beginning thereof." § 30 of the Decree states that the notice must be given in the form of a registered letter, sent to the competent authority or to the competent factory inspector. The competent authority must enter the information contained in the notice in a special register prescribed under § 44 of the Decree. The notice must contain the number of women to be employed during the night, the reasons for the night work, etc. The employer must inform the competent authority when the period of night work is completed. (b) § 14 of Act No. V of 1928 provides that "the competent Minister may by a general binding Order authorise the employment of women over the age of 18 years at night in establishments where raw materials or materials in course of treatment which are subject to rapid deterioration are worked up, under the conditions specified in the Order and subject to notice given in advance, when such night work is necessary to prevent the loss of these raw materials in course of treatment. In these establishments the hours of work of women shall not exceed 60 hours a week and the hours

of night work 10 hours in 24 hours. The competent Minister may issue more far-reaching and detailed provisions in the Order to be issued under the first paragraph of this section with reference to the hours of work of women, either in general or separately for certain special branches of industry." § 21 of the Decree applying this section authorises night work of women over the age of 18 years in the following undertakings: (1) the preserving of fruit, vegetables or fish during the period when the undertaking is working full time; (2) in depôts where silk cocoons are received, during the period of their reception, in June and July, for a maximum period of 6 weeks; (3) in glue factories for the processes of melting and cutting the glue, which much be done at night owing to the heat of the day, during the periods from 15 May to 30 June and 1 September to 15 September; (4) in dairies which supply milk for public consumption, for the work of washing the cans and bottles and filling the bottles. The report states that no other exception is allowed.

India. — § 56 of the Factories Act states that "in case of any public emergency, the Local Government may, by an order in writing, exempt any factory from this Act to such an extent and during such period as it thinks fit." The report states, however, that no exemptions are permissible under the circumstances provided for in paragraph (a). As regards paragraph (b), no general provisions exist permitting exceptions from the prohibition of the employment of women during the night in the case of work on perishable materials. By an Act of 25 March 1926 (No. XXVI of 1926) amending the Factories Act, however, powers have been given to local Governments, subject to the control of the Governor-General in Council, to exempt on such conditions, if any, as they may impose, "any fish-curing or fish-canning factory, from the provisions of clause (a) of § 24, where the employment of women outside the limits provided by that clause is necessary to prevent any damage to or deterioration of any raw material" (§ 32 A of the amended Factories Act). So far, only the Government of Madras has applied this exemption to the fish-curing and fish-canning factories in the Madras Presidency subject to the following conditions: (1) no woman to be employed before 5.30 a.m. or after 7 p.m. for more than three days in any one week and the number of days on which women are so employed not to exceed fifty in a year; (2) no woman to be employed after 11 p.m.; (3) a period of uninterrupted rest of at least nine hours to intervene between the cessation of a period of work after 7 p.m. on any day and the beginning of a fresh period of work on the following day.

Irish Free State. — Part III of the Schedule attached to the Employment of Women, Young Persons and Children Act, 1920, reproduces the terms of the Convention. Employers are, however, unable to take advantage of this exception, owing to the provisions of the Factory and Workshop Act, 1901, relating to the employment of women during the night. § 3 (1) of the Employment of Women, Young Persons and Children Act, 1920, expressly provides for the enforcement of the earlier Act of 1901, when its provisions are more restrictive than those of the Convention.

Italy. — As regards paragraph (a), § 2 of the Legislative Decree of 15 March 1923 amended § 5 of the Act of 10 November 1907 to provide that the prohibition of night work for women should not apply in cases of *force majeure*, when in any undertaking there occurs an interruption of work which could not be foreseen and which is not of a periodically recurring character. The report adds that no other condition is imposed on employers before they may make use of this exception; the employer is responsible, under the penal provisions, for any offence he may commit in taking advantage of the possibility of this exception. With regard to paragraph (b), the same § provides that the prohibition of night work for women may be suspended at seasons and in cases where women are employed in work on raw materials or materials in course of treatment which are liable to rapid deterioration, when night work is necessary to preserve the said materials from certain loss. The rules for the authorising of such exceptions are to be laid down in the regulations for the administration of the Act. The report adds that the regulations require the considered opinion of the Provincial Public Health Council before such exceptions can be authorised. Up to the present, exceptions have been granted for work in connection with fresh fish, rapidly drying elastic capsules, work in connection with tomatoes and the silk cocoon industry.

Lithuania. — The report states that no use has been made of the exceptions allowed by this Article.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The Act of 3 August 1907 (§ 2) lays down the conditions for the use of the exceptions permitted by Articles 4 and 6 of the Convention. No use has been made of these exceptions. See also introductory note.

Netherlands. — The amended Labour Act, 1919, as promulgated by the Decree

of 21 July 1922, permits no exceptions to the prohibition of night work except as provided in § 25 (1) (b), which prescribes that women of twenty-one years of age and upwards may be permitted to skewer herrings during the period from 1 October to 15 March till midnight at latest, and during the period from 15 March to 1 June till 2 a.m. at latest.

Rumania. — § 16 of the Act of 9 April 1928 allows exceptions in cases of *force majeure*, when an interruption of work occurs which it was impossible to foresee and which is not of a recurring character and in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when night work is necessary to preserve these materials from certain loss.

Switzerland. — The report states that the Factory Act does not in any circumstances allow the prohibition of the night work of women to be suspended. Under § 66 (2), however, the Federal Council has the right to extend the reduction of the night rest to 10 hours for women over 16 years for a period longer than 60 days in factories where work is carried out on raw materials or on material in preparation which is liable to very rapid changes, when this is necessary to preserve the material from certain loss. It should, however, be noted that, in the Circular of 20 January 1931, which the Federal Department of Public Economy addressed to the Cantonal Governments, the Department stated that the Cantonal Governments could approve exceptions provisionally in the sense of Article 4 (b) of the Convention in urgent cases, on condition that the Federal Office of Industries, Arts and Crafts and Labour was informed. According to information received by the Federal Office, two exceptions have been granted during the period 1 January to 30 September 1931. The Act of 31 March 1922 (§ 4 (1)) provides that the prohibition of night work may be suspended for women over 18 years of age in the event of an interruption of the work of the undertaking due to *force majeure* which could not be foreseen and does not recur periodically. Under the same Act (§ 4 (2)) the prohibition of night work may be suspended for women over 18 years of age in cases of the working up of raw materials or the manipulation of substances which are liable to very rapid deterioration, when necessary to prevent the otherwise inevitable loss of the said raw materials or substances. As regards the competent authority for the suspension of the prohibition, § 6 of the Administrative Order provides: "The prohibition of night work may be suspended in the cases mentioned in § 4 of the Act, subject to an order of the competent authority. The

following shall be the competent authorities: (a) for suspension for not more than 10 nights, the district authority, or in default thereof the local authority; (b) for suspension for more than 10 nights, the Cantonal Government. If, owing to an emergency, an order of the competent authority cannot be procured in due time, the said authority shall be notified not later than the following day." The enforcement of the Federal Act relating to the employment of young persons and women in industry is within the competence of the Cantons, which, every two years, send reports to the Federal authorities. According to the information received up to the present, the Cantons have not made use of this exception.

Yugoslavia. — § 18 of the Act of 28 February 1922 authorises deviations from the prohibition of night work in the following cases: (a) in case of *force majeure* when absolutely necessary to save the undertaking from a danger which could not be foreseen or from serious damage; (b) in connection with the handling of raw materials which deteriorate quickly, if absolutely necessary to prevent the inevitable loss of these, on not more than 30 occasions in a year; (c) in case of absolute necessity in the urgent interests of the State. In the cases mentioned under (a) and (b) the occupier of the undertaking must notify the competent labour inspection office not more than 24 hours after the occurrence of the event in question; the Ministry of Social Affairs has the sole right to specify the cases coming under (c). The report adds that with regard to the deviation provided for under (c) no authorisation by the Minister of Social Affairs has so far been given, and that in the opinion of the Government this deviation is not of sufficient importance for it to be considered a departure from the provisions of the Convention.

ARTICLE 5 (*India and Siam only*).

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

India. — The Government of India has notified the Office that in the application of this Convention to India the term "industrial undertaking" includes only factories as defined in the Factories Act¹.

¹ See under *Hours Convention*, ARTICLE 10, for definition of "factory".

ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

In addition, please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which the exception provided for in this Article is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.

South Africa. — See under ARTICLES 2 and 4.

Austria. — The report states that the exceptions allowed by this Article of the Convention may only be utilised by permission of the authorities under § 4 of the Act of 14 May 1919 and § 14 of the Act of 28 July 1919. These two Acts do not lay down the conditions which employers are to observe when they are allowed exemptions, but it is left to the discretion of the authorities to insert, when necessary, in the exemptions which they grant, conditions varying according to the special circumstances of each case (see also under ARTICLE 4).

Belgium. — The amended § 13 of the Act of 1919 provides that the night rest period of girls and women over eighteen years of age may be reduced to ten hours on sixty days in the year. The right to grant this exemption, which up to the present has not been used, belongs to the King. The exception allowed by § 14 of the Act also applies "in specially grave cases and when public interest so requires" (see under ARTICLE 4).

Bulgaria. — No equivalent provisions.

Czechoslovakia. — There are no equivalent provisions in Czechoslovak legislation.

Estonia. — § 20 of the Act of 20 May 1924 provides that the night period may be reduced to 10 hours in industries affected by the seasons and also when special conditions require it. The report adds that the exception allowed by this § has not been used up to the present. As a result of the amendment made to § 20 by the Act of 19 November 1929, however, this exception may not be applied in the case of persons under eighteen years of age.

France. — French legislation contains no equivalent provision.

Great Britain. — The Employment of Women, Young Persons, and Children Act, 1920, reproduces the text of Article 6. As regards the manufacturing industries, the exception applies to the extent permitted by §§ 49 and 50 of the Factory and Workshop Act, 1901. Under § 49, women

may be employed during a period of 14 hours on 30 days in any 12 months in specified classes of factories and workshops which are liable to a sudden press of work. It provides that women must not be employed during a 14-hour period on more than three days in any one week, and that two hours out of the 14 must be allowed for meals. Under § 50, women may be employed during a period of 14 hours on 50 days in any 12 months in making preserves from fruit, preserving or curing fish, or making condensed milk. The conditions are the same as in § 49. The exception does not apply to mines under the Coal Mines Acts, since those Acts prohibit the night employment of women absolutely.

Hungary. — § 13 of Act No. V of 1928 provides that "the competent authorities may allow the nightly rest period of eleven consecutive hours guaranteed to women workers over the age of 18 years . . . to be reduced to 10 hours on not more than sixty days in the year in establishments influenced by the seasons and in all other establishments where exceptional circumstances demand this." §§ 12 and 13 of Decree No. 150,443 define "establishments influenced by the seasons" and "exceptional circumstances". The following are considered as "exceptional circumstances": extraordinary pressure of work; work which is necessary in order to prevent alteration or deterioration of raw material or manufactured products; exceptional work demanded for reasons of public health or of any other general interest; work which is necessary to complete an order by a fixed date, etc. Permission may only be granted if it is proved to be impossible to prevent the exceptional pressure of work, either by increasing in time the amount of stock for disposal, or by a re-arrangement of the work. The competent authority must satisfy himself that the request for a reduction of the nightly rest period is well-founded, before granting it. §§ 14 to 18 of the Decree lay down in detail the methods and conditions of obtaining the authorisation.

India. — No equivalent provisions.

Irish Free State. — No action has been taken to reduce the "night" period as defined in Article 2 of the Convention.

Italy. — The Legislative Decree of 15 March 1923 embodied this Article in § 5 of the Act of 10 November 1907. The rules for the authorisation of the exception are to be laid down in regulations, and the report states that the regulations require a considered opinion of the Provincial Public Health Council. No such authorisation has, however, hitherto been granted.

Lithuania. — The report states that no use has been made of this provision.

Luxembourg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See under ARTICLE 4 and the introductory note.

Netherlands. — No equivalent provisions.

Rumania. — Under § 17 of the Act of 9 April 1928 the factory inspectors, for their respective districts, or the Minister of Labour on the recommendation of the Supreme Labour Council, for several districts, may grant exceptions to industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it; in these cases the night period may be reduced to ten hours on 60 days in the year. In urgent cases, when the employer has not been able to ask permission, he may employ women at night for a maximum of seven days; when use has been made of this exception the factory inspectorate must be notified within three days. In reply to a question raised by the Conference Committee on Article 408 in 1931, the report adds that in the exceptional circumstances mentioned above the night period always comprises a minimum of 10 consecutive hours.

Switzerland. — The Factory Act provides (§ 66) that permission to lengthen the normal working day may, upon 60 days in the year, involve the reduction of the night rest to 10 hours. Permission is given for a maximum of ten days by the district authority, or, if the canton is not divided into districts, by the local authority. The cantonal authority grants permission for more than ten days (§ 49). Cases in which permission is granted are not notified to the Division of Industries and Arts and Crafts. The Act relating to the employment of young persons and women reproduces, in § 5, Article 6 of the Convention and the Administrative Order provides that the permission must be granted by the cantonal Government. During the period 1928-1929, permission was granted in one case by the Canton of Appenzell (Ausser-Roden) and in another by the Canton of Saint-Gall. Information for the years 1930 and 1931 is not yet available.

Yugoslavia. — The report states that no advantage has been taken of this provision.

ARTICLE 7.

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above Articles, provided that compensatory rest is accorded during the day.

If a shorter night period is permitted under this Article, please state for what industries, areas and seasons, and what arrangements, if any, have been made to secure compensatory rest during the day.

South Africa. — The report makes no reference to this Article.

Austria. — The question of application does not arise.

Belgium. — The report does not refer to this Article.

Bulgaria. — The report states that the question of application does not arise.

Czechoslovakia. — No application.

Estonia. — No application.

France. — The report states that this Article has no application to metropolitan France.

Great Britain. — The Article is not applicable.

Hungary. — No application.

India. — The Article has not been applied.

Irish Free State. — No application.

Italy. — Under § 5 of the Act of 10 November 1907, as amended by § 2 of the Legislative Decree, the Minister of National Economy may, subject to the approval of the Provincial Public Health Council, make variations in the period of night work by reducing the said period to ten hours in localities where climatic conditions require it, provided compensatory rest is accorded during the day. No such variation has, however, been granted during the period under review.

Lithuania. — The report does not refer to the Article.

Luxembourg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The report does not refer to this point.

Netherlands. — No use has been made of this Article, nor does the Government propose to apply it.

Rumania. — § 15 of the Act of 9 April 1928 empowers the Ministry of Labour, after consultation with the Supreme Labour Council, to alter the night rest period if the climate or the special nature of the work so requires. The report states that these provisions have never been applied. The competent services of the Ministry of Labour have proposed that, the paragraph in question should be deleted. The

Supreme Labour Council will examine this proposal, and a Bill will be presented to Parliament at a future date.

Switzerland. — The report states that although the situation does not usually arise in Switzerland, § 6 of the Act relating to the employment of young persons and women in industry provides that "the Federal Council may authorise further exceptions which are required in the public interest or provided for by international conventions". No steps have so far been taken in this respect.

Yugoslavia. — The report states that no use has been made of the provisions of this Article of the Convention.

III.

Article 9 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

South Africa. — The Union has no colonies, protectorates or possessions.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

France. — The Government states that owing to local conditions the Convention is not applied in French overseas possessions.

Great Britain. — This Convention is applied in the undermentioned dependencies : *Nigeria* and the *Gold Coast* (undertakings employing not more than ten men

or women are exempted. It is however now proposed to repeal this exemption) ; *Palestine, Trinidad, Ceylon, Hong Kong* (by a regulation under Ordinance No. 22 of 1922 as amended by Ordinance No. 24 of 1929, the employment of women is prohibited in any industrial undertaking between 9 p.m. and 7 a.m.), *Fiji, Gilbert and Ellice Islands, British Solomon Islands*. In *Malta* an Act (No. 21 of 1926) has been passed applying the Convention, but this has not yet been brought into force. Legislation applying the provisions of this Convention is contemplated in the undermentioned dependencies : *Kenya, Uganda, Tanganyika Territory, Northern Rhodesia, Nyasaland, Zanzibar, Sierra Leone, Gambia, Gibraltar, Cyprus, British Guiana, British Honduras, Straits Settlements, Federated Malay States, Mauritius, Seychelles*.

Italy. — The Government states that the Convention has not yet been applied to the colonies in view of the fact that industry is little developed and since women do not work at night.

Netherlands. — The Government reports that this Convention was applied with modifications in the *Dutch East Indies* by the Ordinance and administrative regulations of 17 December 1925 (*Indische Staatsblad*, 1925, Nos. 647-648, L. S. 1925 D.E.I. 2) which came into force on 1 March 1926. The modifications are the result of the fact that in the present stage of industrial development and the special circumstances of the country the provisions of the Convention can only be introduced gradually. § 3 of the Order prohibits the employment of women between 8 p.m. and 5 a.m. in (a) factories (defined as enclosed premises or premises considered enclosed in which mechanical installation is used for or on behalf of an undertaking) ; (b) workshops (defined as enclosed premises in which at least 10 persons are habitually employed for or on behalf of an undertaking) ; (c) construction, maintenance, repair or demolition of earth-works, excavation, hydraulic work, building work and roads ; (d) railway and tramway undertakings ; (e) loading, unloading and transport of goods at docks, wharves, harbours, stations, halts, piers and warehouses, excluding transport by hand. §§ 4, 5 and 6 of the Order contain provisions making the proprietors or managers or their representatives responsible for the observance of the provisions of the Order. The Decision taken by the Governor-General in execution of § 3 of the Order permits the employment of women between 10 p.m. and 5 a.m. in (a) sugar works during the period of crushing ; (b) fibre factories ; (c) casava meal works ; (d) oil works (ordinary oil and palm oil) and (e) in the salt works at Krampon and Kalianget

(Madura). §§ 2 and 3 of the Decision specify the conditions of such employment. § 4 provides that the Chief of the Labour Office may authorise for fixed periods, and subject to conditions laid down by himself, the employment of a certain number of women between 10 p.m. and 5 a.m. in (a) tea factories; (b) coffee factories; (c) tobacco factories; (d) rice decortication works; (e) kapok works; (f) pyrotechnical works; (g) batik works. By § 5 the Chief of the Labour Office may grant to works, factories and undertakings other than those mentioned, permission to employ women during the night in special cases and shall fix the conditions of such employment. These provisions came into force on 1 March 1926. A communication from the Governor-General states that the number of authorisations for the employment of women by night granted by the Director of the Labour Bureau on the ground of exceptional industrial requirements (principally in the tea factories during the busy harvesting season) amounted to 62, 38, 21, 11 and 20 from 1926 to 1930, and to 4 during the first six months of 1931. These figures show that night work is gradually diminishing. The number of of nights on which women were permitted to work in 1926 was 262,208 (only 70,814 of which were actually used) and in 1930, 130,430, of which 13,558 were use dup to the end of December. For the period January-June 1931 the figures were respectively 30,346 and 6,297. From 1 October 1927 the night work of women in the salt-packing department in Madoera has been definitely prohibited, while in the sugar industry it has shown a marked decrease in recent years. During the year 1930, fifteen breaches of the provisions in force were reported. During the first eight months of 1931, the number of breaches was ten. In *Surinam*, local conditions have prevented the application of the Convention, and it has been impossible to introduce modifications which would make it applicable to local circumstances. In *Curaçao*, the Convention has not been applied, such a step being unnecessary.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of this Convention came into effect.

South Africa. — 1 November 1921.

Austria. — 20 July 1924.

Belgium. — 12 July 1924.

Bulgaria. — 22 February 1922.

Czechoslovakia. — 18 March 1922.

Estonia. — 6 June 1924.

France. — 14 May 1925.

Great Britain. — 14 July 1921.

Hungary. — 1 July 1931 (date of coming into force of certain provisions of Act No. V of 1928), except for the textile industry, for which the date of application was 1 January 1932.

India. — 14 July 1921.

Irish Free State. — 4 September 1925.

Italy. — 27 June 1923.

Lithuania. — 3 July 1931.

Luxemburg. — 16 April 1928.

Netherlands. — 4 September 1922.

Rumania. — 13 April 1928 (date of coming into force of the Act of 9 April 1928).

Switzerland. — 10 October 1922.

Yugoslavia. — 1 April 1927.

V.

Please state to what authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

South Africa — The supervision of all the Acts with the exception of the Mines and Works Act is vested in the Department of Labour and is carried out by a staff of inspectors. Under the Factories Act, inspectors of factories, in terms of § 5 of the Act, have been appointed in the Union of South Africa. These inspectors are placed under a Chief Inspector of Factories. It is their duty to see that the provisions of the Act are properly carried out. The enforcement of agreements under the Industrial Conciliation Act rests, in the first instance, with the Secretaries of Industrial Councils, whose function it is to report breaches of the agreement to the inspection staff of the Department, who then take action under the penal clauses. The enforcement of determinations made under the Wage Act is carried out by the inspection staff of the Department of Labour. Both men and women are included in the staff of inspectors of the Department of Labour.

Austria. — The infliction of penalties for offences under the Acts in question is entrusted to the general administrative authorities of the State and, as regards

mines, to the State mining authorities. The supervision of the enforcement of the law is carried out by the factory inspectors and the mining authorities, who make inspections with this object.

Belgium. — The factory inspectors and the mining engineers ensure the enforcement of the Acts and regulations in question, in the undertakings which they respectively supervise.

Bulgaria. — The application of the Health and Safety of Workers' Act is entrusted to the factory inspectors under the control of the Ministry of Commerce, Industry and Labour, assisted by the Superior Labour and Social Insurance Council. A factory inspection service is attached to each of the prefectures and the staff is appointed in accordance with the number of workers in each area.

Czechoslovakia. — The supervision of the enforcement of the legislative provisions in question is entrusted to the competent administrative and supervisory authorities, and to the factory inspectorate.

Estonia. — The supervision of the enforcement of the Act of 20 May 1924 is entrusted to the factory inspectors.

France. — The supervision of the application of the relevant legislation and regulations falls to the industrial inspection service, which is under the authority of the Minister of Labour, Health, Assistance and Social Welfare. The duties of this service, which includes men and women inspectors, are defined by Chapter II, Part III, Book II of the Code of Labour and Social Welfare. As regards State undertakings where the entry of persons not belonging to the service concerned is not deemed expedient in the interest of the national defence, the supervision of the application of the above-mentioned legislation is entrusted to persons appointed for the purpose by the Ministers of War and of the Marine. These undertakings are enumerated in the Decrees of 10 April 1925 and 28 June 1904. In regard to mines (underground and open workings) and quarries, the duties of the industrial inspectors are performed by the engineers and controllers of mines, who are placed for this purpose under the authority of the Minister of Labour. In the same way, in undertakings under the technical supervision of the Minister of Public Works, the duties of the industrial inspectors are entrusted to the officials responsible for this supervision, who for this purpose are placed under the authority of the Minister of Labour, except as regards national railway undertakings and local railways. Finally, the Superior Labour Commission, set up by § 112 of Book II of the Code of Labour and Social Welfare, is entrusted with the duty of securing the strict and uniform

application of the provisions relating to the employment of women and children; similar duties fall to the departmental labour commissions set up by § 115 of Book II of the Code. As regards the enforcement of the regulations, the factory inspectors know, through the general restrictions placed upon employers of women, those undertakings to which the prohibition of the night work of women applies, and can thus effectively ensure the prohibition. As regards the use of exceptions by the heads of undertakings, the Inspectorate is notified in accordance with §§ 4 and 5 of the Decree of 5 May 1928. Such notification must indicate the nature of the interruption caused by accident or *force majeure*, the number and dates of the nights on which the exception will be used as well as the number of workers to whom the exception will be applied.

Great Britain. — As regards factories and workshops and the constructional work referred to in Article 1 (c) of the Convention, the provisions are administered by the Home Office (Factory Department), and so far as concerns mines and quarries by the Board of Trade (Mines Department). In Northern Ireland, factories and workshops come under the Ministry of Labour, and mines and quarries under the Ministry of Commerce.

Hungary. — Under § 31 of Act No. V of 1928 enforcement of the provisions of the Act is controlled by the courts of first instance, in collaboration with the factory inspectors and, where necessary, the police authorities. The report states that the authorities exercise direct control by means of visits and examination in order to ensure the application of the Act.

India. — The Indian Factories Act is administered by local Governments through their factory inspectors who are empowered to take proceedings before specified courts. See also the summary of the report on the *Hours Convention*.

Irish Free State. — The application of the Employment of Women, Young Persons and Children Act is entrusted to the Department of Industry and Commerce, and Inspectors of Factories and Workshops and of Mines and Quarries attached to the Industries Branch of the Department are responsible for the supervision and enforcement of the provisions of the Convention.

Italy. — The application of the relevant legislation and regulations is entrusted to the Ministry of Corporations, the necessary supervision being exercised by the factory inspectors, the mining engineers and the officers of the judicial police.

Lithuania. — The Labour Inspection Department is responsible for the super-

vision and enforcement of the relevant legislation.

Luxemburg. — The Act of 5 March 1928 provides for penalties in cases of infringement. The supervision of the application of the Convention is entrusted to the labour inspectorate, the mines administration, the railway administration, the elected labour and private employees Chambers as well as to the judicial police. The workers' delegates, the employees' delegate committees and the delegates of the railway employees are also called upon to supervise application. Criminal prosecutions are adjudicated upon by the correctional courts.

Netherlands. — Under the Labour Act of 1919 (§§ 68-84) the supervision and application of the Act is entrusted to a factory inspectorate under the control of the Ministry of Labour, Commerce and Industry. The Mining Regulations of 1906 (§§ 255 to 272), and the Act of 27 April 1904 provide for the administration and application of the provisions concerning the mining industry. The mining inspection service and the labour inspectors are responsible for their supervision. The co-operation of the public safety force and the police may be requested especially in connection with the provisions on hours of work.

Rumania. — § 49 of the Act of 9 April 1928 makes the inspectorate appointed under the Act concerning the organisation of the factory inspectorate of 13 April 1927 responsible for reporting infringements of the Act; provision is made for penalties in cases of infringement.

Switzerland. — The enforcement of the Federal Factory Act and of the Federal Act concerning the employment of young persons and women in industry, and of the Administrative Orders made under them, is within the competence of the cantons. The Federal Government ultimately supervises their enforcement through the Federal Department of Public Economy and, in particular, through the Division of Industries and Arts and Crafts. Every two years the cantons (of which a certain number have established labour inspection services which supervise the application of Federal laws) report to the Division of Industries and Arts and Crafts upon the application of the two Acts and Administrative Orders. It has also set up a federal factory inspectorate which supervises the enforcement of the Factory Act in all the undertakings subject to it (factories in the strict sense of the term and similar establishments). This factory inspectorate is subdivided into four districts which each include a "federal factory inspector" and three assistants. It should be noted that the

title "federal factory inspector" is too restricted and that the duties of this inspector cover not only factories in the strict sense of the term, but also all the other establishments which are also subject to the Federal Factory Act. The federal factory inspectors also submit reports every two years. These reports are submitted in the year in which the reports of the cantons are not.

Yugoslavia. — The enforcement of the Workers' Protection Act of 28 February 1922 is entrusted to the regional labour inspectors. Supervision is ensured by the provisions of § 21 of the Act.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

South Africa. — The report states that the number and nature of contraventions reported under the Factories Act are set out in tables attached to the Annual Report of the Chief Inspector of Factories which is furnished to the International Labour Office each year. The Fourteenth Annual Census of Factories and Productive Industries, excluding mining and quarrying, Government and local government works and railway workshops, for the year 1928-1929, gives the number of establishments as 7,150 employing 184,877 persons of all races, of whom 13,128 are European and 8,043 non-European females. The number of premises registered under the Factories Act at 31 December 1928 was 5,127.

Austria. — The report states that the number of offences against the prohibition of the night work of women

detected in 1930 in industrial undertakings, not including mines, are given in the report of the factory inspectors upon their activity in the year 1930, p. XLIX. It should be noted that a certain number of cases of infraction mentioned in this report relate to industries which are not covered by the Convention. Statistics for the period under report cannot yet be supplied.

Belgium. — A statement of the breaches of the law which have been reported is published monthly in the *Revue du Travail*. Statistics prepared on 31 October 1926 by the Department of Labour showed that 206,022 women were employed in factories or workshops employing at least 10 workers. The report states that the application of the Convention has met with definite opposition, since the year 1925, from women employed in the wool-combing industry in the region of Verviers. In these undertakings the work is organised in two shifts from 6 a.m. to 11 p.m., and in spite of all efforts to the contrary, the women refuse to begin the day at 5 a.m. in order that the second shift may finish work at 10 p.m. For this reason, the Belgian Government submitted to the Labour Conference of 1931 a proposal for the revision of the Convention, which would allow the night rest period to include the interval from 11 p.m. to 6 a.m. The Conference having rejected this proposal, the Government informed the employers and workers concerned that the illegal conditions existing at Verviers must not continue, and ordered the factory inspection service to prosecute in all cases where the provision prohibiting the employment of women after 10 p.m. had been infringed. Negotiations are taking place between the parties concerned with a view to reaching an agreement on conditions of work which will be in accordance with the provisions of the Convention and of Belgian law.

Bulgaria. — The report states that, up to the present, the factory inspectors have not reported any breaches of the legislative provisions respecting the right work of women.

Czechoslovakia. — The report states that full information upon the manner in which the Convention is applied in Czechoslovakia is contained in the report of the industrial inspection service for 1930, which has been transmitted to the International Labour Office.

Estonia. — At the end of 1930 the number of women covered by the Act was 16,234. During the year 1930 only one complaint alleging non-observance of the Act was made to the labour inspectors.

19 cases of infraction were however noted. In 9 of these a simple warning was given while in 10 cases proceedings were instituted.

France. — As regards the temporary exceptions to the prohibition of the night work of women allowed in some industries and in certain cases, the factory inspectorate has prepared two statistical tables from which it appears that exceptions in accordance with Article 4 (a) of the Convention were granted in 1930 to five undertakings for an average period of 21 days and for a total number of 34 women employed. In the case of Article 4 (b) of the Convention, exceptions were granted in 1930 to 83 undertakings, with a total of 33,461 nights to which the exception applied. (Of these 83 undertakings, 72 were engaged in fish-preserving, and accounted for 31,821 of the nights to which the exception applied.) As regards breaches of the law respecting the prohibition of night work, the report states that in 1930 there were 13 prosecutions and 276 offences; whilst as regards rest at night there were 2 prosecutions and 50 offences.

Great Britain. — The report states that the provisions of the Convention have been embodied in the well-established industrial law of the country and are enforced in the case of the great majority of the undertakings affected by the highly organised factory and mines inspectorates as a part of their ordinary duties. A high standard of enforcement is thereby secured and the reports of the inspectors show that, except in isolated instances, the terms of the Convention are fully and carefully observed. In 1930 there were no instances in which employers were prosecuted in respect of offences constituting breaches of the Convention. For information concerning the organisation of the factory inspectorate reference is made to pp. 23-32 of "Factory Inspection, Historical Development and Present Organisation in Certain Countries", published by the International Labour Office in 1923, and to the Report of the Departmental Committee on the Factory Inspectorate, published in 1930. The recommendations of that Committee, which include the increase of the total strength of the Inspectorate from 205 to 283, have been approved generally by H. M. Government and are in process of being carried out; the present strength of the Inspectorate is 244. The mines inspectorate is organised on similar lines; its present strength is 110. No complete figures are available for the number of workers concerned, but in 1930, 1,378,679 women were employed in factories in Great Britain and 50,317 in factories in Northern Ireland. In December 1930, the number of women employed as wage-earners (above ground),

about mines and quarries more than 20 feet deep in Great Britain was 2,406.

India. — Statistics of factories and a Note on the working of the Factories Act are supplied regularly to the International Labour Office.

Irish Free State. — The position in Saorstát Éireann in relation to this Convention is that the provisions of the Factory and Workshop Act, 1901, do not permit of any exception under which women of any age may be employed at night in factories or workshops. Even if it were desirable it would not, therefore, be possible to adopt all the exceptions permitted in the Articles of this Convention, the Factory and Workshop Act, 1901, being more restrictive in its provisions relating to the prohibition of employment of women at night than the Convention. The question of employment of women at night in mines or quarries does not arise in Saorstát Éireann. It is forbidden by the terms of the Convention, and, so far as can be ascertained, no women have at any time been employed at night in either mines or quarries in this country.

Switzerland. — The remarks upon the enforcement of the Convention are derived from two sources: the reports of the cantonal authorities, and, as regards especially the Factory Act, the reports of the federal factory inspectors. These reports show that in 1930 the number of workers subject to the federal factory inspection was 391,824, 139,997 of whom were women. It should further be noted that the biannual reports of the federal factory inspectors and of the cantonal Governments are prepared in great detail, that they contain very full information upon the enforcement of the Act and that they are widely circulated. During the period covered by the report 23 judgments were given in respect of infractions of the Act relating to work in factories and 11 in respect of infractions of the Act relating to the employment of young persons and women in industry. A large number of these judgments were given in respect of violations of the night work prohibition. It should however be noted that in a certain number of cases the infractions related to the hours between 8 and 10 p.m. and 5 (Saturdays and days preceding holidays) and 10 p.m. Penalties were imposed by the judicial authorities in 7 cases and by the administrative authorities in 27 cases.

Yugoslavia. — During 1930 the number of women employed in undertakings visited by the labour inspectors was 24,980. The number of infractions reported was 110 in respect of § 17 of the Act (night work) and 31 in respect of § 18 (exceptions).

Convention fixing the minimum age for admission of children to industrial employment.

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	12. 7. 1924	11.11. 1931
Bulgaria	14. 2. 1922	24.10. 1931
Chile	15. 9. 1925	14.12. 1931
Cuba	6. 8. 1928	
Czechoslovakia	24. 8. 1921	8. 2. 1932
Denmark	4. 1. 1923	27.10. 1931
Estonia	20. 12. 1922	19.10. 1931
Great Britain	14. 7. 1921	9.11. 1931
Greece	19. 11. 1920	
Irish Free State	4. 9. 1925	24.10. 1931
Japan	7. 8. 1926	26.12. 1931
Latvia	3. 6. 1926	15. 1. 1932
Luxemburg	16. 4. 1928	19.11. 1931
Netherlands	21. 7. 1928	8.10. 1931
Poland	21. 6. 1924	25.11. 1931
Rumania	13. 6. 1921	22.12. 1931
Switzerland	9. 10. 1922	28.10. 1931
Yugoslavia	1. 4. 1927	2.11. 1931

The report of the Government of *Chile* states that "the clauses of the national legislation which apply the provisions of the Convention are § 29 (3) and (4) of the Act of 8 September 1924 concerning the contract of employment. The text of these provisions and the divergences which exist between them and the provisions of the Convention are reproduced and pointed out in the memorandum of the General Labour Inspectorate of 23 February 1931 (see *Final Record of the Fifteenth Session of the International Labour Conference*, Vol. II, English edition, pp. 488-489)... In the consolidated text of Chilean labour legislation, approved by the Legislative Decree of 28 May 1931, which will take effect on 29 November 1931, the clauses introducing the provisions of the Convention are §§ 46-51, in which the necessary changes have been made so as to bring the national legislation of Chile into complete agreement with the Convention".

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The Government of *Luxembourg* states that the various enactments applying the Convention are codified in §§ 10-12 of a draft Grand-ducal Order, which has been communicated to the Council of State and the trades and occupational chambers. These §§ of the draft Order reproduce the provisions of the Convention.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Royal Order of 28 February 1919 concerning the employment of women and children (L.S. 1919, Bel. 2) as amended by the Eight-Hour Day Act of 14 June 1921 (L.S., 1921, Bel. 1).

Bulgaria.

Health and Safety of Workers Act of 1917 (B.B. Vol. XIII, 1918, p. 28).

Act of 22 November 1921 amending § 13 of the preceding Act (O.B. Vol. V, p. 172).

Social Insurance Act of 6 March 1924 (L. S. 1924, Bulg. 1).

Elementary Education Act.

Chile.

Act of 8 September 1924 concerning the contract of employment. (L.S. 1924, Chil. 2.)
See also introductory note.

Czechoslovakia.

Act of 19 December 1918 respecting the eight-hour working day (L.S. 1919, Cz. 1-3).

Act of 17 July 1919 respecting child labour (L.S. 1920, Cz. 2).

Denmark.

Act No. 145 of 18 April 1925 respecting the employment of children and young persons (L.S. 1925, Den. 1).

Estonia.

Act of 20 May 1924 relating to the employment of children, young persons and women in industrial undertakings (L.S., 1924, Est. 1).

Great Britain.

Factory and Workshop Act, 1901.

Coal Mines Acts.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).

Irish Free State.

Factory and Workshop Act, 1901.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G.B. 9).

Japan.

Act of 29 March 1923 concerning the minimum age for industrial employment (L.S. 1923, Jap. 2).

Order of the Department of Home Affairs No. 14 of 7 June 1926 issuing Regulations for the application of the Act of 29 March 1923.

Latvia.

Act of 24 March 1922 respecting hours of work (L.S. 1922, Lat. 1).

Instructions of 9 January 1931 of the Ministry of Social Welfare concerning the provisions regulating the employment of young persons in industrial establishments and workshops.

Luxembourg.

Act of 6 December 1876 concerning the work of children and women.

Grand-ducal Order of 30 May 1883 amending the Regulation concerning the employment of children in industrial undertakings.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

See also introductory note.

Netherlands.

Labour Act, 1919 (L. S. 1922, Neth. 1).

Stonemasons Act, 1921 (L. S. 1921 (Part II) —Neth. 3).

Stevedores Act, 1914 (B.B. Vol. IX, 1916, p. 225).

Mining Regulations, 1906 (B.B. Vol. I, 1906, p. 505) as amended by Royal Order of 7 October 1922 (L. S. 1922, Neth. 4).

Poland.

Constitution of the Republic of Poland of 17 March 1921 (L.S. 1921, Pol. 3).

Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 2).

Order of the Minister of Labour and Social Welfare of 14 December 1924 respecting registers and lists of young persons (L.S. 1924, Pol. 9).

Order of the President of the Republic of 7 June 1927 relating to industrial law (L.S. 1927, Pol. 4).

Order of the President of the Republic of 14 July 1927 relating to factory inspection (L.S. 1927, Pol. 8).

Order of the President of the Republic of 22 March 1928 relating to courts of law for labour cases.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work. (L. S. 1928, Rum. 1.)

Regulations issued under the above Act on 5 February 1929 (L. S. 1929, Rum. 1).

Switzerland.

Federal Act of 18 June 1914/27 June 1919 relating to working hours in factories (B.B. Vol. IX, 1914, p. 269 and L.S. 1919, Switz. 3).

Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L.S. 1922, Switz. 2).

Administrative Order of 3 October 1919/7 September 1923 under the Factory Act (L.S. 1919, Switz. 4. and 1923, Switz. 3).

Administrative Order of 15 June 1923 respecting the application of the Federal Factory Act relating to the employment of young persons and women in industry (L.S. 1923, Switz. 1).

Order of 5 July 1923 relating to the employment of young persons in transport undertakings (L.S. 1923, Switz. 1).

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water-

work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

In addition please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

Belgium. — § 1 of the Act relating to the employment of women and children of 28 February 1919, as amended by § 31 of the Eight-Hour Day Act of 14 June 1921, defines the field of application as : (1) undertakings covered by the Eight-Hour Day Act ; (2) establishments classified as dangerous, unhealthy and noxious ; (3) transport by water. The undertakings covered by the Eight-Hour Day Act are given in § 1 of this Act as follows :— (1) mines, surface mines, quarries and other works for the extraction of minerals from the earth ; (2) industries in which goods are manufactured, raw materials or manufactured articles transformed, ornamented, finished, cleaned, or adapted for sale ; (3) repair, cleaning, restoration of materials, effects or other used goods, as well as demolition of materials ; (4) building and auxiliary industries, including maintenance, repair and demolition ; (5) public works ; (6) private works executed by civil engineers (*génie civil*), other than those proper to the building industry ; (7) gas and waterworks ; (8) generation, transformation and transmission of electricity and motive power ; (9) construction, transformation and demolition of ships and boats, their maintenance or repair by workers other than the crews ; (10) transport by land ; (11) loading, unloading and handling of goods at ports, quays, warehouses and stations ; (12) dairies and cheese-factories ; (13) offices of commercial undertakings. The provisions of the Act apply to both public and private undertakings, even when they serve the purposes of trade instruction or are of a philanthropic nature. The Act does not apply to agriculture. It applies to commercial establishments when and to the same extent as the Eight-Hour Day Act, in accordance with § 1, is extended by Royal Order to cover these undertakings.

Bulgaria. — The Health and Safety of Workers Act of 1917, § 13 of which regulates the age of admission to employment, applies to all industrial undertakings, workshops, commercial undertakings, building undertakings and transport undertakings (§ 1 (1)). The report states that in practice only children employed in agriculture, and particularly in work in the fields, are excluded, and

these are covered by the Elementary Education Act, which makes school attendance compulsory up to fourteen years of age.

Chile. — § 1 (2) of the Act of 8 September 1924 provides that the Act "shall not apply to agricultural... work, nor to work performed in commercial businesses or establishments or in industrial establishments which employ less than ten workers". The report states that there are no legal provisions or regulations concerning the definition referred to in the last paragraph of this Article of the Convention, because the matter is left to the decision of the competent authorities and courts. See also introductory note.

Czechoslovakia. — The Eight-Hour Day Act of 19 December 1918, § 10 of which deals with the age of admission to employment, applies generally to industries, to commerce, and, save for a few exceptions, to agriculture. The Act of 17 July 1919 regulates the employment of children under fourteen years of age in so far as such employment is not prohibited by other Acts. The report states that it has not been necessary to define the line of division separating industry from commerce and agriculture.

Denmark. — As regards the minimum age for admission to employment, the Act of 18 April 1925 covers undertakings carried on for gain exclusive of those in agriculture and forestry (including horticulture), seafaring and fishing (§ 1). By § 13 the Act also provides that in the case of undertakings carried on for purposes of gain which are exempt from the provisions of the Act, regulations may be made for each commune on the recommendation of the communal authority in the form of bye-laws approved by the Minister of Health and Social Welfare, after report from the Labour Council, to "prohibit or restrict the employment of children who have not attained the age of fourteen years and are not legally exempt from school attendance... provided that the said regulations shall be kept within the limits" laid down in the Act. The provisions of the Act do not apply to persons merely engaged in going on errands unless provision is made to the contrary in the communal bye-laws under § 13 (12). The Government reported in 1926 that no special decisions had been taken with regard to the line of division between the undertakings covered and those excluded, since the existing provisions are considered sufficiently definite. In case of doubt, the Minister of Health and Social Welfare would decide whether an undertaking is covered by the Act. § 3 of the Act states that before taking his decision he shall consult the Minister of Industry, Commerce and Navigation and the organisa-

tions in the trade concerned in appropriate cases.

Estonia. — § 1 (a) to (d) of the Employment of Children, Young Persons and Women Act of 20 May 1924 reproduces the terms of Article 1 (a) to (d) of the Convention, with the addition that among the works for the extraction of minerals from the earth are specifically included peat-digging undertakings. Further, the clause of the Convention excluding transport by hand is not included in the Estonian Act. The report for 1926 added that no decisions had been taken with regard to the line of division which separates industry from commerce and agriculture. Existing provisions are considered sufficiently definite, but should doubts arise in specific cases they would be settled by the Minister of Public Instruction and Social Affairs.

Great Britain. — § 4 of the Employment of Women, Young Persons and Children Act, 1920, reads: "The expression 'industrial undertaking' has with respect to the employment of children, young persons and women the meaning respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions regarding the line of division which separates industry from commerce and agriculture have been given by the competent authority, which in Great Britain would be the courts of law.

Irish Free State. — This Article is applied by Part I of the Schedule of the Employment of Women, Young Persons and Children Act 1920, which reproduces its terms. § 4 of the Act reads: "The expression 'industrial undertaking' has, with respect to the employment of children, young persons and women, the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions regarding the line of division which separates industry from commerce and agriculture have been taken.

Japan. — § 1 of the Act of 29 March 1923 defines the term "industry" to include the following undertakings: (1) Mining work, alluvial mining work, quarrying work, or any other work for the extraction of minerals from the earth; (2) Undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed (including ship-building and the generation or transformation and transmission of electricity or motive power of any kind); (3) Constructional and building work, or any other work in the erection, maintenance, repair, alteration or demolition of buildings, as well as the preparation for any

such work or structure, or laying the foundations thereof; (4) The transportation of passengers or goods by road, railway, tramway, or inland waterway, excluding such transportation as is mainly done by man-power; (5) The handling of goods at docks, quays, wharves or warehouses. The report adds that, as the application of this Act is confined to undertakings as defined, it is applied to such undertakings as aim in principle at profit, or those in which the method of commercial accountancy is employed in accordance with economic principles, and which have a certain degree of systematic and regular existence, being carried on continuously at least for a certain period. The Act does not contain any provision defining the line of division which separates industry from commerce and agriculture.

Latvia. — The Act of 24 March 1922 applies to all private, municipal, public and State undertakings and establishments. The report does not refer to the line of division which separates industry from commerce and agriculture.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The report states that the fixing of the line of demarcation between industry on the one hand and commerce and agriculture on the other is a matter for the courts of law. See also introductory note.

Netherlands. — (a) The Mining Regulations regulate the age of admission to work in mines. (b), (c) and (d) : The Labour Act, the Stonemasons Act, and the Stevedores Act together regulate the age of admission to work in all other kinds of public or private undertakings except (generally speaking) agriculture, horticulture, forestry, cattle-keeping and certain work of a semi-domestic character.

Poland. — By § 1 the Act of 2 July 1924 relating to the employment of women and young persons applies to "the employment of women and young persons in industrial, mining and metallurgical undertakings, in commerce, in offices, in communication services and transport, and likewise in other undertakings carried on by way of trade even if not for a profit, irrespective of whether the said undertakings are owned by the State, a private person or a local authority." The legislation in force thus applies to commercial establishments as well as to industrial undertakings and transport. The line of division separating industry from agriculture is laid down in the Order of the President of the Republic of 7 June 1927 relating to industrial law. By § 1 of this Order "industry" is defined as any remunerated employment or any undertaking which is carried on independently

and by way of trade, whether it has as its object the production or treatment of goods, the carrying on of commerce or the rendering of services. § 2 provides that, *inter alia*, agriculture, horticulture and forestry are not to be deemed to be industries and are not subject to the provisions of the Order. Where difficulties of determination arise the following criterion is to be employed : undertakings carried on in connection with agriculture, e.g. distilleries, saw-mills, etc., are to be considered to be industrial undertakings, with the exception of small undertakings the products of which serve exclusively the needs of a given agricultural undertaking, and which form integral parts of that undertaking.

Rumania. — The Act of 9 April 1928 applies (§ 2 (1)) to all industrial and commercial undertakings. It has not therefore been necessary to define the line of demarcation between industry and commerce. Provision is made, however, in § 4 of the Act for the settlement of contested cases by the Ministry of Labour, after consultation with the Supreme Labour Council.

Switzerland. — The provisions of the Federal Factory Act which deal with the employment of women, young persons and children have been completed by the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry. This Act applies to all public and private industrial undertakings to which the Factory Act does not apply, and to transport, other than carriage by hand, and the traffic organisations carried on by the Federation or under a concession from it. The Federal Council may, however, issue an Order declaring the principles of the Act applicable to the traffic organisations carried on by the Federation or under a concession from it, and this was done by the Order of 5 July 1923. By § 3 of the Administrative Order of 15 June 1923, issued under this Act, the term "industrial undertaking" is defined as in Article 1 (a), (b) and (c), whilst the Order of 5 July 1923 relating to the employment of young persons in transport undertakings applies to the Swiss Federal Railways, railways and navigation undertakings carried on under a concession from the Federation, sleeping and restaurant car undertakings. The term "railways" includes motor-car undertakings, railless traction undertakings, lift and overhead cable railways worked under a concession. With regard to the line of division which separates industry from commerce and agriculture, the agricultural operations which are excluded from the application of the Federal Act relating to the employment of young persons and women in industry are defined by § 4 of the Administrative Order of 15 June 1923. In the case of commerce,

the Act and Order exclude it from their field of application without further definition. Should doubt arise regarding the agricultural or commercial character of a particular undertaking, the decision lies with the Industries and Arts and Crafts Division of the Department of Public Economy, subject to appeal to the Federal Council. The report adds that, during the period 1 January-30 September 1931, it has not been necessary for the Federal Council to decide whether any given class of undertakings came within the scope of the Act of 31 March 1922.

Yugoslavia. — The Act of 28 February 1922 applies to all undertakings (establishments) carrying on handicrafts, industry, commerce, transport, mining and similar activities within the territory of Yugoslavia in which workers are employed, irrespective of whether they belong to private individuals or public bodies, whether they are carried on permanently or temporarily, whether they are principal undertakings or subsidiary businesses carried on in connection with other undertakings, or whether they are carried on as entirely independent undertakings or form parts of undertakings in agriculture or forestry.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Belgium. — § 3 of the Act relating to the employment of women and children, as amended by § 31 of the Eight-Hour Day Act, provides that "children under the age of fourteen years shall not be employed. This provision shall apply also to work performed at home on account of an employer." Work carried on in undertakings in which only members of the family are employed under the supervision of the father, mother, or guardian is exempted, provided that such work is not classed as dangerous, unhealthy, or noxious, or that no steam boilers or mechanical power are used.

Bulgaria. — By § 2 of the Act of 22 November 1921, § 13 of the Health and Safety of Workers Act of 1917 has been amended to prohibit the employment of children under the age of fourteen years in any undertaking or establishment covered by § 1 of the Act.

Chile. — Under § 29 of the Act of 8 September 1924, "children under the age of 14 years, whether boys or girls, shall not be employed on any kind of work even in the capacity of apprentice.

Nevertheless, children under 14 but over 12 years of age who have completed their compulsory school attendance may be employed on certain kinds of work specified in the regulations". Under § 1 (2), the provisions of the Act do not apply to establishments "in which only members of the same family are employed under the control of one of them". See also introductory note.

Czechoslovakia. — The prohibition of the employment of children before the completion of their compulsory school attendance and before they have attained fourteen years of age is contained in § 10 of the Eight-Hour Day Act of 19 December 1918. The Act of 17 July 1919, which regulates the conditions in which children may be employed, "without prejudice to more far-reaching limitations in other Acts," defines "child labour" as the employment of children in any work whatever for which remuneration is paid or which is carried on regularly even if it is not specially remunerated. The employment of a person's own children (i.e. the children who live in the household of the person who employs them and are related to him by blood or marriage within the third degree or who are his adopted children or wards) in light work of a short duration in the household, even when carried on regularly, is not held to be child labour.

Denmark. — § 1 of the Act of 18 April 1925 prohibits the employment of children until they have attained the age of fourteen years and are legally exempt from school attendance. The Act does not apply to undertakings where only the immediate relatives of the child are employed, unless he is an apprentice.

Estonia. — § 2 of the Act of 20 May 1924 provides that children under 14 years may not be employed or work in any public or private industrial undertaking, or in any branch thereof. The presence of children under 14 years is also forbidden in any of the workplaces mentioned in § 1. The exception concerning undertakings in which only members of the same family are employed has no place in Estonian legislation.

Great Britain. — § 1 (1) of the Employment of Women, Young Persons and Children Act, 1920, prohibits the employment of any child under the age of fourteen years in any industrial undertaking. § 3 (2) lays down that nothing in the Act shall apply to an undertaking in which only members of the same family are employed.

Irish Free State. — § 1 (1) of the Employment of Women, Young Persons and Children Act, 1920, prohibits the employment of any child under the age of fourteen years in any industrial undertaking. § 3 (2) lays down that nothing in

the Act shall apply to an undertaking in which only members of the same family are employed.

Japan. — According to § 2 of the Act of 29 March 1923, persons under 14 years of age may not be employed in industry subject to the exception in favour of Japan provided for in paragraph (a) of Article 5 of the Convention. Undertakings in which only members of the same family are employed are exempted.

Latvia. — § 9 of the Act of 24 March 1922 provides that "children shall not be employed during the hours for compulsory attendance at school. Exceptions may be authorised in branches of industry where labour conditions are such that the employment of children is absolutely necessary." The report indicates that § 1 of the Instruction of 9 January 1931 prohibits the employment of children under 14 years of age. No reference is made to the exception in favour of family undertakings.

Luxembourg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The report states that in cases of infraction the penalties laid down in the Acts of 6 December 1876 (§ 5) and 5 March 1928 (§ 2) are applicable. See also introductory note.

Netherlands. — So far as mines are concerned, § 224 of the Mining Regulations as amended by the Decree of 7 October 1922 lays down that young persons under fourteen years of age shall not be employed above ground, and § 233 that young persons under 16 shall not be employed below ground. §§ 2 and 3 (4) of the Stonemasons Act are so worded as to prohibit the employment of any person under 14 years of age as a stonemason. § 4 of the Stevedores Act makes the heads or managers of undertakings responsible for seeing that no stevedore's work is done by male persons under 18 years of age or by female persons. As regards other occupations, § 9 of the Labour Act lays down that children under 14 years of age, or who are bound to attend school, shall be excluded from all work.

Poland. — § 103 of the Constitution of 17 March 1921 fixes the minimum age for admission of children to employment for wages at fifteen years and this provision is reproduced in § 5 of the Act of 2 July 1924 relating to the employment of women and young persons. The exception relating to undertakings in which only members of the same family are employed is not expressly provided for.

Rumania. — § 5 of the Act of 9 April 1928 provides that only children of either

sex who have reached the age of 14 years may be admitted to industrial or commercial employment. In order to obtain employment they must be in possession of a medical certificate stating that they are in good health and fit for the work (§ 6). § 3 exempts from these provisions undertakings in which only the members of the same family are employed, unless these undertakings have been classified as dangerous or unhealthy. Exceptions to the provisions of § 5 are provided for in § 8 in the case (a) of children over 12 years of age who were bound by a contract of employment when the Act came into force, on condition that such employment is not dangerous to life or health, and (b) of children over 12 years of age who, within a maximum period of five years from the coming into force of the Act, have obtained exemptions for light occupations. The report for 1930 explained that the first of these exemptions was necessary because the effect of the Act could not be made retrospective, and that the second was required as a temporary measure, because arrangements had not yet been completed throughout the country for the three years of compulsory supplementary education following the four years of compulsory primary education. Exemptions under the second heading may be granted by the factory inspectors, after obtaining medical advice, and preference must be given to children cared for in homes approved by the State. § 11 of the Regulations provides that a list of light occupations is to be drawn up by the Supreme Labour Council and communicated to all inspectors of labour; that exemptions shall not be granted for industries classified as dangerous or unhealthy but only for "light occupations" as enumerated in the list referred to above (this list is appended to the report); that exemptions may only be granted at the request of parents or guardians; and that the inspectors of labour shall keep special registers of all such exemptions. The report for 1 January-30 September 1931 gives further information concerning the transitional provisions adopted under the Act and Regulations of 1928. It states that the exception under § 8 (a) of the Act is of no further practical importance, since all children under 14 years of age who, on the coming into force of the Act (13 April 1928) were bound by a contract of employment, are to-day over 14 years of age. Further, the exception under § 8 (b) of the Act is now practically negligible, since the arrangements for the three years of compulsory supplementary education referred to above are now complete throughout almost the whole country. The report adds that the observations of the competent services of the Ministry of Labour on this question will be submitted to the Supreme Labour Council, re-organised by the Act of 10 August 1931,

for its opinion, and a definite decision will be taken later.

Switzerland. — § 70 of the Federal Factory Act prohibits the employment in factories of children under fourteen years of age, or children above this age who are still subject to compulsory school attendance. § 2 of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry provides that "children who have not attained the age of 14 years shall not be employed by way of trade in the undertakings covered by this Act or in undertakings subsidiary thereto." As regards transport undertakings, the prohibition to employ children under fourteen years of age by way of trade is contained in § 2 of the Order of 5 July 1923. The Act of 31 March 1922 and the Factory Act do not apply to undertakings in which only members of the same family are employed.

Yugoslavia. — § 20 of the Act of 28 February 1922 lays down that children under fourteen years of age shall not be employed in the undertakings covered by the Act.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Belgium. — § 3 of the Act relating to the employment of women and children, as amended by § 31 of the Eight-Hour Day Act, lays down that the prohibition of the employment of children under the age of fourteen years "shall not apply to technical schools, provided always that the organisation shall have been approved by and that it be under the supervision of the competent public authority."

Bulgaria. — The Act of 22 November 1921 and the Health and Safety of Workers Act of 1917 do not allow such an exception.

Chile. — § 1 of the Act of 8 September 1924 lays down that the provisions of the Act "shall not apply to the work of children in vocational schools, provided that such work is approved and supervised by the public authorities". See also introductory note.

Czechoslovakia. — § 2 of the Act of 17 July 1919 provides that the employment of children exclusively for purposes of instruction or education is not held to be child labour. The report states that this provision cannot be applied in a sense contrary to the provisions of the

Convention, since under the Compulsory School Attendance Act children are obliged to attend school from 6 to 14 years of age. Under the national law only children over 14 years of age may be received in the occupational and commercial schools. As regards institutions for physically or mentally abnormal children, in which practical occupational instruction is given, the children are only obliged to perform regular and continuous manual work when they have reached the age of 14 years. Before that age children are only employed on work of an exceptional character, with the object of interesting them rather than of giving them practical occupational instruction. Children are under the constant supervision of the director of the institution and of specialist teachers, and are moreover under the continual supervision of the Ministry of Social Welfare. Consequently, it is not possible in Czechoslovakia even to take advantage of the exception provided for by Article 3 of the Convention.

Denmark. — § 12 of the Act of 18 April 1925 excludes from the Act work done by children and young persons in technical or trade schools or apprentice workshops, provided that the said work is approved and supervised by a public authority and is not carried on for purposes of gain.

Estonia. — § 3 of the Employment of Children, Young Persons and Women Act provides that the prohibition contained in § 2 shall not apply to the work of children in trade schools. The regulations governing these schools and the conditions of work therein are laid down by the Minister of Public Instruction and Social Affairs. § 28 of the Act of 10 December 1925 respecting industrial schools provides that the age for admission to the lowest class of an industrial school must not be less than 13 years. Children are employed in these schools in accordance with the Act of 20 May 1924.

Great Britain. — The Employment of Women, Young Persons and Children Act, 1920, specifically permits the exceptions allowed by the Convention by referring to Part I of the Schedule of the Act which reproduces the terms of Article 3 of the Convention.

Irish Free State. — This Article is applied by Part I of the Schedule of the Employment of Women, Young Persons and Children Act, 1920, which reproduces its terms.

Japan. — The provisions of § 2 of the Act of 29 March 1923, which prohibit the employment in industry of persons under 14 years of age, do not apply to the employment of children in industrial schools (technical schools) with the approval of the administrative authorities.

Latvia. — The report states that the provisions of Article 2 of the Convention do not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The report does not refer to this Article. See also introductory note.

Netherlands. — § 88 of the Labour Act provides that work in technical and trade schools, reformatories, etc., is not covered by the provisions of the Act.

Poland. — The Act of 2 July 1924 makes no express provision for this exception, but the report states that the employment of children in technical schools under the supervision of the competent education authorities (Ministry of Public Worship and Education, Technical Education Department) is considered to be education.

Rumania. — § 7 of the Act of 9 April 1928 exempts from the minimum age provisions children who work in technical schools which are approved and supervised by the competent Government authorities.

Switzerland. — Federal legislation does not reproduce the provisions of Article 3 of the Convention. The report states that, under the cantonal Acts, compulsory school attendance generally continues up to 14 years at least and the technical schools are under the supervision of the public authorities, who share in the expense of the instruction given. The reports of the cantonal Governments for 1929 and 1930 concerning the application of the Factory Act contain information as regards compulsory school attendance and the age of admission of children to industrial employment.

Yugoslavia. — § 20 (2) of the Act of 28 February 1922 provides that trade schools which are approved by the competent authorities and are under their supervision shall not be deemed to be undertakings for the purposes of the Act.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

In addition, please give details of the method of registration in use and forward a specimen copy of the register, if any, prescribed in virtue of this Article.

Belgium. — § 16 of the Act relating to the employment of women and children

prescribes that "children under the age of 16 years, and girls and women between the ages of 16 and 21 shall be provided with a work-book, which shall be supplied to them free of charge by the local authorities of their place of domicile, or, should this not be known, of their place of residence; the surnames and Christian names of the workers, the date and place of their birth and their place of domicile shall be entered in the work-book, and also the surname, Christian names and place of domicile of either the father, mother or guardian. These work-books shall be in accordance with a model drawn up by Royal Order." Further, according to the same § "heads of undertakings, employers and managers shall keep a register of the entries prescribed in paragraph 1 of this section."

Bulgaria. — § 17 of the Health and Safety of Workers Act of 1917 laid down that workers under eighteen years of age should be provided with work-books giving the name, date of birth, age and places of education of the worker. § 5 of the Social Insurance Act of 1924 substitutes an insurance book "drawn up in accordance with the regulations, showing the rights and duties of the insured person" for the work-book.

Chile. — The memorandum to which the report refers states that the Act of 8 September 1924 does not provide for the register of all persons under the age of sixteen years and of the date of their birth which every employer in an industrial undertaking is required to keep in accordance with Article 4 of the Convention. The functions of this register may in part at least be supplied by the register of workers and wages referred to in § 42 of Act No. 4055 relating to industrial accidents according to the text fixed by Legislative Decree of 19 March 1925, and § 175 of the regulations under the said Act approved by Decree of 31 March 1925. This register of workers and wages must specify the age of each worker. See also introductory note.

Czechoslovakia. — The provisions which give effect to this Article are contained in § 96 of the Industrial Code and § 131 (2) and (3) of the Industrial Act for the territories of Slovakia and Subcarpathian Russia, which lay down that industrial employers who employ young persons as wage-earners must keep registers showing the name, age and address of these workers, their parents' or guardians' address and the date of their entering and leaving employment. Employers, when required, must produce these registers before the administrative authorities of first instance. In addition, in undertakings employing more than 30 wage-earners, the works councils may ask, once a year, for a list of

all the persons employed in the undertaking, together with their dates of birth.

Denmark. — § 8 of the Act of 18 April 1925 provides that in every workplace covered by the Act a register must be kept of the persons under eighteen years of age employed therein, stating the name, address and age according to the appended birth certificate of each such person. In the case, however, of young persons of under eighteen years of age employed in bakeries, pastrycooks' and confectioners' establishments and bread factories, the employer shall make out a work-book for each of them with the exception of his own children. The Minister of Health and Social Welfare is to lay down detailed rules for the compilation of the register and work-books and the rules covering the register shall afford facilities for any undertaking which so desires to use work-books instead of the register.

Estonia. — § 21 of the Employment of Children, Young Persons and Women Act provides that the head of every industrial undertaking shall keep a register of all persons under eighteen years of age employed by him. The register shall show the date of birth. The report states that the compulsory keeping of registers of children employed in industrial establishments was already required in 1884 under the regulations concerning the employment and school education of children. A model register was appended to these regulations. The registers have to show the name of the child, its age, the parents' address, the date of admission to employment in the undertaking, the nature of the employment and the hours of work. The child's age has to be proved by the production of documents. A special column of the register is reserved for the remarks of the factory inspectors.

Great Britain. — § 1 (4) of the Employment of Women, Young Persons and Children Act, 1920, provides that where young persons, who are defined as persons who have ceased to be children and who are still under the age of eighteen years, are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth and of the dates on which they enter and leave the service of their employer, must be kept and be at all times open to inspection.

Irish Free State. — Part I of the Schedule of the Employment of Women, Young Persons and Children Act, 1920, reproduces the text of Article 4. § 1 (4) of the Act provides that where young persons, who are defined as persons who have ceased to be children and who are still under the age of eighteen years, are employed in any industrial undertaking, a register of the young persons so employed and of the dates of their birth and of the

dates on which they enter and leave the service of their employer must be kept and be at all times open to inspection.

Japan. — § 3 of the Act of 29 March 1923 provides that "in cases where children under 16 years of age are employed in industry, the employer shall compile a register containing their names, addresses, dates of birth, and details of school career, and keep it at the workplace; provided that this rule shall not apply in cases where such registers are provided according to the Regulations under the Factory Act, or according to the Mining Act."

Latvia. — The report states that § 4 of the Instruction of 9 January 1931 lays down that every employer in an industrial undertaking shall be required to keep a register of all persons under the age of fifteen or sixteen years employed by him, and of the dates of their births.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. The report refers to § 4 of the Grand-ducal Order of 30 May 1883 which provides for the keeping of a register by each employer with an indication of the date of birth of each worker. See also introductory note.

Netherlands. — § 68 of the Labour Act requires an employment register, stating the date of birth of each worker, to be kept in every factory or workplace where work within the meaning of the Act is performed, though exemption from this provision may be granted by the Minister or by public administrative regulations. Under § 67 of the Act the head or manager of an undertaking must see that no work is done in his undertaking by a young person unless the said head or manager is in possession of a work-card in respect of such young person showing his or her date of birth. The report states that in undertakings to which § 68 does not apply, § 67 ensures adequate control. §§ 9 (3) and 10 of the Stonemasons Act require a register to be kept, stating the date of birth of every worker employed. The Mining Regulations provide for a register which is in accord with the provisions of the Convention.

Poland. — § 11 of the Act of 2 July 1924 lays down that every employer who employs young persons (i.e. persons between the ages of fifteen and eighteen years) must keep a register of the said young persons in accordance with a model prescribed by the Minister of Labour and Social Welfare, which must be submitted to the labour inspection officials on request. Further, a list of the said young persons must be posted in a conspicuous place in the undertaking, showing their hours of beginning and ending work, breaks and the nature of their employment. An Order

of 14 December 1924 prescribes models for this register.

Rumania. — Existing legislation requires artisans, skilled and unskilled factory workers and apprentices to be in possession of an identity card issued by the guilds or trade corporations. Industrial workers who come under the Workers' Insurance Acts must also be in possession (in the Old Kingdom and Bessarabia) of an insurance card issued by the Insurance Administration or (in Transylvania) are entered in the records kept by the insurance funds or the employers. These documents contain information sufficient to decide the date of birth. The Regulations respecting unhealthy industries, which apply to the whole country, require the head of every undertaking classified as unhealthy to keep a nominal list of the children employed as workers or apprentices. The report states that the competent services of the Ministry of Labour declare that the measures in force, quoted above, would be sufficient to allow the control of the application of the provisions laid down by the Act of 1928 on the minimum age for admission of children to industrial employment. Nevertheless, since the provisions in force do not mention a *register*, such as is required under Article 4 of the Convention, the competent services consider that the Regulations under the Act of 1928 or the Act itself, should be completed by the introduction of a clause requiring employers to keep a register indicating the dates of birth of the children. A proposal to this effect will be submitted to the Supreme Labour Council for its opinion, and definitive measures will be taken subsequently.

Switzerland. — § 10 of the Factory Act requires occupiers of factories to keep a list of the whole staff. The Factory Act further provides in § 73 that any factory owner employing young persons under the age of 18 must demand from them a birth certificate which he must keep ready at the works at the disposal of the inspectors. § 7 of the Act relating to the employment of young persons and women in industry provides that in every undertaking covered by the Act a register must be kept of the young persons under 18 years of age employed therein, showing their dates of birth. The Federal Council may also order the submission of an age certificate or other measures for purposes of supervision.

Yugoslavia. — § 21 of the Act of 28 February 1922 provides that every occupier of any undertaking covered by the Act shall keep a register of all persons employed in his undertaking, classified by ages — not more than 16 years of age, not more than 18 years of age and over 18 years of age — stating *inter alia* the date of their birth.

ARTICLE 5 (*Japan only*).

In connection with the application of this Convention to Japan, the following modifications of Article 2 may be made :

(a) Children over twelve years of age may be admitted into employment if they have finished the course in the elementary school ;

(b) As regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

Japan. — As regards the exception allowed under (a), § 2 of the Act of 29 March 1923 provides that the prohibition

to employ children under 14 years of age " shall not apply to persons over 12 years of age who have finished the course at an elementary school." The exception allowed under (b) is provided for in the second paragraph of the supplementary provisions of the Act which stated that, in cases where persons over 12 years of age at the time of the coming into operation of the Act continued in employment the prohibition was not to apply to them. The last paragraph of this Article was carried out by the Factory Act Amendment Act of 29 March 1923 (L. S. 1923, Jap. 1), which repealed § 2 of the Factory Act.

III.

Article 8 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision

will be reached before the next annual report is supplied.

Denmark. — The Government states that the ratification does not include *Greenland*.

Great Britain. — The Convention has been applied in the following dependencies, in some cases with the modifications indicated: *Uganda*: The Employment of Children Ordinance (No. 13 of 1930) and the Employment of Children Rules, 1931, prohibit the employment of children under 14 in attendance on machinery and in other industrial occupations under 12. The employment of children between the ages of 12 and 14 is subject to certain special restrictions. It is also proposed in due course to amend the Mining Ordinance (No. 12 of 1930) so as to prohibit the employment of children in mines. *Tanganyika Territory*: The Convention is applied as regards underground working in mines by § 62 of the Mining (Safe Working) Regulations, 1930, and it is proposed to legislate to prohibit the employment of children in other industrial occupations. *Cyprus*: Ordinances Nos. 17 of 1928, 35 of 1928 and 6 of 1930 prohibit the employment in industry of children under 12, and it is now proposed to raise the age to 14. *Palestine*: By Ordinance No. 53 of 1927 (L. S. 1927, L. N. 9) no child under 16 may be employed in trades declared by the High Commissioner to be "dangerous", e.g. trades in which white lead is used, the making and finishing of mirrors, the manufacture of asphalt or bitumen, or on the work of cleaning machinery while in motion, and no child under 16 may be allowed to work in an industrial undertaking for more than 5 hours continuously or for more than 8 hours in any period of 24 hours. *Trinidad*: The Convention is applied by the Employment of Children Ordinance, No. 4 of 1927 (L. S. 1927, Trin. 1). *St. Helena*: §§12 and 13 of the Elementary Education Ordinance, 1903, prohibit the employment of any child under 13 on any work whatsoever. *Ceylon*: The Convention is applied by Ordinance No. 6 of 1923 (L. S. 1923, Ceyl. 1). *Hong Kong*: The Convention is applied with modifications by Ordinances Nos. 22 of 1922 (L. S. 1922, H. K. 1) and 24 of 1929 and Regulations thereunder. Under a Regulation made on 23 June 1930 no child under 12 may be employed in any industrial undertaking. Further, no child under 15 may be employed in a "dangerous" trade (boiler chipping, manufacture of fireworks, glass making, lead processes or vermilion manufacture), and no child under 15 is allowed to work in any industrial undertaking for more than 5 hours continuously or for more than 9 hours in 24. *Straits Settlements and Federated Malay States*: By Rules under

Ordinance 17 of 1927 and Enactment 1 of 1922 respectively, the industrial employment of children under 12 is prohibited, and by § 16 of Straits Settlements Ordinance No. 42 and § 16 of Federated Malay States Enactment No. 8 of 1927 children under 16 are prohibited from being in attendance on machinery. *North Borneo*: The Convention is applied by the Labour Ordinance 1929. *Mauritius*: Under Ordinance No. 2 of 1931 children under 13 are prohibited from working in factories where machinery is employed in connection with the manufacture of certain industrial products. *Fiji*: The Convention is applied by Ordinance No. 34 of 1931. *Gilbert and Ellice Islands Colony*: The Convention is applied by King's Regulation No. 1 of 1915. In *Malta* an Act (No. 21 of 1926) has been passed applying the Convention but has not yet been brought into force. Legislation applying the Convention is contemplated in *Kenya, Northern Rhodesia, Nyasaland, Zanzibar, Nigeria, Gold Coast, Sierra Leone, Gambia, Gibraltar, British Guiana, British Honduras, Seychelles, and British Solomon Islands Protectorate*.

Japan. — The Government reports that the Convention is not applied to the colonies because their conditions are markedly different from those of the home land.

Netherlands. — In the *Dutch East Indies*, Decree No. 13 of 17 December 1925 (L.S. 1925, D.E.I. 2), which came into force on 1 March 1926, provides that children under the age of twelve years shall not be employed on work: (a) in factories, i.e. in enclosed rooms or rooms deemed to be enclosed, in which one or more power machines are used in or for any undertaking; (b) in workplaces, i.e. in enclosed rooms in which ten or more persons habitually carry on together any handicraft in or for any undertaking; (c) in the construction, maintenance, repair or demolition of any excavation works, waterworks, buildings or roads; (d) in railway and tramway undertakings; (e) in the loading, unloading and transport of goods at docks, quays, wharves, railway stations, halts, unloading places, depots and warehouses, with the exception of transport by hand. The above prohibition does not apply to the following kinds of work: (a) work in workplaces in which only members of one and the same family are employed; (b) work as specified in subsection (1) (c) above in connection with a house and its land, provided that the said work is performed by members of the same family or by way of mutual assistance according to local custom; (c) work in technical and trade schools belonging to the State or under the supervision of the authorities; (d) work in State educational institu-

tions, rescue homes and prisons, and in institutions, rescue homes and charitable organisations under the supervision of the authorities. The Decree also contains a provision to the effect that during a specified period, but not for more than three years after the coming into operation of the above prohibition, the Chief of the Labour Office might temporarily authorise the employment of children under twelve but over ten years of age on light work in a specified factory or work-place, for urgent reasons and under conditions to be laid down by him. A communication from the Governor-General of the Dutch East Indies states that the period during which the Chief of the Labour Office might, under the Decree, grant authorisations for the employment on light work of children between 10 and 12 years of age, elapsed at the end of February 1929. Only in a few cases was advantage taken of this temporary provision, and during the years 1926, 1927 and 1928 only 7, 3 and 1 permissions were granted. The children were chiefly employed on light work connected with the sorting of tea in tea plantations, during seven hours a day. A proposal is at present under consideration for the lowering to 6 of the age of 8 years, up to which the children of women workers are allowed by the Decree to accompany their mothers to factories and workplaces, so as to close the door more completely to the employment of children. In 1930 voluntary agreements were concluded with tobacco planters in the Principalities for the limitation of the hours of work of young persons of from 12 to 15 years of age employed in the packing workshops. Such agreements have already been concluded with the tobacco planters in East Java. The new Regulations, which have been accepted by 17 tobacco undertakings, provide especially that young persons shall only be employed during the season of great pressure of work, from November till June, and that, if they are working on time rates, they shall not work longer than 8½ hours per day. If they are working on piece rates, they shall not remain in the packing workshops for longer than 9½ hours per day, and that only during the period from January till June. In 1930 seventy-seven cases of infraction of the provisions relating the employment of children were reported. Between 1 January and 31 August 1931, the number of breaches of the provisions was thirty-six. In *Surinam*, local conditions prevented the application of the Convention and it was impossible to introduce modifications which would make it applicable to local circumstances. In *Curaçao* the Convention has not been applied, such a step being unnecessary.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 12 July 1924.

Bulgaria. — 22 February 1922.

Chile. — 15 September 1925. See also introductory note.

Czechoslovakia. — 18 March 1922.

Denmark. — 19 May 1923.

Estonia. — 6 June 1924.

Great Britain. — 14 July 1921.

Irish Free State. — 4 September 1925.

Japan. — 7 August 1926.

Latvia. — 3 June 1926.

Luxemburg. — 16 April 1928.

Netherlands. — 21 July 1928.

Poland. — 21 June 1924.

Rumania. — 13 April 1928, date of coming into force of the Act of 9 April 1928.

Switzerland. — 10 October 1922.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced

Belgium. — The factory inspectors and the mining engineers ensure the enforcement of the Acts and regulations in question in the undertakings for the supervision of which they are respectively responsible.

Bulgaria. — See summary of report on the *Convention concerning the employment of women during the night*.

Chile. — See summary of report on the *Convention on hours of work*.

Czechoslovakia. — The supervision of the enforcement of the Act of 19 December 1918 respecting the eight-hour working day is entrusted to the factory inspectorate and to the competent administrative and supervisory authorities. The enforcement of the provisions of the Act of 17 July 1919 respecting child labour is entrusted to the administrative authorities of first instance. The communal authorities, as well as the factory inspectors, are required to help, within their respective spheres, the supervisory bodies for the protection of children in the execution of their work. This principle also applies to schoolmasters

and doctors, to the ecclesiastical authorities and to bodies for the administration of public or private social welfare for the protection of children, as well as to the officials of associations and societies within whose competence child welfare falls.

Denmark. — The Act of 18 April 1925 lays down in § 10 that supervision shall be exercised by the Labour and Factory Inspectorate in respect of the undertakings liable to inspection by the Inspectorate and by the police authorities as regards other undertakings. The Minister of Health and Social Welfare, after consultation with the other Ministers concerned, may decide that State undertakings shall be exempt from supervision under the Act provided that the competent authority undertakes to supervise the execution of its provisions. The factory inspectors have reported only a small number of breaches of the provisions in force. Penalties for such breaches are laid down in § 11 of the Act of 18 April 1925 and in §§ 42 to 45 of the Act of 29 April 1913 concerning working conditions in factories.

Estonia. — The supervision of the application of the Act of 20 May 1924 is entrusted to the labour inspectors.

Great Britain. — The provisions are administered as regards factories and other classes of undertakings under the Factory and Workshop Acts, by the Home Office (Factory Department) as part of those Acts; as regards mines and quarries by the Board of Trade (Mines Department) as part of the Acts relating to the regulation of mines and quarries. In Northern Ireland factories and workshops come under the Ministry of Labour, and mines and quarries under the Ministry of Commerce. As regards constructional works and transport, the Employment of Women, Young Persons and Children Act makes provision for enforcement of the prohibition by the local education authorities as part of the Employment and Children Act, 1903 (now embodied as far as England and Wales are concerned, in the Consolidating Education Act of 1921, and, as regards Northern Ireland, in the Consolidating Education (Northern Ireland) Act, 1923).

Irish Free State. — The application of the Employment of Women, Young Persons and Children Act is entrusted to the Department of Industry and Commerce, and the Inspectors of Factories and Workshops and of Mines and Quarries attached to that Department are responsible for the enforcement of the provisions of the legislation in question.

Japan. — The application of the Act of 29 March 1923 is entrusted to the Bureau of Social Affairs as the central authority and to the local authorities, such as the mine inspection bureaux (in case of mining undertakings) and to the

local government offices in case of industrial undertakings. To these authorities are attached mining inspectors and factory inspectors, who are charged with the duty of supervising the enforcement of the Act. The total number of inspectors is 400. §§ 4 to 11 of the Act contain detailed provisions, relating to official inspection, registration, etc., for the strict application of the Convention. Regulations have also been issued for the enforcement of the Act, which include special provisions for the application of the special exceptions.

Latvia. — The application of the legislation mentioned in the report is entrusted to the Labour Department of the Ministry of Social Welfare.

Luxemburg. — The Act of 5 March 1928 provides for penalties in cases of infringement. The supervision of the application of the Convention is entrusted to the Labour Inspectorate, the Mines Administration, the Railway Administration, the Elected Labour and Private Employees Chamber as well as to the judicial police. The workers' delegates, the committees of the employees' delegation, and the delegates of the railway employees are also called upon to supervise application. Criminal prosecutions instituted in respect of alleged infringements are adjudicated upon by the police and correctional courts.

Netherlands. — In the case of the Labour Act and the Stonemasons Act, the responsible authorities are the Labour Inspection Service and the State and Municipal Police; in the case of the Stevedores Act, the Labour Inspection Services in the ports; and in that of the Mining Regulations, the Inspectorate of Mines.

Poland. — Pursuant to the Order of the President of the Republic of 14 July 1927 relating to factory inspection the supervision of the application of the Convention is entrusted to the factory inspection service and the Minister of Labour and Social Welfare. The execution of the penal provisions of the Act of 2 July 1924 relating to the employment of women and young persons falls to the Minister of Justice. § 6 of the Act of 2 July 1924 lays down that a young person may be employed provided that he produces a certificate showing that he has attained the age of fifteen years, a permit from the person exercising the authority of a parent or guardian over him, a certificate of the completion of his compulsory school attendance, and a certificate from a medical practitioner designated by the labour inspectorate, to the effect that the employment in question is not beyond his strength. The coming into force of the Act was regulated by an Order of the Council of Ministers dated 17 November 1924. The district courts and the justices of the peace have jurisdiction in cases relating

to this Convention. Under § 7 of the Order of 22 March 1928 infringements of the law relating to the employment of young persons are dealt with by the labour courts.

Rumania. — § 49 of the Act of 9 April 1928 makes the inspectorate appointed under the Act concerning the organisation of the factory inspectorate of 13 April 1927 responsible for reporting infringements of the Act.

Switzerland. — See the summary of the report upon the *Convention concerning employment of women during the night*. The enforcement of the Order relating to the employment of young persons in transport undertakings is entrusted to the supervision of the Federal Department of Posts and Railways.

Yugoslavia. — The supervision of the application of the Act of 28 February 1922 is entrusted to the regional labour inspectors.

VI.

Please state whether decisions have been given by courts of law, or other courts, with regard to the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Belgium. — A statement of offences reported is published monthly in the *Revue du Travail*. The statistics do not allow any details to be given upon the number of persons protected by legislation.

Czechoslovakia. — The Ministry of Social Welfare states in the report that the available information upon the manner in which the prohibition of the employment of children under 14 in industry is enforced is contained in the report of the factory inspectorate for the year 1931, which has been transmitted to the International Labour Office.

Estonia. — At the end of 1930, 1,225 children were covered by the Act of

20 March 1924. No complaints alleging non-observance of the Act were made to the labour inspectors, who, however, on their own account, took cognisance of 4 cases of infraction. Of these 3 gave rise to a simple warning, while in one case legal proceedings were instituted.

Great Britain. — See the general observations on the *Convention concerning employment of women during the night*. In 1930 there were 3 instances in which employers were convicted in respect of the employment of children under 14.

Irish Free State. — The Factory Inspection Services are attached to the Industries Branch of the Department of Industry and Commerce. Inspectors of factories hold certificates under the Factory and Workshop Act 1901, and are entitled to enter and inspect factories or workshops at all reasonable times by day and by night. These inspectors have the right of exercising all powers necessary for carrying into effect the Factory and Workshop Act, 1901-1920, and the Employment of Women, Young Persons and Children Act, 1920.

Japan. — The report states that during 1930, 22 convictions took place in respect of breaches of Art. 2 of the Convention, and 17 in respect of breaches of Art. 3. 4,792,384 workers are employed in the undertakings to which the Minimum Age for Industrial Employment Act applies.

Poland. — The Government states in its report that, according to the registers, there were employed in the undertakings subject to factory inspection on 1 January 1931, 56,154 young persons, of whom 41,264 were boys and 14,193 girls, out of a total number of 980,477 employed persons. The largest number of young persons are employed in the mechanical and electrotechnical (boys), metal, wood, textile (girls), paper, food and mineral industries. As regards the age limits laid down in the Convention, and the provisions relating to the keeping of registers, the total number of contraventions of legal provisions regarding the employment of young persons and women reported by the factory inspectors up to 1 January 1931, without specifying the nature of the contravention, was 1,261, of which 136 were brought before the ordinary courts and 138 before the labour courts.

Switzerland. — The report states that the Convention concerning the minimum age for admission of children to industrial employment is strictly applied in the whole of Swiss territory. In 1930, out of a total of 391,824 workers subject to Federal inspection, 37,963 (10 per cent.) persons were between 14 and 18 years of age, of whom 18,804 were of the male sex (7 per cent. of the total number of male workers), and 19,159 were of the female sex (14 per cent. of the total number of

female workers). During the period covered by the report, three contraventions in respect of the employment of children in violation of §§ 70 and 73 of the Federal Factories Act were brought to the notice of the authorities and fines were inflicted. In one case the employment in question was not employment of a regular character, but only employment during the holidays or outside the school hours. The penalties were imposed by the administrative authorities. During the period covered by the report, no contraventions of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry have been brought to the notice of the authorities.

Convention concerning the night work of young persons employed in industry.

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6. 1924	4. 11. 1931
Belgium	12. 7. 1924	11. 11. 1931
Bulgaria	14. 2. 1922	24. 10. 1931
Chile	15. 9. 1925	14. 12. 1931
Cuba	6. 8. 1928	
Denmark	4. 1. 1923	27. 10. 1931
Estonia	20. 12. 1922	19. 10. 1931
France.	25. 8. 1925	14. 12. 1931
Great Britain. . .	14. 7. 1921	21. 11. 1931
Greece	19. 11. 1920	
Hungary	19. 4. 1928	28. 10. 1931
India	14. 7. 1921	26. 12. 1931
Irish Free State .	4. 9. 1925	24. 10. 1931
Italy	10. 4. 1923	9. 12. 1931
Latvia	3. 6. 1926	15. 1. 1932
Lithuania	19. 6. 1931	19. 11. 1931
Luxemburg	16. 4. 1928	19. 11. 1931
Netherlands . . .	17. 3. 1924	8. 10. 1931
Poland	21. 6. 1924	25. 11. 1931
Rumania.	13. 6. 1921	22. 12. 1931
Switzerland . . .	9. 10. 1922	28. 10. 1931
Yugoslavia	1. 4. 1927	2. 11. 1931

The report of the Government of *Chile* states that "the clauses of the national legislation which apply the provisions of the Convention are § 29 (3) and (4) of the Act of 8 September 1924 concerning the contract of employment. The text of these provisions and the divergences which exist between them and the provisions of the Convention are reproduced and pointed out in the memorandum of the General Labour Inspectorate of 23 February 1931 (see *Final Record of the Fifteenth Session of the International Labour Conference*, Vol. II, English Edition, pp. 488-9). In the consolidated text of Chilean labour legislation, approved by Legislative Decree of 28 May 1931, which will take effect on 29 November 1931, the clause introducing the provisions of the Convention is § 48, in which the necessary changes have been made so as to bring the national legislation of Chile into complete agreement with the Convention."

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The *French* Government states in its report that the legislation which gives effect to the Convention in France requires a public administrative Regulation, which is in course of preparation, to prescribe the conditions in which the exceptions to the prohibition of night work for young persons provided for in Article 3 of the Convention may be introduced in coal and lignite mines.

The report of the *Greek* Government has not yet been received.

The report of the *Hungarian* Government for 1930 stated that on 30 December 1930 a Decree was promulgated to bring into force §§ 1-3, 12-16, 18-20, 22-24 and 30 of the Act No. V of 1928, the provisions of which give effect to the Convention. Under this Decree, the Act came into force;

generally, on 1 July 1931, and for the textile industry on 1 January 1932.

The Government of *Luxemburg* states that the various enactments applying the Convention are codified in § 13 *et seq.* of a draft Grand-Ducal Order, which has been communicated to the Council of State and the trades and occupational chambers. The draft order reproduces the provisions of the Convention.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings (L. S. 1919, Aus. 7).

Mining Act of 28 July 1919 (L. S. 1919, Aus. 11).
Text of the Convention promulgated in the *Bundesgesetzblatt* of 19 July 1924.

Order of the Minister of Social Affairs of 15 June 1928 concerning the employment of young persons during the night in glass works (L. S. 1928, Aus. 5).

The report states that, by the promulgation of the ratification of the Convention in the *Bundesgesetzblatt* of 19 July 1924, the actual terms of the Convention received force of law in Austria. The provisions of the above-mentioned Acts therefore became automatically amended in accordance with the provisions of the Convention, on the principle of "lex posterior derogat priori." The application of the Convention is accordingly effected by the above-mentioned Acts within the limits of the Convention and in accordance with Article 350, paragraph 11, of the Treaty of St. Germain.

Belgium.

Act of 28 February 1919 concerning the employment of women and children (L. S. 1919, Bel. 2).

Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week (L. S., 1921, Bel. 1).

Royal Order of 22 January 1924 in pursuance of § 10 of the Act concerning the employment of women and children, authorising heads of enamelling and paper works to employ boys over 16 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted (L. S. 1924, Bel. 7).

Royal Order of 2 December 1924 authorising the employment of young persons between 16 and 18 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted, in the iron and steel industries, in zinc, lead and silver smelting works, in zinc rolling mills and in works in which iron or steel tubes are manufactured (L. S. 1924, Bel. 7).

Royal Order of 18 February 1926 in pursuance of § 10 of the Act concerning the employment of women and children authorising heads of glass and plate-glass works to employ boys over 16 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the process, cannot be interrupted (L. S. 1926, Bel. 6).

Royal Order of 23 April 1926 to authorise the employment of young male persons during the night in copper works (L. S. 1926, Bel. 6 B).

Bulgaria.

Health and Safety of Workers Act of 1917 (B. B. Vol. XIII, 1918, p. 28).

Chile.

Act of 8 September 1924 concerning the contract of employment. (L. S. 1924, Chil. 2).

Legislative Decree of 4 October 1924 prohibiting night work in bakeries, etc. (L. S. 1924, Chil. 4).

Legislative Decree of 30 April 1926 approving the Regulations on industrial health and safety (L. S. 1926, Chil. 2).

See also introductory note.

Denmark.

Act of 18 April 1925 respecting the employment of children and young persons (L. S. 1925, Den. 1).

Estonia.

Act of 20 May 1924 relating to the employment of children, young persons and women in industrial undertakings (L. S. 1924, Est. 1).

Act of 19 November 1929, amending § 20 of the above Act (L. S. 1929, Est. 5).

France.

Code of Labour and Social Welfare, Book II.

Act of 24 January 1925 to amend §§ 20 (a) to 28 and 96 of Book II of the Code of Labour and Social Welfare (L. S. 1925, Fr. 1).

Decree of 5 May 1928 defining the allowances and exceptions contemplated in §§ 17, 24, 25 and 26 of Book II of the Code of Labour and Social Welfare (L. S. 1928, Fr. 10).

Decree of 3 May 1893 concerning the employment of young persons in mines.

Act of 23 April 1919 respecting the eight-hour day (L. S. 1919, Fr. 3).

Great Britain.

Factory and Workshop Act, 1901.

Coal Mines Acts.

Employment of Women, Young Persons and Children Act, 1920 (L. S. 1920, G.B. 9).

Night Employment of Young Persons (Reverberatory or Regenerative Furnaces) Order, 1924 (L. S. 1924, G.B. 1).

Hungary.

Act No. XXVI of 1928, approving the ratification of the Convention.

Act No. V of 1928 respecting the protection of children, young persons and women employed in industrial and certain other undertakings (L. S. 1928, Hung. 1).

Decree No. 150,443 of 30 December 1930, issued by the Ministry of Commerce, applying §§ 1-3, 8, 12-16, 18-20, 22-24 and 30 of Act No. V of 1928.

Act No. XV of 24 March 1923 on work in bakeries (L. S. 1923 Hung. 1) amended by Act No. V of 1929.

See also introductory note.

India.

Indian Factories Act of 1911, as subsequently amended (L. S. 1926, Ind. 2).

Irish Free State.

Factory and Workshop Act, 1901.

Employment of Women, Young Persons and Children Act, 1920 (L. S. 1920, G.B. 9).

Order of the Minister for Industry and Commerce of 18 July 1929, granting special exception as to night employment of young persons in sugar beet factories.

Italy.

Act of 10 November 1907 relating to the employment of women and children (B.B. Vol. II, 1907, p. 578).

Legislative Decree of 15 March 1923 amending the Act of 10 November 1907 (L. S. 1923, It. 4).

Royal Decree of 29 March 1923 bringing the Convention into force in Italy.

Latvia.

Act of 24 March 1922 respecting hours of work (L. S. 1922, Lat. 1).

Lithuania.

Code of the laws of the Russian Empire, Vol. XI, Part II, text of 1906, §122.

Act of 31 October 1931 concerning night work in bakeries).

Luxemburg.

Act of 6 December 1876 concerning the work of children and of women.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

See also introductory note.

Netherlands.

Labour Act, 1919, as subsequently amended (L. S. 1922, Neth. 1, and 1924, Neth. 5).

Mines Regulation, No. 248 of 1906 (B.B. Vol. I, 1906, p. 505) as amended by Royal Decree No. 550 of 7 October 1922 (L. S. 1922, Neth. 4).

General Service Regulations for Railways, No. 315 of 26 June 1913 and General Service Regulations for Light Railways, No. 230 of 3 June 1915, as amended by Royal Decree No. 591 of 4 November 1922 (L. S. 1922, Neth. 5).

Tramway Regulations, No. 85 of 24 February 1920, as amended by Royal Decree No. 592 of 4 November 1922 (L. S. 1922, Neth. 5).

Poland.

Act of 18 December 1919 relating to hours of work in industry and commerce (L. S. 1920, Pol. 1).

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2).

Order of the President of the Republic of 7 June 1927 relating to industrial law (L. S. 1927, Pol. 4).

Order of the President of the Republic of 14 July 1927 relating to factory inspection (L. S. 1927, Pol. 8).

Decree of 16 March 1928 concerning workers' labour contracts.

Decree of 16 March 1928 concerning the contracts of intellectual workers. (L. S. 1928, Pol. 2).

Decree of 22 March 1928 concerning labour courts.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).

Regulations issued under the above Act on 5 February 1929 (L. S. 1929, Rum. 1).

Switzerland.

Federal Act of 18 June 1914/27 June 1919 relating to work in factories (B.B. Vol. IX, 1914, p. 269, and L. S. 1919, Switz. 3).

Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L. S. 1922, Switz. 2).

Administrative Order of 3 October 1919/7 September 1923 under the Federal Act relating to work in factories (L. S. 1919, Switz. 4, and 1923, Switz. 3).

Administrative Order of 15 June 1923 respecting the application of the Federal Act relating to the employment of young persons and women in industry (L. S. 1923, Switz. 1).

Administrative Order of 5 July 1923 relating to the employment of young persons in transport undertakings (L. S. 1923, Switz. 1).

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water-work, or other work of construction as well as the

preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

In addition, please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

Austria. — The Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings applies to all undertakings covered by the Industrial Code¹ and undertakings owned by corporations, especially those owned by the State, a province or a municipality, to which the Industrial Code would apply if they were carried on by way of trade; to all undertakings and establishments to which the Industrial Code does not apply, in which merchantable articles are produced or materials treated by way of trade, excluding agriculture and forestry and mining undertakings dealing with reserved minerals and works established by virtue of a mining concession. The Mining Act of 28 July 1919 applies to mining undertakings dealing with reserved minerals including works erected under mining concessions. However, by the publication of the text of the Convention in the *Bundesgesetzblatt* of 19 July 1924 the actual provisions of the Convention have received force of law in Austria. The Austrian Government's report further adds that a regulation in conformity with paragraph 2 of Article 1 of the Convention has not been required in Austria, since the terms "industry, commerce and agriculture" are exactly defined in the national legislation. However, the term "industrial undertakings" used in the Act of 14 May 1919 does not correspond to the same term as used in the Convention. The industrial undertakings to which the Act applies

also include commerce, so that the scope of the Austrian Act is wider than that of the Convention.

Belgium. — § 1 of the Act relating to the employment of women and children of 28 February 1919, as amended by § 31 of the Eight-Hour Day Act of 14 June 1921, defines the field of application as: (1) undertakings covered by the Eight-Hour Day Act; (2) establishments classified as dangerous, unhealthy and noxious; (3) transport by water. The undertakings covered by the Eight-Hour Day Act are given in § 1 of this Act as follows: (1) mines, surface mines, quarries and other works for the extraction of minerals from the earth; (2) industries in which goods are manufactured, raw materials or manufactured articles transformed, ornamented, finished, cleaned, or adapted for sale; (3) repair, cleaning, restoration of materials, effects or other used goods, as well as demolition of materials; (4) building and auxiliary industries, including maintenance, repair and demolition; (5) public works; (6) private works executed by civil engineers (*génie civil*), other than those proper to the building industry; (7) gas and water-works; (8) generation, transformation and transmission of electricity and motive power; (9) construction, transformation and demolition of ships and boats, their maintenance or repair by workers other than the crews; (10) transport by land; (11) loading, unloading and handling of goods at ports, quays, warehouses and stations; (12) dairies and cheese-factories; (13) offices of commercial undertakings. The provisions of the Act apply to both public and private undertakings even when they serve the purposes of trade instruction or are of a philanthropic nature. The Act does not apply to agriculture. It applies to commercial establishments when and to the same extent as the Eight-Hour Day Act, in accordance with § 1, is extended by Royal Order to cover these undertakings.

Bulgaria. — See summary of report on the *Convention concerning employment of women during the night* and introductory note.

Chile. — See summary of report on the *Convention fixing the minimum age for admission of children to industrial employment* and introductory note.

Denmark. — The Act of 18 April 1925 covers in connection with the subject of the Convention undertakings in handicrafts and industry and in the transport industry (§ 2). The Government reported in 1926 that no special decisions had been taken with regard to the line of division which separates industry from commerce and agriculture since the existing provisions are considered sufficiently definite. In case of doubt, the competent Minister

¹ The Act promulgating the Industrial Code of 1859 stipulates that the provisions of the Code shall apply to all activity carried on for gain whether in producing, working up or altering transportable goods, to the running of commercial establishments and to the execution of services and work. From its scope are excluded (a) agriculture and forestry, together with allied industries in so far as their purpose is the working up of the products themselves, (b) mines and installations dependent upon a concession granted by the mining authorities in accordance with the Mining Act, (c) literary work, the right of authors to publish their own works and the fine arts, (d) jobbing work, (e) domestic work, (f, g, h, i, k) the liberal professions, teaching, financial establishments, public educational or reformatory establishments, (l) railways and steamship navigation, (m) maritime navigation subject to the Maritime Acts and sea fishing, (n) undertakings connected with public ferries on rivers, lakes, canals, lumbering, etc. (o) public amusements, etc., (p) undertakings connected with the production and sale of periodical publications, (q) hawking, etc.

would decide whether an undertaking is covered by the Act, § 3 of which states that before taking his decision he shall consult the Minister of Industry, Commerce and Navigation and the organisations in the trade concerned in appropriate cases.

Estonia. — § 1 (a) to (d) of the Employment of Children, Young Persons and Women Act of 20 May 1924 reproduces the terms of Article 1 (a) to (d) of the Convention, with the addition that among the works for the extraction of minerals from the earth are specifically included peat-digging undertakings, and among the transport undertakings is included transport by sea or inland waterway. Further, the clause of the Convention excluding transport by hand is not contained in the Estonian Act. The report for 1926 stated that no decisions had been taken with regard to the line of division which separates industry from commerce and agriculture. Existing provisions are considered sufficiently definite, but should doubts arise in specific cases they would be settled by the Minister of Public Instruction and Social Affairs.

France. — The industrial undertakings to which the provisions of the Convention are applicable are enumerated in § 1 of Book II of the Code of Labour and Social Welfare as follows: works, factories, mines (underground and open workings), quarries, yards, workshops, and their dependencies, of any kind whatsoever, public or private, lay or religious, even when these establishments are of an educational or charitable character. To these undertakings, the second paragraph of § 21, as amended by the Act of 24 January 1925, adds the transportation of passengers or goods by road or rail, and loading and unloading undertakings. The report further states that it should be noted that the Code of Labour and Social Welfare provides, in § 29 of Book II, that apart from the above undertakings, no night work may be worked by apprentices under 16 years of age who are employed with a manufacturer, the head of a workshop, or a workman. Exceptions to this rule may, however, be allowed by a Decree issued by the prefect in consultation with the mayor.

Great Britain. — § 4 of the Employment of Women, Young Persons and Children Act, 1920, reads: "The expression 'industrial undertaking' has with respect to the employment of children, young persons and women the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions regarding the line of division which separates industry from commerce and agriculture have been given by the com-

petent authority, which in Great Britain would be the courts of law.

Hungary. — See summary of report on the *Convention concerning employment of women during the night*.

India. — In accordance with Article 6 of the Convention the sphere of application is limited to factories as defined in the Indian Factories Act of 1911, as subsequently amended.

Irish Free State. — This Article is applied by Part II of the Schedule to the Employment of Women, Young Persons and Children Act, 1920, which reproduces its terms. § 4 of the Act reads: "The expression 'industrial undertaking' has with respect to the employment of children, young persons and women the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the Schedule to this Act." No decisions have been taken regarding the line of division which separates industry from commerce and agriculture.

Italy. — The Legislative Decree of 15 March 1923, amending the Act of 10 November 1907 relating to the employment of women and children, defines a factory or workplace as any place where manual work of an industrial nature is performed with or without the aid of machines not driven by the worker using them, irrespective of the number of workers employed and without distinction of sex or age (§ 1). The report adds that "this provision is couched in such general terms that it evidently includes all the industrial undertakings enumerated in Article 1 of the Convention. During the period to which the report refers, no decision has been taken defining the line of division which separates industry from commerce and agriculture. However, the line of division between these branches of activity is determined by unequivocal criteria already laid down in jurisprudence and administrative practice which has developed since the introduction of the amended system provided for in the above-mentioned Decree."

Latvia. — The Act of 24 March 1922 applies to all private, municipal, public and State undertakings and establishments. The report does not refer to the line of division separating industry from commerce and agriculture.

Lithuania. — See summary of the report on the *Convention concerning employment of women during the night*.

Luxembourg. — The Act of 5 March 1928, which has given force of law to the provisions of the Convention, reproduces its terms. See also introductory note.

Netherlands. — The night work of young persons is prohibited in *industrial undertakings*, with the exception of mines but including undertakings for the construction, repair or demolition of buildings of all kinds, railways, canals, inland waterways and roads, by §§ 24 (2) and 30 (2) of the Labour Act, 1919 as subsequently amended. The line of division which separates industry from commerce and agriculture is determined by §§ 1-5 of the Labour Act. § 2 of the Act defines factories and workplaces both positively and negatively. § 3 distinguishes shops from industrial undertakings. In *mines* night work is prohibited by the Mining Regulations of 1906 as amended in 1922. For the application to *railways* and *tramways*, the General Service Regulations for railways of 26 June 1913 and for light railways of 3 June 1915 were amended in 1922, as were the Tramway Regulations of 24 February 1920.

Poland. — By § 1 the Act relating to the employment of women and young persons of 2 July 1924 applies to "the employment of women and young persons in industrial, mining and metallurgical undertakings, in commerce, in offices, in communication services and transport, and likewise in other undertakings carried on by way of trade even if not for a profit, irrespective of whether the said undertakings are owned by the State, a private person or a local authority." The legislation in force thus applies to commercial establishments as well as to industrial undertakings and transport. The line of division separating industry from agriculture is laid down in the Order of the President of the Republic of 7 June 1927 relating to industrial law. By § 1 of this Order "industry" is defined as any remunerated employment or any undertaking which is carried on independently and by way of trade, whether it has as its object the production or treatment of goods, the carrying on of commerce or the rendering of services. § 2 provides that, *inter alia*, agriculture, horticulture and forestry are not to be deemed to be industries and are not subject to the provisions of the Order. Where difficulties of determination arise the following criterion is to be employed: Undertakings carried on in connection with agriculture, e.g. distilleries, saw-mills, etc., are to be considered to be industrial undertakings, with the exception of small undertakings the products of which serve exclusively the needs of a given agricultural undertaking and which form integral parts of that undertaking.

Rumania. — According to § 2 of the Act of 9 April 1928 that Act applies both to industrial and commercial undertakings and their branches. The report adds that as the Act applies both to industrial and commercial undertakings it is not consider-

ed necessary to draw the line of demarcation referred to in the last paragraph of Article 1 of the Convention. § 4 of the Act, however, provides that contested cases will be settled by the Minister of Labour after consultation with the Supreme Labour Council.

Switzerland. — The provisions of the Federal Factory Act which deal with the employment of women, young persons and children were completed by the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry. This Act applies to all public and private undertakings which do not come under the Factory Act and to transport undertakings other than carriage by hand and the traffic organisations carried on by the Federation or under a concession from it. An Order may, however, be issued by the Federal Council to declare the principles of the Act applicable to the traffic organisations carried on by the Federation or under a concession from it and this was done by the Order of 5 July 1923. § 3 of the Administrative Order of 15 June 1923, issued under this Act, defines the term "industrial undertaking" as in Article 1 (a), (b) and (c), whilst the Order of 5 July 1923 relating to the employment of young persons in transport undertakings applies to the Swiss Federal Railways, railways and navigation undertakings carried on under a concession from the Federation, sleeping and restaurant car undertakings. The term "railways" includes motor-car undertakings, railless traction undertakings, lifts and overhead cable railways worked under a concession. With regard to the line of division which separates industry from commerce and agriculture, the agricultural operations which are excluded from the application of the Federal Act relating to the employment of young persons and women in industry are defined by § 4 of the Administrative Order of 15 June 1923. In the case of commerce, the Act and Order exclude it from their field of application without further definition. Should doubt arise regarding the agricultural or commercial character of a particular undertaking, the decision lies with the Industries and Arts and Crafts Division of the Department of Public Economy, subject to appeal to the Federal Council. During the period January-September 1931, it has not been necessary for the Federal Council to decide whether the Act applies to any given class of establishments.

Yugoslavia. — The Act of 28 February 1922, under § 1, applies to all undertakings (establishments) carrying on handicrafts, industry, commerce, transport, mining and similar activities within the territory of the Serb-Croat-Slovene Kingdom in which workers are employed, irrespective of whether they belong to private individuals or public bodies, whether they are

carried on permanently or temporarily, whether they are principal undertakings or subsidiary businesses carried on in connection with other undertakings, or whether they are carried on as entirely independent undertakings or form parts of undertakings in agriculture or forestry.

ARTICLE 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

(a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process);

(b) Glass works;

(c) Manufacture of paper;

(d) Manufacture of raw sugar;

(e) Gold mining reduction work.

In addition, please give particulars of the processes carried on in your country to which the exception provided for in the second paragraph of this Article is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.

Austria. — § 1 (1) of the Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings and the Mining Act of 28 July 1919 prohibit the employment during the night (i.e. between 8 p.m. and 5 a.m.) of young persons who have not completed eighteen years of age. The exception relating to undertakings in which only members of the same family are employed has no parallel in these two Acts. As regards the exceptions for continuous processes enumerated in Article 2 of the Convention, the report states that in accordance with § 4 of the Act of 14 May 1919 permission must be asked from the Federal Ministry of Social Affairs when an employer wishes to make use of them. The report adds that such permission was granted in 1931, as in 1930, to paper-works, the employment of young persons as extra hands being subordinated to the following conditions: (1) they had to be examined by an official doctor, who had to be satisfied that they were fit for the work on which they were employed and that night work was not harmful to their physical development; (2) they could be employed only at paper machines at which they were under the permanent supervision of adult persons. Moreover, the employment during the night of male young persons who have completed the age of sixteen years is permitted in continuous processes relating to smelting

and the charging of furnaces in iron and steel works. This permission is, however, granted only on condition that the young persons may be employed only as assistants to workers engaged in charging the furnaces (in this case their functions must be confined to the opening and shutting of the doors of the furnaces when the furnaces are working) or in the lubricating of machinery. Only young workers in respect of whom a certificate from a medical officer has been given stating that they are fit to undertake the work required of them and that such work during the night is not injurious to their physical development may be employed in the works specified above. Finally, the Order of 15 June 1928 permits in glass-works the employment during the night of young male persons of more than sixteen years of age as auxiliary workers. According to the provisions of this Order the young persons may be employed only in virtue of a certificate issued by the medical officer stating that they are physically fit for work during the night. They may be employed during the night in glass-works of all kinds in connection with tank furnaces, and in mirror-glass-works also in connection with pot-furnaces. In the hollow-glass-works using pot-furnaces they may be employed only from 4 a.m. The Order also provides for periodical examination (once in three months), by a medical officer, of young persons employed during the night in glass-works. The report for 1929 added that the permission granted in previous years for the employment of young persons in raw sugar refineries during the night expired on 31 August 1929, and was not renewed.

Belgium. — § 7 of the Act relating to the employment of women and children as amended by § 31 of the Eight-Hour Day Act prohibits the employment during the night of male young persons under the age of eighteen years. § 1 of the Act exempts undertakings "in which only members of the family are employed under the supervision of the father, mother or guardian, provided that such work is not classed as dangerous, unhealthy and noxious and that no steam boilers or mechanical power are used." With regard to continuous processes § 10 of the Act enables the Crown to authorise the employment of boys over the age of sixteen years, either unconditionally or subject to certain conditions, in the undertakings enumerated in Article 2 of the Convention. § 15 provides that before exercising such powers the Crown shall consult: (1) the proper Departments of the Industrial and Labour Councils; (2) the Superior Public Health Council; (3) the Superior Labour Council. Royal Decrees making such authorisations have been issued in respect of necessarily continuous work in the following industries: (1) paper works; (2) ena-

melling processes (iron and steel works); (3) ordinary glass-blowing factories, mirror glass works and special glass factories assimilated thereto, bottle glass factories working with successive shifts; (4) iron and steel industries, zinc, lead and silver smelting works, zinc-rolling mills, works in which iron or steel tubes are manufactured, and copper smelting works. In the case of the first three groups the permission is subject to the condition that the young persons be employed at night during only one week out of three or one week out of two if the work is organised in successive shifts. In the case of the fourth group the permission is subject to the following conditions: (a) in the blast furnace departments of iron and steel works young persons between 16 and 18 years of age may not be employed except as sample carriers, enginemen's assistants or electricians' assistants, and as labourers in services connected with the charging of the blast furnaces, and not in any case within the immediate vicinity of the furnaces; (b) in works in which iron or steel tubes are manufactured the young persons in question may not be employed except on furnace charging and drawing processes and tube-cutting. Further, the work must be interrupted by one or more breaks amounting in all to not less than an hour; (c) in zinc smelting works, the young persons in question may not be employed except as boy-helpers and may not in any case be employed in connection with the handling of the residues from the retorts (cleaning of retorts, transportation of residues, residue washers). Further, the work shall be interrupted by one or more breaks amounting in all to not less than an hour; (d) in lead and silver smelting works the young persons in question may not be employed except as chemists' assistants, errand boys, labourers' boys or enginemen's boys in services in connection with the charging of the roasting plant and the lead reduction and melting furnaces (Pilz and water-jacket furnaces) and only outside the workshops where the said plant or furnaces are installed; (e) in copper foundries carrying out the first smelting young male persons may not, as a rule, be employed at night for more than one week in every three weeks. Nevertheless, if the work is organised in two shifts, these young persons may be employed at night for one week in every two weeks. This exception is subject to strict observance of the following conditions: young male persons from sixteen to eighteen years of age may not be employed otherwise than as chemists' assistants, errand-boys, labourers about or minders of the machines for feeding the furnaces (but not in the immediate vicinity of the furnaces), or as charge hands at apparatus for the manufacture of copper sulphate. Further, the work must be interrupted by one or more breaks amounting in all to not less than an hour.

Bulgaria. — § 18 (2) of the Health and Safety of Workers Act of 1917 provides that young persons under the age of eighteen years may not be employed on night work. Exemptions are provided for agricultural undertakings in which only the members of the same family are employed, but not for continuous processes.

Chile. — § 30 of the Act of 8 September 1924 relating to contracts of employment provides as follows: "young persons under the age of sixteen years, irrespective of sex, shall not be employed on night work. Young persons over sixteen but under eighteen years of age shall not be employed on night work in the occupations specified by the regulations as dangerous to the physical development or morals of such young persons." The report adds: "the discrepancy between this Article of the Convention and the corresponding part of our national legislation prevents us from giving the information requested on this point. All that can be noted is that the Decree of 30 April 1926, approving the Regulations of industrial health and safety, contains a list of dangerous or unhealthy industries or occupations". This list classifies the industries or occupations under 56 headings, giving the reasons for considering them dangerous or unhealthy. See also introductory note.

Denmark. — The Act of 18 April 1925 provides by § 2 that in undertakings in handicrafts and industry, and in the transport industry, young persons under eighteen years of age may not be employed between 6 p.m. and 6 a.m. If it appears desirable in any trade in view of its special circumstances that undertakings be allowed to employ young persons after 6 p.m. an exemption from the provisions laid down may be granted by way of exception by the competent Minister after consultation with the Labour Council and the trade organisations concerned, provided that the young persons in question are guaranteed a total rest period of 12 hours in the day, and that the employment of such persons after 8 p.m. is not permitted. In the case of dairies, the Act provides that young persons over 18 years of age may not be employed between 8 p.m. and 5 a.m. and that they are to be granted a total rest period of not less than 11 hours in the day. As regards continuous processes, § 2 of the Act of 18 April 1925 provides that the Minister of Health and Social Welfare, on receipt of application to that effect, and after hearing the Labour Council, may authorise male young persons, who have attained the age of sixteen years, to take part between 6 p.m. and 6 a.m. in work which owing to its nature must be carried on continuously in the following undertakings: iron and steel works, glass works, paper mills, and raw sugar factories.

Estonia. — § 16 of the Employment of Children, Young Persons and Women Act provides that young persons under eighteen years of age shall not be employed during the night in any public or private undertaking. No mention is made in the Act of the exception relating to undertakings in which only members of the same family are employed. § 16 (2) of the Act permits in the case of young persons over seventeen years of age the exception permitted by the Convention in the following undertakings : manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used; and galvanising of sheet metal and wire (except the pickling process), glass works and manufacture of paper.

France. — § 21 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, provides that " children under the age of eighteen years, whether workers or apprentices, and women, shall not be employed on night work of any kind in the establishments specified in § 1 " and that " children under the age of eighteen years shall not be employed on night work of any kind in undertakings for the transportation of passengers or goods by road or rail, or in loading and unloading undertakings. " Under § 1 undertakings in which only the members of the family are employed under the authority of the father, or of the mother, or of the guardian, are excepted. In § 26, as amended, it is provided that " in establishments with continuous processes, boys over sixteen years of age may be employed at night on necessary work. The kinds of work permitted and the hours within which such work may be performed shall be specified by public administrative regulations. " These regulations were issued by the Decree of 5 May 1928, which provides in § 2 that in the continuous process works in which male young persons of more than sixteen years of age are employed at night the work permitted for this class of workers is as follows : paper-works (assisting machine-minders, cutting, sorting, arranging, and finishing paper); raw-sugar factories (washing, weighing and sorting beetroot, working the juice and water taps, minding the filters, assisting at diffusion batteries, sewing filter cloth, washing of apparatus and of work-shops); iron and steel works (assisting at accessory work in connection with refining, rolling, hammering and wire-drawing, preparation of moulds for cast-iron goods on first smelting); glass-works (handing tools, first gathering of glass, assisting at blowing and moulding, carrying articles to and from the furnaces for re-heating).

Great Britain. — The Employment of Women, Young Persons and Children Act, 1920, provides in § 1 (3) that no young

person is to be employed at night in any industrial undertaking " except to the extent to which and in the circumstances in which such employment is permitted " by the Convention. As regards the exception permitted by the Convention in the case of continuous processes in which reverberatory or regenerative furnaces are used, this is covered by the Night Employment of Young Persons (Reverberatory or Regenerative Furnaces) Order, 1924. The effect of this Order is to limit the permission to employ young persons over sixteen years of age in processes in which reverberatory or regenerative furnaces are used to parts of factories in which these furnaces are used in connection with (a) smelting of ores, (b) metal rolling, (c) forges or (d) manufacture of metal tubes or rods and which are " necessarily kept in operation day and night in order to avoid waste of material and fuel ". This permission is subject *inter alia* to the condition that the exception is only to apply to young persons employed in such processes as are defined in the certificate delivered to the employer by the inspector of the district and to the condition that every young person so employed must undergo at least once in six months a medical examination by the district certifying surgeon. The report adds that in all cases where the exception permitted by this Article applies, except in the case of glass works, the conditions laid down in § 54 of the Factory and Workshop Act, 1901, must be observed. The main requirements are that the length of the shift must not exceed twelve hours, and that, where a young person is employed on a twelve-hour shift, he must not be employed during the preceding or succeeding twelve hours and, where he is employed on an eight-hour shift, he must not be employed during the preceding or succeeding sixteen hours. The system usually adopted is that of three shifts of eight hours each. § 55 contains special provisions for glass works.

Hungary. — § 12 of Act No. V of 1928 prohibits the employment of children and young persons (i.e. children and young persons under 18 years of age) in the undertakings and establishments specified above under ARTICLE I. § 16 of the Act provides that young persons of the male sex over the age of sixteen may be employed during the night on work which, by reason of the nature of the process, is required to be carried on continuously day and night. The competent Minister determines, by means of a Decree, the establishments to which this permission applies, the processes which may be effected at night and the seasons during which night work may be permitted. Under § 31 of the Decree No. 150,443 of 1930, the Minister of Commerce authorises the employment of young persons over 16 years of age in the establishments and under-

takings mentioned in paragraph 2 (a)-(d) of this Article.

India. — The Factories Act in § 23 (b) prohibits the employment of children (i.e. persons under the age of 15 years) in any factory before half-past five o'clock in the morning or after seven o'clock in the evening. No exemptions are permissible from the provisions of § 23 (b). (See also under ARTICLES 3 and 6.) The report adds that the attention of the Government of India has been drawn to the fact that the above legislative provision does not expressly secure for children a night rest of 11 consecutive hours, but states that they are satisfied that this provision, combined with the provision in § 23 (c) of the Indian Factories Act, that no child shall be employed in any factory for more than 6 hours in any one day, ensures in practice a night rest of 11 consecutive hours for children employed in factories. The report states that the Indian Factories Act will, it is hoped, shortly come under revision as a result of the recommendations made by the Royal Commission on Labour, and the Government of India will then take the opportunity to make good this defect in the existing law.

Irish Free State. — The Employment of Women, Young Persons and Children Act, 1920, provides in § 1 (3) that no young person (i.e. a person under eighteen years of age) may be employed except to the extent to which and in the circumstances in which such employment is permitted by the Convention. The report states that the exemption permitted by this Article of the Convention in respect of the employment of male young persons over sixteen years of age has been availed of for the purpose of enabling youths to be apprenticed as sugar cookers in sugar beet factories (Order of the Minister for Industry and Commerce of 18 July 1929 issued in pursuance of § 54 (4) of the Factory and Workshop Act, 1901).

Italy. — § 2 of the Legislative Decree of 15 March 1923 amended § 5 (a) of the Act of 10 November 1907 to read: "Young persons under eighteen years of age shall not be employed during the night in factories or workplaces or in annexes thereto." In § 1 of the Decree it is specified that factories and workshops in which only members of the same family are employed are to be excepted. The amended § 5 (a) of the Act permits the employment during the night of young persons over sixteen years of age in the continuous processes mentioned in the Convention. The report states that no questions have arisen in connection with the application of paragraph 2 of this Article.

Latvia. — § 11 of the Act of 24 March 1922 prohibits the employment of young

persons at night. In § 10 the term "young persons" is used to signify persons in their seventeenth and eighteenth years of age. No reference is made to the exceptions for family undertakings or for undertakings in which continuous processes are carried on.

Lithuania. — § 122 of the Code of the laws of the Russian Empire, Vol. XI, Part II, text of 1906, prohibits the employment of young persons of 15-17 years of age between the hours of 9 p.m. and 5 a.m. in the industrial undertakings cited in this § of the Code. The report adds that the exception to the prohibition has only been applied in one glass works. The use of this exception by employers is not subject to any conditions. Each shift of workers works at night once every three weeks.

Luxemburg. — The prohibition contained in this Article of the Convention is provided for in the Act of 5 March 1928, which reproduces the terms of the Convention and lays down penalties for breaches. The industries for which exceptions are provided do not exist in Luxemburg. See also introductory note.

Netherlands. — § 24 (2) of the Labour Act provides that a worker shall not work in a *factory* or *workplace* between 6 p.m. and 7 a.m. § 30 (2) stipulates that if deviations from the provisions laid down in § 24 are authorised it shall be borne in mind that the work of a young person (by which term is meant, in accordance with § 8, workers under eighteen years of age) on two consecutive days must be divided by a night's rest of not less than eleven consecutive hours and that such person must not work in a factory or workplace between 10 p.m. and 5 a.m. In the case of *mines*, § 227 of the Mining Regulations, 1906, as amended by the Royal Decree of 7 October 1922, prohibits the employment of persons under sixteen years of age in works above ground between the hours of 6 p.m. and 6 a.m. Employment underground is prohibited for all boys under sixteen years of age and women in virtue of § 233 (see also under ARTICLE 3). In the case of *railways* and *tramways*, the General Service Regulations of 26 June 1913 and the General Service Regulations for light railways of 3 June 1915 as well as the Regulations relating to tramways of 24 February 1920, which have been modified by the Royal Decrees of 4 November 1922, provide that young persons of less than eighteen years of age must not be employed between 10 p.m. and 5 a.m.

Poland. — The general provisions of the Act of 18 December 1919, are completed, as regards the night work of young persons, by § 8 of the Act of 2 July 1924, which provides for the night rest of young

persons (i.e. persons between fifteen and eighteen years of age). The exception relating to undertakings where only members of the same family are employed is not mentioned in this Act. § 8 also provides that the prohibition of night work is not to apply to male young persons over sixteen years of age employed on work which, by reason of the nature of the process, is required to be carried on continuously day and night in the undertakings enumerated in Article 2 (a) to (d), of the Convention. The report adds that instructions have been given to the factory inspectors to decide which processes should be considered as necessarily continuous. As this determination proceeds, the inspectors are instructed which classes of processes in the industries enumerated in Article 2 are to be considered to be necessarily continuous.

Rumania. — The Act of 9 April 1928 prohibits the employment during the night of boys under 18 years in industrial and commercial undertakings of every kind or in their branches. This prohibition does not apply to undertakings in which only members of one and the same family are employed under the authority of the father or the mother, provided that such undertakings are not classified as dangerous or unhealthy (§ 3). Under § 11 the Act provides that the prohibition of night work does not apply to boys of sixteen years who are employed in the following undertakings on works which by reason of their nature must be carried on day and night without interruption: (a) manufacture of iron and steel, processes in which reverberatory or regenerative furnaces are used, galvanizing of sheet-metal and wire (except the pickling process); (b) glass-works; (c) paper works and cellulose works attached thereto; (d) sugar works where raw sugar is refined; (e) undertakings where gold-ore is reduced. § 12 provides that in order to be able to take advantage of this exemption the employers are required to apply for authorisation to the labour inspector of the area.

Switzerland. — § 71 of the Factory Act, as amended by § 16 of the Act relating to the employment of young persons and women in industry, § 3 of the latter Act and § 3 of the Order relating to the employment of young persons in transport undertakings prohibit the employment during the night of young persons under 18 years of age. Under § 3 of the Order the members of the family of the head of the undertaking who are employed in the undertaking without any assistance whatever from third persons are not regarded as "workers." The Act relating to the employment of young persons and women in industry does not apply to undertakings where only members of one and the same family are employed (§ 1).

With regard to continuous processes the amended § 71 of the Factory Act and § 6 of the Act relating to the employment of young persons and women in industry lay down that, in the case of boys over 16 years of age, the Federal Council may authorise exceptions respecting night work which are required in the public interest or provided for by international conventions. Under § 164 of the Order under the Factory Act the manufacturer must address his request to the Industrial Division of the Federal Department of National Economy, which gives its decision after consultation with the cantonal Government. At present three permits are in force, in three glass-works, for the employment on night-work of 22 young workers between 16 and 18 years of age.

Yugoslavia. — § 17 of the Act of 28 February 1922 prohibits the employment during the night of male young persons under 18 years of age. The report adds that the national legislation does not permit the exceptions to the prohibition of night work provided for by this Article of the Convention.

ARTICLE 3.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

In addition please state:

(a) *whether in coal and lignite mines work is permitted in the interval between ten o'clock in the evening and five o'clock in the morning and, if so, under what conditions;*

(b) *where night work in the baking industry is prohibited for all workers, whether it is permitted to adopt the alternative night interval provided for in the third paragraph of Article 3;*

(c) *if a shorter night period than eleven hours is permitted under the last paragraph of Article 3, please state for what industries, seasons and areas, and what arrangements have been made to secure compensatory rest during the day.*

Austria. — The Acts of 14 May 1919 and 28 July 1919 define the term "night" as a period of at least eleven consecutive hours including the interval between 8 p.m.

and 5 a.m. In industrial undertakings in which two or more shifts of not more than eight hours are worked, the night's rest for women and for young persons who have completed sixteen years of age may begin at 10 p.m. In mines in which at least two shifts are worked, the night's rest may also begin at 10 p.m. but only in the case of male young persons of sixteen years of age or over. The report states that use can be made of the exception allowed by the Convention for coal and lignite mines, as regards the night work of young persons, only by permission of the Federal Ministry of Commerce and Communications. No such permission was granted in 1929 nor in preceding years. No use has, moreover, been made of the permission to fix the period of night rest of young persons employed in the baking industry between 9 p.m. and 4 a.m.

Belgium. — The night rest period is defined in § 8 of the Act relating to the employment of women and children as amended by § 31 of the Eight-Hour Day Act as consisting of not less than eleven consecutive hours including the period between 10 p.m. and 5 a.m. § 9 stipulates that male young persons over the age of sixteen years may be employed in coal mines after 10 p.m. and before 5 a.m. provided that "the working periods of the shifts to which they belong shall be separated by intervals of at least fifteen hours". The report states that under § 8 of the Act of 14 June 1921 use has been made of the exception allowed by paragraph 3, Article 3 of the Convention, according to which, in the baking industry, the interval between 9 p.m. and 4 a.m. may be substituted for the interval between 10 p.m. and 5 a.m.

Bulgaria. — § 18 (2) of the Health and Safety of Workers Act of 1917 defines night work to be work performed between 8 p. m. and 6 a.m. The report for 1929 added that "as the working day may not exceed eight hours, the rest period consists of sixteen hours. Differentiation for the mining industry is not permitted by this Act. The provisions regarding the baking industry and tropical countries have no application".

Chile. — Under § 30 (3) of Act of 8 September 1924 "night work shall be deemed to mean work performed between 7 p.m. and 6 a.m. during the period from 1 May to 30 September, and between 8 p.m. and 5 a.m. during the rest of the year." The memorandum of 23 February 1931 to which the report refers states that "the time defined as night in the second period does not cover the minimum interval of 11 hours required by Article 3 of the Convention. This defect might be justified by the exception in the last paragraph of Article 3 of the Convention, inasmuch as suspension of work for

an hour and a half or two hours in the middle of the day is customary in this country, although this exception in the Convention refers to tropical countries. In order to make this exception applicable to our country, it would have to be ascertained also whether the "compensatory rest" which must be accorded during the day, in accordance with the last paragraph of Article 3 of the Convention, is or is not distinct from the suspension of work during the middle of the day." The report adds that: (a) there are no special provisions referring to coal or lignite mines, (b) Legislative Decree of 4 October 1924 prescribing night work in bakeries makes this prohibition uniform and complete from 9 p.m. to 5 a.m., except for bakeries belonging to the Navy which manufacture bread for the exclusive use of persons belonging to the Navy; (c) the last paragraph of the Article does not apply to Chile. See also introductory note.

Denmark. — The Act of 18 April 1925 defines "night" as the period between 6 p.m. and 6 a.m., though in certain cases (see under ARTICLE 2) the competent Minister may substitute for this period the shorter period of the hours between 8 p.m. and 6 a.m. Differentiation for the mining industry is not permitted by the Act. As regards bakeries, provision is made by § 2 (2) that "in workplaces belonging to bakeries and confectioners' and pastrycooks' establishments, apprentices shall not be employed after 6 p.m., and other young persons under eighteen years of age shall not be employed between 8 p.m. and 4 a.m.; such young persons shall be granted a total rest period of not less than twelve hours in the day."

Estonia. — § 18 of the Employment of Children, Young Persons and Women Act provides that the term "night" shall signify a period of at least eleven consecutive hours, including the interval between 9 p.m. and 5 a.m. in undertakings working with a single shift, or the interval between 10 p.m. and 5 a.m. in undertakings working with two shifts or more (see also under ARTICLE 4). The report states that there are no coal or lignite mines in Estonia. Night work in bakeries is prohibited by the Act of 25 March 1929, which contains no provision similar to the permission allowed by paragraph 3, Article 3, of the Convention.

France. — § 22 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, provides that "work performed between 10 p.m. and 5 a.m. shall be deemed to be night work", and § 23 specifies that "the nightly rest period of children of both sexes and of women shall not be less than eleven consecutive hours". As regards the exception provided for in

the second paragraph of Article 3, § 27 of the Code, as amended, lays down that "by way of exception to §§ 21 and 22, boys may be employed from 4 a.m. onwards and until 10 p.m. in underground work in mines, pits and quarries if their work is distributed between two shifts of workers. There shall be a break of not less than half-an-hour during every shift." § 28 provides that "in certain mines specified by public administrative regulations, in which, owing to natural conditions, an exception to the provisions laid down in §§ 21 and 22 is necessary, the said regulations may authorise the employment of boys from 4 a.m. and until midnight". The use of this exception is at present regulated by § 3 of the Decree of 3 May 1893, since the new public administrative regulations which are in course of preparation in view of the provisions of the Convention are now submitted to the Superior Labour Commission, the Advisory Committee for Arts and Manufactures as well as to the General Mines Council. As regards the exception allowed by paragraph 3 of this Article of the Convention concerning night work in bakeries, the report states that the question could only arise in the case of small bakers' establishments, carried on as bakers' shops, and that these are in France regarded as commercial establishments. The larger establishments are covered by the same regulations as industrial establishments in general, and the exception provided for in the Convention has not been applied to them. The report adds that a Bill adopted by the Chamber of Deputies on 8 December 1929, and at present before the Senate, will, if it becomes law, extend the regulations at present in force for industry on the subject of night work of children to cover commerce (including bakers' shops). As regards the provisions of the last paragraph of this Article of the Convention, concerning tropical countries, the report states that they are not applicable to metropolitan France.

Great Britain. — Night is defined as in the Convention as a period of at least eleven consecutive hours including the interval between 10 o'clock in the evening and 5 o'clock in the morning by the inclusion of this Article of the Convention in the Schedule to the Employment of Women, Young Persons and Children Act, 1920. In mines, young persons under sixteen years of age may not be employed above ground at night, but boys over the age of fourteen years may be employed underground at night as well as by day subject to the observance of the provisions of Article 3, paragraph 2. The provisions regarding the baking industry and tropical countries have no application.

Hungary. — § 12 of Act No. V of 1928 and § 8 of Decree No. 150,443 define night

as the period between 10 p.m. and 5 a.m. and provide for a nightly rest period for children and young persons of not less than eleven consecutive hours. The report does not refer to the question of coal and lignite mines. Act No. XV of 1923 and its amending Act No. V of 1929, which regulate the baking industry, provide a rest period from 9 p.m. to 4 a.m., and in Budapest and the adjacent towns and villages from 9 p.m. to 5 a.m. As regards the last paragraph of the Article, the report indicates that § 33 of the Decree No. 150,443 permits the employment of young persons over sixteen in brickworks in which bricks are made by hand, in the manufacture of bricks by hand or their stacking, from 4 a.m. onwards, provided that they do not work later than 8 p.m. and that during the day they receive at least three hours' continuous rest. The report adds that this clause was rendered necessary owing to the fact that in brickworks in which bricks are made by hand, work must be interrupted in summer for several hours towards the middle of the day on account of the excessive heat, and that in order to permit a more effective utilisation of the time available work is begun very early. This is a very old custom and it has been necessary to provide for the possibility of its maintenance.

India. — The Factories Act provides generally that night work shall be the work performed in the period between 7 o'clock in the evening and 5.30 in the morning, local Governments being permitted to substitute for these hours such one of the following sets as they may deem suitable: 6.30 p.m. to 5 a.m., 7.30 p.m. to 6 a.m., 8 p.m. to 6.30 a.m. and 8.30 p.m. to 7 a.m. (See also under ARTICLE 2.) Advantage has not been taken of the provision regarding tropical countries. The other points raised by Article 3 do not arise. (See ARTICLE 6.)

Irish Free State. — Night is defined as in the Convention as a period of at least eleven consecutive hours including the interval between 10 o'clock in the evening and 5 o'clock in the morning by the inclusion of this Article of the Convention in the Schedule to the Employment of Women, Young Persons and Children Act, 1920. The special provision for the mining industry is included in the Schedule. The provisions regarding the baking industry and tropical countries have no application.

Italy. — The Legislative Decree of 15 March 1923 amending the Act of 10 November 1907 relating to the employment of women and children defines night by § 2 as a period "of at least eleven consecutive hours, including the interval

between 10 p.m. and 5 a.m." The report states that no exception has been made for lignite mines, and that, in so far as Italian legislation prohibits night work in bakeries subject to exceptions, it has not been considered necessary to take advantage of the exception provided for in the third paragraph of this Article.

Latvia. — The note to § 13 of the Act of 24 March 1922 provides that work between 10 p.m. and 6 a.m. is to be deemed to be night work. The Act contains no reference to the exceptions permitted by the Article.

Lithuania. — § 122 of the Code of the laws of the Russian Empire, Vol. XI, Part II, text of 1906, prohibits the employment of young persons of 15 to 17 years of age between the hours of 9 p.m. and 5 a.m. in the industries cited in the §. The § contains no provisions as to a rest period of eleven consecutive hours. The Act of 31 October 1931 on night work in bakeries prohibits work between the hours of 9 p.m. and 4 a.m.

Luxemburg. — The Act of 5 March 1928, which has given force of law to the provisions of the Convention, reproduces its terms. The fixing of the hours of rest before 10 p.m. and after 5 a.m. is entrusted to the heads of undertakings except in the case of workers under 16 years of age for whom § 2 of the Act of 16 December 1876 provides for a rest period from 9.30 p.m. to 5.30 a.m. See also introductory note.

Netherlands. — § 24 (2) of the Labour Act lays down that a worker shall not work in a *factory* or *workplace* between 6 p.m. and 7 a.m., while § 30 (2) stipulates that if deviations from the provisions of § 24 are authorised it shall be borne in mind that the work of young persons of less than eighteen years of age in factories or workplaces on two consecutive days must be divided by a night's rest of not less than eleven consecutive hours and that such persons must not work in a factory or workplace between 10 p.m. and 5 a.m. In the case of *transport*, the regulations forbid the employment of young persons of less than eighteen years of age between 10 p.m. and 5 a.m. It would appear that the length of the period of unbroken rest is regulated by the general provisions relating to the rest periods of railway and tramway employees which are contained in § 91 of the General Regulations for railways and in § 75 of the Tramways Regulations. By these sections the workers are entitled to an uninterrupted rest period of not less than ten hours between two consecutive periods of duty twice in every period of two

consecutive weeks and an uninterrupted rest period of not less than twelve hours on the other occasions, though the Minister may conditionally or unconditionally limit the uninterrupted rest period to ten hours in the case of sections of the staff designated by him. The object of the provision for ten-hour rests twice in two consecutive weeks is to make it possible to change over from a late shift to an early shift, or to an intermediate shift, in such a way as to enable the rest days of all the staff to be lengthened. Under this system it is no longer necessary that a rest day should always be preceded by a late shift or followed by an early shift. (These Regulations are amended by Royal Decrees Nos. 448 and 449 of 23 November 1931, which provide that young persons must in any period of two weeks between two working periods be twice granted a night rest of at least eleven consecutive hours, and on other occasions of at least twelve consecutive hours.) With regard to *mines*, the Mining Regulations as amended by the Decree of 7 October 1922 provide by §§ 228 (a) and 233 (a) that young persons over sixteen and under eighteen years of age may be employed between 10 p.m. and 5 a.m. if they are granted the rest periods laid down in the Convention. In the case of the baking industry, § 35 (2) of the Labour Act prohibits work in bakeries between 8 p.m. and 6 a.m. except in the special circumstances detailed in the Act. The provision regarding tropical countries has no application.

Poland. — § 8 of the Act of 2 July 1924 defines the night period as a period of eleven consecutive hours, including the interval between 8 p.m. and 6 a.m. in undertakings working a single shift, and between 10 p.m. and 5 a.m. in undertakings on the two-shift system. It also provides that in coal mines work may be carried on by male young persons over sixteen years of age in the interval between 10 p.m. and 5 a.m. if an interval ordinarily of fifteen hours, and in no case of less than thirteen hours, separates two shift periods. Differentiation for the baking industry is not permitted by the Act.

Rumania. — According to § 9 of the Act of 9 April 1928 the night rest must cover a period of at least eleven hours. For young persons of less than 16 years of age this period will thus include the interval from 6 p.m. to 6 a.m. and for young persons of more than 16 years the interval will be from 6 p.m. to 5 a.m. According to § 10 young persons of more than 16 years may be employed in coal and lignite mines on surface works after 10 p.m. and before 5 a.m. provided they are given a rest period of at least 13 hours without interruption. As regards bakeries, the Act does not contain similar provisions.

§ 9 provides that the Minister of Labour in consultation with the Supreme Labour Council may modify the limits of the night rest period when such modification is required by special climatic conditions or the nature of the work. The report adds that, since the last paragraph of this Article applies only to tropical countries, the competent services of the Ministry of Labour have pronounced in favour of the suppression of § 9 of the Act cited above. A proposal to this effect will be submitted to the Supreme Labour Council, reorganised by the Act of 10 August 1931, for its opinion, and a bill will be presented to Parliament at a later date.

Switzerland. — § 72 of the Factory Act, as amended by § 16 of the Act of 31 March 1922 relating to the employment of young persons and women in industry, § 3 of the latter Act and § 3 of the Order of 5 July 1923 relating to the employment of young persons in transport undertakings define "night" as a period of not less than 11 consecutive hours including the interval between 10 p.m. and 5 a.m. The provisions of paragraph 2 of this Article of the Convention concerning coal and lignite mines have no application in Switzerland. The application to work in bakeries of the Act relating to the employment of young persons and women in industry met with certain difficulties at the outset. These were due to the fact that in Switzerland work generally begins in bakeries before 5 a.m., and that, as regards young persons, the situation in practice was not therefore in accordance with the provisions of the Convention. A number of infringements of the Federal Act were noted at the time and this led to the intervention of the authorities and the infliction of a number of fines. Since no Federal Act prohibits the night work of the whole of the staff in bakeries, no use has been made, within the Federal sphere, of the exception allowed by paragraph 3 of Article 3. In the cantonal sphere, however, use has been made of it, with the consent of the Federal authority, by the Canton of Basle-Town, the legislation of which fulfils the conditions laid down in paragraph 3 and where by an Order of 16 January 1923 (§ 4) night work in bakeries between 8 p.m. and 4 a.m. is prohibited for young persons between 16 and 18 years of age.

Yugoslavia. — According to § 19 of the Act of 28 February 1922 the term "night" means a period of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m. No provision is made in the Act for the exception relating to mines. With regard to bakeries in which night work is prohibited, § 19 of the Act provides that the night period will be regarded as terminating at 4 a.m. The provision relating to tropical conditions has no application.

ARTICLE 4.

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.

Austria. — § 3 of the Act of 14 May 1919 provides that male young persons who have completed sixteen years of age may, subject to notice being given to the inspectorate, be employed on night work for not more than eight days, if this is necessary (a) in order to remedy a state of disorganisation in an undertaking which could not have been foreseen and does not recur periodically; (b) in order to prevent an otherwise unavoidable loss of material. No undertaking may avail itself of this exception for more than twenty-four days during the year. These young persons may be employed for a period exceeding the above limits only by permission granted in accordance with § 4 of the Act. In mines young auxiliary workers may be employed at night only if permission is granted by the Federal Ministry of Commerce and Communications, in accordance with § 14 of the Act of 28 July 1919 (Mining Act).

Belgium. — § 14 of the Act relating to the employment of women and children as amended by § 31 of the Eight-Hour Day Act provides that in cases of *force majeure*, when a stoppage has occurred which it was impossible to foresee and which is not of a recurring character, "the Governors (of Provinces) may, on the report of the competent labour inspector, for all industries and trades and for a specified period, authorise the employment of boys and girls over the age of sixteen years and women after 10 p.m. and before 5 a.m." This authorisation may not however be granted for more than sixty days in any one year and the night rest period may not be reduced to less than ten hours.

Bulgaria. — § 18 of the Health and Safety of Workers Act of 1917 provides that night work may be permitted in undertakings and processes where this is necessitated by *force majeure* or unforeseen circumstances. Such permission may not be granted in the case of young persons of either sex who have not completed their sixteenth year.

Chile. — The report states that there are no legal provisions or regulations on the point referred to in this Article. See also introductory note.

Denmark. — The Act of 18 April 1925 provides that the provisions relating to

the night work of young persons may be set aside in respect of young persons between sixteen and eighteen years of age in cases where natural events, accidents, or other similar occurrences which could not be foreseen or prevented, and are not of a periodical character, have deranged the regular working of the undertaking. This exemption is subject to the authorisation of the labour and factory inspection directorate for undertakings within the competence of this directorate or of the police authority in other cases, though when the performance of certain work cannot be delayed owing to its nature, or when it is necessary to repair dislocation or damage without delay, a notification in writing of the departure from the provisions which is necessitated thereby is considered sufficient.

Estonia. — § 19 of the Employment of Children, Young Persons and Women Act provides that the prohibition of night work shall not apply as regards young persons between the ages of sixteen and eighteen years in cases of accident or *force majeure* which are not of a periodical character and which interfere with the normal working of the undertaking. The report adds that there are no administrative regulations concerning the conditions for the use of exceptions by employers.

France. — § 24 of Book II of the Code of Labour and Social Welfare, as amended by the Act of 24 January 1925, lays down that, "provided that notice is given in advance, exceptions may be allowed to the provisions of §§ 21 and 22 in respect of boys between sixteen and eighteen years of age, for the purpose of preventing impending accidents or for purposes of repair after an accident has occurred". § 25 further provides that, "in addition, in case of an interruption of work due to an accidental cause or to *force majeure* which is not of a periodically recurring character, the head of an undertaking in any industry may employ children not under the age of sixteen years and adult women, in deviation from the provisions of §§ 21 and 22, under the conditions laid down by public administrative regulations, within the limit of the number of days lost, provided that the inspector is notified in advance. Nevertheless, a head of an undertaking shall not avail himself of this right on more than fifteen nights in the year without the permission of the inspector."

Great Britain. — The Employment of Women, Young Persons and Children Act, 1920, reproduces the terms of Article 4 of the Convention in Part II of the Schedule and under § 1 (3) prohibits the night work of young persons "except to the extent to which and in the circumstances in which such employment is

permitted" by the Convention, but the restrictions on the night employment of young persons contained in the Factory and Workshop and Coal Mines Acts are not subject to any similar exception.

Hungary. — § 15 of Act No. V of 1928 and § 26 of Decree No. 150,443 provide that owners of undertakings may employ young persons between sixteen and eighteen years of age at night, subject merely to notification, if this is absolutely necessary in order (a) to prevent an impending accident or catastrophe; (b) to effect repairs in the event of a derangement of the working of the undertaking or of a catastrophe; (c) to effect repairs in the event of an interruption in the work of the undertaking due to *force majeure* which could not have been foreseen and is not of a periodical character; (d) in case of an epidemic to take measures to combat it. The same § of the Act lays down that notice of such night work should be given within twenty-four hours from the beginning thereof. The Decree No. 150,443 states that this notice must be given to the competent authority, or in the case of an undertaking under the control of a labour inspectorate, to the competent factory inspector. The competent authority shall enter the information contained in the notice in a special register. The notice shall contain the number of young persons to be employed during the night, the reasons which make the night work imperative, and, if it is necessary to make up the days of work lost through *force majeure*, the dates of these days and, finally, the probable duration of the period during which night work is necessary. The employer shall further inform the competent authority or factory inspector when the period of night work is completed. Under the terms of the Act and Decree the competent authority may prohibit night work if it is deemed unnecessary, or if the employer has not given the prescribed notice.

India. — This provision does not concern India.

Irish Free State. — The Act of 1920 reproduces the terms of Article 4 in Part II of the Schedule and in § 1 (3) prohibits the night work of young persons "except to the extent to which and in the circumstances in which such employment is permitted by the Convention". Nevertheless, young persons are allowed to be employed at night only under the conditions set out in §§ 54, 55 and 56 of the Factory and Workshop Act, 1901.

Italy. — § 2 of the Royal Legislative Decree of 15 March 1923 amended § 5 of the Act of 10 November 1907 to provide that the prohibition of night work shall not apply to the night work of young persons over sixteen years of age in cases

of emergency which could not have been controlled or foreseen, which are not of a recurring nature and which interfere with the normal work of the industrial undertaking.

Latvia. — The Act of 24 March 1922 contains no equivalent provisions.

Lithuania. — The report states that the employer wishing to make use of the exceptions provided for in this Article must obtain permission in advance from the labour inspector. The Act of 31 October 1931 on night work in bakeries permits night work in case of *force majeure*, or for the repair of machinery and tools. Night work in bakeries may be authorised for the preparation and finishing off of the work, provided that only the number of workers necessary for this work are employed, or before public holidays, when an exceptional output may be demanded.

Luxemburg. — The Act of 5 March 1928, which has given force of law to the Convention, reproduces its terms. The prohibition enjoined by § 2 of the Act of 6 December 1876 is absolute and does not admit of the exceptions provided for in Article 4 of the Convention. As regards the work of workers between 16 and 18 years of age it is for the courts to decide, in each individual case, the validity or otherwise of the exemption which might be claimed by the employers in virtue of this provision of the Convention. See also introductory note.

Netherlands. — No exception to the prohibition relating to night work is provided as regards factories and workshops. § 94 of the Regulations of 26 June 1913 relating to railways, and of the Regulations of 3 June 1915 relating to light railways, enables the Minister to authorise exemptions from the prohibition of night work in the case of young persons of more than sixteen years of age in respect of the staff of relatively unimportant stations, halts and posts and also in respect of the persons not uninterruptedly employed during their period on duty. § 95 (a) permits the granting of exemptions from the prohibition of the night work of young persons in the case of young persons over sixteen years of age when such exemptions are necessary for the proper performance of duties or the safety of traffic, provided that this cannot be avoided by the taking of other measures. In the case of tramways § 77 of the Regulations of 24 February 1920 stipulates that the Minister may grant exemptions conditionally or unconditionally from the prohibition of the night work of young persons of more than sixteen years of age. § 79 permits the same exemptions as are permitted by § 95 (a) of the Regulations relating to railways.

Poland. — § 8 of the Act of 2 July 1924 provides that the prohibition of night work is not to apply to young male persons over sixteen years of age "in cases of emergency which could not have been foreseen or prevented, which are not of a periodical character, and which interfere with the normal working of the undertaking".

Rumania. — The Act of 9 April 1928 (§ 13) provides that the labour inspectorate for their respective areas, or the Minister of Labour in consultation with the Supreme Labour Council for several areas, may authorise employment during the night of young persons of 16 to 18 years when the normal working of the undertaking is threatened or when it is interrupted by *force majeure* which could not have been foreseen or prevented and which is not of a recurring character. The Regulations issued under the Act define such emergencies as follows: fires, floods, unforeseen collapse of the premises, explosion or breakdown of engines, and similar emergencies. It is provided in § 14 that in the cases of emergency contemplated by § 13 when it has not been possible to obtain the necessary authorisation, the employers on their own responsibility may employ on night work boys of more than 16 years, but for a maximum period of 7 days; after the expiration of this period the continuation of the employment of such persons will be treated as an infraction. The employers are required to inform the labour inspection services within three days every time they take advantage of the above provision.

Switzerland. — § 71 of the Federal Factory Act, as amended by the Federal Act of 31 March 1922, provides that the Federal Council may authorise for male young persons exceptions to the prohibition of night work required by international conventions. Under § 52 night work may be temporarily authorised only in cases of proved necessity for not more than six nights, by the district authority, or failing that, by the local authority, and for more than six nights by the cantonal Government. § 4 of the Federal Act relating to the employment of young persons and women in industry provides that the prohibition may be suspended for young persons between 16 and 18 years of age in the event of an interruption of the work of the undertaking due to *force majeure* which could not be foreseen and does not recur periodically. The Federal Order in application of this Act further provides that this suspension is subject to the permission, in cases of suspension for not more than 10 nights, of the district authority and, in cases of suspension for more than 10 nights, of the cantonal Government. If permission cannot be secured in due time the competent au-

thority must be informed not later than the following day. Finally, § 4 of the Order relating to the employment of young persons in transport undertakings provides that the prohibition of night work may be suspended for persons of not less than 16 and not more than 18 years of age in the event of an interruption of work due to *force majeure* which could not be foreseen and does not recur periodically. The inspection authorities must be notified of such conditions by the undertaking as soon as possible. The Federal authority states that so far as it is aware no use has been made of this provision.

Yugoslavia. — § 18 of the Act of 28 February 1922 authorises exceptions to the prohibition of night work for young persons of 16 to 18 years in case of *force majeure* when such employment is absolutely necessary to save the undertaking from an unforeseen danger or to prevent serious loss. The report adds that the Act provides for one further exception for the handling of perishable raw materials, if absolutely necessary to prevent their inevitable loss, on not more than 30 occasions a year. Since this provision of the Act is not in conformity with that of the Convention, the factory inspectors have been instructed by a Ministerial Circular No. St. 23,706 of 19 May 1931 to make no further use of their right to allow such an exception.

ARTICLE 6 (*India only*).

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

India. — The Government has notified the Office that in the application of this Convention to India the term "industrial undertaking" includes only factories as defined in the Factories Act¹. § 2 (1) of the Act defines child as "a person who is under the age of fifteen years".

ARTICLE 7.

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

In addition, please state whether the prohibition of night work has been suspended by the Government in pursuance of this Article during the year to which this report relates, and, if so, for what industries, periods and areas.

Austria. — § 4 of the Act of 14 May 1919 lays down that if important

considerations of national economy or the interests of the workers require it, the Department of Social Administration may, after hearing the various employers' and workers' organisations, grant exemptions from the provisions of the Act, specifying wherever necessary the conditions which are to be observed in the employment of women and young persons on night work. In virtue of Article 7 of the Convention such exemptions can only be given in the case of the industrial undertakings named in Article 1 of the Convention and can only apply to the work of young persons from sixteen to eighteen years of age. § 14 of the Act of 28 July 1919 further provides that the Secretary of State for Commerce, Industry and Labour may, in the public interest, permit exceptions to certain provisions of the Act, after consultation with the employers and with the consent of the miners' trade union. The report adds that no authorisation to suspend the Convention was granted in the period covered by the report.

Belgium. — § 14 of the Act relating to the employment of women and children as amended by § 31 of the Eight-Hour Day Act provides that in specially grave cases and when the public interest so requires "the Governors (of Provinces) may, on the report of the competent labour inspector, for all industries and trades and for a specified period, authorise the employment of boys and girls over the age of sixteen years and women after 10 p.m. and before 5 a.m." This authorisation may not however be granted for more than sixty days in any one year and the night period may not be reduced to less than ten hours. The Government reports that no suspension under Article 7 has yet been granted.

Bulgaria. — No application.

Chile. — The report states that there have been no suspension of or temporary exemptions from the prohibition contained in § 30 of the Act of 8 September 1924 and no provision is made for them in the clause in question. See also introductory note.

Denmark. — The Government reports that there are no rules for suspension other than those indicated under ARTICLE 4.

Estonia. — The report states that Estonian legislation contains no corresponding provision.

France. — The Government reports that the application of the Convention has not been suspended in virtue of Article 7.

Great Britain. — The Employment of Women, Young Persons and Children Act, 1920, reproduces the terms of Article 7

¹ See under *Hours Convention*, ARTICLE 10, for definition of "factory".

of the Convention in Part II of the Schedule and under § 1 (3) prohibits the night work of young persons "except to the extent to which and in the circumstances in which such employment is permitted" by the Convention. As regards the manufacturing and mining industries, however, the Article does not apply, as there is no corresponding provision in the Factory and Workshop or Coal Mines Act. A provision of this nature exists as regards underground workers in coal mines, but it has never been used.

Hungary. — § 18 of Act No. V of 1928 provides that the prohibition of night work may be suspended by the competent Minister for young persons of male sex between the ages of sixteen and eighteen years when, in case of serious emergency, public interest demands it. § 32 of the Decree of 1930 specified that this § was prompted by the corresponding provisions of the Convention, and that it can only be enforced with the authority of the competent Minister, and under the conditions laid down by him.

India. — The report states that this provision is not applicable to India.

Irish Free State. — The Act of 1920 reproduces the terms of Article 7 in Part II of the Schedule, and under § 1 (3) prohibits the night work of young persons "except to the extent to which and in the circumstances in which such employment is permitted by the Convention". It is reported that there has been no suspension by the Government of the prohibition of night work.

Italy. — § 2 of the Royal Legislative Decree of 15 March 1923 amended § 5 (a) of the Act of 10 November 1907 to provide that "the prohibition of night work of young persons over sixteen years of age may be suspended by decree of the Minister of Labour and Social Welfare in cases of serious emergency when the public interest demands it". The Government reports that no suspension has as yet been effected under Article 7.

Latvia. — The report states that it has not yet been necessary to make use of the provisions of this Article.

Lithuania. — No application.

Luxemburg. — The Act of 5 March 1928, which has given force of law to the Convention, reproduces its terms. The report does not contain any information with regard to this Article. See also introductory note.

Netherlands. — The Government reports that it has not yet been necessary to make use of Article 7.

Poland. — § 21 of the Act of 2 July 1924 lays down that the provisions of the Act are not to operate in restriction of the powers of the Council of Ministers specified in § 6 (d) of the Eight-Hour Day Act of 18 December 1919. § 6 (d) reads as follows: "In case of national necessity, the hours of work may be extended by an Order based on the decision of the Council of Ministers and, in appropriate cases, on advice tendered by trade associations of workers and employers; such extension may take place on any day of the week, including Sunday, in certain establishments or classes of establishment, but in no case for a period exceeding three months." The Government reports that no use has yet been made of Article 7.

Rumania. — The Act of 9 April 1928 provides in § 13 that the labour inspectors for their respective areas or the Minister of Labour in consultation with the Supreme Labour Council for several areas may authorise the employment during the night of young persons of 16 to 18 years in all cases where exceptional circumstances or the public interest require it. Rules for the application of this clause are contained in the Regulations issued under the Act. In particular, the cases covered are defined as follows: urgent supply of provisions in case of large popular gatherings or of famine, works of an urgent nature, viz. defence works, reinforcement works, damming of floods, furnishing supplies to the army by a given date and in case of serious emergency, and other similar cases. The report states that no use has been made of this provision.

Switzerland. — § 71 of the Factory Act as amended by § 16 of the Act of 31 March 1922 provides that, as regards night work, the Federal Council may authorise for male young persons over 16 exceptions which are required in the public interest. Under § 6 of the Act relating to the employment of young persons and women in industry the Federal Council may authorise further exceptions which are required in the public interest. The Order relating to the employment of young persons in transport undertakings provides in § 42 that the Federal Council may authorise further exemptions in the public interest. The Swiss Government states that the prohibition of night work has not been suspended, under Article 7 of the Convention, during the period covered by the report.

Yugoslavia. — § 18 of the Act of 28 February 1922 authorises exceptions to the prohibition of the night work of young persons of 16 to 18 years in case of absolute necessity in the urgent interests of the State.

III.

Article 9 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Denmark. — The Government reports that the ratification does not include *Greenland*.

France. — The French Government states that owing to local conditions the Convention cannot be applied in French overseas possessions.

Great Britain. — The Convention has been applied to dependencies as follows : *Uganda* : The Employment of Children Ordinance, No. 19 of 1930, prohibits the employment of children under 14 between 7 p.m. and 5 a.m., and the employment of children under 14 in attendance on machinery is prohibited absolutely. *Cyprus* : Ordinances No. 17 of 1928, 35 of 1928 and 6 of 1930 prohibit the night work of young persons under 16. It has now been decided to apply the Convention without modification. *Palestine* : Under Ordinance No. 53 of 1927 (L. S. 1927, L. N. 9) no child under 16 may be employed in any industrial undertaking between 7 p.m. and 6 a.m. *Ceylon* : Ordinance No. 6 of 1923 (L. S. 1923, Ceyl. 1) applies the Convention except in respect of male young persons over 14 years of age, this being one of the modifications allowed by Article 6 in the case of India. *Hong Kong* :

Ordinance 22 of 1922 (L. S. 1922, H. K. 1) as amended by Ordinance 24 of 1929 and Regulations thereunder apply the Convention with the modification that the prohibition relates to the period between 9 p.m. and 7 a.m. *Federated Malay States* : Rules under Enactment No. 1 of 1922 as amended by Enactment No. 12 of 1923 prohibit the employment of any child under 14 in any godown, factory or workshop after 4 p.m. It has now been decided to issue rules both in the Federated Malay States and in the *Straits Settlements* applying the Convention without modification. *Fiji* : Ordinance No. 34 of 1931 applies the Convention with the modification that in the case of male young persons the age limit is 17. In *Malta* an Act (No. 21 of 1926) has been passed prohibiting the employment of boys under 16 or girls under 18 between 8 p.m. and 5 a.m. without a special permit from the Minister in charge of the Department of Labour, but this has not yet been brought into force. Legislation applying the Convention is contemplated in *Kenya*, *Tanganyika Territory*, *Northern Rhodesia*, *Nyasaland*, *Zanzibar*, *Nigeria*, *Gold Coast*, *Sierra Leone*, *Gambia*, *Gibraltar*, *Trinidad*, *British Guiana*, *British Honduras*, *Mauritius*, *Seychelles*, *Gilbert and Ellice Islands Colony* and *British Solomon Islands Protectorate*.

Italy. — The Government states that the Convention has not yet been applied to the colonies in view of the fact that industry in these colonies is little developed and since the employment of young persons is strictly limited in extent.

Netherlands. — § 1 of an Order of the Governor-General of the *Dutch East Indies* dated 17 December 1925 concerning child labour and the employment of women during the night lays down that children under twelve years of age may not be employed between 8 p.m. and 5 a.m. By § 2 should a child of between eight and twelve years of age be found on enclosed premises in which work is being carried on, he shall be considered, unless proof to the contrary be provided, as being employed at the time. The Order came into force on 1 March 1926. When regulations are framed concerning the employment of young persons it will be considered how far it would be possible to extend these provisions relating to the prohibition of night work of young persons. According to reports from the Governors, in *Surinam* local conditions prevent the application of the Convention and it is impossible to introduce modifications which would make it applicable, and in *Curaçao* the Convention has not been applied as such a step as unnecessary.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 20 July 1924.

Belgium. — 12 July 1924.

Bulgaria. — 22 February 1922.

Chile. — 15 September 1925. See also introductory note.

Denmark. — 19 May 1923.

Estonia. — 6 June 1924.

France. — 25 August 1925.

Great Britain. — 14 July 1921 generally ; 1 July 1922 as regards blast furnaces, iron mills, paper mills and glass works.

Hungary. — 1 July 1931 (date of coming into force of certain provisions of Act No. V of 1928), except for the textile industry, for which the date of application was 1 January 1932.

India. — 14 July 1921.

Irish Free State. — 4 September 1925.

Italy. — 10 April 1923.

Latvia. — 3 June 1926.

Lithuania. — The report indicates that total prohibition of night work has been in force since 1 November 1931.

Luxemburg. — 16 April 1928.

Netherlands. — 17 March 1924.

Poland. — 21 June 1924.

Rumania. — 13 April 1928, date of coming into force of the Act of 9 April 1928.

Switzerland. — 10 October 1922.

Yugoslavia. — 1 April 1927.

V

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Austria. — See the summary of the report upon the *Convention concerning employment of women during the night*.

Belgium. — The factory inspectors and the mining engineers are responsible for the supervision of the application of the Acts and regulations in question in the undertakings which they respectively supervise.

Bulgaria. — See the summary of the report on the *Convention concerning employment of women during the night*.

Chile. — See the summary of the report on the *Convention fixing the minimum age*

for admission of children to industrial employment.

Denmark. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*.

Estonia. — The supervision of the enforcement of the Act of 20 May 1924 is entrusted to the factory inspectors.

France. — See the summary of the report upon the *Convention concerning employment of women during the night*.

Great Britain. — The provisions are administered as regards factories and other classes of undertakings under the Factory and Workshop Acts by the Home Office (Factory Department) as part of those Acts ; as regards mines and quarries, by the Board of Trade (Mines Department), as part of the Acts relating to the regulation of mines and quarries. In Northern Ireland, factories and workshops come under the Ministry of Labour, and mines and quarries under the Ministry of Commerce. As regards constructional work and transport the provisions are administered by the local Education Authorities as part of the Employment of Children Act, 1903, now embodied as regards England and Wales in the Consolidating Education Act, 1921, and as regards Northern Ireland in the Consolidating Education (Northern Ireland) Act, 1923.

Hungary. — See the summary of the report on the *Convention concerning employment of women during the night*.

India. — See the summary of the report on the *Hours Convention*.

Irish Free State. — Inspectors of Factories and Workshops and of Mines and Quarries attached to the Industries Branch of the Department of Industry and Commerce are responsible for the application of the Employment of Women, Young Persons and Children Act, 1920.

Italy. — The application of the provisions of the Convention is entrusted to the inspectors of the Corporations, to the mines engineers and to the officers of the judicial police.

Latvia. — The application of the Act of 24 March 1922 is entrusted to the Labour Department of the Ministry of Social Welfare.

Lithuania. — The Labour Inspection Department is responsible for the supervision and enforcement of the relevant legislation.

Luxemburg. — See the summary of the report on the *Convention concerning employment of women during the night*.

Netherlands. — Supervision of application of the legislation in force is entrusted to the factory inspectorate working under the general direction of the Ministry of Labour and Industry in undertakings covered by the Labour Act of 1919 and to the inspectors of mines in the case of the undertakings covered by the Acts and Regulations relating to mines. The supervision of the laws and regulations relating to railways, light railways and tramways is effected by the general railway inspecting authorities subject to the control of the Ministry of Waterways and Communications.

Poland. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment.*

Rumania. — The contraventions of the Act of 9 April 1928 will be taken cognisance of by the inspection and control services provided for by the Act of 13 April 1927 concerning the organisation of the labour inspection service; these will be judged in the first instance by the justices of the peace, with right of appeal to the courts within a period of 15 clear days and without the right to object (§ 49).

Switzerland. — See the summary of the reports on the *Conventions concerning employment of women during the night and fixing the minimum age for admission of children to industrial employment.*

Yugoslavia. — The application of the Act of 28 February 1922 is entrusted to the regional labour inspectorates.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — See the summary of the report upon the *Convention concerning employment of women during the night.* The statements given there apply equally to children.

Belgium. — A statement of breaches of the law reported is published monthly in the *Revue du Travail*. Statistics prepared on 31 October 1926 by the Department of Labour showed that 136,706 young persons from 14 to 21 years were employed in establishments employing at least 10 workers.

Denmark. — The report states that there are every year on an average, 80 cases of infraction of the law involving the imposition of fines. These infractions relate only to young persons between the ages of 14 and 18 years; in no case to children under 14 years. About 60 cases of infraction are in respect of bakeries. The report adds that up to the present no use has been made of the power given by the law to suspend the night work prohibition.

Estonia. — The number of children covered by the relevant legislation was 1,225 at the end of 1930. During that year the labour inspectors received only one complaint alleging non-observance of the law. In their reports however, they mentioned two cases of breaches of the legal provisions. In one of these a simple warning was given to the guilty persons; in the other legal proceedings were instituted.

France. — The Government reports that in 1930 no exemption was granted to mining concerns (Art. 3 of the Convention); in case of an emergency two undertakings made use of the exception for an average of 15 days in respect of 9 young persons (Art. 4). As regards the continuous process industries mentioned in Art. 3 the French Government forwards the following table for the year 1930 :

Industry.	No. of establishments.	Staff on night-duty.		
		Boys.		Adult males.
		15-16 yrs. up to 1 October	16-18 yrs.	
Paper factories :	332	—	866	14,884
Sugar (factories and refineries) :	113	—	136	12,822
Metal works :	152	437	1,900	67,819
Glass works :	155	252	966	10,024
Totals :	752	689	3,868	105,549

The report points out that since 1 October 1930 it has been illegal for boys under 16 years of age to be employed at

night in the industries mentioned above. Instructions have been given to the factory inspectors to prosecute in every case where they find young persons under 16 years of age working between the hours of 11 p.m. and 5 a.m., but the factory inspection reports show that in nearly every case of this kind it has been unnecessary to take legal proceedings in order to ensure the application of the law by the employers concerned. As regards breaches of the provisions of the Convention, during the year 1930 the Factory Inspection Service prosecuted in 32 cases of breaches of the prohibition of night work of children, and in one case of breach of the regulations concerning nightly rest.

Great Britain. — In 1930 there were 7 instances in which employers were prosecuted in respect of offences constituting breaches of this Convention. In 1930, 812,603 young persons were employed in factories. In December 1930 the number of young persons employed as wage-earners in and about mines and quarries more than 20 feet deep was 94,074. See also the summary of the report on the *Convention concerning employment of women during the night*.

India. — The report states that information of a general character is contained in the Statistics of Factories and in the Note published by the Government on the working of the Indian Factories Act. These documents are regularly communicated to the International Labour Office.

Latvia. — The report states that, during 1931, the factory inspectors have not received any complaints of non-observance of the Act.

Poland. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*. Paragraph 4 of the Order of 14 December 1924 provides that the register of young persons must indicate the beginning and the end of working hours and the rest period. The Decrees of 16 March 1928 have introduced new provisions in connection with the workshop regulations and the posting up of these regulations.

Switzerland. — The reports of the federal factory inspectors give for the year 1930 the following figures: the number of workers subject to federal factory inspection was 391,824, distributed as follows: 14 to 18 years of age: men 18,804 women 19,159, total 37,963. It may be noted that the half-yearly reports of the federal factory inspectors and the Cantonal Governments are drawn up in a very detailed manner, that they contain very full information on the application of the law and that these reports are widely circulated. The report adds that during the period covered by the report 24 contraventions were reported for violation of the night work prohibition, in all of which penalties were imposed. Of these, 5 were in respect of the Factories Act and 19 in respect of the Act relating to the employment of young persons and women in arts and crafts.

Yugoslavia. — The annual report of the labour inspectors for the year 1930 shows that the number of children of 14 to 18 years employed in the undertakings inspected by the labour inspectors during that year amounted to 9,174. See also the summary of the report on the *Convention concerning employment of women during the night*.

SECOND SESSION (GENOA, 1920).

Convention fixing the minimum age for admission of children to employment at sea.

This Convention came into force on 27 September 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January—30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Belgium	2. 2.1925	11.11.1931
Bulgaria	16. 3.1923	24.10.1931
Canada	31. 3.1926	24.11.1931
Cuba	6. 8.1928	
Denmark	12. 5.1924	27.10.1931
Estonia	3. 3.1923	19.10.1931
Finland	10.10.1925	16.12.1931
Germany	11. 6.1929	7.11.1931
Great Britain . . .	14. 7.1921	9.11.1931
Greece	16.12.1925	
Hungary	1. 3.1928	28.10.1931
Irish Free State . .	4. 9.1925	3.10.1931
Japan	7. 6.1924	26.12.1931
Latvia	3. 6.1926	15. 1.1932
Luxemburg	16. 4.1928	19.11.1931
Netherlands	26. 3.1925	8.10.1931
Norway	7.10.1927	24.10.1931
Poland	21. 6.1924	25.11.1931
Rumania	8. 5.1922	22.12.1931
Spain	20. 6.1924	30.11.1931
Sweden	27. 9.1921	5.10.1931
Yugoslavia	1. 4.1927	2.11.1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The *Hungarian* Government states in its report that the Convention fixing the minimum age for admission of children to employment at sea is embodied in Hungarian legislation by virtue of Act No. XVI of 1928 but that it is not possible to give practical effect to its provisions since Hungary does not possess either ports or a sea-board.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Belg. 5 A).

Bulgaria.

Act of 1917 respecting the health and safety of workers (B.B. Vol. XIII, 1918, p. 27).
Regulations of 8 August 1923 of the Bulgarian Navigation Company.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Denmark.

Seamen's Act of 1 May 1923 (L.S. 1923, Den. 2).
Act of 26 February 1872 relating to the engagement and discharge of crews.

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).
Employment of Children, Young Persons and Women Act of 20 May 1924 (L. S. 1924, Est. 1).

Finland.

Seamen's Act of 8 March 1924 (L.S. 1924, Fin. 1).
Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L.S. 1924, Fin. 4).
Act of 26 May 1925 to amend the Seamen's Act (L.S. 1925, Fin. 2).
Order of 19 September 1925 respecting the coming into force of the international Convention concerning the minimum age for admission of children to employment at sea.

Germany.

Act of 30 May 1929 concerning the international Conventions regarding the minimum age for admission of children to employment at sea, the minimum age for admission of young persons to employment as trimmers or stokers and the compulsory medical examination of children and young persons employed at sea. (L. S. 1929, Ger. 8 A).
Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Great Britain.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G. B. 9).

Hungary.

Act No. XVI of 1928 ratifying the Convention.

Irish Free State.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920, G. B. 9).

Japan.

Act of 29 March 1923 concerning the minimum age and health certificate for seamen (L.S. 1923, Jap. 3).
Imperial Ordinance of 19 November 1923 providing for exceptions to the Act of 29 March 1923 (L. S. 1923, Jap. 4), revised by Imperial Ordinance No. 13 issued in February 1928.
Regulations for the enforcement of the Act concerning the minimum age and health certificate for seamen (Ordinance of the Department of Communications No. 96 issued on 19 November 1923), revised by Ordinance No. 6 issued in February 1928 (L. S. 1928, Jap. 2).

Latvia.

Seamen's Order of 30 October 1928 (L. S. 1928 Lat. 4).

Luxemburg.

Act of 5 March 1928 approving the conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

Labour Act, 1919, as subsequently amended (L.S. 1922, Neth. 1).
Decree No. 369 of 1 December 1927, issued under §§ 71 and 92 of the Labour Act, 1919 (L. S. 1927, Neth. 4 B).

Norway.

Seamen's Act of 16 February 1923 (L. S. 1923, Nor. 1).
Act of 29 June 1888 concerning the registration and supervision of the engagement of seamen, and supplementary Acts of 28 May 1892 and 16 June 1927.

Poland.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).
Act of 28 May 1920 concerning Polish merchant vessels.
Act of 2 July 1924 relating to the employment of women and young persons (L.S. 1924, Pol. 2).
Order of the President of the Republic of 24 November 1930 relating to the safety of ships.

Rumania

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).
Regulations issued in application of the above Act on 5 February 1929 (L. S. 1929, Rum. 1).

Spain.

Labour Code of 23 August 1926, §§ 35, 36 and 37 (L.S. 1926, Sp. 5).

Sweden.

Seamen's Act of 15 June 1922 (L.S. 1922, Swe. 1).
Royal Decree of 30 June 1922 respecting the keeping of registers of minors employed on board ship.
Royal Decree of 22 December 1922 to amend certain provisions of the Order of 13 July 1911 respecting seamen's employment offices in the Kingdom and the signing on and off of seamen, etc.

Yugoslavia.

Orders issued by the Directorate of Maritime Affairs of 20 April 1919, 26 October 1919, 30 October 1919 and 31 October 1919.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S.C.S. 1).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

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.

Belgium. — The Act of 5 June 1928 does not expressly define the term "vessel", but it appears to apply to every vessel flying the Belgian flag engaged in maritime navigation for pecuniary gain.

Bulgaria. — The Health and Safety of Workers Act of 1917 and the Regulations of the Bulgarian Navigation Company, under which the Convention is applied, use the terms "steamers" and "vessels" without specific definition.

Canada. — The Canada Shipping Act, as amended, defines "ship" in any section relating to the employment of children and young persons as "any ship or boat registered in Canada which goes to sea or is about to go to sea; it does not include any ship employed exclusively within the limits of the inland waters of Canada, as defined by the Act".

Denmark. — The term "vessel" is not specifically defined in the Seamen's Act of 1 May 1923, but the report states that it is understood in practice as in the Convention.

Estonia. — The Act of 22 March 1928 does not contain a definition of the term "vessel". According to § 73 of the Act the following are excluded from the field of its application: (1) vessels belonging to the State employed for defence or administrative purposes, (2) vessels whose gross capacity is less than 60 cubic metres. The prohibition of the employment of children under 14 years of age, however, remains in force for the excepted classes of vessel, since the Act of 20 May 1924 relating to the employment of children, young persons and

women in industrial undertakings includes the transport of passengers or goods by sea or inland waterway in the definition of the term "industrial undertaking".

Finland. — § 86 of the Seamen's Act of 8 March 1924, as amended by the Act of 26 May 1925, provides that the Act shall not apply to vessels belonging to the State which are used for purposes of defence.

Germany. — § 1 (1) of the Seamen's Code states that the Code applies to all merchant vessels entitled to fly the flag of the German Reich.

Great Britain. — The Employment of Women and Children Act, 1920, reproduces in Part IV of the Schedule the text of Article 1 of the Convention. In addition, by § 4 of the Act "the expression 'ship' means any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship and includes any British fishing boat entered in the fishing boat register".

Hungary. — See introductory note.

Irish Free State. — This Article of the Convention is applied by Part IV of the Schedule to the Employment of Women, Young Persons and Children Act, 1920, which reproduces its text, and by § 4 of the Act.

Japan. — The Act of 29 March 1923 concerning the minimum age and health certificate for seamen applies to "seamen on vessels making coasting or longer voyages, except in the cases specified by Imperial Order" (§ 1). The Imperial Order of 19 November 1923 exempts from the minimum age provisions of the Act of 29 March 1923 "seamen on vessels engaged in fishing, whose total tonnage is less than 30 tons". These vessels are not considered to be "engaged in maritime navigation" within the meaning of Article 1 of the Convention.

Latvia. — The term "vessel" is not specifically defined in the Order of 30 October 1928, but according to § 73 its provisions are not applicable to (1) ships of war, (2) vessels employed in the service of the State (with certain exceptions), (3) pleasure boats, and (4) vessels on which only the members of the owner's family are employed.

Luxemburg. — See introductory note.

Netherlands. — § 1 of Decree No. 369 of 1 December 1927, issued under §§ 71 and 92 of the Labour Act, 1919, applies to vessels engaged in maritime navigation.

Norway. — The Act of 16 February 1923 concerning seamen, which fixes the age of admission of children to maritime work, does not contain a specific definition of the term "vessel".

Poland. — The German Seamen's Code, which has remained in force in Poland, applies to all merchant vessels which have the right to fly the Polish flag. The Act of 28 May 1920 relating to Polish merchant vessels applies to all merchant vessels, i.e. vessels engaged in maritime navigation for purposes of commerce.

Rumania. — According to § 23 of the Act of 9 April 1928, all boats, vessels or ships, whether publicly or privately owned, engaged upon maritime navigation, with the exception of ships of war, are deemed to be "vessels".

Spain. — The sections of the Labour Code, in which the provisions of the Regulations of 26 March 1925 under which the Convention is applied have been included, apply to "merchant vessels." This term includes all vessels, whatever may be their employment, except ships of war.

Sweden. — § 10 of the Seamen's Act of 15 June 1922, which deals with the employment of children on board ship, is of general application.

Yugoslavia. — According to the Orders issued by the Directorate of Maritime Affairs, the term "vessel" is understood in national legislation to include all vessels, ships or boats, without distinction, which are employed in maritime navigation whether for commerce, pleasure, investigation or in the public service, with the exception of ships of war.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

Belgium. — § 19 of the Act of 5 June 1928 provides that "a person shall not be signed on or enter into a contract of engagement for maritime work unless he has attained the age of 14 years in the case of the deck crew and 18 years in the case of the engine room crew. No woman may enter into a contract of engagement for maritime work unless she has reached the age of 21 years."

Bulgaria. — § 15 (2) of the Act respecting the health and safety of workers prohibits, in general terms, the employment of young persons under eighteen years of age on

steamers. These provisions have been completed by the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company; these regulations are uniform for all Bulgaria, and in § 3 (a) it is laid down that members of the crew must have attained the age of twenty-one years. This amendment has become compulsory as a result of the modified technical conditions under which the Company is obliged to work since the war.

Canada. — § 163 of the Canada Shipping Act, as amended, provides that "no child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part I of Schedule B of this Act".

Denmark. — § 10 of the Seamen's Act of 1 May 1923 provides that "children under fourteen years of age shall not be employed on board ship".

Estonia. — § 10 of the Act of 22 March 1928 lays down that the employment of persons under the age of 14 years on board ship is prohibited. According to § 73 this prohibition does not apply to vessels in which only members of the family of the shipowner are employed.

Finland. — § 10 of the Seamen's Act prohibits the employment of children under 14 years of age on board ship. The Act does not cover vessels on which only persons belonging to the owner's family are employed.

Germany. — § 7 (2) of the Seamen's Code as amended by the Act of 30 May 1929 lays down that "persons who have not completed the fourteenth year of their age may not be employed for service on board ship".

Great Britain. — § 1 (2) of the Act of 1920 provides that "no child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part IV of the Schedule to this Act". § 3 (2) lays down that nothing in the Act shall apply to a ship in which only members of the same family are employed.

Hungary. — See introductory note.

Irish Free State. — § 1 (2) of the Act of 1920 provides that "no child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part IV of the Schedule to this Act." § 3 (2) lays down that nothing in the Act shall apply to a ship in which only members of the same family are employed.

Japan. — § 2 of the Act of 29 March 1923 lays down that "persons under fourteen years of age shall not be employed as seamen". This prohibition does not apply to vessels on which only members of the same family are employed.

Latvia. — According to § 10 of the Order of 30 October 1928 children under 14 years of age may not be employed for work on vessels other than those on which only members of the same family are employed.

Luxemburg. — See introductory note.

Netherlands. — § 1 of the Decree of 1 December 1927 prohibits the employment of children under the age of fourteen years on board vessels other than vessels upon which only members of the same family are employed.

Norway. — According to § 10 of the Act of 16 February 1923 children under the age of 15 years may not be engaged for work on board ship. The Act does not provide for the exception relating to vessels in which only members of the same family are employed.

Poland. — The minimum age of 14 years laid down in the Seamen's Code was raised to 15 years by the Act of 2 July 1924, in accordance with the provisions of the Constitution. § 5 of the Act provides that children under 15 years of age shall not be employed for remuneration. § 7 of the Code stipulates that no-one may engage in the maritime service without having made a declaration at the Shipping Office of his name, place of birth and age. A minor must produce the consent of his legal guardian. The exception for vessels upon which only members of the same family are employed is not provided for.

Rumania. — § 24 of the Act of 9 April 1928 lays down that children under the age of 14 years shall not be employed for work on vessels other than those on which only members of the same family are employed.

Spain. — § 37 of the Labour Code of 23 August 1926 provides that children under fourteen years of age may not be inscribed on the muster-roll.

Sweden. — § 10 of the Seamen's Act of 15 June 1922 provides that "children under fourteen years of age shall not be employed on board ship". The exception relating to vessels upon which only members of the same family are employed does not exist in Swedish legislation.

Yugoslavia. — The report states that this Article is applied by § 20 of the Workers' Protection Act of 28 February 1922, which provides that children under fourteen years of age may not be employed in the under-

takings mentioned in § 1 of the Act. Transport is included in these undertakings. Undertakings in which only members of the same family are employed are exempted from the application of the Act.

ARTICLE 3.

The provisions of Article 2 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.

Belgium. — The Act of 5 June 1928 does not expressly refer to this exception. In previous reports it was stated that the Royal Order of 28 February 1919, the provisions of which are observed in the mercantile marine and fishing industry, lays down in § 3 that the prohibition of the employment of children under the age of fourteen years shall not apply to technical schools provided that the organisation is approved and supervised by the competent public authority.

Bulgaria. — This exception is not provided for in the Act of 1927 or the Regulations of the Bulgarian Navigation Company.

Canada. — § 163 of the Canada Shipping Act, as amended, prohibits the employment of children in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention.

Denmark. — No reference is made to this exception in the Act of 1 May 1923.

Estonia. — The Act of 22 March 1928 does not provide for this exception.

Finland. — § 10, third paragraph, of the Act of 8 March 1924 provides that the prohibition of the employment of boys under fourteen years of age on board ship shall not apply to training or practice vessels on which the work is approved and supervised by a public authority.

Germany. — Young persons may not be employed in Germany as boys on school ships until they have completed 15 years of age.

Great Britain. — § 1 (2) of the Employment of Women, Young Persons and Children Act, 1920, prohibits the employment of children in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention.

Hungary. — See introductory note.

Irish Free State.— § 1 (2) of the Employment of Women, Young Persons and Children Act, 1920, prohibits the employment of children in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention.

Japan. — In the Act of 29 March 1923 the provisions regulating the age of admission to employment at sea do not apply to the "employment of children on training vessels with the approval of the administrative authorities".

Latvia. — The Seamen's Order of 30 October 1928 does not provide for this exception.

Luxemburg. — See introductory note.

Netherlands. — The Labour Act of 1919 does not apply to work in technical and trade schools when carried on by the staff and pupils of those schools or to work in State educational institutions or in reformatory and similar schools when carried on by staff and inmates (§ 88).

Norway. — Norwegian legislation contains no provision for this exception.

Poland. — The work of children on school-ships under the supervision of the public authorities is deemed to be education. Young persons are admitted to the maritime school at Gdynia after completing six classes of secondary education, i.e. at 16 years of age.

Rumania. — § 24 of the Act of 9 April 1928 provides that the prohibition of the employment of children under 14 years of age does not apply to the work of children on school-ships provided that such work is approved and supervised by the public authority.

Spain. — No reference is made to this exception in the Labour Code.

Sweden. — This exception does not exist in Swedish legislation.

Yugoslavia. — According to the report, this Article of the Convention is applied by § 20 of the Act of 28 February 1922, which provides that the prohibition relating to the employment of children under fourteen years of age does not apply to trade schools, which are not deemed to be undertakings under the Act if they are approved by the competent authorities and are under their supervision.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

In addition, please give details of the method of registration in use and forward a specimen copy of the register, if any, prescribed in virtue of this Article.

Belgium. — The report states that the list of the crew which every Belgian vessel must carry gives the ages of all the seamen on board.

Bulgaria. — The report for 1929 stated that the masters of steamers are obliged to keep a detailed register in which are entered the name, surname, age, nationality, etc., of each seaman.

Canada. — Besides reproducing this Article of the Convention, the Canada Shipping Act, as amended, provides in § 163 (10) that: "There shall be included in every agreement with the crew of a sea-going ship registered in Canada, entered into under this Act, a list of young persons under the age of 18 years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of 18 years are employed thereon, keep a register of those persons, with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection."

Denmark. — § 11 of the Seamen's Act provides that the captain must keep a muster roll which must be verified, under § 13 of the Act of 26 February 1872, by the registration officer before the crew is embarked. It is further provided in § 11 of the Seamen's Act that every seaman must be in possession of a seaman's certificate or registration certificate. These documents are delivered by the competent public authority on production of the birth certificate of the seaman. The report states that there is thus a double supervision of the observance of the provisions of the Act relating to the age for admission.

Estonia. — The report states that every Estonian vessel must carry a list of crew stating the age of every seaman on board.

Finland. — Under § 10 of the Act of 8 March 1924 the age of every minor under 18 years engaged on board ship must be established by means of a certificate from a priest or from some other public authority. § 11 of the Act provides that

when a seaman is engaged he shall be furnished by the captain with a wages book drawn up in accordance with the form prescribed by the Shipping Board and containing the seaman's full name, the year and day of birth, etc.

Germany. — The model list of crew approved by the Reichsrat prescribes the entry of the date of birth for every seaman, including young persons, signing on.

Great Britain. — Besides reproducing this Article of the Convention, the Employment of Women, Young Persons and Children Act, 1920, provides in § 1 (5) that "there shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection".

Hungary. — See introductory note.

Irish Free State. — Besides reproducing this Article of the Convention, the Employment of Women, Young Persons and Children Act, 1920, provides in § 1 (5) that "there shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection." The regular agreement or engagement form contains a separate space for the registration of young persons, their names, ages and birthplaces. A separate form is used when no agreement is kept on a ship or where space is not provided on the agreement.

Japan. — § 4 of the Act of 29 March 1923 stipulates that "in cases when persons under eighteen years of age are employed as seamen, the captain shall draw up a register containing their names, addresses and dates of birth, and keep it in the vessel, provided that in respect of persons over

sixteen years of age the drawing up of such register may be dispensed with by Imperial Order". The form of the register is laid down in § 6 of the Regulations issued on 19 November 1923 for the enforcement of the Act of 29 March 1923.

Latvia. — According to § 11 of the Order of 30 October 1928 the captain must on the engagement of a seaman deliver to him a wage book, indicating *inter alia* the name of the seaman and the date of his birth.

Luxemburg. — See introductory note.

Netherlands. — § 2 of the Decree of 1 December 1927 provides that an employment register shall be kept on board every vessel on which one or more young persons (i.e. persons under eighteen years of age) are employed. The surname, forename and date of birth of every such person shall be entered therein. The Minister of Labour, Commerce and Industry is to prescribe the form for this employment register.

Norway. — The Act of 29 June 1888 with the supplementary Acts of 28 May 1892 and 16 June 1927 make provision in §§ 3, 6, 7, 11, 12, 15 and 16 for meeting the requirements of this Article of the Convention. These provisions specify the lists of crews which must be compulsorily kept, and fix the method of supervision by the authorities. The legislation stipulated by Article 4 is carried out as follows: (1) On board vessels bound for foreign ports in which registration of the crew is compulsory, a list of the crew is drawn up by the seamen's registration services and carries the signature of the captain. All persons engaged in the service of the vessel are inscribed in this list with an indication of the date of their birth. (2) On board vessels bound for foreign ports for which registration of crews is not prescribed, a list is drawn up by the captain and certified by the seamen's registration services—in this list must be inscribed all persons who work on board the vessel with an indication of their age. (3) On board vessels navigating between Norwegian ports the captain draws up a list in which are inscribed all persons below the age of 18 years working on board, with an indication of their date of birth, and in certain cases a list as provided for under (2).

Poland. — The list of crew mentions the age of all seamen employed on board. § 14 of the Seamen's Code provides that the list of crew shall be kept on board ship during the voyage and be produced on demand by the Shipping Office.

Rumania. — The report states that every person engaged on board ship (seaman, trimmer, stoker) must possess a separate

book (§ 8 of the Act of 1907 for the organisation of the mercantile marine and § 8 of the Regulations of 1928) and that all articles of agreement must be made in writing and entered in the register of the ship, the keeping of which is obligatory for the captain. By means of the particulars contained in these documents, the date of birth of all persons employed on board can be easily verified.

Spain. — § 35 (2) of the Labour Code provides that the articles of agreement shall mention the date of birth of every person under eighteen years of age, while § 37 provides for the mention, in the muster-roll of the crew, of the date of birth of all seamen under 16 years of age.

Sweden. — The Royal Decree of 30 June 1922 contains provisions respecting the keeping of registers of minors employed on board ship. The Royal Decree of 22 December 1922 further provides, as regards the list of the crew and the register of signing on, that not only the year, but also the day of birth of the seaman must be given.

Yugoslavia. — According to the report, the keeping of a list of the crew mentioning all persons employed on board, with an indication of the date of their birth, is provided for in the legislation in force in the Kingdom.

III.

Article 5 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department of Colonies is re-examining the possibility of applying the Convention to the Belgian Congo and territories under

Belgian mandate. A decision will be reached before the next report is supplied. §§ 106 and 107 of the Act of 5 June 1928 apply the provisions of that Act which give effect to the Convention to young natives of the Belgian Congo and Mandated Territory engaged on board Belgian vessels.

Denmark. — The report states that the ratification does not include *Greenland*.

Great Britain. — The Government reports that the Convention has been applied in the *Gold Coast* (Cap. 101, Revised Laws, 1928), *Ceylon* (Ordinance No. 6 of 1923), *Gilbert and Ellice Islands Colony* (King's Regulation No. 1 of 1915), *Fiji* (Ordinance No. 34 of 1931), and *North Borneo* (Gazette Notification No. 90 of 1931). In the *Bahamas* (Cap. 231, §§ 27-30) the employment of children under 14 on vessels engaged in sponge and turtle fishing is prohibited. In *Barbados* the provisions of the Convention are followed in practice. Legislation applying the Convention is contemplated in *Kenya*, *Tanganyika Territory*, *Zanzibar*, *Nigeria*, *Sierra Leone*, *Gambia*, *Gibraltar*, *Cyprus*, *Trinidad*, *British Guiana*, *British Honduras*, *Mauritius*, *Seychelles*, and the *British Solomon Islands Protectorate*.

Japan. — The Government hopes to apply the provisions of the Convention in the colonies as far as circumstances permit. At present preparation is being made with a view to applying in *Taiwan* (Formosa) a Minimum Age Act for Seamen embodying the principles of the Convention.

Netherlands. — An Ordinance applying the Convention with modifications in the *Netherlands East Indies* was issued on 27 February 1926 (*Staatsblad* 1926, No. 87) and came into force on 1 May 1927¹. § 2 of this Ordinance provides that children under twelve years of age may not be employed at any work on board any ship (defined as a ship or boat of 500 or more cubic metres gross registered in the Netherlands East Indies, or a sea-going ship or boat belonging to a public authority other than a warship) except under the care of the father or a relative to the third degree inclusive. The names and dates of birth of all children under sixteen years of age must by § 4 be entered on the ship's articles or in a register. The modifications are due to the special family relations which exist among the crews of most of the native sea-going vessels. The age limit has been reduced to twelve years in view of the presence of native workers. As regards *Surinam*, the Governor of Surinam reported that local conditions prevented the application of the Convention to that Colony and that it was impossible to introduce modifications which would make it ap-

¹ L. S. 1926, D.E.I. 1.

plicable to local circumstances. As regards *Curaçao*, it is stated that according to the report received from the Governor the Convention has not been applied in that Colony, such a step being unnecessary.

Spain. — The report states that the Regulations approved by Royal Decree of 26 March 1925, now incorporated in the Labour Code, apply without modification to the colonies and protectorates.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 8 November 1925.

Bulgaria. — 20 March 1923.

Canada. — 31 March 1926.

Denmark. — 8 July 1924.

Estonia. — 3 March 1923.

Finland. — 10 October 1925.

Germany. — 11 June 1929.

Great Britain. — 27 September 1921.

Hungary. — 1 March 1925.

Irish Free State. — 4 September 1925.

Japan. — 7 June 1924.

Latvia. — 20 November 1928.

Luxemburg. — 16 April 1928.

Netherlands. — 26 March 1925.

Norway. — 7 October 1927.

Poland. — 21 June 1924.

Rumania. — 13 April 1928, date of coming into force of the Act of 9 April 1928.

Spain. — 14 April 1925, date of coming into force of the Decree of 26 March 1925.

Sweden. — 27 September 1921.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The Government reports that in Belgium and the Belgian Congo the shipping officers and abroad the Belgian consuls, who have to sign the lists of the crew, are entrusted with the supervision of

the execution of the provisions of the Convention.

Bulgaria. — The report for 1929 stated that the factory inspectors, acting under supervision of the Minister of Commerce, Industry and Labour, are responsible for supervising the execution of the laws and regulations.

Canada. — The Marine Branch of the Department of Marine and Fisheries is entrusted with the administration of the legislation giving effect to the provisions of the Convention. Such administrative supervision and inspection of articles of agreement, etc., as are required by law are carried out by some fifty shipping masters at Canadian ports.

Denmark. — The supervision of the application of the relevant legislation is entrusted to the registration officers. § 13 of the Act of 26 February 1872 provides that the registration officer, when inscribing changes in the crew on the muster-roll of a ship, must verify the exactitude of the roll and see that the legislative provisions in force have not been contravened by the master.

Estonia. — The supervision of the application of the relevant legislation is entrusted to the authorities of the Seamen's Institute.

Finland. — The Order of 23 December 1924 respecting the signing on and off of the crews of vessels provides that when the crew of a Finnish vessel is signed on in Finland it shall be seen that the legal provisions in force respecting the employment of young persons on board ship are not contravened. The superintendents of the seamen's offices act as inspectors. When a crew is signed on outside Finland the same precautions are required to be taken by the Finnish consul or, if there is no Finnish consul in the port, by the Finnish consul first encountered during the voyage or by the competent authority at the place where the vessel is lying. In addition, the Order of the Shipping Board of 29 October 1925 entrusts to the shipping inspectors the general supervision of the enforcement of the law relating to employment on board ship.

Germany. — The authorities competent to supervise the carrying out of the provisions of the relevant legislation are the seamen's offices in Germany and the consuls abroad. The seamen's offices and the consuls have to ascertain at the signing on of a seaman that the master has observed the provisions of the Seamen's Code concerning the admission of young persons to employment on board ship.

Great Britain. — The application of the law is supervised by officers of the Board of Trade.

Hungary. — See introductory note.

Irish Free State. — The application of the maritime provisions of the Employment of Women, Young Persons and Children Act is entrusted to the Transport and Marine Branch of the Department of Industry and Commerce. In the case of foreign-going ships, the Superintendents of Mercantile Marine Offices, maintained by the Department of Industry and Commerce at the eighteen chief ports in the Saorstad, before whom crews are signed on, ensure that the provisions of the Act are observed. These officers are in touch with the movements of vessels and are aware of the composition of their crews. In the case of other vessels, supervision is maintained by regular examination of the statutory agreements and forms.

Japan. — The application of the Act of 29 March 1923 and of the Ordinance and Regulations for its enforcement is entrusted to the Department of Communications, to its local offices (the regional bureaux of communications) and to the sea-coast cities, towns and villages specially designated by the Minister of Communications.

Latvia. — The enforcement of the Order of 30 October 1928 is entrusted to the Department for the Protection of Labour of the Ministry of Social Welfare.

Luxemburg. — See introductory note.

Netherlands. — The Minister of Labour, Commerce and Industry is responsible for the administration of the Decree of 1 December 1927. Execution is supervised by the police and by the labour inspection service.

Norway. — The supervision of the application of the provisions in question is entrusted to the officials of the registration services. Abroad, the Norwegian consuls are entrusted with the duty of supervision.

Poland. — The authorities responsible for supervising the application of the Seamen's Code are the shipping offices (first instance), the Maritime Office at Gdynia and the Mercantile Marine Office at Danzig (second instance). These offices are subordinate to the Ministry of Industry and Commerce. In accordance with the Order of the President of the Republic of 24 November 1930, the Maritime Inspection Service checks periodically and whenever necessary the age of young persons engaged on board ship.

Rumania. — Contraventions of the Act of 9 April 1928 are taken cognisance of by

the services of inspection and supervision provided for by the Act of 13 April 1927 concerning the organisation of the labour inspection service. Moreover, in accordance with §§ 6 and 16 of the Regulations of 1907 for the application of the Act for the organisation of the mercantile marine, the crew is subject to supervision by the harbour masters and the general navigation and harbour inspectorate.

Spain. — The supervision of the application of the legislation in force devolves upon the maritime authorities, i.e. the local navigation authorities and the port authorities. § 36 of the Labour Code provides that port authorities or consuls shall not issue any ship's articles unless all the members of the crew have been engaged in accordance with the law.

Sweden. — The supervision of the enforcement of the law is entrusted to the maritime inspectors and to the commissioners of the seamen's employment offices and, abroad, to the Swedish consuls.

Yugoslavia. — The supervision of the application of the Workers' Protection Act and the Orders mentioned in the report is entrusted to the Directorate of Maritime Affairs.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Canada. — The report states that no legal difficulties have arisen during the period from 1 January to 30 September 1931.

Germany. — The application of the provisions of the Convention has not up to

the present given rise to any questions of general importance.

Irish Free State. — The number of cases in which young persons are engaged on Saorstat ships is very small. No contraventions of the Act have been reported.

Japan. — The report states that, although the statistics for the inspection services and the number of workers are not available, the offices of the competent authorities charged with inspection and supervision number 24, while cities, towns or villages handling the business of coastal offices number 153. Two cases of contravention were reported in November-December 1930 and 15 cases during the period January-September 1931.

Convention concerning unemployment indemnity in case of loss or foundering of the ship.

This Convention came into force on 16 March 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January—30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	2. 2. 1925	11.11. 1931
Bulgaria	16. 3. 1923	24.10. 1931
Canada	31. 3. 1926	24.11. 1931
Cuba	6. 8. 1928	
Estonia	3. 3. 1923	19.10. 1931
France	21. 3. 1929	14.12. 1931
Germany	4. 3. 1930	7.11. 1931
Great Britain . . .	12. 3. 1926	9.11. 1931
Greece	16.12. 1925	
Irish Free State. . .	5. 7. 1930	
Italy	8. 9. 1924	9. 12. 1931
Latvia.	29. 8. 1930	15. 1. 1932
Luxemburg	16. 4. 1928	19.11. 1931
Poland	21. 6. 1924	25.11. 1931
Rumania.	10.11. 1930	22.12. 1931
Spain	20. 6. 1924	30.11. 1931
Yugoslavia	30. 9. 1929	

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your

attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

The report of the *Italian* Government states: "As was pointed out in the preceding report, Italian legislation contains various provisions relating to the principles laid down in the Convention in question, i.e.: (a) the benefit in case of shipwreck provided for in § 39 of the Legislative Decree of 26 October 1919; (b) the ordinary daily benefit which is paid to the unemployed in general, in accordance with the Royal Decree of 30 December 1923 (No. 3158); (c) the right of the seaman to repatriation and the payment of wages and board from the time of the wreck of the ship to the day of arrival in the port of embarkation, laid down in the last paragraph of Article 1 of the articles of agreement now in force. Moreover, the Royal Decree No. 2544 of 27 December 1925 made the Convention itself of legal force throughout the Kingdom, with the result that the essential provisions of the Convention form an integral part of Italian law."

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The Government of *Poland* states that the provisions of the Convention are applied by the general legislation on unemployment insurance and by various provisions of the Seamen's Code. As the unemployment insurance system (which extends to unemployment due to shipwreck) is not in complete and formal harmony with the provisions of the Convention, the Government is preparing a Bill dealing with the cases covered by the Convention. The preparation of the Bill will be completed in the near future.

The Government of *Rumania* states that the only legislative provision at present in force on the subject of this Convention is § 545 of the Commercial Code, which lays down that "in case of capture, accident or shipwreck involving the complete loss of the vessel and its cargo, the seamen shall not be entitled to any wages. They shall, however, not be required to repay any sums already advanced to them on their wages." A Bill has been drawn up for the purpose of substituting a clause embodying the provisions of the Convention for this §, and will be submitted to Parliament in the course of the current session. No shipwreck took place during the period covered by the report.

The report of the Government of *Yugoslavia* has not yet been received.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Belg. 5 A).

Bulgaria.

Act of 12 April 1925 respecting employment exchanges and unemployment insurance (L. S. 1925, Bulg. 2).

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Act of 15 February 1929 providing for the payment of an unemployment indemnity to seamen in case of capture, wreck, or declaration of unseaworthiness of a vessel (L. S. 1929, Fr. 1).

Germany.

Act of 24 December 1929 respecting the International Convention concerning unemployment indemnity in case of loss or foundering of the ship (L. S. 1929, Ger. 9).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P., No. 1, p. 90).

Commercial Code of 10 May 1897 — text as published in the Acts of 2 June 1902 and 30 May 1908.

Great Britain.

Merchant Shipping Acts, 1894 to 1923.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Italy.

Legislative Decree of 27 December 1925 bringing the Convention into force in Italy.

Act of 31 December 1928 respecting the Mercantile Marine Code.

Commercial Code.

Latvia.

Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases (L. S. 1927, Lat. 1).

Seamen's Order of 30 October 1928 (L. S. 1928, Lat. 4).

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Poland.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P., No. 1, p. 90).

Act of 18 July 1924 respecting unemployment insurance (L. S. 1924, Pol. 3) and Orders issued under the Act.

Decree of the President of the Republic of 24 November 1927 respecting the insurance of intellectual workers.

Rumania.

See introductory note.

Spain.

Labour Code of 23 August 1926, §§ 43 and 51 (L. S. 1926, Sp. 5).

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

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.

Belgium. — § 1 of the Act of 5 June 1928 defines the term "seaman" as "any person employed for service in a vessel and inscribed in the list of the crew". The Act does not expressly define the term "vessel" but it appears to apply to every vessel flying the Belgian flag engaged in maritime navigation for pecuniary gain.

Bulgaria. — The terms "seamen" and "vessel" are used without special definition in the Act respecting employment exchanges and unemployment insurance of 12 April 1925.

Canada. — "Seaman" is defined, for purposes of unemployment indemnity, by § 182 (4) of the Canada Shipping Act, as amended, as "every person employed or engaged in any capacity on board any ship". The provisions of the amending Act relating to unemployment indemnity refer to any ship registered in any of the provinces.

Estonia. — The Act of 22 March 1928 does not contain a definition of the term "vessel". According to § 73 of the Act the following are excluded from the field of its application: (1) vessels belonging to the State employed for defence or administrative purposes; (2) vessels whose gross capacity is less than 60 cubic metres. The Act contains no definition of the term "seaman". It applies, however, not only to members of the crew properly so-called, but also to all persons employed by the shipowner or the master (§ 70).

France. — Under § 3 of the Act of 13 December 1926 the term "seaman" is defined as meaning "any person of either sex who enters into an agreement with a shipowner or his representative to serve on board ship". Under §§ 1, 2 and 5 (read together) of the same Act by the term "vessel" is meant any French boat, vessel or ship fitted out by an individual, company, or

public department for the purpose of a sea voyage, excepting only ships of war.

Germany. — The relevant provisions of the Commercial Code apply to masters; the relevant provisions of the Seamen's Code apply to officers and in general to all other persons engaged on behalf of the shipowner for service on a vessel during its voyage. The vessels covered by the legislation are all merchant vessels entitled to fly the flag of the German Reich.

Great Britain. — According to § 1 (3) of the Merchant Shipping Act, 1925, the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat. § 5 of the Act defines the expression "ship" to mean any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship, and includes any British fishing boat entered in the fishing boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation.

Italy. — The report states that the terms "seamen" and "vessel" have in Italian law the same meaning as in this Article, in virtue of the fact that the Convention has been given legal effect in Italy and of the general application of the legal provisions concerned.

Latvia. — § 69 of the Seamen's Order of 30 October 1928 lays down that "all persons employed in the service of a vessel, with the exception of the master, mates, engineers, wireless operators and medical officers, shall be deemed to constitute the crew." No specific definition is given of the term "vessel", but according to § 73 the provisions of the Act are not applicable to ships of war, to vessels employed in the service of the State (with certain exceptions), to pleasure boats and to vessels on which only the members of the owner's family are employed.

Luxembourg. — See introductory note.

Poland. — The Unemployment Insurance Act of 18 July 1924, under which the Convention is stated to be at present applied, covers all workers over 16 years of age in undertakings in which more than five workers are employed. The Decree of 24 November 1927 provides for the insur-

ance of captains, deck officers and engineer officers.

Rumania. — See introductory note.

Spain. — § 28 of the Labour Code, in which the provisions of the Regulations respecting the engagement of crews for merchant vessels approved by the Royal Decree of 26 March 1925 have been included, defines the "members of the crew" as "seamen, stokers, artisans, doctor's assistants (*practicantes*), sick room attendants, stewards and persons who perform manual duties of any kind on the vessel". The report states that the term does not include deck and engineroom officers. The term "vessel" includes all vessels, whatever may be their employment, except ships of war.

ARTICLE 2.

In every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

In addition, please state whether the indemnity payable under this Article has been limited to two months' wages.

Belgium. — The seamen receives a uniform indemnity equal to two months' wages. This practice is to the advantage of the seaman in all cases where the period between the loss of the vessel and the end of the contract is less than two months. In all other cases it is in conformity with the Convention, which permits the limiting of the indemnity to two months' wages.

Bulgaria. — The Act respecting employment exchanges and unemployment insurance of 12 April 1925 provides in § 30 (b) that among the persons liable to insurance against involuntary unemployment shall be "seamen (against both ordinary unemployment and unemployment due to loss of the vessel)". In the latter case the insurance benefit, amounting to twice the monthly wage of the seaman as from the date of the loss of the vessel, shall be paid directly to him by the shipowner."

Canada. — § 182 (2) of the Canada Shipping Act, as amended, provides that where, through the wreck or loss of the ship, a seaman's service is terminated before the date contemplated in the agreement, he shall be entitled to his wages for each day of unemployment during a period of two months.

Estonia. — § 41 (2) of the Act of 22 March 1928 provides that on the conclusion of the salvage operations or on the issue of the certificate of wreck, the shipowner must continue to pay in cash to the seaman who had served on the wrecked vessel, as unemployment indemnity, the wages payable under the articles of agreement, for every day during the period in which the seaman is in fact unemployed, subject to a maximum of two months.

France. — The Act of 15 February 1929 provides that "in case of capture, shipwreck or declaration of unseaworthiness a seaman is entitled to an indemnity payable for the entire duration of the effective unemployment resulting for him from the interruption of his articles of agreement at the rate of wages provided for by such agreement; provided that the total indemnity shall not exceed two months' wages". The Report adds that the maritime registration authorities understand "unemployment" for the purposes of the Act as meaning the absence of employment on board ship—a fact which can be verified by entries in the seaman's discharge book. Should any dispute arise, however, it would be for the Courts to interpret the exact meaning of the words of the Act.

Germany. — The Act of 24 December 1929 amends the Seamen's Code so as to provide that in case of the wreck of a vessel a seaman or officer is entitled, in addition to the salary or wages earned, to an indemnity for each day of the unemployment resulting from the shipwreck equal to one day's wages or salary up to a total maximum of two months' wages or salary, and if the repatriation to which the seaman or officer is entitled under the Seamen's Code takes longer than two months, to half his wages or salary for the period in excess of two months. In the case of masters, the Act amends the Commercial Code so as to provide that in case of the loss of a vessel by shipwreck the master is entitled to an indemnity for each day of the unemployment resulting from the shipwreck equal to one day's salary up to a total maximum of two months' salary.

Great Britain. — § 1 of the Merchant Shipping Act, 1925, provides that "where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall . . . be entitled, in respect of each day in which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate at which he was entitled at that date. A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows

that the seaman was able to obtain suitable employment on that day."

Italy. — The report states that payment of the indemnity provided for in this Article of the Convention is ensured by the fact that the Convention itself has been given legal force. No special measures have been taken to limit the total indemnity payable to any seaman to two months' wages. (See also under VI below.)

Latvia. — § 39 of the Seamen's Order of 30 October 1928 provides that if a vessel is lost or is posted as lost, or declared incapable of being repaired, the officers' and seamen's agreements shall be terminated unless they contain a stipulation to the contrary; nevertheless, the seamen shall be bound to take part in salvage operations and to remain on duty until the declaration has been filed, in return for payment of wages at the previous rates, lodging and maintenance. If a seamen's employment is terminated abroad by an accident to the vessel as mentioned above, he shall, if of Latvian nationality, be entitled to a free passage with maintenance to the vessel's port of registry at the expense of the owner. If the owner becomes bankrupt, the State shall bear the expenses of the passage and maintenance. Nevertheless, the seaman shall be bound to accept employment on another vessel, provided that his state of health admits thereof and that the nature of the employment corresponds to that of his previous employment. In the event of the loss of or damage to the vessel, a seaman shall be entitled to compensation for his lost or damaged effects in accordance with the *Note* to § 11 of the Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases. This *Note* lays down that "in case of shipwreck seamen shall receive compensation for their damaged or lost possessions at the rates fixed by the Ministry of Social Welfare in agreement with the Maritime Department".

Luxemburg. — See introductory note.

Poland. — Under the Act of 18 July 1924 unemployment indemnities are payable to insured persons who have been employed for at least 20 weeks during the preceding 12 months. The amount varies from 30 to 50 per cent. of wages, regard being had to the family obligations of the unemployed worker. The indemnity becomes payable 10 days after registration at an employment exchange and continues for a period of 13 weeks during the course of a year, which may be extended to 17 weeks. State assistance is given to persons whose period of benefit has expired, in accordance with an Order of 25 March 1925. In the case of captains and deck and engineer officers, the unemployment indemnity payable in accordance with the Decree of 24 November

1927 is 30 per cent. for persons without family obligations, with a supplement not exceeding that amount for persons with such obligations. Under the Seamen's Code of 2 June 1902 a seaman whose engagement is terminated by the loss of the ship is entitled to free repatriation to the port of departure or, at the choice of the captain, to an equivalent indemnity and in addition to half-pay for the period of the voyage of repatriation, independently of any wages due.

Rumania. — See introductory note.

Spain. — § 51 of the Labour Code provides that "if the vessel is lost by shipwreck, all members of the crew shall be entitled by way of compensation to draw their wages or salary for a period not exceeding two months if they are out of employment for this reason".

ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

In addition, please state what are the remedies available to seamen in your country for the purposes of Article 3.

Belgium. — The report states that the same procedure in arbitration and legal proceedings will be open to seamen in recovering this indemnity as in recovering wages.

Bulgaria. — The report for 1929 stated that if the master, despite the administrative penalty inflicted on him, refuses to pay the indemnity due to the seaman, the seaman may appeal to the Arbitration Board, which requires the payment of the amount due; proceedings before it are free of charge and its decisions without appeal.

Canada. — Under § 186 of the Canada Shipping Act, as amended, a seaman may sue for wages due to him in a summary manner.

Estonia. — As, under § 41 of the Act of 22 March 1928, the indemnity takes the form of the continued payment of wages, the seaman has the same remedies for recovering the indemnity as for recovering wages. Under § 43 a seaman who is not satisfied with the settlement of accounts made by the captain at the time of his discharge may demand its verification by the recruitment office. The decision of the latter will have executory force until the matter in dispute has been decided by an Estonian tribunal.

France. — The Act of 15 February 1929 provides that "this indemnity is recover-

able in the same manner as arrears of wages earned during the last voyage". Under § 92 of the Act of 13 December 1926 "seamen's claims under the articles of agreement shall constitute a first charge on the vessel and the freight in the cases and according to the rules laid down in the Commercial Code". Procedure for the recovery of wages is laid down in the 1926 Act.

Germany. — The indemnity constitutes a claim arising out of the articles of agreement and the same remedies for recovery apply to it as to the wages earned during a seaman's period of service.

Great Britain. — In § 1 (1) of the Merchant Shipping Act, 1925, the unemployment indemnity is described as "wages". By § 7, the Act is to be construed as one with the Merchant Shipping Acts, 1894 to 1923, and it follows that a seaman has the same remedy for recovering the indemnity as he has for recovering wages earned for service on board ship. Under § 164 of the Merchant Shipping Act, 1894, a seaman who has wages due to him (not exceeding £50) may "sue for the same before a Court of Summary Jurisdiction in or near the place at which his service terminated or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the Order made by the Court in the matter shall be final". It is understood from reports received that as a general rule the indemnity is paid without recourse to a Court of Law.

Italy. — The report states that the indemnity payable under the Convention is deemed to be part of the wages of the seaman, and that as such it is covered by the provisions regarding wages (§ 545 of the Commercial Code). Proceedings for the recovery of the indemnity can be brought before the special jurisdiction of the port authorities, with the facilities provided by the Act of 31 December 1928, replacing §§ 14, 15 and 16 of the Mercantile Marine Code and raising the jurisdiction of the port authorities up to 5,000 lire.

Latvia. — The report states that the same procedure in arbitration and legal proceedings is open to seamen in recovering the indemnity mentioned above, under ARTICLE 2, as in recovering wages.

Luxemburg. — See introductory note.

Poland. — The report states that benefits payable under the Decree of 24 November 1927 cannot be attached except in respect of expenditure by way of public assistance or subsistence grants.

Rumania. — See introductory note.

Spain. — § 51 of the Labour Code provides that the unemployment indemnity

in case of shipwreck shall have the same preference as wages and salaries under § 43 of the Code, and that the shipowner shall not be entitled to claim reimbursement of sums advanced. § 43 stipulates that the wages and salaries due to the members of the ship's company shall be a preferential charge on the vessel together with its engines, apparel and freight. When the crew is engaged on a profit-sharing basis, the wages and salaries shall be a charge on the freight only.

III.

Article 4 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department of Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied. It also states that the Act of 5 June 1928 extends the benefits of the Convention to natives of the Belgian Congo and Mandated Territory engaged on board Belgian vessels.

France. — The Government states that the evolution of the principal colonies in this respect has not been such as to make possible at present the application to them of the law of 15 February 1929. In the protectorates of *Morocco* and *Tunisia* the application of the Convention without modification is rendered difficult by the poverty of the owners of the small coasting vessels which constitute the greater part of the shipping of those countries. It seems probable, however, that the Convention may soon be applied in *Tunisia* to ships of more than 100 tons and to ships engaged in international coasting trade.

Great Britain. — The Convention has been applied by Order in Council of 25 July 1927 to the following dependencies: *Cyprus, Mauritius, Seychelles, Fiji, Straits Settlements, Jamaica, Trinidad and Bermuda.* It has also been applied to *Malta*, by Act No. 9 of 1929. Legislation is now contemplated to apply the Convention in the case of *Ceylon, North Borneo and Hong Kong.*

Italy. — The Government states that the draft of a Royal Decree extending the Convention to the colonies is at present in course of preparation.

Spain. — The report states that the Regulations respecting the engagement of crews for merchant vessels, approved by the Royal Decree of 26 March 1925, now incorporated in the Labour Code, apply generally and without modifications to the colonies and protectorates.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of this Convention came into effect.

Belgium. — 8 November 1925.

Bulgaria. — 1 January 1926, date of coming into force of the Act of 12 April 1925.

Canada. — 31 March 1926.

Estonia. — 1 May 1928, date of coming into force of the Seamen's Act.

France. — 21 March 1929.

Germany. — 4 March 1930.

Great Britain. — 12 March 1926.

Italy. — 8 September 1924.

Latvia. — 29 August 1930.

Luxemburg. — 16 April 1928.

Poland. — 21 June 1924.

Rumania. — See introductory note.

Spain. — 14 April 1925, date of coming into force of the Decree of 26 March 1925.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The enforcement of the provisions of this Convention is supervised by the Maritime Commissioners of the ports in

Belgium and the Belgian colony, and by the Belgian consuls abroad.

Bulgaria. — The application of the Act of 12 April 1925 is supervised by the labour inspectors, who may inflict fines in case of contravention.

Canada. — The Marine Branch of the Department of Marine and Fisheries is entrusted with the administration of the legislation giving effect to this Convention.

Estonia. — The supervision of the application of the relevant legislation is entrusted to the authorities of the Seamen's Institute.

France. — The authority competent to supervise the execution of the provisions of the Act of 15 February 1929 is the Minister for the Mercantile Marine. The agents of the Minister in the ports for this purpose are the maritime registration authorities.

Germany. — The authorities competent to supervise the carrying out of the provisions of the relevant legislation are the Seamen's Offices in Germany and the consuls abroad. The Seamen's Offices and the consuls are instructed to ascertain at the signing-off of a seaman that the shipowner's obligations to him have been fulfilled.

Great Britain. — The rights of seamen under the Convention are enforced by means of summary judicial procedure as described under ARTICLE 3. In addition, in the case of a dispute as to the amount of the indemnity, if the matter is referred to the Superintendent of a Mercantile Marine Office by both parties in writing, it becomes his duty to settle it under § 137 (2) of the Merchant Shipping Act, 1894, and his decision has the force of law. In the case of a fishing vessel, either party to the dispute may refer it to the Superintendent for decision under § 387 of the Merchant Shipping Act, 1894, and the Superintendent is then bound to decide it and his decision has the force of law.

Italy. — The supervision of the application of the legislative provisions in question falls to the Ministry for Communications, which carries out this supervision through the bodies subordinate to it.

Latvia. — The supervision of the application of the provisions of the relevant legislation is entrusted to the Department for the Protection of Labour and to the Department of Shipping.

Luxemburg. — See introductory note.

Poland. — The application of the Unemployment Insurance Act is supervised by the local unemployment fund committees attached to the public employment ex-

changes, the central general committee under the control of the Minister of Labour and Social Welfare, the Directorate of the Unemployment Insurance Fund and the Minister himself. The execution of the Decree of 24 November 1927 is entrusted to the Intellectual Workers' Insurance Institutions and the Minister of Labour and Social Welfare. The Seamen's Code is administered by the shipping offices, the Maritime Office at Gdnyia, the Mercantile Marine Office at Danzig and the Ministry of Industry and Commerce.

Rumania. — See introductory note.

Spain. — The maritime authorities, i.e., the local directors of shipping and the port authority, are entrusted with the enforcement of the provisions of the Labour Code respecting the engagement of crews for merchant vessels.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Belgium. — Some cases of minor importance have been settled on the intervention of the Maritime Commissioner, either directly or by conciliation in accordance with § 109 of the Act of 5 June 1928 without the drawing up of a formal conciliation decision.

France. — A question as to the interpretation of the Act of 15 February 1929 arose in connection with the wreck of a four-masted vessel engaged in deep-sea fishing during June 1930 off the coast of Newfoundland. The Justice of the Peace at St. Malo, sitting as a court of final instance, decided on 8 November 1930, after hearing the arguments of the parties, that (a) "unemployment" for the purposes of the Act was to be interpreted as meaning absence of employment on board ship, and (b) the advances of wages made on engagement to sea fishermen and not fully earned could not be reckoned against the unemployment indemnity due to them. In a second case it was decided by the Justice of the Peace at Marseilles, on 8 May 1931, that for a ship to be considered unseaworthy so as to entitle the crew to an indemnity it must be irretrievably lost and absolutely incapable of ever putting to sea again.

Great Britain. — It has been decided by the House of Lords, on appeal in the *Croxteth Hall* and *Celtic* cases, heard together, that a seaman engaged by the

voyage, whose engagement would have terminated, apart from the shipwreck, in under two months, but who would normally have been allowed to sign on on the same ship for the next voyage, is entitled to receive wages during a period of two months from the date of termination of his employment owing to shipwreck (and not merely to the date on which, but for the shipwreck, his engagement would have terminated), unless the owner can show that his unemployment was not due to the shipwreck.

Italy. — A decision was given on 19 May 1930 by the Port Authority of Naples concerning the application of Articles 2 and 3 of the Convention. It was decided that as the provisions of the Legislative Decree of 27 December 1925 (bringing the Convention into force in Italy) are of public interest (*di ordine pubblico*), a shipowner cannot rely either on the exception laid down in § 535 of the Commercial Code or on that embodied in the model articles of agreement of 1922 (according to which, if the vessel becomes a total wreck, a seaman is not entitled to payment of his wages). Further, inasmuch as the obligation laid upon the shipowner by the Legislative Decree is an individual obligation, he cannot evade it either by abandoning the ship to his creditors under § 491 of the Commercial Code or by relying on the provisions of the Royal Decree of 30 December 1923 respecting compulsory insurance against unemployment. The unemployment indemnity in case of loss or foundering of the ship is supplementary to ordinary unemployment benefit. It is a direct charge placed upon the shipowner, in view of the dangerous and hazardous nature of the seaman's calling. The report mentions another decision by the same authority and a judgment by the Court of Cassation on 6 February 1930, and adds that there have been other decisions.

The remaining reports supplied do not mention any such decisions.

. . .

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, etc., in so far as this information has not already been given under other headings, and in particular under V.

Canada. — The report states that no legal difficulties have arisen.

Convention for establishing facilities for finding employment for seamen.

This Convention came into force on 23 November 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January—30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia	3. 8. 1925	5.12. 1931
Belgium	2. 2. 1925	11.11. 1931
Bulgaria	16. 3. 1923	24.10. 1931
Cuba	6. 8. 1928	
Estonia	3. 3. 1923	19.10. 1931
Finland	7. 10. 1922	16.12. 1931
France	25. 1. 1928	14.12. 1931
Germany	6. 6. 1925	7.11. 1931
Greece	16. 12. 1925	
Italy	8. 9. 1924	9.12. 1931
Japan	23. 11. 1922	26.12. 1931
Latvia	3. 6. 1926	8. 2. 1932
Luxemburg	16. 4. 1928	19.11. 1931
Norway	23. 11. 1921	24.10. 1931
Poland	21. 6. 1924	25.11. 1931
Rumania	10. 11. 1930	22.12. 1931
Spain	23. 2. 1931	30.11. 1931
Sweden	27. 9. 1921	5.10. 1931
Yugoslavia	30. 9. 1929	2.11. 1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question. "

The report of the *Greek* Government has not yet been received.

The Government of *Spain* states that there is at present no legislation on the finding of employment for seamen. The subject will, however, be dealt with at the maritime conference the convocation of which has been announced by the Ministry of Labour. Great activity is now in progress with the object of organising labour exchanges and employment offices for seamen, four of which are already in action.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Australia.

Navigation Act, 1912-1926.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Belg. 5 A).

Royal Order of 20 January 1926 respecting the institution of a Joint Committee on the engagement of seamen (L. S. 1926, Belg. 11).

Royal Order of 20 March 1914 respecting maritime police.

Bulgaria.

Act of 12 April 1925 respecting employment and unemployment insurance (L. S. 1925, Bulg. 2).

Estonia.

Seamen's Institute Act of 31 January 1928 (L. S. 1928, Est. 1 A).

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

Finland.

Act of 27 March 1926 respecting the finding of employment (L. S. 1926, Fin. 1).

Resolution of the Council of Ministers of 22 April 1926 respecting the inspection of employment offices and the payment of grants to employment exchanges and agents (L. S. 1926, Fin. 1).

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).

Act of 26 April 1924 respecting seamen's hours of work (L. S. 1924, Fin. 3).

Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4).

France.

- Act to issue a Seamen's Code dated 13 December 1926 (L. S. 1926, Fr. 13).
- Decree of 29 January 1928 for organising joint maritime employment offices.
- Act of 28 December 1910 to codify the labour laws (Book I of the Code of Labour and Social Welfare) modified by a series of amending Acts, in particular, by the Act of 2 February 1925 to amend § 85 of Book I of the Labour Code with regard to employment exchanges and departmental employment offices (L. S. 1925, Fr. 4).

Germany.

- Act of 16 July 1927 respecting the finding of employment and unemployment insurance (L. S. 1927, Ger. 5).
- Act of 12 October 1929 respecting employment exchanges and unemployment insurance (L. S. 1929, Ger. 5).
- Order of 8 November 1924 respecting seamen's employment exchanges (L. S. 1924, Ger. 8) as amended by Order of 20 September 1927.
- Act of 2 June 1910 relating to employment agents (B. B. Vol. V, 1910, p. 171).

Italy.

- Royal Legislative Decree of 24 May 1925 to prohibit the charging of fees for the placing of seamen (L. S. 1925, It. 2).
- Royal Decree of 27 December 1925 bringing the Convention into force in Italy.
- Regulations of 27 March 1920 relating to model articles of agreement and rules of service for steamships.
- Commercial Code (§ 522).

Japan.

- Seamen's Act of 8 March 1899.
- Regulation for the Seamen's Act of 8 March 1899.
- Seamen's Employment Exchange Act of 11 April 1922 (L. S. 1922, Jap. 2).
- Imperial Ordinance No. 496, concerning the granting of a subsidy in accordance with § 3 of the Seamen's Employment Exchange Act, issued in November 1922.
- Regulations for the enforcement of the Seamen's Employment Exchange Act (Ordinance of the Department of Communications, No. 65, issued on 18 November 1922, amended by Ordinance No. 41, dated October 1930.)
- Instructions for administrating the Seamen's Employment Exchange Act (Notification No. 128, dated November 1922, amended by Notification No. 923, dated October 1930.)
- Government Organisation of the Seamen's Employment Exchange Commissions (Imperial Ordinance No. 374), issued on 27 August 1923.

Latvia.

- Order of 15 January 1931 respecting seamen's employment exchanges.
- Instruction of 14 April 1931 relating to the preceding Order.

Luxemburg.

- Act of 2 May 1913, concerning the regulation of employment agencies.
- Grand-ducal Decree of 21 August 1913 concerning the carrying out of the above Act (summary B. B. Vol. IX, 1914, p. CIII).
- Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Norway.

- Act of 29 June 1888 respecting the registration and supervision of the engagement of seamen, with the supplementary Acts of 28 May 1892 and 16 June 1927.
- Seamen's Act of 16 February 1923 (L. S. 1923, Nor. 1).
- Act of 12 June 1896 respecting employment offices and exchanges.
- Act of 12 June 1906 relating to employment bureaux (B. B. Vol. I, 1906, p. 305).
- Act of 14 June 1929 to supplement the Act of 12 June 1896 respecting employment offices and exchanges (L.S. 1929, Nor. 3).

Poland.

- See the *Convention concerning unemployment*.
- Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, p. 90).

Rumania.

- Employment Exchanges Act of 22 September 1921 (L. S. 1921. Rum. 2).
- Ministerial Decision No. 79024/931.

Spain.

- See introductory note.

Sweden.

- Royal Decree of 30 June 1916 respecting grants from State funds towards the encouragement and organisation of public employment bureaux in the Kingdom (B. B. Vol. XI, 1916, p. 278) as amended by the Royal Decree of 16 May 1918.
- Royal Decree of 30 June 1916 respecting subsidies from State funds in order to cover a certain part of the travelling expenses of persons without means seeking work (B. B. Vol. XI, 1916, p. 277) as amended by the Royal Decrees of 16 May 1918 and 23 May 1919.
- Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1).

Yugoslavia.

- Orders of 19 October 1863 and 25 September 1867 concerning the list of crew.
- Regulations of 26 November 1927 respecting the organisation of the employment exchange system, etc. (L. S. 1927, S. C. S. 2).
- See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons, except officers, employed as members of the crew on vessels engaged in maritime navigation.

Australia. — The term "seaman" is defined in § 6 of the Act as meaning every person employed or engaged in any capacity on board a ship, except masters, pilots and apprentices and persons temporarily employed on the ship in port.

Belgium. — According to § 1 (2) of the Act of 5 June 1928, by the term "seaman" is meant "any person engaged for service in a vessel and inscribed in the list of the crew." § 4 of the Royal Order of 20 January 1926 respecting the institution of a Joint Committee on the engagement of seamen lays down that by "seamen" are meant only persons belonging to subordinate ratings, excluding deck and engine-room officers.

Bulgaria. — The Act of 12 April 1925 respecting employment exchanges and unemployment insurance uses the expression "seamen" without special definition.

Estonia. — The Act of 31 January 1928 relates to seamen in general, that is, to all persons employed as members of the crew as well as the officers.

Finland. — The Act of 27 March 1926 uses the term "seaman" without giving it a special definition. The Resolution of 22 April 1926 states, in § 10, that the term "seaman", for the purposes of the payment of the grant to employment exchanges, has the meaning given to it in § 1 of the Act of 26 April 1924 respecting seamen's hours of work, viz. the Act means by "seaman" any person employed on board a Finnish vessel for wages or as an apprentice. The provisions of the Act do not apply in certain circumstances to the officers or to the staff of the catering department.

France. — In accordance with § 3 of the Act of 13 December 1926 "seaman" means any person of either sex who enters into an agreement with a shipowner or his representative to serve on board ship. The report adds that the term "seaman" thus includes officers.

Germany. — § 1 of the Order of 8 November 1924 respecting seamen's employment exchanges, issued in application of §§ 47 and 59 of the Act of 22 July 1922 (§ 53 of the Act of 16 July 1927) and amended by the Order of 20 September 1927, provides that "for the purposes of this Order 'seamen' shall mean all persons employed on board a vessel engaged in maritime navigation, with the exception of the ship's officers".

Italy. — The Royal Legislative Decree No. 1031 of 24 May 1925 uses the term "seamen" without specific definition, but § 1 provides that the employment offices

are open to seamen who are not embarked as officers or who are not employed on board in a confidential capacity. The report states that the term "seamen", as used in Italian law, undoubtedly includes all persons employed as members of the crew within the meaning of this Article.

Japan. — The Seamen's Employment Exchange Act (§ 1) applies to "the work of employment exchanges for seamen embarking on vessels making coasting or longer voyages", and may be extended by Imperial Ordinance to the work of employment exchanges for other seamen. The Act does not contain a specific definition of the term "seaman", but the report states that the term does not exclude officers.

Latvia. — § 1 of the Instruction of 14 April 1931 defines "seaman" as including all persons, except deck-officers and engineer-officers, employed as members of the crew on vessels engaged in maritime navigation.

Luxemburg. — The Act of 5 March 1928 reproduces the text of the Convention.

Norway. — The Act of 1896 (§ 1) respecting employment offices and exchanges uses the term "seamen" without defining it exactly. The term is held to cover all persons employed on board ship, irrespective of rank, with the exception of the captain. The Act of 1906 relating to employment bureaux does not use the term "seamen". It lays down that "free employment bureaux for work-people in all branches of industry" shall be opened.

Poland. — The Seamen's Code of 2 June 1902 uses the term "seamen" to indicate all persons, other than the ship's officers, engaged on behalf of the shipowner for service on the ship during its voyage.

Rumania. — § 2 of Ministerial Decision No. 79024/931 lays down that "the term 'seamen' covers all persons of no matter what nationality employed as members of the crew on vessels engaged in maritime navigation."

Spain. — See introductory note.

Sweden. — The Decree of 30 June 1916, amended by the Decree of 16 May 1918, concerning subsidies from State funds for the organisation and development of public employment offices, is of general application.

Yugoslavia. — Under the Orders of 19 October 1863 and 25 September 1867 the term "seaman" means any person employed on board ship and entered on the list of crew.

ARTICLE 2.

The business of finding employment for seamen shall not be carried on by any person, company, or other agency, as a commercial enterprise for pecuniary gain; nor shall any fees be charged directly or indirectly by any person, company or other agency, for finding employment for seamen on any ship.

The law of each country shall provide punishment for any violation of the provisions of this Article.

Australia. — §§ 28-33 of the Act prohibit the engagement of any private person in the business of finding employment for seamen as a commercial enterprise for pecuniary gain, or the charging of any fee by any person for finding employment for any seaman.

Belgium. — The Government reports that the placing of seamen on Belgian ships as a commercial enterprise does not exist in Belgium. § 12 of the Act of 5 June 1928 lays down that no fee whatever may be charged by way of remuneration directly or indirectly for any operation connected with the recruitment of seamen. § 43 of the second Act of 5 June 1928 revising the Disciplinary and Penal Code for the mercantile marine and for sea fishery provides for the punishment of those who find employment for seamen for purposes of gain. This punishment consists of imprisonment for 8 days to 6 months and a fine of 50 to 500 francs or of either of these alone.

Bulgaria. — The Act of 12 April 1925 provided in § 2 that the establishment of private employment agencies and offices was to be prohibited and that existing agencies and offices were to be closed within six months from the coming into force of the Act, i.e. before 30 June 1926. In cases of contravention a fine not exceeding 5000 levas may be imposed, or not exceeding 10,000 levas for the second offence.

Estonia. — The Government reports that the placing of seamen for gain does not exist.

Finland. — The Act of 27 March 1926, which regulates the organisation and activities of employment exchanges in Finland, provides in § 1 that communes and associations shall be entitled to carry on employment exchange work as a business but that private individuals, companies and partnerships are forbidden to carry on such work. The services of employment exchanges must be rendered free of charge. Nevertheless, if an association acts as an employment exchange exclusively for its own members and has obtained a permit for that purpose, it is entitled to charge a fee, approved on the occasion of the granting of the permit, for services to its members. § 4 lays down that notwithstanding the provisions of § 1 the superintendent of a

seamen's office shall have the right to charge an engagement fee on the signing on of a seaman, in accordance with the special regulations concerning this matter. The penalties for which the Act (§§ 16 and 17) and the Order (§ 7) provide consist of fines which may amount to the equivalent of 50 days' imprisonment and the withdrawal of the permission to act as an employment agent.

France. — Under § 6 of the Act of 13 December 1926 (Seamen's Code) "a seaman shall not be required to make any payment whatever for any operations in connection with the finding of employment. In case of any contravention of this provision the penalties mentioned in § 102 of Book I of the Labour Code shall be imposed." The latter provides that the charging of any fee whatever at the time of employment-finding shall be punished by a fine of from 16 to 100 francs and imprisonment from 6 days to one month or by one of these penalties alone.

Germany. — The Act of 16 July 1927 provides in § 55 that "the carrying on of employment agencies for gain shall be prohibited from 1 January 1931 onwards". The expression "carrying on of employment agency work for gain" includes the issue for gain of lists of vacancies and reprints of and extracts from periodical publications which must be deemed equivalent to such lists, but it does not include periodical publications such as newspapers, magazines, trade gazettes, etc.; the expression also includes "the supplying of employees whose labour the person supplying them places at the disposal of another person by way of trade for purposes of temporary employment, without himself undertaking the equipment of the persons so placed with the requisite tools or the social insurance charges of the employer on their account". §§ 253 and following of the Act provide that any person who unlawfully carries on trade operations as an employment agent or works for a person acting as an employment agent for gain is liable to a fine or to imprisonment.

Italy. — The Royal Legislative Decree of 24 May 1925 provides in § 1 that the placing of seamen may not be carried on for pecuniary gain. § 4 provides further that "any person who carries on the placing of seamen for purposes of gain or to procure direct or indirect profit of any kind for himself or others, or who habitually for the same purposes carries on activities in any way whatever, even indirectly, with a view to effecting or facilitating the placing of seamen, shall be liable to detention for not more than one year and a fine of not more than 1,000 lire." § 5 prescribes that the same penalties, reduced by one-third, shall be imposed on persons who are convicted of having occasionally contributed to the illegal finding of employment for seamen as defined in § 4. In virtue of § 6 the

penalties must be doubled when the offence is committed in a locality in which a seamen's employment exchange exists, or when, without regard to the locality in which the act destined to lead to the placing is committed, the placing is to take effect in a port in which an employment exchange is working. § 7 provides that when any person who commits or who is accessory to the commission of the offence referred to in §§ 4, 5 and 6 has so acted, taking advantage of his position as a public official or of his rank in the mercantile marine or of the office he holds under § 76 and following of the administrative regulations in application of the Mercantile Marine Code, he shall be punished, in addition to the imprisonment and the fine, by being suspended from his office or rank for a period not exceeding two years in the case of an offence under § 4; in the case of an offence under § 5 such suspension is left to the discretion of the magistrate.

Japan. — § 4 of the Act of 11 April 1922 prohibits persons engaged in the work of employment exchanges for seamen from receiving "fees or any material benefit or reward, under any pretext whatever." § 8 provides that "any person who contravenes the provisions either of this Act or of any Order issued thereunder, in a way which falls within the scope of either of the following clauses, shall be liable to hard labour not exceeding six months or to a fine not exceeding 500 yen; . . . (b) Any person who has carried on an employment exchange for seamen and has received or caused others to receive either fees or other material benefit as a reward for the same."

Latvia. — The Order of 15 January 1931 provides in § 11 that private persons, organisations or institutions are forbidden to carry on the finding of employment for purposes of gain.

Luxemburg. — The Act of 5 March 1928 reproduces the text of the Convention. § 2 of the Act lays down penalties for non-observance.

Norway. — The Act of 14 June 1929 provides that no more permits may be issued authorising the carrying on of employment-finding for seamen as a business for remuneration. The permits already granted will expire within a period of five years at the latest (see under ARTICLE 3).

Poland. — § 5 of the Act of 21 October 1921 respecting employment agencies carried on by way of trade prohibits the granting of licences, without which such an occupation cannot be followed, to any person not already in possession of a permit on the date of commencement of the Act. The Government adds that, as there were no fee-charging seamen's exchanges in

Poland at that date, the situation is in accordance with the terms of the Convention. Penalties are prescribed in the Act itself and in subsequent Orders of 30 January 1922, 28 November 1923 and 28 May 1924.

Rumania. — See the summary of the report on the *Convention concerning unemployment*, ARTICLE 2.

Spain. — See introductory note.

Sweden. — The finding of employment for profit has been abolished as regards maritime navigation.

Yugoslavia. — The business of finding employment for seamen as a commercial enterprise does not exist in Yugoslavia. Seamen are engaged either on direct application to the shipowner or through the medium of the employment office, which is obliged under § 3 of the regulations of 26 November 1927 to offer its services for this purpose free of charge and impartially.

ARTICLE 3.

Notwithstanding the provisions of Article 2, any person, company or agency, which has been carrying on the work of finding employment for seamen as a commercial enterprise for pecuniary gain, may be permitted to continue temporarily under Government licence, provided that such work is carried on under Government inspection and supervision, so as to safeguard the rights of all concerned.

Each Member which ratifies this Convention agrees to take all practicable measures to abolish the practice of finding employment for seamen as a commercial enterprise for pecuniary gain as soon as possible.

In addition, where persons, companies, or agencies have been authorised to continue temporarily the work of finding employment for seamen as a commercial enterprise for pecuniary gain, please state, if such statistics are available, the number of licences issued, and give as full information as possible regarding the operation of such agencies, and regarding the extent and methods of Government inspection and supervision.

Please also state what steps, if any, have been taken by the Government to abolish the practice of finding employment for seamen as a commercial enterprise for pecuniary gain.

Australia. — No person, company or agency has been permitted to carry on the work of finding employment for seamen as a commercial enterprise. Consequently no permits under this Article have been issued.

Belgium. — The Government reports that the work of finding employment for seamen is not carried on as a commercial enterprise in Belgium.

Bulgaria. — The Act of 12 April 1925 prohibited the finding of employment as a commercial enterprise.

Estonia. — See under ARTICLE 2 above.

Finland. — The Government states in its report that private employment agencies operating for profit are entirely prohibited by the Act. (See also above under ARTICLE 2).

France. — The Government states that fee-charging employment exchanges for seamen no longer exist.

Germany. — § 55 of the Act of 16 July 1927 provided that the carrying on of employment agencies for gain should be prohibited from 1 January 1931 onwards or in certain cases from 1 July 1931. Since the latter date the business of finding employment for seamen may no longer be carried on for gain.

Italy. — No such permission has been granted as contemplated in this Article.

Japan. — Under a supplementary provision of the Act of 11 April 1922, persons who were carrying on employment agencies on a fee-charging basis or for pecuniary gain were allowed to continue such work temporarily under conditions prescribed by Order No. 65 of the Department of Communications dated 18 November 1922. The permits issued under this Order by the Department and Regional Bureaux of Communications are valid for less than one year, though they may be prolonged. The amount of the fees which may be charged must be approved by the Director of the Bureau of Communications, and persons seeking work may only be charged half the fee. Persons engaged in the work of employment exchanges carried on on a fee-charging basis numbered 12 at the end of September 1931. The policy of the Government is to extend gradually free employment exchanges with a view to abolishing fee-charging agencies within as short a time as possible.

Latvia. — See under ARTICLE 2 above.

Luxemburg. — The report states that licences, the issue of which is provided for by the Decree of 21 August 1913, are no longer applied for or granted, and that there is now only one private employment agency in existence, catering exclusively for domestic servants.

Norway. — The Act of 12 June 1896 permits the operation of private fee-charging agencies but only under municipal authorisation which (according to the Act of 12 June 1906) may not be given without the consent of the Minister for Social Affairs. The Royal Decree of 20 June 1896 (§ 7) also provides for the control of these agencies by the police authorities. The report further states that at the present time in Norway private employment

agencies are understood to be operating as follows: Frederiksstad, 1 agency; Toensberg, 3 agencies; Sandefjord, 3 agencies; Lillesand, 1 agency; Bergen, 1 agency. Of these agencies, only those at Frederiksstad, Toensberg and Sandefjord are of any importance. The Act of 14 June 1929 (supplementing the Act of 12 June 1896) which came into effect on the same date lays down that no more permits for employment finding for seamen for remuneration may be granted. The permits already granted shall expire at the latest within a period of five years from the entry into force of the Act. The permits granted for an indefinite period shall expire within two years and those granted for a fixed period within one year after the entry into force of the Act. Meanwhile under § 12 of the Act of 1906 private employment agencies are required in the same way as the public employment exchanges to communicate a report upon their activities to the central statistical office.

Poland. — See under ARTICLE 2 above.

Rumania. — See the summary of the report on the *Convention concerning unemployment*, ARTICLE 2.

Spain. — See introductory note.

Sweden. — The finding of employment for seamen as a commercial enterprise is not permitted.

Yugoslavia. — See under ARTICLE 2 above.

ARTICLE 4.

Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge. Such system may be organised and maintained, either:

(1) by representative associations of ship-owners and seamen jointly under the control of a central authority, or,

(2) in the absence of such joint action, by the State itself.

The work of all such employment offices shall be administered by persons having practical maritime experience.

Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis.

In addition, please describe the system of free employment offices and state what measures have been taken, if this question arises, to secure the co-ordination of the work of the various employment offices on a national basis, contemplated by the last paragraph of Article 4.

Australia. — Mercantile Marine Officers have been appointed, under § 13 of the Act, at practically every port in the Commonwealth which is visited by interstate and oversea ships. Seamen's Inspectors have

been appointed, under § 30, at the three main ports, Melbourne, Sydney and Newcastle, but the volume of work at other ports is not considered sufficient to warrant appointments. All employees are permanent Government officials. The Seamen's Inspectors, as the officers conducting the employment section of the Mercantile Marine Offices, are persons who have had practical maritime experience; as Public Service appointments are limited to persons having proper qualifications for the position to be filled, special legislation has not been considered necessary. The duties of the Seamen's Inspector include the keeping of a register of seamen desiring employment and securing the attendance of men from whom shipmasters requiring seamen may make a selection. No charge may be made for this service. The Mercantile Marine Offices throughout the Commonwealth are conducted in a uniform manner, under the direction of the Director of Navigation for the Commonwealth.

Belgium. — The Government reports that the free employment exchange opened at Antwerp by the Belgian Shipowners' Union has worked since 1912 in an entirely satisfactory manner. Besides this, there exist employment exchanges at Antwerp for foreign seamen under the supervision of their respective consuls. All these exchanges (foreign as well as Belgian) are under the control of the Joint Committee on the Engagement of Seamen set up by the Royal Order of 20 January 1926 (see under ARTICLE 5 below), the activities of which extend to all the ports in the country. For budgetary and practical reasons it has so far been impossible to set up a State employment office. In other ports the recruiting of seamen takes place directly in the offices of the maritime commissioners.

Bulgaria. — The Act of 12 April 1925 provides for the establishment of a general system of free public employment exchanges. Employment exchanges belonging to industrial associations of employers or workers may continue to exist, provided they are carried on free of charge and under supervision (§ 2). In § 10 it is provided that "in towns in which seamen are recruited, one of the manager's assistants shall be a seaman who has completed at least the curriculum of a secondary school." There are no other types of employment agencies.

Estonia. — Under § 2 (7) of the Act of 31 January 1928, the Seamen's Institute, an autonomous institution for seamen under the supervision of the Government, is entrusted with the duty of maintaining a free employment exchange for seamen. The operations of this exchange are conducted by the doyen of the Institute (§ 24 (12)), who is chosen from among persons possessing practical maritime experience (§ 25).

Finland. — § 2 of the Act of 27 March 1926 prescribes that in towns, the census figures of which exceed 5,000 inhabitants, a communal employment exchange shall be set up and that, in cases where circumstances make it necessary, towns with a smaller population and hamlets and rural communes may be obliged to establish an employment exchange or appoint an employment agent. These exchanges find employment for seamen as well as for other workers. § 4 provides that every town with considerable shipping shall be bound, if the Minister of Social Affairs so decides, after consultation with the municipal authorities, to set up a special section for the finding of employment for seamen in the town's official employment exchange. These sections shall be managed by persons with practical maritime experience. At present such offices are in existence at Helsingfors and Turku. In other towns where there is a seamen's office the finding of employment for seamen shall be managed by the superintendent of the seamen's office. Every vacancy filled gives the right to a fixed grant from public funds. Co-ordination between the various exchanges is already secured through the same authorities, the whole of the work of finding employment being under the supervision of the Labour Bureau of the Ministry of Social Affairs and in particular under that of the Inspector of Public Employment Exchanges.

France. — Joint maritime employment exchanges are established in accordance with the conditions laid down in § 85 c (1) of Book I of the Labour Code as occupational sections of the departmental and municipal employment offices. At present such sections exist in the ports of Dunkirk, Havre, Rouen, Brest, Nantes, Bordeaux, Sète and Marseilles. According to § 9 of the Decree of 29 January 1928 for the organisation of joint maritime employment exchanges, the superintendent and the officials of these exchanges are chosen, as far as possible, from among seamen or former seamen possessing the necessary education, submitting references of good conduct and reputation, and having an intimate knowledge of local maritime conditions. They are chosen by preference from among certified deck hands, engine-room crew, or persons belonging to the catering services who have served with the naval staff or as petty officers in the Navy and are therefore able to judge the value and the professional capacity of a seaman.

Germany. — The Act of 22 July 1922 having laid down in § 47 that "the institution of seamen's employment exchanges shall be regulated in accordance with the Convention concluded at Genoa on 15 June 1920", the Order respecting seamen's employment exchanges was issued on 8 November 1924. § 53 of the Act of 16 July 1927, which replaced the Act of 22 July

1922, was reproduced without change in the Act of 12 October 1929, and the Order, as amended by the further Order of 20 September 1927, remained in force. § 1 of this Order provides that "seamen's employment exchanges shall be established and maintained by the industrial associations of shipowners and seamen for the placing of seamen's labour otherwise than for gain. The Seamen's Executive Council (*Seemännischer Verwaltungsrat*) shall decide in what places such employment exchanges shall be established. If the placing of labour does not devolve upon the seamen's employment exchange, in pursuance of the regulations issued by the Council, or if in default of agreement between the industrial organisations such exchanges are not established, or if seamen's exchanges cease to undertake employment exchange work, the placing of labour shall be effected by the public employment exchanges. This provision shall also apply if the Seamen's Executive Council is not formed or is dissolved." According to § 3 the chairman of the joint executive committee, which must be formed for every seamen's employment exchange, must be a person with experience in labour questions affecting seamen.

Italy. — § 1 of the Legislative Decree of 24 May 1925 provides that in the ports of Savona, Genoa, Spezia, Leghorn, Portoferraio, Civitavecchia, Naples, Torre Annunziata, Taranto, Brindisi, Molfetta, Bari, Ancona, Venice, Trieste, Pola, Fiume, Cagliari, Messina, Catania, Trapani and Palermo, the placing free of charge of seamen who do not take service as officers or to perform responsible duties on board ship shall be carried on exclusively by local employment exchanges under the management of the harbour authority. At the request of associations of shipowners and seamen acting in agreement, the Minister of Communications, at his absolute discretion, may direct that the free placing of seamen shall be carried on by exchanges set up and maintained by the said associations. Under § 2 the Minister of Communications has the right to institute new seamen's employment exchanges and to abolish existing exchanges, irrespective of the manner in which they are constituted. The Minister has also the right to lay down rules of a general or special character according to local requirements for the organisation and the placing of labour and the working of the exchanges. § 3 provides that the employment exchanges shall recover from the shipowners, in respect of the embarkation of every seaman placed by them, a fee to be fixed by the Minister of Communications, and that the sums derived from the collection of the above-mentioned fees shall be utilised for the working expenses of the exchanges.

Japan. — The Seamen's Employment Exchange Act empowers the Government to carry on employment exchanges for seamen

when it deems this to be necessary and to entrust employment exchange work to corporate bodies or other organisations engaged in public welfare work, and to grant subsidies. On 25 December 1926 the Joint Maritime Commission (*Kaiji-Kyodo-Kwai*) was established by concerted action of three bodies—namely, the Japanese Shipowners' Association, the Japanese Seamen's Union and the Seamen's Association. This Commission, having received the sanction of the Minister of Communications, has been carrying on the work of free employment exchanges for seamen since 1 April 1927 in the following cities: Tokyo, Yokohama, Osaka, Kobe, Moji, Nagasaki, Otaru and Hakodate. Branches of the employment exchange agencies are situated in Wakamatsu, Osaka, Kawaguchi, Muroran, Fushiki, Nagoya, Miike, and Kobe. In addition, there are employment exchange agencies maintained respectively by the Japan Seamen's Welfare Society (Yokkaichi) and the Nagasaki Sailor's Union (Nagasaki). The necessary measures to secure the co-ordination of the work of the various employment agencies are to be taken by the Department of Communications and by the local Bureaux of Communications, in accordance with the laws and regulations relating to seamen's employment exchanges. In point of fact, such co-ordination is being secured satisfactorily at present.

Latvia. — The Order of 15 January 1931 provides for the setting up of an employment committee, composed of an equal number of representatives of the organisations of seamen and of shipowners, to manage and supervise the finding of employment for seamen. The total number of members of the committee, their period of office, the organisations of seamen and of shipowners entitled to be represented on the committee and the number of representatives to be appointed by each organisation, are determined by the Instruction of 14 April 1931.

Luxemburg. — The report states that free employment agencies are maintained jointly by the State and the local authorities.

Norway. — Public employment exchanges were established under the Act of 12 June 1906. In the more important communes these exchanges have a special section devoted exclusively to employment for seamen and supervised by persons possessing maritime experience. Thus, special services for finding employment for seamen have been set up in Oslo, Drammen, Bergen, Trondhjem and Narvik. The 35 other exchanges on the coast have no such services for seamen, the finding of employment for whom is carried out in conjunction with the finding of employment for other classes of workers. In some exchanges the manager or one of his assistants has had practical experience of maritime questions. The com-

municipal council concerned appoints the officials of the exchanges and decides whether special services should be set up, especially for finding employment for seamen. The central authority has no influence in this respect. The question of the co-ordination of employment exchanges of different types does not arise.

Poland. — There is a system of free public employment exchanges. (See summary of the report on the *Convention concerning unemployment*). An employment office for seamen was established in 1931 in connection with the employment exchange at Gdynia, which in the period covered by the report affected about 1000 placings. The co-ordination under the Ministry of Labour and Social Welfare of all employment offices is secured by the provisions of the Decree of 27 January 1919 and of the Act of 21 October 1921.

Rumania. — § 1 of Ministerial Decision No. 79024/931 provides that a special section for finding employment for seamen shall be set up in the public employment exchange at Constanza, to be carried on in accordance with the provisions contained in the Employment Exchanges Act of 22 September 1921. (See summary of the report on the *Convention concerning unemployment*). § 2 of the Decision lays down that the services of this section shall be free of charge.

Spain. — See introductory note.

Sweden. — The finding of employment for seamen is organised as a special branch of the public exchanges established under the Decree of 30 June 1916. The public exchanges have, as a rule, set up special institutions for seamen. In the four principal ports, however (Stockholm, Göteborg, Malmö, Hålsingborg), special seamen's employment offices have been established. Each of these offices is managed by a retired master, assisted by a retired marine engineer. In twenty ports, employment facilities are provided by special commissioners, who are former captains of vessels or other persons who have served in merchant ships. Lastly, in five other ports where shipping is insignificant the ordinary public exchanges devote their attention directly to seamen. Co-ordination between the special institutions set up to find employment for seamen is secured by the rule that all employment-finding institutions must supply reports on their activities, and by the weekly distribution of an "official list of vacancies" drawn up on the basis of their reports.

Yugoslavia. — No special employment offices have been set up for seamen, as they may use the general public employment offices. For the organisation of the system of public employment offices see the sum-

mary of the report on the *Convention concerning unemployment* (ARTICLE 2). Under the Regulations of 26 November 1927 public employment offices staffed by persons experienced in maritime questions have been set up at Sušak, Split, Šibenik, Gruže and Kotor. These are the most important ports on the Adriatic, where the majority of the workers applying to the employment offices are seamen.

ARTICLE 5.

Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices; the Government in each country may make provision for further defining the powers of these committees, particularly with reference to the committees' selection of their chairmen from outside their own membership, to the degree of State supervision, and to the assistance which such committees shall have from persons interested in the welfare of seamen.

In addition, please indicate the measures taken regarding the methods of consulting the Committees, and state whether provision has been made for further defining the powers of such Committees particularly with reference to:

- (i) *the selection of their chairmen from outside their own membership;*
- (ii) *the degree of State supervision;*
- (iii) *assistance from persons interested in the welfare of seamen.*

Australia. — No Committees have been appointed. Under the conditions existing locally it is considered that no useful purpose would be served thereby.

Belgium. — By the Royal Order of 20 January 1926 a Joint Committee on the engagement of seamen was established, with offices at Antwerp, but with jurisdiction extending to all the ports of the Kingdom. This Committee is entrusted with the permanent supervision of the operations of employment offices for seamen, as well as with the duty of giving advice on all questions relating to the working of such offices. It is composed of three shipowners or former shipowners, or their authorised representatives, and three seamen or former seamen, from lists containing at least five names submitted by the shipowners and seamen respectively; in the case of the shipowners, the lists must be signed by ten shipowners or companies, in the case of the seamen by four hundred working seamen. All the members are therefore thoroughly familiar with the interests of the class of workers under their protection. The members of the Committee hold office for four years. Membership is honorary. A substitute member is appointed for each member. The chairman of the Committee is a State official appointed by the Minister of Marine. State control of the Committee is thus assured.

Bulgaria. — It is provided that advisory committees are to be set up temporarily in connection with the services dealing with the finding of employment for seamen. The report adds that "so far these committees have not been appointed, because there is only one navigation undertaking in Bulgaria, the Bulgarian Navigation Company, which employs a small number of persons. It was therefore considered useless and premature to appoint a permanent committee. Moreover, the management of the Company and the seamen are in permanent touch with the employment exchanges at Varna and Burgas."

Estonia. — The managing committee of the Seamen's Institute, which is entrusted, *inter alia*, with the supervision of the activities of the seamen's employment exchange (§ 9 (7) of the Act), is composed of representatives of shipowners (two members), masters (one member), mates (one member), engineers (one member), and seamen (two members).

Finland. — § 6 (2) of the Act of 27 March 1926 respecting employment exchanges provides that if a special department for seamen is organised in connection with a communal employment exchange it shall be placed under the immediate supervision of an advisory committee consisting of representatives of shipowners and seamen in equal numbers, with the Chairman of the Employment Exchange Committee as its Chairman. This advisory committee shall be appointed by the general Committee of the employment exchange.

France. — The joint maritime employment exchanges are subject to the technical supervision of the Superintendent of Maritime Registration and to the administrative and financial control of the Prefect of the Department or of the Mayor, and are managed under the supervision of a joint Committee composed, under § 4 of the Decree of 29 January 1928, of an equal number of representatives of the shipowners and of representatives of the seamen. The total number of members may not be less than eight. The members of the Committee are appointed by the Prefect or the Mayor, as the case may be, on the proposal of the representative of the superintendent of maritime registration. They are chosen from a list of nominations drawn up by the most representative trade organisations of the shipowners and the trade organisations of the seamen, and consisting of a number of names at least double that of the vacancies to be filled. The Chairman is chosen from among persons enjoying the confidence both of the shipowners and of the seamen and possessing the necessary authority for that office. The report adds that, in order to secure the best conditions possible for the placing of seamen, the Government has recommended the directors of the joint maritime offices to

keep themselves in close touch with the managers of the seamen's homes of their locality and with other persons interested in the welfare of seamen.

Germany. — § 5 of the Order of 8 November 1924 provided that a Seamen's Executive Council (*Seemännischer Verwaltungsrat*) with headquarters in Hamburg should be set up by the industrial organisations of shipowners and seamen for all seamen's employment exchanges not carried on for gain. This Council is composed of an independent chairman and representatives of shipowners and seamen in equal numbers as assessors. The representatives of shipowners and seamen are appointed by the organisations concerned; the chairman, who must be a person with experience in labour questions affecting seamen, is elected by the assessors, or, in default of the election, is appointed by the Head Office of the Federal Employment and Unemployment Insurance Board. By § 3 of the Order, an executive committee composed of an independent chairman and equal numbers of representatives of shipowners and seamen, appointed by the organisations concerned, as assessors, must be formed for every seamen's employment exchange. The chairman is elected by the assessors, or, in default of the election, is appointed by the Seamen's Executive Council. It is the duty of the Seamen's Executive Council to issue rules, subject to the approval of the Federal Employment and Unemployment Insurance Board, for the constitution, management and operation of the seamen's employment exchanges, the activities of which are supervised by the executive committees. The managers of the exchanges are appointed by the executive committees on the proposal of the shipowners' organisations; failing agreement between the executive committees and the shipowners' organisations, these appointments have to be made by the Seamen's Executive Council. The subordination of the Committees to State control is ensured by the supervision carried out by the Head Office of the Federal Employment and Unemployment Insurance Board.

Italy. — The Legislative Decree of 24 May 1925 provides in § 1 that each seamen's employment exchange shall be under the direction of a Committee composed of an equal number of representatives of shipowners and seamen under the chairmanship of the port commandant.

Japan. — The Imperial Ordinance No. 374 of 27 August 1923 respecting the organisation of the Seamen's Employment Exchange Commission prescribed in § 6 of the Seamen's Employment Exchanges Act provides for a Commission which is composed of members appointed by the Cabinet on the recommendation of the Minister of Communications from among shipowners and persons representing the

interests of seamen. This Commission is under the presidency of the Vice-Minister of Communications and its duty is to tender advice and make proposals to the Minister, at his request, concerning the management of the work of seamen's employment exchanges.

Latvia. — See ARTICLE 4. above.

Luxemburg. — The report does not refer to this Article of the Convention.

Norway. — Under § 2 of the Act of 12 June 1906, the exchanges are under the supervision of Committees appointed by the local authorities and composed of a neutral chairman and vice-chairman, and equal numbers of employers' and workers' representatives. There are no special supervisory committees for seamen's affairs attached to the employment exchanges, but the ordinary committees of the general employment exchanges include in some cases a representative of the seamen and a representative of the shipowners. No steps have been taken for special assistance by persons concerned with seamen's welfare.

Poland. — In virtue of the Decree of 27 January 1919 relating to the organisation of employment exchanges and of the Order of 18 December 1923 relating to the organisation and powers of the joint advisory committees (in Posnania and Pomerania, the Order of 30 September 1924), advisory committees composed of equal numbers of representatives of employers and workers have been set up in connection with the State offices.

Rumania. — § 1 of Ministerial Decision No. 79024/931 lays down that the special Seamen's Section of the Public Employment Exchange at Constanza shall be assisted by an Advisory Committee consisting of two seamen and two shipowners. The Chairman of this Committee is to be elected by agreement between the members of the Committee from among competent persons in the locality. The election of the members of the Committee and of its Chairman shall be confirmed by the Ministry of Labour.

Spain. — See introductory note.

Sweden. — Representatives of shipowners and seamen have been appointed in 24 ports to assist the general employment exchanges which have set up special institutions for seamen in dealing with questions of importance concerning their work.

Yugoslavia. — The Report states that no steps have been taken to set up joint committees as provided for by Article 5 of the Convention owing to the fact that the supervision of the finding of employment for seamen is carried out entirely under

the control of the public authorities. Under § 4 of the Regulations for the employment exchange system, there are an administrative council and an executive committee attached to the exchanges which are joint bodies. On 22 February 1928 a Maritime Advisory Committee attached to the Maritime Directorate at Split, and consisting of representatives of the organisations concerned, was set up. This Committee includes one delegate of the Shipowners' Union and one delegate of the Yugoslav Seamen's Union. It must be consulted on all economic and social questions concerning maritime matters.

ARTICLE 6.

In connection with the employment of seamen freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners.

Australia. — Freedom of choice of ship is allowed to seamen and freedom of choice of crew to shipowners, but there is no special legislation on the subject.

Belgium. — The Act of 5 June 1928 regulating seamen's articles of agreement takes account of the provisions of the Convention. Moreover, § 3 of the Royal Decree of 20 January 1926 provides that the Joint Committee on the Engagement of Seamen is to investigate complaints regarding the working of employment offices, *inter alia*, in respect to interference with the right of the seaman to choose his ship and of the shipowner to choose his crew.

Bulgaria. — No special provisions relating to this question are contained in the Act of 12 April 1925.

Estonia. — The report states that although the Act of 31 January 1928 does not contain any special provision relating to this question, the right of the seaman to choose his ship is in practice unrestricted.

Finland. — The report states that there is no compulsion in this respect.

France. — The report states that, in accordance with the general provisions of the Maritime Code, the internal regulations of the joint maritime employment exchanges specify clearly that in the course of the operations concerning employment-finding, the seaman retains the right to choose his vessel and the shipowner the right to choose his crew.

Germany. — No special provisions covering this Article are contained in the legislation referred to in the report.

Italy. — The Legislative Decree of 24 May 1925 contains no special provision relating

to this Article of the Convention, but it may be noted that the Regulations for seamen's employment exchanges, approved in 1920 by the Royal Maritime Commission, lay down in § 7 that a shipowner is entitled to refuse to sign on any registered seaman for motives which appear reasonable and which must be declared valid by the committee, or, in cases of urgency, by the manager. In the latter case, appeal may be made to the chairman of the committee. The seaman possesses the same right to refuse service on any ship.

Japan. — The Government states that the operation of the Employment Exchanges Act presupposes the fact of freedom of choice on the part of seamen as well as of shipowners.

Latvia. — Freedom of choice of ship and crew is provided for in § 10 of the Order of 15 January 1931.

Luxemburg. — The report does not refer to this Article, but the Act of 5 March 1928 reproduces the text of the Convention.

Norway. — The report states that under Norwegian legislation in general and under the regulations for employment exchanges the seaman is free to choose his ship and the shipowner to choose his crew.

Poland. — An Order of the Minister of Labour and Social Welfare of 26 January 1925 relating to the regulations for employment exchanges provides that employers have the right of choice amongst candidates for vacancies, and that workers are not obliged to accept the employment offered provided that they notify the exchange of their reasons for refusal.

Rumania. — § 2 of Ministerial Decision No. 79024/931 contains a provision to this effect.

Spain. — See introductory note.

Sweden. — The Government considers that the provisions of Article 6 are carried out by the exchange system, since according to it the principal object to be attained in finding employment is to ensure that the employer shall obtain the best type of labour possible and that the worker shall be provided with work for which he is best suited. Moreover, the seaman retains the right, as regards the employment exchange, to accept or refuse the employment offered to him. The report states, however, that this right of the seaman and shipowner is to a certain extent restricted by the so-called "number" system which the workers' organisations use in some of the large ports. The object of the system is to fill the vacancies in the order of the applications made by unemployed seamen to the competent trade union organisation.

Yugoslavia. — The Regulations of 26 November 1927 are based on the principle that the seaman is free to choose his vessel and the shipowner is free to choose his crew.

ARTICLE 7.

The necessary guarantees for protecting all parties concerned shall be included in the contract of engagement or articles of agreement, and proper facilities shall be assured to seamen for examining such contract or articles before and after signing.

In addition please describe the facilities assured for examining such contract or article before and after signing.

Australia. — The form of the articles of agreement is prescribed by the Navigation (Master and Seamen) Regulations, made under § 46 of the Act. These agreements must be entered into in the presence of a Superintendent of a Mercantile Marine Office and be read over and explained to seamen before they sign them. They are required to be framed so as to admit of stipulations (not contrary to law) being introduced therein, after approval by the Superintendent, at the joint will of the master and seamen, and by § 53 of the Act one copy of the agreement must be exhibited on the ship in a place accessible to the crew. The agreement is enforceable in the Courts.

Belgium. — The report states that at the time of engagement, as well as when the list of the crew is signed, seamen have every opportunity of discussing, accepting or refusing the conditions of engagement. The contracts are in writing; the conditions are posted up in several languages in the premises of the recruiting office of the Shipowners' Union at Antwerp. Moreover, according to the Royal Decree of 20 March 1914 respecting maritime police, the Maritime Commissioner must supervise the signing on of the crew. The agreement must be read out in French or Flemish and the conditions of the agreement must be posted in both languages on the ship in a place readily accessible to all. The matter is also dealt with in the Act of 5 June 1928 concerning the regulation of seamen's articles of agreement.

Bulgaria. — It was stated in previous reports that all navigation is organised by the Bulgarian Navigation Company, the Regulations of which provide that every seaman must have a work-book containing, amongst other things, the conditions of service, and extracts from the relevant laws, regulations and international conventions.

Estonia. — These guarantees are secured by §§ 65 and following of the Act of 31 January 1928 and § 11 of the Act of 22 March 1928 in virtue of which each

seaman must receive from the captain a copy of his articles of agreement. In the case of a collective agreement, the captain must see to it that a copy of the agreement is available on board ship and placed at the disposal of the crew.

Finland. — Chapter 2 of the Seamen's Act of 8 March 1924, which contains the provisions concerning articles of agreement, lays down that when a seaman has been engaged he shall be furnished by the captain with a wages book indicating all the conditions of the engagement. In addition the Order of 23 December 1924 provides in § 3 that the registration officer or the superintendent of the seamen's office must see that the contracting parties are fully informed of the circumstances which may influence the agreement and that all the necessary conditions respecting work on board ship and pay and the mutual relations of the captain and the persons signed on are laid down precisely and in full.

France. — § 10 of the Act of 13 December 1926 to issue a Seamen's Code provides that "the agreement shall be clearly worded so that it leaves the parties in no uncertainty as to their respective rights and duties". § 12 of the same Act lays down, *inter alia*, that "particulars of the general conditions of employment shall be placed by the shipowner at the disposal of the seaman and shall be read aloud by the maritime authority when a seaman is being entered on the ship's articles."

Germany. — The Seamen's Code contains no provision requiring that the service agreement should be drawn up in writing, but it requires that the seaman, at the moment of his engagement, should receive a certificate signed by the master or by the representative of the shipowner, giving the name of the ship, a description of the seaman's rating, a description of the voyage or the duration of the agreement, the amount of the wages, and the time and place of signing on. The Seamen's Code also lays down that the service engagement must be officially communicated to the seaman. This communication is made in a seamen's office (*Seemannsamt*) in the presence of the seaman and the master or the shipowner's authorised representative. Seamen are given every opportunity of examining the contract at the time of engagement or of taking up their duties.

Italy. — § 522 of the Commercial Code provides that articles of agreement must be drawn up in writing in the presence of the port commandant. Model articles of agreement and rules of service for steamships were adopted and published in the Circular of 27 March 1920. The articles of agreement contain, *inter alia*, provisions relating to the validity, the duration and the cessation of the contract of service, wages, the

number and composition of the crew, conditions and hours of work, insurance against war risks, insurance of kit, sickness and accident insurance, food, etc. Before the seamen sign on, these articles of agreement must be read to them.

Japan. — The Seamen's Act (§ 27) provides that when the maritime authorities proceed to make a public recognition of the articles of agreement mentioned in the list of the crew, the matters contained therein shall be read to each of the parties concerned before being signed or sealed. §§ 25 to 29 of the Regulations for the Seamen's Act contain detailed provisions for the enforcement of the Act.

Latvia. — Under the Seamen's Code the master is obliged to give each seaman, on his engagement, a wages book indicating the conditions of his engagement. The report also states that the regulations in force concerning the engagement of seamen provide that the conditions of engagement stated in the list of crew shall be read out to seamen, and that the latter shall sign the list of crew after this has been done.

Luxemburg. — The report does not refer to this Article, but the Act of 5 March 1928 reproduces the text of the Convention.

Norway. — The Seamen's Act of 16 February 1923 provides in § 11 that a wages contract must be drawn up by the captain for each seaman. It must contain all necessary particulars, including the duration of the agreement, wages, overtime pay, etc. The seaman is entitled to examine the articles of agreement before and after they are signed. The Act provides that this examination must be made with the assistance of the maritime registration service, and abroad, with that of the Norwegian consuls.

Poland. — Every facility is given to seamen to examine the contract. § 7 of the Seamen's Code stipulates that a copy of the Code and of a number of other laws concerning seamen's conditions, must be given to the seamen, and a copy of these laws and a summary of the conditions of engagement contained in the list of crew must be kept available in the crews quarters. In accordance with § 27 of the Code the seaman receives at the time of his engagement a statement signed by the captain or shipowner's representative showing the name of the vessel, the nature of the work to be performed, the voyage to be made or the duration of the contract, the pay stipulated and the time and place of engagement. Engagement consists in the notification to the Maritime Navigation Office of the contract concluded by the seamen. The Ministry of Industry and Commerce pre-

scribed in 1930 a model form of pay-book which is delivered to every seaman.

Rumania. — § 2 of Ministerial Decision No. 79024/931 lays down that articles of agreement of seamen placed by the special Seamen's Section of the Public Employment Exchange shall be in accordance with articles 531 ff. of the Commercial Code (which deals with the signing on and payment of members of the crew).

Spain. — See introductory note.

Sweden. — § 11 of the Seamen's Act of 15 June 1922 provides that when a seaman has been engaged he must be furnished by the captain with a wages book containing various particulars, including the duration of the agreement, wages, overtime pay and all other conditions of engagement. The provisions in force concerning the engagement of seamen provide, moreover, among other matters, that the conditions of engagement mentioned in the list of the crew must be read to the seaman and that the seaman must then sign the list of the crew.

Yugoslavia. — Under § 6 of the Order of 19 October 1863 the official of the maritime or consular authority in whose presence the articles of agreement are concluded must make sure that the seaman understands the articles before signing them.

ARTICLE 8.

Each Member which ratifies this Convention will take steps to see that the facilities for employment of seamen provided for in this Convention shall, if necessary by means of public offices, be available for the seamen of all countries which ratify this Convention and where the industrial conditions are generally the same.

In addition, please describe the steps taken to provide facilities for finding employment for seamen of other countries, and state the countries, the seamen of which benefit by these facilities.

Australia. — The facilities are available to seamen of all nationalities and in respect of all ships in Commonwealth ports.

Belgium. — Seamen of all countries benefit by all the employment facilities provided for national seamen.

Bulgaria. — It was stated in previous reports that the service for the finding of employment for foreign seamen has not been organised, but that it would be set up as soon as required.

Estonia. — The Act of 31 January 1928 does not exclude the finding of employment for foreign seamen by the employment exchange service of the Seamen's Institute.

Finland. — The report states that the employment exchanges are open to all seamen, irrespective of their nationality.

France. — The report states that the seamen of other countries are free to apply to the joint maritime employment exchanges in order to obtain employment on board French vessels. It adds, however, that the number of foreign seamen signed on in the French mercantile marine is fairly small. According to the Navigation Act of 21 September 1793, French vessels may employ foreign seamen only up to a fourth of the total strength of the crew, and French vessels have not taken advantage of this right to any great extent.

Germany. — The seamen's employment exchanges are open to seamen of all nations.

Italy. — The report states that, as the provisions relating to the finding of employment for seamen have the character of regulations of public order, the facilities and penalties therein provided for apply not only to Italian seamen but also to those of other countries generally.

Japan. — No discrimination is made between Japanese and foreign seamen.

Latvia. — § 9 of the Order of 15 January 1931 provides that the seamen's employment exchanges are to be open to the seamen and shipowners of all countries which have ratified this Convention.

Luxemburg. — The report does not refer to this Article, but the Act of 5 March 1928 reproduces the terms of the Convention.

Norway. — Foreign seamen have the same opportunity of using the exchanges as Norwegian subjects.

Poland. — The employment exchanges are open to Polish and foreign workers without distinction in accordance with the Order of the Minister of Labour and Social Welfare of 26 January 1925 relating to the regulations for State employment exchanges.

Rumania. — See under ARTICLE 1 above.

Spain. — See introductory note.

Sweden. — Free employment facilities are open to foreign seamen without exception.

Yugoslavia. — Under § 17 of the Regulations of 26 November 1927 the public employment offices are open to both national and foreign workers.

ARTICLE 9.

Each country shall decide for itself whether provisions similar to those in this Convention shall be put in force for deck-officers and engineer-officers.

Please state whether provisions similar to those in the present Convention have been put into force for deck-officers and engineer officers.

Australia. — The facilities are available alike to officers and seamen, and the provisions of the Convention apply to all ranks and ratings.

Belgium. — The report states that deck-officers and engineer-officers are recruited in the same conditions and under the same guarantees as ordinary seamen. The activities of the Joint Committee on the engagement of seamen do not, however, cover the engagement of officers. On the other hand, the Act of 5 June 1928 concerning the regulation of seamen's articles of agreement extends the prohibition of recruitment for pecuniary gain to such officers.

Bulgaria. — The service for the finding of employment for deck and engineer officers has not yet been organised.

Estonia. — The report states that deck officers and engineer officers may take advantage of the employment exchange in connection with the Seamen's Institute. The provisions of the Act of 22 March 1928 in regard to seamen's articles of agreement apply to officers also.

Finland. — The report states that the employment exchanges are also open, if necessary, to deck and engineer-officers. The maritime employment exchanges at Helsingfors and Turku are already engaged in finding employment for such officers.

France. — In recalling the definition of the term "seaman" in § 3 of the Seamen's Code (see under ARTICLE 1), the report states that the joint maritime employment exchanges ensure the placing of deck and engineer officers as well as that of boatswains, sailors, stokers, stewards etc.

Germany. — No provisions corresponding to those referred to in this Article have been put into force in respect of deck-officers and engineer-officers. The finding of employment for officers is carried out mainly by the employment offices of their own organisations.

Italy. — According to § 1 of the Legislative Decree of 24 May 1925, the finding of employment for officers is not entrusted to the employment exchanges set up under the Decree. The report adds that, under an Act of 16 December 1928, an employment office for officers (*Ufficio movimento ufficiali*) has been established in connection with those port authorities who have

or will have an employment exchange. The signing on of officers must be carried out by means of this office.

Japan. — Deck and engineer officers are covered by the same system for finding employment as lower ratings.

Latvia. — The report states that § 11 of the Instruction of 14 April 1931 provides that the system of employment exchanges for seamen shall apply to deck-officers and engineer-officers.

Luxemburg. — The report does not refer to this Article, but the Act of 5 March 1928 reproduces the text of the Convention.

Norway. — The system of public employment exchanges applies to deck and engineer officers.

Poland. — Deck and engineer officers are entitled to use the employment exchanges.

Rumania. — The report does not allude to this Article of the Convention.

Spain. — See introductory note.

Sweden. — Deck and engineer officers may use the employment exchanges.

Yugoslavia. — No provisions corresponding to the terms of this Article of the Convention have been adopted, but officers are free to apply to the employment offices.

ARTICLE 10.

Each Member which ratifies this Convention shall communicate to the International Labour Office all available information, statistical or otherwise, concerning unemployment among seamen and concerning the work of its seamen's employment agencies.

The International Labour Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country.

Please state the action taken to give effect to this Article, and give the views of your Government on the means of securing the co-ordination by the International Labour Office of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country, in application of the second paragraph.

Australia. — Statistical information as to men employed and unemployed is supplied annually to the International Labour Office. No statistics have been kept of the number of men who have obtained employment through the employment agencies at the Mercantile Marine Offices. Many enquiries are made by oversea shipmasters, and seamen obtained, but as foreign ships engage their seamen under the supervision of their own Consul, it is not known how many

have secured employment through the Government agency.

Belgium. — The report does not allude to the question of communicating information to the Office. It states, however, that, as regards Belgium, the conditions of engagement in the other ports would not make it possible to set up offices corresponding to the office opened at Antwerp by the Shipowners' Union.

Bulgaria. — The report does not allude to this Article.

Estonia. — The report does not allude to the question of supplying information concerning unemployment. The report states that the Estonian Government is prepared to take into account any suggestions made by the International Labour Office.

Finland. — The information in question is published in the *Social Review*, which is sent monthly to the International Labour Office. The report states, on the subject of paragraph 2 of this Article of the Convention, that there is no need to alter the organisation of the seamen's employment exchanges, which in some respects differs from that of other countries, but that the possibility might well be considered of collaboration between the seamen's employment exchanges in Finland and those in other States.

France. — The report contains statistical information regarding the working of the joint maritime employment exchanges during the year 1929 and the number of unemployed seamen in Marseilles during the twelve months of the same year. The report does not refer to the question of the co-ordination of the different national systems of employment exchanges for seamen.

Germany. — On the instructions of the Ministry of Labour of the Reich, the Federal Employment and Unemployment Insurance Board communicates to the International Labour Office every three months the information required by the first paragraph of this Article. Special figures showing the work done by the seamen's employment exchanges are supplied in the reports on the labour market situation published in the *Reichsarbeitsblatt* on the 25th of every month. As regards the second paragraph, the Government in a previous report declared itself ready to help the International Labour Office to promote the exchange among the different countries of information relating to the demand for and supply of labour provided that such information does not relate to specified persons or places of work. The report added that the Government in making this statement as-

sumed that this demand and supply had a certain importance and extended over a certain period and was not merely temporary.

Italy. — Statistics for the period will be communicated to the International Labour Office. As regards the application of the second paragraph of this Article, the report states that the Italian Government is prepared to consider any suggestions that may be made by the International Labour Office.

Japan. — The Government supplies general and statistical information on the work of the seamen's exchanges in its annual reports.

Latvia. — The report states that § 8 of the Instruction of 14 April 1931 lays down the functions of the seamen's employment exchanges. As regards the second paragraph of this Article, the report states that the Latvian Government is prepared to consider any suggestions that may be made by the International Labour Office.

Luxemburg. — The report does not refer to this Article, but the Act of 5 March 1928 reproduces the terms of the Convention.

Norway. — The Office receives the reports of the Inspector of Public Employment Exchanges and Unemployment Funds (annual and monthly).

Poland. — Information concerning unemployment and placing is communicated to the Office every three months. For the views of the Polish Government on the co-ordination of national systems, see the summary of the report on the *Convention concerning unemployment*.

Rumania. — § 3 of Ministerial Decision No. 79024/931 lays down that the Employment Exchange and Migration Service of the Ministry of Labour shall communicate regularly to the International Labour Office all information, statistical or otherwise, concerning unemployment among seamen and concerning the work of the special Seamen's Section of the Employment Exchange at Constanza.

Spain. — See introductory note.

Sweden. — See the summary of the report on the *Convention concerning unemployment* (ARTICLES 1 and 2 (c)).

Yugoslavia. — In order to give effect to the first paragraph of this Article the public employment exchanges are required, under § 2 of the Regulations of 1927, to compile and keep up to date statistics of unemployment and the labour market.

III.

Article 11 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Australia. — The application of the provisions of the Navigation Act relative to the supply and engagement of seamen to the Territory of Papua and the Mandated Territory of New Guinea, where the seamen are aboriginal natives, is impracticable.

Belgium. — The report states that the Department of Colonies is re-examining the possibility of applying the Convention to the Belgian Congo and territories under Belgian mandate. A decision will be reached before the next report is supplied.

France. — In Algeria the Maritime Labour Code is made applicable by Decree of 25 September 1927, and the Convention is accordingly applied. In Tunisia no private organisation carries on the work of finding employment for seamen. In practice the port authorities before whom engagements of seamen are effected inform masters and seamen of the existing demand for and offers of employment. The report states that by reason of local conditions the Convention cannot be applied in the other French overseas possessions, the evolution of which in this respect has not been such as to make it possible to apply the maritime legislation of the metropolitan country.

Italy. — The Government states that the Convention has not yet been applied to the colonies, but that the possibility of making such adaptations as may be required by local merchant marine conditions is at present under consideration.

Japan. — The Convention is regarded as unsuitable for application to the colonies,

since the conditions in the colonies are so markedly different from those of the homeland.

Spain. — See introductory note.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Australia. — 3 August 1925.

Belgium. — 8 April 1925.

Bulgaria. — 1 January 1926, date of entry into force of the Act of 12 April 1925.

Estonia. — 3 March 1923.

Finland. — 7 October 1922.

France. — 25 January 1928.

Germany. — 6 June 1925.

Italy. — 8 September 1924.

Japan. — 23 November 1922.

Latvia. — 3 October 1927.

Luxemburg. — 16 April 1928.

Norway. — 23 November 1921.

Poland. — 21 June 1924.

Rumania. — 10 November 1930.

Spain. — See introductory note.

Sweden. — 23 November 1921.

Yugoslavia. — 30 September 1929.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Australia. — The Marine Branch of the Department of Transport is entrusted with the administration of the legislation. (See also reply under ARTICLE 4.)

Belgium. — The Minister of the Marine supervises the application of the Acts and Decrees mentioned above through the agency of the maritime administrative services

and, in particular, of the maritime commissioners and, abroad, of the consuls.

Bulgaria. — See the summary of the report on the *Convention concerning unemployment*.

Estonia. — Supervision of the enforcement of the relevant legislation is entrusted to the authorities of the Seamen's Institute.

Finland. — Supervision of the observance of the legislation is entrusted to the Labour Office of the Ministry of Social Affairs and, in particular, to the inspector of public employment exchanges.

France. — The application of the Seamen's Code is one of the functions of the Minister for the Mercantile Marine. The joint maritime employment exchanges which function as a part of the departmental and municipal employment exchanges are placed, in consequence, under the authority of the Minister of Labour (Directorate of Labour). They carry out their work under the administrative and financial control of the Prefect or the Mayor, as the case may be, and are placed under the technical supervision of the superintendent of maritime registration.

Germany. — The supervision of the enforcement of the Act respecting the finding of employment and unemployment insurance and of the two Orders respecting seamen's employment exchanges is entrusted to the Federal Employment and Unemployment Insurance Board. This Board carries out its supervision under the control of the Federal Ministry of Labour.

Italy. — The supervision of the application of the measures mentioned is entrusted to the maritime authorities under the direction of the General Directorate of the Mercantile Marine at the Ministry of Communications.

Japan. — The principal authorities for the application of the relevant laws and regulations are the Department of Communications, and its local offices, the Bureaux of Communications.

Latvia. — The control of the application of the Convention is entrusted to the Ministry of Social Welfare.

Luxemburg. — See the summary of the report on the *Convention concerning unemployment*.

Norway. — See the summary of the report on the *Convention concerning unemployment*.

Poland. — Control is exercised by the voivods and by the Minister of Labour and Social Welfare.

Rumania. — The authority responsible for supervising the application of Ministerial Decision No. 79024/931 is the Employment Exchange and Migration Service of the Ministry of Labour. (See also the summary of the report on the *Convention concerning unemployment*).

Spain. — See introductory note.

Sweden. — See the summary of the report on the *Convention concerning unemployment*.

Yugoslavia. — The supervision of the execution of the Regulations is entrusted to the Ministry of Social Policy and Public Health and that of the execution of the Orders is entrusted to the Bans, the Ministry of Social Policy and Public Health and the Ministry of Commerce and Industry.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the texts of such decisions.

The reports supplied do not mention any such decisions.

• • •

Please add a general appreciation of the manner in which the Convention is applied in your country, with special reference to the working, the management and the results of the employment offices as regards seamen.

Australia. — Mercantile Marine employees of all ranks and ratings are organised into recognised Unions. These bodies take an active interest in placing their members in employment and require little assistance from the Government. As mentioned under Article 4, employment registers are kept, but these are availed of mostly by masters and seamen of ships from overseas. The employment agency is of considerable benefit to these men and is in fact the only available means of obtaining employment, excepting where they make direct application to the ship.

France. — During 1929 the joint maritime employment exchanges received 23,197

applications for employment; they were notified of 15,888 vacancies; and placed 15,414 persons in employment.

Germany. — During the first eleven months of 1930 the seamen's employment exchanges received 217,721 applications for employment; they were notified of 54,356 vacancies; and placed 53,889 persons in employment.

Japan. — The report states that the number of employment exchange agencies is 32, including 20 free agencies and 12 agencies charging fees. The record of the seamen's

employment exchange service for the period from November 1930 to September 1931 is as follows: Vacancies notified: free agencies 16,934; fee-charging agencies, 440; Applications for work; free agencies, 35,130; fee-charging agencies, 487; Applications satisfied: free agencies, 16,726; fee-charging agencies, 436. No contraventions were reported.

Luxemburg. — The report states that permits for the establishment of private employment agencies, as provided for by § 1 of the Decree of 21 August 1913, are no longer either asked for or granted.



THIRD SESSION (GENEVA, 1921).

Convention concerning the age for admission of children to employment in agriculture.

This Convention came into force on 31 August 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Austria	12. 6. 1924	4.11. 1931
Belgium	13. 6. 1928	11.11. 1931
Bulgaria	6. 3. 1925	24.10. 1931
Czechoslovakia . .	31. 8. 1923	8. 2. 1932
Estonia	8. 9. 1922	19.10. 1931
Hungary	2. 2. 1927	16.12. 1931
Irish Free State .	26. 5. 1925	5.12. 1931
Italy	8. 9. 1924	9.12. 1931
Japan.	19. 12. 1923	26.12. 1931
Luxemburg	16. 4. 1928	19.11. 1931
Poland	21. 6. 1924	25.11. 1931
Rumania	10. 11. 1930	22.12. 1931
Sweden	27. 11. 1923	5.10. 1931

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Act of 14 May 1869 respecting elementary education, text of the Act of 2 May 1883.

Ministerial Order of 8 June 1883 respecting the facilities to be granted as regards school attendance.

Order of 29 September 1905 respecting school attendance.

Act of 19 December 1918 respecting the employment of children (B. B. Vol. XII, 1918, p. 19), amended by the Act of 10 July 1928 (L. S. 1928, Aus. 3).

Order of 10 August 1919 of the Federal Ministry of Public Education.

Administrative Instruction of 23 January 1920 respecting the supervision of child labour (L. S. 1920, Aus. 17).

Text of the Convention published in the *Bundesgesetzblatt* of 19 July 1924.

Various Acts passed by the federated province.

Belgium.

Act of 19 May 1914 concerning primary education.

Bulgaria.

Act of 1924 respecting public education.

Czechoslovakia.

Act of 19 December 1918 respecting the eight hour working day (L. S. 1919, Cz. 1, 2 and 3).

Act of 17 July 1919 respecting child labour (L. S. 1920, Cz. 2).

Act of 13 July 1922 amending and supplementing the Acts respecting elementary and upper-elementary schools.

Estonia.

Act of 1 November 1921 to regulate the hours of work and wages of agricultural workers (L. S. 1921, Part II, Est. 1).

Act of 7 May 1920 concerning public elementary schools.

Hungary.

Act No. XLV of 30 July 1907 regulating the legal relations between masters and agricultural servants (B. B. Vol. II, 1907, p. 273).

Act No. XXX of 25 July 1921 guaranteeing compulsory education.

Order No. 130700 of 1922, of the Minister for Public Instruction, concerning the application of Act No. XXX of 1921.

Act No. II of 15 April 1927 for the ratification of the Convention.

Circular Order No. 85800 of 1929 of the Minister of Agriculture respecting agricultural labour.

Irish Free State.

School Attendance Act, 1926.

Italy.

Consolidated text of the laws relating to elementary, post-elementary, and continued education of 5 February 1928.

Royal Decree of 27 December 1925 bringing the Convention into force in Italy.

Japan.

Imperial Ordinance of 20 August 1900 concerning elementary schools.

Regulations for the enforcement of the above Imperial Ordinance (Ordinance of the Department of Education, dated 21 August 1900).

Regulations for encouraging the attendance at school of children of school age (Order of the Department of Education dated 4 October 1928; amended by Order of the Department of Education dated 27 November 1930).

Luxemburg.

Act of 10 August 1912 concerning the organisation of elementary education.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Poland.

Decree of 7 February 1919 concerning compulsory education in force in the Central Provinces of Poland.

Constitution of the Republic of Poland of 17 March 1921 (L. S. 1921, Pol. 3).

Education laws in force in the Southern and Western Provinces and in Upper Silesia.

Rumania.

Act of 26 July 1924 relating to primary education.

Sweden.

Order of 26 September 1921 relating to primary education.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

Austria. — The employment of children is regulated by the Child Labour Act of 19 December 1918 amended by the Act of 10 July 1928, § 4 of which lays down that children, i.e., under § 1, children under fourteen years of age and children who have attained the age of fourteen in the course of the school year, until the end of the school year shall only be employed or otherwise occupied in so far as their health is not injured thereby nor their physical and mental development or their morals endangered, and the carrying out of their compulsory school attendance is not prevented. In addition to this general limitation, the Act stipulates in § 7 that no child under the age of twelve years may be employed, with the exception that children who have reached ten years of age may be employed on light work in agriculture and domestic service; and § 5 prohibits the employment of children under fourteen years of age in certain industries and occupations specified in the Schedule to the Act, amongst which may be mentioned as relating to agriculture: "Tending power machines and all machines, shafting and lifts driven by motor-power; . . . employment in connection with straw and fodder cutting machines; . . . wood felling and chopping; . . . threshing; reaping." The Act further provides in § 9 that children may not be employed in agriculture during the two hours immediately preceding school and must be allowed one hour's rest after school. The total number of hours worked on school days may not exceed three. On school holidays, the hours of work of children may not exceed six hours in agricultural work. These restrictions do not apply to "work of a temporary nature which cannot be postponed and which must be undertaken in the public interest or in emergencies (in agriculture especially to save the crops)" (§ 10). § 15 provides for the compulsory notification of the employment of children not belonging to the family. The report also refers to the governing principles (*deklaratorische Anordnungen*) of the agricultural codes issued by the provinces on the subject of the employment of children. These Codes constitute obligatory prescriptions and they may not therefore be suspended or restricted by agreement.

Belgium. — The Primary Education Act of 1914 (§ 3) makes education compulsory for all children for the period of eight years from the end of the summer holidays in the year in which each child respectively

reaches the age of six years. Under § 2 of the Act, exemption is only granted in cases where there is no school within a radius of four kilometres from a child's home, or where the parents or guardians object on conscientious grounds to sending their children or wards to any school situated within a radius of four kilometres from their place of residence. Under § 7 of the Act, in all schools subject to State inspection no less than 460 half-days must be devoted to education. Children attending school may not be absent without proper cause during more than three school half-days per month.

Bulgaria. — § 29 of the Act of 1924 concerning public instruction stipulates that "Instruction in primary schools shall be compulsory and free for all Bulgarian subjects (Article 78 of the Constitution.) Instruction shall be compulsory for all children of normal health and without mental disabilities between the ages of seven and fourteen years. Children who receive equivalent instruction in private schools or at home are exempted from the obligation to attend the primary schools." Abnormal or backward children are educated in special schools. § 42 of the Act lays down that instruction in the *pro-gymnasia*, (i.e. the upper-classes in the elementary schools), is compulsory and free for children up to 14 years of age. The course in these classes lasts three years. The Government reports that "the application of the provisions of the Convention has not necessitated any amendment of the Act concerning public instruction. It has accordingly not been necessary to pass a special Act covering the children of agricultural workers who in working in agriculture merely assist their parents under whose control they remain all the time." Penalties are provided under the Act in the case of parents or guardians who prevent children from attending school.

Czechoslovakia. — § 10 of the Eight-Hour Day Act of 19 December 1918 prohibits the employment of children "before the conclusion of their compulsory school attendance, and before they are fourteen years of age." According to § 1 (4), the Act applies to agriculture and forestry in respect to the regular employment of persons living outside the household of the employer and receiving daily, weekly or monthly wages. These provisions are supplemented by those of the Act respecting child labour of 17 July 1919, which regulates the employment of children under fourteen years of age "without prejudice to more far-reaching limitations in other Acts". As far as agricultural employment is concerned, this Act applies to children living in the household of the employer. By § 7 of the same Act, the employment of children under fourteen years of age is prohibited in undertakings

and occupations mentioned in the schedule to the Act, which includes brick works, lime kilns, etc., operated in connection with agricultural undertakings, and also the following: "tending power machines, and all machines, shaftings and lifts driven by motor power; employment in connection with straw and fodder cutting machines; wood felling and chopping; threshing; reaping." Children between the age of ten and fourteen years may only be employed on light work in agriculture subject to the condition that such employment does not injure their health or endanger their physical or mental development, and provided that they are not thereby prevented from carrying out their compulsory school attendance (§ 4). It is further provided in § 5 that this employment may not exceed two hours on school days, and that employment during the two hours immediately preceding school and during one hour after school is prohibited.

Estonia. — The Act of 1 November 1921 regulating the hours of work and wages of agricultural workers provides by § 3: "Children under twelve years of age shall not be employed in agriculture. Young persons under 16 years of age shall be employed only in auxiliary work, such as minding cattle on small peasants' holdings, weeding beets, raking hay, and other light work. *Note.* — Children liable to compulsory school attendance shall not be employed except during the school holidays."

Hungary. — The legislative provisions regulating agricultural labour are drafted in such a way as not to interfere with compulsory education. § 1 of Act No. XXX of 1921 provides that every child which has completed its sixth year is liable for nine years to compulsory school attendance. Six of these nine years are devoted to primary education and three to complementary primary education. According to § 32 of Act No. XLV of 1907, the employer is required to grant to persons liable to compulsory education employed in his service every facility and every right to attend school punctually and regularly. Non-observance of this provision may involve police court penalties. Moreover, under the Order No. 85800 of 1929 the Ministre of Agriculture specially draws the attention of employers to the provisions of § 2 (1) of Act No. II of 1927 which also provides that children subject to compulsory school attendance may be employed in agricultural work only outside class hours and that such work should not interfere with their studies. See also under V below.

Irish Free State. — § 4 (1) of the School Attendance Act, 1926, provides: "The parent of every child to whom this Act applies shall, unless there is a reasonable

excuse for not so doing, cause the child to attend a national or other suitable school on every day on which such school is open for secular instruction and for such time on every such day as shall be prescribed or sanctioned by the Minister in respect of such day." § 2 of the Act defines the expression "child to whom this Act applies" as "a child who has attained the age of six years and has not attained the age of fourteen years." Under § 7 of the Act, regulations may be made for prohibiting or restricting the employment of children during particular hours or in particular occupations or in particular places, in such manner as to prevent or interfere with their attendance at school.

Italy. — § 1 of the Royal Decree of 31 December 1923 on compulsory education (now incorporated in the consolidated text of 22 June 1925, No. 432) provides for the compulsory education of children from six to fourteen years of age. The prohibition of the employment of children under fourteen years of age during the hours fixed for school attendance is contained implicitly in §§ 15 and 16 of the same Decree. These sections render liable to fines any persons responsible for the absence of children from school and employers employing in their undertakings children who are not fulfilling their scholastic obligations.

Japan. — § 32 of the Elementary School Ordinance of 20 August 1900 provides for the compulsory education of children between the ages of six and fourteen years, and by § 35 employers of such children between these ages as have not completed their elementary school education are forbidden to prevent the children from attending school.

Luxemburg. — The Act of 5 March 1928 has given force of law to the provisions of the Convention. § 2 of the Act lays down that fines ranging from 51 to 3,000 francs may be imposed for any violation of the provisions of the Convention.

Poland. — Article 103 of the Constitution of 17 March 1921 prohibits the employment for wages of children below the age of fifteen years and of children subject to compulsory school attendance, and Article 118 makes primary education compulsory for all Polish citizens. The Decree of 7 February 1919 concerning compulsory school attendance provides that persons responsible for the school attendance of children are liable to be fined or imprisoned in the case of the absence of children from school. Similar provisions are contained in the legislation in force in the Southern and Western Provinces of Poland.

Rumania. — The Act of 26 July 1924 lays down that children shall attend an

infant's school from the age of 5 to 7 years, an elementary school from the age of 7 to 16 years and schools or classes for adults from the age of 16 to 18 years. Parents shall supervise the school attendance of their children. A list shall be drawn up yearly in each village and educational district of all children of 5 to 16 years of age. Fines of from 100 to 3,000 lei are imposed for breaches of the provisions regarding school attendance. Exemption from school attendance may only be granted for a legitimate reason (illness of the child, death in the family, epidemics, etc.). School attendance is compulsory until the end of the elementary course, i.e. up to 16 years of age.

Sweden. — Children may not be employed in agriculture save outside the hours fixed for school attendance by the Order of 26 September 1921 relating to primary education.

ARTICLE 2.

For purpose of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

Please state whether any arrangements have been made under the provisions of this Article, and, if so, describe the nature and working of such arrangements.

Austria. — § 21 of the Act of 14 May 1869 respecting elementary education provides that school attendance shall be compulsory from the age of six until the end of the fourteenth year. This provision was modified by the Act of 10 July 1928 which provides that school attendance must begin as soon as the child is six full years of age, that it must last for eight school years, and that a child attaining the age of 14 years in the course of the school year may leave school only at the end of that school year. The object of this modification is to ensure school attendance for eight complete school years in every case. This provision will, however, come into force in the different federated provinces only when these provinces have enacted corresponding legislation applicable to these provinces. Such legislation has so far been enacted by the provinces of Vienna and Vorarlberg. In Burgenland also similar regulations have been issued. The school year is fixed uniformly for the whole of Austria; it is 10 months. § 21 of the Act of 14 May 1869 provides for exemptions in respect of school attendance by the reduction of class hours which may be allowed to children who have attended school for

six years, especially when the children in question live in the country. These exemptions, which are intended to give the children opportunities of instruction in agricultural work, consist in limiting education to part of the year, or in restricting school hours to the half-day or to certain days of the week. The nature of the exemptions to be allowed is fixed by the competent educational authorities. The provisions of § 16 of the Order of 29 September 1905 respecting school attendance and of § 5 of the Ministerial Order of 8 June 1883 allow the employment of children on light agricultural work and in particular on light work in connection with the harvest. In this connection the report states that the decisions taken under the Ministerial Order of 8 June 1883 by the educational authorities of the districts, or by the federated provinces, do not constitute permanent regulations. The facilities granted may be reduced or cancelled. The report adds that, according to information received from the educational authorities of the federated provinces, it appears that the provisions of the Convention for a period of school attendance of at least eight months in the year are generally observed. § 7 of the Act of 19 December 1918 allows the employment of children over ten years of age on light work in agriculture. Moreover, the provisions of §§ 54 and 55 of the Order of 29 September 1905 relating to the fixing of holidays make it possible to adapt, in rural areas, the principal vacation of two months to suit local conditions and the nature of the occupations of the population. On the other hand, the observance of school hours and compulsory school attendance is strictly supervised. Breaches committed by the parents are punished by fines and, where necessary, by detention in accordance with the penalties provided for by law in the provinces.

Belgium. — It is laid down in § 7 of the Primary Education Act that in agricultural districts the communal authorities and the management of private primary schools subject to State inspection shall, in agreement with the school inspection service, draw up regulations fixing the holidays so as to coincide with the periods during which it is customary to employ children on seasonal work; and that they shall at the same time fix the periods during which head-teachers may allow leave of absence for seasonal work to pupils in grades 3 and 4 (i.e. in normal cases, pupils who have completed their first four school years), in respect of whose school attendance no conviction has been recorded. Such leave of absence may not be granted for more than 35 days. School attendance is compulsory for 460 school half-days in the year (see above, under ARTICLE 1). Under § 18 of the Act the half-time system is allowed in the case of pupils in grade 4 (i.e. in normal cases, during the

last two years of compulsory school attendance). Such half-time attendance may mean attendance during the morning or afternoon only, or attendance during a reduced number of days in the week, or attendance during the winter term only and not during the summer term.

Bulgaria. — The school year begins on 15 September and ends on 12 July in the towns and on 15 June in the villages. The report states that the provisions of the Act of 1924 which relate to the length of the school year are in agreement with this Article of the Convention. The period of instruction in villages is eight or nine months in the year.

Czechoslovakia. — Such exceptional arrangements of school hours are not permitted. The Act of 13 July 1922 amending and completing the legislation concerning primary and superior primary schools expressly prohibits the granting of any exception to the prescribed periods of school attendance.

Estonia. — § 23 of the Act of 7 May 1920 respecting public elementary schools lays down that the effective period of instruction in rural and urban schools must not be less than 35 weeks in the year. The beginning and end of the school year are to be fixed by the Ministry of Public Education. In accordance with this section, the Ministry has decreed that the instruction in rural elementary schools shall end on 31 May and begin again on 1 October each year.

Hungary. — According to § 3 of Act No. XXX of 1921, the period of instruction is fixed at ten months per school year. This period may be reduced in schools in which the majority of the scholars are children of agricultural parents. Such reduction may be made on the proposal of the education authority, by the Minister for Public Instruction, but may not exceed a maximum of two months per school year.

Irish Free State. — According to § 4 (3) and (4) of the School Attendance Act, 1926, the following shall be a reasonable excuse until the year 1936 for failure to comply with the general obligation for school attendance on not more than ten days during the period beginning on 17 March and ending on 15 May and on not more than ten days during the period beginning on 1 August and ending on 15 October next following in any year in respect of a child who has attained the age of twelve years, viz. "that the child has been prevented from attending school by reason of his having been engaged in light agricultural work for his parent on his parent's land." The minimum period of operation of national schools for the attendance of pupils in a calendar year is 40 weeks (Monday

to Friday inclusive), or 200 school days. The period of compulsory attendance for children between 6 and 12 years of age is consequently approximately ten months, and for children between 12 and 14 years of age, to whom under the Act the provisions of this Article apply, approximately nine months.

Italy. — To facilitate school attendance, § 18 of the Royal Decree of 31 December 1923 provides that in the case of schools situated in agricultural districts, the director of education may draw up a timetable corresponding with the special needs of the various zones of his district. The school attendance period may not in any case be less than ten months in the year. No special measures have been adopted with the object of permitting the employment of children on light agricultural work.

Japan. — The report states that no special arrangements have been made. The maximum holdings allowed in any district, agricultural or otherwise, are 90 days exclusive of Sundays, under § 27 of the Elementary Schools Ordinance. In certain agricultural districts these holidays are arranged in such a way as to suit the special requirements of harvest time.

Luxemburg. — See under ARTICLE 1 above.

Poland. — §§ 23 and 24 of the Decree of 7 February 1919 relating to compulsory education, which applies in the Central Provinces of the Polish Republic, authorise schools to arrange the periods of attendance so as to permit children to be employed on urgent agricultural work for a period not exceeding 14 days in spring and in autumn, and to arrange the school hours in such manner that the employment of children does not prejudice their studies. The period of compulsory elementary education is fixed at ten years. Analogous provisions exist in the laws in force in the Southern and Western Provinces of Poland.

Rumania. — § 62 of the Act of 26 July 1924 lays down that the school year shall last from 15 September to 10 June. The number of days' holiday, including public holidays, must not exceed 150. The regional inspectors may grant special holidays in accordance with local custom, but in these cases the classes shall be prolonged for an equivalent number of days. The number of hours for classes during the first two years of elementary education is 24 hours a week and for the two following years 28 hours a week. For the fifth, sixth and seventh years of education, in schools in rural districts, the weekly duration of classes is from 20 to 24 hours a week for at least five months in the year, including for preference the winter season. During the other months of the school year the

children are required to attend school for a minimum of 6 hours a week.

Sueden. — School attendance consists as a rule of at least eight months in the year. The Order of 26 September 1921 contains no provisions regarding leave to be given to children to allow them to take part in agricultural work or in harvesting. It does, however, occur that leave is given for this purpose by the school boards.

ARTICLE 3.

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Austria. — The report states that in Austria children who have not completed their fourteenth year are not, as a rule, admitted to the technical schools of agriculture and forestry. The syllabus of theoretical and practical instruction in these institutions is examined and approved by the education authorities and the carrying out of it is under continuous supervision. The report further states that as school attendance is compulsory until the age of fourteen, the protection afforded to children by the law is not diminished by § 2 (2) of the Act of 19 December 1918, which provides that the work of children for an instructional or educational object shall not be considered as employment.

Belgium. — No reference is made to the exception for technical schools.

Bulgaria. — No reference is made to the exception for technical schools.

Czechoslovakia. — § 2 of the Child Labour Act provides that "the employment of children exclusively for purposes of instruction or education shall not be held to be child labour". The report states that apprenticeship does not exist in agriculture, but points out that no child can be employed as an apprentice unless it has completed its fourteenth year, after which it is not subject to compulsory school attendance. See also the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*, ARTICLE 3.

Estonia. — The Act of 1 November 1921 contains no equivalent provisions.

Hungary. — The relevant legislation does not contain equivalent provisions.

Irish Free State. — Work in all technical schools and classes is supervised by the State Department of Education.

Italy. — No provision has been made for this exception in Italian legislation.

Japan. — Work in agricultural schools is supervised by public authorities in virtue of the regulations dealing with the establishment and abolition of technical schools and for agricultural schools, issued under the Imperial Ordinance concerning technical schools.

Luxemburg. — See under ARTICLE 1 above.

Poland. — Work in technical schools supervised by public authority is regarded as school attendance.

Rumania. — The Act of 26 July 1924 contains no provisions relating to work in technical schools.

Sweden. — The report states that the exception contemplated by this Article does not apply, unless the technical education in question is held to cover the work of children in the gardens which must as a rule be attached to the schools.

III.

Article 8 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Italy. — The Government states that the Convention has not yet been extended to the colonies, as the present state of social organisation in the colonies makes application impossible.

Japan. — The report states that except in *Karafuto* (Sakhalin) a compulsory educational system is not applied to the colonies

where the cultural standard is different from that in Japan proper. Ordinary education is spreading in the colonies, however, in the same degree as in Japan proper so far as children of people from Japan are concerned, and elementary education of the natives in the colonies has appreciably developed. The report furnishes a list of the laws and regulations concerning elementary schools in *Chosen* (Korea), *Taiwan* (Formosa), *Karafuto* (Sakhalin), *Kwantung* and the *Islands under Mandate to Japan*.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 20 July 1924.

Belgium. — 13 June 1928.

Bulgaria. — 6 March 1925.

Czechoslovakia. — 14 May 1924.

Estonia. — 31 August 1923.

Hungary. — 11 May 1927, date of coming into force of Act II of 1927.

Irish Free State. — 1 October 1926 in certain towns and urban districts ; 1 January 1927 in all other areas.

Italy. — 8 September 1924.

Japan. — 19 December 1923.

Luxemburg. — 16 April 1928.

Poland. — 21 June 1924.

Rumania. — 10 November 1930.

Sweden. — 27 November 1923.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Austria. — The application of the provisions relating to child labour is secured by the fact that, in accordance with § 17 of the Child Labour Act of 19 December 1918, special inspectors have been appointed to supervise the conditions of the employment of children and, for their assistance, the co-operation of associations for the protection of children and young persons has been obtained. In accordance with the administrative instruction of 23 January 1920 relating to child labour, these inspection bodies are in particular entrusted with the supervision of child labour in agriculture. The inspection is

effected with the assistance of the school authorities, who keep a register of employment for the children under their charge. Any striking features noted in the pupils, such as too-frequent absences, fatigue, appearance of ill-health, are entered in the register which the school head-master must forward to the competent inspection authority by, at the latest, 1 December in each year. The special inspection officials are also empowered to visit all workplaces and families where children are employed. Fines and imprisonment not exceeding three months may be imposed by the political authorities for contraventions of the law relating to child labour. For certain offences the right to employ children may be withdrawn. In addition, the agricultural labour codes issued by the provinces provide for penalties to which persons are liable who contravene the obligatory provisions regarding the conditions of employment of children. These penalties are inflicted by the administrative authorities under the administrative penal procedure.

Belgium. — Under §§ 10 and 11 of the Primary Education Act the Primary Education Inspectors and the local and national police are responsible for supervising school attendance and for instituting proceedings against parents who neglect to carry out their duties under the law. Under § 6 of the Act the Minister of Arts and Sciences appoints, after consultation with the competent authorities, a delegate (unpaid) for each school or group of schools, to assist in supervising school attendance.

Bulgaria. — The Act concerning public instruction is supervised by the communal and school authorities and by the inspectorate of schools. Under § 30 of the Act, the mayor of each locality is required to draw up a list, each year, of the children between seven and 14 years of age and to forward it, not later than the end of March, to the chairman of the Administrative Council of Education.

Czechoslovakia. — In accordance with § 13 of the Child Labour Act, the political authorities of first instance are responsible for the supervision of the observance of the provisions of the Act. In addition, special inspection authorities are appointed to supervise child labour, their principal duty being to inspect undertakings in which children are employed. The political authorities of second instance (provincial) may also set up special supervisory committees for communes or districts, to supervise the employment of children and with power to offer advice and to submit proposals. It is further prescribed that the competent authorities shall be assisted by all other bodies, institutions or officials concerned with the care of the young,

such as the District Child Welfare Committees that exist in Bohemia, Moravia and Silesia.

Estonia. — The factory inspectors and the social welfare divisions of the district authorities supervise the application of the provisions of the Act of 1 November 1921.

Hungary. — The application of the provisions relating to the employment of children is ensured by §§ 8 to 10 of Act No. XXX of 1921 which provide that the parents or employers will be deemed to have committed a breach and will be liable to be fined if the children are not registered at the school or if the children placed under their tutelage absent themselves from school without justification. § 65 of the Order No. 130700 of 1922 respecting the application of Act No. XXX of 1921 completes the provisions of this Act and, *inter alia*, holds those guilty of a breach who directly or indirectly obstruct the school attendance of a child liable to compulsory education or its participation in Divine Service on Sundays and Feast Days. The report also states that the Minister of Agriculture by a special Circular Order every year requests the chiefs of departments and the municipalities to supervise in their respective jurisdictions the observance by the employers of the provisions of § 2 (1) of Act No. II of 1927. In cases of infraction, they must immediately proceed against guilty employers and without delay submit their report on the infractions noted by them and on the measures they have taken.

Irish Free State. — The legislation in question being an Act for enforcing compulsory attendance at school of all children between the ages of 6 and 14 is primarily a matter for the education authorities, and the enforcing authority is the School Attendance Committee in certain specified County Boroughs and Urban Districts and the Civic Guard in all other areas.

Italy. — Enforcement is entrusted to the Ministry of Public Instruction which acts through the officials dependent on it (inspectors of education).

Japan. — The Government reports that questions relating to public instruction are entrusted primarily to the mayors of cities or to the chief magistrates of towns or villages in their capacity as State authorities; and secondarily to the governors of the prefectures. Supervision is carried out primarily by the local governors and secondarily by the Minister of Education.

Luxemburg. — The application of the provisions relating to compulsory school attendance is entrusted to teachers, school boards and inspectors. The latter are required, in certain cases specified by the Act, to summon the responsible persons

before the police court authorities. It is also the duty of the police to take note of any breaches of the Convention, in accordance with ordinary legal procedure.

Poland. — The authorities entrusted with the enforcement of the Polish laws and regulations are (1) the school inspection authorities; (2) the factory inspectorate; (3) the Ministry of Labour and Social Welfare; (4) the Ministry of Public Instruction. Each school is required to keep a register of the children whose age subjects them to compulsory school attendance.

Rumania. — The application of the Act of 26 July 1924 is entrusted to the Ministry of Public Instruction.

Sweden. — In every school district, which covers as a rule an ecclesiastical parish, there is a school board, or, in some towns, a board of managers, which are immediately responsible for the proper administration of education. These authorities are under the elementary school inspectors, who, each in his district, supervise education. Sweden is divided into 52 districts. The Royal Department of Education is the central authority for all matters connected with the subject. The Ministry of Public Education and Public Worship is the ultimate authority.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

. . .

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, and if such statistics are available, information concerning the number of children employed subject to the conditions provided for in the Convention, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — Out of a total number of 792,623 children liable to compulsory school attendance, 13,960 boys and 15,430 girls, i.e. 3.7 % of the total, have been granted exemption from school attendance.

Japan. — The report states that the application of the principles of the Convention is most satisfactory. The number of

children not attending school is comparatively small, being 0.54 per cent. of the total number of children of school age. Although special statistics for school-age children employed corresponding to the provisions of the Convention among the above-mentioned children not attending school are not available, the number of contraventions is reported to be so insignificant that supervision of them seems unnecessary. Efforts are made for encouraging children of school age to attend school by distributing for this purpose every year a sum of half a million yen among the prefectures.

Convention concerning the rights of association and combination of agricultural workers.

This Convention came into force on 11 May 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931 and from which annual reports under Article 408 were due in respect of the period 1 January—30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Austria	12. 6. 1924	4. 11. 1931
Belgium	19. 7. 1926	11. 11. 1931
Bulgaria	6. 3. 1925	24. 10. 1931
Chile	15. 9. 1925	14. 12. 1931
Czechoslovakia	31. 8. 1923	8. 2. 1932
Denmark	20. 6. 1930	27. 10. 1931
Estonia	8. 9. 1922	19. 10. 1931
Finland	19. 6. 1923	16. 12. 1931
France	23. 3. 1929	6. 2. 1932
Germany	6. 6. 1925	7. 11. 1931
Great Britain	6. 8. 1923	9. 11. 1931
India	11. 5. 1923	26. 12. 1931
Irish Free State	17. 6. 1924	14. 10. 1931
Italy	8. 9. 1924	9. 12. 1931
Latvia	9. 9. 1924	15. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931
Netherlands	20. 8. 1926	8. 10. 1931
Norway	11. 6. 1929	24. 10. 1931
Poland	21. 6. 1924	25. 11. 1931
Rumania	10. 11. 1930	22. 12. 1931
Sweden	27. 11. 1923	5. 10. 1931
Yugoslavia	30. 9. 1929	2. 11. 1931

The Norwegian Government states in its report that the law of Norway "contains no provision on the right to combine for trade purposes, but this right has never been disputed in practice and may therefore be considered to exist as an unwritten Law." As regards the legal position the report refers to the volume entitled *Freedom of Association*¹ and adds that since this volume appeared no alteration has been made in the law.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Act of 21 December 1867 respecting the general rights of the citizens of the State.

Act of 15 November 1867 respecting the right of association.

Act of 15 November 1867 respecting the right of assembly.

Act of 7 April 1870 respecting freedom of combination.

Act of 26 January 1907 respecting freedom of assembly, amended by Act of 5 April 1930 respecting freedom of work and assembly.

Various Acts passed by the federated provinces.

Belgium.

Belgian Constitution.

Act of 24 May 1921 to guarantee freedom of association (L. S. 1921, Bel. 2-3).

Bulgaria.

Constitution of Bulgaria (§ 83).

Chile.

Constitution of Chile (§ 10, (5)).

Act of 8 September 1924 respecting trade union organisation (L. S. 1924, Chil. 3).

Czechoslovakia.

Constitutional Act of 29 February 1920.

Denmark.

§ 85 of the Danish Constitution of 5 June 1915.

Estonia.

Constitution of 15 June 1920.

Finland.

Act of 20 August 1906 respecting the right of speech, meeting and association.

Constitution of Finland of 17 July 1919.

Act of 20 February 1907 respecting public meetings.

Act of 4 January 1919 respecting the right of association, amended by the Acts of 17 February 1923 and 10 January 1930.

Order of 1 June 1923 respecting the coming into force of the Convention concerning the rights of association and combination of agricultural workers.

France.

Act of 21 March 1884 on trade unions, amended by the Act of 12 March 1920 (L. S. 1920, Fr. 8) and now incorporated in Book III of the Labour Code (L. S. 1927, Fr. 3).

Act of 25 May 1864 amending Articles 414, 415 and 416 of the Criminal Code.

Germany.

Constitution of 11 August 1919.

Great Britain.

See under ARTICLE 1.

India.

Indian Trade Unions Act, 1926 (L. S. 1926, Ind 1) and previous legislation.

Irish Free State.

Trade Union Acts, 1871-1917.

Italy.

Royal Decree of 20 March 1924 bringing the Convention into force in Italy.

Latvia.

Act of 18 July 1923 respecting associations, federations and political organisations (L. S. 1923, Lat. 1).

Luxemburg.

Constitution of the Grand Duchy of Luxemburg of 17 October 1868.

Netherlands.

Constitution of the Netherlands. (§ 9)

Act of 22 April 1855 regulating the exercise of the rights of association and combination.

Norway.

See introductory note.

Poland.

Constitution of the Republic of Poland of 17 March 1921 (L. S. 1921, Pol. 3).

Act of 1 August 1919 on the settlement of collective disputes between employers and workers in agriculture, amended by the Acts of 11 March 1921 (L. S. 1921, Pol. 2) and 25 February 1930.

Presidential Decree of 22 March 1928 concerning Labour Courts.

Various laws and decrees in force in the Provinces of Poland.

¹ Vol. III, pp. 303-321. The volume in question was published by the Office in 1928 in its collection of "Studies and Reports".

Rumania.

Act of 26 May 1921 respecting trade unions (L. S. 1921 Rum. 1) amended by Act of 26 February 1924 respecting bodies corporate L. S. 1927, Rum. 3 B).

Sweden.

See under ARTICLE 1.

Yugoslavia.

Act of 26 November 1852 on associations and Act of 14 January 1875 on the right of assembly (in force in the territory of *Croatia* and the *Voivodina*).

Act of 15 November 1867 on the right of association and assembly (in force in the territory of *Dalmatia* and *Slovenia*).

Act of 31 March 1891 on public assemblies and associations (in force in the territory of pre-war *Serbia*).

Act of 17 February 1910 on the right of association and assembly (in force in the territory of *Bosnia* and *Herzegovina*).

Act of 2 August 1921 concerning public safety
Act of 6 January 1929, amended on 1 March 1929, concerning public safety and the maintenance of order.

Constitution of 1931 (§ 13).

Act of 18 September 1931 on associations, conferences and assemblies.

See also, under *Convention concerning unem-employment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for the following Article of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which the Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

Austria. — The Federal Constitution secures for all persons employed in agriculture the same rights of association and combination as are enjoyed in Austria by industrial workers. By § 12 of the Act of 21 December 1867, which forms a fundamental constitutional act of the Austrian Republic, all Austrian citizens possess the right of assembly and association. The exercise of this right is regulated by the Act of 15 November 1867 relating to the right of association and by the Act of 15 November 1867 relating to the right of assembly. With regard to the right of combination, there is also to be noted the Act of 7 April 1870 establishing freedom of combination, which applies equally to all workers. Moreover, the Codes relating to

agricultural labour of nearly all the federated provinces include the governing principles with regard to the constitutional provisions referred to above and state expressly that the rights of association and combination are inviolable. In certain cases these codes add that the exercise of civil rights may not form a ground for dismissal. These provisions form a compulsory and unalterable legislative requirement which cannot be annulled or restricted by any agreement whatever.

Bulgaria. — Article 83 of the Constitution provides that "Bulgarian subjects are entitled without special permission to join combinations when the objects and methods of the combinations are in no way to the detriment of social progress, religion or morality". There is no special law concerning the rights of association and combination of agricultural workers, nor is there any legal prohibition of these rights.

Chile. — The report states that there is no special remark to be made on this Article. The Constitution of 1833 fully guarantees the right of association.

Belgium. — The Constitution and the Act of 24 May 1921 guarantee to all Belgians the right of association whatever may be their occupation.

Czechoslovakia. — §§ 113 and 114 of the Constitutional Act of 29 February 1920 ensure to persons employed in agriculture the same rights of association and combination as to industrial workers.

Denmark. — The right of association for agricultural workers is guaranteed by the Constitution of 5 June 1915, § 85 of which provides that citizens are entitled to form associations for the promotion of any object which is not contrary to the law, without obtaining authorisation beforehand.

Estonia. — § 18 of the Constitution of 15 June 1920 guarantees freedom of association and combination. Agricultural workers thus enjoy in Estonia the same rights of association and combination as industrial workers.

Finland. — The laws in force grant unreservedly to agricultural workers the same rights of association and combination as are enjoyed by industrial workers and other citizens.

France. — According to § 1 of Book III of the Labour Code, the purpose of industrial associations is to study and defend economic, industrial, commercial and agricultural interests. § 2 lays down that industrial associations or societies of persons engaged in following the same occupation, similar trades or allied occupations con-

nected with the production of a particular article, or in the same liberal profession, may be formed freely. As regards the right of combination, the report states that the Act of 25 May 1864, which, by amending §§ 414, 415 and 416 of the Criminal Code, repealed the clauses imposing penalties, on combinations, makes no distinction between workers, whether engaged in agriculture or any other branch of production.

Germany. — Article 159 of the German Constitution of 11 August 1919 guarantees every individual and occupation the right to combine for the purpose of safeguarding and improving their working and general economic conditions. All agreements or measures tending to restrict or hinder the enjoyment of this right are contrary to the law.

Great Britain. — No legislation was necessary to give effect to the Convention, existing legislation already permitting for all those engaged in agriculture the same rights of association and combination as are enjoyed by industrial workers.

India. — The Government reports that existing legislation permits for all those engaged in agriculture the same rights of association and combination as are enjoyed by industrial workers in the country. No legislation has been adopted in order to give effect to the Convention; the Indian Trade Unions Act, 1926, is in conformity with the Convention.

Irish Free State. — All those engaged in agriculture in Saorstát Éireann have the same rights of association and combination as industrial workers. These conditions obtained prior to the ratification of the Convention. In the Acts dealing with trade associations there did not exist any discrimination against agricultural workers and, when the Convention was ratified, it was not necessary to repeal any statutory or other provisions in order to give effect to its provisions.

Italy. — In the exercise of the rights of association and combination no distinction is made in Italian legislation between industrial and agricultural workers. No measure has thus been necessary to repeal any provisions restricting these rights in the case of persons employed in agriculture.

Latvia. — The rights of association and combination of persons employed in agriculture, like the rights of association of all other Latvian citizens, are secured by the Act relating to associations, federations and political organisations. There are no special laws for any particular classes of citizens.

Luxemburg. — § 26 of the Constitution provides that citizens of Luxemburg have the right of association, and that the exercise of the right cannot be made conditional on the grant of preliminary authorisation.

Netherlands. — The Act of 22 April 1855, which regulates the rights of association and combination, applies to all persons irrespective of their occupations and contains no provision restricting these rights as regards agricultural workers. The right of association is granted without previous permission, on condition that the association is not contrary to public order. Associations contrary to public order are held to be organisations which have for their object: (a) Disobedience or defiance of the law or of legislative regulations; (b) Immoral purposes; (c) Interference with the exercise of the rights of others.

Norway. — The Government states in its report that there are no special statutory or other provisions restricting the rights of association and combination of agricultural workers, who possess the same rights as those engaged in industry.

Poland. — Article 108 of the Constitution of the Polish Republic of 17 March 1921 guarantees rights of association and combination to all citizens.

Rumania. — §§ 1 and 2 of the Act of 26 May 1921 provide that all persons and bodies corporate exercising the same industrial, commercial, agricultural, technical, economic or educational occupation, or similar or allied occupations, may form themselves freely into occupational associations, for the study, defence and development of their occupational interests.

Sweden. — No legal restrictions exist preventing the enjoyment by agricultural workers of the immemorial right secured to all Swedish citizens to combine for any legitimate purpose whatsoever.

Yugoslavia. — All persons employed in agriculture enjoy the same rights of association and combination as all other citizens. § 13 of the Constitution of 1931 gives to all citizens the right of assembly and of association under conditions fixed by the Constitution. With this § as a basis, an Act was promulgated on 18 September 1931 concerning associations, conferences and assemblies, the provisions of which apply to the whole country.

III.

Article 6 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Denmark. — The report states that the ratification does not apply to *Greenland*.

France. — The Act of 21 March 1884 applied, in virtue of § 10 thereof, to *Algeria*, subject only to the restriction that foreign workers engaged as immigrants could not become members of occupational associations. § 10 of the Act of 12 March 1920, which makes the Act of 1884 applicable to *Algeria*, maintains this restriction, which is not abolished in the Act of 25 February 1927 which codifies Book III of the Labour Code. § 4 of this latter Act leaves in force expressly the legislation applicable to *Algeria* at this date. The legislation in *Algeria* and the colonies therefore places workers in agriculture on exactly the same footing as workers in other branches of production. The Government considers that the application of international legislation on this question would be premature at present, since the promulgation of the above-mentioned legislation in the other French possessions would give rise to difficulties, owing to local conditions.

Great Britain. — The report states that there is no legislation in the non-self-governing dependencies discriminating against agricultural workers in the matter of rights of association, and that the Convention can accordingly be regarded as applying to these dependencies.

Italy. — The Government states that the application of the Convention has not yet

been extended to the colonies, since the social conditions implied by the Convention do not exist in the colonies.

Netherlands. — In the *Dutch East Indies*, having regard to the provisions of § 165 of the "*Indische Staatsregeling*" (which furnishes a constitutional guarantee of the rights of association and assembly (*Stoaatsblad*, 1919, No. 27)), special measures are not necessary to ensure the rights of association and combination to agricultural workers. The Governor of *Surinam* reported that local conditions prevented the application of the Convention to the Colony and that it was impossible to introduce modifications which would make it applicable to local conditions. The Governor of *Curaçao* reported that the Convention had not been applied, such a step being unnecessary.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 20 July 1924.

Belgium. — 19 July 1926.

Bulgaria. — 6 March 1925.

Chile. — 15 September 1925.

Czechoslovakia. — 14 May 1924.

Denmark. — 12 July 1930.

Estonia. — 11 May 1923.

Finland. — 19 June 1923.

France. — 23 March 1929.

Germany. — 6 June 1925.

Great Britain. — 6 August 1923.

India. — 11 May 1923.

Irish Free State. — 17 June 1924.

Italy. — 8 September 1924.

Latvia. — 9 September 1924.

Luxemburg. — 16 April 1928.

Netherlands. — 20 August 1926.

Norway. — 11 June 1929.

Poland. — 21 June 1924.

Rumania. — 10 November 1930.

Sweden. — 27 November 1923.

Yugoslavia. — 30 September 1929.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Austria. — The supervision of the observance of the laws in question is carried out by the general State administrative authorities. Infringements of the law are punished through the procedure of the penal administration. Since the rights of association and combination are guaranteed in Austria by the Constitution, the observance of them is ensured by the various administrative authorities and, in the last resort, by the High Court of the Constitution, acting as a court of supreme instance.

Belgium. — The judicial authorities are entrusted with the supervision of the enforcement of the Constitution and of the Act of 24 May 1921.

Bulgaria. — The report does not refer to this question.

Chile. — The enforcement of the Act of 8 September 1924 respecting trade union organisations is entrusted to the General Labour Inspectorate, which includes a department devoted to the supervision and encouragement of trade union organisation. The methods of enforcement are based on the general principles for the organisation of inspection services contained in the Recommendation on the subject adopted at the Fifth Session of the International Labour Conference in October 1923.

Czechoslovakia. — The supervision of the enforcement of the law relating to rights of association, meeting and combination is entrusted primarily to the administrative authorities of first instance.

Denmark. — The right of association is safeguarded by the courts, since, according to § 85 of the Constitution, no association can be dissolved by administrative measures. An association may, however, be temporarily forbidden, but in this case legal proceedings must at once be taken against the association in order that a judicial decision may be taken as regards its definite dissolution.

Estonia. — The report does not refer to this question.

Finland. — Legislation concerning the rights of association and combination is part of the civil and penal legislation and the supervision of its enforcement is therefore the duty of the public police authorities and of the courts. An Order of 22 September 1922 dealing chiefly with the applica-

tion of the Prohibition Act gives prefects the right, for special reasons, to close the premises of a society or club. In accordance with a Resolution of the Council of Ministers, adopted on 25 December 1924, relating to the keeping of registers of societies and lists showing the societies' premises, the Ministry of Social Affairs keeps a special register of societies. Registration is required by the law if a society is to acquire legal personality.

France. — The report states that the legislation regarding trade unions is applied under the supervision of the judicial authorities.

Germany. — The German Government states that the courts are competent to give judgment in disputed cases. As a rule, such cases will fall under the heading of "labour questions"; the judicial labour authorities are competent to deal with these cases.

Great Britain. — See under ARTICLE 1.

India. — The Indian Trade Unions Act, 1926, is administered by the local Governments through the registrars appointed under the Act.

Irish Free State. — Under § 1 (7) of the Ministers and Secretaries Act, 1924, the administration of the Trade Union Acts, 1871-1917, is a matter for the Department of Industry and Commerce.

Italy. — The report does not refer to this question.

Latvia. — The supervision of the enforcement of the Act of 18 July 1923 is entrusted to the Ministers of the Interior and of Justice and to the judicial administrative authorities.

Luxemburg. — The report states that the rights of association and combination of agricultural workers have never been restricted or given rise to difficulties.

Netherlands. — The application of the Act of 22 April 1855 is entrusted to the Minister of Justice, the public prosecutor, the mayors and the governors of departments, who are helped in their task by the State and the communal police.

Norway. — The report does not refer to this question.

Poland. — The supervision of the application of the relevant legal provisions is entrusted to the factory inspectors and the Ministry of Labour and Social Welfare. Disputes are brought before the Committees of Conciliation and Arbitration.

Rumania. — The ordinary courts or the courts of appeal are competent to grant rights of incorporation to trade unions, associations, unions, federations, etc.

Sweden. — See under ARTICLE I.

Yugoslavia. — The report indicates that the enforcement of the provisions in question is a matter for the police authorities, who approve the statutes of the associations. Supervision rests in the last resort with the Council of State, the duty of which is to supervise the enforcement of the laws.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Finland. — By a decision pronounced on 17 August 1931 the Court of first instance at Helsingfors ordered the dissolution of the Confederation of Trade Unions in Finland and of the affiliated federations and associations.

The other reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country.

France. — The report states that the number of agricultural trade unions rose from 6,519 with 1,083,957 members on 1 January 1920 to 11,623 with 1,583,247 members on 1 January 1926. Women members of these agricultural trade unions number 36,085. On 1 January 1926 there were 203 federations of agricultural unions, representing 6,661 individual unions and 651,139 members.

Germany. — The report states that the Government has no knowledge of any difficulties occurring with regard to the enforcement of the Convention.

India. — The report states that trade unionism is practically non-existent among agricultural workers in India.

Poland. — The report states that agricultural wage-earners are organised in Poland as follows: (1) Agricultural Workers' Union, affiliated to the Trade Union Federation of the Republic of Poland, 32,345 members (including 23,244 paying mem-

bers) in 50 branches; (2) Agricultural and Forestry Workers' Union, affiliated to the Polish Trade Union Federation, 82,450 members (including 41,733 paying members) in 1,035 branches; (3) Christian Agricultural Workers' Unions of the Republic of Poland, 10,943 members (including 9,198 paying members) in 15 branches; (4) Agricultural and Forestry Workers' Union ("Praca"), about 10,000 members in 71 branches; (5) Agricultural and Forestry Workers' Union, affiliated to the Central Federation of Trade Unions, 11,155 members (including 10,877 paying members). The data given relate to 1 January 1931.

Yugoslavia. — The report states that there exists in Yugoslavia a National Union of Agricultural Workers, founded in May 1928, the seat of which is at Novi-Sad, which has 123 sections and 8,670 members.

Convention concerning workmen's compensation in agriculture.

This Convention came into force on 26 February 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January—30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification.	Reports received.
Bulgaria	6. 3. 1925	24. 10. 1931
Chile	15. 9. 1925	14. 12. 1931
Denmark	26. 2. 1923	27. 10. 1931
Estonia	8. 9. 1922	19. 10. 1931
France	4. 4. 1928	26. 2. 1932
Germany.	6. 6. 1925	7. 11. 1931
Great Britain. . .	6. 8. 1923	9. 11. 1931
Irish Free State .	17. 6. 1924	14. 10. 1931
Italy	1. 9. 1930	9. 12. 1931
Latvia	29. 11. 1929	15. 1. 1932
Luxemburg . . .	16. 4. 1928	19. 11. 1931
Netherlands . . .	20. 8. 1926	8. 10. 1931
Poland	21. 6. 1924	25. 11. 1931
Sweden	27. 11. 1923	5. 10. 1931

In its previous reports, the *Polish* Government stated that a Bill dealing, among other matters, with the extension of compulsory insurance to agricultural undertakings of 5-30 hectares had been drafted. The report supplied by the Government for the first

nine months of the year 1931 adds that work with a view to the final drafting of the Bill has been continued during 1931.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Bulgaria.

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).

Chile.

Legislative Decree of 18 March 1925 concerning accident insurance (§6) (L. S. 1925, Chil. 4).

Denmark.

Act of 14 July 1927 (L. S. 1927, Den. 4) amending the Acts of 6 July 1916 (B.B. Vol. XII, 1917, p. 7) and 28 June 1920 respecting insurance against the consequences of accidents.

Estonia.

Act of 1 November 1921 regulating the hours of work and wages of agricultural workers (L. S. 1921 (Part II), Est. 1).

Industrial Code, Chap. VII (Collection of laws of Russia, 1913 ed., Vol. XI, Part II).

France.

Act of 15 December 1922 to extend accident insurance legislation to agricultural undertakings (L. S. 1922, Fr. 3).

Act of 30 April 1926 to amend, supplement and interpret the Act of 15 December 1922 (L. S. 1926, Fr. 4).

Decree of 29 July 1923 concerning the application of § 4 of the Act of 15 December 1922.

Decree of 29 July 1923 concerning the application of § 5 of the Act of 15 December 1922.

Decree of 22 August 1923 issuing public administrative regulations for the application of § 11 (1) of the Act of 15 December 1922.

Decree of 22 August 1923 issuing public administrative regulations for the application of § 11 (2) of the Act of 15 December 1922.

Germany.

Federal Insurance Code of 19 July 1911, text promulgated on 9 January 1926 (L. S. 1926, Ger. 1).

Great Britain.

Workmen's Compensation Acts, 1897-1925 (L. S. 1925, G. B. 3).

Workmen's Compensation Act (Northern Ireland) 1927.

Irish Free State.

Workmen's Compensation Acts, 1906-1919 (B.B. Vol. I, 1906, p. 18).

Italy.

Legislative Decree of 23 August 1917, No. 1450, on compulsory insurance against accidents in agriculture, amended by the Act of 20 March 1921 (L. S. 1921, It. 2) and by the Royal Legislative Decrees of 11 February 1923, No. 432 (L. S. 1923, It. 5) and 15 October 1925, No. 2050 (L. S. 1925, It. 4).

Regulations of 21 November 1918, No. 1889, for the enforcement of the Decree of 23 August 1917 (see above), with the successive amendments.

Act of 26 April 1930, No. 878, giving effect in the Kingdom to the Convention concerning workmen's compensation for accidents.

Latvia.

Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases (L. S. 1927, Lat. 1).

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2).

Grand Ducal Orders of 4 April, 23 December 1927, 3 April, 26 May 1930, and Ministerial Order of 26 March 1926.

Netherlands.

Act of 20 May 1922 to insure persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L. S. 1922, Neth. 2), as amended by the Acts of 21 March 1924 (L. S. 1924, Neth. 2), 13 May 1927 (L. S. 1927, Neth. 1) and 18 July 1930 (L. S. 1930, Neth. 3).

Poland.

In the whole country except Upper Silesia: Decree of 29 November 1930 of the President of the Republic on the organisation and working of social insurance institutions.

In the Southern Provinces: Act of 7 July 1921 amending and maintaining in force the Austrian legislation relating to insurance against accidents.

In the Central and Eastern Provinces: Act of 30 January 1924 extending to the former Russian territory the legislation in force in the former Austrian territory.

In the Western Provinces: Book III of the German Insurance Code of 19 July 1911 as amended by a series of decrees and by the Polish Act of 2 July 1921.

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B.B. Vol. XI, 1916, pp. 267), partially amended by the Acts of 15 June 1922 (L. S. 1922, Swe. 2), 18 June 1926 (L. S. 1926, Swe. 5) and 24 May 1928 (L. S. 1928, Swe. 1).

II.

Please indicate in detail for the following Article of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which the Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

Bulgaria. — § 1 of the Social Insurance Act of 6 March 1924 provides that "every wage-earning and salaried employee of a State, public or private establishment, undertaking or estate, who is not liable to deductions from his pay under any of the Pensions Acts, shall be compulsorily insured with the Social Insurance Fund in respect of accident, sickness, maternity, invalidity and old age." No distinction is thus made between agricultural and other wage-earners. *Note II* to § 1 of the Act lays down that "exemption from compulsory insurance shall be allowed only for specified classes of temporary workers, e.g. mowers, reapers, etc., who shall be enumerated in the regulations under the Act."

Chile. — Under § 6 (7) of the Legislative Decree of 18 March 1925, agricultural undertakings are included in the industries or employments in which the employer is liable for accidents other than those due to *force majeure* external to and not connected with the employment, and those caused intentionally by the victim.

Denmark. — The Act of 6 July 1916 respecting insurance against accidents as amended by the Act of 14 July 1927, provides in § 68: "Employers, both individuals and companies, carrying on: (1) agriculture, forestry and horticulture; (2) trade in horses and cattle, studs, dairies, turf-cutting, reed cutting, marl works, threshing works, straw-pressing, pisciculture, wind and water mills; (3) supervision, advisory work, etc., in connection with undertakings of the kind named above, shall be bound to insure in accordance with the provisions of Chapters I-V and of the present Chapter, in respect to the workers employed in the said undertakings. On the proposition of the Workers' Insurance Council, the Minister of the Interior may, by notification, include under this Chapter undertakings which can be regarded as similar to those named above."

Estonia. — The Act of 1 November 1921 regulating the hours of work and wages of agricultural workers, which applies (§ 1) to "all wage-earning employees

engaged in agriculture either on the land, about the cattle, in house or garden, or in undertakings subsidiary to agriculture, with the exception of the managers of large-scale agricultural undertakings", prescribes in § 9 that Chapter 7 of the Industrial Labour Code¹ shall apply to accidents met with by persons covered by the Act. Chapter 7 of the Industrial Labour Code consists of the Act of 2 June 1903 relating to compensation for accidents in the case of workers and employees in factories, mines and metal works where only four workers or less are employed. The employer is individually liable for payment of compensation although the risk may be covered by insurance¹.

France. — § 1 (1) of the Act of 15 December 1922 as amended by the Act of 30 April 1926 lays down that, without prejudice to the special provisions contained in the latter Act, "the legislation concerning liability for industrial accidents shall apply to wage-earning and salaried employees, and to servants other than those exclusively engaged in personal services, who are employed in agricultural undertakings of any kind, in undertakings for stock-breeding, breaking in and training, in stud farms, in undertakings of all kinds, offices, stores and places of sale connected with agricultural associations or undertakings in cases where the agricultural undertaking constitutes the principal establishment, by agricultural co-operative associations subject to the Act of 5 August 1920, by the associations of a co-operative nature known as fruit-growers' associations, by agricultural mutual insurance funds set up in conformity with the Act of 4 July 1900 by agricultural mutual credit funds, and by landowners' associations organised in conformity with the Act of 21 June 1865".

Germany. — The Government states that the German laws and regulations providing for the compensation of workers for personal injury by accident arising out of or in the course of their employment correspond with the provisions of the Convention. §§ 915 *et seq.* of the Insurance Code (text of 9 January 1926) cover insurance against agricultural accidents, the provisions of the Code regarding industrial accident insurance applying largely to agricultural accident insurance. The special conditions of agricultural work have necessitated some special provisions, an important instance of which is the taking of an average wage, fixed according to wage groups, as the basic figure for the calculation of pensions.

¹ Russian Industrial Labour Code, Vol. XI of the Collection of Laws, Part II of 1913 edition.

² Industrial undertakings employing five or more workers are covered by the Act of 23 June 1912 as amended by the Acts of 18 June 1917, 3 February 1920 and 4 April 1923, under which insurance is compulsory.

These special provisions, however, neither materially nor legally constitute a limitation of the principle of equality of treatment for agricultural and industrial workers.

Great Britain. — No new legislation or administrative regulations were necessary to give effect to the Convention. The Workmen's Compensation Act, 1900, which extended the benefits of the Workmen's Compensation Act, 1897, to agricultural workers, came into force on 1 July 1901, and since that date no distinction has been drawn in Great Britain between agricultural and industrial workers as regards workmen's compensation. The present law is consolidated in the Workmen's Compensation Act, 1925. The expression "workman" is defined in § 3 (1) of this Act and includes the agricultural worker. Similar legislation is in force in Northern Ireland—§§ 1 and 44 of the Workmen's Compensation Act (Northern Ireland) 1927.

Irish Free State. — No legislative changes were involved by the application of the provisions of the Convention, the Workmen's Compensation Act, 1906, making no distinction between agricultural and industrial workers.

Italy. — The report states that the application to agricultural employment of a system of accident insurance—which already existed in Italy with respect to industry, in virtue of the consolidated Act of 31 January 1904, No. 51—was brought about by the Legislative Decrees and Regulations mentioned above under I. Under the Legislative Decree of 23 August 1917, as amended, the following persons, between the ages of 12 and 65 years, must be insured against accidents in agricultural work: permanent or casual workers of both sexes employed in undertakings in agriculture or forestry; landowners, métayers, tenant farmers, their wives and children, including illegitimate children, who habitually perform manual labour in their respective undertakings. An undertaking in agriculture or forestry means the cultivation of land and woodland and the operations connected therewith, supplementary or accessory thereto, such as the raising of plants, irrigation, the keeping, breeding and management of stock, the preparation, preserving, manufacture and transportation of the products of agriculture, stock-keeping and forestry.

Latvia.— The Act of 1 June 1927 applies, according to § 1, "to all private, communal and State undertakings, establishments, institutions and other workplaces, and likewise to individual employers employing paid employees and apprentices or improvers, irrespective of their remuneration". The purpose of the Act is to provide com-

pensation for persons injured in accidents arising out of or in the course of employment, and no distinction is made between paid employees in agriculture and other paid employees.

Luxemburg. — § 85 of the Act of 17 December 1925 states that "all industrial, agricultural and forestry establishments, including handicraft establishments but excluding commercial undertakings, shall be liable to accident insurance, irrespective of the number of persons employed therein". It is further provided in § 158 of the Act that, with the exception of certain clauses, "all provisions of Acts and regulations relating to accident insurance shall apply likewise to agricultural and forestry establishments".

Netherlands. — Under § 2 of the Act of 20 May 1922 workers in industries liable to insurance are insured against the pecuniary consequences of accidents with which they meet in connection with their employment. § 1 of the Act defines the term "worker" as any person working for wages in the service of an employer in his undertaking, in an industry liable to insurance. The following industries are liable to insurance: (1) agriculture; (2) stock-keeping; (3) horticulture; (4) forestry. The compensation to which agricultural workers are entitled is the same as that provided for in the 1921 Act respecting accident insurance in industry (L. S. 1921, Part II, Neth. 1).

Poland. — In Poland the situation with regard to the regulation of workmen's compensation differs in the different Provinces into which the Republic is divided. In the Southern Provinces the existing Austrian legislation has been amended and maintained in force by the Polish Act of 7 July 1921. Under the Austrian Acts, the workers and employees of industrial and agricultural undertakings covered were subject to insurance against accidents. The Polish Act made compulsory the insurance of all workers employed in agricultural and forestry undertakings, whether motor power is used or not. In the Central and Eastern Provinces the Polish Act of 30 January 1924 extended to these districts (formerly Russian) the Acts for the compulsory insurance of workers against industrial accidents in force in former Austrian territories. This Act empowered the Minister of Labour and Social Welfare, after hearing the opinion of the Insurance Office, to fix the date or dates for the coming into force of this Act in respect of the various classes of undertakings and administrative districts. By Decrees of 7 June 1924 and 15 June 1925, the Minister fixed 1 July 1924 and 1 July 1925 as the dates of coming into force of the Act for all undertakings subject to compulsory accident insurance except the State

Railways. In the Western Provinces the insurance system in force is that set up in Book III (§§ 915-1045) of the German Insurance Code (*Reichsversicherungsordnung*) of 19 July 1911, modified by a series of Decrees and by the Polish Act of 2 July 1921, in virtue of which the Insurance Office provides protection against industrial accidents in agriculture in the districts of Posen and Pomerania, and the accident insurance section of the Social Insurance Institution performs the same functions in Upper Silesia. All agricultural and forestry undertakings in Poland are, therefore, now subject to accident insurance except those of less than 30 hectares in former Russian and Austrian Poland. In the case of undertakings of not more than 30 hectares, the application of the provisions of the Act of 30 January 1924 was postponed in order to permit a modification in the bases of accident insurance in the case of small agricultural undertakings, by which modification contributions will be collected by the communes. The provisions of a new Bill concerning social insurance which will regulate compulsory insurance in case of sickness, maternity, as well as invalidity and death, provide that all agricultural undertakings of more than 5 hectares will be subjected to compulsory insurance. The Bill will also cover small undertakings in agriculture in order that workers who may be employed in them may be entitled, in case of accidents, to social insurance benefits on a footing of equality with the other insured workers. The report states that the temporary exclusion of undertakings of less than 5 hectares from the scope of the above legislation concerning social insurance does not apply to the Western and Silesian provinces and is only due to difficulties of a technical character connected with the bringing under a system of compulsory insurance of the small number of persons who may be employed in such undertakings. The Bill gives power to the Minister of Labour and Social Assistance in agreement with the Minister of Agriculture to extend compulsory insurance to undertakings temporarily excluded. The workers in such undertakings have however the right, in case of accidents, to sue for compensation in the civil courts. The report further explains that the postponement of compulsory insurance in the case of undertakings of less than 5 hectares affects only "agricultural undertakings" in the strict sense of the term and does not apply to horticulture, experimental farms, etc. The number of agricultural workers who are not insured is thus strictly limited, since the small agricultural undertakings are as a rule managed by the proprietor himself or with the help of members of his family without employing workers for wages. Meanwhile, provisions for compensation for accidents occurring on agricultural undertakings of less than 30 hec-

tares have been included in collective agreements regulating conditions of labour and wages. In addition, for 1931, the question was settled in the central and eastern provinces by two decisions of the Extraordinary Arbitration Board published respectively in the "*Monitor Polski*" of 11 February and 1 August 1931, according to which "in case of injury or death caused by an industrial accident, the worker or his family, in the case of undertakings of less than 30 hectares, shall be entitled to the whole of the benefits fixed by the award until such time as their rights are settled by voluntary agreement or by a decision of the courts, and in any case for a period of not less than six months. This provision shall in no way diminish the rights accorded by the Civil Code to the workers in question. These provisions may nevertheless be replaced by a general agreement, approved by the Ministry of Labour and Social Assistance, fixing the mutual rights and obligations of employers and workers in case of injury or death of a worker due to an accident occurring in the course of his employment."

Sweden. — The Act of 17 June 1916 respecting insurance against industrial accidents, as amended by the Acts of 15 June 1922, 18 June 1926 and 24 May 1928, covers agricultural as well as other workers. By § 2 of the Act a worker is held to be "any person who is employed for wages on account of another in such manner that in his relations with the latter he cannot be regarded as an independent contractor, and also any person who, in order to procure training in the trade, performs such work without remuneration".

III.

Article 6 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Denmark. — The Government states that the ratification does not include *Greenland*.

France. — The report states that the Act of 15 December 1922 as amended, supplemented and interpreted by the Act of 30 April 1926 is applicable in *Algeria*. It has been put into application in the French colonies of *Martinique*, *Guadeloupe*, *Reunion* and *Guiana* by two public administrative regulations dated 23 May 1927 issued under the Decrees of 19 July 1925.

Great Britain. — Compensation is payable to agricultural workers equally with others under the legislation in *Tanganyika Territory*, *Northern Rhodesia*, *Somaliland*, *Nigeria*, *Gibraltar*, *Malta*, *Barbados*, *Jamaica*, *Grenada*, *St. Vincent*, *British Guiana*, *St. Helena*, *Mauritius* and *North Borneo*. In *Trinidad* compensation is payable to agricultural workers for accidents arising out of defects in machinery or plant, etc. or negligence on the part of the employer or his agents. In *Palestine* the question of extending the Workmen's Compensation Ordinance to agricultural workers is under consideration.

Italy. — The Convention has not yet been applied to the colonies, where the condition of agriculture and of the agricultural population is such as to prevent the enforcement of a system of accident insurance for persons employed in agricultural work.

Netherlands. — The Governor-General of the *Dutch East Indies* states that in the draft regulations for accident compensation, which were published in 1930, and which are being reviewed in the light of opinions which have been received concerning the draft, the case of agricultural workers, so far as they are employed on the basis of labour agreements subject to penal sanctions, has been taken into account. The Governor of *Surinam* reports that owing to local conditions the Convention has not been applied and that it is impossible to introduce modifications which would make it applicable to local conditions. In *Curaçao* the Governor states that the Convention has not been applied, such a step being unnecessary.

The question does not arise in the case of the other reporting countries

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Bulgaria. — 6 March 1925.

Chile. — 15 September 1925.

Denmark. — 19 May 1923.

Estonia. — 26 February 1923.

France. — 4 April 1928.

Germany. — 6 June 1925.

Great Britain. — 6 August 1923.

Irish Free State. — 17 June 1924.

Italy. — 1 September 1930.

Latvia. — 29 November 1929.

Luxemburg. — 16 April 1928.

Netherlands. — 20 August 1926.

Poland. — 21 June 1924.

Sweden. — 27 November 1923.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted and by what methods application is supervised and enforced.

Bulgaria. — The supervision of the application of the Act of 6 March 1924 respecting social insurance is entrusted to the factory inspectors.

Chile. — The enforcement of the Legislative Decree of 18 March 1925 is entrusted to the General Labour Inspectorate set up by the Act of 8 September 1924, and to the courts of first instance which deal with all proceedings for making effective the rights emanating from the Legislative Decree Chapter V of which contains provisions concerning special means for applying it and supervising its enforcement. The methods of enforcement of the Act are based on the general principles for the organisation of inspection services contained in the Recommendation on the subject adopted at the Fifth Session of the International Labour Conference in October 1923.

Denmark. — In accordance with § 76 of the Act of 14 July 1927, it is the duty of the inspecting staff appointed under the Factory Act of 29 April 1913, including

the communal inspectors, to see that the obligations relating to insurance are fulfilled in the concerns under their inspection. In the case of other undertakings, the inspection in question is carried out by the police. The factory inspectors report to the Chief of Police of the district any contraventions of the law that have come to their notice.

Estonia. — The application of the relevant provisions of the Act of 1 November 1921 is ensured by the supervision of the factory inspectors and by the right of victims of accidents to take proceedings in the civil courts.

France. — The application and interpretation of the relevant laws and administrative regulations in cases at issue appertains to the courts of law. The accident insurance institutions are subject to supervision and inspection by the Chief Inspector of private insurance institutions at the Ministry of Labour, who also deals with all questions relating to the laws and regulations concerning industrial accidents.

Germany. — The enforcement of the provisions regarding accident insurance in agriculture is secured by the same measures as in other branches of accident insurance. Occupational associations are insurance carriers, but in the case of accidents in works carried on on behalf of the Reich or of one of the States, the Reich or the State concerned is the carrier (§ 957 of the Insurance Code). Supervision of insurance carriers is entrusted to the Reich Insurance Office (§ 985 of the Insurance Code), in certain specified cases to the State Insurance Office (§ 986 of the Insurance Code), and, where the Reich or a State is the carrier, to the competent Minister of the Reich or to the State superior administrative authority (§§ 892 and 894 of the Insurance Code). The competent authorities are the same in all accident insurance cases (the Principal Insurance Office, the Federal Insurance Office and, in given cases, the State Insurance Offices).

Great Britain. — The application of the above-mentioned provisions is supervised generally by the Home Office (in Northern Ireland the Ministry of Labour) but all claims for compensation and other questions arising in particular cases under the Acts, if not settled by agreement between the employer and workman, are settled by arbitration, normally in the County Court (in Scotland, the Sheriff Court), in accordance with the prescribed procedure as laid down in the Act of 1925 (in Northern Ireland the Act of 1927).

Irish Free State. — The Department of Industry and Commerce is responsible for the administration of the Workmen's Compensation Acts, but the judges and court officers are concerned with matters arising out of the settlement of claims. In default of agreement between the employer and worker, or arbitration either by a committee representative of employers and workers or by a single arbitrator, the settlement of compensation claims under the Workmen's Compensation Acts and of matters arising therefrom is a matter for the judge of the Circuit Court, whose decision is subject to appeal by either party to the High Court with a right of further appeal in certain circumstances to the Supreme Court.

Italy. — The enforcement of accident insurance in agriculture is supervised by the Ministry of Corporations, acting through the corporation inspectors and the police officials. The insurance is managed by the National Accident Insurance Fund in the case of three branches, and by mutual benefit funds in the case of twenty-two other branches. Disputes are settled by arbitration committees for the various branches and by a central committee of appeal.

Latvia. — The application of the Act of 1 June 1927 is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — The accident insurance association and the old age and invalidity insurance institution are combined in a single administration known as the "Social Insurance Office." The Social Insurance Office is under the supervision of the Government, and this includes supervision of the application of the laws and regulations. The arbitration courts settle disputes relating to compensation for accidents. Appeal to the Government may in principle be made against all other decisions given in case of dispute by the executive committee of the accident insurance association. Further, appeal against the decisions of the Government may be made to the Council of State.

Netherlands. — The application of the relevant provisions is entrusted to the National Insurance Bank at Amsterdam, the insurance councils, the labour councils, and the trade associations (§ 10 of the Act of 20 May 1922). Supervision is exercised by the Bank and by the labour councils as regards employers insured with the Bank and the workers in their employment (§ 96). A supervising council is entrusted with the supervision over the effecting of insurance

by the trade associations. Offences under the Act are established by the officials of the Bank and of the labour councils, who are assisted in their task by the State and communal police.

Poland. — The supervision of the application of the relevant legislation is within the competence of the Ministry of Labour and Social Welfare for the whole of Polish territory with the exception of the Upper Silesian part of the province of Silesia, where supervision is exercised by the Provincial Social Insurance Office.

Sweden. — The application of the legislation is under the control of the State Insurance Office and the Insurance Council. Should an employer fail to insure his workers, the latter are automatically insured by the State Insurance Office.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Luxemburg.— See summary of the report on the *Convention concerning workmen's compensation for accidents*.

The remaining reports do not supply details concerning any such decisions.

• • •

Please add a general appreciation of the manner in which the Convention is applied in your country.

Great Britain. — The report states that the Convention is applied as a part of the general and well-recognised law of workmen's compensation, and agricultural workers enjoy, and have for the last thirty years enjoyed, its benefits on precisely the same footing as other classes of employees.

Luxemburg.— The report of the accident insurance association for 1929, in the section relating to agriculture and forestry, states that 1,741 accidents were reported, and that compensation was paid for 1,577 of these. The report for 1930 had not been published when the annual report was drawn up.

Convention concerning the use of white lead in painting.

This Convention came into force on 31 August 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6. 1924	4. 11. 1931
Belgium	19. 7. 1926	11. 11. 1931
Bulgaria	6. 3. 1925	24. 10. 1931
Chile	15. 9. 1925	14. 12. 1931
Cuba	7. 7. 1928	
Czechoslovakia	31. 8. 1923	8. 2. 1932
Estonia	8. 9. 1922	19. 10. 1931
Finland	5. 4. 1929	16. 12. 1931
France	19. 2. 1926	13. 11. 1931
Greece	22. 12. 1926	
Latvia	9. 9. 1924	15. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931
Norway	11. 6. 1929	24. 10. 1931
Poland	21. 6. 1924	25. 11. 1931
Rumania	4. 12. 1925	22. 12. 1931
Spain	20. 6. 1924	30. 11. 1931
Sweden	27. 11. 1923	5. 10. 1931
Yugoslavia	30. 9. 1929	2. 11. 1931

The Government of *Bulgaria* states that the provisions of the Convention are applied within the limits of the Health and Safety of Workers Act. The report states that this Act "replaces the Convention save only as regards Article 1". All the other provisions are completely applied but, as in Bulgaria white lead is hardly ever used in the painting of buildings, the provisions of the Convention have only a formal significance. The measures which have been taken in Bulgaria to protect workers against poisoning from lead and lead products apply mainly in connection with the lead mines which exist in some parts of the country.

The Government of *Chile* states in its report that night work is prohibited for young persons under 18 years of age in the occupations specified by the regulations of 30 April 1926 as dangerous. This prohibition affects occupations in which white lead is employed. § 31 of the Act of 8 September 1924 on contracts of employ-

ment prohibits the employment of young persons under 18 years of age in work specified in the regulations as dangerous or unhealthy, including occupations in which white lead is used. Chilean legislation does not contain any provision which, in accordance with Article 3 of the Convention, would prohibit the employment of women in painting work of an industrial character involving the use of white lead, sulphate of lead, or other products containing these pigments. Further, there are no legal provisions or regulations in Chilean legislation involving the prohibition contained in Article 1 of the Convention or the regulations contained in Articles 2, 5 and 7 of the Convention. The report adds that § 8 (2) of the Regulations of 21 April 1927 enumerates white lead poisoning among the forms of poisoning as an occupational disease giving a right to compensation. Finally, the report indicates that a Legislative Decree of 28 May 1931, consolidating the national labour legislation, which came into force on 29 November 1931, contains in § 246 the legal basis for later regulations in which the provisions of the Convention will be incorporated.

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. "The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The report of the Government of *Luxemburg* states that the Act of 5 March 1928 ratifying the Convention gave the provisions of the latter the force of national law, and that executive regulations are being drafted. Section V, Chap. II of a draft Grand-ducal Order, which has been communicated to the Council of State and the trades and occupational chambers, contains provisions regulating the use of white lead in painting.

The Government of *Rumania* states that a ministerial decision was published on 23

May 1930 with a view to giving effect to the Convention as rapidly as possible. The decision reproduces the provisions of the Convention *in extenso*; it will remain in force until the regulations for unhealthy trades provided for by the new Health Act of 14 July 1930 have been published. The report adds that a special committee has been engaged in drafting these regulations, and has now drawn up general draft regulations for industrial and commercial hygiene in which the principles of the Convention concerning the use of white lead in painting are incorporated and amplified. The details of enforcement will be the subject of special regulations.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Order of 8 March 1923 issued under § 74 (a) of the Industrial Code and issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating carried on by way of trade (L. S. 1923, Aus. 1 (D)).

Order of 4 February 1928 of the Minister of Social Affairs respecting the notification of cases of lead poisoning due to painting work in buildings, varnishing and artistic painting (L. S. 1928, Aus. 1).

Belgium.

Act of 30 March 1926 concerning the use of white lead and other white pigments containing lead (L. S. 1926, Belg. 2 (A)).

Act of 24 July 1927, concerning compensation for injury caused by occupational diseases (L. S. 1927, Belg. 7).

Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L. S. 1926, Belg. 2 (B)).

Ministerial Order of 16 September 1926 in pursuance of §§ 2, 4, 5 and 7 of the Royal Order to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead (L. S. 1926, Belg. 2 (D)).

Royal Order of 17 September 1926 concerning the use in painting of white lead, other white pigments containing lead and white pigments the lead content of which in the metallic state exceeds 2% (L. S. 1926, Belg. 2 (C)).

Royal Order of 15 November 1927 to supplement the Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L. S. 1927, Belg. 9).

Royal Order of 31 October 1928 prohibiting the employment of young persons under eighteen years of age and women in painting work involving the use of white lead and other white lead pigments (L.S. 1928, Belg. 6).

Royal Order of 14 April 1930 laying down special regulations for the application of paint by the compressed air spraying gun or pneumatic painting (L. S. 1930, Belg. 3).

Bulgaria.

Act of 1917 respecting the health and safety of workers (B. B. Vol. XIII, 1918, p. 26).

Social Insurance Act of 6 March 1924. (L.S. 1924, Bulg. 1).

See also introductory note.

Chile.

Decree of 30 April 1926 to approve the appended regulations respecting industrial hygiene and safety (L. S. 1926, Chile 2).

Act of 8 September 1924 respecting contracts of employment (L. S. 1924, Chile 2).

Regulations of 21 April 1927 respecting occupational diseases (L. S. 1927, Chile 2).

See also introductory note.

Czechoslovakia.

Act of 12 June 1924 issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating (L. S. 1924, Cz. 1).

Estonia.

Act of 25 May 1928 respecting the use of white lead in painting (L. S. 1928, Est. 2).

Ministerial Order of 12 April 1930 concerning the use of white lead in painting (L. S. 1930, Est. 1 A).

Ministerial Order of 30 July 1930 concerning the supervision of general health and medical examination in places where white lead, sulphate of lead and other products containing these pigments are used (L. S. 1930, Est. 1 B).

Ministerial Order of 20 May 1931 amending Ministerial Order of 12 April 1930.

Finland.

Act of 1 March 1929 prohibiting the use of white lead and sulphate of lead in certain kinds of painting (L. S. 1929, Fin. 1 A).

Decision of the Ministry of Social Affairs dated 22 June 1929 laying down detailed provisions concerning the use of white lead in painting (L. S. 1929, Fin. 1 B).

Order of 1 March 1929 concerning the putting into force of the Convention concerning the use of white lead in painting.

Sanitary regulations of 24 September 1929 for workers employed in painting work in which the use of white lead, sulphate of lead and products containing those pigments is necessary.

Resolution of the Council of State dated 14 March 1919 specifying the trades and branches thereof which must be deemed to be specially dangerous and issuing detailed regulations concerning the employments liable to injure the health of children and young persons or hinder their physical development (L. S. 1924 Fin. 5, Appendix).

France.

Code of Labour and Social Welfare, Book II, §§ 78, 79 and 80, as amended by the Act of 31 January 1926 (special provisions respecting the use of lead compounds in painting work) (L. S. 1926, Fr. 1).

Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting work (L. S. 1930, Fr. 13 B).

Decree of 21 March 1914 (B. B. 1915, Vol. X, p. 103), emended by the Decrees of 24 September 1926 (L. S. 1926, Fr. 10A) and 8 August 1930 (L. S. 1930, Fr. 13A) concerning dangerous work prohibited to children and women.

§ 12 of the Act of 25 October 1919 to extend to industrial diseases the Act of 9 April 1898 respecting industrial accidents (L. S. 1920, Fr. 7).

Decree of 6 November 1929 respecting the application of § 12 of the Act of 25 October 1919 (L. S. 1929, Fr. 9).

Latvia.

Act of 13 June 1930 concerning the trade in white lead and the use of white lead in painting (L. S. 1930, Lat. 5).

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

See also introductory note.

Norway.

Act of 24 May 1929 partially prohibiting the use of white lead, etc., in painting (L. S. 1929, Nor. 1).

Royal Decree of 6 December 1929 concerning the putting into force of the above Act.

Regulations concerning the use of white lead, etc., in painting, issued under § 6 of the Act of 24 May 1929.

Poland.

Order of 20 September 1920 concerning the notification of cases of poisoning by lead, zinc, phosphorus, arsenic and mercury in industrial undertakings, factories and workshops (L. S. 1920, Pol. 2).

Decree of the President of the Republic of 30 June 1927 concerning the manufacture, importation and use of white lead, sulphate of lead and all other lead compounds (L. S. 1927, Pol. 7), extended to the Province of Silesia by Act of 13 February 1931.

Decree of the President of the Republic of 22 August 1927 respecting the prevention of occupational diseases and the fight against these diseases (L. S. 1927, Pol. 9), extended to the Province of Silesia by Act of 16 September 1930.

Decree of the President of the Republic of 16 March 1928 concerning industrial safety and hygiene (L.S. 1928, Pol.4), extended to the Province of Silesia by Act of 18 March 1931.

Ministerial Order of 17 December 1928 concerning the application of certain provisions of the Presidential Decree of 22 August 1927 (L. S. 1928, Pol. 8).

Ministerial Decree of 13 September 1930 concerning the health and safety measures which are obligatory in the preparation of pigments and pastes containing white lead, etc., and in painting work involving the use of such paints and pastes (L. S. 1930, Pol. 6).

Rumania.

See introductory note

Spain.

Royal Decree of 19 February 1926 to provide that the use of white lead, sulphate of lead and all products containing these pigments shall be prohibited in Spain in the interior painting of buildings as from 1 November 1928, subject to the exceptions laid down in this Decree (L. S. 1926, Sp. 3).

Decree of 28 May 1931 with Regulations for the application of the Convention (L. S. 1931, Sp. 4).

Sweden.

Act of 19 February 1926 to prohibit in certain cases the employment of workers in painting work in which lead colours are used (L. S. 1926, Swe. 1).

Decree of the Royal Department of Labour and Social Welfare of 30 June 1926 concerning the form to be used for reports on cases of lead poisoning in the painting industry.

Royal Decree of 10 December 1926 concerning the payment of the expense of medical examination of working painters, examined in accordance with the above-mentioned Act.

Workers' Protection Act of 29 June 1912 (B. B. Vol. VIII, 1913, p. 84).

Yugoslavia.

Act of 20 December 1921 respecting labour inspection (L. S. 1921, II, S. C. S. 2).

Act of 14 May 1922 respecting social insurance (L. S. 1922, S. C. S. 2).

Regulations of 7 May 1931 respecting the use of white lead in painting.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation ratifying the present Convention undertakes to prohibit, with the exceptions provided for in Article 2, the use of white lead and sulphate of lead and of all products containing these pigments, in the internal painting of buildings, except where the use of white lead or sulphate of lead or products containing these pigments is considered necessary for railway stations or industrial establishments by the competent authority after consultation with the employers' and workers' organisations concerned.

It shall nevertheless be permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead.

Please give a list of the cases (if any) where the use of white lead or sulphate of lead or products containing these pigments has been considered necessary by the competent authority after consultation with the employers' and workers' organisations concerned, stating what is the competent authority in your country for this purpose and what means have been adopted for the consultation of the employers' and workers' organisations concerned.

Austria. — The Order of the Federal Ministry of Social Affairs of 8 March

1923, under § 74^a of the Industrial Code, issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating carried on by way of trade lays down under § 5 (1) that white lead, lead sulphate, and products of which substances containing lead are ingredients shall not be used in the interior painting of buildings. Railway stations and industrial undertakings where the use of white lead, lead sulphate or products containing these colouring matters is certified as necessary by the competent authorities are an exception thereto. § 5 (2) specifies that the use of white lead and other colours containing lead is permitted for external painting only when necessary for protection against the influence of weather and water. The general administrative authorities of the State decide, after consultation with the Chamber of Commerce and Industry and the Chambers of Workers and Employees, to what undertakings permission may be granted to use white lead, sulphate of lead and any products containing lead. No statistics of the cases in question are available.

Belgium. — § 2 of the Act of 30 March 1926, which came into force on 22 October 1926, prohibits the use of white lead and other white pigments containing lead, as well as colours ready for use containing these pigments, whether for the interior painting of buildings or the painting of any object for the furnishing of buildings. White pigments other than those mentioned above are allowed only if they do not contain more than 2% lead weight in the metallic state. Further § 3 provides that § 2 is not to apply "(a) to white lead pigments contained in tubes weighing less than 500 grm., . . . (c) to work in parts of industrial buildings where the processes give rise to sulphuric acid fumes". A Royal Order and a Ministerial Order, both dated 16 September 1926, fix the conditions of the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes. The report states that the Temporary Committee for the technical study of the use of white lead and other white pigments containing lead, which includes delegates from the employers' and workers' organisations, has up to the present proposed exceptions only for the sale of white compounds containing lead to dispensers and chemists, and for the use of similar compounds in the case of minerals used for the extraction of the lead in the metallic state. A Royal Order of 15 November 1927 confirmed these decisions.

Bulgaria. — See introductory note.

Chile. — See introductory note.

Czechoslovakia. — § 1 of the Act of 12 June 1924 prohibits the use of white lead

and other pigments and putty containing lead in internal painting, varnishing and decorating work. Internal painting is defined as "all painting which, on account of the use to which it is put, is not exposed directly to the influence of the weather either permanently or during the greater part of the time". It is provided in § 2 that this prohibition is not to apply to "(b) railway stations, vehicle-works and other industrial undertakings where the use of white lead and other pigments and putty containing lead is certified as necessary by the competent industrial inspection office after consultation with the organisations of employers and workers; (c) painting in places where the paint is much exposed to the effects of steam or other vapours; (d) work in the application of the first coat in cases of mere touching-up of old white paint containing lead". The report states that "the exceptions under (c) and (d) were reproduced from §§ 4 and 3 of the Order of 15 April 1908¹ of the Austrian Minister of Commerce and Minister of the Interior, after consultation with the competent organisations concerned, owing to the similarity between interior painting exposed to steam and other vapours and exterior painting, and also owing to the practical value of the second exception. Both exceptions are of quite a minor kind." The Government recalls that the Minister of Social Welfare, in order to complete on this point the report for 1927, had forwarded to the Office on 13 April 1928 a communication on this question stating "that, as the result of recent research, zinc paints are almost exclusively used in interior painting, and these paints are more expensive because they are non-poisonous, lasting and permanently white. In the application of the first coat upon wood and for putty, zinc white is used mixed with a white lead substitute, which is commercially known as 'Lithopone'. Paints containing lead are used in interior painting, to the extent allowed by the Geneva Convention, only exceptionally in putty, when it is desired to obtain a specially hard and damp-resisting surface. In drawing attention to these circumstances the Ministry of Social Affairs considers that although the exception allowed by § 2 (2) (d) of the Act of 1924 is not in accordance with the White Lead Convention, its application in present practice is so unimportant that it constitutes only an insignificant and theoretical departure from the Convention. The Ministry of Social Welfare would not therefore consider it desirable to suppress the exception, since its inclusion in the Act also meets the present requirements of the experts." Permits to use white lead under § 2 (b) are granted by the industrial inspectorate, which notifies permits granted to the competent industrial authority, this body being entitled to reverse the decision of the in-

spectorate, and refers to this authority for decision applications which it considers should be refused (§ 12). § 2 (1) of the Act permits the use of white paints containing not more than 2 per cent. of lead expressed in terms of metallic lead.

Estonia. — § 1 of the Act of 25 May 1928 provides that the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings is prohibited, with the exception of railway stations and industrial undertakings in which the use of white lead and sulphate of lead and of all products containing these pigments is certified to be necessary by the Minister of Public Instruction and Social Affairs in agreement with the Minister of Communications or, where necessary, with the Minister of National Economy, after consulting the employers' and workers' organisations. § 2 provides that the use of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead remains authorised. The report adds that exceptions under this Article of the Convention for industrial undertakings have not been granted.

Finland. — The Act of 1 March 1929 lays down in § 1 that the use of white lead, sulphate of lead and all products containing these pigments is prohibited in internal painting with the exceptions laid down by the Act. In doubtful cases the Ministry for Social Affairs decides what is to be understood by "internal painting". The use of white pigments containing a maximum of two per cent. of lead expressed in terms of metallic lead is allowed. Under § 2 of the Act the above prohibition does not apply to cases in which the factory inspection authorities consider, after consultation with the employers' and workers' organisations concerned, that the use of the pigments in question is necessary for painting carried out in railway stations and industrial undertakings.

France. — §§ 78-80 of the Code of Labour and Social Welfare, as amended by the Act of 31 January 1926, provide that, in all workshops, yards, buildings under construction or repair, and generally in any workplace where work in connection with the painting of buildings is carried on, the heads of the undertakings, directors or managers must observe the following provisions: the use of white lead, sulphate of lead and linseed oil containing lead, and of any specially prepared product containing white lead or lead sulphate is prohibited in all painting work, irrespective of its nature, carried out on the exterior and interior of buildings. Public administrative regulations are to lay down, if necessary, the special work for which exceptions may be permitted. The report states that no such regulations have been made, and the

¹ B. B. Vol. III, 1908, p. 31.

use of white lead, etc., remains forbidden both for the external and internal painting of buildings.

Latvia. — Under § 2 of the Act of 13 June 1930 it is forbidden to use white lead, sulphate of lead and all products containing these pigments in the internal painting of buildings, except in railway stations or industrial establishments in which the use of those pigments is considered necessary by the Ministry of Social Welfare in agreement with the employers' and workers' organisations. The use of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead is however allowed.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway. — The Act of 24 May 1929 lays down in § 1 that the use of white lead, sulphate of lead and all products containing these pigments is prohibited in the internal painting of buildings. It is nevertheless permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead. The factory inspection authorities, which are responsible for the enforcement of the Act concerning the protection of workers in industrial undertakings, may allow exceptions to this prohibition when they consider that the use of white lead, etc., is necessary for railway stations or industrial establishments. In such cases the factory inspection authorities must consult the employers' and workers' organisations concerned. The report adds that up to the present no requests for exemptions have been received.

Poland. — According to § 3 of the Decree of 30 June 1927 the use of white lead, of sulphate of lead and of other products containing these lead compounds is prohibited in the internal painting of buildings. This prohibition does not apply either to the internal painting of railway stations and of industrial establishments in which the employment of these products is certified necessary (§ 3 (a)) or to the use of white pigments containing a maximum of 2 per cent. of pure lead (§ 3 (b)). The labour inspector may authorise the above-mentioned exceptions in agreement with the competent sanitary authority and after consultation with the representatives of the professional organisations of employers and workers invited by him.

Rumania. — See introductory note.

Spain. — § 1 of the Decree of 28 May 1931 provides that "the use of white

lead sulphate and all products containing these pigments in the interior painting of buildings is prohibited". § 2 provides that "the provisions of § 1 shall not apply to the following: (1) work carried out on rolling stock in railway stations; (2) work carried out principally in the open air; (3) work carried out in industrial undertakings authorised by the Ministry after consultation with the Labour Council, provided that their premises have a large cubic capacity; (4) work to be carried out for special reasons whose importance is in each case appreciated by the Ministry, and for a period also settled in advance by the Ministry, after consultation with the Labour Council". The use of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead is allowed.

Sweden. — According to § 1 of the Act of 19 February 1926, the Act applies to all painting work which is not exempted from the application of the Act of 29 June 1912 respecting the protection of workers. This latter Act applies to every occupation, industrial or otherwise, in which workpeople are employed for work for an employer, as well as in the building of houses, roads or water-works, water courses or any similar undertaking in which workpeople are employed for such purposes. The Act does not apply to (a) work which is undertaken in the labourer's dwelling or elsewhere under such conditions that it cannot be considered as the employer's responsibility to supervise the arrangements for such work; (b) work which is undertaken by a member of the employer's family; and (c) work which is done by sailors or which is in connection with nautical service, whether the work is done on board ship or otherwise. The Act of 19 February 1926 lays down, among other things (§ 1), that for the purposes of the Act "lead colours" shall be deemed to mean lead carbonate (white lead), lead sulphate and other pigments containing lead carbonate or lead sulphate. § 2 of the Act lays down that male workers under the age of eighteen years and women shall not be employed in painting work in which lead colours are used. Male workers who have attained the age of eighteen years may not be employed in the interior painting of buildings with lead colours unless the quantity of lead carbonate or lead sulphate in the lead colours used is such that they do not contain more than 2 per cent. of lead. § 3 provides that the chief industrial inspection authority, after hearing the employers' and workers' organisations concerned, may authorise exceptions to the prohibition of the employment of white lead in the interior painting of buildings connected with railway stations or industrial establishments where such exceptions are considered necessary. The report states that no request

for an exception has been made up to the present.

Yugoslavia.— § 1 of the Regulations prohibits the use of white lead, sulphate of lead and all products containing these pigments in the internal painting of buildings. Internal painting is defined as "painting which in view of its purpose is not permanently or usually exposed to atmospheric influences". § 2 provides that it is still permissible to use white pigments containing a maximum of 2 per cent. of lead. § 3 of the Regulations provides that the prohibition of the use white lead does not apply to railway stations, railway carriage factories and other industrial establishments in which the use of white lead and other products containing these pigments is certified as necessary by the competent labour inspectorate after consultation with the employers and workers' organisations. Permission to use white lead in virtue of § 3 is granted by the competent labour inspectors. The procedure is governed by the general provisions of the Act of 26 November 1930 concerning the procedure to be followed before the public administrative authorities.

ARTICLE 2.

The provisions of Article 1 shall not apply to artistic painting or fine lining.

The Governments shall define the limits of such forms of painting, and shall regulate the use of white lead, sulphate of lead, and all products containing these pigments, for these purposes in conformity with the provisions of Articles 5, 6 and 7 of the present Convention.

Where advantage has been taken of the exemption provided for in the first paragraph of Article 2, please state what definition of the limits of such forms of painting has been laid down. Please forward copies of the regulations which may have been drawn up, pursuant to the second paragraph of this Article, in conformity with the provisions of Articles 5, 6 and 7, unless they have already been communicated to the International Office.

Austria.— The report states that no use has been made in Austria of the exception allowed by Article 2 of the Convention.

Belgium.— The report states that the exception regarding artistic painting and fine lining is covered by § 3 of the Belgian Act, which allows the sale of paints generally used for this work when they are contained in tubes weighing less than 500 grammes. The report adds that "the high price of this form of container makes it practically impossible to use these paints for ordinary painting".

Bulgaria.— See introductory note.

Chile.— See introductory note.

Czechoslovakia.— In virtue of § 2 (2) (a) of the Act of 12 June 1924 the prohibition of the use of white lead does not apply to "decoration and sign-painting and fine lining". The report states that the provisions of the Act relating to the regulation of the use of white lead apply to these forms of painting.

Estonia.— § 3 of the Act of 25 May 1928 provides that the provisions of § 1 of the Act are not applicable to artistic painting or fine lining. The Order of 12 April 1930, in § 2, gives a definition of artistic painting and fine lining.

Finland.— The Act of 1 March 1929 lays down in § 2 that the prohibition of the use of white lead, etc., does not apply to artistic painting or fine lining. § 1 of the Decision of the Ministry of Social Affairs dated 22 June 1929 states that "artistic painting" and "fine lining" are to be understood to mean respectively decoration by means of the painting of pictures or similar painting, and internal fine lining.

France.— Advantage has not been taken of the exception provided for in this Article.

Latvia.— The Act of 13 June 1930 lays down in § 4 that the prohibition of the use of white lead, etc., does not apply to artistic painting or fine lining. The report states that the limits of the different kinds of painting cannot be defined in practice.

Luxemburg.— The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway.— Under § 2 of the Act of 24 May 1929, the prohibition of the use of white lead etc. does not apply to artistic painting or fine lining. Under § 6 of the Act, the definition of the limits of the different kinds of painting is entrusted to the factory inspection authorities.

Poland.— § 3 (3) of the Decree of 30 June 1927 authorises the use of white lead, sulphate of lead and all other products containing lead compounds in artistic and decorative painting. The report adds that the question of the distinction between these two forms of painting has not so far given rise to doubts. It is agreed that artistic painting means the work of painters creating works of art, and decorative painting includes fine lining and other decorative work done by working painters. Special measures will be taken in case of necessity by means of instructions to the labour inspectors.

Rumania.— See introductory note.

Spain.— § 1 of the Decree of 28 May 1931 provides that the prohibition of the

use of white lead shall not apply to artistic painting and fine lining.

Sweden. — The Act of 19 February 1926 lays down in § 2 that the provisions prohibiting the employment of male workers who have reached eighteen years of age in the interior painting of buildings with lead colours shall not apply to artistic painting or fine lining. The report states that apart from the provisions of § 4 of the Act of 19 February 1926 (see under ARTICLE 5) no special measures have been taken with regard to paragraph 2 of this Article of the Convention.

Yugoslavia. — § 3 (2) and (3) of the Regulations of 7 May 1931 provide that the prohibition of the use of white lead shall not apply to artistic painting or fine lining.

ARTICLE 3.

The employment of males under eighteen years of age and of all females shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

The competent authorities shall have power, after consulting the employers' and workers' organisations concerned, to permit the employment of painters' apprentices in the work prohibited by the preceding paragraph, with a view to their education in their trade.

Please state whether permission has been granted for the employment of painters' apprentices in the conditions laid down in the second paragraph; please state also what methods were adopted for the consultation of the employers' and workers' organisations concerned.

Austria. — The Order of 8 March 1923 prohibits by § 6 the employment of young persons under eighteen years and women in painting, varnishing and decorating work in which, in accordance with § 5, the use of white lead or other compounds containing lead has been authorised. Furthermore, young persons under eighteen years of age must not be employed in cleaning work-rooms or working clothes. The Order of 8 March 1923 contains no exceptions for apprentices as permitted by Article 3, second paragraph, of the Convention.

Belgium. — The Royal Order of 31 October 1928, issued after consultation with the organisations contemplated by the Act of 2 July 1899, prohibits the employment of young persons under 18 years and women in painting work involving the use of white lead and other white lead pigments.

Bulgaria. — The Minister of Commerce, Industry and Labour may propose, after consultation with the Superior Labour Council, and it may be ordered by Royal Decree in virtue of § 16 of the Health and

Safety of Workers Act of 1917, that the employment of males under eighteen years of age and of all females shall be prohibited in work recognised to be of a dangerous or unhealthy character. See also introductory note.

Chile. — § 30 (2) of the Act of 8 September 1924 relating to contracts of employment prohibits night work of young persons over 16 and under 18 years of age in the occupations specified by the regulations as dangerous, a prohibition which affects occupations in which white lead is employed. § 31 of the same Act prohibits the employment of young persons under 18 years of age in work "specified in the regulations as dangerous or unhealthy", a provision which involves the prohibition of the employment of such young persons in occupations in which white lead is used. Chilean legislation does not contain any provision prohibiting the employment of women in work involving the use of white lead. See also introductory note.

Czechoslovakia. — By § 3 (1) of the White Lead Act the employment of young persons under eighteen years of age and of women is prohibited in work where the use of white lead and other pigments and putty containing lead is permitted. The competent industrial inspection offices are empowered under § 3 (2), after consulting the organisations of employers and workers, to "permit the employment of apprentices under eighteen years of age on work otherwise prohibited for them by the provisions of this Act, with a view to their training in their trade, in so far as such work is necessary for the full achievement of the purpose of their apprenticeship, provided that they shall not be so employed for more than six weeks". Permits for the purpose of § 3 (2), if granted, must be notified to the competent authority, which is entitled to reverse the decision taken by the inspectorate, and must be referred to this authority for decision in cases where the inspectorate considers the application should be refused (§ 12). The report states that "so far as the factory inspectors' reports have made it possible to judge, no case has yet occurred requiring special regulations or consultation with the employers' and workers' organisations".

Estonia. — § 4 of the Act of 25 May 1928 provides that the employment of women and young persons under 18 years of age is prohibited in painting work of an industrial character involving the use of white lead, sulphate of lead and all products containing these pigments. The Minister of Public Instruction and Social Affairs has the right, after consulting the employers' and workers' organisations, to permit the employment of apprentices on works prohibited by the preceding paragraph with a

view to their education in their trade. The report adds that no use has been made in Estonia of the right given to the Minister of Public Instruction and Social Affairs.

Finland. — The Resolution of 14 March 1919 lays down in § 1 that employments involving the mixing or handling of pigments containing lead and other poisonous pigments are to be regarded as dangerous trades or branches of trade in which children and young persons must not be employed. In addition, § 3 of the Act of 1 March 1929 lays down that males under eighteen years of age and women may not be employed in painting work of an industrial character involving the use of white lead, sulphate of lead or other products containing these pigments. The Minister for Social Affairs may nevertheless, after consultation with the employers' and workers' organisations concerned, permit the employment of painters' apprentices in the work mentioned above with a view to their education in their trade. The report further states that no requests for exceptions to this prohibition have been received.

France. — The Decree of 8 August 1930, amending the Decree of 21 March 1914 concerning dangerous work prohibited to children and women, prohibits the employment of males under eighteen years of age and all females in painting work of any kind involving the use of white lead, sulphate of lead and all products containing these pigments.

Latvia. — The Act of 13 June 1930 lays down in § 3 that the employment of males under eighteen years of age and of all females is prohibited in any painting work involving the use of white lead or sulphate of lead or other products containing those pigments. The Ministry of Social Welfare has power to allow painters' apprentices to be employed in the work prohibited by this section of the Act with a view to their education in their trade.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway. — § 3 of the Act of 24 May 1929 lays down that the employment of males under eighteen years of age and of all females is prohibited in the industrial painting of buildings involving the use of white lead, etc. The factory inspection authorities may permit the employment of male young persons on such work with a view to their education in their trade. The employers' and workers' organisations concerned are asked to state their views before such authorisations are given. The report adds that up to the present no requests for exemption have been received.

Poland. — § 4 of the Decree of 30 June 1927 and § 12 of the Order of 13 September 1930 prohibit the employment of young persons under 18 years and of women in painting work of an industrial character involving the use of white lead and sulphate of lead. The regional labour inspector may authorise, in agreement with the voievode and after consulting the employers' and workers' organisations, the employment of persons under 18 years of age with a view to their education in their trade. The report states that a circular was sent out to factory inspectors with a view to obtaining statistics of the authorisations allowed. The results of this enquiry show that no authorisations have been granted, which may be due to the fact that white lead is rarely used in Poland.

Rumania. — See introductory note.

Spain. — Under conditions laid down in the Decree of 19 February 1926, the Minister of Labour may permit painters' apprentices of under 18 but over 16 years of age to be employed in the occupations mentioned in § 2 as far as is necessary for their vocational education. The permission is granted in consultation with the Labour Council, and shall fix the maximum number of apprentices to be employed in proportion to the total number of workers. The apprentices shall only manipulate the paint in the open air or in work-places provided with direct ventilation. Apart from this exception, the employment of young persons under the age of 18 years and women is prohibited in painting work of an industrial character involving the use of white lead, sulphate of lead or other products containing these pigments.

Sweden. — § 3 of the Act of 19 February 1926 provides that the chief inspection authority, after hearing the employers' and workers' organisations concerned, may authorise the employment of male workers under the age of eighteen years in painting work where this is necessary for their trade training, provided that the work is such that male workers who have attained the said age may be employed therein in conformity with the Act. The report states that no use has been made of this provision.

Yugoslavia. — § 5 (1) of the Regulations of 7 May 1931 prohibits the employment of young persons under eighteen years of age and of women in painting work involving the use of white lead and other lead pigments. § 5 (2) provides, however, that the competent labour inspector may, after consultation with the employers' and workers' organisations, authorise the employment of persons under eighteen years of age with a view to their vocational training, provided that such employment does not exceed six weeks in all.

ARTICLE 4.

The prohibitions prescribed in Articles 1 and 3 shall come into force six years from the date of the closure of the Third Session of the International Labour Conference.

Austria. — The Order of 8 March 1923, the provisions of which correspond with those of Articles 1 and 3 of the Convention, came into force on 7 April 1923, the date of promulgation of the Order. The Order of 4 February 1928 was promulgated on 30 March 1928.

Belgium. — The Belgian Act of 30 March 1926 came into force on 22 October 1926.

Bulgaria. — See introductory note.

Chile. — See introductory note.

Czechoslovakia. — All the provisions of the White Lead Act came into operation, in accordance with § 14, three months after its promulgation on 28 June 1924, i.e. on 28 September 1924.

Estonia. — The Act of 25 May 1928 came into force on 19 June 1928.

Finland. — The Act of 1 March 1929 came into force on 1 October 1929.

France. — The prohibition of the use of white lead came into force on 1 January 1915, and that of sulphate of lead with the promulgation of the Act of 31 January 1926.

Latvia. — The Act of 13 June 1930 came into force on 27 June 1930.

Luxemburg. — The report states that the Act of 5 March 1928 came into force on 23 March 1928.

Norway. — The report states that the Act of 24 May 1929 came into force on 1 January 1930.

Poland. — The Decree of 30 June 1927 came into force on 8 March 1928, and was made applicable to the Province of Silesia by Act of 13 February 1931.

Rumania. — See introductory note.

Spain. — According to §§ 1 and 3 of the Royal Decree of 19 February 1926 the prohibitions therein stipulated came into force on 1 November 1928.

Sweden. — The Act of 19 February 1926 came into force, under the terms of § 14, on 1 July 1926.

Yugoslavia. — The Regulations of 7 May 1931 came into force on the date of their publication in the Official Journal.

ARTICLE 5.

Each Member of the International Labour Organisation ratifying the present Convention undertakes to regulate the use of white lead, sulphate of lead and of all products containing these pigments, in operations for which their use is not prohibited, on the following principles:

- I. (a) White lead, sulphate of lead, or products containing these pigments shall not be used in painting operations except in the form of paste or of paint ready for use.
- (b) Measures shall be taken in order to prevent danger arising from the application of paint in the form of spray.
- (c) Measures shall be taken, wherever practicable, to prevent danger arising from dust caused by dry rubbing down and scraping.
- II. (a) Adequate facilities shall be provided to enable working painters to wash during and on cessation of work.
- (b) Overalls shall be worn by working painters during the whole of the working period.
- (c) Suitable arrangements shall be made to prevent clothing put off during working hours being soiled by painting material.
- III. (a) Cases of lead poisoning and of suspected lead poisoning shall be notified, and shall be subsequently verified by a medical man appointed by the competent authority.
- (b) The competent authority may require, when necessary, a medical examination of workers.
- IV. Instructions with regard to the special hygienic precautions to be taken in the painting trade shall be distributed to working painters.

Please give full information concerning the regulations made under this Article and their application, in relation to each of the paragraphs of the Article.

In particular, please furnish information on the following points: (a) To what extent are special precautions required in the use of paint in the form of spray; (b) to what extent are facilities for washing and cleanliness required to be given for workers in small establishments as well as in large undertakings.

Austria. — I (a). In § 8 (1) and (2) of the Order of 8 March 1923, the grinding of white lead and lead sulphate is authorised only in establishments certified by the competent industrial authorities as suitable. These lead compounds must not be introduced into other undertakings until they have been ground with oil or varnish. In all undertakings, white lead, lead sulphate and products containing these colours may be used only in a damp condition or as paint ready for use. I (b). The report states that no Orders have been issued containing provisions corresponding to this paragraph, but that corresponding protective measures are ordered as required by the factory inspectors. In particular it is required that when paint is applied in the form of spray, effective means of ventilation must be installed. I (c). § 8 (3) stipulates that dry paint containing lead or putty must "not be scraped down or pumiced until it has been damped. The scraped-off substance and the fragments falling during

the process of scraping" must be removed while still damp. II (a). § 9 (2) provides that "every occupier of an undertaking shall furnish the persons working with white lead, other compounds containing lead or other poisonous substances with a sufficient supply of good water for drinking and washing, wash-bowls, brushes, soap and towels". This provision applies generally to small as well as to large undertakings. II (b). §§ 9 (1) and 10 (2) of the Order lay down that the occupier of the undertaking must see that the workers using white lead, other compounds containing lead or other poisonous substances, use special working clothes and head coverings, which must be properly cleansed. In establishments where more than 20 workers are employed, the occupier of the undertaking is required to furnish the workers in question with suitable working clothes and head coverings and to see that they are cleansed regularly by a wet process. For their part, the workers are required to use the working clothes and head coverings provided for them in accordance with the regulations. II (c). § 3 lays down that if in an establishment more than 20 painters, varnishers and decorators are employed the occupier is obliged to provide these workers with special lavatories and cloak-rooms which can be heated, with arrangements for storing garments and a mess-room, and to see that these rooms are always kept clean. In addition, the notice appended to the Order especially recommends workers to keep their working clothes apart from their other clothes and to keep the latter away from dust and steam. III (a). Under § 1 of the Order of 4 February 1928 all actual or suspected cases of lead poisoning must be immediately notified. § 2 of this Order enumerates the persons responsible for making such notification. The district political authorities to whom such notification must be made must see to it that the necessary enquiries based upon the notification are undertaken. They must report the results of these enquiries to the Governor of the province and to the Minister for Social Affairs. III (b). § 11 (4) of the Order of 8 March 1923 provides that the occupier of the undertaking is to see that the workers employed on work with white lead, other compounds containing lead or other poisonous substances "are examined by a medical practitioner at least once every three months for signs of illness due to lead or other poisoning, and that they are referred to the medical practitioner of the sick fund forthwith on the appearance of the first signs of such illness". The medical examination is held outside working hours and each examination together with its results is entered in the register kept in virtue of § 11 (2). This register must be submitted to the State supervising officials on request. IV. § 11 (1) of the

Order provides that the Order "shall be affixed in an easily accessible place and kept at all times in a legible condition". It is further provided that a copy of the notice which is printed as an appendix to the Order, and which contains instructions relating to the special hygienic precautions that should be taken, must be supplied on engagement to every worker employed in work with white lead, other compounds containing lead or other poisonous substances.

Belgium. — I (a). The Royal Order of 17 September 1926 provides in § 2 that the use in painting is prohibited of white lead, other white pigments containing lead and white pigments the lead content of which in the metallic state exceeds 2%, except in the form of a paste crushed or kneaded with oil. I (b). Under § 2 of the Royal Order of 17 September 1926 the application of lead colours by means of spraying apparatus was prohibited. The use of sprays has however become customary, more particularly in carriage-painting. It therefore became necessary to remove the prohibition, and to regulate the use of such apparatus by laying down certain conditions, which are specified in the Royal Order of 14 April 1930. The report adds that the observation of these rules is calculated to prevent any danger to the workers from the application of paint by means of the compressed air spraying gun. I (c). The Act of 30 March 1926 provides in § 4 that the dry rubbing down and scraping of surfaces painted with white lead are prohibited. II (a). § 6 of the Royal Order of 17 September 1926 provides that employers or heads of undertakings must put at the disposal of their employees, both at the place where they are working and in the workshops, soap and clean water. § 9 provides that before partaking of food or drink and before leaving the workshop or place of work, the workers must be required to rinse their mouths and to wash their hands and faces with soap. II (b). The Royal Order of 17 September 1926 provides in § 5 that employers must see that the workmen wear clothing and headdress kept exclusively for work. § 8 requires workmen to wear clothing and headdress kept exclusively for work, which must be kept in a clean condition and taken off before the workmen leave the workshops or place of work. II (c). § 5 of the Royal Order of 17 September 1926 requires employers to keep the clothing which the workmen take off before work away from poisonous dust. § 8 makes the same requirement of the workmen. III (a). The report states that under the compensation for industrial diseases, a declaration is made by the parties concerned and confirmed by a medical certificate issued by the doctor in charge of the case in any case of lead-poisoning or suspected lead-poisoning. The doctor of the Occupational Diseases Insurance Fund or

the doctors of the Medical Labour Inspection Service are responsible for subsequent medical verification. III (b). § 7 of the Royal Order of 17 September 1926 provides for medical inspection by the labour medical officers. Under the Royal Order of 14 April 1930, workers employed in painting with the spraying gun involving the use of injurious substances, especially those with a lead basis, must undergo a medical inspection by a labour medical officer every six months. IV. The report states that the measures laid down by Order to protect the health of working painters are supplemented by lectures given by labour medical officers to workers' organisations, or by medical factory inspectors when they inspect the factories. The report adds that pamphlets were formerly distributed without much effect, and that the Government intends to resume the publication of special instructions on the subject drawn up according to the same method as that at present used for general health propaganda.

Bulgaria. — I. See introductory note. II. Under the general provisions of the Health and Safety of Workers Act, 1917, workers whose work brings them into contact with machines, apparatus, liquids, gases, etc., which are dangerous to health or life, must be provided with special clothing and every possible protective device, masks, gloves, glasses, etc. which the nature of the work permits (§ 8). In § 9 it is stipulated that the necessary provision is to be made for drinking and washing water, for disposal of clothing, etc. III. The Government stated in the report for 1927 that lead poisoning is held to be an occupational disease for the purposes of the Social Insurance Act. As regards medical examination of workers, § 22 of the Health and Safety of Workers Act provides that every undertaking employing more than ten workers must have a medical officer chosen and paid by the employer but appointed and dismissible by the Ministry of Commerce, Industry and Labour; it is the duty of the medical officer to supervise the health of the workers in the undertaking and to keep a health register. § 24 lays down that special municipal workers' doctors shall be appointed by communes in which there are more than 1,000 workers.

Chile. — I. II. See introductory note. III. The report states that the Regulations of 21 April 1927 concerning occupational diseases issued in accordance with the provisions of § 3 of the Act relating to industrial accidents (text as published in Legislative Decree of 19 March 1925) enumerate white lead poisoning among the forms of poisoning as an occupational disease giving a right to compensation.

Czechoslovakia. — I (a). § 5 (2) of the Act of 12 June 1924 prescribes that "white lead and other pigments and putty containing lead . . . shall not be used . . . except in the form of paste or of paint ready for use". The report states that the factory inspectors, in the course of the execution of their duties, require that the application of paint in the form of spray should take place in suitable "digestoria", or, in the case of large objects, in chambers provided with a strong ventilating apparatus. Where such a system cannot be employed, respiratory masks must be used. I (c). § 5 (4) provides that "dry paint or putty containing lead shall not be scraped or rubbed down until it has been damped. The scraped-off substance and the fragments falling during the process of scraping shall be removed while still damp". II (a). § 4 (2) of the Act provides that in industrial undertakings usually employing not less than 15 workers a separate lavatory capable of being heated must be supplied, while § 4 (4) lays down that workers using white lead or other pigments, putty and similar substances containing lead must be provided by the employer with suitable wash-bowls (as a rule at least one for every five workers) with water laid on (hot water wherever possible), soap, nail brushes and a towel for each worker, to be changed at least once a week. § 7 (2) of the Act provides that the workers must cleanse faces, mouths and hands thoroughly before meals and when work is over. II (b). § 4 (4) prescribes that the employer shall see that the workers using white lead or other pigments, putty and similar substances containing lead wear special working clothes and head coverings and that in undertakings usually employing not less than 15 workers he shall provide the working clothes and provide for their cleaning at his own expense. § 7 (1) of the Act obliges the said workers to wear such clothes and head coverings. II (c). § 4 (2) of the Act provides that in undertakings usually employing not less than 15 workers a separate cloak-room capable of being heated must be provided with suitable arrangements for storing working clothes and out-door clothes separately, while § 4 (3) stipulates that in establishments with a smaller number of workers the workers shall be provided at least with clothes-lockers which can be securely closed and which are arranged so that working clothes and out-door clothes can be kept apart. The appendix to the Act, which contains provisions for the instruction of workers, takes into account the provisions of paragraph II of this Article of the Convention. III (a) and (b). It is provided in § 8 (2, 5 and 6) of the Act that a worker who shows signs of lead poisoning must be sent at once by the employer to the sick fund medical officer, that if a worker is certified as suffering from lead poisoning the employer must submit to the

competent authority without delay a copy of the relevant particulars contained in the register of workers using white lead, etc., provided for in § 8 (1), and that the district or communal medical officer must, at the request of the factory inspectorate, examine any worker known or suspected to be suffering from lead poisoning and report his observations to the industrial authority and to the Industrial Inspection Office. Under § 8 (3-4) the employer is required to see that workers usually engaged in handling white lead, etc., are medically examined at least once in six months. The result of each such examination must be entered in the register provided for in § 8 (1). IV. § 11 provides that a copy of the White Lead Act is to be posted in a conspicuous place in work-rooms where white lead, etc., is used and that every worker employed on work involving the use of these products must on entering employment be given, free of charge, a copy of the instructions dealing with lead poisoning, its causes and methods of prevention, which are appended to the Act.

Estonia. — I (a). § 6 of the Ministerial Order of 12 April 1930 lays down that white lead, sulphate of lead and products containing these pigments may not be used in painting operations where their use is permitted except in the form of paste or of paint ready for use. I (b). The same section lays down that the pounding or grinding of the substances mentioned above, as well as the mixing of those substances with oil or varnish, may only be effected by mechanical means, and in such a way that while those substances are being put into the mechanical apparatus the workers are protected against the dust and that the dust cannot penetrate into the working premises. I (c). It is laid down in § 6 of the Order that the scraping of paint containing white lead and lead compounds may only be carried out after the paint has been damped. The paint which is scraped off must be removed in a damp condition. II (a). Under § 7 of the Order of 12 April 1930 the employer must provide the workers with a sufficient quantity of hot water, soap and towels. § 9 of the Order states that workers shall be required to wash their face, mouth and hands and clean their teeth carefully after their work is over and before rest periods. II (b). § 5 of the same Order lays down that workers who handle white lead, sulphate of lead and products containing those pigments shall be provided with special working clothes and head coverings which must be washed at least once a week. II (c). Under the Ministerial Decree of 20 May 1931 the clothes put off during working hours shall be put in a place where they will not be soiled by painting material. III. The Ministerial Order of 30 July

1930 lays down that the employer must see that workers who regularly handle white lead or lead compounds undergo a medical examination at least once in six months. The doctor must note the date and result of the examination on the register provided for in § 1 of the Order. If the doctor discovers a case of lead poisoning the employer is obliged to forward to the competent factory inspection authority a copy of the page of the register which relates to the worker who shows signs of lead poisoning. IV. § 10 of the Order of 12 April 1930 lays down that the instructions published as an appendix to that Order dealing with lead poisoning, its causes and the methods of preventing it are to be posted up in a place accessible to the workers in working premises where white lead, sulphate of lead and other products containing those pigments are used. The employer must give a copy of these instructions to any worker who is to carry out work in connection with the substances in question at the time when he is engaged.

Finland. — The Decision of 22 June 1929 lays down in § 2 that if white lead, etc., are used in painting operations for which their use is not prohibited, the employer must observe the following rules: I (a). The employer must see that the quantity of paint required for the work in each case is not supplied to the workers except in the form of paste or of paint ready for use. I (b). He must see that the necessary precautions are taken in the application of paint in the form of spray. I (c). He must see that in dry rubbing down and scraping the painted surface is sufficiently moistened before the work is begun and that the production of dust in the course of work is prevented as far as possible. II (a). The employer must see that suitable washing accommodation, soap and towels are available at the place of work so that the workers may make use of them during and after their work. If water is not laid on at the place of work, he must supply sufficient fresh water in closed containers. II (b). The employer must supply workers employed on the work in question with special clothing made of smooth and impermeable material covering the neck and arms if possible. He must also supply head coverings and must make arrangements for the washing of such clothing. II (c). He must arrange for accommodation in which the clothes which the workers take off before working is not liable to be soiled by paint, and other accommodation fulfilling the same conditions for the food brought by the workers if the factory inspection authorities have not considered it necessary for a special dressing-room or dining-room to be installed. III (a). § 4 of the Decision of 22 June 1929 lays down that if a working painter becomes ill and it is found that his illness is due to lead poisoning or suspected lead

poisoning, the employer or his representative must be informed at once and must immediately report the matter to the competent factory inspector. The report must be made on special forms prepared by the Ministry for Social Affairs and supplied to the worker free of charge by the factory inspection authorities. If a worker becomes ill under the conditions mentioned above, the employer must see that he is at once taken to a doctor to be medically examined. III (b). § 4 of the Act of 1 March 1929 lays down that the Minister for Social Affairs may, after consultation with the health authorities, give orders that workers employed in work covered by the Act are to be medically examined. IV. § 2 of the Decision of 22 June 1929 lays down that the employer is required to give working painters such instructions relating to lead poisoning and its prevention as may be prescribed by the factory inspection authorities. § 5 of the same Decision lays down that the Act of 1 March 1929 prohibiting the use of white lead, etc., in painting, the Decision issued under that Act, and the sanitary instructions mentioned above shall be brought to the knowledge of the workers. For this purpose they are to be posted up in the dining-room of the place of work if a dining-room is provided; otherwise it must be possible to consult them at the place of work or in the office of the person responsible for the work, whichever is the most convenient.

France. — The question is at present regulated in France by the Decree of 8 April 1930 concerning the use of white lead and sulphate of lead in painting, which repealed and replaced the Decree of 1 October 1913 concerning the use of white lead in painting. The provisions of French law which correspond to the various provisions of Article 5 of the Convention are as follows: I (a). § 2 of the Decree of 8 April 1930 provides that, whenever the use of white lead or sulphate of lead is not prohibited, those pigments shall only be used in the form of paste. I (b). § 5 of the Decree lays down that respiratory masks shall be provided for workers in cases where such paint is applied in the form of spray. I (c). § 4 of the Decree prohibits dry rubbing down and scraping. II (a). § 5 of the Decree prescribes that cloakrooms and lavatories must be installed outside the premises in which lead containing dust or effluvia is produced. A sufficient number of taps must be provided, as well as a good supply of water, soap, and a towel for each worker which must be changed at least once or week. § 11 provides that the workshop regulations shall impose on the workers the duty of making use of these facilities. II (b). § 5 of the Decree states that for all painting work in which white lead or sulphate of lead are used, the employer must provide

overalls to be used for work only, and by § 11 it is stipulated that the duty of using them must be included in the workshop regulations. II (c). § 8 of the Decree of 10 July 1913 relating to general rules for protection and cleanliness makes the provision of cloakrooms compulsory. Under the final paragraph of § 5 of the Decree of 8 August 1930 the cloakrooms and lavatories must be provided with cupboards or lockers furnished with keys or padlocks, and so arranged that the workers' ordinary clothes are kept separate from their overalls. III (a). Cases of lead poisoning among working painters are compulsorily notifiable under § 12 of the Act of 25 October 1919 respecting industrial diseases and the Decree of 4 May 1921, as last amended by the Decree of 6 November 1929. The question of verification by a medical man appointed by the competent authority is dealt with under the next heading. III (b). The Decree of 8 August 1930 provides for the institution of medical inspection for the painting of buildings in a form analogous to that laid down by Decrees of 1 October 1913 for the lead industry and other industries. IV. § 11 of the Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting provides that the text of the Decree must be posted up in the rooms in which workers are taken on and paid. § 11 of the Decree also requires employers to post up and distribute to their workers a notice drawing attention to the dangers of lead poisoning and to the precautions to be taken to avoid them.

Latvia. — The Act of 13 June 1930 lays down in § 5 that the use of white lead, sulphate of lead and all products containing these pigments in operations for which their use is not prohibited is subject to the following conditions: (a) white lead, sulphate of lead and products containing these pigments may not be used in painting operations except in the form of paste or paint ready for use; (b) working painters must wear special working clothes during the whole of the working period; (c) cases or suspected cases of lead poisoning must be reported to the Department of Health and must subsequently be verified by medical inspection. § 6 of the Act states that the Ministry of Social Welfare is required to lay down rules to eliminate the danger arising from the application of paint in the form of spray and also the danger arising from dust caused by dry rubbing down and scraping. The Ministry will also issue rules in order to provide that working painters are able to take the necessary precautions of cleanliness during and after their work, and to prevent clothing put off during working hours being soiled by painting material. The Ministry of Social Welfare may require a medical examination of working painters and may issue instructions

with regard to the special hygienic precautions to be taken in the painting trade.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway. — The provisions of this Article of the Convention are contained in §§ 4, 5 and 6 of the Act of 24 May 1929 and in the Regulations concerning the use of white lead, etc., in painting. This legislation lays down the following rules in connection with the various paragraphs of the present Article: I (a). When white lead, sulphate of lead or products containing these pigments are used in painting operations, the employer must see that they are not used except in the form of paste or of paint ready for use. I (b). If paint is applied in the form of spray (painting with the spraying gun), measures must be taken to avoid the paint coming into contact with the worker and to prevent him breathing in particles of paint. In the absence of some other practicable system, a suitably disinfected respirator must be supplied to the worker. I (c). The dry rubbing down and scraping of oil paint or dry putty which is liable to contain white lead may not be effected until the materials in question have been sufficiently damped. The paint scraped off must be removed before it becomes dry. II (a). The employer must see that the workers have facilities for washing in the neighbourhood of their place of work and must supply them with soap, nail brushes and towels. II (b). Working painters must wear overalls and head coverings while they are at work. II (c). The employer must make suitable arrangements to prevent clothing put off during working hours being soiled by paint. III (a). If a working painter suffers from lead poisoning or suspected lead poisoning, his employer must report the case to the factory inspection authorities in writing as soon as it comes to his knowledge. Any doctor who discovers a case of lead poisoning must report it to the factory inspection authorities in accordance with a form established by the inspection authorities and approved by the medical director. The report states that the Director of the Medical Department, by a circular dated 17 March 1930, has drawn the attention of Norwegian medical practitioners to this provision of the Act. III (b). The factory inspection authorities may, when they think it necessary, require an employer to have the workers in his undertaking medically examined by a doctor selected with the approval of the factory inspection authorities. IV. The employer must distribute to each worker instructions with regard to the special hygienic precautions to be taken in order to prevent lead poisoning. Instructions for this purpose

have been prepared by the factory inspection authorities in agreement with the medical director.

Poland. — I (a). § 5 of the Decree of 30 June 1927 provides that white lead, sulphate of lead and other lead compounds may be used exclusively in the form of paste or of paint ready for use. I (b). Under § 9 of the Decree of 13 September 1930, the application of paint by spraying involving the use of white lead, etc., is prohibited unless the workers are protected by suitable respiratory masks, goggles and gloves. I (c). The dry rubbing down and scraping of surfaces painted with products containing white lead and sulphate of lead are prohibited. (§ 10 of the above-mentioned Decree.) II (a). § 3 of the Decree lays down that lavatories with hot and cold water must be installed in premises adjacent to working premises in which paints and pastes containing white lead are prepared, or in which painting work involving the use of these products is executed. Under § 5, the employer must supply the workers with a sufficient quantity of brushes and soap, and at least one towel per person per week. II (b). § 5 of the Decree lays down that the employer must supply the workers with overalls and head coverings, and must see that they use them. The clothing must be washed at least once a week at the employer's expense, and must be kept in a state fit for use. II (c). Under §§ 3 and 4, the employer is bound to install a cloakroom which must be heated in winter, and in which the workers can keep their ordinary clothes and their working clothes separately. III (a). The provisions corresponding to this paragraph are contained in §§ 5, 6 and 7 of the Decree of 22 August 1927, which provide that the doctor who examines the patient must communicate in writing cases of lead poisoning to the general administrative authorities of the district and to the labour inspector. The district medical officer and the factory inspector are required jointly to conduct an enquiry with a view to diagnosing the disease and to ascertain its causes and origin. III (b). § 8 of the Decree of 30 June 1927 provides that in establishments which, by reason of the employment of workers, are exposed to occupational diseases, the examination of the health of the workers, as well as the examination and enquiries provided for by legislation, must be carried out independently of the notifications of occupational diseases, within limits and at intervals which depend upon the degree to which the work is injurious to health, but, if possible, at least once a year. § 14 of the Order of 13 September 1930 lays down that workers covered by the Order must submit to the management of the undertaking, at least once in three months, a certificate issued by the doctor of the sick-

ness insurance fund stating that they are in a good state of health. The certificates must be kept by the management of the undertaking, and if a worker fails to present a certificate, the employer must inform the factory inspector and the district medical officer. IV. § 15 of the Order lays down that the management of the undertaking must distribute to the workers the health instructions which appear as an appendix to the Order.

Rumania. — See introductory note. The new Health Act of 14 July 1930 lays down in § 349 that any doctor who finds that a worker employed in an undertaking presents symptoms of lead or other poisoning must report the case to the local administration and must inform the employer.

Spain. — § 6 of Decree of 28 May 1931 provides that all undertakings in which under § 2 the employment of white lead, sulphate of lead and all products containing these pigments in the proportion of more than 2 per cent. expressed in terms of metallic lead is permitted, shall observe certain conditions: I (a) Under §§ 7 and 8 of the Decree white lead, sulphate of lead or products containing these pigments shall only be used in painting operations in the form of tubes or of paint ready for use. Direct manipulation by hand of products containing lead for painting purposes is prohibited. I (b). In the application of paint in the form of spray the same precautions shall be taken as in the case of dry rubbing down and scraping. I (c). In rubbing down and scraping damp paint containing white lead or sulphate of lead, the workers shall be clothed in overalls covering the whole body with the exception of the hands and head. These overalls shall be left in a convenient place on leaving work. Further, the workers shall have a head covering which entirely covers the hair, and special shoes for working in. These head coverings and shoes shall be left in a convenient place on leaving work. In dry rubbing down and scraping of paint containing white lead or sulphate of lead the workers shall, in addition to the precautions mentioned above, wear respirators containing a damp sponge placed before the mouth and nose (§§ 9 and 10 of the Decree). II (a). § 11 of the Decree provides that in all undertakings mentioned in § 6 washing places and cloak-rooms shall be installed for the workers. On leaving work, workers shall be required to wash their faces with soap and water and scrub their hands and nails with a brush. They shall also be required to clean their mouths and teeth. For this purpose employers shall provide washing places and cloak-rooms as prescribed in § 6 of the Decree. II (b). Special clothes shall be

provided for the workers under the conditions stated in § 9 of the Decree (see I (b) and (c)). II (c). Workers shall not be allowed to eat, drink or smoke during working hours inside workshops and establishments. Under § 6 this prohibition shall be posted up in a legible form in a conspicuous place. All receptacles containing white lead or sulphate of lead shall be conspicuously labelled as containing poison. III. Doctors who have been informed of cases of lead poisoning or suspected lead poisoning shall immediately inform the provincial health inspector, who shall appoint a doctor to verify the case. The provincial health inspection service shall prepare detailed statistics on cases of lead poisoning or suspected cases of lead poisoning and shall transmit them twice a year to the Director General of the Ministry of Labour. IV. The Labour Inspectorate shall circulate to all working painters instructions containing the precautions indicated in the regulations. These instructions shall point out the necessity for a moderate use of alcoholic drinks, the necessity of healthy and nutritious food, and the advisability of avoiding acid foods, and shall encourage workers to drink as much milk as possible and to observe strict cleanliness in order to offer the greatest possible resistance to poisonous substances which may lead to lead poisoning.

Sweden. — I (a). The Act of 19 February 1926 lays down, in § 4 (a), that pigments shall not be used by the workers except in the form of paste or of paint ready for use. I (b) and (c). § 4 (b) of the Act provides that measures shall be taken as far as possible to prevent poisoning through the application of paint in the form of spray and in dry scraping and dry rubbing down. As regards the special precautions to be taken in the application of paint by means of spraying, the Department of Labour and Social Welfare has issued a pamphlet containing instructions and advice for protecting the workers against the occupational risks of such work. II (a). § 4 (c) lays down that adequate washing facilities shall be provided for the use of the workers, both during and after work. II (b). § 4 (d) provides that the workers shall wear special working clothes during the whole of the working period. II (c). § 4 (e) provides that the necessary arrangements shall be made to prevent the clothes taken off by the workers during work from being soiled by lead colours. III (a). § 5 of the Act lays down that cases of lead poisoning or of suspected lead poisoning shall be notified in writing by the employer to the chief industrial inspection authority as soon as they come to his notice. Medical practitioners in State or communal employment who attend

working painters suffering from the above-mentioned diseases are similarly bound to notify such cases. The form for such notification has been drawn up by the Royal Department of Labour and Social Welfare. III (b). In § 6, the Act provides that when a notification as specified in § 5 has been made, and also in other cases where it is considered necessary, the chief industrial inspection authority shall propose to the competent provincial authority (*länsstyrelse*) that all or some of the working painters at a particular workplace or in the employment of a particular employer be medically examined. If such a proposal is made, the provincial authority must at once order a medical examination to be made in conformity with the proposal. § 7 provides that a medical practitioner who makes an examination as provided in § 6 may lay down special conditions for the employment of workers who are suffering from lead poisoning in work in which lead colours are used or prohibit altogether their employment in such work, or may even issue special rules for the continuance of such work at the workplace. Any such special instructions shall be communicated to the employer in writing. The employer may require the chief industrial inspection authority to prove the necessity for such instructions. Nevertheless, until other instructions are issued by the said authority, he shall comply with the said instructions. If the instructions are altered or cancelled, the chief industrial authority shall notify the employer thereof in writing. The medical practitioner shall make a report to the chief industrial inspection authority respecting the examination. IV. § 4 of the Act lays down that the instructions drawn up by the chief industrial inspection authority for the prevention of illness as a result of the use of lead colours in painting work shall be distributed by the employer to every worker whom he employs in work in which such colours are used. In accordance with this provision instructions were issued by the Royal Department of Labour and Social Welfare on 1 July 1926.

Yugoslavia.— I (a). § 7 (2) of the Regulations of 7 May 1931 lays down that white lead and other lead pigments may be used in painting work only in the form of paste or of paint ready for use. I (b). § 7 (3) provides that the crushing and grinding of white lead or other lead pigments as well as the mixing of these substances with oil or varnish shall not be done by hand but only by mechanical means and in such a manner that during these operations as well as during the filling of the containers with lead substances or the pouring of such substances from one vessel

into another the workers are sufficiently protected against dust which may be raised and that the dust does not enter the work premises. § 7 (7) provides that in the case of work which involves the raising of a considerable amount of dust the raising of a considerable amount of dust the head of the undertaking shall supply to the workers suitable respirators and according to § 8 (1) the workers are required to use them. I (c). § 7 (4) provides that the rubbing down and scraping of lead paint may be effected only after the paint has been previously moistened. The scrapings must be removed while still moist. II (a). § 6 (2) of the Regulations provides that in industrial undertakings regularly employing more than fifteen workers a separate place for washing must be provided which must be kept clean and heated. § 6 (4) provides that the head of the undertaking shall supply to workers who handle white lead or other lead pigments, wash basins with water, if possible heated, soap, nail brushes and towels. § 8 (2) provides that before the rest period allowed for meals and after the end of the work the workers shall carefully wash their faces, mouths and hands. II (b). § 6 (4) of the Regulations provides that the chief of the undertaking shall furnish the workers with working clothes and caps and shall have them washed at his expense. § 8 (c) requires the workers to make use of such working clothes and caps. II (c). § 6 (2) provides that in industrial undertakings employing regularly more than fifteen workers separate accommodation shall be provided fitted up in such a manner that the working clothes and the ordinary clothes can be kept separately. § 6 (3) lays down that in undertakings which employ a smaller number of workers there shall be placed at the disposal of the workers a wardrobe which closes properly fitted up in such a manner that the working clothes and the ordinary clothes can be kept separately. III (a) and (b). § 9 (2) of the Regulations provides that the employer shall send any worker who shows symptoms of lead poisoning at once to the medical officer of the insurance fund. If the medical officer detects lead poisoning in a worker the chief of the undertaking is required to submit immediately to the labour inspectorate a copy of all the particulars mentioned in the register provided for in (1) of § 9. § 9 (3) provides that the employer must see to it that workers who work with lead or other lead pigments are examined at least once every six months by a doctor who, according to § 9 (4), is required to record his visit and its result in the register provided for in § 9 (1). VI. § 11 of the Regulations of 7 May 1931 provides that a copy of the Regulations shall be posted up in an easily accessible place in the works premises.

ARTICLE 6.

The competent authority shall take such steps as it considers necessary to ensure the observance of the regulations prescribed by virtue of the foregoing Articles, after consultation with the employers' and workers' organisations concerned.

Please give a summary of any steps which may have been taken in pursuance of this Article, stating in what manner the employers' and workers' organisations concerned were consulted.

Austria. — The report states that the observance of the provisions of this Article is ensured by the supervision of the factory inspectors. In addition, § 11 (3) of the Order of 8 March 1923 provides that in every undertaking a particular person familiar with the risks involved in work with poisonous substances must supervise the observance of the prescribed precautions.

Belgium. — The Government states in its report that all the regulation measures were considered by a joint committee upon which the employers' and workers' organisations were represented by their delegates. Industries subject to regulation are regularly inspected by the industrial medical officers.

Bulgaria. — See introductory note.

Chile. — See introductory note.

Czechoslovakia. — The report states that "since the competent factory inspection authorities in Czechoslovakia have received no complaints since the Convention came into force from any workers' organisations as regards the enforcement of preventive measures against lead poisoning, it has not up to the present been thought necessary to issue the special regulations contemplated by this Article of the Convention".

Estonia. — § 7 of the Act of 25 May 1928 provides for fines up to 300 crowns in case of infractions of the provisions of this Act and of the Regulations issued under the Act. The report adds that, since white lead is very rarely used in Estonia it has been unnecessary to take any special measures for the application of the Convention.

Finland. — § 5 of the Act of 1 March 1929 lays down that the Ministry for Social Affairs may, after consultation with the employers' and workers' organisations concerned, take such steps as it considers necessary to ensure the observance of the provisions of the Act and the regulations issued in application of those provisions. § 6 of the Act fixes special penalties to be imposed on the employer or his representative in case of violation of the Act.

France. — The Factory Inspection Service was instructed by circular to request the employers' organisations concerned to assist in securing the strict observance of the provisions prohibiting the use of white

lead in the painting of buildings, and the regulations concerning the use of white lead and sulphate of lead in painting. This request was complied with by numerous organisations. Since the promulgation of the Act of 31 January 1926 extending the prohibition to sulphate of lead, the Factory Inspection Service has been instructed to seek the assistance of the employers in applying this Act.

Latvia. — The Act of 13 June 1930 lays down in § 7 that the enforcement of that Act and the issue of instructions are entrusted to the Ministry of Social Welfare.

Luxemburg. — The report states that the Chamber of Labour, the Chamber of Handicrafts and the Chamber of Commerce are asked to state their opinion, in accordance with §§ 32, 35 and 41 of the Act of 4 April 1924 concerning the creation of Occupational Chambers on an elective basis. The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway. — Under § 6 of the Act of 24 May 1929, the factory inspectors have free right of access at all times to all places where there is reason to suppose that the pigments in question are used for painting. The same § lays down that, as regards the establishment of regulations to be observed for the enforcement of the Act, the factory inspectors are to consult the employers' and workers' organisations concerned. The report states that in order to secure more effective collaboration between the employers, the workers, and other institutions concerned, the chief factory inspector has sent out to the trade unions and to other public and private institutions a communication drawing their attention to the provisions of the above Act.

Poland. — In the preparation of the Decree of 30 June 1927, the competent authority consulted the employers' and workers' organisations concerned, which accepted the basic principles of this Decree. The Order of 13 September 1930 was submitted in advance to the Council for the Protection of Labour. This Council is composed of 45 members, of whom 30, representing in equal number employers' and workers' organisations, are chosen from the lists of candidates submitted by these organisations. The Council, two committees of which are concerned with questions of safety and hygiene, consists also of medical practitioners and technical experts on this question. With a view to ensuring the application of the Decree of 30 June 1927, §§ 8 and 9 provide for penal sanctions extending to the confiscation of the products and the materials.

Rumania. — See introductory note.

Spain. — A Royal Order of 5 December 1928 instructed the Labour Council for Workers to undertake an enquiry with a view to the preparation of regulations for application, provided for in the Royal Decree of 19 February 1926. The Order recommended that the Joint Committee and the employers' and workers' associations in the industries concerned should give their advice... with regard to the means of ensuring the application of the Regulations. These Regulations are contained in the Decree of 28 May 1931.

Sweden. — The report states that it has not been necessary to take any special measures other than those mentioned under other Articles to apply the provisions of the Convention.

Yugoslavia. — No special measures appear to have been taken. The report indicates that the enforcement of the Regulations is entrusted to the factory inspectors.

ARTICLE 7.

Statistics with regard to lead poisoning among working painters shall be obtained :

(a) As to morbidity — by notification and certification of all cases of lead poisoning.

(b) As to mortality — by a method approved by the official statistical authority in each country.

Please give any statistics with regard to lead poisoning among working painters which may have been obtained, describing the statistical methods adopted.

Austria. — (a) The report states that, with a view to establishing the statistics relating to lead poisoning among working painters, the political authorities of first instance have been instructed to report to the Minister of Social Affairs (Health and Hygiene Statistics Department) all cases of illness of this kind in the prescribed form. (b) The medical officers under the political authorities of first instance, who are responsible for making quarterly reports giving statistical information regarding hygiene, have been instructed to note, basing themselves on the extracts from the registers with which they are furnished every three months, cases of death due to lead poisoning among painters, varnishers and decorators, and to make a report, without delay, to the Minister of Social Affairs (Public Health Office) giving all particulars contained in the extracts from the registers (list of deaths) relating to the person of the deceased (date and place of death, sex, family situation, profession, nature of occupation, date of birth, and age). Statistics relating to lead poisoning and deaths due to such poisoning are prepared by the Sta-

tistical Service for Health and Hygiene of the Ministry of Social Affairs.

Belgium. — The Technical Committee of the Occupational Diseases Insurance Fund, set up under §5 of the Act of 24 July 1927 concerning compensation for injury caused by occupational diseases, records and reports on claims for compensation in respect of lead poisoning. The report issued by the Committee, covering the year 1929, recorded 8 reported cases of lead poisoning among working painters.

Bulgaria. — The report does not refer to this Article. See introductory note.

Chile. — See introductory note.

Czechoslovakia. — § 10 of the Act of 12 June 1924 prescribes that official statistical record shall be kept of the cases of lead poisoning observed and of the amount of sickness and mortality among workers employed where lead or substances containing lead are used. The report adds that more detailed provisions concerning the keeping of these statistics will be contained in the Government Order which will be promulgated under § 10 of the Act. The report for 1930 stated, however, that § 10 of the Act was already partly applied, since the Ministry of Social Welfare had prepared statistics of morbidity and mortality from the reports submitted to it by the administrative authorities of second instance.

Estonia. — The Act of 25 May 1928 provides, in § 5, that doctors are required to notify to the Directorate for Assistance and Public Health cases of illness or death due to lead poisoning among working painters. The Order of 30 July 1930 lays down in § 5 that a doctor who has medically examined workers under § 2 of the Order must fill up a declaration, a form for which is appended to the Order, and must send it to the district medical officer, who will forward it to the Directorate for Assistance and Public Health. The report adds that no statistics are so far available, as the Order came into force quite recently.

Finland. — § 4 of the Act of 1 March 1929 states that statistics with regard to lead poisoning are to be compiled in accordance with instructions given by the Ministry for Social Affairs. The report states that at present no statistics with regard to lead poisoning among working painters exist as no cases of such poisoning have occurred.

France. — The report states that the authorities have two sources of information for compiling statistics of lead poisoning among working painters. On the one hand, § 5 of the Act of 25 October 1919 provides

that a worker who claims compensation under the Act must send in a declaration, a copy of which must be forwarded to the factory inspector or to the responsible mining engineer. On the other hand, § 12 of the same Act provides that medical practitioners or health officers must notify all cases of occupational diseases diagnosed by them. In 1930, the total number of cases of lead poisoning reported was 1,682, of which 36 or 2.1 per cent. were working painters. The report adds that a number of these cases should, no doubt, be attributed to minium (red lead). This percentage is very small in comparison with the number of working painters, 47,000 in 1926.

Latvia. — The report states that lead poisoning is included among the diseases which must be notified. The report adds that statistics for the year 1931 will not be published till March 1932. These statistics are published by the Ministry of Public Health.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also introductory note.

Norway. — § 7 of the Act of 24 May 1929 lays down that the factory inspectors are to collect statistics of lead poisoning among working painters: (a) number of cases of illness, as shown by the notification and verification of all cases of lead poisoning; (b) statistics of fatal cases, compiled according to the method approved by the Central Statistical Office. The report adds that these figures, like those for occupational diseases in general, will be published in the annual report of the Labour Council and Factory Inspection Department.

Poland. — The notification of cases of lead poisoning is provided for by § 7 of the Decree of 30 June 1927, and by §§ 1, 5, 6 and 7 of the Decree of 22 August 1927. Under the Order of 17 December 1928, lead poisoning is one of the occupational diseases of which notification is compulsory. Statistics of these diseases are prepared by the Ministry of Labour and Social Assistance; for the year 1930 these statistics do not show any cases of lead-poisoning among painters; further, the medical examination of workers in this profession in the inspectional area of Warsaw has not led to the discovery of any cases of lead-poisoning.

Rumania. — See introductory note.

Spain. — § 14 (2) of the Decree of 28 May 1931 provides that detailed statistics of cases of lead-poisoning shall be compiled by the health inspectors, who shall com-

municate them twice a year to the Director General of the Ministry of Labour.

Sweden. — Provisions relating to notification of cases of lead poisoning are contained in § 5 of the Act of 19 February 1926. The report states that no cases of poisoning of this kind were reported in 1930.

Yugoslavia. — Under § 12 of the Act of 20 December 1921 concerning factory inspection and § 184 of the Act of 14 May 1922 respecting social insurance, the factory inspectors and the Central Social Insurance Institute are required to compile statistical information.

III.

Article 12 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

France. — The Government states that, owing to local conditions, it has not been possible to apply the Convention in all French overseas possessions. In *Algeria*, the prohibition of the use of white lead in the painting of buildings was made applicable by a Decree of 31 March 1913 and in *Morocco* by an Order of the Sultan of 13 July 1926.

Spain. — The measures in force apply to all territories subject to the sovereignty of Spain.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 20 July 1924.

Belgium. — 22 October 1926.

Bulgaria. — See introductory note.

Chile. — See introductory note.

Czechoslovakia. — 15 April 1924.

Estonia. — 19 June 1928, date of coming into force of the Act of 25 May 1928.

Finland. — 1 October 1929.

France. — 19 February 1926.

Latvia. — 27 June 1930.

Luxemburg. — 16 April 1928.

Norway. — 1 January 1930.

Poland. — 21 June 1924.

Rumania. — See introductory note.

Spain. — 29 June 1931, date of coming into force of the Decree of 28 May 1931.

Sweden. — 1 July 1926.

Yugoslavia. — 7 May 1931, date of coming into force of the Regulations respecting the use of white lead in painting.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Austria. — The application of penalties inflicted for breaches of the Order of 8 March 1923 is the duty of the general State administrative authorities. The supervision of the application of the Order is entrusted to the factory inspectors, who visit industrial undertakings for the purpose.

Belgium. — The application of the Act and the supervision of its enforcement are entrusted to the officers of the Industrial Medical Service.

Bulgaria. — The application of the Health and Safety of Workers Act is entrusted to the labour inspectors and the medical officers of the factories appointed in accordance with §§ 22 and 24 of the Act.

Chile. — The authorities responsible for the application of the relevant laws and regulations are the General Labour Inspectorate and the General Health Board. The

methods of enforcement are based on the general principles for the organisation of inspection services contained in the Recommendation on the subject adopted at the Fifth Session of the International Labour Conference in October 1923.

Czechoslovakia. — The factory inspectors and the district and communal medical officers are entrusted with the supervision of the Act of 12 June 1924.

Estonia. — The supervision of the application of the Act of 25 May 1928 is entrusted to the Labour Inspectorate.

Finland. — The supervision of the application of the relevant legislation and regulations is entrusted to the factory inspectorate.

France. — The application of the relevant legislation and regulations is entrusted to the Factory Inspection Service, which is under the direct and exclusive control of the Minister of Labour.

Latvia. — The application of the Act is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — The supervision of application is entrusted to the factory inspectorate, the mines administration, the railway commission, the elected Chambers of Labour, Handicrafts and Commerce, and, in addition, to the officers and agents of the judiciary police. The workers' and railwaymen's delegations also assist in supervision. § 2 of the Act of 5 March 1928 states that any contravention to the provisions of the Convention shall be punished in addition, to the officers and agents of by a fine of from 51 to 3,000 francs, without prejudice to heavier penalties provided for in other laws. Any criminal prosecutions arising out of the application of the Convention are ordered by the correctional courts.

Norway. — The supervision of the application of the relevant legislation is entrusted to the factory inspectorate organised in accordance with the Act of 18 September 1925 concerning the protection of labour, and placed under the supervision of the Department of Social Affairs.

Poland. — The Ministers of Labour and Social Welfare, of the Interior, of Industry and Commerce, of Finance, and of Justice are competent to make regulations regarding the use of white lead. Immediate supervision is entrusted to the factory inspectors and the district medical officers.

Rumania. — See introductory note.

Spain. — The supervision of the application of the provisions of the Decree of

28 May 1931 is entrusted to the labour inspectorate.

Sweden. — The supervision of the enforcement of the relevant legislation is within the special province of the Royal Department of Labour and Social Welfare and of the factory inspectorate.

Yugoslavia. — The enforcement of the relevant legislation is entrusted to the provincial factory inspectors.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — The report states that, owing to the lack of statistics on the subject, information cannot be given respecting the number of workers protected by legislation and the number of offences reported. The statistics of lead poisoning show that 54 cases were reported in 1931. Of this number 17 were the result of attacks which occurred in 1930. Of the persons affected two were women, their ages being 18 and 23. The majority of the persons affected seem to have been experienced painters. In 19 cases the attack reported was the second, in five cases the third, and in one case the fourth. Some of the reports give only incomplete information concerning the period of employment which preceded the attack. In one case the period is stated to have been eight days only, which appears highly improbable, especially since in this case the worker concerned was only partially employing lead colours and worked with chrome yellow not belonging to the most dangerous classes of lead paint. In another case the period of employment was five weeks. In all the other cases it was at least a year and in many cases several years. In a number of cases

employment was interrupted by fairly long periods of unemployment. The paints employed were red lead (20 cases); white lead (17 cases); chrome yellow (1 case); lead putty (2 cases); in three cases it was stated that the paints employed did not contain lead. White lead is sometimes described as "titan white". In some cases no definite information is given. In other cases it is stated that the paint employed was white zinc. Several reports state that the persons employed were engaged on inside painting-work which, according to the Order of 8 May 1923, must be done with paints which do not contain lead. It thus appears that in these cases the Order in question was not fully enforced. Apparently it often happens that painters engaged on inside painting themselves add lead colours in powder to the colours not containing white lead supplied to them. The symptoms recorded were: Burton line (5); lead pallor (16); anaemia (23); colic (43); arthralgia (10); encephalopathy (5); chronic nephritis (2); modification of the blood current (12); paralysis (1); nephritis (3); high blood pressure (1); abdominal pains (1); headache (1); diarrhoea (1); hematuria (1). In view of the fact that encephalopathy is a rare disease, it may be questioned whether in the five cases reported the diagnosis was correct, especially since amongst the reported cases two of the individuals concerned did not ask for hospital treatment. Of the total number of cases of sickness reported 16 only (*i.e.*, scarcely one-third) of the individuals concerned were admitted to hospital.

Belgium. — The report states that the working of the Act and regulations has up to now caused no difficulty in application and has resulted in a decrease in the use of white lead.

Czechoslovakia. — The Ministry of Social Welfare remarks that detailed information concerning the experience gained in Czechoslovakia by the application of the Convention on the basis of the legislation in force is contained in the report of the labour inspection service for the year 1930. This report has already been transmitted to the International Labour Office.

France. — Statistics of the contraventions reported, both as regards the prohibition of the use of white lead in painting buildings and the regulation of its use, are given in the report. In 1930 eleven warnings were given but no legal proceedings were taken. The Act of 19 March 1931, amending § 68 of Book II of the Labour Code, has decreased the number of cases in which warnings are necessary for the enforcement of the provisions concerning industrial health and safety. Breaches which are noted may now be prosecuted without further formality. The report adds that, of the total sales of white pigments in

Paris, the proportion of sales of white lead fell from 71.60 per cent. in 1920 to 6 per cent. in 1930 and 7 per cent. in the first nine months of 1931.

Yugoslavia. — During 1930 there were four cases of poisoning by lead. Pensions were granted to two of these cases, of 100 % and 50 % respectively.

Convention concerning the application of the weekly rest in industrial undertakings.

This Convention came into force on 19 June 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or a part of that period :

COUNTRIES	Date of registration of ratification	Reports received.
Belgium	19. 7. 1926	11. 11. 1931
Bulgaria	6. 3. 1925	24. 10. 1931
Chile	15. 9. 1925	14. 12. 1931
Czechoslovakia	31. 8. 1923	6. 2. 1932
Estonia	29. 11. 1923	19. 10. 1931
Finland	19. 6. 1923	16. 12. 1931
France.	3. 9. 1926	25. 11. 1931
Greece.	11. 5. 1929	
India	11. 5. 1923	26. 12. 1931
Irish Free State.	22. 7. 1930	20. 10. 1931
Italy	8. 9. 1924	9. 12. 1931
Latvia.	9. 9. 1924	15. 1. 1932
Lithuania	19. 6. 1931	19. 11. 1931
Luxemburg	16. 4. 1928	19. 11. 1931
Poland	21. 6. 1924	25. 11. 1931
Portugal	3. 7. 1928	29. 12. 1931
Rumania.	18. 8. 1923	22. 12. 1931
Spain	20. 6. 1924	30. 11. 1931
Yugoslavia	1. 4. 1927	2. 11. 1931

The report of the *Greek* Government has not yet been received.

The Government of the *Irish Free State* states in its report that the Factory and Workshop Act, 1901, prohibits the employment on Sundays in factories or workshops of women and of young persons of either sex under 18 years. No necessity has arisen for legislation in regard to

males of 18 years and upward. A weekly rest period of 24 hours simultaneously for the staffs of industrial undertakings is customary in the Irish Free State with certain exceptions. The report adds that the Road Traffic Bill, 1931, at present before the Oireachtas, makes provision for a period of 24 hours of weekly rest in the case of drivers and conductors of large public service vehicles, these occupations being the only ones in respect of which the principles of the Convention may not be fully established.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 17 July 1905 relating to the Sunday rest in industrial and commercial undertakings (French text in B.B. 1905, Vol. IV, p. 212), amended by the Acts of 25 May 1914 and 24 July 1927 (L.S. 1927, Belg. 6), and Orders issued in pursuance thereof.

Bulgaria.

Act of 1917 respecting the health and safety of workers (B.B. Vol. XIII, 1918, p. 26).

Act of 1911 respecting holidays and Sunday rest (French translation in B.B. Vol. XVII, 1918, p. 67).

Chile.

Act of 5 November 1917 relating to Sunday rest. Regulations of 16 January 1918 under the above Act.

Czechoslovakia.

Act of 19 December 1918 respecting the eight-hour working day (L.S. 1919, Cz. 1-3).

Order of 11 January 1919 in pursuance of the Act respecting the eight-hour day (L.S. 1919, Cz. 1-3).

Austrian Act of 16 January 1895 relating to the regulation of the Sunday rest and of holidays as amended by the Act of 18 July 1905 (B.B. Vol. IV, 1905, p. 311, German text).

Austrian Order of 12 September 1912 completing and partially amending the Order in pursuance of the Act relating to the regulation of the Sunday rest and of holidays (B.B. Vol. VIII, 1913, p. 1).

Hungarian Act No. XIII of 1891 concerning Sunday rest in industry.

Estonia.

Act of 17 December 1925 concerning the application of the weekly rest in industrial undertakings (L.S. 1925, Est. 4).

Order of the Minister of Labour and Social Welfare of 23 October 1926 relating to the granting of rest periods and compensation to persons employed on work which may be performed on Sundays and holidays in virtue of § 4 of the Act of 17 December 1925 (L.S. 1926, Est. 2).

Finland.

Act of 27 November 1917 respecting the eight-hour working day, as amended by the Act of 14 August 1918 (B.B. Vol. XIII, 1918, pp. 36 and 39).

Order of 11 May 1928 bringing the Convention into force in Finland.

Decision of the Council of State of 19 December 1929, concerning certain exceptions to the provisions of the Act of 27 November 1917 respecting the eight-hour working day (L. S. 1929, Fin. 3 A).

Decision of the Council of State of 19 December 1929 respecting hours of work in continuous undertakings (L. S. 1929, Fin. 3 B).

Factory Inspection Act of 4 March 1927. (L. S. 1927, Fin. 1.)

France.

Code of Labour and Social Welfare, Book II, §§ 30 and following.

Decree of 24 August 1906, amended by the Decree of 13 July 1907, relating to the supervision of the enforcement of the Act relating to the weekly day of rest (B.B. Vol. I, 1906, p. 291 and Vol. II, 1907, p. 384).

Decree of 14 August 1907 completing the schedule of establishments permitted to give weekly rest by rotation (B.B. Vol. III, 1908, p. 69).

Decree of 31 August 1910 determining relaxations of the general regulations for the weekly rest as regards special workers employed in works where continuous furnaces are used (B.B. Vol. VI, 1911, p. 166).

Decree of 29 April 1913 determining the schedule of establishments in which the weekly rest of women and children may be suspended in virtue of §§ 45, 46 and 47 of Book II of the Labour Code (B.B. Vol. VIII, 1913, p. 290).

India.

Indian Factories Act of 1911 as subsequently amended (L.S. 1926, Ind. 2).

Indian Mines Act of 1923 (L.S. 1923, Ind. 3).

Indian Railways Act of 1890, as amended in 1930 (L. S. 1930, Ind. 1 A).

Railway Servants Hours of Employment Rules, 1931.

Irish Free State.

Factory and Workshop Act of 1901.

See also introductory note.

Italy.

Act of 7 July 1907 relating to weekly rest and holidays (B.B. Vol. II, 1907, p. 288).

Royal Legislative Decree of 22 July 1923 containing service regulations for the staff of the State railways (L.S. 1923, It. 8).

Royal Legislative Decree of 19 October 1923 containing regulations concerning the drawing up of working lists and shift time-tables for the staff employed in public transport services worked under a concession (L.S. 1923, It. 8), as amended by the Royal Legislative Decree of 2 December 1923 (L.S. 1923, It. 8).

Royal Decree of 31 December 1924 approving regulations for the administration of the Royal Decree of 30 December 1923 respecting conditions of service and wages of wage-earning employees in State Departments.

Latvia.

Act of 24 March 1922 respecting hours of work (L.S. 1922, Lat. 1).

Lithuania.

Act of 30 November 1919 respecting daily hours of work. (L. S. 1920, Lith. 2).

Luxemburg.

Act of 31 August 1913 concerning the weekly day of rest for employees and workmen (B. B. 1914, Vol. IX, p. 106).

Resolution of 21 August 1914 in pursuance of the above Act (B. B. 1916, Vol. XI, p. 16).

Rules relating to railway staff, approved by the Grand-Ducal Orders of 14 May 1921 and 26 May 1930.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Poland.

Act of 18 December 1919 relating to hours of work in industry and commerce (L.S. 1920, Pol. 1).

Decree of the Minister of Labour and Social Welfare of 10 December 1921 respecting work at night and on Sundays and holidays in preparatory processes in the bakery trade (L.S. 1921, Pol. 5-8).

Decree of the Minister of Labour and Social Welfare, issued in agreement with the Minister of Industry and Commerce, dated 13 August 1930, respecting the hours of work of tramway workers (L. S. 1930, Pol. 1) replacing the Decree of 16 March 1925.

Order of the President of the Republic of 15 November 1924 concerning public holidays (L.S. 1924, Pol. 1), amended by the Act of 18 March 1925 (L. S. 1925, Pol. 3 B).

Decree of the President of the Republic of 7 June 1927 relating to industrial law (L. S. 1927, Pol. 4).

Decree of the President of the Republic of 16 March 1928 concerning workers' contract of engagement (L. S. 1928, Pol. 3).

Decree of the President of the Republic dated 16 March 1928, concerning the contract of service of professional workers (L. S. 1928, Pol. 2).

Portugal.

Decree of 3 August 1907 establishing a weekly day of rest (B.B. Vol. III, 1908, p. 113).

Decree, coming into force on 8 March 1911, in substitution of that of 9 January 1911 which established the weekly rest (B.B. Vol. VI, 1911, p. 189.)

Decree of 26 May 1928 for the removal of doubts in the execution of orders regulating the weekly rest and the respective regulations prepared by the Municipal Chambers.

Decree No. 10782 of 20 May 1925 concerning hours of work (L.S. 1925, Por. 2).

Rumania.

Act of 18 June 1925 respecting the Sunday rest and legal holidays (L.S. 1925, Rum. 2.).

Regulations of 24 June 1925 issued in application of the Act of 18 June 1925.

Ministerial decisions of 4 July 1925, 2 December 1925, 1 February 1928, 4 and 15 March 1928, 21 April 1928, 4 August 1928, 29 September 1928, 22 December 1928, 28 June 1929, 3 July 1929 and 24 August 1929.

Various decisions issued between 6 June 1930 and 16 June 1931 concerning hours of work in banks, large industrial undertakings in Bucarest and commercial undertakings.

Spain.

Royal Legislative Decree of 8 June 1925 prohibiting Sunday work (L.S. 1925, Sp. 3).

Regulations of 17 December 1926 in application of the Royal Legislative Decree of 8 June 1925.

Royal Orders issued under the Royal Legislative Decree of 8 June 1925.

Decree of 20 April 1931 concerning rest for municipal officers.

Yugoslavia.

Workers' Protection Act of 28 February 1922 (L. S. 1922, S. C. S. 1).

Regulations of 25 October 1921 concerning measures for hygiene and safety in undertakings (L. S. 1921, Part II, S. C. S. 3).

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertakings" includes:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

This definition shall be subject to the special national exceptions contained in the Washington Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, so far as such exceptions are applicable to the present Convention.

Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

In addition, please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

Belgium. — The Sunday Rest Act applies to industrial and commercial undertakings, with the exception of water transport undertakings, fishing undertakings, and showmen's and kindred undertakings; it does not apply to agriculture. The report states that it has, therefore, been unnecessary to define the line of division which separates industry from commerce.

Bulgaria. — The Health and Safety of Workers Act, 1917, under which the Convention is applied, covers "all industrial undertakings, workshops, commercial undertakings, building undertakings and transport undertakings in the Kingdom" (§ 1). It has not been necessary to define the line of division which separates industry from commerce and agriculture.

Chile. — The Act of 5 November 1917 relating to Sunday rest applies to industrial or commercial undertakings such as factories, manufactories, workshops, offices, warehouses, shops, mines, saltpetre works, or other undertakings of any kind, public or private, including those carried on for purposes of vocational education or charity. The line of division separating industry from commerce and agriculture has not been defined.

Czechoslovakia. — The Convention is applied by the Act respecting the eight-hour day of 19 December 1918 which applies to undertakings subject to the Industrial Code or carried on as factories, to undertakings, works and institutions carried on by the State, by public or private associations, to funds, societies and companies, to mining undertakings and to persons employed for wages in agriculture and forestry who live outside the household of the employer (§ 1 of the Act), and by the Sunday Rest Act of 16 January 1895 which also applies to commerce. It has not been necessary to define the line of division which separates industry from commerce and agriculture.

Estonia. — The Act of 17 December 1925 concerning the application of the weekly rest in industrial undertakings covers the undertakings and occupations enumerated in Article 1 of the Convention; it includes also transport by sea and does not exclude transport by hand. Commerce and agriculture are not included in the scope of the Act, and the report states that there is no necessity for

a nearer definition of the line of division separating them from industry.

Finland. — By § 1 the Act of 27 November 1917 respecting the eight-hour working day, as amended by the Act of 14 August 1918, applies to: “(1) the undermentioned trades and undertakings in so far as persons other than the owner’s husband, wife or own children are employed in them: (a) handicrafts and factory work as well as other industrial occupations; (b) building, repair and upkeep of buildings, docks, railways, bridges, and other means of communication; (c) work in connection with salvage and diving; (d) baths and bathing establishments; (e) work in connection with clearing, cleansing, draining and scavenging; (f) wood-felling and cutting; (g) raft-making and lumbering; (h) loading and unloading of merchandise; (i) commercial, office or warehouse work; (k) inns, hotels and cafés; as well as (l) industries and undertakings which are similar to the above; and (2) the undermentioned industries and establishments in so far as employees and workers are employed in them: (a) railway and street traffic, postal, customs and telephonic services, and canals; (b) automobile traffic and jobbing; (c) hospitals and prisons; and (d) industries and establishments similar to the above.” It is further specified in § 1 that the Act is to apply to industries or undertakings carried on by the State, municipalities, parish councils, associations or institutions. The Eight-Hour Day Act does not apply to “domestic work or agriculture and accessory industries, or to work directly connected with agriculture”. The weekly rest in commercial establishments is covered by the Act of 24 October 1919 and the amendments thereof, respecting conditions of employment in shops and commercial establishments, offices and warehouses (L. S. 1920, Fin. 2; 1921, Fin. 1; and 1922, Fin. 4). No special measures have been taken to define the line of division which separates industry from commerce and agriculture.

France. — By § 30 of Book II of the Code of Labour and Social Welfare, the weekly rest provisions apply to employees and workers employed in an industrial or commercial undertaking, whatever its nature, whether public or private, lay or religious, or even if it exists for purposes of vocational instruction or of philanthropy. An exception is made for water transport undertakings and railways, in which the rest periods are regulated by special provisions, but this exception comes within the category of exceptions already made under existing legislation which is referred to in Article 4 of the Convention. The report further states that the question of defining the line of division which separates industry from commerce does not arise as regards the

application of the weekly rest in France, as French legislation on the subject applies to both commercial and industrial undertakings.

India. — The definition of “industrial undertakings” given in Article 1 of the Convention is subject to the special national exceptions contained in the Washington Hours Convention, in so far as such exceptions are applicable. In the case of India, these special exceptions are contained in Article 10 of the Hours Convention, which limits the field of application provisionally to “workers in the industries at present covered by the Factory Acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority”. The definitions of factories and mines¹ are contained in the Indian Factories Act and the Mines Act. § 71 B of the Indian Railways Act, 1890, as amended by the Indian Railways (Amendment) Act, 1930, lays down that the latter Act, which embodies the provisions of this Convention, applies to such railway servants or classes of railway servants as the Governor General in Council may by rules made under § 71 E prescribe. These rules, made by the Governor General in Council, are the “Railway Servants Hours of Employment Rules, 1931”. The statutory provisions made by these Rules came into force on two of the State-managed railways, viz. North Western Railway and East Indian Railway, from 1 April 1931, and it is hoped to bring them into force on two more such railways (Great Indian Peninsula Railway and Eastern Bengal Railway) on 1 April 1932. The Rules will be brought into effect on other railways as early as financial conditions permit. The report states that the weekly rest day is already observed by railway administrations for practically all classes of employees except train staff, certain men working in stations and yards, those engaged in light intermittent duties such as gatemen and men employed on maintenance of way and bridges, but in all these cases periods of rest are arranged which, although not strictly in accordance with Article 2 of the Convention, approximate to the principle involved. No decisions have been taken in regard to the line of division which separates industry from commerce and agriculture, as the question does not arise in the case of India; *vide* ARTICLE 10 of the Washington Hours of Work Convention, the provisions of which are applicable to this Convention also.

Irish Free State. — § 149 of the Factory and Workshop Act 1901 defines the

¹ See above under *Hours Convention*, ARTICLE 10

undertakings to which the Act applies. See also introductory note.

Italy. — The Act of 7 July 1907 relating to weekly and holiday rest applies in virtue of § 1 to all industrial and commercial establishments with the exception of (1) navigation, whether at sea or on a lake or river; (2) agriculture, hunting and fishing; (3) public railways and tramways which are licensed by the State or otherwise authorised; (4) public services and industrial undertakings carried on by the State. The provisions regulating the weekly rest of the staff of the State railways are contained in the Legislative Decree of 22 July 1923, of the staff employed in public transport services (railways, tramways with mechanical traction, inland navigation services) worked under a concession, in the Legislative Decree of 19 October 1923 amended by the Legislative Decree of 2 December 1923, and of the staff employed in State services, in the Legislative Decree of 31 December 1924 approving the administrative regulations issued in application of the Royal Decree of 30 December 1923 respecting conditions of service and wages of wage-earning employees in State Departments. The report states that no definite line of division separating industry from commerce and agriculture has been laid down, because in the first place the provisions relating to weekly rest concern both industrial and commercial undertakings, and in the second place because these are provisions which have been in force for some time, and therefore give rise to no difficulties of interpretation with regard to the exclusion of agriculture from their scope.

Latvia. — The Act of 24 March 1922 respecting hours of work applies to all private, municipal, public and State undertakings and establishments. The report states that "it was not necessary to lay down the line of division between industry and commerce because the Act of 24 March 1922 respecting hours of work applies equally to industry and to commerce. It was also not necessary to define in the form of general provisions the line of division between industry and agriculture, as no misunderstanding had arisen on this question."

Lithuania. — § 1 of the Act of 30 November 1919 respecting daily hours of work, amended by Acts of 24 November 1925 and 2 April 1931, applies to "all factories and workplaces in which wage-earners are employed with the exception of the following undertakings" (specified in § 2): (1) undertakings in agriculture and forestry in which the daily hours of work are regulated by special Orders, and (2) those departments of transport undertakings in which workers are sent out to work (rail-

ways, steamers, boats, etc.)...". It has not been considered necessary to define the line of division separating industry from commerce and agriculture.

Luxemburg. — The report states that since the Act of 21 August 1913 applies in principle both to industry and commerce, it is not necessary to draw a line of division.

Poland. — The Act of 18 December 1919 relating to hours of work in industry and commerce covers all persons employed under a contract of work in industrial and commercial establishments, mines, communication and transport undertakings and any other industrial establishments of whatever kind, whether public or private, even those not carried on for purposes of gain. The report states that the line of division which separates industry from agriculture is laid down in the Decree of the President of the Republic of 7 June 1927, § 1 of which provides that agriculture, horticulture and forestry are not to be deemed to be industry and are excluded from the application of the Decree. This provision is amplified by the rule that distilleries, saw-mills, etc., are to be deemed to be industrial undertakings, except in the case of small undertakings producing exclusively for the needs of the agricultural undertakings of which they form part.

Portugal. — The report states that the weekly rest in Portugal embraces the whole active population whatever its occupation. Under the Decree of 3 August 1907 (§ 1), the term "employees" means assistants, apprentices, workmen, servants and all other persons who are employed in industry or commerce under the orders of other persons. § 8 of the Decree of 8 March 1911 provides that all industrial and commercial concerns, whether carried on by individuals or in association, shall be required to grant rest to their paid employees in accordance with the Decree and the respective regulations. Under § 1 the right to a weekly rest of 24 hours, as a rule continuous, is recognised for all paid employees. The report states that the Decrees of 3 August 1907 and 8 March 1911 thus cover all wage-earners, whatever be the nature of their employment, and that it is therefore not necessary to fix any line of demarcation between industry on the one hand and commerce and agriculture on the other.

Rumania. — The Act of 18 June 1925 respecting the Sunday rest and legal holidays applies to all industrial and commercial undertakings and branches thereof, and to all other undertakings in which persons are employed for wages. No decision has been taken with regard to the division which separates industry from commerce and agriculture.

Spain. — § 1 of the Royal Legislative Decree of 8 June 1925 prohibiting Sunday work provides that the Decree applies to all persons working for others (i.e. under the direction of other persons and without other profit than the daily wage or remuneration), or on their own account provided that such work is performed publicly (i.e. on the public highway or such place that the performance of the work can be observed from the public highway), in factories, workshops, warehouses, shops, stationary or itinerant commercial undertakings, newspaper and banking undertakings and offices, mines, quarries, harbours, transportation, public works, constructional, repairing and demolition work, undertakings in agriculture and forestry, State, provincial and communal establishments and services, and any other occupations analogous to those enumerated. It has not been necessary to define the line of division which separates industry from commerce and agriculture.

Yugoslavia. — Under § 1 of the Workers' Protection Act of 28 February 1922, the Act applies to all undertakings (establishments) carrying on handicrafts, industry, commerce, transport, mining, and similar activities in which workers are employed, irrespective of whether they belong to private individuals or public bodies, whether they are carried on permanently or temporarily, whether they are principal undertakings or subsidiary businesses carried on in connection with other undertakings or whether they are carried on as entirely independent undertakings or form parts of undertakings in agriculture or forestry.

ARTICLE 2.

The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

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

Belgium. — § 2 of the Act of 17 July 1905, as amended, provides that employers covered by the Act may not cause to work on Sunday in their undertakings any persons other than the members of their family who are living in their house and are related to them up to and including the third degree of consanguinity.

Bulgaria. — § 20 of the Health and Safety of Workers Act, 1917, provides that "every worker shall have the right in the course of every week to a period

of 36 hours uninterrupted rest, which in industrial and building undertakings shall begin at five o'clock in the afternoon, and in the case of handicrafts at six o'clock in the afternoon. This period of rest must be allowed to all workers at the same time; it may be granted with an interruption or in rotation only in the cases provided for in the Act concerning holidays and Sunday rest. In the institutions and undertakings coming under the present Act the Minister for Commerce, Industry and Labour may allow Sunday work also when important needs of the State so require." § 1 of the Act, of 1911 respecting holidays and Sunday rest, includes Sundays amongst the holidays on which, in accordance with § 4 of the same Act, private industrial and commercial undertakings and public offices must, except as otherwise provided, remain closed. Exceptions are provided in § 6 of the Act for the handling of perishable goods at river and sea ports, and railway stations, and for undertakings in which work may not be interrupted for technical reasons or to prevent deterioration of the materials. In these cases at least 52 days' rest in the year must be provided in such manner that one day's rest falls every week.

Chile. — Under § 1 of the Act of 5 November 1917 employers are required to grant one day's rest in every seven to all their employees. Such day of rest shall be Sunday, and such rest shall begin at 9 o'clock in the evening of the day preceding, and end at 6 o'clock in the morning of the day following the day fixed for such rest.

Czechoslovakia. — § 4 of the Eight-Hour Day Act stipulates that the worker must be allowed in every week an uninterrupted period of rest of at least thirty-two hours. In undertakings in which the processes can technically be interrupted without difficulty, this period of rest must as a rule fall on Sundays, except in so far as exceptions are laid down by the Austrian Act relating to Sunday rest, which is still in force. Further exceptions may be allowed in such continuous undertakings, where it would not otherwise be possible to alternate the shifts and the work cannot be interrupted for technical reasons, as are specified by the Minister for Social Welfare in agreement with the other Ministers concerned, provided that the thirty-two hours period of rest of each worker falls on Sunday at least every third week and that the exceptions, provided for in § 2 of the Order of 11 January 1919, only apply to the processes specified in the Austrian Order of 12 September 1912. In the case of women employed in factories, it is provided in § 5 that the weekly rest of thirty-two hours must begin not later than 2 p.m. on Saturdays, except in such undertakings, where the

employment of women is essential to the undisturbed progress of the undertaking, as are specified by the Minister of Social Welfare in agreement with the other Ministers concerned (§ 3 of the Order of 11 January 1919). Provisions relating to the granting of the weekly rest simultaneously to the whole of the staff are contained in the Act of 16 January 1895 as amended by the Act of 18 July 1905, and in the Legislative Article No. XIII of 1891.

Estonia. — § 3 of the Act of 17 December 1925 concerning the application of the weekly rest in industrial undertakings, which covers all the workers and employees in an undertaking, provides that "in any industrial undertaking, public or private, except those in which only the members of one single family are employed, the workers shall be free from work on Sundays for a minimum period of thirty-six consecutive hours and on legal public holidays for a minimum period of twenty-four consecutive hours".

Finland. — § 5 of the Eight-Hour Day Act provides that "on Sundays workers shall be granted an uninterrupted holiday of at least thirty hours. If this is not possible a corresponding rest shall be granted during the week."

France. — § 31 of Book II of the Code of Labour and Social Welfare provides that no employee or worker may be employed for more than six days a week in the undertakings mentioned in § 30. This prohibition covers apprentices (§ 54). By § 32 the weekly rest must be of at least twenty-four consecutive hours, and § 33 provides that the weekly rest is to be granted on Sunday. The weekly rest is normally granted simultaneously to the whole of the staff, and exceptions are either expressly provided for in the Code and the Decrees issued pursuant thereto, or are subject to authorisation by the prefect.

India. — § 22 of the Factories Act provides that "no person shall be employed in any factory on a Sunday unless (a) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, and (b) the manager of the factory has previous to the Sunday or the substituted day, whichever is the earlier, given notice to the inspector and . . . affixed a notice to the same effect. Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day". For mines § 23 of the Indian Mines Act limits employment to six days in the week, it being permissible to select any day in the week as the day of rest. The report states that under the special national

exceptions contained in Article 10 of the Washington Hours of Work Convention, the provisions of this Convention apply only to such branches of railway work as may be specified for that purpose by the competent authority. § 71 D of the Indian Railways Act, 1890, as amended by the Indian Railways (Amendment) Act, 1930, provides, subject to the restrictions, etc., contained therein, for a weekly rest of not less than 24 hours for such railway servants or classes of railway servants as may by rules to be issued under the Act, be prescribed by the Governor General in Council. The classes of railway servants to whom § 71 D has been made applicable and the extent to which they are entitled to weekly rest, etc., are specified in Rules 3, 6 and 7 of the "Railway Servants Hours of Employment Rules, 1931."

Irish Free State. — § 34 of the Factory and Workshop Act 1901 lays down that "a woman, young person or child shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop". See also introductory note.

Italy. — § 1 of the Act of 7 July 1907 relating to weekly and holiday rest lays down that every person who is in any way engaged in the undertakings coming under the Act must be allowed a period of rest of not less than twenty-four consecutive hours in every week. Normally, this period of rest must be given on the Sunday. § 3 of the Legislative Decree of 22 July 1923, containing service regulations for the staff of the State railways, lays down that employees shall be granted a weekly rest period, which, as a rule, shall not be less than twenty-four hours, in addition to the interrupted rest period of nine hours granted between each spell of work. By preference the weekly rest periods must be granted on Sundays, as far as is compatible with the requirements of the service. The special provisions of this Decree provide that in the case of locomotive and train staff (drivers, firemen, electric train staff, head guards, senior guards, guards and brakemen on train duty) the weekly rest period of the staff shall be not less than thirty-six hours (§ 6 (5)). For the permanent-way staff the weekly rest period must as a rule be granted on Sunday, on which day one permanent-way examiner alone is to be on duty, and half of every gang to remain at home on call (§ 7 (2)). For repairing shop staff and permanent office staff the weekly rest period is given on the Sunday (§§ 8 (2) and 9 (2)). The Legislative Decree of 19 October 1923, amended by the Legislative Decree of 2 December 1923, applicable to staff employed in public transport services working under a concession, lays down that the workers covered

are entitled to fifty-two rest periods of twenty-four hours in the year, without prejudice to their regular annual leave (§§ 16, 21, 26, 31 and 34). The Royal Decree of 31 December 1924, approving the administrative regulations issued in application of the Royal Decree of 30 December 1923 respecting conditions of service and wages of wage-earning employees in State Departments, provides that the wage-earners covered are entitled to a weekly rest day, which must, as a general rule, be given on Sunday. From this rule are excepted: (a) foremen, supervisors and similar workers, overseers and workers entrusted with supervision; (b) workers in general whose services consist of watching or the performance of intermittent work carried on even outside the normal time-table and during the night, e.g. caretakers, concierges, keepers, turncocks, labourers, seamen attached to wharves and other workmen to be specified in the regulations dealing with them.

Latvia. — § 3 of the Act of 24 March 1922 respecting hours of work lays down that "the normal Sunday rest shall consist of not less than forty-two consecutive hours a week. Note 1. — In all undertakings and establishments where work is carried on continuously with alternating shifts, a Sunday rest of not less than forty hours shall be granted. Note 2. — If non-manual or manual workers cannot have their weekly rest on Sunday for technical reasons connected with their work, this rest shall be granted to them on another day of the week."

Lithuania. — § 11 of the Act of 30 November 1919 provides that "a whole holiday shall be granted to the workers on Sundays and the principal public holidays. In undertakings working one shift, an uninterrupted rest period of not less than 36 hours shall be granted; in undertakings working two shifts, an uninterrupted rest period of not less than 29 hours, and in undertakings working three shifts, an uninterrupted rest period of 24 hours".

Luxemburg. — The Act of 21 August 1913 concerning the weekly day of rest for employees and workmen lays down in § 1 that it shall not be lawful to employ on Sundays from midnight to midnight, in any industrial or commercial undertaking, even should such an undertaking bear the character of a charitable or a private educational institution, and in craftsmen's businesses, persons other than members of the family, residing with him, of the head of the undertaking. This provision applies to all work carried on under the authority, direction and superintendence of the head of the undertaking.

Poland. — § 10 of the Act of 18 December 1919 prohibits work on Sundays and statutory public holidays in establishments to which the Act applies, except in the cases specified in §§ 6 and 11 (see under ARTICLE 6). A Decree of 13 August 1930 respecting the hours of work of tramway workers replaces the provisions of the Act of 18 December 1919 as regards these workers by a system whereby they work a maximum of 184 hours over a period of four weeks, or an average of 46 hours a week. No worker may, however, work in any case more than ten-and-a-half hours a day.

Portugal. — § 1 of the Decree of 3 August 1907 provides that it shall be the duty of owners, directors, managing directors and managers of separate or combined industrial or commercial enterprises to allow all their employees an uninterrupted period of rest of at least 24 hours every week. § 2 lays down that all factories, workplaces and commercial and industrial businesses shall be closed on the day fixed for the weekly rest and the work or business carried on therein shall be suspended both for internal and external purposes. § 1 of the Decree of 8 March 1911 provides that the right to a weekly rest of 24 hours, as a rule continuous, is recognised for all paid employees. Under § 4 of the Decree of 3 August 1907 and § 2 of the Decree of 8 March 1911, this rest is granted, so far as possible, to the whole staff of each establishment at the same time, Sunday being the day usually adopted. With a view to meeting regional usages and customs a Decree was issued on 26 May 1928 giving the Municipal Chambers power to regulate the weekly rest day in accordance with the circumstances.

Rumania. — § 1 of the Act of 18 June 1925 provides for a period of rest of twenty-four hours every Sunday, during which the undertakings covered by the Act must remain closed. The rest period may begin at any time up to 6 a.m. on Sunday, terminating at the same time on the following day; in the case of newspaper printing offices, the rest period may begin at 10 a.m. Exceptions are provided by § 7 in the case of the following undertakings which may remain open all day or part of the day on Sundays: ". . . . (j) undertakings for lighting, and distribution of water, gas or motive power, transport by land and water, loading and unloading of goods which may not be delayed; (k) industries in which the raw materials used in the process of manufacture may deteriorate if the process were interrupted for twenty-four hours . . ." § 8 provides that the Ministry of Labour, in agreement with the Permanent Labour Committee, shall issue regulations in application of the Act containing a list of the industrial and commercial undertakings to which the

exceptions provided for in §§ 7 and 11 apply; the Ministry may also, in agreement with the Chamber of Labour, suppress or limit, generally or for specified regions or localities, some of the exceptions provided for in these sections. § 9 lays down that, in the undertakings benefiting by these exceptions, the workers shall have the right to a day's rest on another day of the week; by § 13 the day's rest must fall on Sunday at least once in every month. § 11 provides that in undertakings working continuously, or such in which the normal working would be prejudiced if the weekly rest were granted to the whole of the staff simultaneously, the weekly rest may be granted, all the year round or for a specified period, to the staff employed on the legal rest days, on another day of the week, or may be made to commence at 12 noon and terminate at 12 noon on the following day. According to § 19 these exceptions shall not apply to women or to young persons under sixteen years of age.

Spain. — § 1 of the Decree of 8 June 1925 prohibits "manual work" (*trabajo material*), defined in the Regulations of 17 December 1926 as "every kind of human activity involving the exercise of the physical powers", in the occupations covered by the Decree, on Sunday, which is defined in § 2 as the period from twelve o'clock midnight on Saturday to twelve o'clock midnight on the following day. "Nevertheless, if in certain industries, owing to their special necessities, the rest period cannot be arranged as above without serious prejudice to the industry, a different arrangement for the rest period may be allowed, provided that the duration thereof is not substantially different. The cases in which a different arrangement is allowed shall be decided by the Government after hearing the Labour Council." § 4 provides that the prohibition of Sunday work shall not apply, *inter alia*, to work in connection with workers' organisations and distributive co-operative societies which sell goods to their own members only, and to workshops for training purposes connected with schools of arts and crafts and any similar work; whilst § 5 provides that the prohibition shall not apply (1) to processes which, by reason of their nature, cannot be interrupted on technical grounds or without seriously prejudicing the public interest or that of the industry concerned; (2) to repair and cleaning work which is required to be done in industrial undertakings in order to prevent interruptions during the week and which is indispensable for that purpose; (3) to work which is rendered indispensable by impending disaster, or an accident, or other circumstances which are not of a recurring nature and could not be foreseen. In regard to these cases, however, § 6 stipulates that the number of workers employed on Sun-

day must be reduced to the minimum strictly necessary, that the workers shall only work the hours mentioned as indispensable in the application for authorisation, that the same workers shall not be employed the whole day on two consecutive Sundays, that they shall be granted a break of one hour for church attendance without loss of pay, that a period of rest of twenty-four consecutive hours shall be granted within seven days of the Sunday on which work is performed without regard to the number of hours worked, and that this rest period shall be granted simultaneously to all the workers who have worked on Sunday in the same undertaking or, if this is impossible owing to the nature of the work, that the rest period shall be granted in rotation to groups of workers, the number of the groups to be as few as possible. § 8 provides that no exceptions to the Sunday rest may apply to women or to young persons under eighteen years of age. These provisions are amplified by the Regulations of 17 December 1926 issued in application of the Royal Legislative Decree. §§ 7 to 11 of the Regulations provide that the following industries and processes, among others, shall be excepted from the Sunday work prohibition in virtue of § 5 of the Decree: railways, tramways and public carriages and indispensable repairs thereto, telephones and indispensable repairs thereto, gas and electricity works, bakeries, manufacture of pastry, confectionery, etc. (until 11 a.m.), forwarding, loading and unloading of goods, treatment of perishable raw materials, industries requiring continuous attention for periods exceeding twenty-four hours, industries using motive power worked directly or indirectly by water, industries which by the nature of the processes to which the raw material is subjected require to work for periods exceeding twenty-four hours, indispensable preparatory work which must be done on the preceding day, work affecting the safety of workers and plant, maintenance, cleaning and repair work in mines, urgent demolition and repair work, seasonal industries. § 46 of the Regulations lays down that, by way of exception to § 6 of the Decree, where it is absolutely necessary to employ on Sunday more than half the workers ordinarily employed, the provision that the same workers may not be employed the whole day on two consecutive Sundays shall not apply. According to § 47, the question as to which workers it is strictly necessary to employ on Sundays, and the hours during which work is indispensable, is to be settled by agreements between employers and workers, made in accordance with § 9 of the Decree and §§ 51-59 of the Regulations. The prohibition to employ women and young persons under eighteen years of age on Sundays may, in virtue of § 48, be raised in certain cases on the

application of any one of the parties concerned. § 49 provides that all exceptions to the Sunday work prohibition shall be subject to the provisions of § 6 of the Decree relating to the weekly rest; this section further provides that where the employment on Sunday does not exceed a maximum of four hours, the workers concerned shall have a right to four consecutive hours' rest on another day of the week, whether the Sunday work was actually of four hours' duration or not.

Yugoslavia. — § 11 of the Act of 28 February 1922 prohibits all work on Sundays. By way of exception to this provision, the Minister of Social Affairs and Public Health may fix another rest day for a particular undertaking or establishment if three-fourths of the employees of the undertaking in question demand the same. On these days an uninterrupted rest period of not less than thirty-six hours must be ensured to the employees for a single holiday, and not less than sixty hours for two consecutive holidays. As regards other holidays, the question as to when work shall be done and when it shall not be done, and the period during which all work shall cease on such days, is reserved for settlement by free agreement between employers and employees.

ARTICLE 3.

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Belgium. — This exception is made in § 2 of the Sunday Rest Act (see ARTICLE 2).

Bulgaria. — No exceptions have been made under this Article.

Chile. — The Act of 1917 and the Regulations of 1918 provide no exceptions as regards undertakings in which only the members of one single family are employed. Nevertheless, the Regulations lay down that "the provisions of the Act and the present Regulations shall not apply to owners or masters who habitually or temporarily work alone, that is to say, without the assistance, remunerated or otherwise, of employees, workers or apprentices, on public rest days. For this purpose, relations of the owner or master, who are engaged in any permanent occupation in the undertaking or establishment and whose services are remunerated in cash or in kind, or by any other form of wages which can be valued in money, shall be considered as employees."

Czechoslovakia. — No reference is made to this provision in the legislation concerning the Convention, except that § 3 (5) of the Sunday Rest Act provides that the prohibition to work on Sunday does not apply to the personal work of the employer in so far as it is carried on without assistance and in private.

Estonia. — § 3 of the Act of 17 December 1925 concerning the application of the weekly rest in industrial undertakings excludes undertakings in which only the members of the same family are employed.

Finland. — The Eight-Hour Day Act does not cover the work of the owner's husband, wife, or own children.

France. — The exception for undertakings in which only members of the family are employed under the authority of the father, the mother, or the guardian is provided for in §§ 1 and 65 of Book II of the Labour Code. This exception is not specifically mentioned in the provisions relating to the weekly rest, but is applied thereto by the jurisprudence of the Court of Cassation.

India. — The application of this Article does not arise (see under ARTICLE 1).

Irish Free State. — The legislation of the Irish Free State does not appear to contain any provision of this kind. See introductory note.

Italy. — § 1 of the Act of 7 July 1907 contains a similar provision to that contained in the Convention.

Latvia. — The report states that there has been no necessity to permit the exception provided by Article 3.

Lithuania. — Undertakings in which only the members of one single family are employed are not registered by the labour inspection service.

Luxemburg. — The prohibition of Sunday work does not apply to members of the employer's family residing with him.

Poland. — The Act of 18 December 1919 and the other laws and orders concerned do not provide exceptions in the case of undertakings in which only members of the same family are employed.

Portugal. — There is no reference in Portuguese legislation to the exception relating to the members of one single family.

Rumania. — The Regulations in application of the Act of 18 June 1925 issued by Decree of 24 June 1925 provide in § 9 that the Act and Regulations are not

to apply to the handworker who works on his own account, assisted by wife and children, but without other wage-earners or apprentices. Nevertheless, such handworkers are obliged to close the rooms or workshops on Sundays and the legal holidays.

Spain. — The Royal Legislative Decree of 8 June 1925 makes no provision for this exception.

Yugoslavia. — In accordance with § 1, the Act of 28 February 1922 does not apply to undertakings in which only members of one and the same family are employed.

ARTICLE 4.

Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

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

Where advantage has been taken of the provisions of this Article, please state the methods adopted for consulting the responsible associations of employers and workers.

Belgium. — Both total and partial exceptions are provided for in the Act of 17 July 1905, as amended. As the Act is anterior to the Convention, the question of consulting the employers' and workers' organisations did not arise. The report further points out that it is under this Article that the Belgian Government has maintained the exception established by its previous legislation according to which the regulations relating to Sunday rest do not apply to water transport.

Bulgaria. — No exceptions have been authorised in pursuance of this Article.

Chile. — § 2 of the Act of 5 November 1917 provides that persons employed in any of the following occupations shall be excepted from the provisions relating to weekly rest: (a) work for the repair of damages due to *force majeure* or accident, provided such repair does not admit of delay; (b) undertakings or processes which must be carried on continuously owing to the nature of the requirements which they specify, for technical reasons or for reasons based on the desirability of avoiding serious prejudice to the public interest or to industry; (c) work which by its nature can only be carried out at particular seasons or which depends on the irregular action of natural forces, and (d) work which is necessary for the proper carrying on of an undertaking and which, in the interest of such undertaking,

does not admit of delay. The list of exceptions is contained in the Regulations of 16 January 1918.

Czechoslovakia. — The Eight-Hour Day Act does not permit of suspensions or diminutions of the weekly rest prescribed therein.

Estonia. — Exceptions to the general Sunday rest rule are provided for in § 4 of the Act of 17 December 1925 in the case of (a) work essential to meet the daily needs of the population (particularly for the maintenance of water supplies, lighting and communications); (b) undertakings where work of a continuous nature is carried out in processes which, for technical reasons, can neither be suspended nor delayed; (c) work of supervision, cleaning and repair (if such work is necessary to secure the normal working of the undertaking), and processes without the preliminary execution of which the undertaking cannot begin at the regular times fixed, to the extent to which such work cannot be executed on weekdays; and (d) the manufacture of products in which raw material or material in process of manufacture is used which deteriorates rapidly and which it is necessary to preserve from deterioration, to the extent to which such work cannot be executed on week days. § 6 prescribes that the Minister of Labour and Social Welfare, in agreement with the other Ministers concerned, is to draw up a list of the processes mentioned in § 4 (a) and (b). The report states that the methods adopted for consulting the responsible associations of employers and workers vary according to the cases concerned: sometimes the draft Orders prepared by the Ministry of Labour and Social Welfare are communicated for observations to these associations, sometimes special conferences of representatives of the associations are convened.

Finland. — § 12 of the Act of 27 November 1917 provides that where for technical, seasonal or other imperative reasons it is not practicable to apply the Act, exceptions may be made for the period of one year. The exceptions granted under this section were in force at the time of the ratification of the Convention.

France. — § 30 of Book II of the Code of Labour and Social Welfare entirely excepts from the weekly rest provisions water transport undertakings and railways, which are subject to special regulations. Provision is further made for a series of exceptions in §§ 34, 38, 39, 40, 41, 43, 45, 46, 47 and 49 of Book II of the Code. These exceptions are either permanent exceptions to the normal weekly rest of from midnight to midnight on Sunday and are granted on condition that an equivalent rest period of twenty-four

hours is granted, or temporary exceptions providing for the diminution or suspension of the weekly rest. These exceptions were in existence at the time the Convention was ratified, and the provisions of Article 4 regarding the consultation of employers' and workers' organisations do not apply. The Code, however, provides for the consultation by the prefect of the local industrial associations in cases in which the authorisation of the prefect for particular exceptions to the weekly rest provisions is required (§§ 35-37). The report states, moreover, that the Minister of Labour, although he is not bound to do so by law, consults the central employers' and workers' organisations concerned regarding changes in the regulations relating to exceptions applicable throughout the country.

India. — In the case of *factories* the provisions for exceptions to § 22 regarding the weekly rest are contained in §§ 29, 30, 32 and 32 A of the Factories Act. § 29 permanently excepts persons who may be defined by Local Governments to be persons holding positions of supervision and management and persons employed in a confidential capacity. Under § 30 (1) "where it is proved to the satisfaction of the Local Government . . . (b) that the work of any class of workers is essentially intermittent; or (c) that there is in any class of factories any work which necessitates continuous production for technical reasons; or (d) that any class of factories supplies the public with articles of prime necessity which must be made or supplied every day; or (e) that in any class of factories the work performed, by the exigencies of the trade or its nature, cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces", the Local Government may exempt on such conditions, if any, as it may impose, work of the nature described in (b) and (c) from all or any of the provisions of § 22, and the classes of factories described in (d) and (e) from the provisions of § 22. A Local Government may also, in virtue of § 30 (2), by general or special order exempt for such period as may be specified in the year, and on such conditions, if any, as it may impose, any factory from all or any of the provisions of § 22 on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work. § 30 (3) lays down that in such circumstances and subject to such conditions as may be prescribed nothing in § 22 is to apply to work on urgent repairs. Finally, under § 32 and § 32 A, a Local Government may exempt any indigo factory or any factory situated on or used solely for the purposes of a tea or coffee plantation, and any factory or class of factories in respect of persons employed therein in any engine room or boiler-house, from any of the

provisions of § 22 on such conditions, if any, as it may impose. As regards *mines* exceptions to the provisions of § 23 of the Mines Act are provided in §§ 24, 25 and 46. § 24 permanently excepts persons holding positions of supervision or management or employed in a confidential capacity; § 25 gives power to the mine manager in emergencies involving serious risk to the safety of the mine or of persons therein employed to permit employment in contravention of § 23 on such work as may be necessary to protect the safety of the mine or of the persons employed therein; whilst § 46 empowers the Governor General in Council to exempt any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of the Act, similar powers being conferred on Local Governments only on the occurrence of a public emergency. As regards *railways*, the Indian Railways Act of 1890, as amended in 1930, lays down in § 71 D that the Governor General in Council may issue rules specifying the classes of railway servants to whom periods of rest of less than 24 hours per week may be granted, and the temporary exemptions which may be made in certain special cases mentioned in the Act. The classes of railway servants affected and the temporary exceptions which are permissible, are laid down in the Railway Servants Hours of Employment Rules, 1931. The Government further reports that the responsible associations of employers and workers have been consulted on the drawing-up of rules for factories, mines and railways. See also under *Hours Convention*, ARTICLE 7.

Irish Free State. — See introductory note.

Italy. — Provision has been made for exceptions in the relevant legislation and regulations. These exceptions have been made for technical and economic reasons.

Latvia. — The report states that there has been no necessity to permit the exceptions provided by Article 4 of the Convention.

Lithuania. — The report indicates that no diminution of the rest period has been granted.

Luxembourg. — § 2 of the Act of 21 August 1913 lays down that the prohibition of Sunday work does not apply to (1) the watching of the premises connected with the undertaking; (2) the work of cleaning, repairing and upkeep indispensable to the regular working of the undertaking nor to processes, other than those of actual production, on which the regular resumption of the work on the following day depends; (3) work necessary to avoid the deterioration of raw material or

manufactured products. Work of these kinds is only authorised in so far as, during the normal working of the enterprise, it is impossible to carry it out on any other day of the week. § 3 provides that in the case of urgent work the immediate execution of which is necessary in organising life-saving measures, for the prevention of imminent accidents or for remedying accidents to the materials, installations or buildings of the establishment, the weekly period of rest may be suspended as far as the staff necessary for the execution of this urgent work is concerned. Under § 5, exemptions to the principle of Sunday rest may be granted either wholly or partially by way of a Ministerial Order: (a) for undertakings using wind or water power, either entirely or principally; (b) for industries either wholly or partially indispensable on Sundays in view of the daily needs of the public or of their special needs on Sunday; (c) for industries carried on only during certain parts of the year or which work under greater pressure in certain seasons; (d) for industrial or commercial undertakings bearing the character of a benevolent or private educational establishment. § 7 states that the prohibition of Sunday work does not apply to: (1) hotels, restaurants and public houses; (2) chemists, druggists or shops for the sale of medical and surgical instruments; (3) fairs and markets; (4) fishing undertakings; (5) public entertainments; (6) lighting undertakings and undertakings for the supply of water and motor power; (7) transport undertakings; (8) industries in which, owing to their nature, the work cannot be interrupted or delayed; (9) undertakings in which work is carried on in shifts. Under § 9, the exceptions and exemptions mentioned above do not apply to children under the age of 16 years nor to girls and women under the age of 21 years. The report states that the Act of 21 August 1913 does not allow of the granting of individual or special exemptions.

Poland. — Provision has been made for the exceptions permitted by this Article in the Act of 18 December 1919. See also under ARTICLE 6.

Portugal. — Under § 3 of the Decree of 3 August 1907 the following undertakings are exempt from the obligation to grant the weekly rest in accordance with § 2: newspaper businesses, ice factories, establishments for the supply of water, light, and motor power, undertakings for the work of loading and unloading, telephone offices, mines and all industrial enterprises where the suspension of work would involve damage to the raw materials used therein or to the manufactured goods, or which are of such a nature that work must be carried on without interruption. Under § 4 (2) an exemption from the obligation of the weekly rest shall be

allowed in the case of confectionery and pastrycooks' businesses on the Sunday before Ash Wednesday, on the first day of November and the eighth day of December, between 24 December and 10 January and between Palm Sunday and Easter. § 6 provides that the Sunday rest may be suspended (a) in the case of operations which are necessary for rescue work or public services, (b) if the repair of machines and tools of any industry or of the buildings and installations appertaining thereto is urgently necessary, (c) to prevent accidents of an exceptional character liable to cause injury to the undertaking. Under § 1 (2) of the Decree of 8 March 1911 the work of cleaning or repairing machinery may be permitted in factories on the day assigned for the weekly rest, but only up to midday under arrangement between the masters and their employees. § 1 (4) provides that in industrial establishments in which any interruption of work may entail the destruction of the materials used or of the manufactured products, or may cause in any other manner the paralysis of an industry, continuous work shall be permitted, one day of rest in each week being granted in turn to each person employed in such establishments, the Sunday being reckoned in this case as a working day.

Rumania. — § 12 of the Act of 18 June 1925 provides that "for the execution of urgent work for the purposes of national defence, for the organisation of life-saving and salvage operations on land and water, for the prevention of accidents or for the reparation of their consequences, the rest of the staff necessary for such work may be suspended". The rest of persons employed in other undertakings, when their co-operation appears to be indispensable for the execution of the work above described, may also be suspended, but in their case § 12 makes it compulsory to grant them compensatory rest in the following week. Exceptions are also permitted in certain other undertakings specified in § 7 of the Act, including continuous undertakings (§ 11). See also under ARTICLE 2.

Spain. — Legislative provision for the exceptions permitted by this Article is contained in § 7 of the Royal Legislative Decree of 8 June 1925 which provides that in cases where Sunday work is permitted in virtue of § 6 (see under ARTICLE 2 above) the period of rest may be reduced to the number of hours worked on Sunday, and suspended in very exceptional cases, regard being had to all proper economic and humanitarian considerations. Nevertheless, these measures may only be adopted by the Government for specified processes and industries, after consultation with the Labour Council and the competent associations of employers and workers, wherever such exist, and provided that

other periods of rest are stipulated in compensation for the suspensions and diminutions granted.

Yugoslavia. — § 14 of the Act of 28 February 1922 lays down that the provisions relating to the weekly rest shall not apply to undertakings where work cannot be interrupted on account of its nature. The Minister of Social Affairs and Public Health shall specify the undertakings in question, after hearing the competent Chambers and Councils. § 15 provides that, except in the undertakings mentioned in § 14, work on Sundays may be permitted only in the following cases : (1) When imperatively necessary on account of unforeseen emergency or *force majeure*, or when particular operations must be completed or carried out in the public interest ; (2) When the stocktaking of an undertaking, under legal regulations, must be completed on any such day ; (3) In the case of work for the cleaning and maintenance of the workplaces and premises of the undertaking, and likewise all work upon which the regular continuance and safe carrying on of the undertaking depends, in so far as such work cannot be done on working days ; (4) In the case of work which is absolutely necessary to prevent the spoiling of raw materials or products in the undertaking, in so far as it proves impossible to finish such work on working days ; (5) When absolutely necessary, for the proper maintenance of the working plant of a particular undertaking.

ARTICLE 5.

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or custom already provide for such periods.

Please give information with regard to (a) the provision made for compensatory periods of rest for the suspensions and diminutions (if any) made in virtue of Article 4 ; (b) agreements or customs which already provide for such periods.

Belgium. — Provision is made for compensatory periods of rest in §§ 4, 5, 9, 10 and 11 of the Sunday Rest Act. As regards the undertakings exempted under § 4, it is provided that the workers concerned are to have one day's rest in fourteen or one-half day's rest in seven ; that these periods need not necessarily fall on a Sunday or be the same for all the workers and employees in the undertaking ; and that the half-day must be taken either before or after one o'clock in the afternoon, the duration of work not exceeding five hours. By § 5, in undertakings where work is organised in a succession of shifts, those workers whose night shift does not end until 6 a.m. on Sunday must be given a rest period of

24 hours, i.e. they may not begin work again before 6 a.m. on Monday. The effect of §§ 9 and 10 is that where young persons under 16 years of age and girls and women between the ages of 16 and 21 years are allowed to work seven days a week, either habitually, for a specified period, or conditionally, they must be given time off once a week to attend public worship and one-half day's rest in seven or one whole day's rest in fourteen. § 11 provides that the periods of rest in State undertakings, railways worked under a concession, and light railways, must be stipulated in regulations.

Bulgaria. — The report states that workers employed on Sundays are granted a day's rest during the week.

Chile. — All persons employed in the industries or undertakings specified in § 2 of the Act and enumerated in the Regulations of 16 January 1918, shall be granted at least one day's rest in every two weeks, and such day of rest may either be common to all such persons or taken in turn so as not to interfere with the work of the undertaking.

Czechoslovakia. — The report states that, given the general application of the Eight-Hour Day Act, it has not been necessary to make provision for compensatory rest.

Estonia. — Under § 5 of the Act of 17 December 1925, the Minister of Labour and Social Welfare issued on 23 October 1926 an Order relating to the granting of rest periods and compensation to persons employed on work which may be performed on Sundays and holidays in virtue of § 4 of the Act. § 1 of this Order provides that workers and employees, who are employed in any of the processes specified in the lists issued by the Minister of Labour and Social Welfare in virtue of § 6 of the Act or mentioned in § 4 (c) and (d) of the Act, and whose work on a legal day of rest is longer than four hours, are to be granted either a weekly rest as prescribed in § 2 of the Order, or supplementary remuneration as laid down in § 4 of the Order, or longer leave as provided for in § 5 of the Order. The weekly rest may, by § 2, be granted (a) on another day of the week, either simultaneously for the whole of the workers and employees or in shifts, but in any case for not less than 24 hours ; (b) from 2 p.m. on Sunday until 2 p.m. on Monday ; (c) from 2 p.m. on Sunday until 2 a.m. on Monday, provided that a day of rest of at least 24 hours is granted every fortnight ; (d) on two half-days in each week from 2 p.m. until 2 a.m. on the following day. Under § 4, work performed on legal days of rest may be deemed to be overtime for which the rates of pay must be at least 50 per cent. above

the ordinary rates. For the application of this provision written agreements are required, otherwise the consent of the worker or employee concerned must be obtained in each case. § 5 provides that longer leave may be granted to a worker or employee for work performed on legal days of rest on the basis of one day's leave for eight hours' work. In this case a written contract must be made between the employer and the worker or employee. Should a worker or employee not have taken his leave at the time the contract expires, he receives a day's pay in respect of each rest day to which he is entitled but which he has not taken. The provisions of the Order do not apply to workers and employees of transport undertakings, in respect of whom a special Order is to be issued.

Finland. — § 5 of the Act of 27 November 1917 provides that where it is not possible to grant the weekly rest of thirty hours on Sunday, a corresponding rest must be granted during the week. Further, as regards those processes in paper, wood pulp and cellulose factories which must be continued day and night for technical reasons, but which can be interrupted on Sundays and holidays, it is provided in the Decision of the Council of State of 19 December 1929 respecting hours of work in continuous undertakings, issued under § 12 of the Act of 27 November 1917, that the Sunday rest averaged over three weeks must be thirty hours a week and at least twenty-four hours each week. With regard to undertakings entirely excepted from the provisions of the Act of 27 November 1917 or from its weekly rest provisions, the report states that weekly rest periods of varying length are granted. Some communal power stations and paper works working three shifts have succeeded in maintaining the statutory weekly rest periods by means of relief shifts. In other undertakings working continuously with three shifts, the workers obtain in every period of three weeks two weekly rests of twenty-four hours and one of sixteen hours. In the building trade, it is only in the case of urgent work that the weekly rest is suppressed. With regard to wood transport and floating, although owing to natural conditions it has not been possible to organise special periods of rest on the rivers, the workers thus employed on the lakes enjoy, though irregularly, the rest periods laid down. On railways, the guards obtain a rest period of at least thirty-three hours every four days, brakemen a period of at least thirty-one hours every five days and pointsmen a period of thirty-five hours at least twice a month. The organisation of rest periods in the case of engine drivers and firemen varies according to the quantity of traffic. Transport on canals is seasonal and continuous for not more than

seven months in the year. The number of workers employed varies considerably but never exceeds 250, about half of whom work on a three-shift system and enjoy a period of rest of twenty-four hours every three weeks. The work of the other half is essentially intermittent and it has not been considered necessary to arrange special rest periods for them.

France. — The Labour Code makes provision for compensatory rest in the majority of cases in which exceptions to the normal Sunday rest are not conditional upon the granting of the twenty-four hour rest on another day of the week. One of the exceptional systems permitted by § 34 is the granting of a rest on Sunday afternoon with a compensatory rest of one day each fortnight in rotation. Under § 40 the workers of another undertaking, who are called in to assist in cases of urgent work necessitated by specified exceptional circumstances, must be granted an equal amount of compensatory rest. § 43 provides that, in undertakings employing less than five workers, and in which the weekly rest may be granted in rotation, the weekly rest of one full day may be replaced by two half-day rests. In those seasonal industries which, under § 47, may suspend the weekly rest fifteen times a year, the workers must be granted two days' rest each month. Provision for compensatory rest for workers employed in those processes in continuous undertakings in which exceptions are permitted by the Decree of 31 August 1910 is made in the Decree. Finally, as regards railways and water transport undertakings, the report states that river transport workers are entitled to 24 days' rest per year. For railway workers and salaried employees there are special systems of rest which vary according to grade. As a general rule they have either one day's rest a week, or 52 days' rest distributed in longer periods throughout the year as the requirements of the different services allow.

India. — § 22 of the Indian Factories Act provides for compensatory periods of rest when Sunday is not selected as a day of rest. In mines any day of the week may be selected as a day of rest. The report adds that the exemptions granted by the Local Governments in accordance with Article 4 of the Convention are, wherever possible, conditional on compensatory periods of rest being given.

Irish Free State. — See introductory note.

Italy. — The report states that in most cases when a suppression or reduction of Sunday rest is authorised, the legislation cited in the report makes compulsory the grant of compensatory rest in accordance

with Article 5 of the Convention (see also under ARTICLE 6).

Latvia. — The question does not arise.

Lithuania. — § 12 of the Act of 30 November 1919 lays down that "in undertakings working continuously, adult workers, i.e. workers who have attained the age of 17 years, may be employed for 16 consecutive hours once in three weeks, in default of any agreement to the contrary, but in this case the rest period of 24 hours shall be granted them twice during the same three weeks. If a different arrangement of shifts and rest days has been agreed upon by the workers and employers in undertakings working continuously, this shall be approved by the local inspector of labour."

Luxemburg. — § 6 of the Act of 21 August 1913 lays down that workers and employees who, in pursuance of the exemptions mentioned by the Act, are employed on Sundays otherwise than in a temporary manner for more than three hours shall be entitled to a compensatory rest which shall be granted in rotation. It is not necessary to grant this compensatory rest on Sunday nor on the same day for all the workers and employees in the same undertaking. The compensatory rest must amount to either 24 consecutive hours once every fortnight or two half-days in every two weeks. The half-day rest must be taken either before or after one o'clock in the afternoon and the period of work on that day must not exceed five hours.

Poland. — § 13 of the Act of 18 December 1919 provides that a worker who is employed for more than three hours on Sunday shall be allowed an equivalent number of hours of rest during the week. This provision, however, does not apply to establishments working continuously. The various Decrees regulating hours of work in particular industries make provision for compensatory rest.

Portugal. — § 3 (2) of the Decree of 3 August 1907 provides that it shall be the duty of owners, directors, etc., of the undertakings to which the § applies to allow their employees a day of rest during the week in rotation, unless they prefer to close their establishments and suspend work according to the provisions of § 2. Under § 4 (1) (a) in localities where serious loss may occur to the public interest by any interruption of work the Municipal Councils shall, after consultation with the commercial, industrial and trade associations, or with the persons interested if they have no association to represent them, select a day of rest other than Sunday. Under § 4 (3) if in any locality Sunday is for any reason not acceptable as a day of rest in

a particular industry or trade, the Civil Governor may either fix another day of rest or postpone the period of rest so that it falls from noon or one o'clock p.m. on Sunday until noon or one o'clock p.m. on Monday, or fix the period of rest from noon or one p.m. on Sunday for all persons coming under the exception, with a compensatory day of rest every fortnight in rotation. Under § 6 (2) there shall be allowed on a succeeding day or days a compensatory period of rest equal to the period of rest suspended under (b) and (c) of § 6 on account of urgent repairs to machinery or to prevent accidents of an exceptional character. Young persons of either sex under the age of 16 years shall in no circumstances be deprived of their weekly day of rest (§ 6 (3)).

Rumania. — § 12 of the Act of 18 June 1925 provides for a compensatory rest in the following week for workers in an undertaking where the weekly rest is suspended because their work is considered an indispensable adjunct in connection with the execution of the urgent work specified in the first paragraph of § 12 (see under ARTICLE 4).

Spain. — § 7 of the Decree of 8 June 1925 provides for compensatory rest in cases of suspensions or diminutions made in virtue of the same section. As already noted under ARTICLE 2, § 49 of the Regulations of 17 December 1926 provides that when work on a Sunday does not exceed a maximum of four hours, the workers concerned have a right to four consecutive hours' rest on another day of the week whether the Sunday work was actually of four hours' duration or not. See also under ARTICLE 6.

Yugoslavia. — § 14 of the Act of 28 February 1922 provides that the occupiers of the undertakings where work cannot be interrupted on account of its nature must release their workers at least every third Sunday, and must also grant them as rest time an annual leave period consisting of a number of days not less than the number of Sundays during the year on which they were employed. With regard to the exceptions provided for in § 15 of the Act, the occupier of the undertaking must, under the same §, grant his employees an equivalent rest period during the week.

ARTICLE 6.

Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

In communicating the list required by this Article, please indicate separately (a) the total exceptions, (b) the partial exceptions, distinguishing in the latter case suspensions and diminutions and giving as full information as possible regarding such suspensions and diminutions.

Belgium. — In application of this Article the Belgian Government has communicated information of which the following is a summary :

(a) *Total exceptions.* — § 1 of the Sunday Rest Act excludes water transport undertakings, fishing undertakings, and showmen's and kindred undertakings. Under § 3, provided that the normal working of the undertaking does not permit the work to be done on another day of the week, the prohibition to employ the staff on Sunday does not apply : to urgent work in cases of *force majeure* or of necessity which the undertaking is not normally prepared to deal with ; to the watching of the premises of the undertaking ; to cleaning, repair and maintenance work which is necessary for the regular working of the undertaking, and to processes, other than processes connected with production, upon which the regular re-commencement of the working of the undertaking on the following day depends ; to processes necessary for preventing the deterioration of raw materials or goods.

(b) *Partial exceptions.* — § 4 of the Act allows the staff to be employed for thirteen days out of fourteen or six-and-a-half days out of seven in the following undertakings : food industries where the products must be delivered immediately to the consumer ; undertakings for the retail sale of articles of food ; hotels, restaurants and public houses ; tobacco and natural flower shops ; pharmacies, druggists and shops for the sale of medical or surgical appliances ; public baths ; newspaper and theatrical undertakings ; undertakings for the hire of books, chairs, and means of locomotion ; undertakings for lighting, and distribution of water or motor power ; land transport undertakings, loading and unloading in ports, landing places and stations ; employment exchanges and news agencies ; industries in which, by reason of their nature, the processes may not be interrupted or delayed. Under § 5 of the Act Royal Decrees have been issued permitting, in a series of industries where work is organised in a succession of shifts, the continuation of the work of the night shift until 6 a.m. on Sunday ; the 24 hours' rest is secured, however, by the provision that this shift may not re-commence work before 6 a.m. on Monday. § 6 makes it possible for the staff of undertakings using wind or water power exclusively or mainly to be employed on the seventh day twelve times a year, subject to certain conditions and provided that the exception is not used for more than four weeks consecutively. This exception may also be granted to seasonal industries and industries carried on in the open air ; and Royal Decrees have provided that laundries on the coast may employ their staff for not exceeding five hours on four Sundays in the month of August, and that jam and preserved vegetable factories may employ their staff for not more than five hours on twelve Sundays during the period from 15 May to 30 September of each year. § 7 provides for exceptions for retail shops and hairdressers' assistants. Finally, under § 9, a Royal Decree has authorised, subject to the observance of certain special conditions and of the special rest periods laid down in the §, the employment on the seventh day of young persons under 16 years of age and of girls and women between the ages of 16 and 21 years in certain specified processes which, by reason of their nature, may not be interrupted or delayed, in

mirror, crystal, hollow ware, and window glass works.

Bulgaria. — The report states that no exceptions have been made under Articles 3 and 4.

Chile. — The list of exceptions provided for in § 2 of the Act of 5 November 1917 is contained in the Regulations of 16 January 1918 and is as follows :

Class 1. — By reason of the nature of the requirements which they satisfy or of the serious public prejudice which would be caused by their interruption : 1. In railway undertakings, all services and occupations necessary for passenger or goods traffic ; the receipt and delivery of mails, messages, luggage and perishable goods. 2. Tramway undertakings, as regards the services and occupations, connected with the conveyance of passengers. 3. Undertakings for the hire of bicycles, motor cars, coaches and carriages. 4. Services and undertakings for maritime and inland navigation. 5. In ports ; embarkation and landing of passengers, mails, luggage and easily perishable cargo ; the loading and unloading of goods, but only in case of accumulation of work ; undertakings running pleasure steamers, launches and boats. 6. Postal, telephone, telegraph and submarine cable service or undertakings. 7. Undertakings for the production and distribution of motor power. 8. Gas works, electric light undertakings and lighting undertakings generally. 9. Services or undertakings for the production of drinking water. 10. Public slaughter houses. 11. Markets and fairs authorised by the municipal authorities. 12. Fairs for the sale of agricultural products and live stock which require to be carried on on Sundays or public holidays for reasons of obvious local convenience. 13. Butchers' establishments and the delivery of meat. 14. Stalls or shops for the retail sale of fish, poultry, game, fruit and vegetables, but only for the sale of such articles. 15. Dairies, and the delivery of milk and butter. 16. Bakeries and the delivery of bread. 17. Confectioners, pastry-cooks, and cafes, as regards only the sale of the articles dealt in by such undertakings. 18. Shops for the sale of natural flowers. 19. Hotels. 20. Restaurants, eating houses, for the sole purpose of serving meals. 21. Undertakings producing newspapers and periodicals which are published on public holidays : the distribution and sale of such publications. 22. Theatres, circuses, cinemas, hippodromes and other places of public entertainment and recreation. 23. Public baths, bathing and thermal establishments. 24. Hospitals, nursing-homes, sanatoriums and dispensaries. 25. Funeral services or establishments. 26. Savings banks. 27. Museums and libraries.

Class 2. — For technical reasons or by reason of the serious prejudice which their interruption would occasion to industry : 1. In general, industries with continuous technical processes and the generation of the power necessary for the continuity of such industries. 2. In the exploitation of saltpetre works and mines of any kind and in establishments for the treatment of their products : all processes which by their nature do not admit of interruption. — As a general rule operations of extraction and transport of minerals and prepared products, and the operation of services or workshops accessory or annexed to the principal exploitation are not considered as included in this class of work, so far as regards processes the execution of which may be delayed without prejudice to the regular working of the undertaking. 3. In glass works : the feeding and working of the furnaces, the preparation of the material for working and the blowing and annealing of the glass. 4. In manufactories of glazed and enamelled ware : the feeding and working of the furnaces

Italy. — The report refers to the exceptions contained in the relevant legislation and regulations. The following is a summary of the provisions in question :

§ 2 of the Act of 7 July 1907 lays down that the obligation to grant an unbroken period of rest of twenty-four hours shall not apply : (a) at any time when business is being carried on in industries which deal with raw materials of a very perishable nature and which are only carried on during a short season of the year ; (b) during ten weeks of the year in the case of industries carried on directly by wind and water. Notwithstanding, in this case the period of rest must be allowed for a fortnight ; (c) during six weeks of the year in industries which have a recognised period of extraordinary pressure. § 8 further provides that the regulations relating to Sunday rest may be suspended in certain places by Prefectural Order where temporary circumstances give rise to an unusual rush of business. In pursuance of § 2, lists of industries and occupations in which exceptions to the weekly rest are permitted have at various times been issued by Ministerial Decree.

(These lists are given in the Appendix on pp. 232-233.)

§ 10 (4-6) of the Legislative Decree of 22 July 1923 containing service regulations for the staff of the State railways provides that to meet the requirements of the service or difficulties which arise in the drawing up of the working lists and shift time-tables, the weekly rest may be deferred for one or two days. In case of pressure of work or owing to other exceptional circumstances, the weekly rest periods of the staff with the exception of the locomotive guards and train staffs (drivers, firemen, electric train staff, head guards, senior guards, guards, brakemen on train duty) may be anticipated by, or deferred for, not more than one month. In these circumstances, not more than two of the said rest periods may be granted in immediate succession provided that their total duration shall be twenty-four hours more than the duration of the first period. The Legislative Decree of 19 October 1923, amended by the Legislative Decree of 2 December 1923, relating to persons employed in the public services, provides general exceptions in unforeseen exceptional circumstances and in case of *force majeure* and danger of accident. § 156 of the Administrative Regulations issued in application of the Royal Decree of 30 December 1923, respecting conditions of service and wages of wage-earning employees in State Departments, provides that work may only be performed on holidays in exceptional cases when it is necessary to meet the constant and special difficulties of the service, which cases are to be laid down in the regulations of the various administrations, or in exceptional and urgent cases where the work cannot be adjourned. With regard to the compensatory rest, § 165 of the same Decree lays down that when Sunday work is necessitated in application of § 156, the workers must be granted compensatory rest of one day's duration during the same week or the following week. Nevertheless, workers whose services consist of watching or the execution of intermittent jobs carried on even outside the normal time-table and during the night, e.g. caretakers, concierges, watchmen, turncocks, labourers, seamen on wharf duty, and other workmen to be specified in regulations dealing with them, are permitted to surrender their right to this compensatory rest. The report for 1930 added that during the period to which it referred, Sunday work was authorised, under the Royal Decree of 23 October 1923, for undertakings for the cleaning of windows and floors and the sweeping of public and private offices, provided that a rest period was given in rotation ; the authorisation applied only to work which could not be done on working days without impeding the regular work of the offices.

Latvia. The question does not arise.

Lithuania. — The report states that, since undertakings employing only the members of one single family are not registered by the Labour Inspectorate, and since other industries have made no application for a reduction of the rest period, there is no reason to draw up the list of exceptions required under this Article of the Convention.

Luxemburg. — The Ministerial Order of 21 August 1914 issued in execution of the Act of 21 August 1913 concerning the weekly day of rest for employees and workmen allows the following exceptions to the prohibition of Sunday work :

Under § 4 of the Decree, persons may be employed on Sundays as follows : (a) persons employed in bakeries and confectionery businesses, from 4 a.m. until midday ; (b) persons employed in town cook shops and in undertakers' businesses, for not more than eight hours in the period between 8 a.m. and 8 p.m. ; (c) persons employed by newsagents and booksellers inside railway stations, from 7 a.m. until 7 p.m. ; (d) persons employed in public bathing establishments, from 6 a.m. until midday ; (e) barbers' assistants, from 7 a.m. until 2 p.m. ; (f) employees, workers and apprentices in photographic workshops, from 9 a.m. until 6 p.m. § 5 lays down that (1) undertakings which use wind or water power either entirely or principally, as well as brick and preserving factories, may employ their workers on not more than ten Sundays a year ; (2) clothing and millinery workrooms may employ their workers on twelve Sundays in the year ; (3) owners of clothing and millinery workshops may, in addition, employ their staff on Sundays for not more than ten hours in the case of urgent mourning orders. Under § 8 of the Order, the following industrial undertakings may carry out the following kinds of work on Sundays : (1) *Blast furnaces*—unloading of ore and coke trucks into skips or tubs to be conveyed to the mouth of the furnace ; the work of the chargers, furnacemen, gasmen, engineers, and stokers ; the work of removing the slag and pig-iron ; gas cleaning operations ; the pumping of water necessary for the work and, where necessary, water-pumping work in mines ; the production of electric currents for the purposes of lighting and power ; and finally, for not more than four hours, the unloading and shunting of railway trucks. (2) *Pottery factories and brick-fields*—the stoking and watching of the kilns. (3) *Cement factories*—the stoking of the furnaces. (4) *Breweries and malt works*—such work of the boiler attendants and engineers in connection with the cooling apparatus, malting processes, etc. (i.e. the turning and drying of the malt), as is necessary to ensure the regular course of work. (5) *Powder and explosive factories*—the stoking of the drying chambers.

Poland. — The question of providing information regarding exceptions under Article 3 does not arise. As regards Article 4, the report furnishes information of which the following is a summary :

Work is permitted on Sundays and public holidays in the following cases in virtue of §§ 6 and 11 of the Eight-Hour Day Act of 18 December 1919 : (a) For public utility services and services necessary for the satisfaction of the daily needs of the population, in particular for the maintenance of the water supply, lighting, cleaning, work on means of communication (in such cases the employer must notify the competent labour inspection office in advance if it is

proposed to employ workers more than three hours). (b) In establishments working continuously for the performance of work which cannot be suspended on account of the technical nature of the processes; in the undertakings and the cases provided for in § 6 (c) of the Act which specifies that in undertakings working continuously, and in so far as it is absolutely necessary for the working of the undertaking, the Minister of Labour, in agreement with the Minister of Industry and Commerce, on the advice of the trade associations of workers and employers, may authorise the extension of hours of work for particular groups of workers to not more than 56 hours per week on the average, in such manner that the eight-hour day be extended on one day in each week for one shift or for two successive shifts, provided that work is so distributed that each worker has a rest period of not less than twenty-four hours at least twice in every three weeks. (c) In the event of actual or imminent disaster or accident which necessitates work on Sundays and holidays in order to maintain the safety of workers, to ensure the establishment against damage and to keep up its normal working, as well as to prevent loss of materials or destruction of machinery (in such cases the labour inspection office must be notified afterwards). (d) In case of national necessity the hours of work may be extended by an order based on the decision of the Council of Ministers and in appropriate cases on advice tendered by trade associations of workers and employers; such extension may take place on any day of the week, including Sunday, in certain establishments or classes of establishment, but in no cases for a period exceeding three months (in such cases the provisions of § 13 relating to compensatory rest apply). A Decree of the Minister of Labour and Social Welfare respecting work at night and on Sundays and holidays in preparatory processes in the bakery trade, dated 10 December 1921, authorises the employment on Sundays and holidays of persons required for the preparation of leaven and yeast of all kinds.

Portugal. — For a list of total or partial exceptions, including suspensions or diminutions, for which provision is made in Portuguese legislation, see under ARTICLE 4.

Rumania. — See ARTICLE 4.

Spain. — The Royal Order of 7 July 1928, relating to the application of the Royal Legislative Decree of 8 June 1925, in the fishing industry, permits, in certain cases, the suspension of weekly rest. It is stated that this is the only exception which the Spanish Government has allowed in exercise of the power granted under Article 4 of the Convention and the corresponding § 7 of the Legislative Decree. The report mentions the following Royal Orders issued in 1929 granting temporary and partial suspensions of Sunday rest:

Royal Order of 6 August 1929 (G.M.13), made on the application of the company *Salto del Duero*, granting authorisation for a single occasion to work on the necessary operations for the utilisation of the waters of the river Esla in the province of Zamora on the Sundays included in a period of 45 days, computed from the time which the undertaking should consider desirable, and which was to be notified to the factory inspectorate, but subject to the condition of granting a compensatory weekly rest to workers employed on Sunday by virtue of such authorisation.

Royal Order of 8 November 1929 (G.M.20), granting exception for carrying out on Sunday the work of loading wagons on the railway side tracks belonging to chemical manure manufactories during the months of August, September and October in each year, on condition that workers employed on Sunday should rest on another day of the week.

The report adds that workers who by virtue of the above exceptions work on Sunday must always be allowed twenty-four hours' uninterrupted rest on another day of the week.

Yugoslavia. — The report states that, barring the exceptions granted under §§ 14 and 15 of the Act of 28 February 1922, no advantage has been taken of the exemptions provided for in Articles 3 and 4 of the Convention. A list of the exceptions granted under the Act of 28 February 1922 has not been furnished.

ARTICLE 7.

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged:

(a) Where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government.

(b) Where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

In addition, please forward specimen copies of the notices and rosters specified in virtue of this Article.

Belgium. — § 8 of the Sunday Rest Act provides that employers must post such notices and keep such registers as may be necessary for the purposes of inspection. § 2 of the Act of 15 June 1896 relating to workshop regulations stipulated that such regulations should show the hours and days of rest, and that the regulations should be posted in the undertaking. No models have been prepared by the Government.

Bulgaria. — The Health and Safety of Workers Act, 1917, provides in § 20 that "every employer shall be bound to enter in the works' rules of his undertaking the time at which the period of rest is to be allowed to the workers."

Chile. — Where agreements or turns exist, the rest day shall be announced by notices posted up in offices, workshops or other conspicuous parts of the under-

taking and may only be changed by one month's notice in advance. In order that such agreements or turns may be legally enforceable, they shall be notified to the municipal office, and such notices shall indicate the nature of the work, the number of workers or employees, the exact cause of the exception and the manner in which rest is granted. For this purpose the municipal office shall keep a special register.

Czechoslovakia. — The Industrial Code and the legislation in force in Slovakia and Sub-Carpathian Russia provide that in every undertaking employing more than 20 workers workshop regulations must be posted showing, *inter alia*, the working days, hours at which work begins and ends, and times of breaks. As regards undertakings employing less than 20 workers, the report states that the posting of notices containing the conditions of work and indicating the weekly rest period would not serve any useful purpose, as in these small undertakings employers and workers are in very close contact. Moreover, the conditions of work, which include the regulation of the weekly rest, are always inserted in the collective agreements, which apply equally to undertakings employing less than 20 workers. The report states that in these small undertakings the labour inspectors are able to ascertain the manner in which the collective weekly rest is granted to the workers (*a*) by putting questions to the workers themselves during the inspection of the undertaking, and (*b*) by putting questions to the journeymen's assemblies (which are compulsory in Czechoslovakia) or to the occupational organisations. The report adds that the application of paragraph (*b*) of this Article does not arise in view of the general application of the weekly rest in Czechoslovakia.

Estonia. — § 7 of the Act of 17 December 1925 provides that the management of an industrial undertaking must prepare a schedule of the days of rest, indicating more particularly the work which must be performed on Sundays and holidays, the way in which this work is to be performed, and the days of rest granted to the workers employed on Sundays and holidays. This schedule must be approved by the labour inspector and posted in the undertaking in a place accessible to the workers. In undertakings for which the Labour Code prescribes special works regulations (Labour Code, §§ 60 and 103, 1913 version) this schedule must be included in the regulations. It is further provided in § 3 of the Order of 23 October 1926 that the schedule must also show which of the several arrangements for the weekly rest provided for in § 2 of the Order are in force in the undertaking concerned.

Finland. — According to § 8 of the Eight-Hour Day Act "in every factory and workroom falling under this Act, or at the actual place of work, the employer shall cause a copy of this Act and a notice concerning the actual division of working hours to be always accessible in a suitable place".

France. — § 1 of the Decree of 24 August 1906, as amended by the Decree of 13 July 1907, provides that when the weekly rest is not given to the whole of the staff on Sunday, but is given collectively to the whole or part of the staff in any exceptional manner permitted by the law, the days and hours of collective rest must be made known by notices posted in the undertaking. When the weekly rest is not given collectively, a special register must be kept which shows the names of the workers subject to a special system, the nature of the system, and the days or parts of days on which rest is given in each case. The Decree further contains various provisions regarding these notices and registers but does not prescribe the drawing up of models. No notices or registers are required when the weekly rest is granted to the whole of the staff on Sundays.

India. — § 36 (1) of the Factories Act provides that "there shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, . . . a notice containing the standing orders of the factory upon . . . the weekly holidays fixed under § 22". A copy of this notice is sent to the inspector, who is also informed of any changes. By § 28 of the Mines Act, in every mine there must be kept in the prescribed form and plan a register of all persons employed in the mine showing, *inter alia*, their days of rest. As regards railways, the provisions of the present Article are applied by the Railway Servants Hours of Employment Rules, 1931.

Irish Free State. — The legislation of the Irish Free State does not appear to contain any provisions of this kind. Notices must be affixed, however, in factories and workshops in which the employment of women and young persons under 18 is prohibited on Sundays. These notices must conform to a model drawn up by the administration. The Government has at present no powers to compel the posting of notices in respect of men over the age of 18. No evidence has come before the Government indicating that such powers are necessary to secure the objects of the Convention under existing conditions in the Free State.

Italy. — The Orders of 7 November 1907 and 8 August 1908 respecting the administration of the Act of 7 July 1907 lay

down that in establishments where, in consideration of a compensatory period of rest, work is performed on Sunday under a system of rotation or in any other manner, a register or notice showing the alternation of shifts must be exhibited in a conspicuous place. The Legislative Decree of 22 July 1923 containing service regulations for the staff of the State railways lays down in § 5 (2) that a copy of the working lists and shift time-tables shall be posted up in a convenient place, usually before coming into operation, in order that the employees concerned may acquaint themselves therewith. § 10 of the Legislative Decree of 19 October 1923 concerning the work of the staff employed in public transport services worked under a concession provides that the companies shall post up the shift time-tables in the offices, passenger and goods stations, depots and workshops, so that the staff may acquaint themselves therewith. The Royal Decree of 31 December 1924 concerning the legal and economic position of wage-earners employed by the State administration stipulates in § 84 that a copy of the time-table established shall be affixed at the entrance to the undertakings and offices and in each workshop.

Latvia. — § 20 of the Act of 24 March 1922 respecting hours of work stipulates that a copy of the Act shall be affixed by employers in a place readily visible to the workers in every undertaking and establishment and § 7 provides for the keeping, in the form approved by the Ministry of Labour, of an overtime register.

Lithuania. — § 13 of the Act of 30 November 1919 lays down that "the beginning and ending of the hours of work and the times for breaks shall be fixed by the employer in consultation with the workers. The timetable thereof shall be affixed conspicuously". The report for 1931 includes in an annex the model of a timetable and workshop regulations approved by the Labour Inspectorate.

Luxemburg. — § 11 of the Act of 21 August 1913 lays down that the heads of undertakings subject to the law relating to workshop regulations must in these regulations state the conditions as regards periods of rest provided for in the Act. Under § 11 of the Ministerial Order of 21 August 1914, owners of undertakings who employ their staffs either wholly or partially on Sundays shall present to the industrial inspector on the first day of each month, and also on the occasion of every change in the staff, a list giving the names, fore-names and status of the persons employed, as well as the hours of work and the days and hours of the compensatory periods of rest. The same list must be posted up on the employers' premises in a conspicuous place.

Poland. — § 4 of the Order of 14 December 1924, issued in application of §§ 11 and 20 of the Act of 2 July 1924 relating to the employment of women and young persons, provides that the register of young persons shall make known the times at which work begins and ends, and the periods of rest. The Decree of 16 March 1928 concerning the contracts of engagement of workers introduced, *inter alia*, provisions with regard to workshop regulations and notices. Every undertaking to which the Decree applies and which employs more than 20 workers must draw up works regulations within a period of four weeks from the date of opening of the undertaking. Special regulations may be drawn up for particular sections of the undertaking or for the different categories of workers. The workshop regulations must mention, *inter alia*, the beginning and the end of work and contain a list of the legal and other holidays observed in the undertaking concerned. The works regulations, after they have been approved, must be affixed in a conspicuous manner in the place of work and come into force two weeks after such affixation (§ 54). These regulations have compulsory force for the worker and also for the employer (§ 49); the latter is required to communicate them to the worker before he enters upon his duties (§ 55). According to § 56 undertakings employing less than 20 workers must affix notices mentioning, *inter alia*, the legal and other holidays observed in the undertaking in question. The labour inspection service, which, according to the legal provisions, has to approve the works regulations, issued in 1927 two model forms containing, *inter alia*, particulars relating to the weekly rest.

Portugal. — § 23 of Decree No. 10782 of 20 May 1925 relating to hours of work in commerce and industry provides that time tables shall be affixed in the establishments concerned and copies countersigned by the administrative authorities shall be submitted to the persons concerned and to the supervising officials whenever they so desire. The report states that, as it is the administrative authorities of each district that are entrusted with the enforcement of this measure, it is impossible, for the moment, to obtain the various forms, which, however, comply with all the provisions and regulations imposed by the law.

Rumania. — When the weekly rest is given collectively, the hours of rest are fixed by § 1 of the Act of 1925, which makes Sunday closing compulsory. When the rest periods are not given to the whole staff at the same time, § 9 of the Act of 18 June 1925 provides that the employers, in agreement with the employees, shall draw up schedules of the groups of employees, the rest days and their order of

rotation. These schedules must be permanently affixed in the workplaces of the undertaking and must be submitted on demand to the inspection officials of the Ministry of Labour. Any employees who are not satisfied with the arrangements may appeal to the Chamber of Labour for a decision.

Spain. — § 11 of the Decree of 8 June 1925 provides that the employer shall be obliged: (a) where the weekly rest is given to the whole of the staff collectively, to make known the days and hours of rest fixed in accordance with the provisions of the Decree by means of notices posted conspicuously in the establishment, or to make them known in a more convenient form, approved by the Labour Inspection Service, when work is not ordinarily carried on in a specified place; (b) where the weekly rest is not given to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the form prescribed by the Labour Inspection Service, the workers or employees subject to a special system of rest, and to indicate that system.

Yugoslavia. — The report states that the regulations of 25 October 1921 provide for model notices and works regulations for undertakings working during the day and for continuous process undertakings.

is not applied in all the French overseas possessions. The Convention is applied in practice in *Algeria*, although it has not been made legally applicable by Decree, owing to the fact that the provisions of the Act of 13 July 1906 (now incorporated in the Labour Code) were made applicable in this colony under a Decree of 21 January 1909.

Italy. — The weekly rest is observed in the colonies in virtue of custom and religious tradition. In some cases it is the subject of regulation by ordinance of the Governor. No decision has, however, been taken to extend the Convention to the colonies, in view of the rudimentary state of their industrial development and the inconsiderable number of workers engaged in industry.

Portugal. — The Convention was ratified by Portugal subject to the reservation of subsequent decisions as regards its application to the Portuguese colonies.

Spain. — The legislation in force applies to all territories subject to Spanish sovereignty.

The question does not arise in the case of the other reporting countries.

III.

Article 12 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

France. — The Government states that, owing to local conditions, the Convention

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 19 July 1926.

Bulgaria. — 6 March 1925.

Chile. — 15 September 1925.

Czechoslovakia. — 14 May 1924.

Estonia. — 29 November 1923.

Finland. — 19 June 1923.

France. — 3 September 1926.

India. — 11 May 1923 (factories); 1 July 1924 (mines); 1 April 1931 (North Western and East Indian Railways). See also under ARTICLE 1.

Irish Free State. — 22 July 1930.

Italy. — 8 September 1924.

Latvia. — 9 September 1924.

Lithuania. — 19 June 1931.

Luxemburg. — 16 April 1928.

Poland. — 21 June 1924.

Portugal. — 3 July 1928.

Rumania. — 18 June 1925.

Spain. — 20 June 1924.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The supervision of the application of the relevant laws and regulations is entrusted to the factory inspectors and to the engineers of the Corps of Mines.

Bulgaria. — The supervision of the application of the Health and Safety of Workers Act, 1917, is entrusted to the labour inspectors under the control of the Superior Labour and Social Insurance Council. The supervision of the application of the Act of 1911 respecting holidays and Sunday rest falls to the police authorities of the Communes. Infractions are punished by a fine of 200 levs per workman or 5,000 levs for all the workmen of the same undertaking. In case of second offence the fine is 10,000 levs.

Chile. — The authorities responsible for the application of the relevant laws and regulations are the General Labour Inspectorate, the municipal inspectors and the police. The methods of enforcement are based on the general principles for the organisation of inspection services contained in the Recommendation on the subject adopted at the Fifth Session of the International Labour Conference in October 1923. The application of sanctions for infringement of the provisions of the Act of 5 November 1917 is entrusted to the local police magistrates who are responsible to the municipal authorities.

Czechoslovakia. — See the summary of the report on the *Hours Convention*.

Estonia. — The factory inspectors are entrusted with the supervision of the application of the Act of 17 December 1925 and employers and managers are required to give them every facility for the inspection of their premises.

Finland. — Supervision of the observance of the regulations in force is entrusted to the factory inspectors, in accordance with the Factory Inspection Act of 4 March 1927. The reports of the factory inspectors are published annually.

France. — Under §§ 3 and 4 of the Decree of 24 August 1906, notice of exceptions must be given to the Labour Inspection Service. Except in the case of *force majeure*, the notice must be sent before the beginning of the work, and must indicate the circumstances which justify the suspension of weekly rest, the

date and length of duration of this suspension, and the number of workers to which it applies and, if compensatory rest is granted, the days fixed for this rest. A copy of the notice must be posted up in the undertaking for the whole duration of the period of suspension. See also the summary of the report on the *Convention concerning employment of women during the night*.

India. — The Factories Act is administered by Local Governments through their factory inspectors. The Mines Act is administered by the Mines Department subordinate to the Central Government. See also the summary of the report on the *Hours Convention*. The Administration of the Indian Railways (Amendment) Act, 1930, and of the rules made thereunder has been entrusted to supervisors of labour to be appointed by the Governor General in Council. Such supervisors have already been appointed for the North Western and the East Indian Railways. Provision is made for imposition of penalty in case of any infringement of the provisions of the Acts and the rules framed thereunder.

Irish Free State. — The responsible authority is the Department of Industry and Commerce so far as factories and workshops are concerned.

Italy. — The supervision of the provisions relating to the weekly rest in private industrial undertakings is entrusted to the Ministry of Corporations, which acts through the inspectors of Corporations, the mines inspectors, the communal authorities and the police authorities.

Latvia. — The Ministry of Labour, with the labour inspectorate, attached to its Department of Labour Protection, is responsible for the supervision of application.

Lithuania. — The Labour Inspectorate is responsible for the supervision of enforcement of the Act of 30 November 1919.

Luxemburg. — The supervision of application is entrusted to the factory inspectors, the mines administration, the railway commission, the elected chambers of labour and chambers of private employees and also to the police. The workers' delegations, the salaried employees' delegation committees and the railwaymen's delegations are also required to supervise application. The arbitral tribunals and justices of the peace are competent to decide on civil disputes and the police and correctional courts on criminal prosecutions arising out of the application of the Convention. The judicial authorities have the final decision concerning the legality and justification of exceptions made use of by heads of undertakings in each particular case.

Poland. — Supervision is entrusted to (a) the administrative authorities of first instance (temporarily); (b) the factory inspectorate; (c) to the Minister of Labour and Social Welfare acting in agreement with the Minister of Industry and Commerce and, in the case of undertakings directly under other Ministries, the appropriate Minister acting in agreement with the Minister of Labour and Social Welfare. See also the summary of the report on the *Convention fixing the minimum age of admission of children to industrial employment*.

Portugal. — The bodies responsible for the supervision of the application of the relevant legislation are especially the administrative authorities of each locality, the police, the public prosecutor, etc., and also the persons concerned themselves and their respective class associations. The relevant provisions are contained in the Decrees of 3 August 1907 (§ 7 and 8) and 8 March 1911 (§ 4 and 5). The Decrees also make provision for the penalties to which persons contravening them will be liable. These penalties consist of fines ranging from 10 to 100 milreis with or without imprisonment. As regards the amount of fines, it is stated that regard must be had to the dates of the said provisions, which are anterior to the war. The civil and criminal liability for contraventions of the law falls upon the owners if they conduct the business, and otherwise on the directors, administrators or managers.

Rumania. — The enforcement of the application of the Act of 18 June 1925 is entrusted to the inspecting and supervising authorities of the Ministry of Labour, Co-operation and Social Insurance, Ministry of Industry and Commerce, and Ministry of the Interior. It also devolves upon the prefects of departments and of the police, upon the presidents and secretaries of chambers of labour and of chambers of industry and commerce, upon the representatives of the public prosecutor, upon the justices of the peace, and upon various local police and administrative officials. §§ 26-29 of the Act specify the fines to be imposed in cases of infringement of the Act.

Spain. — The enforcement of the Royal Legislative Decree of 8 June 1925 devolves as a general rule upon the labour inspectors, or in some cases upon the local delegations of the Labour Council through their commissions of inspection, or upon the local and administrative authorities.

Yugoslavia. — The application of the Act of 28 February 1922 is entrusted to the regional labour inspectors.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Chile. — The local police magistrates have given numerous decisions inflicting fines for infringements. These magistrates adopt a summary procedure.

Luxemburg. — The Correctional Court of Luxemburg decided, in a judgment given 4 February 1931, that the employer is liable to the penalties specified in the Act of 21 August 1913, in cases where he allows work on days of compensatory rest provided by §§ 6 and 7 of the Act, even if this is done with the consent of the workers, all renunciation by the wage-earners of benefits under the Act being null and void.

The other reports do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the factory inspection services, and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Belgium. — The report states that information regarding the contraventions reported is published monthly in the *Revue du Travail*. The statistics compiled by the Department of Labour do not make it possible to give details of the number of workers covered by the relevant legislation.

Czechoslovakia. — See the summary of the report on the *Hours Convention*.

Estonia. — At the end of the year 1930 the number of workers protected by the Act of 17 December 1925 was 49,028. During the year 1930 the factory inspectors received one complaint of non-observance of the Act. In their reports they noted 17 cases of infringement of the legal provisions, of which ten were the subject of a warning and seven were followed by legal proceedings.

France. — The report gives the following statistics of contraventions of the weekly rest provisions of the Labour Code: 1929, 3,005 contraventions; 1930, 2,572 contraventions. On the other hand, the classification of industrial undertakings, the weekly rest system of which is known to the labour inspection service, was as follows for 1930: normal system: collective rest on Sunday, 318,285 undertakings. Exceptions: collective rest on a day other than Sunday, 2,261 undertakings; collective rest from Sunday noon to Monday noon, 399 undertakings; collective rest from Sunday afternoon with compensatory rest, 1,055 undertakings; rest by rotation, 8,952 undertakings; special rest in continuous process undertakings (Decree of 31 August 1910), 689 undertakings. Total 13,356 undertakings.

India. — See the summary of the report on the *Hours Convention*.

Portugal. — The report states that Sunday is the day utilised by the majority of the working population, including rural workers, for the weekly rest. In accordance with special cases the weekly rest in various parts of the country is granted on other days, fixed by the respective Municipal Chambers in agreement with the employers and workers of the locality, subject always, however, as regards the system of work, to the observance of the provisions of the law. The report states that the employers and workers are agreed as regards the exceptions to the weekly rest provided for in the legislation, and that no complaints from either side have so far arisen.

Rumania. — The report states that the factory inspection service is now organised as provided for in the Act of 13 April 1927. No statistics are available showing the number of workers protected by the weekly rest legislation.

APPENDIX.

The following list shows the industries and occupations which, in pursuance of § 2 (a) of the Italian Act, may obtain, in respect of the whole duration of work, an exception to the obligation of the weekly rest. This table is not to apply to the industries named in Nos. 3, 4, 5, 7, 8, 9, 11, 12 and 14 which are carried on for more than

three months in the year; in such cases exceptions to Sunday rest and not to weekly rest are alone permitted. The same is the case where in one and the same undertaking the same staff is employed consecutively in several industries named in the table which altogether are carried on for more than three months.

No.	INDUSTRY.	Occupations in respect of which the exception is allowed.
<i>(Ministerial Decree of 30 October 1908.)</i>		
1.	Silkworm rearing and the silk industry	In respect of the collection of cocoons and the suffocating of the chrysalis.
2.	Breeding	During the season when the caterpillars emerge.
3.	Unrefined beetroot sugar factories	Loading, unloading and transporting beetroots, and all other occupations in the manufacture of the unrefined sugar, and the subsequent preparation of the molasses. Packing and despatching the finished product is not included.
4.	Fish pickling	During the only season (not exceeding three months) when it is possible to prepare any particular kind of fish.
5.	Fish preserving	Ditto.
6.	Margarine factories	During a period not exceeding three months in the summer season in respect of workmen employed in the preliminary treatment of the fat for the purpose of preventing it from going bad.
7.	Sausage factories	In respect of all occupations in the preparation of pig's flesh which, for climatic reasons, cannot be carried on for more than three months in the year.
8.	Candied fruit factories	In respect of the receipt, cleaning, and first cooking of the fruit.
9.	Tomato-preserving factories	In respect of all occupations from the receipt of the tomatoes until the packing of the preserves.
10.	The oil industry.	In respect of all workmen employed in the oil industry in the treatment of fresh olives.
11.	Preserved food factories	In respect of all occupations in the receipt and treatment of the food required to prevent it going bad.
12.	Extraction of alcohol and cream of tartar from grape husks	In respect of occupations in the transport and storage of the grape husks in the preserving pits, in the distillation of the same, and in the crystallisation of the cream of tartar during the grape vintage.
13.	The vine-growing industry	In respect of the transport and pressing of the grapes, drawing off the must, fermentation of the must, and the pressing of the husks.
14.	Almond cake factories	In respect of all occupations in the manufacture of the cakes including the despatching of the same.

(Ministerial Decree of 7 August 1909.)

15.	Cold storage of poultry and game	In respect of the storage of poultry and game from 1 November to 31 December.
16.	Manufacture of gingerbread	In respect of all occupations in the manufacture of gingerbread, including the despatching of the same.
17.	The truffle industry	In respect of the reception, treatment, sterilisation, and despatch of fresh and preserved truffles.

(Ministerial Decree of 24 October 1910.)

18.	The tunny fish industry	In respect of all occupations in the handling of the tunny fish.
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(Decree of 28 May 1931.)

19.	Storage of seasoned wood.	In respect only of the work of loading and unloading the receptacles in which the wood is saturated by a rapid process, and in respect of the subsidiary processes.
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The following list shows the industries, occupations and duration of the exceptions issued in pursuance of § 2 (c) of the Italian Act permitting derogations from the obligation of the weekly rest or not more than six weeks annually :

No.	INDUSTRY.	Occupations in respect of which the exception is allowed.	Duration of the exception.
<i>(Ministerial Decree of 31 October 1908.)</i>			
1.	Toy factories	In respect of the whole manufacturing process and of despatching	Six weeks before Christmas.
2.	Candied fruit, chocolate, biscuit, and confectionery	Ditto.	Three weeks before Christmas and three before Easter.
3.	Bathing establishments and hydropathic institutions	In respect of the whole staff employed in such establishments	The summer season.
4.	The manufacture of machines and receptacles for wine and oil	In respect of repair of wine and oil machines and the manufacture of the casks	The months of August, September and October.
5.	The publishing trade (modified by the Ministerial Decree of 23 December 1909)	In respect of the publication, the binding and despatch of school books	The months of October and November.
6.	The fur trade	In respect of the making of fur goods	The months of October, November and December.
<i>(Ministerial Decree of 7 August 1909.)</i>			
7.	Undertakings for refining and milling sulphur and the store rooms appertaining to the same	In respect of all occupations in loading ships, waggons and vehicles for immediate departure	From 15 April to 31 May.
8.	Manufacture of cells for silkworm breeding	In respect of the workers employed in the manufacture of cells	During six weeks before breeding time.
<i>(Ministerial Decree of 9 November 1909.)</i>			
9.	Renovation of gravestones, etc., and work in the gardens of cemeteries	In respect of the staff employed on this work and excluding the staff employed in the manufacture of new monuments, etc.	During the last fortnight in October.
10.	Manufacture of funeral wreaths	In respect of the staff employed on this work.	During the month of October.
<i>(Ministerial Decree of 11 April 1910.)</i>			
11.	Daily newspapers	In respect of the staff employed in the receipt of subscriptions, the preparation and printing of addresses in so far as these tasks are directly dependent on the newspapers	Six weeks in the months of December and January.
<i>(Ministerial Decree of 13 February 1911.)</i>			
12.	Undertakings for the cleaning and repair of stoves and chimneys	In respect of the whole staff employed in the undertakings	During the months of October, November and December.
13.	Game and poultry industries	In respect of staff employed in the handling, preservation and despatch of poultry and game, excluding the staff employed on work connected with the feathers	From the second Sunday in December to the second Sunday in January.

Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.

This Convention came into force on 20 November 1922. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January 30 - September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Belgium	19. 7. 1926	11.11. 1931
Bulgaria	6. 3. 1925	24.10. 1931
Canada	31. 3. 1926	24.11. 1931
Cuba	7. 7. 1928	
Denmark	12. 5. 1924	27.10. 1931
Estonia	8. 9. 1922	19.10. 1931
Finland	10. 10. 1925	16.12. 1931
France	16. 1. 1928	14.12. 1931
Germany	11. 6. 1929	7.11. 1931
Great Britain . . .	8. 3. 1926	9.11. 1931
Greece	14. 6. 1930	
Hungary	1. 3. 1928	28.10. 1931
India	20. 11. 1922	26.12. 1931
Irish Free State . .	5. 7. 1930	
Italy	8. 9. 1924	9.12. 1931
Japan	4. 12. 1930	26.12. 1931
Latvia	9. 9. 1924	15. 1. 1932
Luxemburg	16. 4. 1928	19.11. 1931
Netherlands . . .	17. 6. 1931	8.10. 1931
Norway	7. 10. 1927	24.10. 1931
Poland	21. 6. 1924	25.11. 1931
Rumania	18. 8. 1923	22.12. 1931
Spain	20. 6. 1924	30.11. 1931
Sweden	14. 7. 1925	5.10. 1931
Yugoslavia	1. 4. 1927	2.11. 1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the

sixteen Conventions (ratified by *Cuba*). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which *Cuba* is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The *Hungarian* Government states in its report that the Convention fixing the minimum age for admission of young persons to employment as trimmers or stokers is incorporated in Hungarian legislation by Act XVII of 1928, but adds that since Hungary possesses neither ports nor seaboard it is impossible to put its provisions into force.

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Belg. 5A.).

Bulgaria.

Regulations of 8 August 1923 relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Denmark.

Seamen's Act of 1 May 1923 (L. S. 1923, Den. 2).

Act of 26 February 1872 relating to the engagement and discharge of crews.

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B.).

Finland.

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).

Act of 26 May 1925 amending the Seamen's Act (L. S. 1925, Fin. 2).

Order of 19 September 1925 bringing the Convention into force.

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Regulations, dated 27 April 1931, made under the above Act.

Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding sea-going vessels and craft.

Germany.

Act of 30 May 1929 concerning the international conventions regarding the minimum age for admission of children to employment at sea, the minimum age for admission of young persons to employment as trimmers or stokers and the compulsory medical examination of children and young persons employed at sea (L. S. 1929, Ger. 8 A).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Order No. 2 of 8 May 1929 concerning the examination of seamen respecting their fitness for employment on board ship (L. S. 1929, Ger. 8 B).

Great Britain.

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Hungary.

Act No. XVII of 1928, ratifying the Convention.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, India 1).

Italy.

Regulations for seamen's employment exchanges approved in 1920 by the Royal Maritime Commission set up by Royal Decree of 14 August 1919.

Royal Decree of 27 December 1925 bringing the Convention into force in Italy.

Japan.

Minimum Age Act for Seamen (Act No. 35 of March 1923, amended by Act No. 2 of February 1927) (L. S. 1923, Japan 3).

Ordinance for the Administration of the above Act (Imperial Ordinance No. 482 of November 1923, amended by No. 13 of February 1928).

Detailed Regulations for the Administration of the above Act (Ordinance No. 96, of November 1923, amended by No. 6, of February 1928, of the Ministry of Communications).

Latvia.

Seamen's Order of 30 October 1928 (L. S. 1928, Lat. 4).

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten sessions (1919-1927).

Netherlands.

Labour Act, 1919, as subsequently amended (L. S. 1922, Neth. 1).

Act of 14 June 1930 to amend the Labour Act, 1919. (L. S. 1930, Neth. 2 A).

Decree of 1 December 1927 to amend the Labour Decree, 1920 (L. S. 1927, Neth. 4 A).

Decree of 1 December 1927 issuing regulations under §§71 and 92 of the Labour Act, 1919, respecting the employment of young persons on board vessels engaged in maritime navigation (L. S. 1927, Neth. 4 B).

Decree of 18 April 1931 issuing regulations under §72 A of the Labour Act, 1919 (L. S. 1931, Neth. 1 B).

Norway.

Seamen's Act of 16 February 1923 (L. S. 1923, Nor. 1).

Act of 29 June 1888 concerning the registration and the supervision of the engagement of seamen, with the supplementary Acts of 28 May 1892 and 16 June 1927.

Poland.

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2).

Order of the Minister of Labour and Social Welfare of 14 December 1924 respecting registers and lists of young persons (L. S. 1924, Pol. 9 B).

Order of the Minister of Labour and Social Welfare of 29 July 1925 enumerating the occupations in which young persons may not be employed.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Act of 28 May 1920 concerning Polish merchant vessels.

Order of the President of 24 November 1930 concerning the security of shipping.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).

Regulations issued under the above Act, and published on 5 February 1929 (L. S. 1929, Rum. 1).

Act of 1907 respecting the organisation of the mercantile marine.

Spain.

Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Sweden.

Seamen's Act of 15 June 1922 (L. S. 1922, Swe. 1) amended by the Act of 27 February 1925 (L. S. 1925, Swe. 1).

Royal Order of 13 July 1911 concerning shipping offices and the engagement and discharge of seamen, etc., as amended by the Decree of 22 December 1922.

Yugoslavia.

Orders No. 1300 of 20 October 1919, No. 1400 of 26 October 1919, No. 1450 of 30 October 1919 and No. 1500 of 31 October 1919, issued by the Directorate of Maritime Affairs.

Orders of 19 October 1883 and of 15 October 1858 of the Ministry of Commerce.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

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.

Belgium. — The Act of 5 June 1928 does not contain a definition of the term "vessel". The Act, however, seems to apply to all vessels flying the Belgian flag and engaged in maritime navigation with a view to pecuniary gain.

Bulgaria. — The Regulations relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company use the term "vessel" without further definition.

Canada. — The Canada Shipping Act provides in § 124 (g) that a "ship" where it appears in any section relating to the employment of children or young persons means any ship or boat registered in Canada which goes to sea and does not include any ship employed exclusively within the limits of the inland waters of Canada as defined in this Act".

Denmark. — No specific definition of the term "vessels" is given in the Seamen's Act of 1 May 1923, but in practice the term has the same meaning as in the Convention.

Estonia. — The Act of 22 March 1928 does not contain a specific definition of the term "vessel". According to § 73 of this Act, vessels belonging to the State and employed for defence or administrative purposes and

vessels whose gross capacity is less than 60 cubic metres are excluded from the scope of its application.

Finland. — § 86 of the Seamen's Act of 8 March 1924, as amended by the Act of 26 May 1925, lays down that the provisions of §§ 10 and 11 of the Seamen's Act, under which the Convention is applied, shall not apply to vessels belonging to the State which are used for purposes of defence or to vessels on which only persons belonging to the owner's family are employed.

France. — Under §§ 1, 2 and 5 (read together) of the Act of 13 December 1926 to issue a Seamen's Code, by the term "vessel" is meant a French boat, vessel, or ship fitted out by an individual, company, or public department for the purpose of a sea voyage. The Act prohibits the employment of boys (*mousses*) and ordinary seamen (*novices*) for work as trimmers or stokers only on merchant vessels of more than 200 tons gross tonnage, but § 1 of the Regulations dated 27 April 1931, made under the Act, extends the prohibition to merchant vessels of less than 200 tons and to fishing vessels.

Germany. — § 1 (1) of the Seamen's Code states that the Code applies to all merchant vessels entitled to fly the flag of the German Reich.

Great Britain. — According to § 5 of the Merchant Shipping Act, 1925, the expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship, and includes any British fishing boat entered in the fishing boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seawards limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation.

Hungary. — See introductory note.

India. — Under § 37 C of the Indian Merchant Shipping Act, 1923, inserted by § 4 of the Amending Act of 1931, the prohibition applies to "any ship registered in British India" and to "any foreign ship", but in the latter case only in respect of a lascar or other native seamen under 18 years of age. As regards coasting-ships, see reply concerning ARTICLE 3.

Italy. — No specific definition of the term "vessel" is given in the Regulations for seamen's employment exchanges, but this term has in Italian law the same meaning as in the Convention.

Japan. — The Act of 1923 applies to seamen on vessels making coasting or longer voyages, except in the cases specified by Imperial Order. The Ordinance for the Administration of the Act provides that the prohibition of employment of young persons as trimmers or stokers shall not apply to seamen on vessels engaged in fishing or on those whose total tonnage is less than 20 tons.

Latvia. — The Order of 30 October 1928 provides in § 73 that the provisions of the Order in virtue of which the Convention is applied are not applicable to ships of war, vessels engaged in the service of the State, pleasure boats and vessels on which only members of the family of the owner are employed.

Luxemburg. — See introductory note.

Netherlands. — The Decree of 1 December 1927 applies to employment on vessels engaged in maritime navigation, the term "vessel" being defined as including dredgers and other floating structures.

Norway. — The Act of 16 February 1923 does not contain a specific definition of the term "vessel".

Poland. — The Seamen's Code of 2 June 1902 applies to all merchant vessels which have the right to fly the national merchant marine flag. The Act of 28 May 1920 applies to all merchant vessels, i.e. to vessels engaging in maritime navigation for purposes of gain.

Rumania. — § 23 of the Act of 9 April 1928 provides that by the term "vessels engaged in maritime navigation" is meant steamships or vessels whether publicly or privately owned, engaged in maritime navigation, with the exception of ships of war.

Spain. — No specific definition of the term "vessel" is given in the sections of the Labour Code in which the provisions of the Regulations respecting the engagement of crews for merchant vessels, approved by Royal Decree of 26 March 1925, have been included. In Spanish law, however, the term "merchant marine" covers all vessels, whatever may be their employment, with the exception of ships of war.

Sweden. — No specific definition of the term "vessel" is given in the Seamen's Act of 15 June 1922, as amended by the Act of 27 February 1925. The report states that vessels navigating in Swedish territorial waters, which consist for the most part of archipelagoes, lakes and rivers, and in the Oresund and Oslo Fjord as far as Laurvig, are not deemed to be engaged in maritime navigation for the purposes of the Convention. No exception has been made for ships of war.

Yugoslavia. — The report states that, according to the provision of the Orders of 1919, by the term "vessel" is meant all ships, boats or vessels without exception engaged in maritime navigation, whether for purposes of commerce, pleasure, investigation or in the public service, with the exception of ships of war.

ARTICLE 2.

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

Belgium. — § 19 of the Act of 5 June 1928 provides, in particular, that a person may not be signed on or enter into a contract of employment for maritime work if he has not attained 18 years of age, for engine-room duties. The report adds that this provision, being of general application, applies also to the fishing industry and thus fully gives effect to the Resolution adopted by the International Labour Conference at its Ninth Session at Geneva with regard to this matter.

Bulgaria. — § 3 of the Regulations respecting the crews of the merchant vessels of the Bulgarian Navigation Company provides, *inter alia*, that the minimum age for admission to employment on board ship shall be twenty-one years.

Canada. — The Canada Shipping Act provides in § 163 (3) that no person under 18 years of age shall be employed or work as trimmer or stoker in any ship.

Denmark. — § 10 of the Seamen's Act of 1 May 1923 stipulates that young persons under eighteen years of age shall not be employed as stokers or coal trimmers.

Estonia. — § 10 of the Act of 22 March 1928 prohibits the employment as trimmers or stokers of young persons under eighteen years of age.

Finland. — § 10 of the Seamen's Act of 8 March 1924 provides that "young male persons under eighteen years of age shall not be employed as stokers or coal trimmers on steam vessels".

France. — Under § 114 of the Act of 13 December 1926 "on board merchant vessels of more than 200 tons gross tonnage . . . boys (*mousses*) and ordinary seamen (*novices*) shall not be employed as trimmers or stokers". Under Article 111 of the same Act, every minor under the age of 16 years who is signed on for the deck crew is deemed to be a boy, and every minor over the age of 16 years and under the age of 18 years who is signed on for the deck crew is deemed to be an ordinary seaman.

The prohibition is extended to merchant vessels of less than 200 tons gross and to fishing vessels by Regulations dated 27 April 1931.

Germany. — § 1 (II) of the Order of 8 May 1929 reproduces the terms of this Article of the Convention.

Great Britain. — § 2 (1) of the Merchant Shipping Act, 1925, provides that no young person (under 18 years of age) may be employed or work as a trimmer or stoker in any ship.

Hungary. — See introductory note.

India. — § 37 C (1) of the Act provides that no young person or young lascar shall be engaged or carried to sea to work as a trimmer or stoker, and § 37 A defines "young" as meaning under 18 years of age.

Italy. — § 8 of the Regulations for seamen's employment exchanges prohibits the engagement as trimmers of persons who are less than eighteen years of age and who have not served for at least eighteen months of effective sea service as shipboys, deck apprentices or boys attached to the cabin or kitchen staffs. It further prohibits the engagement as stokers of persons of less than twenty years of age who have not served as trimmers for at least eighteen months of effective sea service.

Japan. — § 2 A of the Act of 1923, as amended, provides that young persons under the age of eighteen years shall not be employed as trimmers or stokers.

Latvia. — The Order of 30 October 1928 prohibits by § 10 the employment as trimmers or stokers of persons under 18 years of age.

Luxemburg. — See introductory note.

Netherlands. — § 1 A of the Decree of 1 December 1927 lays down that the "a young person shall not be employed on board a vessel engaged in maritime navigation as a trimmer or stoker." The term "young person" is defined in the Labour Act, 1919, as meaning "all persons under 18 years of age".

Norway. — According to the provisions of § 10 of the Act of 16 February 1923 no persons under 18 years of age may be employed as trimmers or stokers.

Poland. — § 4 of the Act of 2 July 1924 relating to the employment of women and young persons prohibits the employment of young persons in work which is particularly heavy or unhealthy and provides that the Minister of Labour and Social Welfare in agreement with the other Min-

isters concerned shall issue lists of such employments after consultation with the associations of employers and workers. In accordance with this clause, a Decree was issued on 29 July 1925 enumerating the occupations in which young persons may not be employed. In this enumeration is included employment on vessels as trimmers or stokers. For the purposes of the Act of 2 July 1924 the term "young persons" is held to mean persons of both sexes who have attained the age of fifteen years but not that of eighteen years.

Rumania. — § 25 of the Act of 9 April 1928 prohibits the employment of young persons under 18 years of age as trimmers or stokers on board ship.

Spain. — § 41 of the Labour Code provides that "young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers".

Sweden. — § 10 of the Swedish Seamen's Act of 15 June 1922 as amended by the Act of 27 February 1925 provides that "young persons under sixteen years of age shall not be employed as stokers" and "young persons under eighteen years of age shall not be employed as stokers or trimmers on a vessel which is propelled mainly by steam, when the vessel is used in navigation outside Swedish waters elsewhere than in Oresund or in Oslo Fjord as far as Laurvig".

Yugoslavia. — The report states that the Order of 19 October 1883 provides that no persons under 18 years of age may be employed on board ship as stoker or trimmer. Under the Order of 15 October 1858 no person may be certified as fit for work as stoker unless he has attained the age of 20 years.

ARTICLE 3.

The provisions of Article 2 shall not apply :

(a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;

(b) to the employment of young persons on vessels mainly propelled by other means than steam ;

(c) to young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

India and Japan only. — Please state if advantage has been taken of paragraph (c), and, if so, give information with regard to the regulations made thereunder, and their application, stating what method has been adopted for the consultation of the most representative organisations of employers and workers.

Belgium. — The Act of 5 June 1928 does not contain the exceptions provided for in (a) and (b) of this Article, but the report adds that the provisions of the Convention are applied in accordance with their terms.

Bulgaria. — By § 5 of the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company it is provided that "candidates for appointments as cadets intending to continue their instruction in a school-ship shall at least have completed their course in class V of the secondary school. They may be admitted while under the age of twenty-one years." The employment of young persons on vessels mainly propelled by other means than steam is not referred to in the Regulations.

Canada. — The prohibition of the employment of young persons under 18 years of age as trimmers or stokers applies, in accordance with § 63 of the Canada Shipping Act, neither to a school ship or training ship where the work is of a kind approved by the Minister of Marine and Fisheries and is carried on subject to such provision as the Minister may approve, nor to a ship which is mainly propelled otherwise than by means of steam.

Denmark. — No mention is made in the Seamen's Act of 1 May 1923 of the exception for school-ships. The Act applies to motor-ships.

Estonia. — § 10 (3) (1) of the Act of 22 March 1928 exempts from the general prohibition, in the terms of Article 3 (a) and (b) of the Convention, the work of young persons on school ships or training ships and the work of young persons on vessels mainly propelled by other means than steam.

Finland. — § 10 of the Seamen's Act of 8 March 1924 provides that the prohibition of the employment of male young persons under eighteen years of age as stokers or coal trimmers shall not apply to training vessels if work on these vessels is approved and supervised by a public authority. Since the Act expressly states that it is on steam vessels that the employment of young persons under eighteen years of age as trimmers or stokers is prohibited, it appears that their employment on vessels mainly propelled by other means than steam is permitted.

France. — French legislation does not contain analogous provisions.

Germany. — § 1 (II) of the Order of 8 May 1929 provides for exceptions (a) and (b).

Great Britain. — By § 2 (1) (a) of the Merchant Shipping Act, 1925, the prohibi-

tion of the employment of a person under the age of 18 years as a trimmer or stoker does not apply to work in a school-ship or training ship if the work is of a kind approved by the Board of Trade and is carried on subject to supervision by officers of the Board, or to work in a ship which is mainly propelled otherwise than by means of steam, or to employment in accordance with paragraph (c) of Article 3.

Hungary. — See introductory note.

India. — § 37 C (2) of the Act provides that the prohibition shall not apply (a) to any work of trimming or stoking done by a young person in a school-ship or training-ship in accordance with the prescribed conditions; (b) to any work of trimming or stoking done by a young person in a ship which is mainly propelled otherwise than by steam; or (c) to the engagement or carrying to sea of a young person over 16 years of age to work as a trimmer or stoker on a coasting-ship, provided he is employed in accordance with the prescribed conditions. "Coasting-ship" is defined as meaning a ship exclusively employed in trading between ports or places on the continent of India, or between Aden and Perim, or between India and Ceylon. The report states that rules prescribing the conditions of employment of young persons over 16 years of age in coasting ships principally propelled by steam are being drawn up in consultation with the most representative organisations of employers of seamen and of seamen. There is no reference to the prescribing of conditions for employment on school-ships or training-ships.

Italy. — No special measures have been adopted in connection with the exceptions permitted in this Article.

Japan. — § 2 A of the Act of 1923, as amended, provides that the prohibition of employment shall not apply to work done by young persons on school-ships, by permission of the administrative authorities nor to employment on vessels mainly propelled by other means than steam. It also provides that on board vessels plying chiefly between Japanese ports young persons not less than 16 years of age may be employed in accordance with rules laid down by the Minister. By § 2 of the Detailed Regulations, as amended, this permission is limited to vessels of which the gross tonnage does not exceed 2,000 tons. In dealing with this matter the Government, on 22 December 1927, consulted representatives of the Japanese Shipowners' Association (*Nippon Sen-shu Kyokwai*), the Seaman's Association (*Kaiin Kyokwai*) and the Seaman's Union (*Nippon Kaiin Kumiai*), which are most representative of the employers and workers respectively.

Latvia. — § 10 of the Order of 30 October 1928 permits the employment of young persons under 18 years of age on school ships provided such employment is approved and supervised by the competent authorities, and on vessels mainly propelled by other means than steam.

Luxemburg. — See introductory note.

Netherlands. — (a) The Labour Act of 1919 does not apply to work in technical and trade schools when carried on by the staff and pupils of these schools, or to work in State educational institutions, or in reformatories or similar schools when carried on by the staff and inmates (§ 88). (b) This exception is provided for in Decree No. 368 of 1 December 1927. (c) This does not apply to the Netherlands.

Norway. — The report states that no measures have been taken to give effect to the provisions of this Article of the Convention.

Poland. — With regard to the exception permitted by paragraph (a), the Decree of 29 July 1925 stipulates in § 3 that the Minister of Labour and Social Welfare may, after consultation with the associations of employers and workers concerned and in agreement with the Minister of Industry and Commerce, authorise the employment of young persons on the dangerous or unhealthy work detailed in the Decree, with a view to their occupational training. The maritime school at Gdynia is open to young persons who are in possession of certificates showing that they have passed through six classes in a secondary school, i.e. are 16 years of age. The length of the maritime school course is three years.

Rumania. — According to § 25 of the Act of 9 April 1928 the general prohibition applies neither to young persons employed in school-ships, provided that such employment is approved and supervised by the public authority, nor to employment in vessels which are mainly propelled otherwise than by steam.

Spain. — § 41 of the Labour Code exempts from the general prohibition, in the terms of Article 3 (a) and (b) of the Convention, the work of young persons on school-ships or training ships and the work of young persons on vessels mainly propelled by other means than steam.

Sweden. — § 10 of the Seamen's Act of 15 June 1922, as amended by the Act of 27 February 1925, provides for the exception for vessels mainly propelled by other means than steam. In place of the other exceptions, which at present have no importance for Swedish navigation, the same § gives the Crown power to allow excep-

tions in special cases. The report states, however, that no advantage has yet been taken of this power.

Yugoslavia. — The report states that there is nothing to add to the information given under ARTICLE 2, the legislation of the Kingdom being more restrictive than the provisions of the Convention.

ARTICLE 4.

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Belgium. — The Act of 5 June 1928 does not contain equivalent provisions, but the report states that the provisions of the Convention are applied in accordance with their terms.

Bulgaria. — This exception is not permitted by the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company.

Canada. — The Canada Shipping Act provides under § 163 (4) that where in any port a trimmer or stoker is required for any ship and no person over the age of 18 years is available to fill the place, young persons over the age of 16 years may be employed as trimmers or stokers, but in any such case two young persons over the age of 16 years shall be employed to do the work which would otherwise have been performed by one person over the age of 18 years.

Denmark. — This exception is not permitted by the Seamen's Act of 1 May 1923.

Estonia. — § 10 (2) of the Act of 22 March 1928 permits, in any port where young persons of less than eighteen years of age are alone available, the engagement of young persons over sixteen years of age, provided that in the place of a trimmer or stoker required two young persons are engaged.

Finland. — No similar provision is contained in the Seamen's Act of 8 March 1924.

France. — The report states that this exception is not provided for in French legislation, which entirely prohibits the employment of boys under 18 years of age as trimmers or stokers.

Germany. — The provisions of this Article of the Convention are embodied in § 1 (II) of the Order of 8 May 1929.

Great Britain. — § 2 (1) (b) of the Merchant Shipping Act, 1925, provides that where in any port a trimmer or stoker is required and no person over 18 years of age is available, young persons over 16 may be employed, but in such cases two young persons must be employed to do the work which would otherwise be done by one person over 18 years of age.

Hungary. — See introductory note.

India. — Effect is given to this Article by § 37 C (3) of the Act.

Italy. — The Regulation for seamen's employment exchanges stipulates in § 8 that in cases where persons possessing the requisite qualifications are not available for manning the ships such exceptions to § 8 may be permitted as are required. These exceptions, however, by reason of the fact that the Convention has been given force of law, may only be permitted under the conditions provided for by the Convention.

Japan. — Effect is given to this Article by § 2 A of the Act.

Latvia. — § 10 of the Order of 30 October 1928 reproduces the full text of this Article of the Convention.

Luxemburg. — See introductory note.

Netherlands. — This exception is not provided for, as it is of no importance for the Netherlands.

Norway. — The Act of 16 February 1923 does not provide for this exception.

Poland. — No similar provision is contained in the Decree of 29 July 1925.

Rumania. — § 25 of the Act of 9 April 1928 provides that when it is necessary to employ a trimmer or stoker in a port where workers of this category of more than 18 years of age are not available, young persons under 18 years and over 16 years of age may be employed, but in this case two young persons must be employed to fill the place of each trimmer or stoker required.

Spain. — § 41 of the Labour Code provides that when it is not possible to find trimmers or stokers over eighteen years of age in the port at which the vessel is at anchor, young persons of less than eighteen and more than sixteen years of age may be employed, provided that it shall be necessary to engage two such young persons in place of the trimmer or stoker required.

Sweden. — See under ARTICLE 3.

Yugoslavia. — See under ARTICLE 3.

ARTICLE 5.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

In addition, please give details of the method of registration in use and forward a specimen copy of the register, if any, prescribed in virtue of this Article.

Belgium. — The report states that the provisions of the Convention are applied in accordance with their terms. The supervision of their application is ensured by the maritime commissioners at the time of signing on of the seamen, by means of the lists of the crew which contain, in addition to the name of each trimmer or stoker employed, the nature of his duties and the date of his birth.

Bulgaria. — Applicants for employment in the Bulgarian Navigation Company are required to submit birth certificates to prove that they are over twenty-one years of age. These certificates are registered in the work-books, which, in accordance with § 7 of the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company, are supplied to their seamen on their entry into employment.

Canada. — § 163 (10) of the Canada Shipping Act provides that there shall be included in every agreement with the crew of a sea-going ship registered in Canada entered into under this Act a list of young persons under the age of 18 years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of 18 years are employed thereon, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.

Denmark. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*, ARTICLE 4.

Estonia. — Under § 11 of the Act of 22 March 1928 every seaman must receive from the captain on being signed on a book in accordance with the model prescribed by the Minister of Communications; this book must state, *inter alia*, the year and the date of birth of the seaman. (See also summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*, ARTICLE 4.)

Finland. — By § 10 of the Seamen's Act the age of young persons under 18 years must be established by means of a certificate delivered by a pastor or other public

authority. The list of crew, as legally approved, contains a list of persons under 18 years of age, with the dates of their births.

France. — Under the Legislative Decree of 19 March 1852 the maritime authority must inscribe in the list of crew, *inter alia*, the date of birth of the person embarked. A master who embarks or disembarks a member of the crew without the maritime authority recording such embarkation or disembarkation in the list of crew is liable to a fine of from 16 to 300 francs in respect of each person irregularly embarked or disembarked.

Germany. — The model list of crew approved by the Reichsrat prescribes the entry of the date of birth for every seaman, including young persons, signing on.

Great Britain. — § 2 (2) of the Merchant Shipping Act, 1925, provides that the agreement with the crew or, where there is no agreement, a register kept by the master of the ship must contain a list of all members of the crew under 18 years of age with dates of birth and dates of commencement and termination of service.

Hungary. — See introductory note.

India. — The Government reports that the object of this Article is served by the Lascar form of agreement which has to be used on all ships other than home trade ships of less than 300 tons burden. The name, age and rating of each member of the crew have to be registered in these articles of agreement. In the case of vessels where there is no agreement with the crew, a form of register of young persons, giving particulars of the dates of their birth and of the dates on which they became or ceased to be members of the crew, has been prescribed under §§ 37 E and J of the Act.

Italy. — The Mercantile Marine Code of 24 October 1877 and the Regulations of 20 November 1879 for the execution of this Code provide that the captain must keep a list of crew showing the year of birth of each member of the crew (§ 323 of the Regulations). Moreover, the captain is required to keep on board ship the service books of the crew; these books also contain the date of birth of every member of the crew.

Japan. — § 4 of the Act provides that in cases where persons under 18 years of age are employed as seamen, the captain shall draw up a register containing their names, addresses and dates of birth, and keep it on the vessel, provided that, in respect of persons over 16 years of age, the drawing up of such a register may be dispensed with by Imperial Order. § 2 of the Imperial Ordinance provides that the register need not

be kept as regards seamen over 16 years of age on vessels engaged in fishing or whose total tonnage is less than 20 tons. The form of the register is prescribed by § 6 of the Detailed Regulations.

Latvia. — The Order of 30 October 1928 provides in § 11 that when a seaman is engaged the master must deliver to him a wages book in accordance with the model approved by the Maritime Department. This book must state, *inter alia*, the name and surname of the seaman, the year and date of his birth and the nature of his duties on board.

Luxemburg. — See introductory note.

Netherlands. — § 2 (1) of the Decree of 1 December 1927 lays down that "an employment register shall be kept on board every vessel engaged in maritime navigation where one or more young persons are employed; the full name and the date of birth of every such person shall be entered therein". The form of the employment register may be prescribed by the responsible Minister. The register must be submitted immediately, upon request, to the Labour Inspection and police officials.

Norway. — The Act of 29 June 1888 as amended provides that the captain must keep a list of the crew mentioning all persons employed on board and the dates of their birth.

Poland. — The list of crew mentions the age of all seamen on board, § 14 of the Seamen's Code provides that the list of crew must be kept on board during the voyage and be produced on demand by the Shipping Office.

Rumania. — The report states that in accordance with the prescriptions at present in force every person engaged on board (seaman, trimmer, stoker) must possess a separate book (§ 8 of the Act of 1907 concerning the organisation of the Merchant Marine and § 8 of the Regulations of 1928) and that all contracts of employment must be made in writing and inscribed in the ship's register, the keeping of which is obligatory for the captain (§§ 510 and 532 of the Rumanian Commercial Code). By the particulars contained in these documents the date of birth of all persons employed on board can be easily verified.

Spain. — § 35 of the Labour Code provides that the articles of agreement shall mention the date of birth of every person under eighteen years of age.

Sweden. — §§ 36 and 51 of the Royal Order of 13 July 1911 concerning shipping offices and the engagement and discharge of seamen, etc., contain provisions which, as regards the date of birth, are in

conformity with those of Article 4 of the *Convention fixing the minimum age for admission of children to employment at sea*. A Royal Decree was issued on 22 December 1922 amending certain portions of this Order in order to bring it into stricter accordance with the stipulations regarding the registration of the age of minors employed on board ship. § 11 of the Seamen's Act of 1922 provides that each seaman shall be furnished with a wage book showing, *inter alia*, the date of his birth.

Yugoslavia. — The report states that all vessels are required to keep a list of the crew as well as the articles of agreement of the seamen. The list of the crew enables the age of all persons engaged on board to be verified clearly.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

Belgium. — § 5 of the Act of 5 June 1928 provides that the service book issued to each seaman must contain the principal provisions of the Act.

Bulgaria. — § 7 of the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company provides that the work-book shall contain "extracts from the acts, regulations and international conventions relating to navigation and working conditions which should be known by the seaman."

Canada. — The Canada Shipping Act provides in § 163 that there shall be included in every agreement with the crew a short summary of the provisions relating to the employment of young persons as trimmers or stokers.

Denmark. — § 11 of the Seamen's Act of 1 May 1923 provides that the account book which must be delivered to every seaman engaged must contain the most important provisions relating to the crew. In the account books prepared by the Ministry of Shipping (which, under § 11 of the Act, contain the articles of agreement) it is expressly stated that the engagement is made on the basis of the provisions of the Seamen's Act. The Act is reproduced in the account books.

Estonia. — § 74 of the Act of 22 March 1928 provides that the captain must see that a copy of the Act is available on board ship for purposes of reference.

Finland. — Articles of agreement contain a summary of the relevant provisions of the Seamen's Act.

France. — The report states that the text of the provisions of §§ 113 and 117 of the Seamen's Code will be reproduced in the next printing of the seaman's book which is delivered free of charge to the seaman by the maritime authority and which remains in his possession.

Germany. — The report states that the intentions of this Article of the Convention can only be fulfilled as regards conditions on German vessels by inserting an extract from the provisions of the Convention not in the articles of agreement but in the discharge book with which every seaman is provided. The extract in question has accordingly been inserted in this book.

Great Britain. — § 2 (3) of the Merchant Shipping Act, 1925, provides that a short summary of the provisions of the section must be included in every agreement with the crew.

Hungary. — See introductory note.

India. — A short summary of the section of the Act relating to the Convention is required by § 37 C (4) to be included in any agreement with the crew.

Italy. — The report states that the maritime authority, before whom the articles of agreement must be drawn up, ensures that the provisions of the Convention relating to the minimum age of the workers in question are applied as rules of public law at the time of the drawing up of the articles. This explains why the specimen copy of the articles of agreement communicated to the International Labour Office only fixes, as regards the workers in question, the number to be employed in proportion to the amount of coal to be handled and the fires to tend.

Japan. — The Detailed Regulations provide that the laws and regulations concerning seamen shall be printed at the end of the seamen's register.

Latvia. — Under § 74 of the Order of 30 October 1928 the master is required to see that at least one copy of the Order is available on board ship.

Luxemburg. — See introductory note.

Netherlands. — The Act of 14 June 1930 and the Decree of 18 April 1931 lay down that articles of agreement shall contain the following statement: "Persons under 18 years of age may not be employed on board vessels as trimmers or stokers."

Norway. — According to the terms of § 11 of the Act of 16 February 1923, the seaman must receive on the conclusion of his contract of engagement an accounts book, containing in addition to the articles of agreement a summary of the provisions

of the laws and regulations relating particularly to seamen, especially those of § 10 of the Act relating to the minimum age for admission of young persons to employment as trimmers or stokers.

Poland. — The Seamen's Code of 2 June 1902 provides that at the time of his engagement the seaman must receive a statement signed by the captain or by a representative of the shipowner containing the principal conditions of his contract. The contract of engagement must be officially notified in the presence of the seaman and a representative of the shipowner to the Maritime Office.

Rumania. — The report states that steps will be taken in order that the form of the articles of agreement of seamen may be modified in accordance with the provisions of Article 2 of the Convention.

Spain. — § 35 (13) of the Labour Code provides that the articles of agreement shall contain a summary of the provisions of this Convention.

Sweden. — The wage book with which each seaman must be furnished, under § 11 of the Seamen's Act, contains all the conditions of engagement, including the provisions of the Act, which correspond with the main provisions of this Convention.

Yugoslavia. — The report does not expressly state whether the articles of agreement of the crew contain a summary of the provisions of the Convention.

III.

Article 11 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Articles 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Conven-

tion to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Denmark. — The report states that the ratification does not include *Greenland*.

France. — The report states that by reason of local conditions the Convention cannot be applied to the majority of the French overseas possessions, the evolution of which, in this matter, is not such that the maritime legislation of the metropolitan country can be applied to them. But the Convention is applied in *Algeria*, where the Maritime Labour Code has been in force since the decree of 15 September 1927. In *Morocco*, by § 176 (a) of Annex I to the Dahir of 31 March 1919, constituting the Code of Maritime Commerce, the employment of boys as trimmers or stokers is forbidden on trading ships of more than 200 tons gross. Vessels of lower tonnage flying the Moroccan flag are engaged exclusively in coastal navigation and the great majority are sailing vessels. In *Tunisia*, § 28 of the Beylical Decree of 15 December 1906 requires the keeping of a list of crew which enables the ages of seamen to be ascertained; the question of applying the principles of the Convention is under consideration.

Great Britain. — The Convention has been applied by Order in Council dated 25 July 1927, to *Cyprus*, *Mauritius*, *Fiji*, *Jamaica*, *Trinidad*, *Bermuda*, by Act No. 9 of 1929, to *Malta*, by Cap. 39 (§ 82) of the Consolidated Laws 1924 to *British Honduras*, and by Gazette Notification No. 90/1931 to *North Borneo*. It has also been applied by Order in Council above-mentioned to the *Seychelles* with the modification that it shall not apply to ships registered in the *Seychelles* for voyages between certain islands. Legislation is now contemplated to apply the Convention in the case of *Kenya*, *Tanganyika Territory*, *Zanzibar*, *Nigeria*, *Gold Coast*, *Sierra Leone*, *Gambia*, *Gibraltar*, *Barbados*, *British Guiana*, *Hong Kong*, *Straits Settlements*, *Gilbert and Ellice Islands Colony*, and *British Solomon Islands Protectorate*.

Italy. — The Government reports that the Convention has not been applied to the colonies, but that the possibility of making such adaptations as may be required by local merchant marine conditions is at present under consideration.

Japan. — The Government states that it hopes to apply the provisions of the Convention in the colonies as far as circumstances permit. At present preparation is being made with a view to applying in *Taiwan* (Formosa) a Minimum Age Act for Seamen embodying the principles of the Convention.

Spain. — The report states that the Regulations approved by Royal Decree of 26 March 1925, now incorporated in the Labour Code, apply without modification to all territories under Spanish sovereignty.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 17 September 1926.

Bulgaria. — 6 March 1925.

Canada. — 31 March 1926.

Denmark. — 8 July 1924.

Estonia. — 19 August 1925.

Finland. — 10 October 1925.

France. — 16 January 1928.

Germany. — 11 June 1929.

Great Britain. — 8 March 1926.

Hungary. — 1 March 1928.

India. — 20 November 1922.

Italy. — 8 September 1924.

Japan. — 4 December 1930.

Latvia. — 30 October 1928.

Luxemburg. — 16 April 1928.

Netherlands. — 17 June 1931.

Norway. — 7 October 1927.

Poland. — 21 June 1924.

Rumania. — 13 April 1928, date of coming into force of the Act of 9 April 1928.

Spain. — 14 April 1925, date of coming into force of the Decree of 26 March 1925.

Sweden. — 14 July 1925.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The supervision of the application of the provisions of the Convention is carried out by the shipping officers when seamen are engaged, and by means of the lists of crew which show against the name of each trimmer or stoker engaged his rating and the date of his birth.

Bulgaria. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea.*

Canada. — The application of the legislation giving effect to the Convention is supervised by the Marine Branch of the Department of Marine and Fisheries.

Denmark. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea.*

Estonia. — The report states that supervision is exercised by the officials of the Seamen's Institute.

Finland. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea.*

France. — The report states that the application of the Maritime Labour Code, as well as of all the regulations concerning the protection of seamen, appertains to the Minister for the Mercantile Marine. Under the Minister for the Mercantile Marine are the superintendents for maritime registration, who in the larger commercial ports have under their orders the inspectors of maritime navigation, who are specially responsible for the supervision of the application of the law relating to conditions of safety and of work.

Germany. — The authorities competent to supervise the carrying out of the provisions of the relevant legislation are the seamen's offices in Germany and the consuls abroad. The seamen's offices and the consuls have to ascertain at the signing on of a seaman that the master has observed the provisions of the relevant legislation.

Great Britain. — In the case of foreign-going vessels, the superintendent in the United Kingdom or shipping master in other parts of the British Empire, or British consul abroad, before whom the crew is engaged, satisfies himself that no person under the age of 18 is employed. In the case of home-trade or fishing vessels, whose crews are not ordinarily engaged before a superintendent, the half-yearly agreement or the list of crew (where no agreement is carried) is examined, when it is deposited on expiration. The penalties for offences are laid down in § 4 of the Act. The ordinary judicial procedure applies to such offences subject to the special provisions as to legal proceedings in Part XIII of the Merchant Shipping Act, 1894.

Hungary. — See introductory note.

India. — The enforcing authorities are the Shipping Masters, who exercise super-

vision at the ports of recruitment at the time of signing agreements.

Italy. — The application of the measures is entrusted to the maritime authorities, who work under the control of the General Directorate of the Mercantile Marine at the Ministry of Communications.

Japan. — The authorities responsible for supervision of the execution of the laws and regulations are the Ministry of Communications, the local offices under its jurisdiction, and the cities, towns and villages on the coast designated by it.

Latvia. — The supervision of the application of the Order of 30 October 1928 is entrusted to the Department for the Protection of Labour of the Ministry of Social Welfare.

Luxemburg. — See introductory note.

Netherlands. — The Minister of Labour, Commerce and Industry is responsible for the administration of the relevant legislation. Execution is supervised by the police and by the Labour Inspection Service.

Norway. — The supervision of the application of the relevant provisions is entrusted to the officers of the registration services. Abroad, the Norwegian consuls are responsible for such supervision.

Poland. — Supervision of the application of the Acts and Regulations is effected by the Shipping Offices, the Maritime Office at Gdynia and the Merchant Marine Office at Danzig, which are subject to the Minister for Industry and Commerce. Penalties are prescribed by §17 of the Act of 2 July 1924. Under the Order of 24 November 1930 the duties of the Maritime Inspectorate include the checking, periodically and whenever necessary, of the age of young persons engaged on board ship.

Rumania. — Contraventions of the Act of 9 April 1928 must be reported by the inspection and supervisory authorities. Moreover, in accordance with §§ 6 and 16 of the Regulations for the application of the Act of 1907 concerning the organisation of the mercantile marine, the crew employed on board is subject to supervision by the port authorities and the navigation and harbour inspectorate.

Spain. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*.

Sweden. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*.

Yugoslavia. — The application of the legislation in question is entrusted to the Directorate of Maritime Affairs.

VI

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the inspection services and, if such statistics are available, regarding the number of workers affected, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Canada. — The report states that no legal difficulties have arisen during the period.

Finland. — The report states that no statistics showing the number of persons covered by the Convention are available.

France. — The report states that no contraventions had been reported to the Minister for the Mercantile Marine in connection with the application of the provisions of the Convention.

India. — The Government states that no young persons below the age of 18 years were signed on on vessels as trimmers or stokers at any of the ports of the Presidency of Madras, in Burma and at the ports of Chittagong, Calcutta, Bombay, Karachi and Aden.

Japan. — Statistics for the inspection services and the number of workers affected are not available. The Offices of the competent authorities whose officials are charged with the duty of supervision number 24 and the cities, towns and villages handling the business of coastal offices number 153. One case of contravention was reported during November-December 1930; no case was reported during the period January-September 1931.

Poland. — No cases of the employment of young persons as trimmers or stokers have been reported.

Convention concerning the compulsory medical examination of children and young persons employed at sea.

This Convention came into force on 20 November 1922. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January 30 - September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	19. 7. 1926	11. 11. 1931
Bulgaria	6. 3. 1925	24. 10. 1931
Canada	31. 3. 1926	24. 11. 1931
Cuba	7. 7. 1928	
Estonia	8. 9. 1922	19. 10. 1931
Finland	10. 10. 1925	16. 12. 1931
France	22. 3. 1928	14. 12. 1931
Germany	11. 6. 1929	7. 11. 1931
Great Britain . . .	8. 3. 1926	9. 11. 1931
Greece	28. 6. 1930	
Hungary	1. 3. 1928	28. 10. 1931
India	20. 11. 1922	26. 12. 1931
Irish Free State . .	5. 7. 1930	
Italy	8. 9. 1924	9. 12. 1931
Japan	7. 6. 1924	26. 12. 1931
Latvia	9. 9. 1924	15. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931
Netherlands . . .	9. 3. 1928	8. 10. 1930
Poland	21. 6. 1924	25. 11. 1931
Rumania	18. 8. 1923	22. 12. 1931
Spain	20. 6. 1924	30. 11. 1931
Sweden	14. 7. 1925	5. 10. 1931
Yugoslavia	1. 4. 1927	2. 11. 1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its applica-

tion would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The report of the *Greek* Government has not yet been received.

The *Hungarian* Government states in its report that the Convention concerning the compulsory medical examination of children and young persons employed at sea has been incorporated in Hungarian legislation by Act XVIII of 1928, but adds that since Hungary possesses neither ports nor seaboard it is impossible to put its provisions into force.

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

The Act of 5 June 1928 relating to seamen's articles of agreement (L. S. 1928, Belg. 5A).

Bulgaria.

Regulations of 8 August 1923 relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

Finland.

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).

Act of 26 May 1925 amending the Seamen's Act (L. S. 1925, Fin. 2).

Order of 19 September 1925 bringing the Convention into force.

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding sea-going vessels and craft.

Germany.

Act of 30 May 1929 concerning the international conventions regarding the minimum age for admission of children to employment at sea, the minimum age for admission of young persons to employment as trimmers or stokers and the compulsory medical examination of children and young persons employed at sea (L. S. 1929, Ger. 8 A).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Order No. 2 of 8 May 1929 concerning the examination of seamen respecting their fitness for employment on board ship (L. S. 1929, Ger. 8 B).

Great Britain.

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Hungary.

Act No. XVIII of 1928, ratifying the Convention.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, India 1).

Italy.

Royal Legislative Decree of 19 May 1930 laying down conditions for the registration of seamen.

Royal Decree of 27 December 1925 bringing the Convention into force in Italy.

Japan.

Act of 29 March 1923 concerning the minimum age and health certificate for seamen (L. S. 1923, Jap. 3) amended by Act No. 2 of 23 February 1927 (L. S. 1927, Jap. 3).

Imperial Ordinance No. 482 of 19 November 1923, issued under the Act of 29 March 1923 (L. S. 1923, Jap. 4), amended by Imperial Ordinance No. 13 of 10 February 1928 (L. S. 1928, Jap. 2 B).

Regulations of 19 November 1923 for the enforcement of the Act of 29 March 1923 (Ordinance of the Department of Communications No. 96, amended by the Ordinance of the Department of Communications, No. 6 of 13 February 1928, L. S. 1928, Jap. 2 C).

Latvia.

Seamen's Order of 30 October 1928 (L. S. 1928 Lat. 4).

Luxemburg.

Act of 5 March 1928 approving the conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

Decree No. 368 of 1 December 1927 (L. S. 1927, Neth. 4) to amend the Labour Decree, 1920.

Poland.

Act of 28 May 1920 concerning the Polish Mercantile Marine.

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2).

Order of the Minister of Labour and Social Welfare of 14 December 1924 respecting registers and lists of young persons (L. S. 1924, Pol. 9 B).

Seamen's Code of 2 June 1902 (French text in B. B. 1902, Vol. I, p. 357).

Order of 1 July 1905 relating to the examination of the fitness of sailors for employment.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours of work (L. S. 1928, Rum. 1).

Regulations issued under the above Act, and published on 5 February 1929 (L. S. 1929, Rum. 1).

Act of 1907 respecting the organisation of the mercantile marine.

Spain.

Labour Code of 23 August 1926 (L. S. 1926. Sp. 5).

Sweden.

Royal Order No. 263 of 22 May 1925 concerning the standard of health and physique required of seamen before engagement for certain voyages.

Royal Order of 31 December 1917 relating to medical certificates for seamen, amended by the Royal Decree No. 264 of 22 May 1925.

Yugoslavia.

Orders No. 1300 of 21 October 1919, No. 1400 of 26 October 1919, No. 1450 of 30 October 1919 and No. 1500 of 31 October 1919, issued by the Directorate of Maritime Affairs.

Circular No. 2821 of 14 May 1871 of the Directorate of Maritime Affairs.

Order No. 2667 of 26 April 1852 of the Minister of Commerce and Industry.

Instructions issued by the Minister of War in 1921 contained in a Circular on maritime navigation.

Decree No. 663 of 25 January 1873 issued by the Directorate of Maritime Affairs.

Regulations of 1 June 1930 concerning the medical examination of persons employed on board Yugoslav merchant vessels (L. S. 1930, Yug. 1).

Act of 6 December 1926 ratifying the Convention.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

11.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

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.

Belgium. — The Act of 5 June 1928 does not contain a definition of the term "vessel". The report, however, states that the provisions of the Convention are applied in accordance with their terms.

Bulgaria. — The Regulations respecting the crews of merchant vessels belonging to the Bulgarian Navigation Company use the term "vessel" without further definition.

Canada. — The Canada Shipping Act provides in § 124 (g) that the term "ship" where it appears in any section relating to the employment of children or young persons means any ship or boat registered in Canada which goes to sea or is about to go to sea and does not include any ship employed exclusively within the limits of the inland waters of Canada as defined in this Act".

Estonia. — The Act of 22 March 1928 does not contain a specific definition of the term "vessel". According to § 73 of this Act, vessels belonging to the State employed for defence or administrative purposes and vessels whose gross capacity is less than 60 cubic metres are excluded from the scope of its application.

Finland. — § 86 of the Seamen's Act of 8 March 1924, as amended by the Act of 26 May 1925, lays down that the provisions of §§ 10 and 11 of the Seamen's Act, under which the Convention is applied, shall not apply to vessels belonging to the State which are used for purposes of defence or to vessels on which only persons belonging to the owner's family are employed.

France. — Under §§ 1, 2 and 5 (read together) of the Act of 13 December 1926, by the term "vessel" is meant any French boat, vessel, or ship fitted out by an individual, company or public department for the purpose of a sea voyage. The obligation of compulsory medical examination provided for by the Act applies, however, only to vessels of more than 25 tons gross tonnage. See also under ARTICLE 2.

Germany. — § 1 (1) of the Seamen's Code states that the Code applies to all

merchant vessels entitled to fly the flag of the German Reich.

Great Britain. — According to § 5 of the Merchant Shipping Act 1925, the expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship, and includes any British fishing-boat entered in the fishing-boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation.

Hungary. — See introductory note.

India. — Under § 37 D of the Indian Merchant Shipping Act 1923, inserted by § 4 of the Amending Act of 1931, medical examination is required in the case of "any ship registered in British India" and "any foreign ship", but in the latter case only as regards young lascars in the crew.

Italy. — The Royal Legislative Decree of 19 May 1930 concerning the registration of seamen does not define the term "vessel", but the Decree is of general application. The report further points out that the Convention has force of law in Italy in virtue of the Royal Decree of 27 December 1925, and that in Italian maritime law the term "vessel" has the same meaning as in the Convention.

Japan. — The Act of 29 March 1923, concerning the minimum age and health certificate for seamen, as amended, applies, save in cases where only members of the same family are employed, to "seamen on vessels making coasting or longer voyages, except in the cases specified by Imperial Order". The Imperial Order of 19 November 1923 as amended exempts from the provisions relating to medical certificates "seamen on vessels engaged in fishing or on those whose total tonnage is less than 20 tons".

Latvia. — The Order of 30 October 1928 does not contain a specific definition of the term "vessel". § 73 of the Order, however, lays down that its provisions are not applicable to ships of war, vessels engaged in the service of the State and pleasure boats.

Luxemburg. — See introductory note.

Netherlands. — Under the Decree of 1 December 1927, which gives effect to the Convention, by the term "vessel" is meant any boat engaged in maritime navigation, including dredgers.

Poland. — The Act of 28 May 1920 applies to all merchant vessels. The Seamen's Code of 22 June 1902 applies to all merchant vessels which have the right to fly the national merchant marine flag.

Rumania. — § 25 of the Act of 9 April 1928 provides that by the term "vessels engaged in maritime navigation" is meant all steamers, vessels or ships, whether maritime navigation, with the exception of publicly or privately owned, engaged in ships of war.

Spain. — No specific definition of the term "vessel" is given in the sections of the Labour Code in which the Regulations respecting the engagement of crews for merchant vessels, approved by Royal Decree of 26 March 1925, have been included. In Spanish law, however, the term "merchant marine" covers all vessels, whatever may be their employment, except ships of war.

Sweden. — § 1 (2) of the Royal Order No. 263 of 22 May 1925 concerning the standard of health and physique required of seamen before engagement for certain voyages applies to "vessels navigating outside Swedish waters elsewhere than in Oresund or in Oslo Fjord as far as Laurvig". The report states that vessels navigating in Swedish territorial waters, which consist for the most part of archipelagoes, lakes and rivers, and in the Oresund and Oslo Fjord as far as Laurvig, are not deemed to be engaged in maritime navigation for the purposes of the Convention. No exception has been made for ships of war.

Yugoslavia. — The report states that according to the Orders of 1919 the term "vessel" is understood in national legislation to mean all vessels, ships or boats without distinction, which are engaged in maritime navigation, whether for commercial purposes, for pleasure, investigation or in the public service, with the exception of 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 of 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.

Belgium. — § 21 of the Act of 5 June 1928 makes the inscription of the seaman in the list of the crew subject to a medical examination carried out by a doctor appointed by the shipowner, or, failing this, by a doctor nominated by the maritime authority, and establishing that the employ-

ment on board ship of the seaman does not involve any danger to his own health or to that of the crew. A medical certificate is granted to the seaman by the doctor who has conducted the examination. According to § 103 the doctor must refuse this certificate to a seaman under 18 years of age if his constitution or the state of his health render him unfit for service on board.

Bulgaria. — § 3 of the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company provides, *inter alia*, that the minimum age for admission to employment on board ship shall be twenty-one years. By § 6 "no man may be admitted to employment on board ship unless he produces a medical certificate signed by the port or a State doctor."

Canada. — The Canada Shipping Act provides in § 163 (6) that no young person shall be employed in any capacity in any ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity; this provision does not, however, apply to the employment of a young person in a ship in which only members of one family are employed.

Estonia. — The Act of 22 March 1928 lays down in § 10 (4) that the employment of any young persons under eighteen years of age on any vessel other than vessels upon which only members of the same family are employed shall be conditional on the production of a medical certificate attesting fitness for such work and signed by a doctor approved by the competent authority.

Finland. — § 10 of the Seamen's Act of 8 March 1924 provides that, before a young person under eighteen years of age is engaged on board ship, it shall be ascertained by means of a medical examination paid for by the shipowners that the employment will not be injurious to the health or physical development of the young person. The examination may only be carried out by a doctor who is legally approved and appointed. By § 86 vessels on which only persons belonging to the owner's family are employed are excepted from the provisions of the Act.

France. — Under § 8 of the Act of 13 December 1926 to issue a Seamen's Code, a seaman may not be entered on the articles of a vessel of more than 25 tons gross tonnage usually making trips lasting more than 72 hours until it has been ascertained by a medical examination made, at the expense of the shipowner, by the ship's doctor (or, in default of such, by a medical practitioner appointed or approved

by the maritime authority) that the taking on board of the seaman does not entail any danger to his health or to that of the rest of the crew. § 115 (2) provides that a child shall not be signed on unless he produces a certificate of physical fitness issued free of charge by a medical practitioner appointed by the maritime authority; if the said certificate states that the child is only fit for one particular class of shipping, he shall not be signed on for any other class. The report adds that no exception to this rule is provided for in French legislation, not even for the taking on board of minors under 18 years of age on board vessels on which only members of the same family are employed.

Germany. — § 1 (II) of the Order of 8 May 1929 provides that young persons who have not completed the eighteenth year of their age may only be signed on for service on any vessel (other than vessels upon which only members of the same family are employed) if, according to a written certificate from a doctor recognised by the seamen's office, their health and physical development will not be endangered by the service which they are to undertake.

Great Britain. — § 3 (1) of the Merchant Shipping Act, 1925, provides that no young person shall be employed in any capacity in any ship, unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity. § 3 (1) (a) lays down that the foregoing provisions shall not apply to the employment of a young person in a ship in which only members of the same family are employed.

Hungary. — See introductory note.

India. — § 37 D (1) and (2) (a) of the Act reproduce the provisions of this Article. Rules made under § 37 J provide that the medical certificates must be signed by the Port Health Officer or by a doctor approved by the Port Health Officer in the Presidency of Madras, Bombay or Bengal or in the province of Burma.

Italy. — The Royal Legislative Decree of 19 May 1930 provides by § 1 that persons shall not be signed on as seamen unless they have undergone a medical examination carried out by the port medical officer, establishing their fitness for service at sea.

Japan. — The Act of 29 March 1923 as amended provides by § 3 that "persons under eighteen years of age shall not be employed as seamen unless they hold a health certificate, signed by a doctor, attesting their fitness for work on vessels, as prescribed by the competent Minister".

Latvia. — The Order of 30 October 1928 provides in § 10 that for the employment on board ship of persons under 18 years of age a medical certificate is necessary stating that the work is not injurious to the health or the physical development of the worker. The port medical officer is approved by the Health Department of the Ministry of Social Welfare. The exception with regard to vessels in which only members of the same family are employed is provided for in § § 10 and 73 of the Order.

Luxemburg. — See introductory note.

Netherlands. — The Decree of 1 December 1927 provides that young persons under 18 years of age may not be employed on board vessels engaged in maritime navigation except on production of a medical certificate stating that the work does not involve any danger to life or to health. The certificate must be delivered after examination of the young person by the medical officer attached to the labour inspectorate or by the doctor designated by the head of the district administration. These provisions do not apply to vessels on which only members of the same family are employed.

Poland. — The Employment of Women and Young Persons Act of 2 July 1924 provides by § 6 that young persons (persons between the age of fifteen and eighteen years, the employment of children under the age of fifteen years being prohibited) must produce on entering employment a certificate from a medical practitioner, designated by the factory inspectorate, to the effect that the employment in question is not beyond the strength of the young person. No seamen is signed on on board a Polish merchant vessel until he has undergone a medical examination, by a doctor appointed by the Shipping Office, in accordance with the Order of 1 July 1905.

Rumania. — § 26 of the Act of 9 April 1928 provides that, with the exception of vessels in which only members of the same family are employed, children and young persons under 18 years of age may be employed on board ship only upon the production of a medical certificate attesting their fitness for this work, granted free of charge by a medical officer of the health service of the Government, the department or the commune.

Spain. — § 40 of the Labour Code stipulates that the employment of any young persons under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production, at the time of engagement and every year subsequent to engagement, of a

medical certificate, attesting fitness for the work for which they have been engaged, drawn up by the port medical authorities.

Sweden.— § 1 (2) of the Order of 22 May 1925 (No. 263) provides that "young persons under eighteen years of age may not be employed on board ship unless they have proved to the captain by the production of a medical certificate that they are free from disease or disability and that their physical development is without defect". Medical practitioners approved by the Royal Administration of Public Health are competent to deliver medical certificates. Vessels upon which only members of the same family are employed are exempted.

Yugoslavia.— § 12 of the Regulations of 1 June 1930 provides that young persons under 18 years of age may be employed on board ship only on the production of a medical certificate signed by a doctor appointed by the maritime transport authorities, stating that such young persons are fit for the work.

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.

Belgium.— The Act of 5 June 1928 does not contain similar provisions. The report, however, states that the provisions of the Convention are applied in accordance with the terms of its Articles.

Bulgaria.— This question does not arise, as § 3 of the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company provides, *inter alia*, that the minimum age for admission to employment on board ship shall be twenty-one years.

Canada.— § 163 (9) of the Canada Shipping Act provides that a certificate under the relevant provisions of this Act shall remain in force for a period of 12 months from the date on which it is granted and no longer, but if the said period of 12 months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

Estonia.— The Act of 22 March 1928 lays down in § 10 (4) that the continued employment at sea of young persons under

18 years of age shall be subject to the repetition of the medical examination at intervals of not more than one year and the production after 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 voyage.

Finland.— The Seamen's Act of 8 March 1924 provides in § 10 that if the young person employed on board ship is engaged for a considerable period it shall be ascertained by medical examination at regular intervals of not more than one year that the continuation of the employment will not be injurious to him. If the interval at the end of which the medical examination should be made expires during a voyage, the employment may be continued until the end of the voyage without a further examination.

France.— Under French law, a seaman may only be entered on the list of the crew if he has passed a compulsory medical examination. Since the list of the crew must be renewed for each voyage in the case of distant trade vessels, and every year in the case of vessels engaged in coastal trade or shore fishing (§ 2 of the Legislative Decree of 19 March 1852), the continued employment of children or young persons at sea depends on the passing of a medical examination at intervals not exceeding one year. If, however, the voyage of a distant-trade vessel exceeds one year a fresh medical examination is not required until a fresh voyage is begun.

Germany.— § 1 (II) of the Order of 8 May 1929 provides that the medical certificate is valid for one year, or, if it expires during a voyage, until the end of the said voyage.

Great Britain.— § 3 (2) of the Merchant Shipping Act, 1925, lays down that a medical certificate shall remain in force for a period of twelve months from the date on which it is granted, and no longer; provided that if the said period of twelve months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

Hungary.— See introductory note.

India.— § 37 D (3) of the Act provides that the certificate of medical fitness shall remain in force for one year only.

Italy.— The report states that the regular observance of the obligation laid down in this Article is ensured by the examinations made by the medical officers of the ports and of the seamen's accident

and sickness insurance institutions. The attention of the port authorities was drawn to this obligation by a circular, dated 17 May 1931, of the Ministry of Communications.

Japan. — By § 3 of the Act of 29 March 1923 as amended, the period of validity of the health certificate, prescribed for persons under eighteen years of age employed as seamen, is one year. If this period expires during a voyage the certificate is deemed valid until the end of the voyage.

Latvia. — The Order of 30 October 1928 provides in § 10 that in cases of employment on board ship of long duration it must be established by medical certificate, at intervals not exceeding one year, that the continuation of such employment is not injurious to the young persons under 18 years of age. If the period fixed by the medical certificate expires during the course of a voyage, the seaman may continue in employment without further medical examination until the end of the voyage.

Luxemburg. — See introductory note.

Netherlands. — The Decree of 1 December 1927 provides that the medical certificate attesting fitness for work at sea must be dated and signed by the doctor conducting the examination. The validity of the certificate expires at the beginning of each year; nevertheless, if it expires in the course of a voyage, it is prolonged until the end of the voyage.

Poland. — § 7 of the Employment of Women and Young Persons Act of 2 July 1924 lays down that the management of an undertaking shall be bound to arrange, at the request of the factory inspector, at any time for the gratuitous examination of a young person by the medical practitioner designated by the factory inspector, in order to ascertain that the work on which the young person is employed is not beyond his physical strength or injurious to his development. The inspector may, on account of the medical practitioner's findings, prohibit the employment of the young person on the work in question and also state the kind of work on which he may be employed. The Order of 14 December 1924, which prescribes the model for the register of young persons which employers are required to keep under § 11 of the Act, provides that mention shall be made in the register of the medical certificates submitted by young persons. The Shipping Office at Gdynia has been instructed by the Ministry of Industry and Commerce that the medical examination must be repeated at intervals of not more than one year.

Rumania. — § 26 of the Act of 9 April 1928 provides that the employment of children or young persons in maritime work may be continued only subject to the renewal of the medical examination at intervals not exceeding one year and on the production, after each new examination, of a medical certificate attesting their fitness for maritime work. If, however, the period of validity of the certificate expires in the course of a voyage it may be extended until the completion of the voyage.

Spain. — § 40 of the Labour Code stipulates that the employment of any young persons under eighteen years of age shall be conditional on the production, every year subsequent to engagement, of a medical certificate, attesting fitness for the work for which they have been engaged, drawn up by the port medical authorities.

Sweden. — § 2 of the Order of 22 May 1925 (No. 263) provides that "the medical certificate shall remain valid during the twelve months subsequent to the examination at which it is granted. Nevertheless, if its validity expires in the course of a voyage it shall remain in force until the end of the said voyage".

Yugoslavia. — § 12 of the Regulations of 1 June 1930 reproduces the terms of the first sentence of this Article of the Convention.

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.

Belgium. — § 21 of the Act of 5 June 1928 provides that in cases of emergency the maritime commissioner or the consul may dispense with the medical examination. The report, however, states that the provisions of the Convention are applied in accordance with the terms of its Articles.

Bulgaria. — The question does not arise in regard to the crews of the vessels of the Bulgarian Navigation Company.

Canada. — § 163 (8) of the Canada Shipping Act provides that the shipping master or consular officer may, on the ground of urgency, authorise a young person to be employed on board ship notwithstanding that no medical certificate has been delivered to the master of the ship, but the young person in whose case any such authorisation is given shall not be

employed beyond the first port at which the ship calls after the young person has embarked thereon unless a certificate prescribed by the Act is delivered to the master of the ship.

Estonia. — The Act of 22 March 1928 provides in § 10 (4) that 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 that such an examination shall be undergone at the first port at which the vessel calls.

Finland. — No corresponding provision is contained in the Seamen's Act of 8 March 1924.

France. — § 8 (2) of the Seamen's Code lays down that in emergencies or exceptional circumstances (of which the maritime authorities shall be the judge) a seaman may be entered on the ship's articles without having undergone the required medical examination, provided that the said examination shall be undergone at the first port (whether French or not) at which the vessel calls thereafter. Under § 115, however, it is understood that the first embarkation of a minor remains in every case conditional upon the production of a certificate of physical fitness.

Germany. — § 1 (II) of the Order of 8 May 1929 contains equivalent provisions.

Great Britain. — § 3 (1) (b) of the Merchant Shipping Act, 1925, provides that a superintendent or consular officer may on the ground of urgency authorise a young person to be employed in a ship, notwithstanding that no medical certificate has been delivered to the master of the ship, but a young person in whose case any such authorisation is given shall not be employed beyond the first port at which the ship calls after the young person has embarked thereon, except subject to and in accordance with the provisions of the Act in respect of medical examination.

Hungary. — See introductory note.

India. — § 37 D (2) (b) of the Act makes provision in accordance with this Article.

Italy. — No provision has been made for utilising the exception allowed by this Article.

Japan. — § 3 of the Act of 29 March 1923 as amended provides that the rule requiring the possession of a health certificate by any person under the age of eighteen years entering into employment as a seaman shall not apply in cases of urgency. Where, in accordance with the provision, persons without health certifi-

cates have been employed, the captain is required to take the necessary steps at the first port of call to obtain the prescribed certificates and in this case persons who fail to obtain such certificates may not continue to be employed.

Latvia. — According to § 10 of the Order of 30 October 1928, young persons under 18 years of age may be employed on board ship in cases of emergency without a medical examination, provided that such medical examination takes place at the first port of loading or unloading of the vessel.

Luxemburg. — See introductory note.

Netherlands. — This exception is not provided for in Dutch legislation.

Poland. — The report states that Polish legislation contains no provisions derogating from the general principle of compulsory medical examination.

Rumania. — The Act of 9 April 1928 provides in § 26 that in cases of emergency the port authorities may admit a young man under the age of 18 years for employment on board without having been medically examined as laid down by the law, provided that such examination takes place at the first port of call.

Spain. — § 40 of the Labour Code provides that in urgent cases young persons below the age of eighteen years may be embarked without submitting a certificate of this nature, provided that they be examined at the first port at which the vessels calls.

Sweden. — § 1 of the Order of 22 May 1925 (No. 263) provides that "if special reasons occur, the competent inspection authority in Swedish territory or the Swedish consuls abroad may allow a young person below the age of eighteen years to embark although the prescribed medical certificate has not been submitted to the captain. Such permission shall only be valid until such time as the vessel concerned calls at a place where there is a qualified doctor."

Yugoslavia. — The report refers to the Decree of 25 January 1873, which provides that if a seaman applies to the consuls in the course of the voyage for a renewal of his right to continue in employment at sea, the seaman shall not be required to produce a medical certificate attesting fitness for such work, but he may be allowed to continue in employment provided an entry is made in his service book that he must provide himself with a medical certificate at the first port where the vessel calls subsequently.

III.

Article 9 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department of Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

France. — The report states that by reason of local conditions the Convention cannot be applied to the majority of the French oversea possessions, the evolution of which in this respect has not been such as to make it possible to apply to them the legislation of the metropolitan country. But the Maritime Labour Code, including the provisions relating to the compulsory medical examination of seamen, was applied to *Algeria* by Decree of 15 September 1927. In *Tunisia* the Convention has not yet been applied because the required medical examination would have to be made free of charge, by reason of the poverty of many of the small Tunisian owners, and because the examination could only take place in ports where there is a colonial medical officer. An agreement between the different Tunisian administrations concerned would therefore be a necessary preliminary to giving effect to the Convention.

Great Britain. — The Convention has been applied by Order in Council dated 25 July 1927 to the following dependencies: *Cyprus, Mauritius, Fiji, Jamaica, Trinidad* and *Bermuda*. It has been applied also to *Malta* by Act No. 9 of 1929, to *British Honduras* by Cap. 39 (§82) of Consolidated Laws 1924, and to *North Borneo* by Gazette Notification No. 90 of 1931. In the *Seychelles* the Convention has been applied with the modification that it shall not apply to ships registered in the Seychelles for voyages between certain Islands. Legislation is now contemplated to apply the Con-

vention in the case of *Nigeria, Gold Coast, Sierra Leone, Gambia, Gibraltar, British Guiana, Hong Kong, Straits Settlements, Gilbert and Ellice Islands Colony* and *British Solomon Islands Protectorate*.

Italy. — The Government states that the Convention has not been applied to the colonies, but the possibility of making such adaptations as may be required by local merchant marine conditions is at present under consideration.

Japan. — The Government states that it hopes to apply the provisions of the Convention in the colonies as far as circumstances permit. Preparations are at present being made with a view to applying in *Taiwan (Formosa)* an Act embodying the principles of the Convention.

Netherlands. — As regards the Dutch *East Indies*, the Decree of 27 February 1926 (L. S. 1926, D.E.I. 1) provides that children and young persons under the age of sixteen years shall not be employed on board a vessel unless the master is in possession of : (a) a certificate in writing issued by an approved medical practitioner, declaring that the child or young person has been found fit to perform the kind of work required of him and stating the date of such finding ; this certificate shall be valid only for a year reckoned from the above-mentioned date, or until the end of a voyage begun before the expiry of this time limit ; (b) ship's articles or an employment register giving the name in full and the date of birth of the child or young person. The possession of a certificate in writing is not required in the following cases : (a) if the child or young person is employed under the care of his father or a blood relation within the third degree (inclusive) ; (b) if the vessel is a training ship and as such is supervised by public authority. In urgent cases and at places where no approved medical practitioner is available, the harbour-master may issue a provisional certificate to replace the certificate specified above, and this certificate is valid until the arrival of the vessel at the first port of call at which an approved medical practitioner is available. The ship's articles of every vessel must contain an extract from the provisions of the Decree. The Governor of *Surinam* reported that local conditions had prevented the application of the Convention to that Colony and that it had been impossible to introduce modifications which would make it applicable. The Governor of *Curaçao* reported that the Convention had not been applied in that Colony, such a step being unnecessary.

Spain. — The report states that the Regulations approved by Royal Decree of 26 March 1925, now incorporated in the

Labour Code, apply without modification to all territories under Spanish sovereignty.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 17 September 1926.

Bulgaria. — 6 March 1925.

Canada. — 31 March 1926.

Estonia. — 8 January 1926.

Finland. — 10 October 1925.

France. — 22 March 1928.

Germany. — 11 June 1929.

Great Britain. — 8 March 1926.

Hungary. — 1 March 1928.

India. — 20 November 1922.

Italy. — 8 September 1924.

Japan. — 7 June 1924.

Latvia. — 9 September 1924.

Luxembourg. — 16 April 1928.

Netherlands. — 9 March 1928.

Poland. — 21 June 1924.

Rumania. — 13 April 1928, date of coming into force of the Act of 9 April 1928.

Spain. — 14 April 1925, date of coming into force of the Decree of 26 March 1925.

Sweden. — 14 July 1925.

Yugoslavia. — 20 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Belgium. — The supervision of the application of the provisions of the Convention is carried out by the shipping officers when the lists of crew are drawn up.

Bulgaria. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*.

Canada. — The application of the legislation giving effect to the Convention is entrusted to the Marine Branch of the Department of Marine and Fisheries except that applicants for medical examination by a Government physician are looked after by Port Doctors under the Department of Health.

Estonia. — The application of the Seamen's Act is entrusted to the officials of the Seamen's Institute.

Finland. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*.

France. — The application of the Seamen's Code as well as of all regulations concerning the protection of seamen lies within the competence of the Minister for the Mercantile Marine. The executive officers of the Minister are the superintendents of maritime registration, who in the larger commercial ports have under their orders the inspectors of maritime navigation, who are specially responsible for the supervision of the application of the Act concerning conditions of safety and of work.

Germany. — The authorities competent to supervise the carrying out of the provisions of the relevant legislation are the seamen's offices in Germany and the consuls abroad. The seamen's offices and the consuls have to ascertain at the signing on of a seaman that the master has observed the provisions of the relevant legislation.

Great Britain. — In the case of foreign-going ships, the medical certificate of a young person under the age of 18 must be shown to the superintendent of a Mercantile Marine Office before whom he is engaged. In the case of home-trade ships and fishing vessels, whose crews are not usually engaged before a superintendent, such medical certificate is required to be produced when the half-yearly agreement or the list of crew is delivered up to the superintendent of a Mercantile Marine Office. Penalties for offences are laid down in § 4 of the Act. The ordinary judicial procedure applies to such offences subject to the special provisions as to legal proceedings in Part XIII of the Merchant Shipping Act, 1894.

Hungary. — See introductory note.

India. — The application of the legislation and administrative regulations, etc., is entrusted to the Port Health Officers. All persons covered by the Convention are medically examined before proceeding to sea.

Italy. — Supervision is entrusted to the Ministry of Communications, which acts through the maritime authorities dependent on it.

Japan. — See the summary of the report on the *Convention fixing the minimum age for admission of children to employment at sea*.

Latvia. — Supervision of the application of the Convention is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — See introductory note.

Netherlands. — Supervision is ensured by the labour inspectorate as well as by the State and communal police.

Poland. — See the summary of the report on the Convention fixing the minimum age for admission of children to employment at sea.

Rumania. — See the summary of the report on the Convention concerning the minimum age for admission of young persons to employment as trimmers or stokers.

Spain. — See the summary of the report on the Convention fixing the minimum age for admission of children to employment at sea.

Sweden. — See the summary of the report on the Convention fixing the minimum age for admission of children to employment at sea.

Yugoslavia. — The supervision of the application of the relevant legislation is entrusted to the Directorate of Maritime Affairs.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

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Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the inspection services, and, if such statistics are available, regarding the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Canada. — The report states that no legal difficulties have arisen during the period.

France. — The report states that no contraventions have been reported to the Minister for the Mercantile Marine. On 1 July 1931 the total number of boys and ordinary seamen under 18 years of age was 14,301.

India. — The report states that no contraventions have occurred or have been reported at any of the ports. At the port of Calcutta, 3 young persons were engaged on vessels in the deck and saloon departments and all were medically examined and found fit for sea service. At the port of Bombay, 70 young persons were medically examined, of whom 25 were rejected as unfit for employment at sea.

Japan. — The report states that no contraventions have been reported. Statistics for the inspection services are not available, but the offices of the competent authorities whose officials are charged with the duty of supervision number 24, and the cities, towns and villages handling the business of coastal offices number 153.

Poland. — The report states that no contraventions have been reported, as persons employed in the Polish mercantile marine enter the service at an age higher than that provided for in the Convention.

SEVENTH SESSION (GENEVA, 1925).

Convention concerning workmen's compensation for accidents.

This Convention came into force on 1 April 1927. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	11.11.1931
Bulgaria	5. 9.1929	24.10.1931
Cuba	6. 8.1928	
Hungary	19. 4.1928	16.12.1931
Latvia	29. 5.1928	15. 1.1932
Luxemburg	16. 4.1928	19.11.1931
Netherlands	13. 9.1927	8.10.1931
Portugal	27. 3.1929	29.12.1931
Spain	22. 2.1929	30.11.1931
Sweden	8. 9.1926	5.10.1931
Yugoslavia	1. 4.1927	2.11.1931

The report of the *Belgian* Government states that Belgian legislation concerning workmen's compensation for accidents has been brought completely into agreement with the Convention by the Acts of 15 May 1929 and 18 June 1930. The latter Act applies the provisions of the Act of 24 December 1903 (see below) to all undertakings private or public without any distinction whatever, provided the employer habitually employs one or more workers for at least two months in the year. The protection of the Act of 1903 is extended to all salaried employees covered by the Act of 7 August 1922 relating to contracts of employment (i.e. employees whose annual wages do not

exceed 24,000 francs) without restriction regarding the risks involved. Domestic servants and farm servants are deemed to be workers for the purpose of the Act. The Act will come into force on 1 January 1932.

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question. "

The *Spanish* Government stated, in its report for 1930, that the Labour Council was requested to bring the existing Spanish legislation embodied in the Labour Code into harmony with the provisions of the Convention. After careful study the Council submitted its report, which has been referred to the National Welfare Institute in order that its technical services may proceed to the fixing and establishment of the benefits in question. The report for 1931 states that the special Sub-committee charged with drafting the new legislation has already adopted the principles of a scheme ; this has to be examined by the Labour Council, and, if approved, will be presented to the Government, in order to bring the legislation now in force on the subject into harmony with the ratified Convention. The report

adds that the fact that no action is being taken until this adaptation has been accomplished, is due to the need for a previous technical study, which is essential to the introduction of the reforms under consideration.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 24 December 1903 concerning industrial accidents (French text in B.B. (French edition) Vol. II, 1903, p. 554).

Act of 15 May 1929 to amend the Act of 24 December 1903 (L. S. 1929, Bel. 4).

Act of 18 June 1930 to amend the legislation respecting compensation for injuries resulting from industrial accidents (L. S. 1930, Belg. 5).

Act of 23 July 1927 for the approval of the Convention, published in the *Moniteur* of 19 November 1927.

Bulgaria.

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).

Hungary.

Act No. XXI of 1927 respecting compulsory insurance against sickness and accidents (L. S. 1927, Hung. 1).

Act No. XXIX of 1928 to embody the Convention in Hungarian legislation.

Act No. LXV of 1912 respecting pensions for State employees, widows and orphans.

Latvia.

Act of 1 June 1927 respecting the insurance of wage-earning workers against accidents and occupational diseases (L. S. 1927, Lat. 1).

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code, Books II and IV (L. S. 1925, Lux. 2).

Act of 21 July 1927 respecting the reassessment of accident pensions (L. S. 1927, Lux. 2).

Grand Ducal Orders of 23 January, 7 and 23 April 1903, 11 June 1926, 4 April, 29 July, 23 December 1927, 7 December 1928 and 27 December 1929.

Railway Employees' Pensions Regulations, approved by the Grand Ducal Orders of 30 July 1925 and 2 March 1926.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries, text of the Decree of 28 June 1921 promulgating the said Act as amended and supplemented (L. S. 1921, Part II, Neth. 1), amended by the Acts of 2 July 1928 (L. S. 1928, Neth. 1), 7 February 1929 (L. S. 1929, Neth. 2) and 18 July 1930 (L. S. 1930, Neth. 3).

Portugal.

Act No. 83 of 24 July 1913 establishing the right to medical attendance, medicines and compensation for workers and salaried employees victims of industrial accidents.

Act No. 801 of 3 September 1917 extending to commercial travellers all the provisions of the Act of 24 July 1913.

Decree No. 4288 of 9 March 1918 approving regulations for the application of the Act of 24 July 1913.

Decree No. 5637 of 10 May 1919 organising compulsory social insurance against industrial accidents in all occupations, as subsequently amended.

Ministerial Decree No. 7125 of 5 June 1931, conferring certain powers, within the limits of each district, on judges acting as chairmen of courts dealing with cases of industrial accidents.

Spain.

Book III of the Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Royal Decree of 31 August 1929 embracing certain provisions as regards the study of accident prevention, etc.

Sweden.

Act of 17 June 1916 (B.B. Vol. XI, p. 267) respecting insurance against industrial accidents, as amended by the Acts of 15 June 1922 (L. S. 1922, Swc. 2), 18 June 1926 (L. S. 1926, Swe. 5) and 24 May 1928 (L. S. 1928, Swe. 1).

Royal Decree of 30 November 1917 laying down certain provisions relating to the application of the Act respecting insurance against accidents to workers employed upon State employment, as amended by Decrees of 31 January 1919 and 9 November 1928.

Royal Decrees of 9 November 1928 respecting reports upon industrial accidents, etc. (amended by the Royal Decree of 4 December 1930), and of 31 December 1917 respecting the payment of the indemnities for which the Act respecting insurance against industrial accidents provides, with the amendments effected by the Decree of 9 November 1928.

Yugoslavia.

Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2).

Regulations of the Miners' Insurance Fund for workmen and staff employed in undertakings covered by the Mines Act, and their families and relations, issued by the Order of 27 June 1921 of the Minister of Mines and Forests respecting the organisation of employment in mines, put into force under § 32 of the Finance Act of August-November 1925.

Order of the Minister of Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communication services.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

See below, under ARTICLES 2 to 11.

ARTICLE 2.

The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of:

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;

(b) out-workers;

(c) members of the employer's family who work exclusively on his behalf and who live in his house;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

Where advantage has been taken of the possibility of making exceptions provided for in the second paragraph, (a), (b), (c) and (d), of this Article, please give as complete information as possible with regard to such exceptions. In respect of (d) please state what is the limit fixed by national laws or regulations with regard to the remuneration of non-manual workers.

Belgium. — § 2 (I) of the Act of 24 December 1903 enumerates the private or public undertakings which are covered by the Act. § 2 (II) adds to these undertakings industrial establishments not included under (I) which regularly employ at least five workers, agricultural undertakings which regularly employ at least three workers and shops in which at least three workers are regularly employed. § 2 (III) provides that the Act shall cover undertakings not falling under (I) or (II) which have, after consultation with the Commission on Industrial Accidents, been classified by Royal Decree as dangerous in character. The term "workers" includes apprentices, whether in receipt of wages or not, and those employees who, through direct or indirect participation in the work, are liable to the same risks

as the workers, if their annual wages, as fixed by their contract, do not exceed 12,000 francs (§ 1). (For changes introduced by the Act of 18 June 1930 see Introductory Note.) The report does not state whether any use has been made of the exceptions which are allowed by paragraph 2 (a), (b) and (c).

Bulgaria. — § 1 of the Act of 6 March 1924 provides that "every wage-earning and salaried employee of a State, public or private establishment, undertaking or estate, who is not liable to deductions from his pay under any of the Pension Acts, shall be compulsorily insured with the Social Insurance Fund... Exemption from compulsory insurance shall be allowed only for specified classes of temporary workers, e.g. mowers, reapers, etc., who shall be enumerated in the regulations under the Act".

Hungary. — Act No. XXI of 1927 contains a comprehensive list of the establishments, undertakings, offices and businesses which are subject to compulsory insurance against accidents. It also provides that all wage-earners employed in an establishment, undertaking, office or business subject to compulsory insurance against accidents are insured against accidents, whatever their sex, age, nationality or wages. Compulsory accident insurance extends to apprentices, probationers and, in general, all those who in exchange for technical education work without wages, receive lower wages than is usual or pay a certain amount to their employer. Workers employed abroad by Hungarian establishments, undertakings, offices or businesses are only insured if they are Hungarian nationals and if they are not insured under the legislation of the State in which they are working. Accident insurance also applies to domestic servants, whatever their sex, age, nationality and wages. Compulsory accident insurance does not apply to (a) members of the national army, the police, the river police, customs officers and financial officers; (b) priests of legally recognised religious bodies and monks and nuns, except priests who in default of a revenue from their church are in paid employment subject to compulsory insurance; (c) members of the employer's family working as such in establishments, undertakings, offices and business subject to compulsory insurance, persons fulfilling domestic duties who, apart from maintenance, receive no wages or who work for wages which do not constitute the income upon which they subsist. Under the power conferred by § 157 of Act No. XL of 1928 the Council of Ministers has extended compulsory insurance against accidents to workers employed in maritime navigation companies' establishments and offices in Hungary (Decree No. 5601 of 1929). Under §§ 7 and 56 of Act No. XXI of

1927 the Council of Ministers has decreed the exemption from compulsory accident insurance of members of theatrical companies and of journalists who are members of the Journalists' Hospital and Sanatorium Association and are entitled to medical attendance (Decree No. 199 of 1928). The report adds that compulsory insurance is not modified if the wage-earner performs work of a casual nature or carries out work in his home (work performed in his workshop, or home-work).

Latvia. — The Act of 1 June 1927 applies to all establishments, undertakings, private, municipal, or State institutions, and other workplaces, and to individual employers employing wage-earning workers, apprentices or improvers, irrespective of their remuneration. (a) The Act does not cover isolated services of any kind except where the employer employs other employees already coming within the scope of the Act. (b) The report states that the question of outworkers does not arise in Latvia. (c) The Act lays down that persons voluntarily insured are entitled to insure members of their family employed by them. (d) The report states that the question of non-manual workers does not arise in Latvia; the Act applies to all persons employed in consideration of remuneration (workers, artisans, foremen, journeymen, apprentices, officials, salaried employees, servants, etc.) irrespective of their remuneration.

Luxemburg. — Under § 85 of the Act of 17 December 1925 all industrial, agricultural and forestry establishments including handicraft establishments but excluding commercial undertakings, are liable to accident insurance irrespective of the number of persons employed therein. § 93 of the Act provides that the following persons shall be insured against industrial accidents provided that they are employed in an establishment as specified in the Act: (1) workers, assistants, journeymen, apprentices or domestic servants; (2) works officials, foremen and technical workers whose annual earnings do not exceed 10,000 francs. The persons enumerated above are liable to insurance even if they are employed without remuneration. According to § 96 the rules of the Accident Insurance Association may specify whether, and if so under what conditions, persons not liable to insurance but exposed to industrial risks who are in the service of the owner of the undertaking or his authorised representative or belonging to his household, and also the wives and families of the owners of undertakings who do not regularly employ more than two insured persons, may be insured against industrial accidents which may befall them in the performance of their duties or during their presence on the premises of the establishment. The report states that persons performing

work of an occasional character, even when such work is outside the scope of their trade, are protected by insurance under the provisions of § 87, which provides that the liability to insurance shall also cover domestic and other services on which insured persons may be employed in addition to their principal occupation by their employer or his authorised representative. The report does not refer to the question of out-workers.

Netherlands. — Under the Accident Insurance Act of 1921, all industries except the following are liable to statutory insurance: agriculture, stock-keeping, horticulture and forestry (these industries are covered by the Act of 1922 respecting accident insurance in agriculture and horticulture, *Staatsblad* No. 365), passenger and goods traffic carried on by ships which do not as a rule sail either on rivers or on inland waterways, or from one place within the country to another such place, and fishing carried on elsewhere than in rivers and inland waterways, as a rule out of sight of the Dutch coast (§§ 11 and 12). Under § 2 of the Act "worker" is defined as any person working for wages in the service of an employer in his undertaking in an industry liable to insurance. For the purpose of the application of the Act, the following are deemed to be workers, although they receive no wages: (1) voluntary workers, apprentices, and similar persons, who receive no wages in connection with their training; (2) persons below the age of 21 years; (3) persons who receive payment in money from a third person on account of operations performed in the service of an employer. The report states that the persons covered by paragraph 2 (a) of the Convention are not regarded as "workers" under § 2 of the Act. The Act does not permit the exceptions allowed by paragraph 2 (b) and (c). The report states, as regards the exception under (d), that the worker is insured irrespective of his wages; §§ 16 (5) and 40 (3) of the Act provide, however, that for the purpose of assessing the compensation and the calculation of the premiums, any excess of the daily wage over eight *gulden* shall not be taken into account.

Portugal. — § 1 of the Act of 24 July 1913 provides that the following persons shall be entitled to the medical attendance, medicines and compensation provided for in §§ 5 and 6 of the Act whenever they are victims of an industrial accident arising out of and in the course of their employment: workmen and employees engaged in (1) factories, workshops, industrial and commercial establishments in which any power other than human power is employed; (2) mines and quarries; (3) metallurgical factories and workshops, building workshops and ship-

building yards; (4) operations, connected with the organisation, repair, maintenance and demolition of buildings; (5) undertakings in which explosive or inflammable, unhealthy or poisonous materials are produced or industrially utilised; (6) the construction, repair, maintenance and working of railways, ports, bridges, etc.; (7) warehouses and depots for the storing of coal, firewood, timber and building materials generally; (8) theatres and other places of entertainment when the persons so engaged are wage-earners; (9) paid public salvage bodies; (10) gas and electricity undertakings; (11) the laying and maintenance of telegraph and telephone wires; (12) fitting, repairing and dismantling of electrical apparatus and lightning conductors. § 1 of the Act of 3 September 1917 extended to commercial travellers all the provisions of the Act of 24 July 1913. By the sole subsection of § 1 of the Decree No. 5637 of 10 May 1919 the insurance of wage-earners and employees in any occupation is compulsory for the employer and includes all persons in his employment receiving wages, salary or remuneration of any kind. By virtue of paragraph (b) of § 4 and paragraph (c) of § 5 of the Decree No. 5637, workers in the employment of the State or administrative authorities are entitled to the benefits of the Act of 24 July 1913. Under subsection 1 of § 4 of the Decree No. 5637 workers who customarily work by themselves and engage one or more of their comrades to assist them, even where they do so as the persons entrusted with the work, are exempted from liability for compensation. As regards paragraph (c) of Article 2 of the Convention, the report states that there is no express provision on this subject in Portuguese legislation, although the principle is found in the policies of the national insurance companies.

Spain. — § 146 of the Labour Code enumerates the industries and occupations giving rise to the liability of the employer for accidents which are met with by his workers. The employer is liable in a general way for accidents in industrial establishments, mines, the building industry, agriculture, transport, the mercantile marine, commercial establishments, etc. Under § 147 the provisions of the Code do not apply to domestic service. § 141 (3) lays down that, for the purposes of the Code, the State, the provincial assemblies and the municipal councils shall be placed on the same footing as employers as defined in § 141 (1) and (2), even in respect of public works carried out by a public body by means of direct labour. § 142 defines "worker" as any person who habitually performs manual work elsewhere than in his own home on account of another, either for remuneration or, in the case of apprentices, without remuneration, whether employed by the day or the piece or in any other way or in virtue

of an oral or written contract. § 143 provides that the definition mentioned above shall be deemed to cover the police officials (irrespective of their grade) of the State, the provinces and municipalities, in respect of accidents which occur to the said officials in the performance of their duties or in connection therewith, provided that they are not entitled to benefit under special provisions. § 195 (2) lays down that persons who prepare and supervise the work of others, as foremen, stewards, overseers, etc., shall be considered as "workers", provided that their wage does not exceed 15 *pesetas* a day. § 146 (14) provides that employees of the offices and dependencies of factories and industrial undertakings who are in receipt of an annual salary of more than 5,000 *pesetas*, are not covered by the provisions of the Code. The report does not refer to the other exceptions mentioned in this Article of the Convention.

Sweden. — The report states that all workers, including non-manual workers and apprentices, employed in private undertakings of any nature whatsoever, must be statutorily insured, in accordance with the Accident Insurance Act, against accidents arising from their employment. As regards the exceptions allowed by paragraph (2) of this Article of the Convention, the report states that the Act does not apply (a) to persons employed casually by someone who does not generally employ workers, (b) to persons performing work at their dwellings or at a place selected by themselves and (c) when the work is performed for the account of an employer only, his wife, his children, if they live under his roof, and his relations. The report does not refer to the exception allowed under (d).

Yugoslavia. — § 3 of the Act of 14 May 1922 provides that "every person who performs physical or mental work for remuneration within the territory of Yugoslavia, either permanently or temporarily, irrespective of the terms of the employment, and without distinction of sex, age or nationality, shall be insured in accordance with the provisions of this Act. Apprentices, improvers, voluntary workers, pupils in workplaces belonging to public educational institutions (craft and technical schools, etc.), and likewise persons who receive no salaries or wages, or pay less than the customary rates, on account of the incompleteness of their training, shall be included among the persons liable to insurance". Persons engaged in work for wages in their own workplaces or dwellings, by order and on account of another person carrying on a handicraft, commercial business or industry, are likewise liable to insurance, as are all persons engaged in home industry. For the last-named workers, however, the Minister of Social Affairs and Public Health has not yet issued the

special rules which are to provide the manner in which this insurance is to be effected. The members of the employer's family are liable to insurance. The report states that the exception allowed by Article 2 (d) of the Convention does not exist in Yugoslav legislation.

ARTICLE 3.

This Convention shall not apply to

(1) seamen and fishermen for whom provision shall be made by a later Convention;

(2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

Where any classes of persons have been excepted in virtue of (2) of this Article, please give an account of the special schemes by which they are covered.

Belgium. — (1) The Act of 24 December 1903 does not apply to seamen or to fishermen. (2) The report does not refer to the question of persons covered by some special scheme.

Bulgaria. — (1) The report gives no information as regards seamen. (2) § 1 of the Act of 6 March 1924 lays down that persons liable to deductions from their pay under any of the Pension Acts, shall not be subject to compulsory insurance. Nevertheless, wage-earning employees of State undertakings who are covered by the Pension Act for the staff of institutions belonging to the State and local authorities, may be brought under the Act of 6 March 1924 if the benefits for workers provided therein are more advantageous to them.

Hungary. — (1) The report states that compulsory accident insurance does not cover (a) the crews of ships engaged in maritime navigation, (b) wage-earning fishermen. (2) Act No. LXV of 1912 respecting pensions for State employees, widows and orphans suspends compulsory accident insurance for the officials and other employees covered by that Act. Compulsory accident insurance is also suspended for officials and other employees of departments, municipalities and communes, for employees who belong to special pension institutions (pension funds, etc.) which are on a basis of reciprocity with the State Insurance Institute as regards the payment of insurance premiums; and for the employees of social insurance institutions, if the law relating to them or any other legal regulations in force concerning their conditions of employment or pension ensure a position equivalent to that required by the Act. Compulsory accident insurance is also suspended for workers subject to insurance who are employed by public funds or foundations which are not on a basis of

reciprocity with the State Institute, by public railways, by undertakings engaged in navigation, dredging, river navigation, ferrying and floating and by establishments, factories, workshops, building operations and maintenance services dependent thereon; the employer is required to pay to them or their dependants in case of accident or occupational disease, the same compensation as provided by the Act for insured persons or their dependants.

Latvia. — The Act of 1 June 1927 covers seamen and fishermen. With regard to paragraph 2 of this Article of the Convention, the report states that no special scheme exists in Latvia.

Luxemburg. — The report states that railways are covered by the accident insurance provisions of the Act of 17 December 1925. Moreover, in the case of accidents involving permanent and total incapacity for work or death, railway employees or their survivors receive a pension, at the expense of the railway administration, in accordance with the Railway Employees' Pensions Regulations. Under § 27 of these regulations, an employee in receipt of such a pension who is granted a further pension under the accident insurance provisions, may combine the two pensions up to an amount equal to five-sixths of his annual wages at the date of his retirement.

Netherlands. — (1) The Act of 1921 does not apply to seamen or fishermen. The report states that the Act of 1919 respecting accidents at sea (*Zeeongevalwet*, 1919) applies to seamen. (2) The report states that special schemes of this nature do not exist in the Netherlands.

Portugal. — Under § 1 of the Act of 24 July 1913 workmen and employees engaged in operations of loading and unloading and stowage on board vessels or in land, maritime, river or canal transport services, are entitled to the medical attendance, medicines and compensation provided for in §§ 5 and 6 of the Act. The report does not refer to any special scheme for the compensation of industrial accidents.

Spain. — (1) The general regulations respecting industrial accidents (Book III of the Labour Code) apply to seamen (crews of vessels) as defined in Article 648 of the Commercial Code. (2) The report makes no reference to the question of persons covered by some special scheme.

Sweden. — (1) The report gives no information regarding seamen. (2) According to the report, the Government has the right to exclude from the scope of the Act persons engaged in employment for the State or for a commune if, by

virtue of this fact, they secure indemnities corresponding in principle to those for which the Act provides. Under the Decree of 30 November 1917 this right has been used as regards persons employed by the State, who are, however, guaranteed indemnities in accordance with the principle of the Act.

Yugoslavia. — (1) Seamen are included among the persons subject to compulsory insurance (§ 3 of the Act of 14 May 1922). Persons engaged in sea-fishing are provisionally excluded (§ 6). (2) § 7 of the Act provides that for persons employed in offices, institutions or undertakings belonging to the State, a province, a county, a district, a town, a market town, a commune, a parish, an association of joint landowners, an association founded under the Water Act, or any other public body, institution or foundation, and likewise for employees of public railway and shipping undertakings, insurance shall not be compulsory if they or their families are entitled to a pension in case of accident, corresponding to the indemnities provided under the Act respecting workers' insurance. Special schemes also exist for miners and the staff of the State communication and transport services. In this respect the report states that the regulations of the Miners' Insurance Fund and the Order of the Minister of Transport and Communications of 30 May 1922 respecting the insurance of staff employed in the State communication and transport services contain provisions equivalent to those of the Act of 14 May 1922.

ARTICLE 4.

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

Belgium. — The Act of 24 December 1903 applies, under § 2 (II), to agricultural undertakings which regularly employ at least three workers. For changes introduced by the Act of 18 June 1930 see the introductory note. The Convention concerning workmen's compensation in agriculture has not been ratified by Belgium.

Bulgaria. — Bulgaria has ratified the Convention concerning workmen's compensation in agriculture.

Hungary. — Compulsory accident insurance as regulated by Act No. XXI of 1927 does not cover agricultural or silvicultural production, stockbreeding, fisheries, horticulture or vine-growing, silk-

culture or bee-keeping. Special legislation deals with accident insurance for agricultural workers and farm servants. Hungary has not ratified the Convention concerning workman's compensation in agriculture.

Latvia. — Latvia has ratified the Convention concerning workmen's compensation in agriculture.

Luxemburg. — The provisions of the Act of 17 December 1925 apply also to agricultural and forestry undertakings. Luxemburg has ratified the Convention concerning workmen's compensation in agriculture.

Netherlands. — The report states that, as regards agriculture, the Act of 1922 respecting accident insurance in agriculture and horticulture is in force. The Convention concerning workmen's compensation in agriculture has been ratified by the Netherlands.

Portugal. — Under § 1 of the Act of 24 July 1913 workmen and employees engaged in agriculture and forestry operations in which use is made of machines driven by inanimate motor power (in such operations the liability of the employer exists only as regards the employees exposed to risks from such machines and motors), driving, tending, guarding or pasturing cattle are entitled to the medical attendance, etc., provided for in §§ 5 and 6 of the Act. Portugal has not ratified the Convention concerning workmen's compensation in agriculture.

Spain. — The provisions of the Labour Code respecting industrial accidents apply to undertakings in agriculture, forestry and stockkeeping, subject to certain conditions specified in § 146 (5) of the Code. Spain has ratified the Convention concerning workmen's compensation in agriculture.

Sweden. — The Accident Insurance Act also applies to agriculture. Sweden has ratified the Convention concerning workmen's compensation in agriculture.

Yugoslavia. — The report states that the Act of 14 May 1922 also provides for the insurance of agricultural workers, but that this insurance has not yet been applied. Pending the application of this insurance by special regulations, the provisions of the Act of 14 May 1922 are applied in agricultural undertakings which use steam boilers or machinery actuated by simple means (wind, fire, water, steam, lighting gas, hot air, electricity, etc.) or by animal power. Yugoslavia has not ratified the Convention concerning workmen's compensation in agriculture.

ARTICLE 5.

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments: provided that it may be wholly or partially paid in a lump sum if the competent authority is satisfied that it will be properly utilised.

Belgium. — The Act of 24 December 1903 provides in § 4 that the compensation payable in case of accidents from which permanent incapacity results, shall be paid to the injured workman in the form of an annual payment and, after the period of revision, which is fixed at three years, is over, in the form of a life-annuity. Under § 6 compensation payable for accidents resulting in death is paid to the dependants in the form of a life-annuity. § 7 provides that the injured workman or his dependants may claim the payment as capital of a third at most of the value of the life-annuity. It is for the courts to decide what is most in the interest of the applicants. In case of permanent partial incapacity, the courts may also, at the request of any party concerned, order the payment of the whole value of the annuity in a lump sum to the injured workman, when the annual payments do not amount to 60 francs.

Bulgaria. — § 11 of the Act of 6 March 1924 provides that the victim of an accident who is unfit for work shall be granted a pension proportionate to the degree of his incapacity for work. Under § 12, if the victim of the accident dies, whether before or after he has been pensioned, his survivors shall receive a survivors' accident pension from the Social Insurance Fund, the total amount of which shall not exceed the pension due to the deceased. The report does not refer to the question of the payment of such pensions in the form of a lump sum.

Hungary. — Act No. XXI of 1927 provides that compensation for accidents which have resulted in permanent incapacity shall be paid to the injured person in the form of a pension. In the event of the death of an insured person as the result of an industrial accident the Act gives his dependants the right to a pension payable from the day of the death. An injured person whose pension does not exceed 20 per cent of the maximum pension (which is fixed at $66\frac{2}{3}$ per cent of the insured person's average wages) may request the payment of his compensation in a lump sum. When the pension does not exceed 20 per cent of the maximum pension the National Social Insurance Institute may pay the compensation in a lump sum, whether the insured person has so requested or consented or not. The payment of a lump sum instead of periodical payments may be effected only if the authorities are of

opinion that the lump sum will be judiciously employed.

Latvia. — The Act of 1 June 1927 provides that payments shall be made periodically. If the degree of incapacity for work does not exceed 20 per cent the person in receipt of the payment may request that the payment should be made as a lump sum. This request must be approved by the Insurance Institute.

Luxembourg. — Under §§ 101-104 of the Act of 17 December 1925, if the accident results in the death of the victim a pension to the survivors as from the date of the death is granted as follows: if the deceased leaves a widow or children, the pension will amount to 20 per cent. of the annual earnings for the widow until her death or remarriage, and 20 per cent. for each legitimate child and each illegitimate child recognised before the accident until the end of its sixteenth year; if the deceased leaves relatives in the ascending line they are granted a pension not exceeding 30 per cent. of the annual earnings until their death or so long as they are in need thereof; if the deceased leaves orphan grandchildren they will in case of necessity be granted a pension amounting in all to 20 per cent. of his annual earnings until the end of their sixteenth year. In the case of relatives in the ascending line and grandchildren the pension is granted only if the deceased had contributed to a considerable extent to their maintenance. § 97 provides that if the accident results in an injury which renders the victim incapable of performing his work, he shall be granted a pension from the date of the accident till the end of the incapacity for work if this has continued for more than 13 weeks (up to this limit the injured person is entitled to payments from the sick funds). In case of total incapacity for work, for the duration thereof, the amount of the pension is $62\frac{2}{3}$ per cent. of the annual earnings (full pension). § 113 provides that in case of permanent incapacity for work if the pension does not exceed 20 per cent. of the full pension, the governing body of the insurance association may grant an equivalent sum in commutation of the pension after hearing the mayor and aldermen of the locality where the claimant lives. If the pension granted exceeds 20 per cent. but does not exceed 40 per cent. of the full pension, the governing body may commute it provided that the claimant (or his representative if he is a minor) gives his consent.

Netherlands. — The report states that in accordance with § 16 of the Act of 1921, the insured person is entitled, in the event of permanent incapacity for work, to a pension; § 19 provides that in the event of death a pension shall be paid to the dependants of the insured person.

§ 80 (amended) provides that an insured person to whom a pension is granted otherwise than provisionally on account of an accident, the pension being calculated on a basis of a loss of capacity for work of at least 15%, and who was not 50 years of age on the date of the accident, may, if he wishes, commute all claims for compensation for a lump sum amounting to three times the annual pension.

Portugal. — § 9 of Decree No. 5637, which reproduces with slight modifications § 5 of the Act of 24 July 1913, makes provision for the payment of compensation, in case of death, to the dependants in the form of pensions. It is provided that all such pensions shall commence to be payable from the date of death. Under § 10 of the Decree, if the accident gives rise to incapacity for work on the part of the victim, he is entitled from the date of such accident to compensation according to the degree of incapacity: (a) in the case of permanent and absolute incapacity, to a pension of two-thirds of his yearly wages, salary or remuneration; (b) in the case of permanent and partial incapacity, to a pension equal to half the reduction suffered in his income by virtue of such industrial accident.

Spain. — § 148 of the Labour Code provides that if an accident results in permanent incapacity for work, the employer shall pay the victim compensation equal to from one to two years' wages, according to the nature of the incapacity. Under § 161, if the accident results in the worker's death, the employer shall pay compensation to the survivors to an amount of from seven months' to two years' wages, according to circumstances. Under § 168 the employer may however, grant an annuity in place of the compensation fixed in § 161, provided that he guarantees it to the satisfaction of the dependants of the victims of the accident. The annuity may be for a sum equal to from 10 to 40 per cent. of the annual wages of the victim. See also introductory note.

Sweden. — The report states that the provisions of the Accident Insurance Act are in complete accordance with the first paragraph of the Article. As regards the second paragraph, § 6 (2) of the Act of 17 June 1916 provides that, if special circumstances are present, the Insurance Council may decide, on an application from the injured person to this effect, that instead of the pension or part thereof a lump sum shall be paid to the injured person in one instalment, not exceeding the capital value of the pension or part thereof. The last paragraph of § 7 provides that a widow or widower in receipt of a pension who contracts a fresh marriage before attaining the age of sixty

years shall be granted a lump sum in one instalment equal to three-fourths of the annual earnings of the deceased.

Yugoslavia. — The legislation provides that compensation for accidents resulting in death or permanent incapacity shall be paid to the injured workman or his dependants in the form of a pension. § 112 of the Act of 14 May 1922 provides that, if in case of partial reduction of earning capacity the pension paid to the injured person does not exceed 20 per cent of the full pension, the injured person in receipt of the pension may demand its commutation for a lump sum. This claim may be taken into consideration by the management of the Central Workers' Insurance Institution on the basis of a previous medical report concerning the injured person's expectation of life, on condition that the commune to which the injured person belongs concurs in the payment of the commutation. The attention of the applicant must be called to the fact that on receiving the commutation he loses the right to any other compensation.

ARTICLE 6.

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

Belgium. — § 4 of the Act of 24 December 1903 provides that the compensation shall be paid to the injured person from the day following the accident if the accident has resulted in a temporary, total or partial incapacity for work of more than one week. Under the Act of 15 May 1929 this interval of a week before payment has been abolished as from 1 January 1930.

Bulgaria. — § 13 of the Act of 6 March 1924 provides that the individual accident pension shall be granted as from the day on which the wages or benefit of the victim ceased.

Hungary. — Act No. XXI of 1927 provides that compensation in cash shall be paid from the fourth day of incapacity for work resulting from an accident. During the first ten weeks compensation is paid by the Sickness Insurance Institute, even if the injured person is not insured against sickness. In such a case the employer is required to refund the amount to the Sickness Insurance Institute. After the tenth week the Accident Insurance Institute is responsible for the payments.

Latvia. — The payments are made by the Insurance Institute from the first day of incapacity for work.

Luxemburg. — According to §§ 8, 97 and 109 (read together) of the Act of 17 December 1925, the victim of an accident where the duration of the incapacity for work is less than 13 weeks has the right to a pecuniary sick benefit amounting to half the basic wage for each working day; this benefit is granted from the third day after the commencement of the incapacity, but it may be granted from the first day of the incapacity, if the statutes of the sickness insurance funds so provide. If the incapacity for work lasts longer than 13 weeks, a pension is paid from the day on which the accident took place until the cessation of the incapacity for work.

Netherlands. — Under §15 of the Act of 1921 as amended by the Act of 18 July 1930 the insured person is entitled to a temporary allowance of 80% of the daily wage for each day exclusive of Sundays, for a maximum period of 43 days, if on the third day after the accident he is not, in the opinion of a medical practitioner designated by the State Insurance Bank, in a fit condition to perform his usual work in the undertaking of his employer.

Portugal. — §10 of the Decree No. 5637 of 10 May 1919, reproducing §6 of the Act of 24 July 1913, provides that where the accident gives rise to incapacity for work on the part of the victim, whether permanent or temporary, and in either case whether absolute or partial, he shall be entitled to compensation from the day of such accident.

Spain. — § 148 (1) of the Labour Code lays down that "if the accident has resulted in temporary incapacity, the employer shall pay the victim compensation equal to three-quarters of his daily wage from the day on which the accident took place to that on which he is able to return to work".

Sweden. — The report states that, if the accident entails illness for more than three days which causes total incapacity or diminution of working capacity by at least a quarter, sickness insurance benefit is paid from the first day after the accident. Where the accident entails permanent incapacity or permanent diminution of working capacity by at least one-tenth, sickness insurance benefit is replaced by an annuity.

Yugoslavia. — Under §§ 45 and 85 of the Act of 14 May 1922 the compensation is paid to the injured person when incapacity for work lasts for more than three days.

ARTICLE 7.

In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

Belgium. — The Act of 15 May 1929 provides that, in the case of seriously injured persons whose condition absolutely and normally requires the help of another person, the judge may increase the annual payment to an amount exceeding two-thirds of the lost earning capacity, but not in any case exceeding 80 % of the lost earning capacity.

Bulgaria. — The report states that additional compensation to the amount of 800 *levs* per month is provided in the case of injured persons whose condition necessitates the constant help of another person.

Hungary. — Act No. XXI of 1927 provides that if the insured person is not only incapable of work, but disabled and requiring help and constant attention, the compensation may be increased, so long as the disability lasts, to more than the amount of the total pension, which is fixed at 66 $\frac{2}{3}$ % of the injured person's average earnings, but the payment may not exceed the total of the average earnings.

Latvia. — The Act of 1 June 1927 provides (§ 16) that if the injured person has become insane or has completely lost his sight, if he has lost both hands or both feet, or has otherwise become quite helpless and cannot live without the attendance of another person, a pension equal to the full annual remuneration shall be paid.

Luxemburg. — § 97 of the Act of 17 December 1925 provides that, if the injured person as a result of the accident is not only totally incapacitated from work, but also so helpless that he cannot dispense with the attendance and care of another person, the pension shall be increased proportionately to the extent of his helplessness, but not beyond the amount of the full annual earnings.

Netherlands. — § 17 of the Act of 1921 provides that if the insured person is even temporarily helpless in consequence of the accident, so that regular attendance and care are necessary, and if, in view of his circumstances, the pension is insufficient for his maintenance, the pension may be increased to not more than 100 per cent. of his daily wage while such condition of helplessness lasts.

Portugal. — Under § 10, paragraph (a) of Decree No. 5637, Portuguese legislation distinguishes, in the incapacity resulting from industrial accident, permanent and absolute incapacity, to which is attributed

an appreciably higher pension than in other cases of incapacity (two-thirds of the yearly wages, salary or remuneration).

Spain. — The report states that Spanish legislation includes no provisions corresponding to the terms of this Article. See also introductory note.

Sweden. — The Accident Insurance Act provides that an increased pension, which in case of total incapacity for work is fixed at two-thirds of the annual earnings of the injured person, may be granted to injured persons who are incapacitated and require special attention; the amount of this pension may not, however, exceed that of the last year's earnings.

Yugoslavia. — § 85 of the Act of 14 May 1922 provides that, if an injured person has become not merely incapable of work in consequence of an accident, but so completely invalidated that he needs regular nursing and attendance, the pension shall be increased by not more than one-third of the basic annual earnings for the duration of the invalidity.

ARTICLE 8.

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

Belgium. — The Act of 24 December 1903 contains provisions relating to measures of supervision and methods of receiving compensation.

Bulgaria. — § 16 of the Act of 6 March 1924 provides that a pension which has been granted may be varied if the conditions under which it was granted have changed, and that the state of health of the pensioner shall be duly investigated every three years reckoned from the day on which the pension was granted. § 47 lays down that decisions on this question come within the competence of a Pension Board.

Hungary. — Act No. XXI of 1927 provides that if the condition of the injured person undergoes a change so that the incapacity for work resulting from the accident is altered, the payment must be stopped, decreased or increased so as to conform to the alteration in the insured person's condition. The Act provides for the necessary methods of review.

Latvia. — The Act of 1 June 1927 provides for the measures of supervision and methods of review of the payments which may be considered necessary.

Luxembourg. — The Act of 17 December 1925, the Grand Ducal Order of 11 June

1926 and the rules of the Accident Insurance Association contain provisions relating to measures of supervision and methods of review of benefits.

Netherlands. — The report states that §§ 27 and 75 of the Act of 1921 provide for the measures and methods covered by this Article of the Convention.

Portugal. — Chapter III of the Decree No. 4288 of 9 March 1918, and § 33 of the same Decree, make provision for measures of supervision and revision of the pension or compensation granted.

Spain. — See introductory note.

Sweden. — The report states that since the system of insurance is universal and compulsory (even automatic), special measures of supervision to protect the rights of insured persons are not necessary. Appeals from the decisions of the insurance institutions may, however, be made to the Insurance Council, whose duty it is to follow closely the application and development of insurance; it has also power to modify the decisions of the insurance institutions. If there is a radical alteration in the decisive conditions after the compensation has been fixed, the compensation may be altered, in accordance with the Act.

Yugoslavia. — Chapters XIII and XXII of the Act of 14 May 1922 contain provisions relating to the supervision and review of compensation.

ARTICLE 9.

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

Please explain how the cost of medical aid provided for in virtue of this Article is defrayed in your country, whether by the employer, by accident insurance institutions or by sickness or invalidity insurance institutions.

Belgium. — § 5 of the Act of 24 December 1903, as amended by the Act of 15 May 1929, provides that the head of the undertaking is responsible for the medical, surgical, pharmaceutical and clinical expenses arising out of the accident and incurred during a period of three years, to date from the agreement concluded between the parties or the final legal decision.

Bulgaria. — § 10 of the Act of 6 March 1924 lays down that if the victim of an accident needs medical attendance, he shall be attended until his recovery at

the expense of the Social Insurance Fund. Medical attendance shall include, in addition to medical treatment, surgical treatment and the provision of medicines and dressings.

Hungary. — Act No. XXI of 1927 gives insured persons who meet with an industrial accident the right to medical, surgical and pharmaceutical aid. For the first ten weeks the Sickness Insurance Institute is responsible for giving this assistance, even if the injured person is not insured against sickness. In such a case, however, the employer is required to refund the amount to the Sickness Insurance Institute. After the tenth week the aid is provided by the Accident Insurance Institute.

Latvia. — The Act of 1 June 1927 provides for medical aid of every description, pharmaceutical and other aid, and also for the supply of prosthetic appliances. This aid is given at the expense of the Insurance Institute.

Luxembourg. — Under § 97 of the Act of 17 December 1925, the compensation to which an injured person is entitled includes free medical attendance and the provision of medicaments and all other therapeutic requisites, and the appliances likely to ensure the success of the curative treatment or to alleviate the consequences of the injury, including the expenditure for the maintenance and, if necessary, the renewal of such appliances. The medical treatment is granted at the expense of the Accident Insurance Association.

Netherlands. — Under § 14 of the Accident Insurance Act of 1921 insured persons who meet with an accident in their employment are entitled to medical or surgical treatment or to corresponding compensation, determined in accordance with the terms of public administrative regulations. The expense of this treatment is met by the State Insurance Bank.

Portugal. — All persons registered under the compulsory insurance system against industrial accidents arising in the course of employment are entitled, in pursuance of § 2 of Decree No. 5637, to the medical attendance in hospital or otherwise, medicines, and compensation provided for in the said Decree. § 17 of the Decree, and § 13 of the Act of 24 July 1913, provide that the expense of medical attendance, medicines or any other therapeutical appliances or agents necessary to the treatment of the victim of an industrial accident shall be borne by the employer. § 20 of the Decree, corresponding to § 16 of the Act, charges on employers the funeral expenses of workers and employees dying as a result of an industrial accident. § 4 of Decree No. 5637, which

reproduces with slight alterations § 3 of the Act of 24 July 1913, provides that the persons and bodies liable for the compensation and charges arising out of industrial accidents shall be (a) the undertakings and employers utilising the labour, (b) the State or administrative bodies as regards workers in their service, unless the legislation in force or any special regulations provide for higher compensation.

Spain. — § 160 of the Labour Code provides that the employer shall be bound to afford the worker medical attendance and medicaments until he is able to return to work or is shown by medical certificate to be included among the cases covered by the provisions of the Code for the payment of compensation in the form of a capital sum, and to have no further need for medical attendance. Medical attendance is given to the worker under the direction of medical practitioners nominated by the employer.

Sweden. — Under the Accident Insurance Act injured persons are entitled to medical and surgical treatment and to medical requisites at the expense of the insurance institution concerned.

Yugoslavia. — § 85 of the Act of 14 May 1922 provides that, in respect of an accident entailing bodily injury, the insured person shall be granted free medical attendance and provision of medical and curative requisites. The expense of this benefit is met by the Central Workers' Insurance Institution.

ARTICLE 10.

Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

Belgium. — The Act of 15 May 1929 provides that the head of the undertaking shall be responsible for the expense of prostheses and orthopaedic appliances, the use of which is declared necessary, until the date of the agreement concluded between the parties or the final legal decision. The injured person is entitled to an additional payment to cover

the probable cost of renewing the appliances; the amount of this payment is settled by the agreement or the final legal decision. It may be increased if the disability of the injured person is found to have become greater when an action for revision is brought in the circumstances contemplated by the Act. The portion of the additional payment which is not expended within the period of revision is paid to the injured person within one month from the end of the period.

Bulgaria. — § 10 of the Act of 6 March 1924 provides that, if the victim of an accident needs medical attendance, this shall be granted, and shall include, if necessary, orthopædic appliances.

Hungary. — Act No. XXI of 1927 gives injured workers the right to the supply and normal renewal of the prostheses and orthopædic appliances declared necessary. For the first ten weeks of benefit medical requisites of trifling cost are paid for by the Sickness Insurance Institute, even in the case of injured workers who are not insured against sickness. In such a case, however, the employer is required to refund the amount to the Sickness Insurance Institute. More expensive medical requisites are paid for by the Insurance Institute. After the tenth week all medical requisites, whatever their cost, are paid for by the Accident Insurance Institute. The report states that there is no provision in Hungarian legislation to authorise the substitution, for the supply and renewal of appliances, of an additional payment to the injured worker of an amount fixed when the compensation is fixed or revised and representing the probable cost of the supply and renewal of appliances. The regulations of the National Social Insurance Institute lay down the periods within which the renewal of prostheses and orthopædic appliances may be claimed.

Latvia. — The Act of 1 June 1927 provides that an injured worker shall be entitled to be supplied with a prosthesis. The report states that the cost of renewal of these prostheses is met by the Insurance Institute, either by replacing them or by granting an additional benefit.

Luxemburg. — The report states that under § 97 of the Act of 17 December 1925 the compensation includes the free supply of all requisites likely to ensure the success of the curative treatment or to alleviate the consequences of the injury, including expenditure for their maintenance and, if necessary, their renewal. § 307 of the Act provides that the governing bodies of the social insurance institutions may decide that the supply of artificial limbs, curative appliances and other similar objects can be replaced by pecuniary benefit; at the same time, they shall

prescribe the manner in which this shall be carried out. The report adds that this § of the Act has not been put into practice.

Netherlands. — § 14 of the Act of 1921 provides that medical treatment shall include the supply of the appliances appearing on the list drawn up by the Minister of Labour, Commerce and Industry, which are necessary for the restoration, maintenance and improvement of working capacity, in so far as this is reduced in consequence of the accident, and also instruction in the use of these appliances. Victims of accidents who have been granted pensions otherwise than provisionally may be supplied with these appliances to facilitate their existence.

Portugal. — § 17 of Decree No. 5637, and § 13 of the Act of 24 July 1913, provide that the expense of medical attendance, medicines or any other therapeutical appliances or agents necessary to the treatment of the victim of an industrial accident, shall be borne by the employer. The report states that it has been the practice uniformly followed in Portugal to consider the supply of artificial limbs and surgical appliances as included in the obligation for the supply of therapeutical appliances and agents referred to in the two §§ cited above. The relevant legislation makes provision for safeguards against fraud and abuses in connection with the granting of compensation.

Spain. — The report states that the Labour Code does not provide for the case of the necessity for orthopædic instruments, though certain judgments made by the industrial courts have allowed applications to require the employer to replace the teeth of a worker lost through accident. The scheme which has been drafted to amend the legislation now in force contains principles corresponding to the provisions of the present Article.

Sweden. — The Accident Insurance Act provides for the supply to injured persons, either to improve their working capacity, or otherwise to remedy the results of the accident, of the necessary special appliances, such as crutches, simple artificial limbs, spectacles, etc. When the annuity is fixed a sum is added to it corresponding to the probable annual expense for the renewal of appliances. As in the case of the provisions mentioned under Article 8, this benefit may be modified.

Yugoslavia. — § 85 of the Act of 14 May 1922 provides for the free supply of curative appliances (spectacles, crutches, bandages, artificial limbs). The report adds that in every case these appliances are repaired at the expense of the Workers' Insurance Fund and that the issue of them is made in kind.

ARTICLE 11.

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

Belgium. — The Act of 24 December 1903 provides in Chapter II, "Guarantees and Insurance" (§§ 14 to 20), for the ensurement of payment of compensation to persons who meet with accidents and their dependants and for guarantees against the insolvency of the employer or insurer.

Bulgaria. — § 35 of the Act of 6 March 1924 provides that "the expenses of accident insurance shall be allocated annually among the employers according to the number of their wage-earning and salaried employees, the sums paid in wages, and the classes of industrial risk of the various groups of undertakings... Contributions thus fixed shall not be liable to appeal; they shall be paid into the accident account of the Social Insurance Fund with the Bulgarian National Bank".

Hungary. — The report states that compulsory accident insurance is administered by the National Social Insurance Institute, which at the end of the year calculates the total expenditure due to compensation for accidents and divides it among the employers (undertakings) subject to compulsory accident insurance. This system makes insolvency impossible, for if in one year an employer does not pay the amount due from him the difference is made up in the following year by the new division of expenses. Moreover, Act No. XXI of 1927 provides for the constitution of a reserve fund which guarantees the solvency of the system.

Latvia. — The report states that all the provisions of the Convention are contained in the Act of 1 June 1927.

Luxemburg. — The report states that the victim of an accident is automatically entitled to compensation by the sole fact of employment in an undertaking covered by the Act, irrespective of the fulfilment of the formalities imposed upon the employers. By means of mutual insurance, the employers' collective responsibility is established in place of individual responsibility. For this purpose the undertakings covered by the Act are united in a single accident insurance association as a public utility undertaking placed under the supervision and control of the Government. The report states the financial arrangements of this Association are provided for in §§ 141 and 146 of the Act.

Netherlands. — The report states that workers are insured with the State Insurance Bank. The State has, moreover, an unlimited liability for the payment of compensation under the Act of 1921 to insured persons and their surviving relations (§ 96).

Portugal. — Portuguese legislation provides by means of a number of Decrees for the strict application and supervision of the legislation relating to compensation for industrial accidents. The report indicates that insurance is compulsory and that the Act of 24 July 1913 makes provision for insurance of the employers' liability by means of insurance societies and mutual societies of employers.

Spain. — § 184 of the Labour Code provides that "if the employer or any of the bodies referred to in § 182 fails to pay the compensation required by the death of a worker or his total and permanent incapacity for all work, as established by a judicial verdict or arbitration award, the said compensation shall be paid forthwith out of a special guarantee fund in the form and of the amount specified in the regulations". The report states that a scheme drafted by the competent authorities contains provisions for the creation of this guarantee fund. See also introductory note.

Sweden. — The report states that the existing insurance system in Sweden seems to ensure thoroughly the effective payment of compensation.

Yugoslavia. — The report states that special guarantees against insolvency are unnecessary, since insurance is compulsory; it is effected by the Central Workers' Insurance Institution through its district institutions; the insurance of miners is effected by five Miners' Insurance Funds and the solvency of the insurance of employees in the State transport service is guaranteed by the State.

III.

Article 16 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Netherlands. — In the *Dutch East Indies* draft Accident Regulations were published in August 1930 in which account was taken of the Convention so far as possible. These regulations are now being further considered in the light of consultations which have taken place. In *Surinam* the Governor states that owing to local conditions the Convention has not been applied, and that it is impossible to introduce modifications which would make it applicable. In *Curaçao* the Governor states that the Convention has not been applied, such a step being unnecessary.

Portugal. — The report states that the Convention was ratified subject to the reservation of subsequent decisions as regards its application to the Colonies.

Spain. — The report states that the legislation in question applies to the colonies and protectorates.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 19 November 1927, date of coming into force of the Act of 23 July 1927.

Bulgaria. — 5 September 1929.

Hungary. — 19 April 1928.

Latvia. — 29 May 1928.

Luxemburg. — 16 April 1928.

Netherlands. — 13 September 1927.

Portugal. — 6 April 1929.

Spain. — See introductory note.

Sweden. — 1 January 1927.

Yugoslavia. — 1 April 1927, date of coming into force of the Act of 18 June 1926 for bringing national legislation into agreement with the provisions of the Convention.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted and by what methods application is supervised and enforced.

Belgium. — The application of the Act of 24 December 1903 is within the competence of the judicial authorities (magistrate or arbitral court of first instance—appeal court of first instance). Its enforcement is entrusted to the Ministry of Industry, Labour and Social Welfare. Insurance against industrial accidents is supervised by the supervisory officials of the insurance and social welfare institutions (supervision of approved insurance societies; supervision of steps taken to deal with disasters; supervision of the financial situation).

Bulgaria. — The report indicates that the supervision of application and the enforcement of the relevant legislation is entrusted to the factory inspectors.

Hungary. — The Minister of Social Welfare and Labour supervises the National Social Insurance Institute, which is responsible for compulsory accident insurance.

Latvia. — The application of the Act of 1 June 1927 is entrusted to the Labour Protection Department of the Ministry of Social Affairs.

Luxemburg. — The Accident Insurance Association and the Old Age and Invalidity Insurance Institution are united in a single administration under the title "Social Insurance Office". This Office is subject to supervision by the Government, which is responsible for ensuring the due observance of the legal and statutory provisions. The determination of the amount of benefits due to victims of industrial accidents is made *ex-officio* by the governing body of the Association, which consists for this purpose of an equal number of employers' and workers' delegates presided over by an official nominated for an indefinite period by the Government. The arbitration courts decide contested cases relating to the indemnification of accidents. In principle, an

appeal lies to the Government against all other disputed decisions of the governing body. Further, an appeal lies to the Council of State against decisions of the Government.

Netherlands. — The enforcement of the provisions relating to industrial accidents is entrusted to the State Insurance Bank at Amsterdam and to the Labour Councils. Supervision is carried out by the officials of the State Insurance Bank and the Labour Councils. These officials, assisted by the State and communal police, are responsible for the detection of offences punishable under the Act.

Portugal. — Under Chapter III of Decree No. 4288 of 9 March 1918 supervision of the Act and Regulations relating to industrial accidents is entrusted to the Ministry of Labour through the industrial districts, the municipal chambers by means of their employees specially entrusted with this mission, the mining districts, and in general by police and administrative agents (§ 34). The application of the law is entrusted to special equity courts known as "industrial accident courts", consisting of employers' and workers' delegates, medical practitioners and representatives of insurance societies, presided over by a lawyer. From the decisions of these courts, the intervention of which, at least for purposes of conciliation, is *ex officio* compulsory in all cases of accidents, appeal lies to the Court of Appeal of the respective judicial district. The Inspectorate of Insurance attached to the Ministry of Finance centralises and co-ordinates the supervision of the enforcement of the law, being in permanent relations with the courts, and seeing particularly to the constitution of the reserve funds and to the payment of pensions.

Spain. — The Labour Inspectorate supervises application of the Labour Code, but the industrial court (as regulated in Book IV of the Code) is competent to hear cases arising out of the application of the provisions of Book III.

Sweden. — Questions relating to the application of this legislation are within the competence of the State Insurance Office, which possesses a large number of local agents, and of the Insurance Council in the event of appeal.

Yugoslavia. — The Act of 14 May 1922 is enforced by the Central Workers' Insurance Institution at Zagreb through 23 regional institutions which are its local branches. At the seat of each regional workers' insurance institution there is a workers' insurance court of first instance to deal with cases relating to insurance payments.

There are also five courts in Zagreb, Belgrade, Sarajevo, Podgoritz and Novi Sad which act as courts of appeal in cases of workers' social insurance. The Minister of Social Affairs and Public Health exercise supreme control over all the workers' institutions, in accordance with the Act of 14 May 1922. The mines authorities supervise the conduct of the Miners' Insurance Funds. A court has been set up at the seat of the mines authorities to deal with disputes with the workers. Appeal may be made to the Minister of Mines if the Court infringes the terms of the regulations. The enforcement of the Order respecting the insurance of the staff of the State transport services is carried out by the Ministry of Transport and Communications, through the Division of Social and Humanitarian Questions.

VI.

Please state whether decisions have been given by courts of law or other courts regarding the application of the Convention. If so, please supply the text of such decisions.

Luxemburg. — Judgment delivered on 11 January 1930 by the Supreme Court of Justice and relating to the provisions of Article 2 of the Convention :

It is possible that exceptional circumstances may arise in which a third person, without being directly engaged by the employer who is a member of the Accident Insurance Association, must nevertheless be considered as his worker, but in this case it is essential that his direct participation in the execution of a piece of work for the benefit of the employer must have been unavoidable. It is not sufficient that the work performed by the third person was necessary ; it is necessary that the circumstances of the moment imperatively called for the help rendered by such person, as otherwise the work performed would not be to the benefit of the employer but only to that of his worker.

Order of 28 March 1930 of the Supreme Court of Justice relating to the provisions of Article 5 of the Convention :

Neither the text nor the drafts of the Act concerning accident insurance allow the benefits of the Act to be confined to accidents involving an incapacity for work of at least 10% ; the pension must be paid whatever the degree of incapacity for work.

Portugal. — The report states that industrial accident courts have given a large number of decisions, but that these decisions are not published and therefore cannot be supplied.

The remaining reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, and if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the accidents reported, etc., in so far this information has not already been given under other headings, and in particular under V.

Hungary. — The Government communicates with its report a number of the *Statistique d'Assurance sociale* containing detailed statistical information regarding the number and nature of the accidents notified in 1930. The number of victims of industrial accidents who received compensation during 1930 was 12,830; the number of widows (widowers), 2,026, orphans, 1,720, and parents and grandparents, 298. The expenses of industrial accident insurance undertaken by the National Institute for Social Insurance reached a total, during 1930, of 9,647,512 pengos. The report also states that the number of workers insured against accidents (i.e. the number of days worked divided by 300), including 178,680 domestic servants — was 809,625 in 1930.

Latvia. — The report states that about 170,000 workers are at present covered by the relevant legislation.

Yugoslavia. — According to the Central Workers' Insurance Institute, 17,139 industrial accidents occurred in the year 1930. The number of payments made during 1930 was as follows: (1) Personal payments, that is, payments made to the insured person: (a) 11,604 males, the annual total amounting to 6,115,533 dinars; (b) 4,106 females, the annual expenditure amounting to 281,603 dinars. (2) Family payments: (a) 201 widows, the annual total being 552,090 dinars; (b) 377 children, the annual total being 47,263 dinars; (c) 25 parents, grandparents, brothers and sisters, the annual total being 51,463 dinars.

Convention concerning workmen's compensation for occupational diseases.

This Convention came into force on 1 April 1927. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	29. 9. 1928	4. 11. 1931
Belgium	3. 10. 1927	11. 11. 1931
Bulgaria	5. 9. 1929	24. 10. 1931
Cuba	6. 8. 1928	
Finland	17. 9. 1927	16. 12. 1931
Germany	18. 9. 1928	7. 11. 1931
Great Britain . . .	6. 10. 1926	9. 11. 1931
Hungary	19. 4. 1928	16. 12. 1931
India	30. 9. 1927	26. 12. 1931
Irish Free State . .	15. 11. 1927	28. 10. 1931
Japan	8. 10. 1928	26. 12. 1931
Latvia	29. 11. 1929	15. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931
Netherlands	1. 11. 1928	8. 10. 1931
Norway	11. 6. 1929	24. 10. 1931
Portugal	27. 3. 1929	7. 1. 1932
Sweden	15. 10. 1929	5. 10. 1931
Switzerland	16. 11. 1927	28. 10. 1931
Yugoslavia	1. 4. 1927	2. 11. 1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Act concerning the insurance of wage-earning workers against accidents (text as published in the Order of 9 March 1929 (L. S. 1929, Aus. 3), together with the Orders issued in application of the Act on 6 September 1928 (L. S. 1928, Aus. 7) and on 31 October 1928.

Act of 18 July 1928 concerning the insurance of agricultural workers (L. S. 1928, Aus. 6) as amended by the Act of 18 July 1929 (L. S. 1929 Aus. 6) together with the Order issued in application of the Act on 6 February 1929 (L. S. 1929, Aus. 1).

Act concerning the insurance of salaried employees of 1926 (L. S. 1926, Aus. 6) (text as published in the Order of 22 July 1928) together with the Order issued in application of the Act on 3 September 1928 (L. S. 1928, Aus. 4).

Belgium.

Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (L. S. 1927, Bel. 7).

Act of 15 May 1929 to amend the Act of 24 December 1903 concerning industrial accidents (L. S. 1929, Bel. 4).

Royal Decree of 15 November 1927 respecting the organisation of the Welfare Fund for persons suffering from occupational diseases and the organisation of the Board of Directors and Technical Committee of the Fund.

Royal Decree of 30 January 1928 giving a list of occupational diseases and the industries or occupations in which compensation is payable in respect of each of them (L. S. 1928, Bel. 1).

Ministerial Decree of 8 May 1928 defining the categories of workers or assimilated employees who are exposed to the risk of lead-poisoning in the various classes of undertakings subject to the Act (L. S., 1928, Bel. 1).

Ministerial Decree of 10 April 1928 defining the categories of workers or assimilated employees who are exposed to the risk of poisoning by mercury or infection by anthrax in the various classes of undertaking subject to the Act (L. S. 1928, Bel. 1).

A number of Royal and Ministerial Decrees which define particular points in connection with the application of the Act of 24 July 1927 and with procedure.

Bulgaria.

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).

Finland.

Act of 17 July 1925 respecting the insurance of workers against accidents (L. S. 1925, Fin. 3).

Order of 30 November 1925 respecting the application of the Act of 17 July 1925.

Resolution of the Council of State of 17 December 1925 respecting the application of the Act of 17 July 1925 to works undertaken by the State.

Act of 13 April 1926 respecting the payment of compensation to persons liable to military service in case of bodily injury or illness arising out of military service.

Order of 18 June 1926 respecting the application of the Act of 13 April 1926.

Resolution of the Council of State of 2 July 1926 respecting occupational diseases which are deemed to be equivalent to bodily injuries due to an accident (L. S., 1926, Fin. 3).

Act of 18 December 1926 respecting the compensation for accidents payable to persons in State employment.

Resolution of the Council of State of 18 December 1926 respecting the application of the Act of 18 December 1926.

Germany.

Federal Insurance Code (§§ 547, 922 and 1057 (a)) (text as notified 20 December 1928) (L. S. 1928, Ger. 3).

Second Decree of 11 February 1929 respecting the extension of accident insurance to occupational diseases (L. S. 1929, Ger. 1).

Great Britain.

Workmen's Compensation Act, 1925 (L. S. 1925, G.B. 3).

Workmen's Compensation Act (Northern Ireland) 1927.

Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 (L. S. 1930, G.B. 7).

Hungary.

Act No. XXX of 1928 embodying the Convention in Hungarian legislation.

Act No. XXI of 1927 respecting compulsory accident and sickness insurance (L. S. 1927, Hung. 1).

Decree No. 74302 of 19 August 1926 respecting the occupational diseases of workers insured with the National Agricultural Workers' Fund.

Decree No. 88888 of 1930 relating to the occupational diseases of workers compulsorily insured with the National Agricultural Workers' Fund.

India.

Workmen's Compensation Act, 1923 (L. S. 1923, Ind. 1).

Workmen's Compensation (Amendment) Act. No. 29 of 1926 (L. S. 1926, Ind. 3 A).

Notification of 28 September 1926 of the Department of Industries and Labour adding mercury poisoning to the list of occupational diseases and the employments specified in Schedule III of the Workmen's Compensation Act, 1923 (L.S. 1926, Ind. 3 B.).

Workmen's Compensation (Amendment) Act, No. 5 of 1929 (L. S. 1929, Ind. 3).

Irish Free State.

Workmen's Compensation Act, 1906 (B. B. Vol. I, 1906, p. 18).

Workmen's Compensation (War Addition) Act, 1917.

Workmen's Compensation (War Addition) Act, 1919.

Japan.

Factory Act of 28 March 1911 (B. B. Vol. VI, 1911, p. 267), amended on 29 March 1923 (L. S. 1923, Jap. 1) and 27 March 1929 (L. S. 1929, Jap. 1 A).

Imperial Decree for the enforcement of the Factory Act, promulgated on 2 August 1926 by Imperial Decree No. 193 (B. B. Vol. XII, 1917, p. 27), amended on 5 June 1926 by Imperial Decree No. 153 (L. S. 1926, Jap. 1) and on 25 June 1929 by Imperial Decree No. 202 (L. S. 1929, Jap. 1 C).

Mining Act, promulgated in March 1905, amended in July 1924 (L. S. 1924, Jap. 2).

Regulations for the employment and compensation of miners, promulgated on 3 August 1916, amended by Ordinances of 24 June 1926 (L. S. 1926, Jap. 2 B), 1 September 1928 (L. S. 1928, Jap. 1) and 26 June 1929 (L. S. 1929, Jap. 3).

Imperial Decree for the assistance of Government employees, promulgated in November 1918, amended by Imperial Decrees of 30 June 1926 (L. S. 1926, Jap. 1 D), 27 June 1928 (L. S. 1928, Jap. 4) and 1 July 1929 (L. S. 1929, Jap. 6).

Latvia.

Act of 1 June 1927 concerning the insurance of paid employees against accidents and occupational diseases (L. S. 1927, Lat. 1).

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2).

Grand Ducal Order of 30 July 1928 concerning the extension of compulsory insurance against accidents to occupational diseases (L. S. 1928, Lux. 1) and of 9 November 1928 issued under the Act of 17 December 1925.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries (text as notified in the Decree of 28 June 1921 promulgating the Act as amended and supplemented (L. S. 1921 (Part II), Neth. 1) amended by the Act of 2 July 1928 (L. S. 1928, Neth. 1), the Act of 7 February 1929 (L. S. 1929, Neth. 2) and the Act of 18 July 1930 (L. S. 1930, Neth. 3).

Act of 20 May 1922 to insure persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (L. S. 1922, Neth. 2) amended by the Acts of 2 July 1928, 7 February 1929 and the Act of 18 July 1930.

Norway.

Act of 22 June 1928 (L. S. 1928, Nor. 2) to amend the Act of 13 August 1915 respecting the accident insurance of industrial workers, etc.

Royal Decree of 7 December 1928 laying down that the amendment made by the Act of 22 June 1928 should come into force on 1 January 1929 and that certain specified occupational diseases should be deemed to be equivalent to accidents.

Royal Decree of 20 September 1929 laying down that poisoning by benzol and its homologues shall be deemed to be equivalent to accidents.

Portugal.

Act No. 83 of 24 July 1913 establishing the right to medical attendance, medicines and compensation for workers and salaried employees victims of industrial accidents.

Act No. 801 of 3 September 1917 extending to commercial travellers all the provisions of the Act of 24 July 1913.

Decree No. 4288 of 9 March 1918 approving regulations for the application of the Act of 24 July 1913.

Decree No. 5637 of 10 May 1919 organising compulsory social insurance against industrial accidents in all occupations, as subsequently amended.

Sweden.

Act of 14 June 1929 respecting insurance against occupational diseases (L. S. 1929, Swe. 1 A), amended by the Act of 12 September 1930 (L. S. 1930, Swe. 5).

Royal Notification of 22 November 1929 to issue special regulations under the Act of 14 June 1929 (L. S. 1929, Swe. 1 B), amended by the Royal Notifications of 7 November 1930 (L. S. 1930, Swe. 4) and 13 March 1931 (L. S. 1931, Swe. 2).

Order of the State Insurance Office of 11 December 1929 concerning the drawing up of certain forms.

Switzerland.

Federal Act of 13 June 1911 respecting sickness and accident insurance (summary in B.B. Vol. VII, 1912, p. CXXXIV).

Federal Act of 18 June 1915 to supplement the Federal Act of 13 June 1911 respecting sickness and accident insurance.

Federal Act of 9 October 1920 to amend certain provisions of the Federal Act of 13 June 1911 respecting sickness and accident insurance (L. S. 1920, Switz. 7).

Order No. 1 of 25 March 1916 respecting accident insurance.

Order No. 1 *bis* of 20 August 1920 respecting accident insurance (L. S. 1920, Switz. 8).

Order No. 1 *ter* of 8 December 1922 respecting accident insurance.

Order No. 1 *quater* of 8 November 1927 respecting accident insurance (L. S. 1927, Switz. 3).

Order No. 2 of 3 December 1927 respecting accident insurance.

Order No. 3 of 2 March 1928 respecting accident insurance (L. S. 1928, Switz. 1).

Federal Decree of 28 March 1917 respecting the organisation of the Federal Insurance Court and the procedure to be followed before the Court.

Yugoslavia.

Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2).

Regulations of the Miners' Insurance Fund for workmen and staff (and their families and relations), employed in the undertakings covered by the Mines Act and issued by the Order of 27 June 1921 of the Minister of Mines and Forests respecting the organisation of employment in mines, put into force under § 32 of the Finance Act of August-November 1925.

Order of the Minister of Transport and Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communications services.

Decision of the Minister of Social Affairs and Public Health, No. 4445 of 22 April 1929, assimilating diseases due to anthrax infection to industrial accidents.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

Please give

- (i) a brief account of the general principles of the national legislation in your country relating to compensation for industrial accidents;*
- (ii) information regarding the rates of compensation prescribed by national legislation for injury resulting from industrial accidents; and*
- (iii) information regarding the conditions under which compensation for occupational diseases is payable, and the modifications and adaptations thought expedient in applying the legislation in regard to compensation for industrial accidents to the said diseases.*

Austria. — (i). Workmen's compensation for accidents is dealt with in Austria by the Acts and Orders mentioned under I above. The Act concerning the insurance against accidents of *wage-earning workers* covers workers employed in industry and transportation as defined by the Act. The Act concerning *agricultural workers'* insurance covers workers, assistants and apprentices employed in agriculture, forestry, hunting, fishing, the production of resin, undertakings accessory to agriculture and forestry etc. Under the Act concerning the insurance of *salaried employees* all persons employed by one or more employers in the administration of undertakings or parts of undertakings, in supervision or inspection, in correspondence, book-keeping, accountancy, copying, designing, buying, selling or warehousing, in the exercise of a liberal profession, in education, etc., are insured against accident. Federal, provincial, local and municipal officials covered by a pension and provident fund, doctors employed in public hospitals and sanatoria, priests in the Catholic and Evangelical churches etc., are exempted from insurance. The term "accident" is defined as including any accident occurring in the course of or in con-

nection with the occupational work of the person concerned, any accident occurring to a person in the course of domestic or other work which he is made to perform in the course of his duties or employment by his employer, or in the name of his employer, or by a person of superior grading to himself, and any accident which may happen to the insured person in the course of his journey from his home to his work or *vice versa*, unless he is making such journey on his own account or without reference to his employment. (ii). Where working capacity is reduced owing to an industrial accident the Act concerning the insurance against accidents of *wage-earning workers* allows the following benefits: (1) surgical and orthopaedic appliances, (2) periodical payments, payable as from the fifth week following the accident (during the four weeks following the accident the insured person is entitled to medical treatment and sickness benefit under the sickness insurance scheme). In the case of total incapacity and for the duration of such incapacity the periodical payment amounts to two-thirds of the yearly wage (full benefit). In the case of partial incapacity and for the duration of such incapacity the periodical payment amounts to a fraction of the full benefit corresponding to the extent of the reduction in working capacity (partial benefit). In the case of persons employed by the railway companies and entitled under the Act concerning the civil responsibility of railway undertakings to compensation as a result of an industrial accident, the full benefit amounts to the full yearly wage and partial benefit is reckoned as a fraction of such full benefit. Where the working capacity is reduced by not more than one-sixth the Insurance Institute may, subject to the insured person's agreement, substitute for the periodical payment a single cash payment of an appropriate amount. The annual remuneration on which periodical payments are to be based must be not less than 240 schillings and not more than 2,400 schillings, except in the case of railway employees for whom no such maximum limit is imposed. *Agricultural and forestry workers* and *salaried employees* are entitled under the Acts respectively concerning them to treatment, including medical treatment and sickness benefit, surgical and orthopaedic appliances, a periodical accident benefit and a benefit in respect of children. In the case of agricultural and forestry workers the periodical accident benefit is payable to the insured person as from the day following the end of the treatment necessitated by the accident and at latest as from the beginning of the second year following the accident. In the case of total incapacity for work the monthly payment is equal to twenty times the daily wage taken as a basis for calculation (i.e. the average wage for each wage category). In the case of partial incapacity

for work the periodical benefit amounts to a fraction of the full benefit corresponding to the extent of the reduction in working capacity. Partial benefit is only due, however, where working capacity is reduced by more than one-third, or in the case of forestry and saw-mill workers by more than one-fifth. Where the reduction in working capacity is less than this minimum but amounts to more than 15 per cent. a single payment is substituted for the periodical payment. Such single payment may not exceed fifty times the amount of the monthly payment. Where working capacity is reduced by less than 15 per cent. no cash benefit is payable. The Act concerning *salaried employees'* insurance allows the insured person a periodical accident benefit payable as from the day on which the treatment necessitated by the accident ended in so far as and for as long as working capacity is reduced by more than one-fourth. In the case of total working incapacity the periodical benefit amounts to 70 per cent. of the salary taken as a basis for calculation (full benefit). In the case of partial incapacity for work exceeding one-fourth the periodical benefit amounts to a corresponding fraction of the full benefit. Where working capacity is reduced by less than one-fourth the insured person is entitled neither to periodical benefit nor to a lump sum. Where an industrial accident causes death the Austrian law provides for a contribution towards funeral expenses (except in the case of the Salaried Employees' Insurance Act which contains no such provision) and for the payment of a pension to dependants as from the date of death. (iii). The Report states that clauses concerning compensation in the case of occupational diseases have been included in all the three Workmen's Compensation Acts mentioned under I above. For this purpose the Acts explicitly provide that certain diseases of occupational origin shall be assimilated to industrial accidents. Each of the Acts provides that the list of occupational diseases shall be promulgated by Order. (a) § 5 (4) of the Act concerning the insurance against accidents or *wage-earning workers* provides that certain diseases of occupational origin shall be assimilated to industrial accidents, provided that the loss of working capacity exceeds one-third. Where an insured person is subject to repeated or severe attacks of a compensable occupational disease he may, subject to his own consent, receive during a certain period full or partial periodical benefit so as to enable him to find some other employment or to undergo training for that purpose, so as to escape further exposure to the disease in question. (b) § 6 of the Act concerning the insurance of *agricultural workers* places certain occupational diseases on exactly the same footing as industrial accidents. (c) § 16 (2) of the Act concerning *salaried employers'* insurance assimilates

certain occupational diseases to industrial accidents subject to a proviso for transference and re-education similar to that contained in the Act concerning the insurance of wage-earning workers (see under (a) above).

Belgium. — The report gives the following information: (i) The Act of 24 December 1903 as amended by the Act of 15 May 1929 respecting compensation for injury caused by industrial accidents applies to workers in private or public undertakings, to apprentices, even if they are not in receipt of wages, and to other employees subject to the same risks as the workers if their annual salary or wages do not exceed 20,000 francs. In default of proof to the contrary, any accident which occurs in the course of the performance of the terms of employment is presumed to be an industrial accident. The payments granted in case of accident are entirely at the expense of the head of the undertaking; he may, however, be relieved of this responsibility if he has contracted an insurance either with an insurance company approved by the State or with an approved joint accident insurance fund formed by heads of undertakings. If no such insurance has been contracted, employers must contribute to an insurance fund against employers' insolvency, the object of which is to effect the payments if the head of the undertaking is unable to discharge his obligations. Accidents which occur in the course of employment must be notified within three days by the head of the undertaking to the district magistrate and factory inspector. (ii) In the event of total temporary incapacity, the injured person is entitled, from the day following the accident, to a daily compensation equivalent to 50 per cent. of his average daily wages. If the incapacity is partial, or becomes so, the compensation is equivalent to 50 per cent. of the difference between the wages of the injured person previous to the accident and the amount which he can earn before his complete recovery. If at the end of the first 28 days, counting from the day on which the accident first gave rise to compensation, the temporary incapacity has become total, the daily payment, from the twenty-ninth day becomes equal to two-thirds of the average daily earnings. If the incapacity is permanent, or becomes so, an annual payment of two-thirds calculated according to the degree of incapacity is substituted for the temporary compensation. For seriously injured workers, whose condition absolutely and normally makes the assistance of another person necessary, the annual payment may be on a higher scale than two-thirds, but may not, however, exceed 80 per cent. The head of the undertakings is, moreover, required to meet the medical, surgical, pharmaceutical and hospital expenses of the injured person for

three years. The injured person is entitled to select his doctor and chemist, unless the employer has set up at his own expense a medical and pharmaceutical service. In case of death there is granted (a) 750 francs for funeral expenses; (b) a capital sum representing the value of an annuity equivalent to 30 per cent. of the annual wages. The Act designates the persons to whom this capital sum is granted. It also provides for the payment in certain cases of a portion of the capital sum in the form of an annuity. The courts decide in the last resort if a dispute arises between the insured person or his dependants and the employer or the insurance company. (iii) The Act respecting occupational diseases ensures compensation for injury resulting from occupational diseases contracted by workers in public and private undertakings. Apprentices, even if they are not in receipt of wages, are deemed to be workers, as are other employees and artisans who, through direct or indirect participation in the work, are exposed to the same risks as the workers, if their annual wages as fixed by their terms of engagement do not exceed 18,000 francs. A Royal Decree gives a list of occupational diseases, mentioning, for each of them, the industries or occupations in which they give rise to compensation. To bring the Act into operation it is also necessary: (1) that the disease result either in the death of the insured person or in permanent incapacity for work, partial or complete, or in temporary incapacity for work, provided that it is complete and has lasted for at least 15 days; (2) that the claim is made within the period laid down in § 15. The compensation granted by the Act is equivalent to that given to persons injured in industrial accidents. The operation of the Act is ensured by the creation of a single fund entitled "Insurance Fund guaranteed by the State for the protection of persons suffering from occupational diseases"; all employers whose undertaking of five members, of which at least one is chosen from the most representative body define the obligations of heads of undertakings as regards the declarations and the payments which they must make. The Insurance Fund possesses legal personality and is guaranteed by the State. It is governed by a Board of Directors consisting of five members, of which at least one is chosen from the most representative body of employers in the industries concerned, and at least one from the most representative body of workers in these industries, and also of a Technical Committee consisting of nine members. The members of the Board of Directors and of the Technical Committee are appointed by the King. Employers and workers are represented in equal number on both bodies.

Bulgaria. — (i) Under § 1 of the Act of 6 March 1924 "every wage-earning and

salaried employee of a State, public or private establishment, undertaking, or estate who is not liable to deductions from his pay under any of the Pension Acts, shall be compulsorily insured with the Social Insurance Fund". Under §10 of the Act, the victim of an industrial accident receives, during the period of medical attendance and for each working day lost, pecuniary benefit fixed in proportion to his daily wage. (ii) § 11 of the Act provides that if the victim of an accident is unfit for work he shall be granted a pension in proportion to his incapacity for work and at a rate which varies according to his salary before the accident. Under §12 of the Act, if the victim of the accident dies, his survivors shall receive from the Social Insurance Fund a survivors' accident pension as follows: (a) the widow, or the widower if incapable of work, 40 per cent. of the pension due to the deceased; (b) the children, 30 per cent. each, or 50 per cent. each if they are full orphans; (c) the parents of the deceased, and his brothers and sisters, if they were maintained by him and he leaves no wife or child, 30 per cent. each of the pension. The total amount of the survivors' accident pension shall not exceed the pension due to the deceased. (iii) The report states that § 50 of the Regulations applying the Act on social insurance defines "accident" as "every injury with which a worker meets in connection with or in consequence of the work performed by him and which results in incapacity for work of any kind or in death". The report adds that occupational diseases are included in the category of accidents.

Finland. — The report states that under § 2 of the Act of 17 July 1925 bodily injury consequent upon an accident is deemed to include any occupational disease contracted by a worker in manufacturing or manipulating the substances specified in the Resolution of 2 July 1926. Cases of occupational disease are treated like cases of bodily injury consequent upon an accident and compensation is granted upon the same principles as in bodily injury consequent upon an accident. Compensation thus includes medical treatment, daily benefit and a pension, as well as a maintenance allowance to the dependants if the insured person is under treatment in a hospital. In case of death due to an occupational disease, funeral benefit and a pension are granted to the dependants.

Germany. — (i) The report states that in Germany workmen's compensation for accidents is regulated by the Federal Insurance Code. Insurance covers workmen and employees in industrial and agricultural undertakings and in maritime transport. The chief institutions responsible for insurance are compulsory groupings of heads of insured undertakings, which are under official supervision. In addition the Reich,

the States, the communes and unions of communes and the Federal Railway Company set up insurance institutions for certain undertakings belonging to them. The insured persons are entitled to take part in the application of the provisions relating to accident insurance and accident prevention. The insurance benefits in the event of physical injury are : medical treatment, professional attendance and a periodical payment or grant to the injured person ; in case of death, an indemnity and a pension for the dependants. (ii) The amount of the payment granted to the injured person depends upon the diminution of earning capacity caused by the accident, upon the amount of the injured person's annual earnings and upon the situation of his family. In the event of total incapacity the injured person receives the full pension. This amounts to two-thirds of the annual earnings. In the event of partial incapacity the injured person receives a portion of the pension corresponding to the reduction of his earning power. In the calculation of the pension the annual earnings correspond to the wages paid to the injured person during the twelve months preceding the accident. An injured person in receipt of 50 per cent. or more of the full pension also receives for each child under 15 years a grant of 10 per cent. of the pension. In some circumstances (vocational education or physical infirmity) the grant for a child may be continued beyond the child's fifteenth year. A widow receives a pension equivalent to one-fifth of the deceased person's earnings and, for as long a period as she has lost half her earning capacity from illness or any other infirmity, a pension equivalent to two-thirds of the annual earnings. The pension to orphans, which is paid for the same period as the grant to children, is one-fifth of the annual earnings. In certain circumstances a pension may be paid to a widower, and to relations and grandparents. A single lump sum payment may be substituted for the pension. The total amount paid to the dependants of a deceased insured person may not exceed four-fifths of the annual earnings. (iii) The accident insurance provisions described above also apply to workmen's compensation for occupational diseases. Diseases assimilated to industrial accidents under the Decree of 11 February 1929 for the purposes of insurance are compensated as occupational diseases. The Decree enumerates 22 diseases of this description. As compared with the Decree of 12 May 1925, which was in force before the year 1929, the number of occupational diseases recognised as such has been doubled. Transitional measures make it possible in certain circumstances to grant the advantages of the new Decree to insured persons whose disease was contracted before it came into force. Compensation is paid when the disease was caused by a person's having been professionally

employed in an undertaking subject to accident insurance. While most occupational diseases and, in particular, most forms of industrial poisoning are compensated irrespective of the insured establishment in which they originated, some diseases are compensated only if they are caused by employment in certain specific classes of insured undertakings. Thus silicosis is compensated only in mining undertakings, stoneware and porcelain factories and metal-polishing undertakings, and cataract is compensated only in glassworks and metallurgical undertakings and in metal foundries. The provisions governing the calculation of the compensation for occupational diseases are the same in principle as those for accident insurance ; they are however supplemented by an important clause in the Decree of 11 February 1929 dealing with the prevention of occupational diseases. If there is a danger of contraction of an occupational disease or of recurrence or aggravation of the disease if the insured person continues to be employed in the undertaking subject to sickness insurance, the insurance institute may grant the insured person a transitional payment not exceeding half the maximum pension so long as the insured person suspends his employment in an establishment of that description. The payment is made in accordance with the regulations generally governing accident insurance. On the other hand, the procedure for the notification of disease and for enquiry in the event of occupational disease is different; any doctor who finds that an insured person is suffering from an occupational disease or shows symptoms of an occupational disease must immediately notify the disease to the insurance office. The office has the patient re-examined and decides to what extent an enquiry is necessary. Through compulsory notification of disease almost all cases of occupational disease come to the knowledge of the authorities. The enquiries which they make enable the causes of the disease to be established and suitable preventive measures to be taken.

Great Britain. — (i) Under § 1 of the Workmen's Compensation Act of 22 December 1925 the employer is liable to pay compensation if any workman is disabled by accident arising out of and in the course of his employment. Under § 3 of the Act "workman" is defined as any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, oral or in writing. The term includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the

earnings or otherwise. The following persons are excepted: any person employed otherwise than by way of manual labour whose remuneration exceeds £ 350 a year; a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business not being a person employed for the purposes of any game or recreation and engaged or paid through a club; a member of a police force; an out-worker; and a member of the employer's family dwelling in his house. (ii) Provision for compensation is made in §§ 8, 9 and 10 of the Act of 22 December 1925, which lay down that where death results from the injury the compensation shall be a lump sum, together with an additional sum if the workman leaves a widow or other member of his family (not being a child under the age of 15) wholly or partially dependent upon his earnings and in addition leaves one or more children under the age of 15 so dependent. The lump sum and children's allowance may not, however, in any case exceed £600. The compensation where total or partial incapacity for work results from injury is a weekly payment. If, however, the incapacity lasts less than four weeks, no compensation is payable in respect of the first three days. The weekly payment may in no case exceed 30 shillings. (iii) Part II of the Act of 22 December 1925 deals with the application to certain industrial diseases of the provisions regarding compensation for industrial accidents. It provides in §§ 43 and 44 that a workman or his dependants are entitled to compensation as if the disease were an injury by accident arising out of and in the course of the employment, subject to certain modifications. The effect of this is that, broadly speaking, a workman disabled by a scheduled disease is in the same position under the Act as the workman disabled by accident, that is to say, the rates of compensation are the same for diseases as for accidents. The principal modifications in the case of disease are: (1) in default of agreement, the workman proves his disablement by the disease by obtaining a certificate from a particular doctor appointed by the Government; (2) the workman is relieved from the onus of proving that the disease was due to the employment if he was employed in a process set opposite to the disease in the Schedule; (3) provision is made in the cases where the disease was not, or was not solely, contracted under the last employer, for apportioning the responsibility among the other employers concerned; and (4) compensation is not payable where the employment in which the disease is claimed to have been contracted ceased more than 12 months before the disablement. The Workmen's Compensation Act (Northern Ireland) 1927 contains provisions similar to those mentioned above.

Hungary. — (i) Act No. XXI of 1927 enumerates the establishments, undertakings, offices and callings which are subject to compulsory accident insurance (see summary of the report on the *Convention concerning workmen's compensation for accidents*). (ii) In case of accident the insured person is entitled (1) to medical, pharmaceutical and therapeutical aid and to the necessary prosthesis appliances; (2) to sickness benefit throughout the period of treatment. For the first ten weeks the benefit amounts to at least 60 per cent. of the average daily earnings, after ten weeks the rate is increased to 75 per cent. of the earnings; (3) when the sickness benefit has ceased, to a periodical payment during incapacity to work or during the period of reduced capacity for work. In the event of total incapacity the insured person is entitled to $66\frac{2}{3}$ per cent. of his wages (full pension) and in the event of partial incapacity to a portion of the pension corresponding to the reduction in capacity for work (partial pension). The insured person is entitled to the partial pension only if the incapacity exceeds 10 per cent. If the insured person is disabled and his condition makes constant help and attention necessary, he receives a pension which exceeds the "full pension" but must not, however, exceed the total of his average earnings (disability pension). In the event of death resulting from an accident the dependants are entitled (1) to funeral benefit amounting to at least 30 times and at most 40 times the average daily earnings; (2) to an annual pension payable from the date of the death. The widow's annual pension (or, in some circumstances, the widower's) amounts to 20 per cent. of the basic wages of the deceased person. Legitimate, recognised or adopted children up to the completion of their sixteenth year receive an annual pension amounting to 15 per cent. of the basic wages of the deceased person, and if they have already lost father or mother or are subsequently orphaned of the other parent, a pension amounting to 30 per cent. In some cases the pension may be paid to children up to the age of 24 years. Parents and grandparents dependent upon the insured person up till his or her death and throughout the period of incapacity for work receive an annual pension of 20 per cent. The total of the pension paid to the dependants may not exceed $66\frac{2}{3}$ per cent. of the basic wages of the deceased person. If the total exceeds this proportion the amount of the pensions paid to the widow or widower and the children must be proportionally reduced. "Basic wages" are defined as meaning the earnings of the insured person in the 52 weeks before the accident in the undertaking subject to compulsory accident insurance. For insured persons who are paid by the month the period of 12 months preceding the accident is taken as a basis. Earnings are taken

into account for purposes of calculation only up to a maximum annual amount of 3,600 *pengōs*. An insured person whose pension does not exceed 20 per cent. of the "full pension" may request payment of compensation in a lump sum. Such a lump payment may be made even without the request or consent of the person concerned. It may however be made only after a medical examination of the insured person to determine his probable expectation of life and after the advice of the competent authorities has been obtained concerning the judicious use of the lump sum. (iii) Under § 70 of Act No. XXI of 1927 compensation equivalent to that paid in case of accident is due to an insured person or his dependants if in an undertaking subject to compulsory accident insurance or in the course of or as a result of employment carried out on behalf of such an undertaking he contracts a disease (occupational disease) to which such employment renders him peculiarly liable and involves incapacity for work or reduction in capacity for work or the death of the insured person. The Council of Ministers issues by Decree the list of undertaking covered by § 70 and the occupational diseases corresponding to each undertaking. So far as the Act does not provide to the contrary, occupational diseases are treated as industrial accidents, persons suffering from an occupational disease as persons suffering from industrial accidents, and deaths as the result of occupational diseases as deaths as the result of an accident. The compulsory notification of an occupational disease to the National Social Insurance Institute is made by the doctor who finds that the patient shows symptoms of such a disease. On the strength of this notification the National Social Insurance Institute automatically pays compensation. A person suffering from an occupational disease may himself claim compensation from the National Social Insurance Institute. The claim is not valid, however, unless it is made within twelve months of the cessation of sickness benefit. If death attributable to the occupational disease occurs later the dependants may claim compensation within the six months following the death. The report adds that workers insured by the National Agricultural Workers' Fund against accidents in the course of their employment are entitled to certain benefits.

India. — The report states that the Act of 5 March 1923 is limited in its scope to organised industries and certain hazardous occupations as mentioned in Schedule II of the Act. (i) Under § 2 (1) (n), the Act applies to any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is (a) a railway servant as defined in § 3 of the Indian Railways Act, 1890, not permanently employed in any

administrative, district or sub-divisional office of a railway; (b) employed, either by way of manual labour or on monthly wages not exceeding 300 rupees in any of the occupations enumerated in Schedule II of the Act of 1923 as amended by the Act of 1929. § 3 provides that if a personal injury is caused to a workman, as defined above, by accident arising out of and in the course of his employment, his employer shall be liable to pay him compensation. (ii) Under § 4 of the Act of 5 March 1923 the amount of compensation is as follows: where death results from the injury, in the case of an adult, a sum equal to 30 months' wages or 2,500 rupees, whichever is less; in the case of a minor, 200 rupees. Where permanent total disablement results from the injury, in the case of an adult, a sum equal to 42 months' wages or 3,500 rupees, whichever is less; in the case of a minor, a sum equal to 84 months' wages or 3,500 rupees, whichever is less. Where permanent partial disablement results from the injury, compensation in proportion to the loss of earning capacity. Where temporary disablement, whether total or partial, results from the injury, in the case of an adult, 15 rupees, or a sum equal to one-fourth of the monthly wages, whichever is less; in the case of a minor, a sum equal to one-third, or, after he has attained the age of 15 years, to one-half of his monthly wages, but not exceeding in any case 15 rupees. The rates of compensation payable to workmen incapacitated by occupational diseases under the Act are the same as in the case of industrial accidents. (iii) § 3 (2) of the Act of 5 March 1923, as amended by Act No. 29 of 1926, provides, that if a workman employed in any employment involving the handling of wool, hair, bristles, or animal carcasses or parts of such carcasses, or in the loading, unloading or transport of any merchandise, or in any work in connection with animals infected with anthrax, contracts the disease of anthrax, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III of the Act (see below, under ARTICLE 2), contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment. The report emphasises that in the case of occupational diseases, with the exception of anthrax, the Act provides that the workman must have been uninterruptedly employed by the same employer for at least six months.

Irish Free State. — (i) § 8 of the Act of 1906 provides that where a workman suffers from an industrial disease (being one

of certain scheduled diseases) due to the nature of his employment, he shall be entitled to the compensation provided for under the Act as if the disease were a personal injury by accident arising out of and in the course of his employment. The Act of 1906 imposes a statutory liability on employers to compensate workmen who suffer either from personal injury by accident arising out of and in the course of their employment or from certain industrial diseases due to the nature of their employment. If the accident or disease causes disablement, the compensation is in the form of weekly payments to the injured person while the disablement lasts, but if death results, the compensation is a lump sum for the benefit of the deceased workman's dependants. (ii) The rates of compensation prescribed by this legislation are as follows: (a) The equivalent of the earnings of the deceased workman with the same employer for the three years preceding the accident. The maximum sum payable in any case is £300 and the minimum £150. If less than three years with the same employer the amount of the three years' earnings is deemed to be 156 times his average weekly earnings with that employer. Weekly payments already made, or a lump sum paid in redemption thereof, are to be deducted from such compensation. (2) If the workman leaves dependants in part dependent on his earnings, such proportion of the amount calculated as at (a), as may by agreement or arbitration be deemed reasonable and proportionate to the injury suffered by the dependants. (3) If the workman leaves no dependants, the reasonable expenses of his medical attendance and burial, subject to a maximum of £10. (b) In the event of total incapacity for work, the Act of 1906 provides for a weekly payment during the incapacity equivalent to not more than 50 per cent. of the average weekly earnings of the workman during the preceding twelve months or less with the same employer, such weekly payment not to exceed 20/-; but in the case of a minor (i.e., under 21 years of age at the date of injury) 100 per cent. of his average weekly earnings, subject to a maximum of 10/-, is payable by way of compensation, provided such earnings are under 20/-. By the Workmen's Compensation (War Addition) Acts 1917 and 1919, these weekly payments are increased by 75 per cent., so long as these Acts remain in force. (c) In case of partial incapacity the maximum limits of compensation allowed are the same as those fixed for total incapacity under the 1906 Act, subject to the proviso that the weekly payment shall in no case exceed the difference between the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount

of that difference as under the circumstances may appear proper. (iii) These rates of compensation are payable, under certain conditions and with certain modifications as shown in § 8 of the Act of 1906, in any case of death or incapacity of a workman who has contracted a particular industrial disease due to the nature of his employment. The particular industrial diseases concerned are set out in the Third Schedule to the Act and in Orders which have subsequently extended the list to some twenty-five industrial diseases.

Japan. — (i) The report states that § 15 of the Factory Act provides that where any worker is injured, falls ill or dies in connection with his employment, the occupier of the factory must pay compensation to him or his family or any person dependent upon his income at the time of his death, in accordance with regulations to be issued by Imperial Decree. The Mining Act and the Imperial Decree for the assistance of Government employees contain provisions embodying the same principles for miners and Government employees. (ii) With regard to compensation for the injury, illness or death of workers, the Imperial Decree of 2 August 1916, as amended, provides that when a worker is injured or falls ill the occupier of the factory must at his own expense cause him to be medically treated or bear the expenses necessary for medical treatment. The occupier of a factory must pay a cash benefit amounting to at least 60 per cent. of the daily wage during the time the worker receives no wages while absent from work for medical treatment. When the benefit continues for 180 days or more the occupier may reduce the amount to 40 per cent. of the wages. If the injury or illness results in permanent physical or mental disability the occupier of the factory must pay a lump sum according to the following scale: (1) If the worker is helplessly maimed for life, not less than 540 days' wages; (2) if the worker is disabled for work for life, not less than 360 days' wages; (3) if the worker is disabled for his former work, has no hope of recovering his former health or — in the case of a woman — is facially disfigured, not less than 180 days' wages; (4) if the worker is irrecoverably maimed, but is able to engage in his former work, not less than 40 days' wages. If a worker is injured or falls ill owing to a serious fault on his part and this is acknowledged by the administrative authorities, the occupier of the factory may be exempted from the obligation to pay compensation for temporary or permanent disability. In case of the death of a worker the occupier of the factory must pay to the surviving relatives or to the dependants not less than 30 days' wages (at least 30 yen) for the funeral expenses. If a worker who receives compensation or medical treatment fails to recover from the injury or illness within three years from the date of the first me-

dical treatment, the occupier of the factory may discontinue the compensation after giving a lump sum compensation equivalent to the worker's wages for 540 days. The Regulations for the employment and compensation of miners contain provisions similar to those described above. The Imperial Decree for the assistance of Government employees provides for the compensation of these employees. This Decree, however, lays down the maximum sum for benefits as follows: (1) benefits for injury: (a) helplessly maimed for life, 700 days' wages; (b) disabled for work for life, 500 days' wages; (c) disabled for former work, without hope of recovering former health or, in the case of a woman, facially disfigured, 300 days' wages; (d) irrecoverably maimed, but able to engage in former work, 250 days' wages; (2) lump sum benefit, 700 days' wages; (3) benefit to surviving relative, 600 days' wages; (4) funeral benefit, 40 days' wages. (iii) The report states that Japanese legislation treats compensation for occupational diseases in the same manner as compensation for industrial accidents. The rate of compensation is the same in both cases.

Latvia. — (i) The Act of 1 June 1927 applies to all private, communal and State undertakings, establishments, institutions and other workplaces and likewise to individual employers employing paid employees and apprentices or improvers irrespective of their remuneration. The insurance system provided for by the Act does not cover isolated services of any kind except where the employer employs other employees already coming within the scope of the Act (§ 1). The Act applies to all paid employees working in the workplaces mentioned in § 1 or for individual employers, such as unskilled workers, artisans, foremen, journeymen, apprentices, officials, salaried employees, servants and paid workers in general without distinction of age, sex or nationality (§ 2). The Act also applies to sea fishermen engaged in fishing on their own account and to the members of their family engaged in fishing if these persons are not liable to insurance as paid employees under §§ 1 and 2. Persons voluntarily insured have the right to insure members of their family employed by them. The Act does not apply to employees in State institutions, undertakings and establishments who are entitled to compensation under a special Act in case of accident or occupational disease (§ 117). The provisions of the Act apply to accidents arising out of or in the course of employment. Occupational diseases are deemed to be equivalent to accidents. The provisions relating to occupational diseases are not applicable to workers employed in agriculture. (ii) Under § 11 any person who contracts an occupational disease has the right to the following grants from the insurance

association or from the Ministry of Social Welfare as from the day on which he fell ill: (a) medical benefit comprising medical treatment of all kinds, medicine and other remedies and also artificial limbs; (b) pecuniary benefit during the period of temporary incapacity for work; (c) a pension for an indefinite period (but not more than three years) if a decrease or increase in the incapacity for work is to be expected; (d) a pension in case of permanent incapacity for work. Pecuniary benefit is paid from the first day of incapacity for work until the date of recovery or until the date on which the pension is granted (§ 12). The pecuniary benefit paid to the injured person is 70 per cent. of his average daily wage. Railway employees have a right to pecuniary benefit at the rate of 75 per cent. of their daily wage (§ 13). A pension is paid to the injured person as follows: (a) in case of total loss of working capacity at the rate of 70 per cent. of the annual remuneration of the injured person; (b) in case of partial loss of working capacity at the rate of a fraction of 70 per cent. of the annual remuneration corresponding to the extent of the loss of working capacity. In the case of railway employees the rate is 80 per cent. (§ 15). If the insured person has become insane or has completely lost his sight, if he has lost both hands or both feet or has otherwise become quite helpless and cannot live without the attendance of another person, a pension equal to the full annual remuneration is paid (§ 16). If a person who has contracted a disease dies, the insurance association is under obligation to pay funeral benefit to the members of the family of the deceased person who are maintained by him equal to 40 times the amount of the daily wage calculated in the same manner as pecuniary benefit, and to grant a pension to the members of the family of the deceased person specified in the Act (§ 24). The total amount of the pension payable to the members of the family of the deceased taken together must not exceed the amount which would have been due to the injured person in case of total incapacity for work. Instead of the medical benefit provided for in § 11, the insurance association or the Ministry of Social Welfare may place the insured person in a hospital subject to his consent. In cases where the pension is granted, at the wish of the pensioner and with the consent of the insurance association, a lump sum may be paid in place of the pension by way of commutation if the loss of working capacity is not more than 20 per cent. (iii) The person injured by the accident or the members of his family have no claim to insurance compensation if it is shown that the accident was intentionally caused by the injured person. Contraventions of the provisions of the law relating to commerce and industry or of the instructions of the employer or his representatives do

not entail loss of the claim to compensation. If it is shown that the accident was caused by wilful neglect of safety regulations and by arbitrary removal of safety devices, the insurance compensation may be diminished in cases where the death of the injured person or permanent and serious disablement has not resulted (§ 8). The Ministry of Social Welfare is the insurance carrier for employees of State institutions and undertakings, including undertakings under independent management. Provision is made for the establishment of two central insurance associations for the insurance of all other employees to whom the Act applies (§ 44).

Luxemburg. — (i) and (ii) For an account of the general principles of the national legislation relating to compensation for industrial accidents including information regarding the rates of compensation, see the summary of the report on the *Convention concerning workmen's compensation for accidents*. (iii) According to § 1 of the Grand Ducal Order of 30 July 1928 the benefits of compulsory insurance against accidents are applicable to the diseases of an occupational origin specified in the list annexed to the Order (see below under ARTICLE 2). The Act of 17 December 1925 (§ 149) and the Grand Ducal Order of 11 June 1926 contain provisions relating to measures of supervision and methods of review of accident benefits. Under § 3 of the Order of 30 July 1928 the provisions regarding notification and enquiry in connection with accident are applied to occupational diseases, subject to the modification that the existence and nature of an occupational disease are established on the basis of a report by the doctor or doctors selected by the accident insurance institution, and upon observation made during two consecutive months.

Netherlands. — (i) Insurance against industrial accidents is regulated in the Netherlands by the Act of 2 January 1901 (text as notified in the Decree of 28 June 1921) for industry; and by the Act of 20 May 1922 for agriculture. The Act of 2 January 1901 as amended makes all industries liable to compulsory insurance except agriculture, stock-keeping, horticulture and forestry, passenger and goods traffic carried on by ships which do not as a rule sail either on rivers or inland waterways, or from one place within the country to another such place, and fishing carried on elsewhere than on rivers or inland waterways, as a rule out of sight of the Dutch coast. Netherlands legislation makes special provision for these various employments. § 11 of the Act of 20 May 1922 makes insurance applicable to (1) agriculture, (2) stock-keeping, (3) horticulture and (4) forestry. (ii) An insured person who meets with an accident in con-

nection with his employment receives as compensation medical and surgical treatment or payment for them. If the insured person on the third day after the accident is not in a fit condition to perform his usual work he further receives a temporary allowance reckoned from the day after the accident for the duration of the incapacity, but not beyond the forty-third day. This allowance amounts to 80 per cent. of the daily wage of the insured person for each day, exclusive of Sundays. If the insured person is partly or wholly incapacitated for work six weeks after the date of the accident he receives a fixed allowance which amounts for each day, exclusive of Sundays, in case of total incapacity for work, to 70 per cent. of the daily wage and in case of partial incapacity to a part of the payment proportionate to the loss of working capacity. If the insured person is even temporarily rendered helpless, so that regular attendance and care are necessary and the payment is insufficient for his maintenance, it may be increased to not more than 100 per cent. of his daily wage while the condition of helplessness lasts. If an insured person dies, the surviving relatives who are entitled to a pension receive for funeral expenses 30 times the daily wage of the deceased and a pension not amounting to more than 60 per cent. of the daily wage of the deceased. The relatives entitled to a pension are: the widow, the widower if disabled, children under 16 years, the father and mother, grandparents, grandchildren, orphans under 16 years and parents-in-law. Relatives other than the widow and children must have been dependent on the deceased person. If the widow remarries she ceases to draw a pension but receives in commutation an amount equal to twice her yearly pension. These provisions apply to insurance in industry as well as in agriculture. The Act of 20 May 1922 further provides that a pension for incapacity not exceeding 10 per cent. may be converted to a lump sum payment amounting to 900 times the daily allowance. In the calculation of the payments mentioned above the maximum daily wage taken into account is eight florins. (iii) The report states that in order to ratify the Convention it has been necessary to amend the Accident Insurance Acts by two Acts, Nos. 223 and 224 of 2 July 1928. These Acts provide that in the application of the Accident Insurance Acts occupational diseases shall be treated as accidents in the course of employment and that the provisions governing accident insurance shall also apply to occupational diseases. Workmen who contract an occupational disease receive the same compensation as workmen who have met with an accident in the course of their employment.

Norway. — (i) The Norwegian Act of 13 August 1915 on accident insurance for

industrial workers as amended by the Act of 19 July 1918 makes insurance compulsory for all workers and employees employed in the following industries and occupations: (1) factories and workshops and other establishments run as factories or using mechanically driven power or a steam boiler; (2) mining and related undertakings; (3) ice-cutting; (4) undertakings in which explosives and other very inflammable materials are manufactured or used in the way of trade; (5) the construction, installation or repair of buildings, ships, railways, overhead cables, etc., sewers, gas-works, water-works, and works connected with the erection, repair or removal of electric cables and lightning conductors; (6) forestry, including felling and transporting of building timber, etc., and related works, timber floating and all related works, supervision of dams, canals, locks, railways, overhead cables and tramways; (7) loading and unloading ships in so far as this work is not performed by the crew and provided that the tonnage of the ship renders it liable to registration under the Norwegian Ships' Registration Act No. 2 of 4 May 1901; all work in building yards and in depôts, warehouses and sheds of harbours, the preparation, etc., of fish and of canned food; (8) diving and related salvage operations; (9) chimney sweeping, fire brigade service and related salvage work; (10) the transport of goods carried on as an independent undertaking or in connection with any of the industries enumerated under (1) to (9) above, but only if the goods are transported by vehicles, etc., belonging to the undertaking or hired by it; (11) sea transport on lighters (vessels which have no independent means of propulsion) of a gross tonnage of 50 tons or more. The insurance is compulsory irrespective of the period of employment and is subject to one of the following conditions: (a) that the work is performed on the account of a person running an undertaking which normally requires the said work or on the account of a company whose operations cover the working of one of the undertakings enumerated above, even though the company may not undertake an industry for purposes of gain; the Act does not apply to the work so defined unless the wages paid for the work by the person or company are not less than 50 *kroner* a year; (b) that the work is performed on the account of the State or a commune irrespective of the value of the work done; (c) that the total remuneration for the work is not less than 500 *kroner* or if use is made of mechanical power or a steam boiler not less than 100 *kroner* a year. Insurance under the Act is not compulsory for State workers, employees of the main railways or municipal workers if, in the event of an accident, they and their families are entitled to compensation which the

Crown considers equivalent to that provided under the Act. Provision for the insurance of seamen and fishermen is made by the Acts of 16 February 1923 and 10 December 1920 respectively. (ii) In the case of death due to an accident the relict receives 20 per cent. of the annual earnings, but this pension ceases on the remarriage of the widow, when a lump sum of three years' pension is paid. Each child receives 15 per cent. of the annual earnings, subject to a maximum of 30 per cent. for all children. Each orphan receives 20 per cent. subject to a maximum of 50 per cent. for all orphans. If the pensions of the relict and children do not exceed the total pension, parents or grandparents share the remainder up to 20 per cent. of the annual earnings. A sum of 50 *kroner* is paid for funeral expenses. In the case of incapacity all injuries are evaluated according to the reduction of the earning capacity. Incapacity lasting four days or more is compensated from the fourth day. Incapacity remaining when an injury is healed is deemed permanent. In the case of permanent incapacity the pension amounts to 60 per cent. of the annual earnings. In the case of temporary incapacity the benefit amounts to 60 per cent. of the daily earnings. All incapacity for the first ten days is deemed total (thereafter the benefit amounts to 60 per cent. of the reduction in daily earnings). The above invalidity benefits are exclusive of medical aid. (iii) The Act of 22 June 1928 to amend the Act of 13 August 1915 lays down that "certain occupational diseases respecting which the Crown shall issue more detailed regulations shall be deemed to be equivalent to accidents." The report states that compensation for occupational diseases is payable without modifications under the same rules as for compensation in the case of industrial accidents.

Portugal. — (i) For an account of the general principles of the national legislation relating to compensation for industrial accidents see the summary of the report on the *Convention concerning workmen's compensation for industrial accidents*. (ii) The report states that provision for workmen's compensation for occupational diseases was made in Portuguese legislation by the Decree No. 5637 of 10 May 1919. The pensions and compensation granted to workers victims of an occupational disease are in all respects the same as those provided for cases of industrial accident. Under § 3 of the Decree an industrial accident is defined as "any external or internal injury and any nervous or psychical disturbance resulting from the effect of a sudden external violent occurrence arising in the course of the employment; acute poisonings arising out of and in the course of the employment and occupa-

tional inflammations of serous bursae ; all cases of duly authenticated occupational disease". (iii) § 9 of Decree No. 5637 provides that where the accident is followed by death it shall give rise to the following compensations: (a) for the surviving spouse, provided the marriage took place before the accident, 20 per cent. of the yearly wages so long as he or she remains unmarried ; in case of remarriage such spouse will receive by way of compensation a single lump sum equal to three times the annual pension ; (b) if at the date of the accident the worker or employee was divorced or judicially separated with an obligation to pay alimony to his wife such wife shall receive by way of compensation 20 per cent. of the yearly wages or remuneration, but shall lose the right to such pension on contracting a second marriage ; (c) for the legitimate, legitimised, adopted or illegitimate children born before the accident up to fourteen years of age, 15 per cent. of the yearly wages where there is only one child ; 25 per cent. if there are two ; 35 per cent. if there are three, and 40 per cent. if there are four or more, provided that where such children have neither father nor mother they shall each receive 20 per cent. of the wages, salary or remuneration up to a total of 60 per cent. ; (d) where there are no children, for ascendants and for any other infants up to fourteen years of age, provided that the victim of the accident was liable for the support of such persons, 10 per cent. of the yearly wages for each such person, provided always that the total amount of such pensions shall not exceed 40 per cent. of the wages. It is provided that all such pensions shall commence to be payable from the date of death. Daughters are entitled to such pension up to sixteen years of age. § 10 provides that if the accident gives rise to incapacity for work on the part of the victim he shall be entitled from the date of such accident to compensation according to the degree of incapacity : (a) in the case of permanent and absolute incapacity to a pension equal to two-thirds of his yearly wages, salary or remuneration ; (b) in the case of permanent and partial incapacity to a pension equal to half the reduction which the victim has suffered in his income by virtue of such industrial accident ; (c) in the case of temporary and absolute incapacity to compensation for every working day equal to two-thirds of the daily wages, salary or remuneration ; (d) in the case of temporary partial incapacity to compensation equal to half the reduction suffered in the daily wages, salary or remuneration. § 20 of the Decree corresponding to § 16 of the Act of 24 July 1913 charges on employers the funeral expenses of workers and salaried employees dying as a result of an industrial accident.

Sweden. — (i) For an account of the general principles of Swedish legislation concerning workmen's compensation for accidents see the summary of the report on the *Convention concerning workmen's compensation for accidents*. (ii) The benefits payable in case of illness due to an accident involving total or partial incapacity for work consist on the one hand of free medical aid from the commencement of the illness and on the other, if the illness lasts more than three days and the capacity for work is reduced by at least a quarter, of sickness insurance benefit from the fourth day. This daily benefit is to a certain extent proportional to the annual wages of the injured person and amounts to one crown per day if the wage is less than 675 crowns a year, to 1 crown 50 öre if the wage is 675-945 crowns etc. The maximum daily benefit is fixed at 5 crowns 50 öre and is granted if the wage exceeds 2,835 crowns. If the accident, after the end of the illness, involves a loss or reduction by at least one-tenth of the working capacity, the injured person has also the right to a pension, which amounts, in case of total incapacity, to one-third of the annual wage and, in case of partial incapacity, to a proportionate amount. Further, the injured person is entitled to the necessary means for increasing his working capacity, and in certain cases to an increase in the pension for securing the renewal of certain therapeutic requisites, and also to the expenses which may be necessary for special treatment. In individual cases the pension may on request be capitalised and paid out in one sum. If the accident results in the death of the worker a sum amounting to one-tenth of his annual wage (a minimum of 100 crowns) must be paid for funeral expenses. The survivors (husband or wife, children or parents) are also entitled to a pension. In the case of the surviving husband or wife, this amounts to one-fourth and for each child one-sixth of the annual wages of the deceased. The father and the mother are entitled to a pension in proportion to the amount of maintenance given to them by the deceased, subject to a maximum of one quarter of his annual wage. The total of the pension reserved for the survivors of the deceased may not exceed two-thirds of his annual wage, the surviving husband or the wife having a preferential right in case the pension is reduced for this reason. (iii) According to § 1 of the Act respecting insurance against occupational diseases, all those who are insured under the Act respecting insurance against industrial accidents are deemed to be also insured against certain specified occupational diseases (for a list of these diseases see under ARTICLE 2). The report states that the provisions of the Act respecting insurance against industrial accidents are as a rule also applicable to insurance

against industrial diseases. Insurance against occupational diseases is, however, governed by certain special regulations, the more important of which are as follows: the right to compensation due to all occupational diseases is limited to cases in which the disease is discovered in the course of one year, or in cases of diseases due to the influence of X-rays or radium, ten years from the time when the worker was employed in the dangerous process. If the insurance institution requires the worker, with a view to preventing the contracting, reappearance or aggravation of an industrial disease, to absent himself for a certain period from participation in the dangerous process, the worker is as a rule entitled during this period to a reasonable allowance, but not exceeding half the daily sickness insurance benefit. Compensation for occupational diseases is in principle paid by the insurance institution where the worker is insured against industrial accidents at the time the illness begins. The right to compensation for an occupational disease lapses if the disease is not notified or compensation is not claimed in the course of two years after the discovery of the disease, or, where the disease results in death, from the date of death.

Switzerland. — (i) The Confederation has created a "Swiss National Accident Insurance Fund at Lucerne", under its own supervision and in receipt of State subvention. This institution practises insurance upon the principle of mutuality. Under §§ 60 and 60 *bis* (§ 16 of the Supplementary Act of 18 June 1915) of the Accident Insurance Act of 13 June 1911, insurance with the National Fund is compulsory for all persons employed in Switzerland: (1) in railway, steamship and postal undertakings; (2) in establishments subject to the Federal Act of 18 June 1914/27 June 1919 respecting employment in factories; (3) in undertakings concerned with (a) the building industry; (b) carriage by land and by water and floating; (c) the erection and repair of telephone and telegraph lines, the erection and removal of machinery and the execution of technical installations; (d) the construction of railways, tunnels, bridges, roads, hydraulic works, the excavation of pits and galleries, canalisation and the carrying on of mines, quarries and pits; (4) undertakings which for industrial reasons produce, use or store explosives. In addition, the Federal Council has power to declare compulsory insurance applicable to (1) undertakings which for industrial reasons produce, use in large quantities or store explosive substances or substances dangerous to health; (2) electrical undertakings; (3) industrial or commercial undertakings which use dangerous apparatus or machines and undertakings which are in direct relation with the transport industry. In all these undertakings the employer must take every step the

necessity of which has been shown by experience and the application of which is made possible by the progress of science and by circumstances, for the prevention of illness and accidents (§ 65). The National Fund effects insurance against occupational and non-occupational accidents resulting in sickness, invalidity and death (§ 67). (ii) The insured benefits include: medical and pharmaceutical expenses and unemployment indemnity, pensions for incapacity for work, funeral expenses, and pensions for the survivors (§ 72). From the date of the accident and for the period of the resultant illness the insured person is entitled to medical and pharmaceutical attendance and other curative treatment, to the apparatus which he may require and to the necessary travelling expenses (§ 73). From the third day after the date of the accident and for the period of the resultant illness the insured person is entitled to unemployment indemnity. This indemnity consists of 80 per cent. of the wages, the earnings being taken into consideration only up to 21 francs a day (§ 74). In the case of total incapacity for work, the pension for incapacity is fixed at 70 per cent. of the insured person's annual earnings. If the illness is such as to require attendance and other special treatment, the pension may be increased until it is equivalent to the total earnings. If the incapacity for work is only partial, the pension is proportionately reduced. If the insured person dies as the result of an accident, the National Fund pays the funeral expenses to the survivors up to a total of 40 francs (§ 83). Pensions for surviving dependants are regulated as follows: a widow, unless she remarries and a widower who is already infirm or becomes permanently incapable of work within five years after the death of the deceased person, unless he remarries, are entitled to pensions of 30 per cent. of the annual earnings of the insured person (§ 84); in addition, each child until it has completed 16 years of age is entitled to a pension of 15 per cent. of the annual earnings of the insured person (§ 85); ascendants in a direct line throughout their life and brothers and sisters until they have completed 16 years of age are entitled to a total pension of 20 per cent. of the insured person's annual earnings (§ 86). The pensions paid to survivors may not, however, exceed in all 60 per cent. of the annual earnings of the insured person (§ 87). (iii) § 68 of the Federal Accident Insurance Act provides that "the Federal Council shall draw up a list of substances the production or use of which may entail certain serious diseases. Any disease exclusively or mainly due to the action of one of these substances in an undertaking subject to insurance shall be deemed to be an accident within the meaning of this Act". The report states that there is no exception to the treatment of occupational diseases as accidents. The pay-

ment of compensation has not in any way been amended or changed in the legislation relating to compensation for accidents.

Yugoslavia. — (i) The Act of 14 May 1922 respecting workers' insurance applies to all persons who perform physical or mental work for remuneration within the territory of the Kingdom (§ 3). The object of the accident insurance is compensation for loss caused by bodily injury or death in consequence of any accident met with by an insured person in connection with work or duties in which he was engaged by order of the employer or his representative or in the interest of the undertaking (§ 84). (ii) § 86 of the Act of 14 May 1922 provides that if an insured person dies in consequence of an accident the following grants must be made in addition to the compensation granted under § 85, irrespective of the date of his death: (1) funeral benefit amounting to 30 times the basic wage; (2) an annual pension paid to the family of the deceased from the date of his death. The total of the annual pensions paid to the survivors may not exceed the total amount of the basic annual wage of the deceased. If the total of the pensions is greater than the said annual wage, the annual pensions of the widow and children must be proportionately decreased. § 85 provides that where an accident has entailed bodily injury, the insured person is entitled to (1) free medical attendance and provision of medical and curative requisites; (2) pecuniary sick benefit, in accordance with § 45 (3), until recovery is complete, but not for more than ten weeks from the date of the injury; (3) a pension for the duration of incapacity or reduction of capacity for work, from the eleventh week onwards, or from the suspension of the pecuniary sick benefit mentioned under No. (2) if the payment of the said benefit ceases earlier. The pension is equivalent to the basic annual earnings of the insured person if and so long as he is totally incapacitated for work, and such part of the full pension as corresponds to the loss of working capacity if and so long as he is partially incapacitated for work. The injured person is not entitled to this partial pension unless the reduction of his working capacity amounts to more than 10 per cent. § 45 lays down that if the illness entails incapacity for work and lasts for more than three days, benefit shall be paid at a daily rate of two-thirds of the basic wage for the duration of the incapacity for work, reckoned from the date on which the illness or incapacity for work began and continued for 26 weeks, unless the incapacity has ceased earlier. (iii) § 84 of the Act of 14 May 1922 provides that lead, mercury and phosphorus poisoning attributable to the handling of these substances in the course of work shall be deemed to be accidents. The report adds that under Decision No. 4445 of 22 April 1929 of the Minister of Social Affairs and

Public Health all diseases due to anthrax infection are treated, in the cases for which Article 2 of the Convention provides, as accidents in the course of employment.

ARTICLE 2.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades or industries placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

SCHEDULE.

<i>List of diseases and toxic substances.</i>	<i>List of corresponding industries and processes.</i>
Poisoning by lead, its alloys or compounds and their sequelae.	Handling of ore containing lead, including fine shot in zinc factories. Casting of old zinc and lead in ingots. Manufacture of articles made of cast lead or of lead alloys. Employment in the poly-graphic industries. Manufacture of lead compounds. Manufacture and repair of electric accumulators. Preparation and use of enamels containing lead. Polishing by means of lead files or putty powder with a lead content. All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments. Handling of mercury ore. Manufacture of mercury compounds. Manufacture of measuring and laboratory apparatus. Preparation of raw material for the hat-making industry. Hot gilding. Use of mercury pumps in the manufacture of incandescent lamps. Manufacture of fulminate of mercury primers. Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns. Loading and unloading or transport of merchandise.
Poisoning by mercury, its amalgams and compounds and their sequelae.	
Anthrax infection.	

Austria. — (a) In the case of *wage-earning workers* the compensable occupational

diseases are those listed in the Order of 6 September 1928. This Order assimilates to industrial accidents diseases arising out of employment in connection with ten substances in undertakings in which the worker was employed while subject to compulsory insurance, and in which the listed substances or forces were produced, transformed or utilised or were present as by-products or in any other form. The Order also assimilates to industrial accidents diseases provoked by lead and mercury or their compounds, and anthrax contracted by workers employed in undertakings (i) in which skins, hides, animal wool, hairs or bristles are manipulated or where trade is carried on in those commodities or in objects manufactured from them; (ii) in which animals subject to anthrax are kept or slaughtered or in which the carcasses and offal of such animals are transformed or destroyed. (b) In the case of agricultural workers and salaried employees the compensable diseases are those listed in the Orders of 3 September 1928 and 6 February 1929. These lists are the same as that for wage-earning workers (see under (a) above), in the parts which concern the present Convention.

Belgium. — The Royal Decree of 30 January 1928 gives the following list of diseases and toxic substances giving rise to compensation in the industries and processes mentioned :

List of diseases and toxic substances.

Poisoning by lead, its alloys or compounds and their sequelae.

List of corresponding industries and processes.

Handling of ore containing lead, including fine shot in zinc factories.
Manufacture of zinc and lead.
Casting of old zinc and lead in ingots.
Rolling of lead sheets.
Extraction of silver from argentiferous lead.
Manufacture of articles made of cast lead or of lead alloys.
Manufacture of lead compounds.
Manufacture and repair of electric accumulators.
Preparation and use of enamels containing lead.
Polishing by means of lead files or putty powder with a lead content.
Operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
All other operations which may give rise to lead-carrying fumes and dust.

List of diseases and toxic substances

Poisoning by mercury, its amalgams and compounds, and their sequelae.

Anthrax infection.

List of corresponding industries and processes.

Handling of mercury ore.
Manufacture of mercury compounds.
Manufacture of measuring and laboratory apparatus.
Preparation of raw material for the hat making industry, including the manufacture of felt hats.
Hot gilding.
Use of mercury pumps to produce a vacuum.
Manufacture of explosives containing mercury.
Handling of mercury and its amalgams.
Handling of animal matter capable of containing the anthrax virus.

Bulgaria. — The report does not refer to this question.

Finland. — The annual report states that the list of compensable occupational diseases in Finland comprises all the diseases mentioned in the Convention and many others.

Germany. — The report states that in Germany all the diseases mentioned in the schedule in the Convention are compensated, in accordance with the legislation on industrial accidents. Apart from these diseases there are 20 other diseases for which compensation is compulsory.

Great Britain. — The report contains as an appendix the list of industrial diseases included in Schedule III of the Act as extended by the Secretary of State's Order dated 1 January 1929. This list, which includes the description of processes corresponding to 36 different diseases, gives the following indications concerning diseases by poisoning referred to in the Convention :

Description of disease or injury.

Description of process.

NOTE : It should be noted that a workman suffering from one of the diseases mentioned in the first column is not debarred from claiming compensation merely because he was not employed in a process set out in the second column opposite the disease. The mention of a process in the second column merely establishes a presumption that where a workman was employed in that process at or immediately before the time of disablement the disease was due to the nature of this employment unless the surgeon certifies, or the employer proves, to the contrary. In other cases the onus of proving that the disease is due to the nature of the employment is upon the workman.

Anthrax

Handling of wool, hair, bristles, hides and skins.

<i>Description of disease or injury,</i>	<i>Description of process,</i>
Lead poisoning or its sequelae.	Any process involving the use of lead or its preparations or compounds ¹ . Handling of lead or its preparations or compounds.
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.

Hungary. — The report states that Order No. 198 of 1928 declares the diseases named in this Article of the Convention to be occupational diseases. The report adds that, of the diseases named in this Article of the Convention, anthrax and glanders have been declared occupational diseases by Order No. 74302 of 1926 as regards agricultural workers insured against accidents in the course of employment by the National Agricultural Workers' Fund. The same Order lays down that in the case of other diseases occurring under the prescribed conditions and due to toxic poisoning or poisoning arising from toxic chemical products, these insured persons are entitled to the benefits allowed for accidents in the course of employment. The report also states that in the case of the National Agricultural Workers' Fund, Decree No. 88888/1930 includes in the list of occupational diseases, the diseases contained in the schedule appended to the Convention (ARTICLE 2) as well as the toxic poisonings grouped in eight categories caused by different chemical substances, and lays down precautionary measures for each category.

India. — The report states that the Act of 5 March 1923 as amended by Act No. 29 of 1926 and the Notification of 28 September 1926 is in conformity with the provisions of this Article of the Convention. Schedule III of the Act of 5 March 1923, as amended, contains the following list of occupational diseases and employments :

<i>Occupational disease.</i>	<i>Employment.</i>
Lead poisoning or its sequelae.	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelae.	Any process involving the use of phosphorus or its preparations or compounds.
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.

¹ In industries for which there are regulations directed against lead poisoning which require periodical medical examinations of the persons employed in certain specified processes, this item in the schedule includes only the processes so specified.

For anthrax infection, see above, under ARTICLE 1 (iii).

Irish Free State. — The report states that the occupational diseases mentioned in the Schedule to Article 2 of the Convention are to be found in Schedule III of the Act of 1906. The parts of this Schedule which refer to these diseases are as follows :

<i>Description of disease.</i>	<i>Description of process.</i>
Anthrax.	Handling of wool, hair, bristles, hides and skins.
Lead poisoning or its sequelae.	Any process involving the use of lead or its preparations or compounds. ¹
Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.

Japan. — The diseases and poisonings resulting from the trades or industries enumerated in the schedule appended to this Article are treated as occupational diseases under the terms of the Japanese legislation.

Latvia. — The report states that all the occupational diseases mentioned in the Convention are compensable under the Act of 1 June 1927. § 4 of the Act provides as follows : " Occupational diseases shall be deemed to be equivalent to accidents; those diseases which are recognised as occupational diseases in the Convention adopted by the International Labour Conference and ratified by Latvia shall be deemed to be such."

Luxemburg. — The Grand Ducal Order of 30 July 1928 gives the following list of occupational diseases to which the provisions regarding compulsory insurance against accidents have been made applicable : (1) poisoning caused by lead, its alloys or compounds, including the direct consequences of such poisoning ; (2) poisoning by mercury, its amalgams and compounds, including the direct consequences of such poisoning ; (3) anthrax infection.

Netherlands. — The report states that all the occupational diseases named by the Convention are treated as occupational diseases by Netherlands legislation.

Norway. — The Royal Decree of 7 December 1928 gives the following list of occupational diseases which are deemed to be equivalent to accidents : (1) poisoning by lead, its alloys and compounds ; (2) poisoning by mercury, its amalgams and compounds ; (3) poisoning by phosphorus and its compounds ; (4) anthrax infection. Poisoning by benzol and its homologues was added to the above list by the Royal Decree of 20 September 1929.

Portugal. — The report calls attention to the definition of an industrial accident given in § 3 of Decree No. 5637, which is as follows: "Any external or internal injury and any nervous or psychical disturbance resulting from the effect of a sudden external violent occurrence arising in the course of employment; acute poisonings arising out of and in the course of the employment and occupational inflammations of serous bursae; all cases of duly authenticated occupational disease". The report adds that this provision shows the latitude of the Portuguese legislation on the subject, which is much wider than the provisions of the Convention.

Sweden. — Under § 1 of the Act of 14 June 1929 respecting insurance against occupational diseases, as amended by the Act of 12 September 1930, all those who are insured in accordance with the Act respecting insurance against industrial accidents

are deemed to be insured also against the occupational diseases caused exclusively or mainly by the influence of: arsenic or any of its compounds; phosphorus or any of its compounds; lead or any alloy or compound thereof; mercury or any amalgam or compound thereof; stone dust; radiant heat or light; X-rays or radium; anthrax infection. The report adds that, in order to facilitate the task of determining whether an occupational disease is present in a given case, a Royal Notification was issued on 22 November 1929, under § 9 of the Act of 14 June 1929, enumerating (without, however, having any restrictive effect from the legal standpoint), on the one hand, the forms of disease which are caused by the respective substances or rays and, on the other hand, the classes of processes in which these forms of disease usually occur. As regards the diseases referred to in the Convention, the enumeration referred to above is contained in the following schedule:

Substances, etc., mentioned in section 1 of the Act respecting insurance against certain occupational diseases	Forms of disease	Processes
Lead or any alloy or compound thereof.	Lead colic, myalgia, arthralgia, lead paralysis, lead gout, failure of sight and hearing, vertigo, affections of the heart and circulatory system, changes in the composition of the blood, hematoporphyrinuria, nephritis.	Employment in lead smelting works and lead factories in casting, drawing, stamping and rolling. Manufacture of articles made of lead, lead alloys, lead accumulators and goloshes. Employment in printing works of all kinds. Employment in enamelling works, china and earthenware factories and file cutting works. Employment in the installation and maintenance of lead pipes and lead linings in the chemical industry. Leadburning, especially in sulphuric acid factories. Painting operations in which lead pigments are used.
Mercury or any amalgam or compound thereof.	Stomatitis, enterocolitis, dermatitis, tremors, paralysis, general loss of strength, kidney diseases, hardness of hearing, vertigo.	Manufacture of incandescent lamps and thermos flasks (work with mercury pumps), of mercury thermometers, barometers and similar articles, and of mirrors silvered with mercury and felt hats. Gilding, silvering and tinning. Treatment of seeds and of hides; dressing of skins and furs. Employment in photographers' studios and factories of pharmaceutical products. Etching on metal. Adjustment of electricity meters.
Anthrax infection.	Anthrax.	Employment in slaughterhouses and tanneries. Employment in the loading and unloading of hides. Tending cattle.

Switzerland. — § 47 of Order No. 1, as amended by Order No. 1 *bis* and supplemented by Order No. 1 *quater*, lays down the list of substances the production or use of which entails certain serious diseases which give rise to compensation on the same footing as industrial accidents.

This list mentions, among other substances, lead, its compounds and alloys, mercury, its amalgams and compounds, and anthrax virus.

Yugoslavia. — Under § 84 of the Act of 14 May 1922 lead, mercury, and phos-

phorus poisoning attributable to the handling of the substances in question in the course of work, are deemed to be accidents. The Minister of Social Affairs and Public Health, in agreement with the other Ministers concerned, may extend compensation for occupational diseases to other substances. The report states that Decision No. 4445, of 22 April 1929, of the Minister of Social Affairs and Public Health, classes all diseases due to anthrax infection, in the cases covered by this Article, with accidents in the course of employment.

III.

Article 7 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Great Britain. — The report states that the Convention has been applied with modifications in *Malta* and *Northern Rhodesia*. In *Malta*, by Gazette Notice No. 424 of 7 November 1930, the benefits of Act No. 6 of 1929 were extended to workmen contracting any of the following diseases : (a) lead poisoning and its of the skin and mucous membranes sequelae ; (b) inflammation and ulceration of the skin and mucous membranes produced by dust, liquids, vapours or other agents ; (c) inflammation of joints or surrounding structures due to repeated trauma. In *Northern Rhodesia*, Ordinance No. 16 of 1930, which applies only to non-native workmen, covers the following diseases : cyanide rash, lead poisoning or its sequelae, mercury poisoning or its sequelae. The report adds that the question of the applicability of the Convention

in other dependencies where workmen's compensation legislation exists or is contemplated is under consideration. In view of the difficulty of diagnosing occupational diseases, and of determining whether such a disease, when diagnosed, has in fact been caused by the workman's employment, it is necessary to proceed with caution, particularly in Colonial dependencies where there are few medical practitioners with the necessary specialised knowledge and experience.

Japan. — The report states that it is not considered suitable to apply the Convention to the colonies, where conditions are markedly different from those of Japan.

Netherlands. — By letter dated 28 October 1931, the Minister for the Colonies has communicated the following information to the Office :

Surinam. — The Governor of Surinam reported that local conditions prevented the application of the Convention to that Colony, and that it was impossible to introduce modifications which would make it applicable to local circumstances.

Curaçao. — The Governor reported that the Convention had not been applied in the Colony, such a step being unnecessary.

Dutch East Indies. — The Governor-General of the Dutch East Indies states that it will only be possible to apply the Convention when further information has been collected relating to the frequency and extent of occupational diseases in the Dutch East Indies. In those Colonies the poisonings and infections enumerated in Article 2 of the Convention are not so frequent as to render their inclusion in the Regulations governing accident compensation immediately imperative.

Portugal. — The report states that the Convention was ratified subject to the reservation of subsequent decisions as regards its application to the colonies.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 29 September 1928.

Belgium. — 3 October 1927.

Bulgaria. — 5 September 1929.

Finland. — 17 September 1927.

Germany. — 18 September 1928.

Great Britain. — 1 April 1927.

Hungary. — 19 April 1928.

India. — 30 September 1927.

Irish Free State. — 15 November 1927.

Japan. — 8 October 1928.

Latvia. — 29 November 1929.

Luxemburg. — 19 November 1928, with retrospective application as from 1 January 1928.

Netherlands. — 1 November 1928.

Norway. — 11 June 1929.

Portugal. — 6 April 1929 (date of publication of the Convention in the *Diario do Governo*.)

Sweden. — 1 January 1930, date of coming into force of Act of 14 June 1929.

Switzerland. — 16 November 1927.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislative and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Austria. — The authorities responsible for the application of the Acts and Orders are the insurance institutes, viz., (a) as regards the insurance of *wage-earning workers* in industry, arts and crafts, the accident insurance institute at Vienna, Salzburg and Graz and the Austrian railway workers' accident insurance institute. (b) As regards agricultural workers, the *agricultural workers'* insurance institutes at Vienna, Graz, Klagenfurt, Linz and Innsbruck. (c) As regards *salaried employees*, the central salaried employees' insurance institute, the insurance institute for salaried employees in agriculture and forestry, the press workers' insurance institute and the chemists' insurance institute. The general supervision of these institutes and of the application of the relevant legislation by them is carried out by the supervising authority. In the case of the institutes mentioned under (a) above with the exception of the Austrian railway workers' insurance institute, this authority is the Governor of the Province in which the central office of the institute is situated. In the case of the institutes mentioned under (b) and (c) this authority is the Federal Minister for Social Affairs. As regards the Austrian railway workers' insurance institute supervision is carried out by the Federal Minister for Commerce and Communications in agreement with the Federal Minister for Social Affairs. The Federal Minister for Social Affairs is also the supreme authority responsible for the supervision of the insti-

tutions mentioned under (a). The decisions of the insurance institutions may be contested before the competent judicial bodies, i.e. as regards benefits before the competent arbitration courts and in all other cases before the public administrative authorities. In the final instance the decision is taken by the Federal Minister for Social Affairs.

Belgium. — The application of the Act of 24 July 1927 and the supervision of its enforcement are entrusted to the Labour Medical Service.

Bulgaria. — The report states the application of the Act of 6 March 1924 is entrusted to the factory inspectors.

Finland. — The report states that the supervision of the enforcement of the legislation relating to compensation for occupational diseases is entrusted to the same authorities and the same insurance institutions as for accident insurance.

Germany. — Compensation for occupational diseases, like compensation for accidents, is administered by the accident insurance institutions. In this respect they are under State supervision to the same extent as in the performance of their other duties.

Great Britain. — The application of the provisions of the Act of 22 December 1925 is supervised generally by the Home Office (in Northern Ireland the Ministry of Labour), which appoints the special doctors and adds diseases to the Schedule; but claims for compensation and similar questions arising in particular cases under the Acts, if not settled by agreement between the employer and workman, are settled by arbitration, normally in the County Court (in Scotland, the Sheriff Court) in accordance with the prescribed procedure as set out in the First Schedule to the Act of 1925 and in Rules of Court made thereunder.

Hungary. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

India. — The Act of 5 March 1923 and the rules made thereunder are administered by local Governments through Commissioners appointed under § 20 of the Act. § 30 of the Act provides for appeals against the decisions of the Commissioners. It is compulsory for every person employing workmen in certain specified trades, etc., to furnish annually a return showing the number of accidents for which compensation has been paid during the year and the amount of such compensation.

Irish Free State. — The Department of Industry and Commerce is responsible for

the administration of the Workmen's Compensation Acts, but the Judges and Court Officers are concerned with matters arising out of the settlement of claims. In default of an agreement between the employer and workman or of arbitration by a committee representative of employers and workers or by a single arbitrator, the settlement of compensation claims under the Acts and of matters arising therefrom is a matter for the Judge of the Circuit Court, whose decision is subject to appeal by either party to the High Court, with a right of further appeal, in certain circumstances, to the Supreme Court.

Japan. — The Bureau of Social Affairs is the central organ which is responsible for the application of the laws and regulations concerning factories and mines. The local authorities and the Mining Inspection Bureaux are the local organs responsible respectively for the administration of the laws and regulations concerning factories and mines. The application of the Regulations for the Compensation of Government Employees is entrusted to the Department of the Treasury, the Bureau of Social Affairs, and the competent authorities for Government enterprises.

Latvia. — The application of the Act of 1 June 1927 is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*. The report adds that the Grand Ducal Orders of 11 June, 1926 and of 30 July, 1928 impose upon employers and the doctors concerned the obligation to notify without delay to the Insurance Office all cases of industrial disease which have been noted.

Netherlands. — The report states that the enforcement of the law relating to compensation for occupational diseases is entrusted to the same authorities as the enforcement of the law relating to accident insurance (see the summary of the report on the *Convention concerning workmen's compensation for accidents*).

Norway. — The report states that the application of the legislation in question is entrusted to the State Insurance Office and its local organs under the supervision of the Department of Social Affairs, and that this legislation is enforced and supervised by the same methods as in the case of the other provisions of the Act of 13 August 1915.

Portugal. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

Sweden. — Questions relating to the application of this legislation are within the competence of the State Insurance Office, which possesses a large number of local agents, and of the Insurance Council in the event of appeal.

Switzerland. — The enforcement of the Federal Act of 13 June 1911 is entrusted, as regards accident insurance, to the Swiss National Accident Insurance Fund at Lucerne (§§ 41 and ff). The Federal Department of Public Economy and the Federal Social Insurance Office belonging to it co-operate, in addition, in the execution of the Federal legislation relating to accident insurance. As regards the supervision of the provisions of the law, insured persons may prefer their claim before the courts and the Accident Insurance Act contains special regulations for the procedure to be followed by the Cantons and the Confederation in contested cases.

Yugoslavia. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

VI.

Please state whether decisions have been given by courts of law or other courts regarding the application of the Convention. If so, please supply the text of such decisions.

Portugal. — The report states that industrial accident courts have given a large number of decisions, but that these decisions are not published and therefore cannot be supplied.

Sweden. — The report states that the decisions of the Insurance Council are for the most part published in the *Arbetskyddet*, which is supplied regularly to the International Labour Office.

Switzerland. — The report states that the decisions given by the federal authorities are published as separate numbers in the Collection of Judgments of the Federal Court, which has been supplied to the Office.

The other reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the processes carried on in your country which give rise to the diseases mentioned in the Schedule, with an indication of the extent to which they are carried on and of the number of cases of such diseases which have been reported, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — The report states that statistics for the year 1931 are not yet available. In 1930, compensation under accident insurance for industrial workers was granted in 199 cases of industrial disease. Of this total, 117 were cases of lead poisoning, the occupations involved being as follows: printers, type-founders and typographical workers (13), lead founders, lead dippers, workers engaged in lead soldering in metal industries, in foundries and in machinery industries, etc. (33), welders engaged in electric installation of apparatus and in electrical industries (3), file cutters (3), locksmiths and ironmongers (3), oxy-acetylene welders (1), workers engaged in making and manipulating accumulators (23), varnishers, painters, sign-painters and workers engaged in varnish making (27), enamellers (10), other occupations (1). There were in addition four cases of mercury poisoning and one case of anthrax. Under the insurance for agricultural workers, three cases of industrial diseases were compensated, of which 2 were anthrax cases and 1 a case of poisoning by Thomas flour. Under the insurance for salaried employees, 2 cases of industrial diseases were compensated. Both were cases of lead poisoning affecting printing workers.

Germany. — In 1929 the total number of cases which gave rise to a first compensation amounted to 1,969 of which 421 were due to lead poisoning and 10 to mercury poisoning. The report gives provisional information for the year 1930 as follows; the number of occupational diseases notified is 14,134, of which 3,157 gave rise to compensation.

Great Britain. — The report states that the Convention is applied as part of the general and well recognised law relating to workmen's compensation. Processes liable to give rise to lead poisoning and anthrax are extensively carried on in Great Britain, and statistics showing the numbers of certificates given by the certifying and appointed surgeons under § 43 of the Act of 1925 in respect of the diseases in various groups of industries are published annually in the workmen's compensation

statistics. The figures for 1929 were: Lead poisoning or its sequelae, 256; anthrax, 30; mercury poisoning or its sequelae, 1.

India. — Statistical information is given in the workmen's compensation statistics for the year 1929 and the note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1930 are being compiled and will be forwarded as soon as they are ready.

Irish Free State. — The report states that the number of cases of industrial diseases covered by the Convention reported to the Department of Industry and Commerce in 1930 was as follows; lead poisoning or its sequelae, 6 cases, two of which were fatal; epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances: 2 cases of disablement; dermatitis produced by dust or liquids, one case of disablement.

Japan. — In the year 1930, there were 13 cases of lead poisoning and 2 cases of mercury poisoning. No cases of anthrax were reported.

Netherlands. — The Government states that no report upon insurance against occupational diseases has yet been published. It is therefore unable to give the information asked for in this question.

Norway. — The report states that at the present time it is not possible to give statistical information with regard to the industrial undertakings in which the occupational diseases mentioned above occur, since only a few cases have been reported. It adds that there does not exist in Norway any real lead or mercury or phosphorus industry (the only factory for the production of metallic phosphorus which existed having been given up). These substances therefore give rise to occupational diseases only when they are used in the trades. This is stated to be the case especially in printing works, shot factories, metal foundries, galvano-plastic establishments, enamelling factories, lead accumulator factories, electric cable factories, tanneries, manufacture of explosives, manufacture of dyes, pipe laying and painting trades. The report also states that until now only a few cases of compensable occupational diseases have been reported. These cases are stated to be partly lead poisonings of different kinds, partly phosphorus poisonings in a factory for the production of pure phosphorus, and partly benzol poisoning in connection with nickel-plating works.

Portugal. — The report states that it is not possible to give particulars of cases of

occupational diseases which are, however, very small in number compared with industrial accidents. It is, however, emphasised that all duly authenticated occupational diseases are included in the law as is expressly provided by § (3) of Decree No. 5637 of 10 May 1919.

Switzerland. — In comparison with industrial accidents occupational diseases due to the production or use of dangerous substances play only a secondary rôle in Switzerland. While lead may be regarded as a substance entailing certain serious consequences, mercury and anthrax infection have scarcely any practical importance. The chief causes of poisoning in Switzerland are : (a) for lead poisoning : in the chemical industry and the manufacture of viscose, lead-soldering in plumbing ; in the printing industry, the melting of plates and composition ; in the painting industry, the preparation and use of lead paints ; (b) for mercury : in the chemical industry, the manufacture of artificial silk, the process employed for the recovery of sulphuric acid by means of mercury ; (c) for anthrax infection, the spinning of hair. According to the provisional information given by the Office of medical statistics, out of a total number of 50,323 industrial accidents dealt with in the first nine months of 1931, the number of poisoning cases registered was as follows :

	<i>Number of cases</i>	<i>Incapa- city</i>	<i>Death</i>
Lead poisoning	8	—	—
Mercury poisoning	2	—	—
Anthrax poisoning	—	—	—

For the year 1930, the exact figures for the same diseases were as follows : 63 cases of lead poisoning, resulting in 7 cases of incapacity and 3 deaths ; 16 cases of mercury poisoning, resulting in one case of incapacity. The report adds that the Convention is strictly applied throughout the whole of Swiss territory.

Yugoslavia. — The report states that during 1930 there were 4 cases of lead poisoning and 7 of compressed air sickness. Pensions were paid in respect of two cases of lead poisoning, amounting respectively to 50% and 100% of the basic wage.

Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

This Convention came into force on 8 September 1926. The following table shows the countries which had ratified the Convention unconditionally before

1 July 1931, and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
South Africa . . .	30. 3.1926	2.12.1931
Austria	18. 9.1928	4.11.1931
Belgium	30.10.1927	11.11.1931
Bulgaria	5. 9.1929	24.10.1931
Cuba	6. 8.1928	
Czechoslovakia . .	8. 2.1927	8. 2.1932
Denmark	31. 3.1928	27.10.1931
Estonia	14. 4.1930	15.10.1931
Finland	17. 9.1927	16.12.1931
France	4. 4.1928	26. 2.1932
Germany	18. 9.1928	7.11.1931
Great Britain . . .	6.10.1926	9.11.1931
Hungary	19. 4.1928	16.12.1931
India	30. 9.1927	26.12.1931
Irish Free State . .	5. 7.1930	16.12.1931
Italy	15. 3.1928	9.12.1931
Japan	8.10.1928	26.12.1931
Latvia	25. 9.1928	15. 1.1932
Luxemburg	16. 4.1928	19.11.1931
Netherlands . . .	13. 9.1927	8.10.1931
Norway	11. 6.1929	24.10.1931
Poland	28. 2.1928	25.11.1931
Portugal	27. 3.1929	12.12.1931
Spain	22. 2.1929	30.11.1931
Sweden	8. 9.1926	5.10.1931
Switzerland	1. 2.1929	28.10.1931
Yugoslavia	1. 4.1927	2.11.1931

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office : " I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is

passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

South Africa.

Workmen's Compensation Act No. 25 of 1914, extended by Act No. 13 of 1917 to provide compensation in the case of certain industrial diseases.

Act No. 29 of 1931 amending the above Act.
Regulations under the Act of 1914.

Austria.

Act concerning the insurance of wage-earning workers against accidents (text as published in the Order of 9 March 1929 (L. S., 1929, Aus. 3)).

Act of 18 July 1928 concerning the insurance of agricultural workers (L. S. 1928, Aus. 6) as amended by the Act of 18 July 1929 (L. S. 1929, Aus. 6).

Act concerning the insurance of salaried employees (text as published in the Order of 22 July 1928).

The report states that, in so far as the provisions of the above Acts were not in harmony with those of the Convention, they are considered to be replaced by the relevant provisions of the Convention, since its coming into force.

Belgium.

Act of 24 December 1903 concerning industrial accidents (French text in B. B. Vol. II, 1903, p. 554).

Bulgaria.

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).

Czechoslovakia.

Act of 28 December 1887, No. 1 of the Imperial Code of 1888, respecting workers' accident insurance, with the subsequent amendment Acts, applicable to the Province of Bohemia and the Moravian-Silesian Province.

Hungarian Act No. XIX of 1907 respecting, accident and sickness insurance for workers in industry and commerce (B.B. Vol. II, 1907, p. 269), as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathian Russia.

Hungarian Act No. XVI of 1900 respecting accident insurance for agricultural workers and servants, as amended by subsequent Acts in force for the territories of Slovakia and Sub-Carpathian Russia.

Legislative principles issued by the Czechoslovak Republic to supplement the basic legislation mentioned above.

Denmark.

Act No. 311 of 22 December 1927.

Royal Order of 27 April 1928.

Act to amend the Accident Insurance Act, dated 14 July, 1927 (L. S. 1927, Denmark 4).

Estonia.

Industrial Labour Code (Collection of Russian Laws, Vol. XI, Part 2, 1913 edition), Chapter IV, concerning the insurance of workers against accidents.

Order issued by the Government of the Republic on 2 July 1930, extending the provisions of the above-mentioned Chapter IV to the nationals of foreign States.

Finland.

Act of 17 July 1925 respecting the insurance of workers against accidents (L. S. 1925, Fin. 3).

Order of 30 November 1925 respecting the application of the Act of 17 July 1925.

Order of 13 March 1926 amending § 38 of the Order of 30 November 1925.

Resolution of the Council of State of 17 December 1925 respecting the application of the Act of 17 July 1925 to State employment.

Act of 18 December 1926 respecting the compensation for accidents payable to persons in State employment.

Resolution of the Council of State of 18 December 1926 respecting the application of the Act of 18 December 1926.

France.

Act of 30 March 1928 for the ratification of the Draft Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

Decree of 16 May 1928 promulgating the Convention.

Publication in the *Official Journal* of the French Republic of the names of countries which have ratified the Convention and the date of its coming into force in respect of their nationals (i.e. the date of registration of ratification by the different States at the Secretariat of the League of Nations).

Germany.

Federal Insurance Code (L. S. 1924, Ger. 10).

Act of 21 July 1928 ratifying the Convention.

Great Britain.

Workmen's Compensation Acts, 1897-1926 (L. S. 1925, G. B. 3 and 1926, G. B. 10).

Workmen's Compensation (Transfer of Funds) Act, 1927.

The Workmen's Compensation (Silicosis and Asbestosis) Act 1930 (L. S. 1930, G. B. 7).

Workmen's Compensation Act, 1931, amending § 9 (4) of Workmen's Compensation Act of 1925 (L. S. 1931, G. B. 4).

Hungary.

Act XXXI of 1928, incorporating the Convention in Hungarian legislation.

Act XXI of 1927, concerning compulsory sickness and accident insurance (L. S. 1927, Hung. 1), and Orders issued under the Act XXXI of 1928 containing provisions relating to the application of the Convention to industry, commerce, mines and communications.

Act XVI of 1900 relating to agricultural workers subject to compulsory accident insurance, and the regulations having force of law which amend and supplement the Act.

India.

Workmen's Compensation Act of 5 March 1923 (L. S. 1923, Ind. 1).

Irish Free State.

Workmen's Compensation Act, 1906 (B. B. Vol. I, 1906, p. 18).

Workmen's Compensation (War Addition) Act, 1927.

Workmen's Compensation (War Addition) Amendment Act, 1919.

Italy.

The Civil Code.

Act No. 141 of 31 January 1904 (consolidated text).

Royal Legislative Decree No. 1450 of 23 August 1917.

Japan.

Factory Act of 28 March 1911 (B. B., Vol. VI, 1911, p. 267), amended on 29 March 1923 (L. S. 1923, Jap. 1) and on 27 March 1929 (L. S. 1929, Jap. 1 A).

Imperial Decree for the enforcement of the Factory Act, promulgated on 2 August 1916 by Imperial Decree No. 193 (B. B., Vol. XII, 1917, p. 27), amended on 5 June 1926 by Imperial Decree No. 153 (L. S., 1926, Jap. 1) and on 25 June 1929 by Imperial Decree No. 202 (L. S. 1929, Jap. 1 C).

Mining Act, promulgated in March 1905, amended in July 1924 (L. S., 1924, Jap. 2).

Regulations for the employment and compensation of miners, promulgated on 3 August 1916, amended by Ordinances of 24 June 1926, (L. S. 1926, Jap. 2 B), 1 September 1928 (L. S. 1928, Jap. 1) and 26 June 1929 (L. S. 1929, Jap. 3).

Imperial Decree for the assistance of Government employees, promulgated in November 1918, amended by Imperial Decrees of 30 June 1926 (L. S. 1926, Jap. 1 D), 27 June 1928 (L. S. 1928, Jap. 4) and 1 July 1929 (L. S. 1929, Jap. 6).

Latvia.

Act of 1 June 1927 respecting the insurance of wage earners against industrial accidents and occupational diseases (L. S. 1927, Lat. 1).

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2).

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries, text published in the Decree of 28 June 1921 promulgating the Act, as amended and supplemented (L. S. 1921, Part II, Neth. 1), amended by the Acts of 2 July 1928 (L. S. 1928, Neth. 1), 7 February 1929 (L. S. 1929, Neth. 2) and 18 July 1930 (L. S. 1930, Neth. 3).

Act of 29 November 1907 promulgating the treaty concluded on 27 August 1907 between Germany and the Netherlands respecting accident insurance.

Decree of 18 May 1915 promulgating the treaty concluded on 30 May 1914 between Germany and the Netherlands supplementing the treaty of 27 August 1907.

Decrees of 4 July 1922, 22 May 1926 and 16 April 1928 promulgating the treaties concluded with Belgium, Norway and Denmark respecting accident insurance.

Norway.

Act of 22 June 1928 to amend the Act of 13 August 1915 respecting the accident insurance of industrial workers (L. S., 1928, Nor. 2).

Act of 24 June 1931 respecting the accident insurance of industrial workers (L. S. 1931, Nor. 3).

Poland.

Act of 6 July 1923, to extend the legal provisions respecting workmen's compensation for industrial accidents, invalidity, old age, death and unemployment, to the nationals of other States (L. S. 1923, Pol. 3).

Legislation in force in the Central, Eastern, Southern and Western Provinces of Poland and in Upper Silesia.

Portugal.

Decree No. 5637 of 10 May 1919 organising compulsory social insurance against industrial accidents in all occupations.

Decree No. 20,192 of 10 August 1931, declaring that foreign workers and employees who are victims of industrial accidents occurring in Portuguese territory, are entitled to the pensions fixed by Portuguese law, even if they reside outside Portuguese territory, provided that equality of treatment is accorded to Portuguese workers under the legislation of countries of which the foreign workers are nationals.

Spain.

Book III of the Labour Code (L. S. 1926, Sp. 5).

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B.B. 1916, Vol. XI, p. 267), amended by the Acts of 15 June 1922 (L. S. 1922, Swe. 2), 18 June 1926 (L. S. 1926, Swe. 5) and of 24 May 1928 (L. S. 1928, Swe. 1).

Declaration of 12 February 1919 between Sweden, Denmark and Norway establishing reciprocity as regards workmen's compensation for accidents (French text in B.B. 1919, VIII, p. 69).

Agreement of 11 September 1923 with Finland establishing reciprocity as regards workmen's compensation for accidents (L. S. 1923, Int. 3).

Royal Decrees of 4 November 1921, 27 September 1922, 17 December 1926, 24 March, 6 May and 7 October 1927, 27 January, 9 March, 20 April, 14 June, 24 August, 24 September, 6 and 12 October 1928, 8 February, 1 March, 5 April, 5 July and 4 October 1929 as well as of 25 April, 14 July and 21 November 1930 granting exemption from certain provisions of the Act of 17 June 1916, as amended, to the nationals of Great Britain and Ireland, Italy, Netherlands, Union of South Africa, Czechoslovakia, Yugoslavia, Belgium, India, Poland, France, Luxemburg, Hungary, Latvia, Cuba, Germany, Austria, Japan, Switzerland, Spain, Portugal, Norway, Bulgaria, Estonia, Irish Free State and Iceland.

Switzerland.

Federal Act of 13 June 1911, respecting sickness and accident insurance (summary in B.B., Vol. VII, 1912, p. CXXXIV).

Federal Act of 18 June 1915, to supplement the Federal Act of 13 June 1911 respecting sickness and accident insurance.

Federal Act of 9 October 1920 to amend certain provisions of the Federal Act of 13 June 1911 respecting sickness and accident insurance (L. S. 1920, Switz. 7).

Order No. 1 of 25 March 1916 respecting accident insurance.

Order No. 1 *bis* of 20 August 1920 respecting accident insurance (L. S. 1920, Switz. 8).

Order No. 1 *ter* of 8 December 1922 respecting accident insurance.

Order No. 1 *quater* of 8 November 1927 respecting accident insurance (L. S. 1927, Switz. 3).

Order No. II of 3 December 1927 respecting accident insurance.

Order No. III of 2 March 1928 respecting accident insurance (L. S. 1928, Switz. 1).

Federal Order of 9 June 1927 ratifying the Convention.

Federal Order of 28 March 1917 respecting the organisation of the Federal Insurance Court and the procedure to be followed before it.

Yugoslavia.

Act of 14 May 1922 respecting workers' insurance (L. S. 1922, S.C.S. 2).

Regulations of the Miners' Insurance Fund for workmen and staff (and their families and relations) employed in the undertakings covered by the Mines Act, issued by the Order of 27 June 1921 of the Minister of Mines and Forests respecting the organisation of employment in mines put into force under § 32 of the Finance Act of August-November 1925.

Order of the Minister of Transport and Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communication services.

See also, under *Convention concerning unemployment*, I, the information given by Yugoslavia.

II

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

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

Please give information regarding any special arrangements which may have been made with other Members concerned, forwarding copies of the texts.

South Africa. — No distinction is drawn as to the nationality of any workman competent to claim compensation; all nationalities stand on the same footing.

Austria. — The report states that equality of treatment for national and foreign workers in respect of accident insurance has already been provided by the Acts mentioned under I (above), and that in so far as the provisions of these Acts are not in agreement with those of the Convention, they are considered to be replaced by the provisions of the Convention, since its coming into force. The equality of treatment also applies to compensation for occupational diseases in so far as such diseases are assimilated by the Acts relating to industrial insurance. § 42 of the Act concerning accident insurance for wage-earning workers, § 84 (2) of the Act concerning agricultural workers' insurance and § 43 (3) (ii) of the Act concerning salaried employees' insurance, which respectively permit the redemption of periodical payments by a lump sum, even without the agreement of the insured person, where the insured person is a foreign national or resides permanently abroad, cannot be applied in the case of nationals of States which have ratified the Convention. The report adds that the provisions of §§ 4 and 5 of the agreement concerning social insurance, concluded on 5 February 1930 between Austria and Germany, should be considered as a special arrangement in the sense of paragraph 2 of Article 1 of the Convention. Almost identical arrangements are to be found in the agreement of 21 July 1931, concluded with Yugoslavia, and that of 5 September 1931, concluded with Czechoslovakia. These two latter agreements have not yet been ratified.

Belgium. — The Act of 24 December 1903 makes no distinction between Belgian and foreign persons who suffer injury due to accidents.

Bulgaria. — The report states that, under § 7 of the Act of 6 March 1924 respecting social insurance, "alien wage-earning and salaried employees shall be compulsorily insured in respect of accident, sickness and maternity, but not in respect of invalidity and old age unless their respective States also insure the Bulgarian nationals employed within their territory".

Czechoslovakia. — The report states that equality of treatment is guaranteed by Czechoslovak legislation. Equality of treatment is not conditional upon the foreign workers' permanent residence in Czechoslovak territory, so that a foreign worker entitled to a pension does not forfeit his right to pension for injury from accident by leaving Czechoslovak territory. In such cases, however, § 42 of Act No. 1 of 1888 allows the insurance institution to substitute for the pension the payment of a lump sum in final settlement. As regards the territories of Slovakia and Sub-Carpathian Russia, § 95 (3) of Act No. XIX of 1907 provides that if the person entitled to pension is a foreign worker who returns to his country to reside there permanently, his pension for injury from accident shall continue to be paid, provided that the State in question observes reciprocity as regards Czechoslovak nationals. Under § 77 of the same Act, relations of foreign workers deceased as the result of an accident and insured under the provisions of this Act, who, at the date of the accident, are permanently domiciled abroad, are entitled to compensation only if the State in question follows the same procedure with respect to dependants residing in Czechoslovakia, of Czechoslovak nationals who are insured persons and die in that foreign country. If the dependants of a foreign worker who is already in receipt of a pension leave to make their permanent residence in a foreign country, they are entitled to a payment of three times the amount of the annual pension; if they return to Czechoslovakia, they have no further right to pension. The condition of reciprocity also applies to foreign dependants. The report notes that the substitution of a lump sum payment for the pension due to a foreign worker who has left the country rarely occurs and only at the request of the pensioner and that as a rule the pension continues to be paid. Equality of treatment has been arranged, up to the present, by an exchange of diplomatic notes between Czechoslovakia and Sweden, Finland, the Netherlands, France, Japan, Estonia and Switzerland. A similar procedure is at present being followed between Czechoslovakia and Belgium, Cuba, Hungary, Irish Free State, Spain, Norway, Portugal and Bulgaria. Outside the limits of the Convention, the payment of accident compensation, including grants for high cost of living, has been admini-

nistratively arranged with Germany, Austria and Poland.

Denmark. — Danish legislation does not discriminate between nationals and foreigners as regards workmen's compensation for accidents. The report states that the benefits assured to foreigners are those laid down in the Accidents Insurance Act of 14 July 1927. Under this Act invalidity benefits are paid to foreign workers irrespective of whether an agreement has been concluded with the country in question or whether that country has ratified the present Convention. On the other hand, benefits to the dependants are limited to the nationals of foreign countries which have concluded an agreement with Denmark or have ratified the Convention. Equality of treatment is guaranteed to foreign workers and their dependants with no conditions as to residence. Arrangements covering the matters dealt with in this Article had been concluded, before the ratification of the Convention, with Sweden, Norway, Finland, Great Britain, the Netherlands and Iceland.

Estonia. — § 439 of the Industrial Labour Code provides that the Council of Ministers may extend the provisions concerning the insurance of workers against accidents to the nationals of States which grant to Estonian nationals benefits corresponding to those laid down in these provisions. Such extension is, however, subject to the following rules: (1) A pension may be granted only to the dependants of a foreigner who were resident in Estonia at the time of the accident to the head of the family; (2) If a foreigner, and his dependants mentioned under (1), leave Estonia to take up permanent residence in a foreign country, their pension is to be replaced by an indemnity amounting to three times their annual pension. In accordance with § 439 of the Industrial Labour Code, the Estonian Government decided on 2 July 1930 to extend the provisions concerning the insurance of workers against accidents, without imposing the restrictions laid down in paragraphs 1 and 2 of this §, to the nationals of States which have ratified the present Convention. The report adds that special arrangements are contained in a Convention concerning compensation for injury resulting from industrial accidents, concluded between Estonia and Finland on 10 December 1925.

Finland. — The Act of 17 July 1925 makes no distinction between Finnish and foreign workers. The only exception is in § 47, which provides that if any person entitled to a pension is neither a Finnish citizen nor resident in Finland, the insurance institution may cease payment of the pension and pay him half the capital sum corresponding to the pension in final commutation. If an accident has resulted

in death and the deceased was neither a Finnish citizen nor resident in Finland, funeral benefit is not paid unless the accident has resulted in death within three months. The report states, however, that exceptions have been abolished, in accordance with the Convention, as regards nationals of countries which have ratified the Convention.

France. — The report states that before the ratification of the Convention by France, French legislation concerning industrial accidents had not provided for equality of treatment in the case in particular of foreigners and their dependants who had ceased to reside in French territory and of their representatives who were not resident therein at the time of the accident. Derogations from this rule were made only by means of bilateral agreements concluded in accordance with the last paragraph of § 3 of the Act of 9 April 1898 between France and the following countries: Belgium, Grand Duchy of Luxemburg, Italy, Great Britain, San Marino, Poland, Czechoslovakia, and the Territory of the Saar Basin. The Act of 30 March 1928 and the Decree of 16 May 1928 are regarded as having introduced into French legislation, by virtue of their promulgation, equality of treatment in respect of nationals of countries which have ratified the Convention, without it being necessary to make any special amendments to this legislation. The names of countries whose ratification has been registered with the Secretary-General of the League of Nations have been brought to the notice of the Courts and all others concerned by notices published in the *Journal Officiel*. Further, a communication on the subject has been made by the Minister of Labour to the Minister of Justice who, by means of a circular of 1 October 1930 to the Procurators-General, has confirmed the interpretation given by the Minister of Labour with regard to the date of the coming into force of the Convention in respect of nationals of the different States which have ratified. The report states that it is not considered necessary to conclude under the Convention special arrangements with the other Members concerned with regard to payments. An arrangement was entered into between France and Italy before the adoption of the Draft Convention for the execution of the agreement signed between the two States on June 1906. This arrangement, which deals with the question of payments, is still in force.

Germany. — German law makes no distinction between German and foreign workers in so far as the latter are employed and resident in Germany. The report states that special arrangements with other countries have not been concluded under the Convention. Ratification has, for the nationals of other States which

ratify, the same effect as the conclusion of an international treaty in accordance with § 157 of the Reich Insurance Code. § 157 of the Insurance Code lays down that if other States have organised a system of assistance corresponding to the insurance system of the Reich, the Government of the Reich may, with the approval of the Reichsrat and on condition of reciprocity, conclude agreements determining to what extent the allocation of assistance to undertakings whose operations extend from the territory of one State to that of another, as well as to the insured persons employed temporarily in the territory of the other State, must be regulated in accordance with the Reich Insurance Code or under the system of assistance in existence in the other State. Similarly, provided there is reciprocity, the insurance of nationals of a foreign State may be regulated independently of the Code and the administration of the system of assistance may be facilitated in the territory of the other State. The above provisions are also applicable by analogy to measures of welfare which replace insurance. §§ 596 and 615 (2) of the Insurance Code lay down that the Federal Government may cancel the restrictive measures contained in these §§ (suspension of pension, etc.) as regards nationals of foreign States by whose legislation Germans and their survivors are guaranteed equivalent provisions.

Great Britain. — Under §§ 1 and 43 of the Workmen's Compensation Act, 1925, an employer is liable to pay compensation if any "workman" employed by him is killed or disabled through an accident or scheduled industrial disease arising out of, and in the course of, his employment. The definition of "workman" in § 3 (1) does not discriminate between British and foreign subjects. No special arrangements have been made in pursuance of this Article; attention is, however, called to arrangements made with France in 1909 and recently with Denmark, which deal, *inter alia*, with payments outside Great Britain. The report adds that similar legislation is in force in Northern Ireland under the Workmen's Compensation Act (Northern Ireland) 1927.

Hungary. — Under § 56 of Act XXI of 1927 the obligation to insure against industrial accidents is maintained without distinction of nationality. This Act does not make any distinction between Hungarian nationals and foreigners as regards the classification or the amount of the benefits. Under § 89 the payment due to an insured person of foreign nationality who has transferred his residence to his country or to another foreign State will be continued only if his country grants reciprocity of treatment to workers of Hungarian nationality. The same rule applies also to the dependants of insured persons of foreign nationality if at the time

of the accident they reside abroad or if they go to a foreign country subsequently. The dependants may claim compensation in a lump sum provided there is reciprocity. Following upon ratification of the Convention, Hungary maintains, with regard to the payment of compensation to foreign nationals, reciprocity of treatment with all the States that have ratified the Convention, and thus the nationals of these States who are victims of an industrial accident in an undertaking situated on Hungarian territory, as well as their dependants, have the right to compensation without any condition as to residence. An agreement providing for reciprocity, concluded between Hungary and Italy and ratified by Hungarian legislation (Act XII of 1911), is in force. With regard to agricultural workers subject to compulsory insurance against accidents, Act XVI of 1900 and the regulations having force of law which supplement it guarantee to foreign nationals equality of treatment as regards insurance benefits.

India. — Every person who falls within the definition of "workman" as contained in § 2 (1) (n) of the Indian Workmen's Compensation Act, is entitled to the benefits of the Act irrespective of nationality or residence. No special arrangements have so far been considered necessary for payment of claims outside India.

Irish Free State. — Neither the Workmen's Compensation Act, 1906, nor the War Addition Acts of 1917 and 1919 make any discrimination as between foreign and other workers. The War Addition Acts are operative by virtue of legislation passed from year to year to provide for their continuance. No special arrangements have up to the present been made with other Members concerned.

Italy. — The report states that no special measures were necessary to give effect to the provisions of the Convention since the special Italian legislation concerning workmen's compensation for accidents is based upon the general principle of absolute and unconditional assimilation of foreigners with nationals (§ 3 of the Civil Code). No provision for differential treatment between foreigners and nationals as regards compulsory insurance against accidents is made in the Act of 31 January 1904 which applies to industry and maritime transportation (consolidated text) and in the legislative Decree of 25 August 1917 which applies to agriculture. All subjects of States which have ratified the Convention who come to Italy are treated on a footing of equality with nationals by the legislation concerning workmen's compensation for accidents. This equality is given without any condition as to residence. No agreements were concluded, during the period under review, between Italy and the States which have ratified

the Convention, with a view to the payment of compensation abroad. Agreements dating from before the war have, however, been signed with France (Convention of 9 June 1906) and with Hungary (Convention of 19 September 1909). These agreements have been renewed and are in force. Another agreement was concluded after the war with Yugoslavia, conjointly with the Convention signed at Nettuno on 20 July 1925.

Japan. — Japanese legislation contains no provision for making any distinction between national and foreign workers as regards workmen's compensation. The report states that it is not felt necessary to make special arrangements between the Members concerned with regard to payments which would have to be made outside Japanese territory.

Latvia. — The Act of 1 June 1927 establishing insurance against industrial accidents provides in § 2 that the classes of workers covered by the Act are insured "without distinction of sex, age or nationality." § 31 lays down, however, that "the members of the family of a deceased alien who have not resided permanently with him in Latvia shall have no claim to a pension, unless an agreement to the contrary has been made with the native country of the injured person by a treaty with respect to the matter. If an alien who is entitled to a pension leaves Latvia permanently, in place of the pension he shall be paid a lump sum in commutation thereof, equal to three times his annual pension (unless a special agreement with respect to the matter has been made with the native country of the pensioner), but not more than the pensioner would receive if he had not left Latvia."

Luxemburg. — The report states that the subject-matter of this Article is regulated by § 119 of the Act of 17 December 1925, read in conjunction with the provisions of the Convention, to which the Act of 5 March 1928 gave force of law. § 119 of the Act lays down that "without prejudice to the provisions to the contrary contained in this Act, all other provisions therein contained shall apply equally to aliens and to Luxemburg nationals. Nevertheless the above provision may be suspended in respect of nationals of States under whose legislation equivalent provision granted to their own nationals is refused to Luxemburg nationals." § 112 of the Act provides that the pension granted in respect of an industrial accident shall be suspended while the claimant, being an alien, does not reside in the Grand Duchy. The Government, however, has power to suspend the operation of this provision. § 113 provides that aliens who leave the Grand Duchy may have their pension commuted for a single payment of three times the

annual pension. The Government has power to suspend the operation of this provision also. §107 provides that the relatives in the ascending line, if Luxemburg nationals, shall receive a pension equal to thirty per cent. of the annual earnings of the injured person for the duration of the treatment in a curative institution, provided that the injured person has defrayed the cost of their maintenance to a considerable extent. The Convention itself has force of law in Luxemburg by virtue of the Act of 5 March 1928.

Netherlands. — The Accident Insurance Act does not distinguish between national and foreign workers. Foreign workers are insured against accidents in exactly the same manner as national workers. The Netherlands have not concluded any such arrangement as is contemplated in the second paragraph of this Article of the Convention.

Norway. — The report states that complete equality as between foreign and national workers was established by the Act of 22 June 1928. §25 of the Act provides that if a person entitled to compensation takes up his residence outside the Kingdom he shall forfeit all right to compensation. If the person entitled to compensation is a Norwegian citizen or a citizen of a State which has ratified the present Convention or with which the Crown has concluded an agreement for reciprocity of treatment, he shall again become entitled to receive annual compensation if he takes up his residence within the Kingdom within twenty years and submits his claim. If the person entitled to compensation was resident outside the Kingdom when the accident occurred, his invalidity pension when it has been finally assessed, or the pension (if any) to his surviving dependants shall be commuted for a lump sum equal to 50 per cent. of the capital value of the pension. The provision that an alien or his surviving dependants who were not resident in the Kingdom when the accident occurred shall not be entitled to compensation does not apply to citizens of States which have ratified the present Convention or with which the Crown has concluded an agreement for reciprocity of treatment. It is further laid down that the Act of 22 June 1928 shall come into operation on a date to be fixed by the Crown and that on the same date the fourth paragraph of §5 reading as follows: "The dependants of an alien who were not residing in the country at the time of the accident shall have no claim to compensation" shall be repealed. (The Act came into force on 1 January 1929.) The report adds that no special arrangements have been made with other Members.

Poland. — The Act of 6 July 1923 provides that the legal provisions relating to social insurance and compensation in case of industrial accidents, invalidity, old age, death or unemployment, in force throughout the territory of the Polish Republic, are also applicable, so far as concerns the compulsory nature of insurance and the right to all benefits (including cost of living allowance and family allowances), to the nationals of foreign States employed within the territory of the Polish Republic, as well as to their dependants, even when resident outside Polish territory. The nationals of foreign States and their dependants are entitled to all benefits and allowances provided by way of social insurance even if they leave Polish territory. The Council of Ministers has power, however, on the proposal of the Minister of Labour and Social Assistance, to issue regulations restricting the rights of the nationals of a foreign State if that State restricts the corresponding rights of Polish nationals. The Council of Ministers has not so far made use of this power. It is moreover understood that this power may not be applied in respect of compensation for accidents covered by the Convention. The Polish Government has not so far concluded any arrangement with a view to the formal application of the second paragraph of Article 1 of the Convention, relating exclusively to arrangements for payments by the Polish insurance institution on the territory of another State and *vice versa*. The Polish Government has concluded, before and since the ratification of the Convention, a number of treaties with other States, in particular with France and Germany, based on the principle of equality of treatment of national and foreign workers as regards workmen's compensation. These treaties also contain certain provisions concerning the system of payment of compensation abroad. The report mentions the following conventions in this connection: the Franco-Polish Convention relating to emigration and immigration, of 3 September 1919; the Franco-Polish Convention relating to social insurance and assistance, of 14 October 1920; the Germano-Polish Convention of 15 May 1922 for Upper Silesia; the Germano-Polish Convention of 24 November 1927 concerning Polish agricultural workers; the Germano-Polish Convention concerning social insurance signed on 11 June 1931, but not yet ratified; the agreement of 13 January 1927 with the Free City of Danzig concerning the social insurance of railway workers and employees. The report also mentions an agreement with the Hungarian Workers' Accident Insurance Fund concerning the payment of benefits to persons resident in Poland through the Polish Post Office Savings Bank.

Portugal. — The report states that the provisions of this Article are given effect to in Portugal by § 24 of Decree No. 5637 of 10 May 1919 which provides that "all workers and employees victims of industrial accidents, or their representatives, shall lose the right to any pension so soon as they cease to reside in Portuguese territory. Where, however, they are aliens, they shall have the right to receive at the moment of leaving Portugal a single lump sum equal to three times the annual pension which was assigned to them. In the last-named case, where such persons are children over eleven but not more than fourteen years of age, they shall only receive compensation equal to the amount of pension which would have remained for them to receive if they had continued to reside in Portugal. Alien representatives of an alien worker shall not receive any compensation unless they were residing in Portuguese territory at the time of accident. These provisions may be modified within the limits of the compensation provided for by this Legislative Decree in the case of aliens whose countries guarantee equivalent benefits to Portuguese workers." Further, by subsection 2 of § 24, provision is made for the case of foreign legislation allowing Portuguese workers employed in the respective countries a benefit superior to those allowed in Portugal to foreign workers, in which case the principle of complete reciprocity is established, subject only to the limitation of the maximum amount of the pensions of compensation fixed by Portuguese law. §§ 1 and 2 of Decree No. 20,192 of 10 August 1931 stipulate, on the other hand, that foreign workers and employees who are victims of industrial accidents occurring in Portuguese territory, and their dependants, shall be entitled to the pensions fixed by Portuguese law, even if they reside outside Portuguese territory, provided that equality of treatment is accorded to Portuguese workers under the legislation of the countries of which the foreign workers are nationals. The report adds that no special agreement has so far been entered into between Portugal and any other Member of the International Labour Organisation.

Spain. — § 5 of the Act of 10 January 1922 of industrial accidents (§ 144 of the Labour Code) provides that "alien workers and their dependants residing in Spanish territory shall have the benefit of these legislative provisions, and their dependants residing abroad at the time of the accident shall also have the benefit of such provisions if the legislation of their country grants such benefit under analogous conditions to Spanish subjects or if this has been stipulated in Spanish treaties". The report states that certain States, including Czechoslovakia, have requested the Spanish Government to extend this protection

by means of an exchange of notes giving rise to a special arrangement. Negotiations on the subject are now being completed, and if they are approved they will certainly be followed by others of a similar character. As regards the large number of Portuguese workers employed in Spain, and of Spanish workers employed in Portugal, reciprocity has been practised since the ratification of the Convention on Industrial Accidents.

Sweden. — Under § 27, last paragraph, of the Accident Insurance Act the Government has the power, in case of reciprocity, to accord the same treatment to foreign workers as to national workers as regards workmen's compensation for accidents. The report states that this has been done, in virtue of special agreements, in the case of Danish, Norwegian, British and Irish, Italian, Dutch and Finnish nationals, and, in virtue of the Convention, in the case of nationals of the Union of South Africa, Czechoslovakia, Yugoslavia, Belgium, India, Poland, France, Luxemburg, Hungary, Latvia, Cuba, Germany, Austria, Japan, Switzerland, Spain, Portugal, Bulgaria, Estonia, Irish Free State and Iceland. As regards special arrangements for payments, see under ARTICLE 4.

Switzerland. — As regards the insurance of foreigners, § 90 of the Federal Act of 13 June 1911 stipulates that the insurance benefits shall be granted to persons and survivors of persons residing in Switzerland who are subjects of those foreign States where Insurance Acts offer equal advantages to Swiss citizens and their survivors; the insured persons, being subjects of other States, are entitled to receive medical benefit, sickness benefit and funeral expenses, but only three-quarters of the invalidity or survivors' allowances. Further, only the surviving husband or wife or children may claim the survivors' allowances. The report states that by ratifying the Convention Switzerland is under obligation to treat insured persons of foreign nationality residing in Switzerland as well as their survivors on a basis of equality in all respects with nationals and their survivors. But this extension of the principle of equality of treatment between foreigners and nationals does not necessitate the enactment of a separate Act, as in the case of the other Conventions ratified by Switzerland. In the matter of insurance against accidents the Government has power to put into force immediately the provisions laid down in the Convention. The Government has for this purpose only to instruct the National Fund to act in conformity with the Convention. This has been done, and the National Fund at present gives the same treatment in all respects to foreigners and nationals. With regard to the second

paragraph of this Article, the report states that the National Fund acts in conformity with it by concluding agreements, by means of administrative measures, with similar institutions in foreign countries. This procedure has not been found to be unsatisfactory. The report adds that Switzerland will not fail to consider whether it is necessary that special arrangements should be made with other States. Preliminary conversations have already been held on this subject with certain States.

Yugoslavia. — § 8 of the Act of 14 May 1922 provides that aliens employed within the Kingdom shall be treated on an equality with nationals of the Kingdom. The Minister of Social Affairs and Public Health may issue special provisions concerning nationals of States in which sickness, invalidity, old age and death and accident insurance are established, but which do not treat nationals of the Kingdom of Yugoslavia employed there on an equality with their own nationals in respect of the said insurance. § 111 of the Act provides that the claim to pension is suspended if the recipient of the pension is an alien and returns to his native land to take up his permanent residence there. By way of exception, the pension may continue to be paid to him if the State in question treats Yugoslavia nationals in the same way. If the recipient of the pension or benefit becomes permanently resident abroad, the Central Institution may on demand commute his pension for its annual amount if cause is duly shown. In the event of the subsequent return of the person in question, the pension or benefit may be granted him afresh, provided that the sum paid as commutation is deducted in instalments not exceeding half his pension or benefit. An alien in receipt of a pension or benefit may demand its commutation for a lump sum proportionate to its value, but not exceeding three times the annual amount of the pension, if he becomes permanently resident abroad and his pension or benefit is consequently suspended. The principle of reciprocity must in all other respects govern the commutation granted to such persons. The report adds that special arrangements are contained in the Conventions concluded between Yugoslavia and Italy, signed at Nettuno on 20 July 1925 and in those concerning social insurance between Yugoslavia and the German Republic dated 3 October 1929.

ARTICLE 2.

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in

the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Please give information regarding any special agreements that may have been made under this Article, forwarding copies of the texts.

South Africa. — No special arrangements have been made under this Article.

Austria. — The report states that a special agreement within the meaning of this Article has been concluded with Germany, and that almost identical agreements have been concluded with Yugoslavia and Czechoslovakia; the two latter have not yet been ratified.

Belgium. — The report contains no information on this subject.

Bulgaria. — The report does not refer to this question.

Czechoslovakia. — The report states that no special agreements have yet been concluded by Czechoslovakia.

Denmark. — The report states that at the Conference of the four Northern countries on social policy, which was held at Copenhagen in 1928, agreement was reached on the principles of a special agreement for these countries. The subject is also dealt with by the agreements concluded with the Netherlands and Iceland before the ratification of the Convention.

Estonia. — The report states that no special agreement has been concluded under this Article.

Finland. — The report states that a special agreement has been concluded between the Northern countries —Denmark, Finland, Norway and Sweden—as regards workers employed as fitters or in a temporary or intermittent capacity in the territory of one State on behalf of an undertaking situated in the territory of another State. The agreement is not yet in force.

France. — The report states that no special agreement has been concluded under this Article but that there exist agreements of this kind concluded previously by the French Government with Belgium, the Grand Duchy of Luxemburg and Great Britain. These agreements are in force.

Germany. — See under ARTICLE 1.

Great Britain. — No special agreements have been made in pursuance of this Article, but Article 2 of the Anglo-French Convention and paragraph I (i) of the relative Order in Council contain certain

provisions with regard to temporary or intermittent employment abroad.

Hungary. — No agreements of this kind have been concluded between Hungary and other States.

India. — No agreements of the nature referred to in this Article have been made.

Irish Free State. — No special agreements have been made under this Article. The Workmen's Compensation (Anglo-French Convention) Act, 1909, the provisions of which are applicable in the Irish Free State, contains certain provisions with regard to temporary or intermittent employment abroad.

Italy. — The report states that no special agreements have been made under this Article.

Japan. — No special arrangements have been made under this Article.

Latvia. — The report states that no special agreement within the meaning of this Article has been concluded.

Luxemburg. — The report refers to the Conventions concluded on 2 September 1905 with Germany (§§ 1, 2, 3, 4 and 6), 15 April 1905 with Belgium (§ 2) and on 26 June 1906 with France (§ 2).

Netherlands. — Before its ratification of the Convention the Government of the Netherlands had concluded agreements with Germany (27 August 1907 and 30 May 1914) and Belgium (4 July 1922) with a view, in particular, to the prevention of double insurance. The Government has also concluded an agreement with Norway (22 May 1926) for the prevention of double insurance and concerning equality of treatment for workers. A similar agreement concluded with Denmark received legal approval after the ratification of the Convention (16 April 1928).

Norway. — The report states that no special agreements have been made under this Article.

Poland. — The report states that the Polish-German Convention signed on 11 June 1931 (not yet ratified), contains provisions of this kind.

Portugal. — The report states that no special agreement has so far been concluded under Article 2.

Spain. — The report contains no information on this subject.

Sweden. — Under § 28 of the Accident Insurance Act the Government may conclude agreements on the basis of reciprocity with foreign States concerning the

application of the Act or the law of the foreign State in respect of employers in the one State carrying on undertakings in which workers are employed in the other State. The report adds, however, that no such agreements have yet been made.

Switzerland. — See under ARTICLE 1.

Yugoslavia. — The report states that no decision has yet been reached regarding special agreements. See also under ARTICLE 1.

ARTICLE 3.

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Please state whether legislative provision has already been made in your country for workmen's compensation for industrial accidents, and, if not, what measures have been taken to give effect to this Article.

South Africa. — Legislative provision had been made in the Union prior to the ratification of the Convention by the Workmen's Compensation Act of 1914.

Austria. — Legislation already existed.

Belgium. — Legislation already existed.

Bulgaria. — Legislation already existed.

Czechoslovakia. — Legislation already existed.

Denmark. — Legislation already existed.

Estonia. — Legislation already existed.

Finland. — Legislation already existed.

France. — Legislation already existed.

Germany. — The report states that Germany has possessed since 1885 a system of accident insurance regulated by Federal legislation.

Great Britain. — Legislation already existed.

Hungary. — Legislation already existed.

India. — Legislation already existed.

Irish Free State. — Legislation already existed.

Italy. — Legislation already existed.

Japan. — Legislation already existed.

Latvia. — Legislation already existed.

Luxemburg. — Legislation already existed.

Netherlands. — Legislation already existed.

Norway. — Legislation already existed.

Poland. — Legislation already existed.

Portugal. — Legislation already existed.

Spain. — Legislation already existed.

Sweden. — The report states that accident insurance is of almost general application in Sweden.

Switzerland. — Legislation already existed.

Yugoslavia. — Legislation already existed.

ARTICLE 4.

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

Please furnish information with regard to any modifications in the laws and regulations in force on workmen's compensation and their application, forwarding copies of the texts.

South Africa. — The Workmen's Compensation Act, 1914, as amended by Act No. 13 of 1917, was further amended by Act No. 29 of 1931, which came into force on 9 June 1931.

Austria. — The report states that the legislation concerning accident insurance in force in Austria is explained above under I.

Belgium. — The report states that there is nothing to report for the period under consideration.

Bulgaria. — The report does not refer to this question.

Czechoslovakia. — The report states that Czechoslovakia is endeavouring to develop collaboration with other States as regards workmen's compensation for accidents. It is thus giving full effect to the provisions of Article 4. The report adds that Czechoslovakia is preparing to amend and consolidate the legislative provisions relating to accident insurance; the Ministry of Social Affairs will keep the

International Labour Office informed upon this subject.

Denmark. — The report states that no change in legislation has been made since the passing of the Act of 14 July 1927.

Estonia. — The report states that the legislation was not amended in 1931.

Finland. — No Act or Order was promulgated in 1931 to amend the Acts and Orders in force in Finland.

France. — The report states that an Act of 1 January 1931, published in the *Journal Officiel* of 4 January 1931, has amended and supplemented the Act of 25 October 1919 extending to diseases of an occupational origin the Act of 9 April 1898 concerning industrial accidents. The text of this Act has been communicated to the International Labour Office.

Germany. — The report states that no modification of the legislation relating to workmen's compensation for industrial accidents and to the application of the Convention was made in 1931.

Great Britain. — The report states that the Workmen's Compensation Act, 1931, has made an amendment in the Act of 1925, as regards partially incapacitated workmen unable to obtain work.

Hungary. — The Government states that, during 1931, no amendments were made to the legislation in force.

India. — The report states that copies of the Indian Act, of its amendments, rules made and notifications issued under it are supplied regularly to the International Labour Office.

Irish Free State. — No modifications have been made in the laws and regulations in question during the year.

Italy. — The report states that the obligation imposed by this Article is fulfilled as regards all States. During the period under report no modification was made in the legislation concerning workmen's compensation.

Japan. — The report states that, during the year 1931, two acts have been promulgated on the subject, one concerning workmen's compensation for accidents, and the other concerning insurance against risks of workmen's compensation for accidents. The two acts come into force in January 1932.

Latvia. — The report states that no changes in the legislation in force were made during the year.

Luxemburg. — No amendment to the Act of 17 December 1925 seems to have been made during the period to which the report refers.

Netherlands. — The report states that, during the period to which the report refers, no amendments were made to existing legislation.

Norway. — The report states that some modifications with regard to the organisation of the insurance system were made by the Act of 24 June 1931. These modifications are primarily of a formal and administrative character. The principal material changes are an extension of the scope of the Act, and a re-adjustment of the basic wage for certain categories of insured workers. A copy of this Act has been supplied to the International Labour Office.

Poland. — The report does not indicate any change in the existing legislation during 1931.

Portugal. — In order to strengthen the principle of equality of treatment which was already observed under existing legislation, the Government issued a Decree on 10 August 1931 appointing that foreign workers and employees who are victims of industrial accidents occurring in Portuguese territory, and their dependants, are entitled to the pensions fixed by Portuguese law, even if they reside outside Portuguese territory, provided that equality of treatment is accorded to Portuguese workers under the legislation of the countries of which the foreign workers are nationals.

Spain. — The report contains no information.

Sweden. — The report states that, under agreements already existing with Denmark, Norway and Finland, it had been agreed that the competent insurance authorities of the four countries should afford one another assistance as regards industrial accident insurance by undertaking investigations and, when necessary, making compensation payments, on condition that the expenses are refunded. No legislative changes are indicated as having been introduced during the period covered by the report.

Switzerland. — The report states that the National Fund acts in conformity with these provisions. The relevant laws and regulations were not amended during the year under review.

Yugoslavia. — No alteration was made to legislation in 1931.

III.

Article 9 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates or possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

South Africa. — The report states that the Union has no colonies, protectorates or possessions. The Mandated Territory of South West Africa is dealt with under the Mandate.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate. A decision will be reached before the next annual report is supplied.

Denmark. — The report states that the Convention is not applicable to *Greenland*.

France. — The Convention is applied to *Algeria* by a Decree of 29 March 1930. The Convention is not applied in the colonies. In the *Protectorate of Tunis* a Decree of the Bey issued on 25 March 1930 promulgated the terms of the Convention and constituted an adhesion to it on the part of Tunis. As regards *Morocco*, there is in the French Zone of the Sherifian Empire legislation on workmen's compensation based on the model of the French law of 9 April 1898 (Dahir of 25 June 1927), and the Convention is partly and indirectly applied by reason of the following facts: Italy, Luxemburg, Bolivia, Denmark, Spain, Greece, Japan, Paraguay, the Netherlands, Portugal, Russia, Sweden and Switzerland have signed with France conventions or declarations relating to the suppression of the capitulations in the French Zone of the Sherifian Empire and these include provision that treaties of all kinds in force between France and the signatory State extend automatically, in the absence of express provision to the contrary, to the French Zone of Morocco. As a result the nationals of Italy, Luxemburg, Denmark, Spain,

Japan, the Netherlands, Portugal, Sweden and Switzerland, which have adhered to the Convention in the same way as France, cannot be made subject in the case of an accident occurring in the French Zone of Morocco to the derogations contained in the last paragraphs of Article 3 of the Dahir of 25 June 1927.

Great Britain. — Compensation is payable to foreign workers on the same conditions as to national workers under the legislation in force in the following dependencies: *Tanganyika Territory, Northern Rhodesia, British Somaliland, Nigeria, Gibraltar, Malta, Palestine, Barbados, Jamaica, Trinidad, Grenada, St. Vincent, British Guiana, St. Helena, Mauritius, North Borneo, Kenya, Uganda, Sierra Leone, Cyprus, Seychelles and Fiji.* In the case of Kenya, Uganda, Tanganyika Territory, Nigeria, Sierra Leone, and the Ordinance of Northern Rhodesia applicable to natives (there is a separate Ordinance for non-native workers), the provisions of the legislation apply only to natives of Africa, but there is no discrimination against foreign natives of Africa. In the case of Mauritius and also of the new legislation proposed in *Bermuda, Grenada, St. Lucia, St. Vincent, British Guiana, Ceylon, the Straits Settlements and the Federated Malay States*, there is a condition as to residence in the case of periodical payments which however applies equally to national workers.

Italy. — The report states that the application in the colonies of the provisions laid down in the Convention is provided for as follows:

(a) for *Tripolitania and Cyrenaica*, by § 4 of the Royal Decree of 25 May 1913 concerning the extension to the colonies of the Act of 31 January 1904, which provides for equality of treatment between Italian citizens and foreigners and between Italian or foreign natives;

(b) for *Eritrea*, by a similar provision relating to Italian citizens and foreigners in § 5 of the Royal Decree of 23 October 1922, concerning insurance against accidents in this colony;

(c) for *Rhodes, Cos and Leros*, by § 4 of the Decree issued by the Governor on 12 August 1928 concerning the application of the regulations concerning industrial accidents to Italian subjects and to foreigners.

For the other islands of the *Dodecanese*, and for *Somaliland*, the local conditions do not as yet permit the adoption of special provisions concerning workmen's compensation or equality of treatment.

Japan. — The report states that the application of the present Convention to the Colonies is considered not appropriate in view of the markedly different situation in them.

Netherlands. — In the *Dutch East Indies*, account has been taken of the Convention in the draft Accident Regulations published in 1930, which are now

being re-considered. The Governor of *Surinam* reported that local conditions prevented the application of the Convention and that it had been impossible to introduce modifications which would make it applicable. In *Curaçao* the Governor stated that the Convention had not been applied, such a step being unnecessary.

Portugal. — The report states that the Convention was ratified subject to the reservation of subsequent decisions as regards its application to the Colonies.

Spain. — The report makes no reference to this point.

The question does not arise in the case of the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

South Africa. — 8 September 1926.

Austria. — 29 September 1928.

Belgium. — 19 November 1927 (date of publication of the Convention in the *Moniteur belge*).

Bulgaria. — 5 September 1929.

Czechoslovakia. — 8 February 1927.

Denmark. — 27 April 1928.

Estonia. — 14 April 1930.

Finland. — 17 September 1927.

France. — 4 April 1928.

Germany. — 18 September 1928.

Great Britain. — 6 October 1926.

Hungary. — 19 April 1928.

India. — 30 September 1927.

Irish Free State. — 5 July 1930.

Italy. — 15 March 1928.

Japan. — 8 October 1928.

Latvia. — 25 September 1928.

Luxemburg. — 16 April 1928.

Netherlands. — 13 September 1927.

Norway. — 11 June 1929.

Poland. — 28 February 1928.

Portugal. — 6 April 1929 (date of publication of the Convention in the *Diário do Governo*).

Spain. — 22 February 1929.

Sweden. — 8 September 1926.

Switzerland. — 1 February 1929.

Yugoslavia. — 1 April 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

South Africa. — The general supervision of the Workmen's Compensation Act is in the charge of the Ministry of Labour which, through its head office and local representatives, gives information and advice to persons affected who make application for assistance.

Austria. — See the summary of the report on the *Convention concerning workmen's compensation for occupational diseases*.

Belgium. — The application of the Act of 24 December 1903 is within the competence of the judicial authorities (magistrate or arbitral court of first instance — appeal court of first instance). Its enforcement is entrusted to the Ministry of Industry, Labour and Social Welfare. It has not been necessary to introduce any special method of supervision, since equality of treatment for national and foreign workers is established by the Act itself.

Bulgaria. — The report states that the application of the Social Insurance Act is entrusted to the factory inspectors.

Czechoslovakia. — The supervision of the enforcement of the legislation in question is entrusted to the Ministry of Social Welfare so far as it is the competent body for the supervision of the autonomous accident insurance institutions.

Denmark. — The supervision of the application of the provisions of the Convention is entrusted to the Industrial Accidents Insurance Council.

Estonia. — The report states that the application of the relevant laws and regulations is entrusted to the autonomous accident insurance institutions. Such application is supervised by the Minister of Public Instruction and Social Affairs through the intermediary of the Labour and Social Insurance Division of the Ministry and through that of the Insurance Council.

Finland. — Insurance is paid by the private insurance companies; as regards workers in State employment, it is the duty of the Permanent Committee for enquiry into accidents occurring in Government service to fix and pay the compensation. If the company or the Permanent Committee above mentioned refuses the claim as being unfounded,

its resolution on the subject is submitted for decision to the Insurance Council. The Insurance Council has to decide the degree of incapacity and fix the amount of the pension, on the proposal of the insurance company concerned. In regard to any other ruling of a company, appeal may be made to the Insurance Council. In some cases appeal may also be made to the Supreme Court against the decision of the Insurance Council.

France. — The application of French legislation concerning workmen's compensation for accidents is entrusted to the Courts of Law. The accident insurance institutions are subject to supervision by the Chief Inspector of Private Insurance Institutions at the Ministry of Labour, who also deals with all questions relating to the laws and regulations concerning industrial accidents.

Germany. — The report states that by its ratification the Convention acquired force of law in Germany as legislation concerning workmen's compensation for accidents. Its application is entrusted to the accident insurance carriers. With regard to such application these are placed under State supervision to the same extent as for their other activities.

Great Britain. — The application of the above-mentioned provisions is supervised generally by the Home Office (in Northern Ireland by the Ministry of Labour) but all claims for compensation and other questions arising in particular cases under the Acts, if not settled by agreement between the employer and workman, are settled by arbitration, normally in the County Court (in Scotland, the Sheriff Court) in accordance with prescribed procedure.

Hungary. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*. The reports states that the duty of enforcing the laws and regulations regarding workmen's compensation in agriculture is entrusted to the Minister of Agriculture.

India. — The Indian Workmen's Compensation Act and the rules made thereunder are administered by Local Governments through Commissioners appointed under the Act.

Irish Free State. — The Department of Industry and Commerce is responsible for the administration of the Workmen's Compensation Acts, but the Judges and Court Officers are concerned with matters arising out of the settlement of claims. In default of agreement between the employer and workman, or arbitration either by a Committee representative of employers and workers, or by a single arbitrator, the settlement of compensation claims under the Acts and of matters

arising therefrom is a matter for the Judge of the Circuit Court, whose decision is subject to appeal by either party to the High Court with a further right of appeal in certain circumstances to the Supreme Court.

Italy. — The supervision of the application of the relevant legislation is entrusted to the Minister for Corporations and, in the colonies, to the Minister for the Colonies.

Japan. — See the summary of the report on the *Convention concerning workmen's compensation for occupational diseases*.

Latvia. — The application of the relevant legislation is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

Netherlands. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

Norway. — The report states that the application of the legislation in question is entrusted to the State Insurance Office and its local organs under the supervision of the Department for Social Affairs. This legislation is enforced and supervised by the same methods as in the case of the other provisions of the Act respecting the accident insurance of industrial workers.

Poland. — The application of the relevant laws and regulations is entrusted to various insurance institutions in the Provinces of Poland. This application is supervised by the Minister of Labour and Social Assistance throughout the territory of the Polish Republic, with the exception of the Upper Silesian part of the Province of Silesia, where the supervision appertains to the Provincial Social Insurance Office at Katowice.

Portugal. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

Spain. — The report states that the enforcement of the application of the relevant legislation comes within the competence of the consuls of the States concerned.

Sweden. — The supervision of the application of the relevant legislation is within

the competence of the State Insurance Institution and of the Insurance Council as ultimate authority.

Switzerland. — See the summary of the report on the *Convention concerning workmen's compensation for occupational diseases*.

Yugoslavia. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

France. — The report for 1930 stated that two legal decisions dealing with the application of the Convention had been given by the courts in 1930, as follows (summarised): 1. The Civil Court of Briey, by judgment delivered on 16 June 1930, refused to apply the Convention to the relatives in the ascending line resident in Germany of a German worker who suffered injury through an industrial accident in France on 31 January 1930. The Court held that the Convention only constituted an international undertaking which, to be practically effective, must be formally embodied in the national legislation of the parties, and that, further, special arrangements must be entered into between the States concerned previously to the putting into force of the Convention. 2. On the other hand, the Court of Appeal of Riom, in a reasoned decision given on 24 December 1930, held, in respect of a fatal industrial accident which occurred in France (after the ratification of the Convention by Spain) to a Spanish worker whose dependants were resident in Spain, that equality of treatment between Spanish workers and national workers concerning workmen's compensation for accidents had been established for these workers and their dependants without any condition as to residence, by virtue of the common ratification by France and Spain of the Convention. The report for the period ending 30 September 1931 states that on 6 May 1931 the Civil Court of Lourdes, adopting the ruling of the Civil Court of Briey, declared inadmissible the claim for a pension made by a female relative in the ascending line, resident in Spain, of a Spanish worker killed in France in the

course of his employment. The question was referred as an appeal to the court at Pau, which rescinded this judgment and declared the Convention applicable for the reasons already stated above in the Riom decision. The report adds that the legal precedents established by these two decisions will presumably become of general application. The Ministry of Labour does not hesitate to enable foreign workers of their assigns to defend their rights in all cases of litigation based on the application of the Convention which come to its knowledge.

Germany. — The report for 1930 mentioned the following legal decision with regard to the application of the Convention: On 29 August 1930 the Court of Appeal of the Reich Insurance Office delivered judgment confirming a decision of the Superior Miners' Insurance Office to the effect that the Convention (Article 1) concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents applied only to accidents which have occurred since the date of registration of ratification of the Convention by Germany, namely, 18 September 1928. The appellant, a Polish worker who suffered injury through an accident on 12 November 1896, but whose pension in respect of which was stopped by the respondent as from 1 February 1923 on the former's leaving Germany for permanent residence abroad, had contended that § 615 (1) No. 3 of the Reich Insurance Code, upon which the respondent was relying, had become inoperative in view of the ratification by Germany of the present Convention, and that the decision to suspend his pension was therefore a violation both of the letter and the spirit of the Convention. The Court dismissed the appeal, holding that the interpretation given by the lower court was the correct one in view of the texts (French and English) of Article 1 of the Convention which under Article 12 were authentic and in view of the clear explanations on this point given to the International Labour Conference of 1925 by the Reporter of the special Committee which considered the Convention in draft (*Final Record of the Seventh Session of the Conference, 1925, Vol. I, p. 212*).

Switzerland. — The report states that the decisions given by the Federal judicial authorities are published in separate numbers in the "Collection of Judgments of the Federal Insurance Court" which has been supplied to the International Labour Office.

The other reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, and if such statistics are available, information concerning the approximate number of foreign workers on the national territory, their nationality, their territorial and occupational distribution, the number and nature of the accidents reported in the case of foreign workers, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — The report states that it is impossible to indicate the number and nationality of foreign workers employed in Austria, their territorial and occupational distribution, or the number and nature of the accidents occurring to them. The insurance institutes do not collect such information, owing to the purely secondary importance that it is thought proper to attribute to nationality in connection with the application of insurance. For the same reason the Government could not in any case ask the insurance institutes in future to collect such information, and thereby to undertake a considerable amount of extra work.

Denmark. — The report states that no statistical information exists of cases in which benefits were paid to dependants by virtue of a general or special agreement.

Estonia. — The report states that the statistical data at present available do not permit of the supply of information regarding the number of foreign workers employed in Estonia, the number of accidents which have occurred in the case of foreign workers, etc.

Finland. — The report states that it is impossible to obtain information regarding foreign manual workers in Finland, since the lists of foreigners in question do not distinguish between manual workers and other foreigners.

France. — The report states that the preliminary statistics of the five-yearly census of the population in March 1931 allow the number of foreign workers in France on the day of the census to be estimated at approximately 1,266,000. At the end of September 1931, owing to immigration and emigration, the number could be estimated as 1,250,000.

Germany. — The report gives the following provisional statistics for 1930 concerning foreign workers employed in Germany, their nationality, and their territorial distribution. In agriculture

102,452 foreign workers were employed in Germany in virtue of a special permit granted in 1930. In addition, there were 33,741 foreign workers who possessed permits for permanent work (exemption certificates) on account of the fact that they had been in Germany since the year 1913 or that they had the right to the exemption certificate provided for in the Germano-Polish Convention of 24 November 1927 concerning migrant workers. The workers belonging to the former group were distributed among the districts of the several federated labour offices as follows: East Prussia, 3,360; Silesia 4,556; Brandenburg, 10,800; Pomerania, 17,142; Northern Marches, 12,065; Lower Saxony, 8,387; Westphalia, 1,244; Rhineland, 3,465; Hesse, 2,213; Central Germany, 32,339; Saxony, 4,414; Bavaria, 1,155; South West Germany, 1,312. The nationality of those who possessed exemption certificates was as follows: Polish, 18,411; other countries of Eastern Europe, 2,674; Czechoslovak, 3,005; Yugoslav, 178; Hungarian, 43; Austrian, 444; Swiss, 2,068; Italian, 77; Dutch, 2,843; Belgian, 45; Danish, 12; Swedish, 12; French, 36; other countries, 3,892. The report also gives the distribution of these workers among the districts of the several labour offices of the country. Non-agricultural workers of foreign nationality are divided into two groups on similar lines: viz., those who possess an exemption certificate because they have been domiciled in Germany at least since 1 January 1919 and are therefore assimilated to German workers in the labour market, and those for whose employment a special authorisation from the authorities was necessary. The nationality of the holders of the exemption certificates is shown in the following statistics prepared on the basis of the exemption certificates granted by the German workers' centre: Poles, 8,609; nationals of Eastern States, 1,607; Czechoslovaks, 25,326; Yugoslavs, 5,770; Hungarians, 1,289; Austrians, 6,602; Swiss, 1,886; Italians, 3,507; Dutch, 16,951; Belgians, 862; Danes, 433; Swedes, 195; Norwegians, 26; French, 258; nationals of other States, 4,810; total, 78,131. To the holders of exemption certificates should be added about 27,000 foreign workers who are employed in the republics of Bavaria, Saxony, Wurtemberg, Baden, Hamburg, Oldenburg and Bremen, and who have not been included in the statistics prepared by the German Workers' Centre. The total number of workers for whose employment a special authorisation was granted in 1930 was 28,061. These workers are classified as follows: Polish, 3,263; other states of Eastern Europe, 1,178; Czechoslovak, 9,336; Yugoslav, 533; Hungarian, 341; Austrian, 4,362; Swiss, 1,361; Italian, 895; Dutch, 3,804; Belgian, 940; French, 590; without nationality, 859; nationals of other countries, 1,199.

The report also gives statistical data with regard to their distribution in different groups of occupations in industry and commerce and domestic service.

Great Britain. — The report states that the Convention is applied as a part of the general and well recognised law of workmen's compensation. As there has never been any discrimination between British and foreign subjects, no separate statistics have been kept as regards foreign workers, their occupations and accidents. This is subject only to the following exceptions: Article 5 (e) of the Anglo-French Convention and paragraph (7) of the relative Order in Council provide for returns of judicial decisions in the case of French citizens. The number of decisions up to the end of 1930 was 23. Similar provisions are made in Article 4 (e) of the Anglo-Danish Convention and paragraph 1 (iii) of the relative Order in Council. Up to the end of 1930, only one judicial decision was given, in the case of a Danish citizen.

Hungary. — The report states that since the statistical data make no distinction between nationals and foreigners, it is impossible to supply the information requested.

India. — No statistics are available regarding foreign workers in British India but it is believed that their number is very small. They are equally eligible with nationals for the benefits conferred by the Indian Workmen's Compensation Act.

Luxemburg. — The report states that the report of the Accident Insurance Association for 1930, which contains statistics with regard to the compensation of foreign workers, will be transmitted to the International Labour Office as soon as it appears.

Netherlands. — The report states that the statistics do not distinguish between national and foreign workers and that it is therefore impossible to give the required information.

Switzerland. — The report states that the Convention is strictly observed in the whole of Swiss territory. As regards foreigners subject to compulsory insurance, it is impossible to furnish the particulars requested because the National Fund, by reason of the system of insurance established by legislation, has no means of knowing the composition of its membership. It is, however, possible to gain some idea of it from the proportion between the fatal accidents which have occurred in the case of Swiss citizens and those in the case of foreigners. Out of a total of 253 survivors' pensions granted from 1 January to 30 September 1931 on account of industrial accidents, 210 related to accidents in the case of Swiss

citizens, and 43 in the case of foreigners. The nationality of these 43 pensioners was as follows: Italian, 28; German, 9; Austrian, 3; Czech, 2 and Polish, 1.

Yugoslavia. — The report states that the number of foreign workers is not calculated by the Central Workers' Insurance Institution since they are treated in the same way as national workers.

Convention concerning night work in bakeries.

This Convention came into force on 26 May 1928. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931 and from which annual reports under Article 408 were due in respect of the period 1 January-30 September 1931 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	5. 9. 1929	24.10. 1931
Cuba	6. 8. 1928	
Estonia	23. 12. 1929	19.10. 1931
Finland	26. 5. 1928	16.12. 1931
Luxemburg	16. 4. 1928	19.11. 1931

The Government of *Bulgaria* states that no national legislation for the application of the Convention has so far been enacted. In order, however, to bring the situation in the baking industry into conformity with the provisions of the Convention, the Directorate of Labour and Social Insurance has transmitted to the labour inspectors a Circular containing instructions based on the principles of the Convention. This Circular came into force on 1 September 1931, and will shortly be sanctioned by a royal ukase.

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused diffi-

culties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

The Government of *Luxemburg* states that the Act of 5 March 1928 has given force of law in the Grand Duchy to the provisions of the Convention. Moreover, §§ 24 to 26 of a draft Grand-ducal Order, which has been communicated to the Council of State and the trades and occupational chambers, contains provisions which correspond to those of the Convention.

I.

Please give a list of the legislation and administrative regulations, etc. which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc. to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Bulgaria.

See introductory note.

Estonia.

Act of 25 March 1929 concerning the prohibition of night work in bakeries (L. S. 1929, Est. 3 A).

Ministerial Order of 11 April 1929 concerning the exceptions permitting night work in bakeries in order to meet exceptional demands during holidays and the more important national festivals (L. S. 1929, Est. 3 C).

Order of 4 May 1929 concerning the exceptions to the Act concerning the prohibition of night work in bakeries during the season at holiday resorts (L. S. 1929, Est. 3 D).

Order of 4 May 1929 concerning the exceptions permitting night work necessary for arranging the weekly rest (L. S. 1929, Est. 3 E).

Finland.

Act of 20 January 1928 respecting work in bakeries (L. S., 1928, Fin. 1).

Order of 18 August 1917 respecting work in industrial and certain other establishments (B. B., Vol. XIII, 1918, p. 35).

Order of 11 May 1928 respecting the coming into force of the Convention concerning night work in bakeries.

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919 to 1927).

II.

Please indicate in detail for each of the following Articles of the Convention, the provisions of the above-mentioned legislation and administrative regulations, etc. or other measures, under which each Article is applied.

ARTICLE 1.

Subject to the exceptions hereinafter provided, the making of bread, pastry or other flour confectionery during the night is forbidden.

This prohibition applies to the work of all persons, including proprietors as well as workers, engaged in the making of such products; but it does not apply to the making of such products by members of the same household for their own consumption.

This Convention has no application to the wholesale manufacture of biscuits. Each Member may, after consultation with the employers' and workers' organisations concerned, determine what products are to be included in the term "biscuits" for the purpose of this Convention.

In addition, if advantage has been taken of the exception provided for in the last paragraph of this Article, please indicate what definition, if any, of the term "biscuits" has been adopted and what method was employed for consultation with the employers' and workers' organisations concerned.

Bulgaria. — The report states that, under the terms of a circular communicated to the labour inspectors, night work in bakeries is prohibited for workers and employers. This prohibition applies to the making not only of bread but also of similar products, but does not apply to the making of such products at home.

Estonia. — Under the Act of 25 March 1929 the making of bread, pastry or other flour confectionery in establishments during seven hours in the night is forbidden. This prohibition does not apply to the making of such products by members of the same household for their own consumption.

Finland. — § 1 of the Act of 20 January 1928 provides that the Act "shall apply to work in bakeries in which goods are produced for sale, and in factories in which bread, biscuits and similar wares are manufactured, and also to the manufacture of bakers' wares in hotels, inns, restaurants and pastrycooks' establishments." The report states that the term "biscuit" mentioned in the last paragraph of this Article of the Convention applies to biscuits in the strict sense of the word and to hard fine bread with a basis of rye or other flour, the manufacture of which is in its main lines the same as that of biscuits in the strict sense of the word. For the definition of the term "biscuit" the Government consulted the employers' and workers' organisations in the course of the preparation of the draft for the Act of 20 January 1928.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least seven consecutive hours. The beginning and end of this period shall be fixed by the competent authority in each country after consultation with the organisations of employers and workers concerned, and the period shall include the interval between eleven o'clock in the evening and five o'clock in the morning. When it is required by the climate or season, or when it is agreed between the employers and workers' organisations concerned, the interval between ten o'clock in the evening and four o'clock in the morning may be substituted for the interval between eleven o'clock in the evening and five o'clock in the morning.

In addition, please state

- (1) *what method was employed to consult the employers' and workers' organisations concerned for the purpose of fixing the beginning and end of the night period indicating, as far as possible, also the hours so fixed;*
- (2) *whether, in the circumstances specified in the last sentence of this Article, the interval between 10 o'clock in the evening and 4 o'clock in the morning has been substituted for the interval between 11 o'clock in the evening and 5 o'clock in the morning, and, if so, for which one of the three reasons provided for in the Article.*

Bulgaria. — Under the terms of the Circular relating to the prohibition of night work in bakeries, "night work" is defined as work carried on during the hours from 9 p.m. to 4 a.m. The report does not indicate whether the employers' and workers' organisations concerned have been consulted.

Estonia. — The period of seven hours during which work is prohibited must, according to the Act of 25 March 1929, include the interval between 11 p.m. and 5 a.m. A Ministerial Order of 11 April 1929 has, after consultation with the employers' and workers' organisations concerned by means of conferences of representatives of these two groups, fixed this period at the interval between 10 p.m. and 5 a.m. The report states that the option to substitute the interval between 10 p.m. and 4 a.m. for the prohibited period has not been made use of.

Finland. — The Act of 20 January 1928 provides that the work to which the Act refers may be carried out only on working days between 5 a.m. and 10 p.m. and on days preceding a Sunday or holiday up to 6 p.m. at the latest. The report states that in order to settle the beginning and end of the night period the employers' and workers' organisations concerned in Finland

were consulted in the course of the preparation of the draft for the Act of 20 January 1928.

Luxemburg. — The Convention is applied by virtue of the Act of 5 March 1928. The report states that the fixing of the hours of rest before 11 p.m. or after 5 a.m. is provisionally entrusted to the employers, except in the case of the young workers covered by the Convention and by the Act of 6 December 1876 respecting the work of children and women in workshops and factories. The report adds that the definite fixing of rest hours is the subject of a draft Order, which prohibits the making of bread, pastry, etc. between the hours of 10 p.m. and 5 a.m. See introductory note.

ARTICLE 3.

After consultation with the employers' and the workers' organisations concerned, the competent authority in each country may make the following exceptions to the provisions of Article 1 :

(a) The permanent exceptions necessary for the execution of preparatory or complementary work as far as it must necessarily be carried on outside the normal hours of work, provided that no more than the strictly necessary number of workers and that no young persons under the age of eighteen years shall be employed in such work ;

(b) The permanent exceptions necessary for requirements arising from the particular circumstances of the baking industry in tropical countries :

(c) The permanent exceptions necessary for the arrangement of the weekly rest ;

(d) The temporary exceptions necessary to enable establishments to deal with unusual pressure of work or national necessities.

In addition, if advantage has been taken of the exceptions provided for in this Article, please state what method was employed for consulting the employers' and workers' organisations concerned and give full particulars with regard to the permanent and temporary exceptions permitted under paragraphs a, b, c, and d, forwarding texts of the regulations, orders, etc. which may have been issued for this purpose.

Bulgaria. — The report states that the preparatory work of kneading may be done during the night by workers chosen for the purpose. Young persons under 18 years of age may not be employed as kneaders or as stokers of bakers' ovens. A weekly rest of 36 hours is compulsory. Work may begin at midnight on the day before, and at 3 a.m. on the day after a public holiday. The report does not refer to the question of consultation with the employers' and the workers' organisations concerned as regards these exceptions.

Estonia. — After consultation with the employers' and workers' organisations concerned the Minister has issued Decrees authorising the following exemptions : (a) No exemptions are provided for preparatory

or complementary work except upon the day preceding and the day following holidays (see below) ; (b) The question does not arise in the case of Estonia. (c) In order to make the necessary arrangements for ensuring the weekly rest and rest during holidays (1) in large undertakings, two men may be employed on the night following the weekly rest day or holiday ; (2) in industries of medium or small size work may be begun at 3 a.m. on the day before the weekly rest day or holiday. Further, one worker is authorised to perform preparatory work during the weekly rest days or holidays from 8 to 10 p.m. provided that a rest of at least 36 consecutive hours is granted to him during the same week and that the same worker is not called upon to work again during the following weekly rest day or holiday. (d) Work is authorised in bakeries during one night before holidays of at least two days' duration and before national festivals ; it is also permitted to begin work at 4 a.m. during the holiday season (1 June-1 September) in certain watering and seaside places specified by Ministerial Order.

Finland. — The Act of 20 January 1928 provides in § 3 that " kneaders and accessory workers such as cleaners, stokers, mechanics and power engine minders who have attained the age of eighteen years may be employed partly at night (provided that the daily hours of work are not prolonged thereby) for so long before and after the other workers as the Ministry of Social Affairs considers necessary, on the application of, and after consultation with, the employers' and workers' organisations concerned or their representatives ". (a) The report adds that the exceptions contemplated in paragraph (a) of this Article of the Convention are granted in each case only upon special request. In accordance with the Convention such exceptions are allowed only so far as the technical character of the work makes them necessary. In such cases the Minister of Social Affairs has authorised kneaders to begin two hours before 5 a.m. at the earliest and the stokers of bakery ovens to begin work one hour before 5 a.m. at the earliest. (b) The question does not arise in Finland. (c) The report states that the Act of 20 January 1928 contains no special provisions to ensure the weekly rest. The relevant legislation is the Order of 18 August 1917, under which the worker is entitled on Sunday to an uninterrupted rest-period of at least 30 hours. If this rest-period cannot be granted on Sunday a compensatory period of equal length must be granted during the week. (d) § 5 of the Act of 20 January 1928 provides that " if special circumstances so require, the competent industrial inspector on receipt of an application and by way of exception may authorise the carrying out of work covered by this Act on not more than ten specified nights preceding

a working day in the course of the year". The report adds that the methods used in the consultation of the employers' and workers' organisations concerned on the subject of the exceptions allowed by this Article of the Convention was to request the opinion of the employers and workers concerned in each case before the exceptions in question are permitted.

Luxemburg. — The report states that no use has been made of the exceptions provided for in this Article.

ARTICLE 4.

Exceptions may also be made to the provisions of Article 1 in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Please state whether your legislation, etc. imposes any conditions subject to which employers are allowed to take advantage of this exception.

Bulgaria. — The report does not refer to this question. See also introductory note.

Estonia. — The report states that the legal provisions in Estonia are drafted in the same terms as those of this Article of the Convention. The right of the employers to take advantage of the exceptions is not subject to any special conditions.

Finland. — The report states that as regards the exceptions allowed by this Article of the Convention the Order of 18 August 1917 applies equally to work in bakeries. § 12 of this Order provides that if natural phenomena or accidents have interrupted or threaten to interrupt the regular performance of the work, the hours of work may be extended as required, but only for four weeks at the most. The employer must immediately notify the industrial authority of any extension of working hours ordered for reasons of this nature, stating the cause of the action taken, the number of workers affected and the importance and length of time of the overtime work. The industrial authority may merely note the receipt of the notification or may take steps to reduce or put a stop to the overtime work.

Luxemburg. — The Convention is applied by virtue of the Act of 5 March 1928. The report states that it is the duty of the Courts in the last resource to pronounce upon the validity or otherwise of the exceptions which may be claimed by the employers. See also introductory note.

III.

Article 10 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate in respect of each of your colonies, protectorates or possessions the action taken for the application of the Convention.

Please indicate as far as possible the nature of the conditions which may have led to the decision not to apply the Convention or to apply it subject to modifications as provided for in the first paragraph of the same Article.

Please add in so far as they have not already been communicated to the International Labour Office all relevant legislative texts, reports, etc.

The question does not arise in the case of the reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Bulgaria. — See introductory note.

Estonia. — 23 December 1929.

Finland. — 26 May 1928.

Luxemburg. — 16 April 1928.

V.

Article 5 of the Convention is as follows :

Each Member which ratifies this Convention shall take appropriate measures to ensure that the prohibition prescribed in Article 1 is effectively enforced, and shall enable the employers, the workers, and their respective organisations to co-operate in such measures, in conformity with the Recommendation adopted by the International Labour Conference at its Fifth Session (1923).

Please state with particular reference to this Article to what authority or authorities the application of the legislation and administrative regulations, etc. mentioned under I and II is entrusted and by what method application is supervised and enforced, indicating the means by which the employers, the workers and their respective organisations are enabled to co-operate in the measures of application.

Bulgaria. — The report states that the application of the Circular relating to the prohibition of night work in bakeries is entrusted to the labour inspectors.

Estonia. — The application of the Act of 25 March 1929 and of the administrative regulations is entrusted to the labour inspectors. The inspectors are responsible for instituting legal proceedings against persons contravening the provisions of the Act and the regulations. The penalties provided for in cases of infraction may amount to 200 crowns.

Finland. — The enforcement of the Act of 20 January 1928 is supervised by the labour inspectors in accordance with the Labour Inspection Act of 4 March 1927 and the Order respecting the enforcement of that Act. The duties of the labour inspectors are supervised by the Ministry of Social Affairs.

Luxemburg. — The supervision of the application of the Convention is entrusted to the labour inspectors as well as to the judicial police. The labour chamber is called upon to watch the application of the Convention; the correctional courts deal with penalties. The labour chamber and the chamber of handicrafts are called upon to give their opinion on draft regulations relating to the subject.

VI.

Please state whether decisions have been given by courts of law or other courts with regard to the application of the Convention. If so, please, supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including for instance information concerning the organisation of the factory inspection services and, if such statistics are available, regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings and in particular under V.

Estonia. — The report states that, during the year 1930, the factory inspectors inspected 304 baking establishments. The number of workers employed in them amounted to 722. In the course of the same year the inspectors reported 163 cases of infraction of the provisions of the Act of 25 March 1929. In 162 cases the inspectors drew up a report and started legal proceedings; in one case only was a warning issued to the head of the undertaking.

Finland. — The statistics for 1928 show that there were in Finland 1,467 bakeries subject to inspection. The number of workers employed in them was 5,812, of whom 3,610 were women.

EIGHTH SESSION (GENEVA, 1926)

Convention concerning the simplification of the inspection of emigrants on board ship.

This Convention came into force on 29 December 1927. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January-30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia	18. 4.1931	13. 2.1932
Austria	29.12.1927	4. 9.1931
Belgium	15. 2.1928	11.11.1931
Bulgaria	29.11.1929	24.10.1931
Czechoslovakia . .	25. 5.1928	8. 2.1932
Finland	5. 4.1929	16.12.1931
Hungary	3. 2.1931	16.12.1931
India	14. 1.1928	26.12.1931
Irish Free State . .	5. 7.1930	
Japan	8.10.1928	26.12.1931
Luxemburg	16. 4.1928	19.11.1931
Netherlands	13. 9.1927	8.10.1931

The report of the Government of *Australia* states that it has not been found necessary to adopt legislation or issue administrative regulations for the application of the provisions of the Convention.

The report of the Government of *Austria* states that no legislation relating to emigration is in existence.

The report of the Government of *Bulgaria* states that no legislative measures have as yet been adopted for the application of the Convention.

The report of the Government of *Finland* states that up to the present it has not been necessary to enact special legislation for the application of the Convention, as there are no ships in Finland of the kind to which the Convention refers. The Convention has nevertheless been put into force by an Order dated 1 March 1929.

The report of the Government of *Hungary* states that the Convention was given force of law in Hungary by Act No. VII of 7 March 1931.

In its report, the Government of *India* states that no official system exists in India for the inspection of emigrants during the voyage ; but the Indian Emigration Act, 1922, as amended by Act No. XXVII of 1927, empowers the Governor-General in Council to make rules for the appointment of inspectors for this purpose, should circumstances require such action. The report adds that " the application of the Convention has not been made effective in the absence of circumstances which would justify its adoption."

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

In its report, the Government of *Japan* states that there exists no legislation providing for the placing of an official inspector on board an emigrant vessel and stipulating his duties and powers. With reference to the protection of emigrants

there are the Emigrants' Protection Act, promulgated in April 1896 as Act No. 70, and the Regulations for the enforcement of the Emigrants' Protection Act, promulgated in June 1907 as an Ordinance of the Department of Foreign Affairs. Provision is made for the inspection of emigrant vessels in the Regulations for the enforcement of the Ship Inspection Act, promulgated as an Ordinance by the Department of Communications in December 1899.

The Government of *Luxemburg* states that this Convention has no practical application in the Grand Duchy.

The Government of the *Netherlands* states in its report that there is no clause in Netherlands legislation requiring the inspection of vessels; inspection is carried out under the Act of 1 June 1861 (*Staatsblad* No. 53) containing provisions respecting the transit and transport of emigrants before the departure of the vessel. The Convention contains provisions for an inspectorate to supervise the protection of emigrants on board ship, but it does not make it obligatory to appoint inspectors on board ship. It follows therefore that the legislation of the Netherlands, which does not provide for official inspectors on board ship, is not in conflict with the Convention and that no amendment of it is necessary.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc. to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Australia. — See introductory note.

Austria.

See introductory note.

Belgium.

Royal Order of 25 February 1924 regulating the transport of emigrants, as amended by Royal Order of 15 December 1927.

Bulgaria.

See introductory note.

Czechoslovakia.

Act No. 71 of 15 February 1922 respecting emigration (L. S., 1922, Cz. 1).

Order No. 170 of 8 June 1922 respecting the enforcement of the Act of 15 February 1922.

Finland.

See introductory note.

Hungary.

Act No. II of 1909.

Act of 7 March 1931.

See also introductory note.

India.

Indian Emigration Act, 1922 (L. S., 1922, Ind. 2), as amended by Act XXVII of 1927 (L. S., 1927, Ind. 1).

Japan.

Act No. 70 respecting the protection of emigrants, promulgated in April 1896.

Regulations for the enforcement of the Emigrants' Protection Act, promulgated in June 1907 as Ordinance No. 3 of the Department of Foreign Affairs.

Regulations for the enforcement of the Ship Inspection Act, promulgated as Ordinance No. 87 of the Department of Communications in December 1899.

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

See introductory note above.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

For the purposes of application of this Convention the terms "emigrant vessel" and "emigrant" shall be defined for each country by the competent authority in that country.

Please indicate the definitions of the terms "emigrant vessel" and "emigrant" which have been adopted.

Australia. — The report states that the Commonwealth Government is inclined to regard an "emigrant vessel" as one which is exclusively or principally engaged in carrying persons from one country to a foreign country in which they intend to settle permanently, and an "emigrant" as a person who travels from one country to a foreign country with the object of settling permanently therein. There is at present no emigrant traffic from Australia.

Austria. — The report states that in practice any person is deemed to be an "emigrant" who leaves Austrian territory with the intention of taking up a permanent residence abroad or earning his living there, even if he does not intend to reside permanently, together with those members of his family who accompany or follow him abroad. In practice, therefore, an "emigrant vessel" is deemed to be any vessel engaged in the transport of emigrants, as just defined, as steerage or third-class passengers or any other class treated as similar by the Austrian administration.

Belgium. — § 13 of the Royal Order of 25 February 1924 provides that any person who leaves his country with the wish to settle overseas, and making the sea voyage in any class other than the first, is deemed to be an emigrant. § 26 defines as "emigrant vessels" "all sea-going vessels bound for transatlantic ports and transporting more than 50 emigrants" and "all sea-going vessels bound for European ports and transporting emigrants intending to take ship in foreign ports."

Bulgaria. — See introductory note.

Czechoslovakia. — § 1 of the Act of 15 February 1922 lays down that "an emigrant shall mean any person who repairs from the territory of the Czechoslovak Republic to another country, either in order to earn his living there or with intent not to return, and likewise any member of his family who accompanies or follows him." Passengers between decks or in a similar class on board ship, unless it is evident from the circumstances that they are repairing to a foreign country for some purpose other than those mentioned above, are also deemed to be emigrants. The report adds that under § 1 of the Order of 8 June 1922 an "emigrant vessel" is considered to be "any vessel regularly engaged in the transport of passengers between decks or in a similar class who are emigrants within the meaning of the above definition if such transport constitutes an integral part of the vessel's commercial activity and if the sailings are fixed in advance."

Finland. — The report states that in the official statistics of Finland the term "emigrants" includes all persons proceeding to foreign countries to earn their living, and that, according to the definition of the Ministry for Social Affairs, the term "emigrant vessel" only applies to vessels which make transatlantic voyages and transport emigrants from one continent to another.

Hungary. — § 28 of Act No. II of 1909 defines "emigrant vessels" as all vessels carrying passengers by sea to extra-European ports, and classified as such by the service appointed for this purpose by the

Minister of Commerce. § 1 of the Act defines "emigrant" as "any person emigrating to a foreign country in search of a permanent livelihood."

India. — § 2 (1) (cc) of the Indian Emigration Act, 1922, as amended by Act XXVII of 1927, defines "emigrant ship" as "any ship specially chartered for the conveyance of emigrants, or conveying emigrants exceeding a number to be prescribed; provided that the Governor-General in Council may, by notification in the *Gazette of India*, declare that ships conveying emigrants to any specified port shall not be deemed to be emigrant ships." The 1922 Act lays down that the term "emigrant" means "any person who emigrates or has emigrated or who has been registered as an emigrant under this Act and includes any dependant of an emigrant". It does not, however, include "any person emigrating to a country in which he has resided for not less than five years or the wife or child of such person, or the wife or child of any person who has lawfully emigrated when such wife or child departs for the purpose of joining such person."

Japan. — § 2 of the Regulations for the enforcement of the Ship Inspection Act provides that "the term 'emigrant vessel' under the present Regulations is applied to ships which carry on board more than 50 emigrants or third-class passengers, or more than 50 persons comprising emigrants and third-class passengers, and transport them to ports outside the coastwise service, or to different localities to be determined. § 1 of the Emigrants' Protection Act provides that "the term 'emigrants' under the present law applies to persons who, for the purpose of engaging in work, emigrate to foreign countries other than China, as well as to members of the family who accompany them or who emigrate to the place of their settlement." The kinds of work mentioned in this paragraph are defined by the Regulations for the enforcement of the Act as "work concerned with agriculture, fishing, mining, industry, public work, transportation, construction, cooking, laundry, sewing, hair-cutting, attendants, nursing, etc."

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 2.

Each Member which ratifies this Convention undertakes to accept the principle that, save as hereinafter provided, the official inspection carried out on board an emigrant vessel for the protection of emigrants shall be undertaken by not more than one Government.

Nothing in this Article shall prevent another Government from occasionally and at their own expense placing a representative on board to accompany their nationals carried as emigrants in

the capacity of observer, and on condition that he shall not encroach upon the duties of the official inspector.

If the question arises, please state whether advantage has been taken of the possibility allowed by the second paragraph of this Article of placing observers on board emigrant vessels carrying your nationals, and if so, under what conditions.

Australia. — The report does not refer to this Article.

Austria. — The report states that advantage has been taken of the possibility of placing observers on board emigrant vessels carrying Austrian emigrants. These observers were not, however, required to accompany emigrant ships, but to inform themselves of the measures taken on board the vessels in question as regards emigrants and of the manner in which Austrian emigrants and Austrians returning to their country were treated. The Austrian administration reserves its right to do this with all the foreign navigation companies authorised in Austria; for this purpose every concession granted to a navigation company contains a clause which is an integral part of the concession and stipulates the conditions which must govern the transport of Austrian emigrants.

Belgium. — The report states that the Belgian Government has not taken advantage of the facility allowed by paragraph 2 of this Article of the Convention.

Bulgaria. — See introductory note.

Czechoslovakia. — The Act of 15 February 1922 provides (§ 31 (b)) that the carrier whom the Czechoslovak Government has authorised to transport emigrants must carry twice a year on vessels transporting emigrants of Czechoslovak nationality an inspector chosen by the Minister of Social Welfare.

Finland. — See introductory note.

Hungary. — The Government appoints an official from time to time to accompany its nationals carried as emigrants in the capacity of observer.

India. — The report states that no official system exists in India for the inspection of emigrants during voyage; but the Indian Emigration Act, 1922, as amended by Act XXVII of 1927, empowers the Governor-General in Council to make rules for the appointment of inspectors for this purpose, should circumstances require such action.

Japan. — The report states that the Government has no observations to make on the second paragraph of this Article.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 3.

If an official inspector of emigrants is placed on board an emigrant vessel he shall be appointed as a general rule by the Government of the country whose flag the vessel flies. Such inspector may, however, be appointed by another Government in virtue of an agreement between the Government of the country whose flag the vessel flies and one or more other Governments whose nationals are carried as emigrants on board the vessel.

Please state (a) whether your country has an official emigrant inspection system, and (b) whether any agreements have been made with other Governments respecting the appointment of official inspectors.

Australia. — The report does not refer to this question.

Austria. — The report states that the observers to whom reference is made above are appointed by the Emigration Office of the Federal Chancery. No agreements regarding the appointment of inspectors have been concluded with other Governments up to the present.

Belgium. — (a) § 7 of the Royal Order of 25 February 1924, as amended by the Royal Order of 15 December 1927, gives the Government the right, if it thinks fit, to order any party of emigrants to be accompanied by a special delegate. (b) The report states that up to the present no agreement has been concluded with another Government regarding the appointment of official inspectors.

Bulgaria. — See introductory note.

Czechoslovakia. — The report states that the question of the appointment of official inspectors, for which the State whose flag the vessel flies is responsible, does not arise in Czechoslovakia.

Finland. — The report states that as Finland has no emigrant vessels, it has not been possible to organise the inspection of emigrants, and that no agreements have been concluded with other countries with a view to simplifying such inspection.

Hungary. — As Hungary possesses neither a seaport nor emigrant vessels it is impossible for that country to appoint official inspectors.

India. — See under ARTICLE 2.

Japan. — The report states that no official emigrant inspection system exists in Japan. No agreements have been made with other Governments respecting the appointment of official inspectors.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 4.

The practical experience and the necessary professional and moral qualifications required of an official inspector shall be determined by the Government responsible for his appointment.

An official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company.

Nothing in this Article shall prevent a Government from appointing the ship's doctor as official inspector by way of exception and in case of absolute necessity.

Please state whether provision has been made for the appointment of ship's doctors as official inspectors in the conditions provided for in the third paragraph of this Article.

Australia. — The report does not refer to this question.

Austria. — The question of the application of this Article does not arise.

Belgium. — The official delegate who may accompany any emigrant vessel under the terms of § 7 of the Royal Order of 25 February 1924, as amended by the Royal Order of 15 December 1927, may not be in any way directly or indirectly connected with or dependent upon the shipowner or shipping company. As an exception, and in case of absolute necessity, the Government may appoint ship's doctors as its official delegates.

Bulgaria. — See introductory note.

Czechoslovakia. — See under ARTICLE 2.

Finland. — See introductory note.

Hungary. — No application.

India. — See under ARTICLE 2.

Japan. — The report states with reference to paragraph 3 of this Article that no provisions exist for the appointment of ship's doctors as official inspectors.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 5.

The official inspector shall ensure the observance of the rights which emigrants possess under the laws of the country whose flag the vessel flies, or such other law as is applicable, or under international agreements, or the terms of their contracts of transportation.

The Government of the country whose flag the vessel flies shall communicate to the official inspector, irrespective of his nationality, the text of any laws or regulations affecting the condition of emigrants which may be in force, and of any international agreements or any contracts relating to the matter which have been communicated to such Government.

Australia. — The report does not refer to this question.

Austria. — The question does not arise.

Belgium. — The Royal Order of 15 December 1927, amending the Royal Order of 25 February 1924, provides in § 1 that the official inspector shall ensure the observance of the rights which emigrants possess under Belgian law and, if necessary, under the law of the country whose flag the vessel flies or any other law which may be applicable, and under international agreements and contracts of transportation.

Bulgaria. — See introductory note.

Czechoslovakia. — The question does not arise.

Finland. — See introductory note.

Hungary. — No application.

India. — The report does not refer to this Article. The Act of 1922 as amended by the Act No. XXVII of 1927 lays down in § 4 the special duties of a Protector of Emigrants (who is, under the Act, a public servant within the meaning of the Indian Penal Code). He must protect, aid, and advise all emigrants and cause, so far as he can, the provisions of the Act and the rules made under it to be complied with.

Japan. — The report does not refer to this Article.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 6.

The authority of the master on board the vessel is not limited by this Convention. The official inspector shall in no way encroach upon the master's authority on board, and shall concern himself solely with ensuring the enforcement of the laws, regulations, agreements, or contracts directly concerning the protection and welfare of the emigrants on board.

Australia. — The report does not refer to this question.

Austria. — See above, under ARTICLE 2.

Belgium. — The Royal Order of 15 December 1927, amending the Order of 25 February 1924, provides that the authority of the master on board the vessel is not limited by the presence on board of the official delegate, who may in no way encroach upon the master's authority on board and may concern himself only with ensuring the enforcement of the laws, regulations, agreements or contracts directly concerning the protection and welfare of the emigrants on board.

Bulgaria. — See introductory note.

Czechoslovakia. — The report states that it is unnecessary to offer any observations on this Article.

Finland. — See introductory note.

Hungary. — No application.

India. — The report does not refer to this Article.

Japan. — The report does not refer to this Article.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

ARTICLE 7.

Within eight days after the arrival of the vessel at its port of destination the official inspector shall make a report to the Government of the country whose flag the vessel flies, which Government shall transmit a copy of the report to the other Governments concerned, where such Governments have previously requested that this shall be done.

A copy of this report shall be transmitted to the master of the vessel by the official inspector.

Australia. — The report does not refer to this question.

Austria. — See above, under ARTICLE 2.

Belgium. — § 1 of the Royal Order of 15 December 1927, amending the Order of 25 February 1924, provides that within eight days after the arrival of the vessel at its port of destination the official delegate must make a report to the Belgian Emigration Commissioner, who must communicate a copy of this report to the Minister of Foreign Affairs for transmission to those Governments concerned which have requested that this should be done. A copy of this report must also be transmitted to the master of the vessel by the official delegate.

Bulgaria. — See introductory note.

Czechoslovakia. — The question does not arise.

Finland. — See introductory note.

Hungary. — No application.

India. — The report does not refer to this Article.

Japan. — The report does not refer to this Article.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

III.

Article 12 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Australia. — The report states that there is at present no necessity to apply the Convention to the territories of the Commonwealth owing to the absence of any emigrant traffic.

Belgium. — The report states that Belgium has ratified the Convention subject to the reservation of subsequent decision as to its application to the *Belgian Congo* and the territories under Belgian mandate. This question is now under consideration by the Department for the Colonies and a decision will be reached before the next annual report is supplied.

Japan. — The report states that the conditions in the colonies are markedly different from those in the homeland, so that the application of this Convention to the colonies is not yet realised.

Netherlands. — By letter of 20 January 1931, the Minister of Colonies provided the Office with the following information on the application of this Convention to the Dutch colonies.

Dutch East Indies: The Governor-General reports that in view of the condition imposed by Article 3 it is considered that the Convention cannot be applied to the Dutch East Indies. As emigrants transported from the Dutch East Indies, especially to the Dutch Colony of Surinam, are almost exclusively native inhabitants, it is considered desirable to have the inspectors on board the vessels appointed in every case by the Government of the Dutch East Indies. A modification of the emigration regulations is in preparation.

Surinam: The Governor reports that local conditions have prevented the application of the Convention to the Colony, and that it has been impossible to introduce modifications which would make it applicable to local circumstances.

Curaçao: The Governor reports that the Convention has not been applied in the colony, such a step being unnecessary.

The question does not arise for the other countries which have supplied reports.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Australia. — 18 April 1931.

Austria. — 29 December 1927.

Belgium. — 15 February 1928.

Bulgaria. — See introductory note.

Czechoslovakia. — 25 May 1928.

Finland. — 5 April 1929.

Hungary. — 7 March 1931.

India. — 14 January 1928.

Japan. — 8 October 1928.

Luxemburg. — 16 April 1928.

Netherlands. — 29 December 1927.

V.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced.

Australia. — See introductory note.

Austria. — See above, under ARTICLE 3 (a).

Belgium. — The enforcement of the Belgian Orders and Administrative Regulations is supervised and ensured by the Government Emigration Commissariat at Antwerp. This Commissariat is subordinate to the Department of Foreign Affairs of Belgium.

Bulgaria. — See introductory note.

Czechoslovakia. — The Ministry of Social Welfare is responsible for supervising the enforcement of the provisions which ensure the application of the Convention.

Finland. — The report states that the Ministry for Social Affairs is in general responsible for looking after the interests of emigrants. The safeguarding of the rights of Finnish nationals abroad is entrusted to the Ministry for Foreign Affairs. See also the introductory note.

Hungary. — The question does not arise.

India. — The Indian Emigration Act and the Rules framed thereunder are administered by Local Governments through the Protectors of Emigrants appointed under section 5 of the Act. The Act also empowers the Governor-General in Council to

appoint agents in foreign countries for the purpose of safeguarding the interests of emigrants. Such agents have been appointed in Ceylon and British Malaya, to which countries alone emigration for purposes of unskilled work is at present allowed.

Japan. — The Ministries of Foreign Affairs and Colonial Affairs are responsible for the administration of the Emigrants Protection Act, and the regulations for its enforcement, and the Department of Communications for that of the Regulations for the enforcement of the Ship Inspection Act.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, information concerning the organisation of the official emigrant inspection services, if any, and, if such statistics are available, regarding the number of persons carried as emigrants on ships flying the flag of your country (distinguishing between your own nationals and the nationals of other countries) and the number of your nationals carried as emigrants on ships flying the flags of other countries, etc., in so far as this information has not already been given under other headings, and in particular under V.

Austria. — The report states that the Government communicates regularly to the International Labour Office monthly statistics respecting emigration to extra-European countries and—in accordance with the first paragraph of the Recommendation, adopted by the International Labour Conference at its Fourth Session and approved by the Austrian Government, concerning the statistical communication of information regarding migration—three-monthly reports upon emigration to extra-European countries and an annual report upon migration movements for each year. Statistics for the year 1931 will be communicated later.

Belgium. — The report states that it is impossible at present to give statistics for 1931 and that this information will be communicated later.

Czechoslovakia. — As for the year 1930, the report for the first nine months of 1931 states that summary tables relating to Czechoslovak transatlantic emigration are included in the Reports of the State Statistical Office, Xth year, 1929, Nos. 75-76. Similar information for the first and second quarters of 1929 is given in the Reports of the State Statistical Office, Xth year, 1929, Nos. 89 and 136.

Finland. — The report states that the official statistics of emigrants published in the *Social Review* give the total number of emigrants, but contain no information concerning the countries to which the ships on board which the emigrants travel belong.

Hungary. — In 1930, 4,366 Hungarian nationals were carried overseas as emigrants. During the first six months of 1931 the number was 784.

India. — The report states that the position in regard to emigrant traffic from India is that such traffic consists in bulk of the emigration of unskilled labour to the only two countries to which it is at present lawful under the provisions of the Indian Emigration Act, 1922, namely, Ceylon and Malaya. These emigrants travel as third class (deck) passengers on the ordinary passenger ships of the British India Steam Navigation Company, under the British flag and not on emigrant vessels, i.e. vessels specially chartered for the transport of emigrants. These passenger ships are subject to a close system of inspection at the ports of embarkation and disembarkation which, in view of the short voyages involved to Ceylon and Malaya, meets all practical requirements, rendering it unnecessary to carry out any general inspection of emigrants on board during the voyage. The number of emigrants who went to Ceylon and Malaya during the year 1930 is : Ceylon, 91,422 and Malaya, 42,771. During the year 1931 their number up to 31 July is : Ceylon, 44,492 and Malaya, 56. The large reduction in the number of Indian emigrants to Ceylon and Malaya is due to general economic depression particularly in rubber and tea industries.

NINTH SESSION (GENEVA, 1926)

Convention concerning seamen's articles of agreement.

This Convention came into force on 4 April 1928. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January - 30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3. 10. 1927	11. 11. 1931
Bulgaria	29. 11. 1929	
Cuba	7. 7. 1928	
Estonia	10. 5. 1929	19. 10. 1931
France	4. 4. 1928	14. 12. 1931
Germany	20. 9. 1930	7. 11. 1931
Great Britain . . .	14. 6. 1929	9. 11. 1931
Irish Free State . .	5. 7. 1930	
Italy	10. 10. 1929	9. 12. 1931
Luxemburg	16. 4. 1928	19. 11. 1931
Spain	23. 2. 1931	30. 11. 1931
Yugoslavia	30. 9. 1929	2. 11. 1931

By letter of 4 February 1932, the Government of *Bulgaria* informed the International Labour Office that the ratification of this Convention had been notified by mistake. Negotiations on this subject are in progress.

By letter of 23 October 1931, the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 2 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations

including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

The *Italian* Government states, in its report, that new model articles of agreement for the crews of merchant vessels with a displacement of more than 50 tons came into force in Italy on 1 July 1931.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

I.

Please give a list of the legislation and administrative regulations, etc. which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc. to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L. S. 1928, Belg. 5A).

Estonia.

Act of 22 March 1928 concerning seamen (L. S. 1928, Est. 1D).

Act of 31 January 1928 concerning the Seamen's Institute (L. S. 1928, Est. 1A).

Order of 24 May 1928 relating to the Act concerning the Seamen's Institute.

Order of 12 June 1928 relating to the Act concerning seamen.

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S., 1926, Fr. 13).

Germany.

Act of 24 July 1930 concerning the International Convention on seamen's articles of agreement.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Order of 16 June 1903 concerning the non-application of certain provisions of the Seamen's Code to vessels of small tonnage.

The report states that, in so far as existing German law was not already in agreement with the provisions of the Convention, its application is ensured by the relevant provisions of the Act of 24 July 1930 concerning the international convention on seamen's articles of agreement.

Great Britain.

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, Studies and Reports, Series P, No. 1, pp. 2 and 56 (extracts)).

Italy.

Commercial Code, §§ 521-546.

Mercantile Marine Code and Regulations for the carrying into effect of the provisions of the Mercantile Marine Code (International Labour Office, Studies and Reports, Series P, No. 1, pp. 240 and 261 (extracts)).

Act of 14 January 1929, No. 417, giving executive force to the Convention in the Kingdom.

Model articles of agreement and ship's regulations for passenger ships.

National articles of agreement for cargo ships of more than 50 tons' displacement.

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Spain.

Labour Code of 23 August 1926, Book I, Title III, (§§28-56), seamen's articles of agreement (L. S. 1926 Sp. 5).

Yugoslavia.

Orders of the Maritime Department dated 15 September 1919 (No. 900), 20 October 1919 (No. 1300), 26 October 1919 (No. 1400), 30 October 1919 (No. 1450), and 31 October 1919 (No. 1500).

Order of the Ministry for Maritime Affairs, dated 19 October 1863.

Order of 14 May 1870 (No. 2621).

Order of 25 February 1919 (No. 15268) of the Ministry of Transport.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :

ships of war,
Government vessels not engaged in trade,
vessels engaged in the coasting trade,
pleasure yachts,
Indian country craft,
fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

In addition, please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of the Convention.

Belgium. — The Act of 5 June 1928 does not contain any definition of the term "vessel". The report states that the provisions of the Convention are applied in conformity with the scope and exceptions laid down in this Article.

Estonia. — The Act of 22 March 1928 does not apply : (1) to Government vessels used for defensive or administrative purposes ; (2) to vessels of less than 60 cubic metres gross registered tonnage ; (3) to vessels on which members of the shipowner's family only are employed. The expression "vessels engaged in the home trade" does not exist in Estonian law.

France. — The Act of 13 December 1926 applies to all French vessels fitted out for a sea voyage, whether the shipowner is an individual, company or public depart-

ment, whatever the tonnage of the vessel and without any exception as regards the kind of navigation undertaken.

Germany. — § 1 of the Seamen's Code lays down that its provisions apply to all merchant vessels which are allowed to carry the flag of the Reich. They may not be altered by private treaty except as expressly provided by the Code. The Order of 16 June 1903 excludes from the application of certain provisions of the Code vessels of less than 300 cubic metres gross registered tonnage engaged in the coasting trade, pleasure yachts and vessels of less than 300 cubic metres gross registered tonnage engaged in deep sea fishing.

Great Britain. — Part II of the Merchant Shipping Act 1894, which deals with seamen's articles of agreement, applies to all sea-going ships registered in the United Kingdom (§ 260). The only vessels which do not have to be registered are ships not exceeding 15 tons net tonnage employed solely in navigation on the coasts of the United Kingdom (§ 3). Government ships are exempted under § 741 of the Act of 1894, but § 80 of the Act of 1906 gives power to register Government ships by Order in Council. The report states that the only Government ships engaged in trade are such Fleet Auxiliaires owned by the Admiralty as are occasionally chartered from private companies; and all such ships are so registered and the provisions of the Acts relating to seamen's articles of agreement apply to them.

Italy. — The measures applying the Convention apply to the crews of ships registered with the port authorities and authorised port offices. Registration is also required in practice in the case of certain classes of ships which are excluded from the Convention under Article 1.

Luxemburg. — See introductory note.

Spain. — Book I, Title III of the Labour Code applies to merchant vessels. The title contains no exact definition of the term "vessel". The report indicates that Spanish legislation makes no exception in favour of coasting vessels.

Yugoslavia. — The report states that the provisions of Article 1 of the Convention are applied by the Orders of the Maritime Department dated 20, 26, 30 and 31 October 1919. Under these Orders the term "vessel" includes all boats, ships or vessels, without exception, which are engaged in maritime navigation, whether for commercial, pleasure or research purposes, or which are engaged in maritime navigation in the public service, except ships of war.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz.:

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

In addition, please indicate the geographical limits determined by the national law for the purposes of paragraph (d) of this Article.

Belgium. — (a) The term "vessel" is not defined in the Act of 5 June 1928. (b) The term "seaman" is defined in the Act as meaning "any person engaged to serve on a vessel and entered on the muster-roll of the crew". (c) The term "master" is defined as meaning "any person to whom is entrusted the command of the vessel or who in fact commands her". (d) The report states that the Belgian law does not fix any geographical limits.

Estonia. — The report states that, although Estonian legislation gives no exact definition of the terms in question, it may be considered that the meaning of these terms in Estonian law corresponds to that attributed to them in the present Article of the Convention. (a) § 65 of the Act of 31 January 1928 defined "vessel" as any registered sea-going commercial vessel for the transportation of persons and goods, or for other purposes connected with commercial shipping, such as tugs, ice-breakers, salvage vessels, etc. (b) § 1, 9, 70, 71 and 73 of the Act of 22 March 1928 state that the Act applies to any person employed or engaged on board in any capacity, excepting masters and pilots, to the exclusion of the crews of war vessels and of persons employed permanently on State vessels used for administrative purposes. (c) § 44 of the same Act defines "master" as the highest authority on board. (d) The notion of "home trade" does not exist in Estonian maritime law.

France. — (a) The Act of 13 December 1926 covers all sea-going vessels for service on board which contracts of employment have been concluded. (b) "Seaman" is defined as any person of either sex who enters into an agreement with a shipowner or his representative to serve on board

ship. (c) Under French legislation masters are "seamen", but the Seamen's Code contains special provisions regarding their articles of agreement. Young persons on board training ships as apprentice officers are treated as seamen for the purpose of articles of agreement. The Act of 17 December 1926 to issue a disciplinary and penal code for the mercantile marine defines a master as any person regularly exercising the command of a vessel. (d) "Home trade vessels" are not recognised by French legislation.

Germany. — (a) The Seamen's Code applies to all merchant vessels which are allowed to carry the flag of the Reich (§ 1, para. 1). (b) The Seamen's Code defines the term "seaman" as including "all persons engaged on behalf of the shipowner for service on the ship during its voyage, without distinction whether signing on has taken place or not" (§ 2, para. 3). Women engaged have the same rights and duties as seamen (§ 2, para. 3). The provisions laid down for the crew or the seamen also apply to the ship's officers, unless it has been specially provided otherwise (§ 3, para. 2). (c) Master in the meaning of the Code is the manager of the ship (skipper) and in his absence, or if he is prevented from acting, his substitute (§ 2, para. 1). The pilot does not count as a seaman (§ 2). (d) The report states that the notion of "home trade" does not exist in German legislation.

Great Britain. — § 742 of the Act of 1894 gives the following definitions: (a) "vessel" includes any ship or boat, or any other description of vessel used in navigation; "ship" includes every description of vessel used in navigation not propelled by oars; (b) "seaman" includes every person (except masters, pilots and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship; (c) "master" includes every person (except a pilot) having command or charge of any ship; (d) "home trade ship" includes every ship employed in trading or going within the following limits: the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive.

Italy. — The report states that although Italian legislation gives no exact definition of the terms "vessel", "seaman" and "master", it may be considered, in view of legal decisions and administrative practice, and also of the fact that the Convention has been given executive force in the Kingdom, that the meaning of these terms in Italian legislation corresponds to that attributed to them in the present article of the Convention. In connection with paragraph (d), the report states

that the notion of "home trade" does not exist in Italy.

Luxemburg. — See introductory note.

Spain. — (a) Book I, Title III of the Labour Code, which applies to merchant vessels, gives no specific definition of the term "vessel". (b) § 28 of the Code lays down that the persons engaged for service on board a vessel shall constitute the ship's company, which shall consist of officers and ordinary members of the crew. The following persons shall be deemed to be officers, viz. mates, ship's engineers, doctors, chaplains, supercargoes, pursers, wireless operators, boatswains, and persons who have technical duties on board for the performance of which it is necessary to have a certificate of competency. The following persons shall be deemed to be members of the crew, viz. seamen, stokers, artisans, doctors' assistants, sick room attendants, stewards, and persons who perform manual duties of any kind on the vessel. Persons who are granted transportation in consideration of an engagement to render services shall be deemed to be passengers. § 29 adds that the form of agreement laid down by this Title shall not be compulsory for the officers of the vessel, in whose case either this form or any other authorised by law may be used. (c) The Code contains no definition of the term "master". (d) The report states that Spanish legislation makes no exception in the case of coasting vessels.

Yugoslavia. — For the definition of the term "vessel" the report refers to the reply given under ARTICLE 1. The report states that the term "seaman" includes every person employed on board in any capacity and entered on the list of crew, except masters, pilots, pupils on training ships, naval ratings and other persons in the permanent service of the Government. Under the Order of the Maritime Department of 15 September 1919, No. 900, the term "master" is defined as meaning every person having command of a vessel except pilots. The geographical limits for "home trade" vessels are fixed as follows by § 6 of the Order of the Maritime Department of 20 October 1919 No. 1300: — to the west as far as Cape Santa Maria di Leuca, to the east as far as Cape Clarenza, including the Bay of Lepanto, the Ionian Isles and the Strait of Zante, together with all the rivers which flow into those waters.

ARTICLE 3.

Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed

shall be given to the seaman and also to his adviser.

The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

National law shall make adequate provision to ensure that the seaman has understood the agreement.

The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

In addition, please indicate the provisions of the national legislation under which the different paragraphs of this Article are applied and give full information regarding the additional formalities and safeguards mentioned in the last paragraph of the Article, forwarding all relevant legislative texts, etc.

Belgium. — The report states that Part II (Seamen's Articles of Agreement) of the Act of 5 June 1928 contains provisions in conformity with the Convention, and that the interests of the shipowner and the seaman are safeguarded by the provisions of this Part or by those of Chapters 1 and 2 of Part III, which deal with conciliation and probiviral courts for seamen. The Act lays down, in particular, that the seaman's name is to be entered on the roll of the crew by the Maritime Commissioner or the Consul at their office (or, in exceptional cases, on board the vessel). The articles of agreement must be produced by the master of the vessel, and a copy, bearing the visa of the Maritime Commissioner or Consul, is to be appended to the copy of the roll of the crew handed over by him to the master. The visa is withheld if the authority is not satisfied that the seaman knows the provisions of the articles, or if the articles contain provisions contrary to the principal provisions of the Act. The provisions of the articles of agreement must be clearly stated in writing, either in one of the Belgian national languages or in English. No seaman may be signed on who does not sufficiently understand one of these languages. Part III of the Act provides for the settlement of disputes concerning work on board ship by means of conciliation, through the good offices of the Maritime Commissioner or the Consul, or, failing agreement, by joint probiviral courts.

Estonia. — § 11 of the Act of 22 March 1928 states that the master must issue to every seaman engaged a wages book in lieu of articles of agreement. The model of the wages book is approved by the Minister of Communications, and it must bear the signatures of the master

and the holder. § 65 of the Act of 31 January 1928 states that the crews of merchant ships must be registered in a register of engagement and in the list of the crew. Registration is carried out at Tallinn by the senior officer of the Seamen's Institute, and in other ports either by the agents of the Seamen's Institute or by the chief port officer or by the head customs officer, and abroad by the Estonian consuls. Care must be taken at the time of registration that the seaman's name is entered with the maritime registration office at the Seamen's Institute, and that he has a wages book and a discharge book. The master must be present at the registration together with the seamen engaged, and must produce all the information required by the wages book. The seaman must sign the list of the crew; his signature is attested by the registration agent. If a member of the crew is unable to be present in person at the registration, he is registered on the basis of the articles of agreement contained in the wages book, which must be countersigned by two witnesses. The agreement must include the particulars specified in the form for the wages book prescribed by the Minister of Communications.

France. — Seamen do not sign articles of agreement under French legislation. The seamen engaged are presented by the shipowner or master to the shipping registration authority, who notes the agreement concluded, reads it to the crew and asks whether they have understood its meaning. The master, in the name of the crew, signs the formula of agreement at the end of the ship's articles. The Act of 13 December 1926 provides that particulars of the general conditions of employment must be placed by the shipowner at the disposal of the seamen and be read aloud by the maritime authority when the seaman is being entered on the ship's articles. The agreement is countersigned by the maritime authority. Clauses or stipulations which are not entered in or appended to the ship's articles are null and void. The agreement must be clearly worded, so that it leaves the parties in no uncertainty as to their respective rights and duties. Except where the Act provides to the contrary, the parties may not deviate from the terms of the articles of agreement.

Germany. — § 27 of the Seamen's Code as amended by the Act of 24 July 1930 states that the seamen's service agreement must be concluded orally or in writing. When the agreement is oral, the shipowner or master must give the seaman a certificate attesting the conclusion of the agreement, signed by himself or his representative (*Heuerschein*). The report further states that the provision of the Convention which requires the articles of agreement to be drawn up in writing

is fulfilled by the registration of the seamen's service agreement with a Shipping Board (§ 13 of the Code). The master or a representative of the shipowner authorised to enter into service agreements, as well as the seaman, must be present at the registration with the Shipping Board. Registration must as a general rule take place before the beginning or the continuation of the voyage. The act of registration is drawn up by the Shipping Board. The ship's articles must in particular state the name and place of residence of each seaman and the capacity in which he is to be employed, the port of departure, the conditions of the service agreement, etc. (§§ 13 and 14 of the Seamen's Code). The Shipping Board must enter on the discharge book of each seaman an entry recording the fact of each engagement concluded in Germany (§ 16 of the Seamen's Code). § 14 of the Seamen's Code lays down that the Shipping Board must see that no provisions contrary to the Act are included in the ship's articles. The report adds that owing to the fact that the provisions of the Convention have been inserted in the Seamen's Code wherever this was necessary, the Shipping Board also sees that those provisions are applied. The report states that Chapter III of the Seamen's Code (conditions of the agreement, §§ 27 to 83) regulates all questions relating to the conclusion, observance and denunciation of articles of agreement. It is further provided that in the case of a dispute arising out of the articles of agreement, a provisional settlement is to be made, taking into account the interests both of the shipowner and of the seaman. Such provisional settlement is made in Germany by the Shipping Board and abroad by the German consuls (§§ 128 to 131 of the Code).

Great Britain. — The Merchant Shipping Act, 1894, lays down in §§ 113 to 124 detailed provisions concerning the conclusion of articles of agreement. It is provided that the master of every ship except ships of less than 80 tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement with every seaman whom he carries to sea. The agreement must be signed by each seaman in the presence of a superintendent, who causes the agreement to be read over and explained to the seaman, or otherwise ascertains that each seaman understands it before he signs it. He attests each signature. When a substitute is engaged in the case of the death or desertion of a seaman or for some other unforeseen cause, occurring within twenty-four hours of the ship's putting to sea, the engagement is when practicable made as above, and when not practicable, the master must, before the ship puts to sea, if practicable, and if

not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute signs the agreement in the presence of a witness who attests the signature. The agreement must be framed in accordance with the law and in a form approved by the Board of Trade.

Italy. — Under § 3 of the Mercantile Marine Code and § 522 (1 to 3) of the Commercial Code, the articles of agreement between the master and the members of the crew must be drawn up in writing and signed by the shipowner or his representative, as well as by the seaman, in the presence of the harbour authority (or abroad in the presence of a consular official) who must read over the articles of agreement and explain them to the seaman. He must enter the agreement in the registers of the harbour office. If the seaman is unable to write, the agreement must be signed by two witnesses. The agreement is null and void if the above-mentioned formalities have not been observed (§ 522 (4) of the Commercial Code). The report adds that the fact that a public official (the harbour authority in Italy or the consular official abroad) is present when the agreement is concluded provides a guarantee that the agreement will not contain any clause contrary to national legislation or to the Convention. § 466 and following of the Regulations issued in application of the Mercantile Marine Code lay down detailed rules on the safeguards to be provided when the articles of agreement are concluded. The agreement need not be drawn up in writing in the case of seamen engaged to serve on vessels of less than 50 tons for certain specified voyages (§ 501 of the Commercial Code). In such cases the articles of agreement are replaced by the ship's articles established in accordance with § 325 of the regulations issued in application of the Mercantile Marine Code.

Luxembourg. — See introductory note.

Spain. — The report states that § 29 (1) of the Labour Code (Book I, Title III), lays down that every merchant vessel shall have a crew engaged in conformity with the provisions of the Code, and for this purpose shipping undertakings and shipowners or their legal representatives (the captain or master of the vessel being deemed to be included among these without special authorisation) shall enter into articles of agreement with the persons who are to form the crew respecting the conditions of employment on board. § 33 lays down that the articles of agreement of members of the crew shall be drawn up in duplicate on unstamped paper and shall be signed by both parties or by a witness (if either of the parties cannot write or is unable to sign); one copy shall be given to the person engaged and the

other shall be retained by the captain or master of the vessel. It shall be an indispensable condition of the validity of the agreement that both copies shall be confirmed by the signature and seal of the harbourmaster concerned, or the competent Consulate if the agreement is concluded abroad; the officials of the harbourmaster's office or Consulate shall first examine the agreement in order to satisfy themselves that in the conclusion thereof the relevant statutory provisions in force and the special provisions of the Code have been complied with and observed. This confirmation shall be a guarantee of the authenticity of the agreement and of its containing no provisions contrary to law. The report makes no reference to paragraph 4 of this Article.

Yugoslavia. — The report states that § VII (15) of the Navigation Regulations and the Order of the Ministry for Maritime Affairs dated 19 October 1863 contain provisions in accordance with the Convention. This legislation is still in force under § 10 of the Regulations of 25 February 1919, which lays down that all previous legislation is to be applied in so far as it has not been subsequently amended. § 6 of the Order of 1863 states that articles of agreement must be signed in the presence of the maritime or consular authorities, who must explain their essential provisions to the signatories. When those authorities have ascertained, by means of questions, that the seamen are acquainted with the provisions of the agreement, it is signed by each seaman individually.

ARTICLE 4.

Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

This Article shall not be interpreted as excluding a reference to arbitration.

Belgium. — § 24 of the Act of 5 June 1928 provides that the maritime authority shall refuse his visa to articles of agreement containing provisions contrary, *inter alia*, to § 45 of the Act, which lays down the procedure for the lodging of a complaint by the seaman before a Maritime Commissioner or a Consul.

Estonia. — The report states that the wages book containing the articles of agreement, the form for which is established by the Ministry of Communications, must mention all the conditions of service. A footnote on p. 4 of the wages

book states that those conditions may not be contrary to the legislation in force.

France. — The Act of 13 December 1926 provides that the maritime authority may refuse to countersign any agreement which contains a clause contrary to the legally binding provisions of the Act.

Germany. — The report states that the application of the Convention is ensured by the official registration of the articles of agreement by a Shipping Board at the time when the seaman is engaged (§ 13 of the Seamen's Code).

Great Britain. — § 114 of the Merchant Shipping Act, 1894, specifies the clauses which the agreement must contain. In addition to those clauses, the agreement may include other provisions not contrary to the law to be adopted in each case. The report adds that any stipulation purporting to oust the jurisdiction of the competent Courts would be contrary to law and consequently invalid.

Italy. — The report states that the rules relating to special courts for seamen (Mercantile Marine Code, Chapter 4, and Act of 31 December 1928, No. 3119) are rules of a public character from which it is not open to the parties to depart. The harbour authority or consular official who is present when the articles of agreement are signed must see that these rules are strictly observed.

Luxemburg. — See introductory note.

Spain. — § 36 of the Labour Code (Book I, Title III), lays down that the harbourmaster or Consulate shall not issue any ship's articles unless all the members of the crew have been engaged in conformity with the provisions of the Code. § 55 provides that any disputes which may arise between the contracting parties respecting the carrying out of the agreement shall be submitted to the harbourmaster, who shall act as a conciliator in consultation with his legal adviser. A party which is not satisfied with the decision shall have the right to bring appropriate civil action in the ordinary courts.

Yugoslavia. — The report states that the Order of 19 October 1863 concerning possible disputes specifies the competent court. § 11 of the Order lays down that a vessel may not leave the harbour if the provisions of the Order have not been observed in the enrolment of the crew. The report adds that the articles of agreement may not contain provisions contrary to the law. Yugoslav legislation makes no provision for recourse to arbitration.

ARTICLE 5.

Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

Please forward to the International Labour Office with this report a copy of the document mentioned in this Article and indicate the provisions of the national legislation relating to the particulars to be recorded and the manner in which such particulars are to be entered in it.

Belgium. — Chapter I of Part I of the Act of 5 June 1928 provides that every seaman on a Belgian vessel shall receive a discharge book from the maritime authority. This book must bear the seaman's registration number, and must contain a description of the holder, his name in full, date and place of birth, place of domicile, capacity in which engaged, and signature. It must also state the date and place of each signing-on, the name and gross tonnage of the vessels, the name of the master of the vessels and the voyages which the vessels are intended to make; together with the date and place of each discharge, the payment of repatriation expenses if any, and the port to which repatriation takes place. These entries must be attested by the signature of the master and the Maritime Commissioner or Consul. The book must also contain, in French and Flemish, the main provisions of the Act. A specimen discharge book has already been sent with a previous report.

Estonia. — § 51 of the Act of 31 January 1928 lays down that every Estonian national who is employed as a seaman on an Estonian vessel must be registered with the Seamen's Institute and must be in possession of a discharge book (which is separate from the wages book). Under § 49 of the Act of 22 March 1928 the discharge book must record his employment on board the vessel. It may not contain any statement as to the quality of the seaman's work or as to his wages. A copy of the discharge book, the form of which is approved by the Minister of Communications, has already been sent with a previous report.

France. — The Act of 13 December 1926 provides for the issue of a "seaman's book" recording his engagements. This book may not contain any statement as to the quality of the work performed, but does contain entries of the payment of wages. The report adds that this is, however, a point of secondary importance, since the wages of seamen are the same throughout each rank in the mercantile

marine, being the result of collective agreements concluded between the national organisations of shipowners and seamen. The report points out that "the Code of Maritime Labour of 13 December 1926 was drafted by qualified representatives of shipowners' and seamen's organisations, both of which are profoundly attached to traditional rules and customs sanctioned by long experience. When they drafted this measure, which was intended to define the rules relating to seamen, they thought that it would be of greater practical value if it represented not so much a far-reaching reform of maritime contractual law as a sort of codification of existing rules. This explains in particular why § 54 of the Act maintains the old rule of the payment of wages and shares in the presence of the maritime authority, and provides that such payments should be recorded in the seaman's discharge book. It also explains why § 60 states that all advances and payments on account must be mentioned in the seaman's discharge book and recorded in the list of crew. Accordingly the French Government, while admitting that in this respect there is a divergence, although one of minor importance, between the terms of its legislation and those of the Convention, would find it difficult, for the present at any rate, to contemplate modifying a provision of the Code of Maritime Labour which was adopted by shipowners and seamen and which gives satisfaction to both parties." A specimen seaman's book was enclosed with a previous report.

Germany. — The Seamen's Code lays down in § 7 that nobody may engage a seaman in the territory of the Reich unless he has registered his name, place of birth and age with the Shipping Board and has received from it a discharge book (*Seefahrtsbuch*). The discharge book indicates the surname and other names, rating, place of birth and residence of the seaman, the capacity in which he is engaged, the name, tonnage and other particulars of the ship, the name of the master, the voyage or period for which the seaman is engaged and the date and place of each engagement and discharge. This information is attested by the signature of the Shipping Board. § 19 of the Seamen's Code prohibits the entry of a certificate in the discharge book. The discharge book indicates the seaman's wages. In this connection the report states that the necessary changes required by the provision of the Convention which prohibits the inclusion of any statement as to the seaman's wages in the discharge book will be made when the discharge book is reprinted. This will take place shortly. The discharge book contains the text of the Seamen's Code. A specimen of the discharge book has already been sent with a previous report.

Great Britain. — Provisions relating to the document recording the seaman's employment on board ship are to be found in § 128 of the Act of 1894, which lays down that the master shall sign and give to the seaman either on his discharge or on payment of his wages a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge. This provision, as well as those of §§ 253, 256 and 695 of the same Act, together enable any seaman to obtain a certificate of his service as recorded in the list of crew. Forms for various types of discharge certificate established by the Board of Trade contain headings under which statements as to the quality of the seaman's work may be included (character report). The report adds that the position with regard to the entry in the discharge certificate of a statement as to the character of the seaman's work was explained in a statement made on behalf of H.M. Government at the time of ratification of the Convention. In this statement the Secretary of State for Foreign Affairs states that "in ratifying this Convention, H.M. Government in the United Kingdom wish to draw attention to the law and practice existing in Great Britain affecting the issue of records of seamen's service and statements as to the quality of their work. Article 5 of the Convention provides that every seaman shall be given a document which contains a record of his service in a ship but contains no statement as to the quality of his work or as to his wages; and Article 14 provides that the seaman shall be able to obtain in addition a separate certificate as to the quality of his work. British law and practice enable every seaman who so desires to obtain each of these documents. They provide in addition that seamen may, if they so desire, have reports of character endorsed on their discharge certificate whether the certificates are in the form of sheets relating to single voyages or of books relating to several voyages. H.M. Government takes the view that British law afford all the protection to seamen that the Convention contemplates and they ratify the Convention on the understanding that the provisions described above are regarded as satisfying its requirements." Specimens of the various forms of discharge certificate have already been sent with a previous report.

Italy. — Under §§ 526 and 542 of the Commercial Code the seaman must receive a discharge form at the end of his engagement. The form must mention the name and the type of the ship and the length of the engagement. Under § 90 of the Regulations concerning the mercantile marine the record of embarkation and disembarkation is entered in the registration book which each seaman must possess. § 18 of the Mercantile Marine Code lays

down that this book must contain no statement as to the quality of the seaman's work or as to his wages. A specimen of the registration book has already been sent with a previous report.

Luxembourg. — See introductory note.

Spain. — § 33 of the Labour Code provides that when the articles of agreement have been drawn up in duplicate, one copy shall be given to the seaman. § 39 lays down that a person enrolled in the maritime register shall not be engaged as a member of the crew of a merchant vessel unless he produces the work-book establishing his identity and enrolment in the register, kept in conformity with the approved official model. § 42 provides that every member of the crew when signing on shall hand over his workbook to the captain or master of the vessel, who shall retain it until the person concerned is duly discharged, when the work-book shall be returned to him with the entries specified in the book itself duly made and signed by the captain or master and attested by the harbourmaster or consulate.

Yugoslavia. — The seaman's discharge book for which provision is made by the Order of 14 May 1870 No. 2631, must contain an indication of the seaman's rights and obligations (surname, Christian names, date and place of birth, nature of employment on board, dates of taking on board and discharge, situation as regards military service). The book may not contain any statement as to the quality of the seaman's work. A copy has already been sent with a previous report.

ARTICLE 6.

The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

The agreement shall state clearly the respective rights and obligations of each of the parties.

It shall in all cases contain the following particulars:

(1) The surname and other names of the seaman, the date of his birth or his age, and his birthplace;

(2) The place at which and date on which the agreement was completed;

(3) The name of the vessel or vessels on board which the seaman undertakes to serve;

(4) The number of the crew of the vessel, if required by national law;

(5) The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;

(6) The capacity in which the seaman is to be employed;

(7) If possible, the place and date at which the seaman is required to report on board for service;

(8) The scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law;

(9) The amount of his wages;

(10) The termination of the agreement and the conditions thereof, that is to say:

(a) if the agreement has been made for a definite period, the date fixed for its expiry;

(b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged;

(c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period shall not be less for the ship-owner than for the seaman;

(11) The annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law;

(12) Any other particulars which national law may require.

If the national law of your country permits the concluding of an agreement for an indefinite period please indicate the conditions which shall entitle either party to rescind it as well as the required period of notice for rescission (No. 10 (c)).

Please indicate the nature of the particulars required by national law under No. 12.

Belgium. — Under § 27 of the Act of 5 June 1928 a seaman may only undertake to serve for a period of time or for one or more specific voyages. Under § 26 the articles of agreement must state the name of the vessel, the number of the crew, the capacity in which the seaman is to be employed and the duties which he is to perform, the amount of his wages, allowances, etc., the place, date and hour at which the seaman is to report on board, the rate of payment for extra work, and the period or voyage or voyages for which the agreement is to run. If the agreement has been made for a definite period, the articles must state the date of its expiry; if it has been made for an indefinite period, they must state the period of notice required for rescission (which must be the same for both parties). If the agreement has been made for a voyage the articles must indicate the port at which the voyage will end, and the stage in the commercial or maritime operations conducted in that port at which the voyage will be considered as terminated. If the duration of the voyage cannot be specified the articles must fix a maximum time-limit, after which the seaman shall be entitled to claim to be put ashore at the first port of call, even if the voyage for which he has signed on is not terminated.

Estonia. — §§ 13 and 14 of the Act of 22 March 1928 lay down that the articles of agreement may be concluded for a specified period, or for a voyage, or for an indefinite period. Under § 11 of the Act of 22 March 1928 and the model agreement approved by the Minister of

Communications, the articles of agreement must contain the following particulars: (1) the surname and other names of the seaman and date and place of his birth and permanent place of residence at the time of engagement (para. 3 of § 11); (2) place and date of the conclusion of the agreement (para. 2); (3) name of the ship (para. 1); (4) national legislation does not lay down that the number of the crew must be stated; (5) the voyage or voyages for which the seaman is engaged (para. 5 of § 11 of the Act of 22 March 1928); (6) the capacity in which the seaman is to be employed (para. 4); (7) the model wages book which replaces the articles of agreement provides for mention of the place and date of the beginning of service and (8) of the person who is to be responsible for supplying the provisions; (9) the amount of the wages and (10) the termination of the agreement must be mentioned in the wages book (§ 11, paras. 6 and 5 of the Act of 11 March 1928); (a) if the agreement is concluded for a definite period the wages book must mention the date fixed for its expiry; (b) if the agreement has been made for a voyage the place at which discharge is to take place is mentioned in the book. The book does not provide for any mention of the time which has to expire after arrival in the port of destination before the seaman is discharged, but § 16 of the Act of 22 March 1928 lays down that any seaman who is entitled under his agreement or under the Act to denounce the agreement must, when the ship arrives in port, remain on duty in order to take part in the necessary work. Such work may, however, not exceed two days on a steam vessel and four days on a sailing vessel after arrival in port. When a declaration has to be prepared, every seaman must remain on the spot until it has been drawn up. For this period he receives his wages and subsistence expenses; (c) § 13 of the Act of 22 March 1928 lays down that if the period of service is not fixed by the articles of agreement, either party may denounce the agreement in any port at which the vessel calls for loading or unloading. Nevertheless, if the seaman is an Estonian and was engaged in an Estonian port, neither party may denounce the agreement except in an Estonian port at which the vessel has called for loading or inloading. The period of notice is one month in the case of officers and seven days for members of the crew; (11) Estonian legislation does not make provision for annual holidays with pay.

France. — The Act of 13 December 1926 requires the articles to state whether the agreement is made for a fixed period, an indefinite period, or one voyage. The agreement must state the duties for which the seaman is signed on, the position which he is to hold and the amount of

his wages and allowances or the basis for the calculation of the profits. French legislation also calls for the following particulars: Under the Legislative Decree of 19 March 1852 every seaman must be entered on the ship's articles and the master must cause the embarkment or landing of any member of the crew to be recorded by the maritime authority, who must also enter the surname and other names, the place and date of birth, of the seaman. The agreement must state the place at which and the date on which it was concluded and must be appended to the ship's articles, which, under the Act of 1926, must mention the place where and the date when the seaman was taken on board. The agreement always refers to service on board a given vessel and the ship's articles to which it is appended must be renewed for every voyage in navigation on the high seas and annually for coasting and fishing vessels. If the agreement is made for a voyage the articles must specify with sufficient precision the port where the voyage is to end and must fix the point in the commercial and maritime operations carried out at that port when the voyage shall be deemed to be completed. If it is impossible to estimate the approximate duration of the voyage, the articles must specify a maximum period after which the seaman can demand to be put ashore at the first port of discharge in Europe, even if the voyage is not over. The day and time at which the seaman must report himself on board are notified to him by the shipowner, his representative or the master. Under the Act of 1926 seamen are entitled to their food or to an equivalent grant so long as they are on the ship's articles. The rations issued must be at least equivalent to those prescribed for seamen in the Navy. A list of equivalents is issued by Ministerial Order and is permanently affixed in the crew's quarters. If the agreement is made for a fixed period, the articles must state the length of the period and the length of the notice to be given by either of the parties to rescind the agreement; this period must be the same for both parties and not less than 24 hours. The same provision as regards length of notice also applies in the case of an agreement made for an indefinite period. Annual leave with pay is not provided for by French legislation; the report points out that the seaman is engaged, not in the service of the shipowner, but for the service of the ship, for a sea voyage. Officers of the big navigation companies are generally under an ordinary contract for the hire of their services; these are valid outside the time spent on board ship and annual leave is granted them if their contracts so provide.

Germany. — The articles of agreement may be concluded either for a definite period, or for a voyage, or for an indefinite

period (§ 28 of the Seamen's Code as amended by the Act of 24 July 1930). The report states that the provision according to which the articles of agreement must mention the respective rights and obligations of each of the parties is fulfilled by the provisions of Chapter III of the Seamen's Code (§§ 27 to 83) dealing with the conditions of the agreement. The articles of agreement or the certificate which is handed to the seaman (*Heuerschein*) (See under ARTICLE 3) must contain the following particulars: surname and other names of the seaman, the date of his birth or his age and his birthplace, the capacity in which he is to be employed, the name of the ship, the amount of the wages, the voyage to be undertaken, the duration of the agreement. When the agreement is made for a voyage the period which has to elapse after arrival at the port of destination before the agreement expires is mentioned; date and place of engagement and signing on and, if possible, date and place at which the seaman is required to report on board for service. The list of crew indicates the ration of food and drink to be allowed to seamen daily (§ 14 of the Seamen's Code). When the agreement is concluded for a definite period the seaman is obliged, unless otherwise provided, to serve until the end of that period. If the agreement terminates during the voyage the seaman cannot, unless otherwise specified, demand his discharge until the vessel reaches the next port at which it is loading or unloading. If, however, it is impossible to engage a substitute the seaman is obliged to continue his service until a port is reached where it is possible to obtain a substitute. In such circumstances his wages are increased by one-quarter. Such continued service may not, however, exceed three months (§§ 28 and 67 of the Seamen's Code). In the case of an engagement for a voyage, if the termination of the voyage has not been specified at the time of signing on, the articles of agreement run until the return of the ship to the port of departure. When the voyage is completed the seaman cannot insist on his discharge until the cargo has been unloaded, the ship cleaned and made fast in the port or elsewhere and any necessary declaration made (§§ 28 and 68 of the Seamen's Code). § 66 of the Code lays down certain other detailed provisions concerning the return voyage. In the case of an agreement for an indefinite time a period of notice must be mentioned in the service agreement, or some other provision must be made for the termination of service. The period of notice must be the same for both parties. In the absence of such provisions the agreement may be terminated at 24 hours' notice in any port at which the ship touches for loading or unloading (§ 28 of the Seamen's Code). German legislation does not appear to provide for annual holidays with pay.

In connection with para. 12 of the present article of the Convention, the report refers to para. 2 of § 27 of the Seamen's Code, which lays down that periods of notice and other fixtures of time which regard the termination of the service agreement shall be equal for both contracting parties. Even if an agreement to the contrary has been made the seaman is entitled to claim for himself the period granted to the other party.

Great Britain. — § 114 of the Merchant Shipping Act, 1894, lays down that the agreement with the crew may be concluded either for a definite period or for a voyage, and must be in a form approved by the Board of Trade. It must be dated at the time of the first signature thereto and be signed by the master before the seaman signs it. The agreement must contain the following particulars among others: (a) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend; (b) the number and description of the crew, specifying how many are engaged as sailors; (c) the time at which each seaman is to be on board or to begin work; (d) the capacity in which each seaman is to serve; (e) the amount of wages which each seaman is to receive; (f) a scale of the provisions which are to be furnished to each seaman. If the agreement was concluded for a definite period, the date fixed for its expiry is mentioned in the agreement. If the agreement is made for a voyage, or if the voyages of the ship average less than six months in duration, § 115 (5) and (6) of the Act provide that the agreement may be made to extend to two or more voyages. In that case it may not extend beyond the next following 30 June or 31 December or the first arrival of the ship at her port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival. The law does not permit an agreement for an indefinite period. The report adds that the law further makes it compulsory for a list of young persons to be included in the agreement and the summary required to comply with the Conventions fixing the minimum age for admission of children to employment at sea, and of young persons to employment as trimmers or stokers.

Italy. — In accordance with the model agreements for passenger ships at present in force, articles of agreement are concluded in Italy by the month or for a specified number of months, and are valid without regard to the voyage or destination of the ship. In the case of cargo ships, the new national model articles of agreement which came into force on 1 July 1931

provide for the conclusion of agreements either for a definite period, or for a voyage, or for an indefinite period. § 466 of the Regulations for the application of the Mercantile Marine Code lays down that articles of agreement must be drawn up in unambiguous terms, leaving no doubt as to the obligations assumed by the crew and as to their rights. In practice this obligation is carried out by the adoption of the model agreements mentioned above, which regulate the rights and obligations of the parties in detail. These model agreements, which are generally applied and used, must indicate the surname and other names of the seaman and all particulars respecting him, the place and date of the conclusion of the agreement, the number of members of the crew, the ship or ships on which the seaman is to sail, the capacity in which he is to be employed, the date and place at which he is to report on board, the scale of provisions, the wages and the conditions for the conclusion of the agreement, insurance, etc. As regards the termination of the agreement, the report states that the agreements contain the provisions laid down in the Convention for the termination of agreements concluded for the voyage, for a definite period or for an indefinite period. If the agreement terminates during the voyage it is extended until the vessel arrives in the port of final destination. When that port is reached, if it is an Italian port, the seaman is entitled to go on shore. If the port is a foreign one the seaman must remain on board under the same conditions if the ship undertakes a voyage to Italy, but he is entitled to be repatriated and receive his wages and subsistence if the vessel is carrying out a voyage to a non-Italian port. In addition, either the seaman or the shipowner may terminate the agreement before the date fixed for its conclusion if the vessel has arrived in an Italian port which is also the port of final destination. The right to terminate the agreement before the date fixed may be exercised on any day after the ship's arrival in the Italian port of final destination except the day preceding or the day of departure of the vessel for its next voyage. For agreements concluded for an indeterminate period see under ARTICLE 9. The report states that in Italy the principle of annual holidays with pay is in practice adopted for seamen, and is expressly provided for in § 50 of the new model articles of agreement for crews of cargo ships, which came into force on 1 July 1931.

Luxemburg. — See introductory note.

Spain. — § 30 of the Labour Code lays down that articles of agreement may be entered into for a whole voyage or for a fixed period. § 35 provides that the articles shall contain the following particulars and clauses: (1) place and date of

the conclusion of the agreement ; (2) name in full, domicile, age (and in the case of persons under 18 years of age the date of birth) and occupation of each person engaged, number and date of the certificate of registration of each person engaged, and name of the maritime office where he is registered ; (3) name and register number of the vessel or vessels if they are not all the property of the shipowner ; (4) kind of navigation in which the vessel is engaged ; (5) duration of the agreement ; (6) services to be performed on board by the seaman ; (7) ordinary and special duties relating to the service of the vessel during loading and discharging ; (8) wage or salary, intervals at which it is to be paid and rates for the conversion of currency when payment is to be made abroad ; (9) rations to be supplied ; (10) port to which the person engaged is to be returned ; (11) duties and pay in the event of the Government's taking over the vessel in time of war ; (12) other stipulations which the contracting parties may desire to make, provided that they are not contrary to law. § 30 provides that an agreement concluded for a fixed period shall continue for the period specified therein, provided that this shall not exceed two years for members of the crew and five years for officers. Nevertheless, the agreement shall be deemed to be tacitly renewed for successive periods equal to that specified therein if neither of the parties notifies the other, not less than a week before the expiry of the specified period, of his intention to cancel the agreement. An agreement for a whole voyage shall be deemed to be concluded for the whole of the period from the embarkation of the person concerned to the completion of the discharging of the vessel on its return to its home port. Nevertheless, a port other than the home port of the vessel may be expressly specified in the agreement as the port where the agreement shall expire. If the discharging of the vessel in the port where the agreement expires lasts for more than a fortnight, the agreement shall be deemed to expire at the end of a fortnight reckoned from the day on which the vessel anchored in the port. Spanish legislation does not appear to provide for holidays with pay.

Yugoslavia. — The Order of 19 October 1863 specifies the particulars to be included in the articles of agreement as follows : names of the ship, shipowner and master, the voyage to be undertaken, declaration of the crew that it agrees to sail on the conditions laid down in the articles of agreement, principal provisions of legislation relating to the rights and duties of the crew, surname and other names, date of birth, nationality and rating of each seaman, the number of his discharge book, the place at which it was issued to him, the duration of the voyage, the amount of the seaman's

wages, the currency in which they are to be paid and the scale of provisions. The report does not mention the question of the termination of the agreement. The Order does not distinguish between the three kinds of agreement mentioned in (10) (a), (b) and (c) of this Article.

ARTICLE 7.

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

Belgium. — § 13 of the Act of 5 June 1928 provides that a copy of the agreement, visaed by the maritime authority, shall be annexed to the copy of the list of crew handed over to the master of the vessel after the formal signing-on.

Estonia. — § 74 of the Act of 31 January 1928 lays down that the ship must carry a list of crew in a form approved by the Minister of Communications. The particulars included in the articles of agreement (wages book) must also appear in the list of crew.

France. — The Act of 1926 requires all the clauses and stipulations of the agreement to be entered in or appended to the ship's articles.

Germany. — § 14 of the Seamen's Code lays down that the list of crew must contain the clauses of the articles of agreement.

Great Britain. — The Merchant Shipping Act 1894 lays down in § 253 that the master shall make out and sign a list known as the list of crew, in a form approved by the Board of Trade, containing full particulars concerning the ship, the nature of the voyage or employment, and all the members of the crew. The article does not however provide that the list of crew is to be kept on board. The report states in this connection that the agreement serves as the list of crew during the voyage, and the expired agreement, when deposited with the proper authority after the completion of the voyage, serves the purpose of a permanent record of the list of crew.

Italy. — § 522 of the Commercial Code lays down that the provisions of the articles of agreement must be entered in the ship's log. Such a log must be kept on all ships of over 50 tons (§ 501 of the Commercial Code).

Luxemburg. — See introductory note.

Spain. — The report makes no reference to this Article. The Labour Code, which

provides for the keeping of a list of the crew, lays down, in § 33, that one of the two copies of the articles of agreement shall be retained by the captain or master of the vessel, who shall number and file it in order of the date of its confirmation.

Yugoslavia. — § 1 of the Order of 19 October 1863 lays down that all the clauses of the articles of agreement must be entered in the list of crew.

ARTICLE 8.

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

Belgium. — § 25 of the Act of 5 June 1928 provides that a copy of the agreement, certified correct by the maritime authority, shall be placed on board in such a manner as to be accessible to the crew, or, where this is impossible, shall be kept by the master at the disposal of the crew.

Estonia. — The report states that the requirements of the present article of the Convention are fulfilled by § 11 of the Act of 22 March 1928; under which a wages book (articles of agreement) must be issued to every seaman. Further, § 74 of the Act lays down that the master must see that a copy of the Act is available on board for consultation by the seamen.

France. — Under the 1926 Act the general conditions of employment must be placed by the shipowner at the disposal of the seamen; the text of the laws and regulations governing the agreement and the text of the articles of agreement must be kept on board and communicated by the master to any seaman on request. The general conditions of employment must be affixed in the crew's quarters.

Germany. — § 133 of the Seamen's Code lays down that a copy of the Code, the regulations in force concerning provisions and accommodation on board ship, an official collection of regulations concerning the military situation of the maritime and semi-maritime population, and a copy of the clauses of the articles of agreement contained in the list of crew, including all subsidiary provisions, must be placed in the crew's quarters so that the seamen may be able to consult them at any time.

Great Britain. — § 120 of the Merchant Shipping Act, 1894, lays down that the

master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement with the crew to be posted up in some part of the ship which is accessible to the crew.

Italy. — It is stated in the model articles of agreement that they must be posted up in the crew's quarters (§ 21) together with the ship's regulations and the scale of provisions.

Luxemburg. — See introductory note.

Spain. — The report makes no reference to the present Article. Book I, Title III of the Labour Code contains no equivalent provisions.

Yugoslavia. — The report states that under the Order of 14 May 1870 the seaman's discharge book must contain an indication of all the seaman's rights and obligations.

ARTICLE 9.

An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

Notice shall be given in writing; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

In addition, please give full information regarding the nature of the exceptional circumstances as determined by national law in application of the last paragraph of this Article.

Belgium. — § 92 of the Act of 5 June 1928 provides that where the agreement is for an indefinite period the parties may only terminate it in a port in Belgium. Notice of not less than 24 hours (coasting trade) or 48 hours (distant trade) must have been given. § 96 of the Act provides that notice may be given either in writing, or verbally before witnesses, and must be mentioned in the ship's log. Where the notice given by the seaman expires after the time fixed by the master for beginning the voyage it becomes void (except in case of a serious failure on the part of the shipowner to fulfil his obligations). As regards the provisions of § 92, under which an agreement for an indefinite period may only be terminated by the parties concerned in a port in Belgium, the report states that in spite of the fact that the rights of seamen are safeguarded on this point, the Government will examine the possibility, when any future amendment of the Belgian Act on seamen's articles of agreement is under consideration, of removing the divergence between these provisions and those of the

Convention, which lay down that such an agreement may be terminated in any port where the vessels loads or unloads.

Estonia. — Under § 13 of the Act of 22 March 1928 agreements for an indefinite period may be terminated by denunciation by either party in any port where the vessel loads or unloads, subject to a period of notice which is fixed at one month for officers and 7 days for members of the crew. Nevertheless, if the seaman is an Estonian and was engaged in an Estonian port, neither party may denounce the agreement except in an Estonian port where the ship loads or unloads. (The report states that this exception was made in order to protect the seaman against the risk of being placed ashore in a foreign port far from his own country, where there may be no Estonian Consul to take steps, if necessary, for the seaman's repatriation. Such cases are always possible, since the number of Estonian Consuls is not very large.) Notice must be given in writing and must be entered in the page allotted for the purpose in the wages book (articles of agreement, p. 5). § 16 of the Act of 22 March 1928 states that any seaman who, under his articles of agreement or the Act in question, is entitled to denounce his agreement must, when the ship arrives in port, remain on duty in order to take part in the necessary work. Such work may not, however, exceed two days on a steam vessel and four days on a sailing vessel after the ship arrives in port. When a declaration has to be established every seaman is obliged to remain on the spot until the declaration has been made, and during that period he receives his wages and subsistence expenses. § 17 of the Act of 22 March 1928 lays down that if in a foreign country the authorities of the place at which the seaman was to have gone ashore object to his admission to the country, or if authorisation to land is subject to a deposit which he cannot pay, the seaman is to remain in his employment until such time as the vessel calls at a port where there is no difficulty in the way of his landing.

France. — In ports in the home country articles of agreement for an indefinite period may be cancelled at the will of either of the parties immediately upon the expiry of the period of notice fixed in the articles. The formal giving of notice must be effected by a declaration in writing or by word of mouth transmitted by the party cancelling the articles of agreement to the other party. If necessary it may be made before two witnesses or an acknowledgement of it may be delivered. The seaman's right to cancel the articles of agreement is not operative where the notice expires after the time fixed by the master of a vessel about to sail for the beginning of service in watches, or before

the time fixed by the master of a vessel coming into port for the cessation of service in watches. A seaman may not, however, be refused the right to leave his vessel twenty-four hours before the time fixed for getting under way, or twenty-four hours after the vessel reaches its moorings, except in unforeseen circumstances which are duly proved. The report adds: "The Committee of Experts considered that it should nevertheless be pointed out to the French Government that there would be two divergencies in this respect between French legislation and the Convention. It pointed out that Article 9 of the Convention lays down that articles of agreement concluded for an indefinite period may be terminated... in any port where the vessel loads or unloads and that notice shall be given in writing. On the other hand, § 99 of the Code of Maritime Labour lays down that agreements for an indefinite period shall terminate in French ports. Further, § 102 provides that notice may be given by a written or oral declaration. The French Government pointed out that under an essential principle of French maritime legislation a seaman may not be put on shore in a foreign country in the course of a voyage except with the consent of the consular authority. This principle, which safeguards both the normal progress of the voyage and the seaman's interests, particularly from the point of view of his repatriation, would be destroyed, and crews would be rendered liable to disorganisation during the voyage, if the seaman were entitled to terminate his articles of agreement in any port in which the vessel loads or unloads. It is for this reason that under French legislation a seaman who was engaged for an indefinite period has no absolute right to terminate his agreement except when the ship is in a port of the home country. In this respect the seaman engaged for an indefinite period is treated in the same way as in the more usual case of a seaman who is engaged by the voyage. In the latter case the engagement only terminates in the port of the home country which was specified as the termination of the voyage. This does not prevent the consular authority, when there is due cause and when there is agreement between the master and the seaman, from authorising the seaman to be put on shore during the course of the voyage by mutual consent. As regards the form in which notice of termination of the agreement must be given, there seems to be no reason why such notice should not be given orally, as is permitted by French legislation. A written record of such notice always exists, since under § 102 of the Code of Maritime Labour it must be entered in the ship's log. Written proof of the denunciation of the agreement from which the period of notice dates thus exists on board, and consequently

it may be stated that the requirements of the Convention are in practice fulfilled."

Germany. — § 28 of the Seamen's Code as amended by the Act of 24 July 1930, lays down that if the seaman has been engaged for an indefinite period the articles of agreement must mention the period of notice or make provision in some other way for the termination of the service. If this is not done, either party may terminate the agreement subject to 24 hours' notice in any port in which the ship loads or unloads. Notice must be given in writing. The seaman may declare to the master or to his substitute appointed for the purpose that he denounces the agreement and may ask the master or his substitute to record that declaration in writing. The master who wishes to denounce the seaman's agreement fulfils the formality in question by handing the seaman a written declaration, on which the seaman must record in writing the fact that he has received it. In connection with paragraph 3 of the present article of the Convention the report states that a seaman who asks for his discharge in a foreign country may not, except in the case of a change of flags, leave his service against the will of the master unless he has obtained a provisional decision of the Shipping Board in his favour (§ 77 of the Seamen's Code).

Great Britain. — British law contains no provision for an agreement for an indefinite period.

Italy. — The report states that articles of agreement for passenger ships are concluded by the month or for a specified number of months. For cargo ships agreements may be concluded, under the new national articles of agreement, for the voyage, for a definite period, or for an indefinite period. In the latter case, § 56 of these new articles provides that during a probationary period (for officers and petty officers 90 days, for seamen 60 days, from the date of the sailing of the ship) the owner may cancel the agreement in any port, if he pays the discharged person his salary and food allowance up to the day of his discharge. If the agreement is cancelled in an Italian or foreign port other than the port where the seaman was engaged, the latter has the right to be repatriated to the port of engagement at the owner's expense. The seaman may denounce the agreement either within twenty-four hours of arrival, in Italy, at a port of final destination or terminal port, or at least forty-eight hours before the departure of the vessel. When the probationary period is completed, the seaman can only denounce the agreement in the Italian port of engagement or ship's home port or the port of final destination, when the unloading of the vessel is finished and when notice has been given

at least forty-eight hours before the vessel departs. If the owner wishes to cancel the agreement in a port other than the port where he engages the seaman, he shall repatriate the seaman to the port of engagement at his expense, and pay him his salary, food allowance, insurance, and an indemnity as laid down in the national articles of agreement. When the seaman has been absent from any national port of engagement, ship's home port or port of final destination, for an uninterrupted period of 24 months, and the return voyage to one of these ports has not been ordered or begun, the seaman may denounce the agreement in any port where the vessel remains for at least forty-eight hours and where it is loading or unloading. The owner shall repatriate the seaman and pay him an indemnity as provided for in the national articles of agreement. At the same time, the seaman must, if the owner requires it, continue his services on board for a maximum of four months, for a salary increased by 10 per cent. for the first two months and 15 per cent. for the following period. The owner may cancel the agreement at any time and place, on condition that he repatriates the discharged person, if he gives seven days' notice for officers or two days' for members of the crew. This notice may be given in the port of engagement or final destination. In any other case the owner shall pay the indemnity provided for in the national articles of agreement.

Luxemburg. — See introductory note.

Spain. — Book I, Title III of the Labour Code contains no provision for an agreement for an indefinite period.

Yugoslavia. — The report states that Yugoslav legislation makes no provision for agreements for an indefinite period.

ARTICLE 10.

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by:

- (a) mutual consent of the parties;
- (b) death of the seaman;
- (c) loss or total unseaworthiness of the vessel;
- (d) any other cause that may be provided in national law or in this Convention.

In addition, if advantage has been taken of paragraph (d) of this Article please give full information regarding the relevant provisions in national law, forwarding legislative texts, etc.

Belgium. — § 89 of the Act of 5 June 1928 provides that an agreement shall in any case be terminated by the death of the seaman; the loss, officially attested unseaworthiness, or capture of the vessel; the detention of the

seaman as author of or accessory to a breach of the law ; judicial annulment ; the putting of the seaman ashore owing to illness or injury ; mutual consent of the parties ; remission of the agreement by the shipowner owing to failure on the part of the seaman to report for duty on board on the date and at the time stipulated, or absence without leave when the vessel makes ready to sail ; or failure on the part of either party to carry out the conditions of the agreement.

Estonia. — The report states that the Act of 22 March 1928 contains no special provisions concerning the termination of articles of agreement by mutual consent of the parties or on account of the death of the seaman, because these principles are confirmed by the provisions of civil law concerning contracts of service in general. § 41 of the Act of 22 March 1928 lays down that if the ship is lost by shipwreck, or if after it has been shipwrecked it is recognised that it cannot be made seaworthy, the articles of agreement are automatically terminated.

France. — The Act of 1926 provides that the articles of agreement, whatever their nature, shall be terminated by the death of the seaman, by the signing off of the seaman in accordance with the regulations, especially with the mutual consent of the parties, by the cancellation of the agreement in other circumstances for which the Act provides, a decision of a law-court or the landing of the seaman owing to sickness or injury or the capture, shipwreck or unseaworthiness of the vessel.

Germany. — The report states that the articles of agreement can be duly terminated under the general legal principle that any agreement may be terminated at any time by mutual consent of the parties. The same applies in case of the death of the seaman (§ 64 of the Seamen's Code) or if the ship is lost through an accident (if it is shipwrecked, condemned as beyond repair, stolen by pirates, captured or seized) (§ 69 of the Seamen's Code). The report adds that the Seamen's Code does not recognise any other reasons of *force majeure* for which the agreement may be terminated.

Great Britain. — The report states that in accordance with a generally recognised principle of British law, any agreement may be terminated by mutual consent (§ 162 of the Act of 1894, and § 32 of the Act of 1906). The same applies in the case of the death of the seaman (§ 175 of the Act of 1894). § 158 of the Act of 1894 provides for the termination of the agreement by the wreck or loss of the ship. § 458 further provides that the seaworthiness of a ship shall be a condition of the

validity of the agreement, and that the ship must be maintained in that condition throughout the voyage. The report adds that an agreement would become void in the event of the vessel becoming totally unseaworthy. An agreement may also be terminated on the seaman entering the Royal Navy (§ 195 of the Act of 1894), by decision of a Naval Court (§ 483 (3) of the Act of 1894), and by the sale of the vessel at a foreign port (§ 33 of the Act of 1906).

Italy. — In accordance with the general principles of law relating to obligations, articles of agreement can be duly terminated by mutual consent of the parties. Under the Commercial Code the agreement is duly terminated by the death of the seaman (§ 539) by an unforeseen occurrence or *force majeure* (prohibition of trade with the port of destination, seizure, capture or shipwreck) which prevents the shipowner from carrying out the voyage mentioned in the articles of agreement (§§ 530, 531 and 535), if the seaman is put on shore as a result of sickness or accident (§ 537), or if he is put on shore owing to his being arrested or owing to a decision of the courts taken in accordance with the general principles of law. The report adds that equivalent provisions for the termination of an agreement are included in the new national articles of agreement for cargo ships (§ 57).

Luxemburg. — See introductory note.

Spain. — Book I, Title III of the Labour Code contains no provisions for the termination of an agreement in the circumstances mentioned in this Article.

Yugoslavia. — The report states that § VI (3) of the Navigation Regulations states that the articles of agreement cannot be terminated abroad either by the seaman or by the master except in the case of legal impediment. The Regulations give no detailed definition of the term "legal impediment".

ARTICLE 11.

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

Please give full information concerning the nature of the circumstances as determined by national law in application of this Article.

Belgium. — Under the Act of 5 June 1928 the seaman may be summarily discharged if he fails to report for duty on board on the date and at the time stipulated or if he is absent without leave during the voyage when the vessel makes ready to sail (§ 30), if he is found

before the beginning of the voyage not to possess the knowledge necessary to enable him to perform the duties for which he has signed on (§ 35), or for some other serious cause (e.g. on the ground that the continued presence on board of the seaman endangers the safety of the vessel or the good order of the crew) approved by the Maritime Commissioner or the Consul (§ 93).

Estonia. — § 32 of the Act of 22 March 1928 lays down that if a seaman is prevented from doing his work owing to illness or injury, or if he is suffering from a disease which is dangerous to the other persons on board, the master is entitled to discharge him. Further, § 33 lays down that the master is also entitled to discharge the seaman for the following causes: (1) if the seaman proves unable to do the work for which he was engaged; (2) if he does not report on board ship by the proper time and if as a result the ship is obliged to sail without him or if another seaman is engaged in his place; (3) in case of persistent refusal to obey the orders of his superiors, violence towards a superior or toward other persons on board, or repeated drunkenness while on duty; (4) if the seaman is guilty of embezzlement, theft, or some other offence or if he has brought or concealed on board goods the export of which is prohibited at the place of departure or the import of which is prohibited at the place of destination; (5) if he submits a complaint relating to his service to foreign authorities in a place where there is an Estonian consul.

France. — In ports in the home country the master has the right to discharge any seaman. Elsewhere he may not discharge a seaman without permission from the maritime authority. A seaman discharged without lawful reason is entitled to compensation.

Germany. — § 70 of the Seamen's Code lays down that the master is entitled to discharge a seaman before the end of his service: (1) as long as the voyage has not yet begun if the seaman is incapable for the service for which he is signed on; (2) if the seaman commits a gross breach of discipline, especially repeated disobedience, continued insubordination, continued drunkenness on service, or is guilty of smuggling; (3) if the seaman is guilty of theft, fraud, breach of trust, embezzlement, or receiving stolen goods, or an act which is punishable by death or imprisonment with hard labour; (4) if the seaman by his own act contracts a disease or injury which incapacitates him for work; (5) if the seaman has a venereal disease which may expose

other persons on board to infection; (6) if the voyage cannot be commenced or continued on account of war, embargo, or blockade, or prohibition of export or import. In cases 1 to 4, the seaman is entitled to the wages he has earned; in case 5, the shipowner bears the cost of medical treatment; in case 6 the seaman may, if he is discharged after the voyage has begun, demand repatriation or a corresponding indemnity. During the return voyage he is entitled to receive, in addition to the wages earned, half the amount of his wages (§§ 71 and 69 of the Seamen's Code).

Great Britain. — The report states that the law contains no provision other than those mentioned under ARTICLE 10 which enables the master to discharge a seaman otherwise than in accordance with the terms of the agreement.

Italy. — Under § 542 of the Commercial Code, the model articles of agreement provide that the master may denounce the agreement if the ship has arrived in the Italian port of final destination. A seaman discharged by the shipowner without due cause before the period specified in the agreement is entitled to the indemnity specified in § 542 of the Commercial Code. The model agreement states that the following reasons justify the termination of the agreement before the fixed time and consequently do not entitle the seaman to an indemnity: if the ship is put out of commission for longer than a fortnight owing to slackness of trade, or because it is necessary to undertake repairs in excess of 30 days or to reduce the staff owing to slackness of trade, or if a seaman is called up for military service; in such cases, however, the discharged seaman must be placed at the head of the list of the special registers of the company and of his rating. In addition to paying an indemnity to a seaman discharged without good cause, the master is obliged to give him a written discharge certificate and to supply him with funds for repatriation to the port where he was engaged. During the return voyage the seaman receives his wages and subsistence up to the date of arrival in the same port.

Luxemburg. — See introductory note.

Spain. — The report does not refer to this Article. Book I, Title III of the Labour Code contains no specific provisions for the immediate discharge of a seaman by the owner or master.

Yugoslavia. — See reply given under ARTICLE 10.

ARTICLE 12.

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

Please give full information concerning the nature of the circumstances as determined by national law in application of this Article.

Belgium. — Under § 94 of the Act of 5 June 1928 the seaman may, after giving not less than 24 hours (coasting trade) or 48 hours (distant trade) notice, demand his discharge if the shipowner fails to comply with the conditions of the agreement. The Maritime Commissioner or the Consul may, if serious reasons for doing so exist, decide after an enquiry to authorise him to be put ashore immediately.

Estonia. — § 36 of the Act of 22 March 1928 lays down that if there is a dangerous epidemic in the port of destination, and if the seaman only becomes acquainted with the fact after his engagement, he is entitled to leave the service immediately if the voyage has not begun and otherwise in the first port at which the vessel touches after the fact has come to his knowledge. The same applies in cases where the ship is liable to be seized by a belligerent in time of war or to be exposed to danger owing to war. § 37 lays down that if the seaman was engaged for a definite voyage and if the nature of that voyage is essentially modified, the seaman is entitled to leave the service without delay if the voyage has not begun and otherwise in the first port of call after the change in question came to his knowledge. § 38 states that if the shipping inspection authorities ascertain that the ship is not seaworthy for the voyage which it has to make, or if it is so badly equipped or fitted out, or so heavily loaded or badly ballasted that the life of those on board is likely to be in danger during the voyage, or if at the time of departure the crew's quarters are obviously insanitary and the master does not take the necessary steps to remedy this state of affairs, the seaman is entitled to leave the service. The same applies if the master fails to carry out the instructions of the shipping inspectors. § 39 states that if a seaman is ill-treated by the master or by some other person on board and does not receive protection from the master, or if the master withholds his due rations or wages, the seaman is entitled to leave the service. § 40 lays down that if the vessel is sold to a person of another nationality, or in any other way loses the right to fly the Estonian flag, the seaman is entitled to leave the service.

France. — A seaman has the right to demand the cancellation of the articles of agreement if the shipowner fails to fulfil his obligations. In ports in the home country the maritime authority may autho-

rise the immediate putting ashore of a seaman for sufficient reasons.

Germany. — Under § 74 of the Seamen's Code, the seaman is entitled to claim his discharge if the master is guilty of gross neglect of his duties towards the seaman, if the ship changes its flag, or if it is decided in the course of the voyage to make a further voyage after the completion of the first voyage, or if there is an epidemic of plague, cholera or yellow fever in the port of destination, or a port at which the ship has to touch, unless the seaman was aware of the epidemic at the time of signing on.

Great Britain. — The report states that the law contains no provision other than those mentioned under ARTICLE 10 which enables the seaman to demand his immediate discharge otherwise than in accordance with the terms of the agreement.

Italy. — The seaman may denounce the agreement before the fixed time if the vessel has arrived in the Italian port of final destination. That right may be exercised on any day except the day preceding and the day of departure of the vessel for the next voyage. The seaman is also entitled, in accordance with the general legal principles concerning obligations, to demand the termination of his agreement on the ground that the shipowner is not fulfilling his obligations.

Luxemburg. — See introductory note.

Spain. — § 48 of the Labour Code provides that before the vessel sails for a port where an epidemic has been officially declared to exist, or which is declared to be blockaded, or which belongs to a nation at war with Spain, the members of the ship's company of the vessel shall be released from all obligations, in default of any agreement to the contrary.

Yugoslavia. — The report refers to the reply given under ARTICLE 10.

ARTICLE 13.

If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

Belgium. — The report states that Belgian law does not contain any provision

corresponding to this Article, but that the provisions of the Act of 5 June 1928 concerning the rescission of the agreement are such as to enable a seaman in the circumstances described in the Article to obtain his discharge.

Estonia. — § 33 of the Act of 22 March 1928 lays down that if the seaman can prove to the shipowner or master that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner he furnishes a competent man in his place. In such case, the seaman is entitled to his wages up to the time of leaving his employment.

France. — French legislation does not provide for this particular case of discharge. But a seaman who has obtained a more advantageous appointment can, under the 1926 Act, request the cancellation of his articles of agreement in a port in the mother-country as soon as the period of notice expires, without being required to supply a satisfactory substitute at no further expense to the shipowner.

Germany. — The Act of 24 July 1930 amending the Seamen's Code provides that a seaman may claim his discharge if he intends to prepare for examination for a master's, mate's, or first or second engineer's certificate, or if he can prove that he can obtain a maritime post of a higher grade than he actually holds, or if an important reason has arisen since his engagement justifying the termination of the agreement before the specified date, provided that without increased expense to the shipowner he furnishes a competent man in his place, and that the vessel is not obliged to stop on account of the change. In such case the seaman is entitled to his wages up to the time of leaving his employment (§ 75 of the Seamen's Code as amended).

Great Britain. — The report states that in accordance with the law of the United Kingdom a seaman may always be discharged by mutual consent during the currency of the agreement, subject to the sanction of the proper authority. The competent authorities have been instructed that, where the conditions of this Article are fulfilled, sanction to the discharge of the seaman is not to be withheld.

Italy. — No provision is made in Italian legislation for the particular case referred to by the present article of the

Convention. Since, however, the Act of 14 January 1929 gives full and entire executive force to the Convention in the Kingdom, the essential provisions of the Convention have become part of Italian law, and consequently the possibility for seamen of denouncing the agreement in the case referred to by the present Article of the Convention is secured.

Luxemburg. — See introductory note.

Spain. — Book I, Title III of the Labour Code contains no provisions on this question. The report does not refer to this Article.

Yugoslavia. — The report states that Yugoslav legislation contains no provisions corresponding to this Article of the Convention.

ARTICLE 14.

Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

Belgium. — § 5 of the Act of 5 June 1928 provides that the seaman's discharge book shall indicate the date and place of discharge. Entries in the discharge book are certified by the signature of the master and the Maritime Commissioner or Consul. § 93 of the Act provides that, where the seaman is dismissed the ship (see reply on ARTICLE 11 above) the reason for such dismissal shall be entered on the list of crew. The report does not indicate the measures adopted to secure observance of the provisions of the second paragraph of this Article of the Convention.

Estonia. — The final settlement of accounts on the expiry or rescission of the agreement must be entered in the wages book (p. 5); the place, date and reasons of the termination of the agreement and the wages due to the seaman must be recorded. The same particulars must be entered in the list of crew, and their accuracy must be attested by the signatures of the master and the seaman. All the particulars entered in the list of crew must be countersigned by the person responsible for the engagement of the crew. Every seaman has a discharge book, in which must be entered, after every discharge, the date of the beginning and end of service, and the capacity in which the seaman was employed on board.

France. — The book which, under the Act of 1926, must be issued to the seaman must record the dates of the beginning and end of his successive engagements for service. Under the Disciplinary and Penal Code of the Mercantile Marine the master must request the maritime authority to mention the taking on board and the discharge of every member of the crew in the ship's muster roll. The Act of 2 July 1890 gives every worker the right to request, at the end of his engagement, a certificate showing only the date of his entering and leaving the place of work. These provisions apply to seamen. The report adds: "The Committee of Experts pointed out that the Convention goes further, since it lays down that the seaman is entitled to obtain from the master a certificate as to the quality of his work, or failing that a certificate indicating whether he has fully discharged his obligations under the agreement. It thought it necessary to draw the attention of the French Government to this divergence. The French Government replies that the Act of 2 July 1890, which applies to seamen, only confers on the worker the absolute right to demand a certificate of employment. According to French practice, however, the certificate in question must not refer to the nature and duration of the worker's services unless the worker consents. If any statement is made by an employer as regards the service of a worker without the latter's consent, the employer is liable to be held responsible. The right conferred on the seaman by the Convention of obtaining from the master a certificate as to the quality of his work or indicating whether he has fully discharged his obligations under the agreement is thus not refused by French law, and there is no real divergence between the latter and the provisions of the Convention."

Germany. — § 19 of the Seamen's Code states that previous to the discharge a master shall enter in the seaman's discharge book his rank, service conditions and duration of engagement. If requested, he must also give him a certificate of conduct. The certificate may not be entered in the discharge book. § 22 of the Code lays down that the seaman's discharge must be entered by the Shipping Board in his discharge book and in the ship's articles.

Great Britain. — The report states that the fact of the discharge of a seaman is of necessity recorded in the agreement itself, which also serves the purpose of a list of crew, as was indicated under ARTICLE 7. The discharge is also recorded in the certificate of discharge issued to the seaman under § 128 of the Act of 1894 and in any certificate of service issued to a seaman under § 695 of the same Act. § 129 of the Act of 1894 provides for a copy of the

master's report as to the quality of the seaman's work to be given to the seaman if he so desires.

Italy. — The report states that the embarkation and discharge of the seaman must, in accordance with Italian law, be recorded in the seaman's registration book and the ship's log. A seaman who, at the time of discharge, asks for a separate certificate of satisfactory service, receives such a certificate.

Luxemburg. — See introductory note.

Spain. — § 42 (1) of the Labour Code (Book I, Title III), provides that every member of the crew when signing on shall hand over his work-book to the captain or master of the vessel, who shall retain it until the person concerned is duly discharged, when the work-book shall be returned to him with the entries specified in the book itself duly made and signed by the captain or master, and attested by the harbourmaster or Consulate. § 49 of the Code provides that the captain or master shall be bound to issue a certificate of conduct and capacity to any member of the ship's company who applies therefor on his discharge. The issue of the above certificates shall be compulsory for five days after discharge; after that date the issue thereof shall be optional.

Yugoslavia. — The report does not refer to this Article of the Convention. The seaman's book must record his discharge and the reason for the discharge. § 8 of the Order of 19 October 1863 lays down that every discharge shall be recorded in the muster roll required by the competent maritime authority or consul.

III.

Article 20 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace, please indicate in respect of each of your colonies, protectorates and possessions the action taken for the application of the Convention.

Please indicate as far as possible the nature of the conditions which may have led to the decision not to apply the Convention or to apply it subject to modifications as provided for in the first paragraph of the same Article.

Please add in so far as they have not already been communicated to the International Labour Office all relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and to the territories under Belgian mandate. A decision will be reached before the next annual report is supplied. § 106 of the Act of 5 June 1928 provides that articles of agreement respecting natives of the Congo on board vessels sailing between Belgium and the Congo are only valid if they cover the round voyage Congo-Belgium-Congo or the single voyage Belgium-Congo.

France. — In *Algeria* the Convention is applied in practice, although there is no decree giving it force of law, by the fact that the Decree of 15 September 1927 extended to this colony the provisions of the Maritime Labour Code, which, as it has been shown, conform to the provisions of the Convention. As regards *Morocco*, it should be noted that there are very few vessels flying the flag of Morocco, with the exception of small vessels engaged solely in coastal navigation. It does not appear of any real importance to apply the present Convention to Morocco, as this would risk paralysing an industry at present only in its infancy by imposing on it at an early stage unduly heavy expenses. Further, §§ 165-205 of Annex I of the Dahir of 31 March 1919, which form a maritime commercial code, and of the Dahir of 1 December 1930, already contain provisions similar to those of the Convention with respect to seamen's articles of agreement. In *Tunis*, the movements of crews are regulated by the provisions of §§ 28, 29, 30, 31, 32, 33 and 34 of the beylical Decree of 15 December 1906 concerning the administrative supervision of shipping, amended by Decree of 31 March 1925. Further, a Convention which is only applicable to vessels of more than 100 tons could only be applied in the case of a very small number of Tunisian vessels. It should be added further that the Administration of the Mercantile Marine counts as French Tunisian and Moroccan seamen working on board French vessels. Finally, the Convention cannot yet, in view of local conditions, be applied in the other French overseas possessions, since their development in this matter is at present not such as to make it possible to extend to them the maritime legislation of the home country.

Great Britain. — The report states that legislation relating to the matters dealt with in the Convention exists in the following dependencies: *Gambia, Gibraltar, Bahamas, Barbados, British Honduras, St. Helena, Falklands, Straits Settlements, Mauritius*. The extent to which this legislation conforms to the requirements of the Convention, and the question of the enactment of similar legislation in other maritime dependencies, are under consideration.

Italy. — The Convention applies to the Colonies, having been made enforceable in them by the Act of 14 January 1919, No. 417.

Spain. — The report states that the provisions of Book I, Title III, of the Labour Code apply to the colonies and protectorates.

The question does not arise for the other reporting countries.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 4 August 1928, date of coming into force of the Act of 5 June 1928.

Estonia. — 10 May 1929.

France. — 4 April 1928.

Germany. — 20 September 1930.

Great Britain. — 14 June 1929.

Italy. — 10 October 1929.

Luxemburg. — 16 April 1928.

Spain. — 23 February 1931.

Yugoslavia. — 30 September 1929.

V.

Article 15 of the Convention is as follows:

National law shall provide the measures to ensure compliance with the terms of the present Convention.

Please state with reference to this Article to what authority or authorities the application of the legislative and administrative regulations, etc. mentioned under I and II is entrusted and by what method application is supervised and enforced.

Belgium. — The report states that observance of the provisions of the Convention is supervised by the Maritime Commissioners in Belgian and colonial ports, and by the Belgian Consuls in foreign ports.

Estonia. — The application of the Acts of 31 January and 22 March 1928 falls within the competence of the Ministry of Communications (Department of Water-port authorities, the senior officer of the Seamen's Institute, the other agents of that Institute, and the Estonian consuls abroad.

France. — The application of the Act of 1926 is within the competence of the Ministry of the Mercantile Marine (Department of Maritime Labour). The au-

ways). The responsible agents are the authorities for its application in ports are the shipping registration authorities. No cases have come before the Ministry in which the provisions relating to seamen's articles of agreement have been violated.

Germany. — The report states that the application of the relevant legislation is entrusted to the Shipping Boards in Germany and the consuls abroad. The latter may when necessary make provisional arrangements, and it is then open to the parties to have recourse to the ordinary courts. The Shipping Boards and consuls have received instructions to make sure, when signing on the seaman, that the shipowner has fulfilled his obligations towards him.

Great Britain. — Under § 714 of the Act of 1894, the Board of Trade is the Department generally responsible for the administration of all Acts relating to merchant shipping and seamen. The enforcement of the provisions mentioned under the various articles is secured by the detention of ships which do not comply, or by legal proceedings where necessary.

Italy. — Supervision of the application of the provisions relating to articles of agreement is entrusted to the port authorities, who exercise it under the direction of the General Department for the Mercantile Marine in the Ministry of Communications.

Luxemburg. — See introductory note.

Spain. — The report states that the application of the relevant legislation is entrusted to the port authorities, consulates, etc.

Yugoslavia. — The application of the laws and regulations relating to the Convention concerning seamen's articles of agreement is entrusted to the Maritime Department and its agents.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

Belgium. — The report states that disputes of minor importance have been settled by the Maritime Commissioner, either directly or by means of conciliation in accordance with § 109 of the Act of 5 June, 1928 without any formal written decision being given.

The other reports do not refer to any decisions of this kind.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country including, for instance, information concerning the organisation of the maritime inspection and registration services, and if such statistics are available, the number of seamen signed on during the year under review, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings and in particular under V.

France. — The report states that the Ministry for the Mercantile Marine has not been notified of any breaches of the articles of the Code of Maritime Labour which relate to seamen's articles of agreement.

Germany. — In a letter dated 4 November 1931, accompanying its annual reports, the German Government states that the Convention is applied in Germany both in the letter and in the spirit.

Convention concerning the repatriation of seamen.

This Convention came into force on 16 April 1928. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1931, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 January - 30 September 1931 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	11.11. 1931
Bulgaria	29.11.1929	
Cuba	7. 7.1928	
Estonia	9. 7.1928	19.10. 1931
France	4. 3.1929	14.12. 1931
Germany	14. 3.1930	7.11. 1931
Irish Free State	5. 7.1930	
Italy	10.10.1929	9.12. 1931
Luxemburg	16. 4.1928	19.11. 1931
Spain	23. 2.1931	30.11. 1931
Yugoslavia	30. 9.1929	2.11. 1931

By letter of 4 February 1932, the Government of *Bulgaria* informed the International Labour Office the ratification of this Convention had been notified by

mistake. Negotiations on this subject are in progress.

By letter of 23 October 1931 the Government of *Cuba* communicated the following information to the International Labour Office: "I have the honour to call your attention to the fact that, in letters dated 12 June and 25 November 1930 and 21 February 1931, I informed you that the reports in question would not be transmitted to you, in view of the fact that special legislation was in course of preparation to establish regulations including penal sanctions to be applied in cases of infringement of the provisions of the sixteen Conventions (ratified by Cuba). The adoption of this legislation by Congress has been delayed, owing to the fact that its application would involve an increase in the Budget. The serious economic crisis through which Cuba is passing has caused difficulties and made necessary a reduction of the Budget. As I have already stated, therefore, it is impossible to accede to your request until Congress has adopted the legislation in question."

By letter of 21 October 1931, the Government of the *Irish Free State* informed the International Labour Office that legislation is being prepared for the purpose of implementing adequately certain of the provisions of this Convention. The Minister of Industry and Commerce was not satisfied that existing legislation fully covered the provisions of the Convention (which was ratified last year), and the question of further legislation was accordingly immediately considered in order to implement more fully the requirements of the Convention. The Minister hopes to introduce at an early date a Bill entitled Merchant Shipping (International Labour Convention) Act, 1931.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L.S. 1928, Belg. 5 A).

Estonia.

Act of 22 March 1928 concerning seamen (L.S. 1928 Est. 1 B).

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Germany.

Act of 14 January 1930 respecting the International Convention concerning the repatriation of seamen.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Act of 2 June 1902 concerning the obligation of merchant vessels to take on board seamen entitled to repatriation.

Italy.

Commercial Code.

Mercantile Marine Code of 24 October 1877 and the Regulations for the carrying into effect of the provisions of the Code (International Labour Office, Studies and Reports, Series P, No. 1, pp. 240 and 261).

Act of 14 January 1929 giving force of law to the Convention in the Kingdom.

Model articles of agreement and ship's regulations for passenger vessels.

National articles of agreement for cargo ships of more than 50 tons' displacement.

Luxemburg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Spain

Labour Code of 23 August 1926, Book I, Title III (§§ 28-56) concerning seamen's articles of agreement (L. S. 1926, Sp. 5).

Yugoslavia.

Orders issued by the Maritime Department on 20 October 1919 (No. 1300), 26 October 1919 (No. 1400), 30 October 1919 (No. 1450), 31 October 1919 (No. 1500).

Navigation Regulations and the Regulations of 20 February 1824 (No. 2346).

Regulations (No. 15263) issued by the Ministry of Transport on 25 February 1919.

See also, under the *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE I.

This Convention shall apply to all seagoing vessels registered in the country of any Member

ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :

ships of war,

Government vessels not engaged in trade,

vessels engaged in the coasting trade,

pleasure yachts,

Indian country craft,

fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

In addition, please indicate the tonnage limit, if any, in respect of vessels engaged in the home trade prescribed by national law for the special regulation of this trade at the date of the passing of the Convention.

Belgium. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Estonia. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

France. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Germany. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Italy. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Luxemburg. — See introductory note.

Spain. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Yugoslavia. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

In addition please indicate the geographical limits determined by the national law for the purposes of paragraph (d) of this Article.

Belgium. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Estonia. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

France. — (a) The Act of 13 December 1926 applies to all vessels fitted out for maritime navigation by an individual, company or public department. (b) By the term "seaman" is meant any person of either sex who enters into an agreement with a shipowner or his representative to serve on board ship, without any distinction as to grade or function and including masters, members of the crew and apprentices. (c) The term "master" means any person who regularly exercises the functions of commander of the vessel. Pilots enjoy a special status as provided for by the Pilotage Act of 28 March 1928. (d) French legislation does not recognise "vessels engaged in the home trade".

Germany. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Italy. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Luxemburg. — See introductory note.

Spain. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Yugoslavia. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

ARTICLE 3.

Any seaman who is landed during the term of his engagement or on its expiration shall be entitled to be taken back to his own country, or to the port at which he was engaged, or to the port at which the voyage commenced, as shall be determined by national law, which shall contain the provisions necessary for dealing with the matter, including provisions to determine who shall bear the charge of repatriation.

A seaman shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to one of the destinations prescribed in accordance with the foregoing paragraph.

A seaman shall be deemed to have been repatriated if he is landed in the country to which he

belongs, or at the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced.

The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be as provided by national law or, in the absence of such legal provisions, in the articles of agreement. The provisions of the preceding paragraphs shall, however, apply to a seaman engaged in a port of his own country.

In addition, please give full particulars with regard to the provisions in national law which prescribe the conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated under the last paragraph of this Article.

Belgium. — Chapter VI of Part II of the Act of 5 June 1928 contains provisions which conform with those of the Convention. The repatriation provided for is to the port at which the seaman joined the ship.

Estonia. — § 6 of the Seamen's Act provides that the master is entitled, if his service is terminated by a mishap to the vessel abroad, to transport and maintenance at the expense of the Estonian Government back to the first Estonian port. § 41 contains an identical provision as regards members of the crew. § 42 provides that, on condition of reciprocity, the Government may extend the provisions of § 41 to cover foreign seamen.

France. — According to the provisions of § 87 of the Seamen's Code, a seaman who has been put ashore or left behind on the expiry of his agreement elsewhere than in a port of the mother country shall be repatriated at the expense of the vessel. In default of any stipulation to the contrary a seaman who is not put ashore at the French port where he was shipped or repatriated thereto is entitled to conveyance to the said port (§ 90). If the seaman was shipped in a French colony or protectorate he is entitled to be repatriated to the said colony or protectorate unless it was stipulated that he should be taken back to France. § 87 lays down that in principle repatriation shall be made at the expense of the vessel. § 119 provides that every foreign seaman put ashore by a French vessel shall be brought back to the port where he was signed on in default of any stipulation to the contrary. There exist, however, certain international Conventions prescribing the mutual obligations of the contracting States with regard to the repatriation of their nationals: Convention of 6 November 1879 with Great Britain; Convention of 1 January 1882 with Italy. These Conventions prescribe the assistance to be given to seamen left behind in a colony or in the territory of the other State, except in cases where there has been desertion, crime or misdemeanour. The assistance given includes maintenance, clothing, medical attendance, expenses of the voyage, and funeral expenses, until

the return of the seaman to his country or to one of the colonies of that country or until his death.

Germany. — § 72 of the Seamen's Code provides that a seaman discharged after the commencement of the voyage for any reason other than those prescribed in § 70 (grave negligence, indiscipline, drunkenness, war, embargo or blockade, etc.) has the right to a free return passage or suitable compensation to be fixed provisionally in case of dispute by the Shipping Board. § 60 lays down that if the port of departure is outside the territory of the Reich a seaman signed on in a German port has the right to be repatriated to the port at which he was engaged. § 66 provides that if the return voyage does not end in the port of departure the seaman is entitled to claim the return passage to that port or, at the choice of the master, an adequate compensation. § 67 lays down that a seaman engaged for a specified period in a German port has the right, at his request, to continue in service until the return of the vessel to a German port, but only for a period not exceeding three months. § 79 of the Seamen's Code lays down that a seaman shall be deemed to have been repatriated if he, being capable of working, is provided with a position similar to his former position on a German merchant vessel going to the port to which he is entitled to be returned, or some port which is situated near it. If the seaman is not a German a ship of his nationality shall be considered to be the same as a German ship. As regards the provision of § 72 by which the seamen has the right to a free return passage or suitable compensation, the report states that in the latter case, § 72 (2) of the Seamen's Code ensures that the seaman obtains his full rights by prescribing that, if he considers the sum offered by the master insufficient for the return journey, he has the right to appeal to the Shipping Board, or, if abroad, to a consulate. This authority decides the amount of the compensation to be paid by the master to the seaman. According to § 129 (3) of the Seamen's Code, the master must carry out the decision of the Shipping Board, and failure to do so is punishable under § 114 (15) of the Code.

Italy. — The report states that the principle of repatriation to the port of engagement of a seaman who is discharged at another port is laid down in § 75 of the Mercantile Marine Code. Such repatriation may be effected to the port of domicile of a seaman if the cost of the same is equal to or less than that of repatriation to the port at which he was engaged (§ 480 of the Regulations of 20 November 1879). The expenses of repatriation are charged to the vessel when the person

left ashore would have been discharged for any reason unconnected with his own action or desire; to the shipowner when there has been shipwreck or any other form of *force majeure*; to the person put ashore when such discharge takes place as the result of sickness or injury the expenses in respect of which are legally chargeable to the employee. In cases where the repatriation is at the expense of the vessel the seaman shall be deemed to have been repatriated if he is given employment on board a vessel bound for his port of engagement. If the seaman at the time of leaving his vessel is engaged on another ship the obligation to repatriate shall be considered to have been discharged. With reference to the last paragraph of the Article, the report states that § 59 of the new articles of agreement for cargo ships, and § 1 of the articles of agreement for crews of passenger ships, ensure to seamen engaged in a foreign country the same rights as those exercised by seamen engaged in Italy. The provisions of the articles of agreement apply to all seamen, irrespective of nationality.

Luxemburg. — See introductory note.

Spain. — § 35 of the Labour Code provides that agreements should contain a clause (No. 10) naming the port to which the person engaged is to be returned. Under § 30, articles of agreement may be entered into for a whole voyage or for a fixed period, and an agreement for a whole voyage shall be deemed to be terminated on the arrival of the vessel, on its return, at its home port. Nevertheless, a port other than the home port of the vessel may be expressly specified in the agreement as the port where the agreement shall expire. The home port of the vessel shall mean the port entered as such in the ship's articles as specified by the shipowner; or in default thereof, the port where the shipowner has his head office, or in case of doubt the port of registry of the vessel. As regards agreements for a fixed period, the port to which the person engaged is to be returned shall be specified, or, in default of such specification, it shall be understood that he is to be returned to the home port of the vessel. § 31 (2) provides that if the agreement expires when the vessel is at sea, it shall be deemed to be extended until the arrival of the vessel in the port to which the person engaged is to be returned. Nevertheless, if the vessel calls at a Spanish port before that date, and presumably will not reach the aforesaid port until more than a fortnight later, either of the parties may cancel the agreement and the person engaged shall be returned to his port at the expense of the shipowner. The report makes no reference to the last paragraph of this Article of the Convention.

Yugoslavia. — The report states that the provisions relating to the repatriation of seamen are in conformity with those of the Convention (§ VII (4) of the Public Navigation Regulations and the Regulations of 20 February 1924, which are in force in virtue of § 10 of the Regulations issued by the Ministry of Transport on 25 February 1919, No. 15268). Repatriation must be effected to the seaman's native country at the expense of the shipowner.

ARTICLE 4.

The expenses of repatriation shall not be a charge on the seaman if he has been left behind by reason of

- (a) injury sustained in the service of the vessel, or
- (b) shipwreck, or
- (c) illness not due to his own wilful act or default, or
- (d) discharge for any cause for which he cannot be held responsible.

Belgium. — §§ 84 and 85 of the Act of 5 June 1928 provide that the expenses of repatriation shall be charged to the vessel, except where the seaman has been discharged for disciplinary reasons or has been landed in consequence of an injury or illness due to grave default on his own part, or to an injury sustained whilst absent from the vessel without leave.

Estonia. — See under ARTICLE 3 above.

France. — § 87 of the Seamen's Code lays down that in principle repatriation shall take place at the expense of the vessel. The report states that in the absence of any provision for agreements to the contrary in this section no exception to the principle may be made except in the cases provided for under § 89 (when a seaman is put ashore for disciplinary reasons, or in consequence of an injury or sickness resulting from a fault or wilful act of the seaman).

Germany. — The Seamen's Code provides that a seaman shall be repatriated free of charge in case of accident (§ 59); in case of wreck, condemnation of the vessel as beyond repair or not worth repairing, theft (by pirates), capture or seizure (§ 59); in case of sickness (§ 59); or in case of premature discharge for any reason for which the seaman cannot be held responsible (§ 72).

Italy. — Under Italian legislation the expenses of repatriation of a seaman are not made chargeable to the seaman in case of shipwreck, capture, arrest, or accident to the vessel, etc. (§ 1 of the model articles of agreement in force); in case of sickness not due to an act or

fault of the seaman (§§ 537 and 538 of the Commercial Code); in case of discharge of the seaman before the expiry of his engagement, even where the same is terminated for a justifiable reason (§ 542 of the Commercial Code).

Luxemburg. — See introductory note.

Spain. — (a) and (b). The report makes no reference to these paragraphs. (c) § 53 of the Labour Code provides that if the sickness of a member of the crew is not due to his own fault and is not covered by the provisions respecting industrial accidents, the member of the ship's company engaged for a fixed period shall be put ashore on arrival in port if the captain considers it necessary; the shipowner shall pay the expenses attendant on the sick person and his wages for not more than one month after he is put ashore and shall also pay his passage to the port of discharge when he is able to undertake the voyage. If the sickness involves danger to the health of the persons on board, the sick person shall be put ashore at the first port of call of the vessel, unless the authorities refuse to receive him. The member of the crew shall be entitled to the payment by the shipowner of his passage by steamship to the port of discharge. In the case of an agreement concluded for a whole voyage, if a member of the ship's company is put ashore on account of sickness, the agreement shall be deemed to be cancelled, and the sick person shall be entitled only to medical attendance, payment of wages for not more than one month, and payment of his passage to the port of discharge. (d) § 46 (2) of the Labour Code provides that if any member of the ship's company is called up for military service the agreement shall be cancelled and the captain shall give the person concerned a ticket to his port of discharge by steamship or by the readiest means of transport available. Further, § 54 (2) lays down that if the master puts ashore a member of the ship's company before the expiration of the agreement because of a repeated offence, as provided in the Police Regulations, he shall not be liable to pay any compensation, but shall pay the said member's passage to the port of discharge.

Yugoslavia. — The report states that in case of sickness or accident to a seaman while in the service of the vessel, the matter is regulated by the provisions of § VII (5) of the Navigation Regulations; in the case of shipwreck the provisions of § VII (32) of the same section of the Regulations apply. In case of shipwreck the expenses of repatriation are paid by the consul. According to § VI (3) of the Regulations a seaman may not be discharged in a foreign port.

ARTICLE 5.

The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seaman during the journey. They shall also include the maintenance of the seaman up to the time fixed for his departure.

When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

Belgium. — § 85 of the Act of 5 June 1928 provides that repatriation includes transportation charges, accommodation and food. There is nothing in the Act to limit the rights of a seaman to remuneration for work done as member of a crew when he is being repatriated.

Estonia. — See under ARTICLE 3 above.

France. — The expenses of repatriation include, according to §88 of the Seamen's Code, transportation, accommodation and food for the repatriated seaman during the voyage, and the expenses of his upkeep on shore while he is waiting for the vessel which is due to carry him back to France. The wages to be given to a seaman signed on as substitute are discussed and fixed between the master and the seaman under the supervision of the maritime, consular or colonial authority. In case of persistent disagreement between the parties the wages are fixed at the same rate as those of the seaman replaced.

Germany. — § 78 of the Seamen's Code provides that if a claim can be made for a free return passage, such claim shall also comprise maintenance during the voyage as well as conveyance of the belongings of the seaman. § 79 provides that if a free return passage is claimed and continuation of wages for the duration thereof, it shall be sufficient if the seaman is provided with a position similar to his former position and is suitably remunerated.

Italy. — The report states that under Italian legislation the expenses of repatriation in addition to expenses of transport include also accommodation and food for the seaman.

Luxemburg. — See introductory note.

Spain. — The report does not refer to this Article.

Yugoslavia. — The report states that the provisions of the Navigation Regulations concerning repatriation (§ VII (5 and 32)) are in conformity with those of the Convention.

III.

Article 11 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all-relevant legislative texts, reports, etc.

Belgium. — The report states that the Department for the Colonies is re-examining the possibility of applying the Convention to the *Belgian Congo* and to the territories under Belgian mandate. A decision will be reached before the next annual report is supplied. § 106 of the Act of 5 June 1928 provides that articles of agreement respecting natives of the Congo on board vessels sailing between Belgium and the Congo are only valid if they cover the round voyage Congo-Belgium-Congo or the single voyage Belgium-Congo.

France. — In *Algeria* the Convention is applied in practice, although it has not been given force of law by any Decree, by the fact that the Decree of 15 September 1927 extended to the colony the provisions of the Maritime Labour Code. In *Tunis*, § 32 of the beylical Decree of 15 December 1906, concerning the administrative supervision of shipping, provides that, "if during a voyage a member of the crew falls sick, the master shall be required to send him to hospital and, if the seaman is engaged by the month, the expenses of hospital treatment and disembarkation shall be borne by the owner, or if he is engaged as a partner or by the voyage these expenses must be shared. If a seaman contracts an illness wilfully, the hospital expenses or expenses of repatriation must be met by him. The sum deemed necessary for hospital treatment and repatriation of a seaman discharged by reason of sickness, shall be given personally by the master to one of the competent authorities". In *Morocco* the question is at present of little interest, as there are very few vessels flying the flag of Morocco other than small vessels engaged solely in coastal navigation, for which the question of repatriation does not arise. The development of the other French colonies and protectorates is not such at present as

to make it possible to apply to them the maritime regulations of the home country, and, owing to local conditions, the provisions of the Convention cannot be applied to them.

Italy. — The Convention applies to the Colonies, having been made enforceable therein by the Act of 14 January 1929, No. 417, already cited.

Spain. — The report does not refer to this point.

The question does not arise in the case of the other countries which have supplied reports.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Belgium. — 4 August 1928, date of coming into force of the Act of 5 June 1928.

Estonia. — 9 July 1928.

France. — 4 March 1929.

Germany. — 14 July 1930.

Italy. — 10 September 1929.

Luxemburg. — 16 April 1928.

Spain. — 23 February 1931.

Yugoslavia. — 30 September 1929.

V.

Article 6 of the Convention is as follows :

The public authority of the country in which the vessel is registered shall be responsible for supervising the repatriation of any member of the crew in cases where this Convention applies, whatever may be his nationality, and where necessary for giving him his expenses in advance.

Please state with reference to this Article to what authority or authorities the application of the legislation and administrative regulations, etc. mentioned under I and II is entrusted and by what method application is supervised and enforced.

Belgium. — The report states that observance of the provisions of the Convention is supervised by the Maritime Commissioners in Belgian and colonial ports, and by the Belgian consuls in foreign ports.

Estonia. — The responsibility for supervising the repatriation of seamen rests with the authorities of the Seamen's Institute and with the consuls.

France. — The repatriation of a seaman put ashore in France is made by the maritime registration authority. In the case of a seaman who is put ashore or left behind in any circumstances whatsoever in a foreign country or in one of the French overseas possessions, repatriation is made by the colonial or consular authority.

Germany. — The application of the provisions of the relevant legislation is entrusted in Germany to the shipping offices and abroad to the consuls. These authorities are responsible, where necessary, for seeing that the master arranges for the repatriation of seamen in accordance with the provisions of the Act of 2 June 1902 concerning the obligation of merchant vessels to carry on board seamen entitled to repatriation.

Italy. — The supervision of the observance of the provisions relating to articles of agreement is entrusted to the port authorities, which exercise it under the control of the General Directorate for the Mercantile Marine in the Ministry of Communications.

Luxemburg. — See introductory note.

Spain. — The report states that the application of the relevant legislation is entrusted to the port authorities, etc.

Yugoslavia. — The application of the provisions of the laws and regulations

giving effect to the Convention concerning the repatriation of seamen is entrusted to the Maritime Department and its agents.

VI

Please state whether decisions have been given by courts of law or other courts with regard to the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please add a general appreciation of the manner in which the Convention is applied in your country, including for instance, where such statistics are available, the number of seamen repatriated during the year under review, the number and nature of the contraventions reported, etc., in so far as this information has not already been given under other headings, and in particular, under V.

Germany. — In a letter dated 4 November 1931, accompanying its annual reports, the German Government states that the Convention is applied in Germany both in the letter and in the spirit.

TENTH SESSION (GENEVA, 1927).

Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

Article 12 of the Convention provides that it "shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General. Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the Secretariat."

The Convention came into force on 15 July 1928. The following table shows the countries in which the Convention had come into force before 1 July 1931 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 January-30 September 1931 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2. 1929	4. 11. 1931
Bulgaria	1. 11. 1930	24. 10. 1931
Czechoslovakia . .	17. 1. 1929	8. 2. 1932
Germany	23. 1. 1928	7. 11. 1931
Great Britain . . .	20. 2. 1931	11. 1. 1932
Hungary	19. 4. 1928	16. 12. 1931
Latvia	29. 11. 1929	15. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931
Rumania	28. 6. 1929	26. 12. 1931
Yugoslavia	30. 9. 1929	2. 11. 1931

The Government of *Luxemburg* states that the Act of 17 December 1925 concerning the Insurance Code only provides for optional insurance for domestic servants and that a Bill to provide for compulsory insurance for domestic servants has been laid before the Chamber of Deputies, and

will be voted on during the ordinary Session of 1931-1932.

The *Rumanian* Government pointed out in its report for 1930 that the reunion to the old Kingdom of Rumania of Bessarabia, Transylvania and Bukovina resulted in the establishment within the new Kingdom of three separate systems of social insurance which varied considerably as regards the risks insured, the apportionment of the charges, the administrative organisation and the financial arrangements. In the *Old Kingdom* an Act of 1912 (extended in 1921 to Bessarabia) provided for sickness insurance, accident insurance and invalidity and old age insurance, all of which were undertaken by one institution. The scope of sickness insurance covered working employers but did not cover workers on commercial undertakings; the expenses of the insurance were borne by the insured persons and by the State, the employers not being called upon to contribute. In *Transylvania*, social insurance was governed by the Hungarian Law of 1907, which provided for sickness and accident insurance through federated district funds; sickness insurance applied to all workers referred to in the Convention with the exception of domestic servants; the finances were provided by contributions from the insured persons and the employers and by State grants. In *Bukovina* a more rudimentary system existed, which was governed by the Austrian Act of 1888, whereby sickness insurance was undertaken by small uncoordinated district funds and by funds belonging to separate undertakings; domestic servants were not covered by the insurance, which was not subsidised by the State. These three systems have remained in force up to the present without any appreciable change except in *Transylvania*, where the insurance institutions have been made analogous to the institutions set up in the *Old Kingdom*. Since the war, the *Rumanian* Government has on several occasions contemplated the possibility of amalgamating the different sickness insurance organisations. Several Bills have already been drawn up, one of which (the *Chirulescu*

Bill) was laid before Parliament in 1927. The political situation, however, did not allow of the adoption of the Bill by Parliament. Mr. I. Raducanu prepared another Bill which was discussed at length with the employers' and workers' organisations; it was forwarded to the International Labour Office for its observations and was laid before Parliament on 30 May 1930, but has not been passed up to the present. In a letter of 23 December 1931, the Government states that there has been no change in Rumanian legislation concerning social insurance since the transmission of the report for 1930. The new Parliament which came into power as a result of the parliamentary election of April 1931 was not able, during its short extraordinary session, to deal with the problem of the amalgamation of the various social insurance schemes. Nevertheless, in spite of the economic and financial crisis through which the country is passing, the Government is continuing to consider the question; it has set up a committee to study the problem and to draft a Bill, bearing in mind the obligations undertaken by the ratification of the Convention. This committee has almost finished its work, and the Bill will be included in the agenda of the current parliamentary session. The king's message, which was read at the opening of the session on 15 November 1931, announced that "during this parliamentary session a Bill will be submitted to you to amend the health legislation now in force, and a further Bill to amalgamate, for the first time, our social insurance legislation."

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Workers' Sickness Insurance Act, 1929 and Sick Funds Organisation Act, 1929, text contained in Order of 22 March 1929 (L.S. 1929, Aus. 2 B).

Salaried Employees' Insurance Act, 1928, text contained in Order of 22 August 1928 (L.S. 1928, Aus. 4 B).

Bulgaria.

Act of 6 March 1924 concerning social insurance (L.S. 1924, Bulg. 1).

Czechoslovakia.

Act of 9 October 1924 concerning workers' insurance for sickness, invalidity and old age (L.S. 1924, Cz. 4) amended and completed by the Act of 8 November 1928 (L.S. 1928 Cz. 2).

Germany.

Federal Insurance Code of 19 July 1911 (text as notified 15 December 1924) (L.S. 1924, Ger. 10).

Acts of 22 May 1926 and 15 July 1927 to amend the Second Book of the Federal Insurance Code (L.S. 1926, Ger. 4 and 1927, Ger. 6).

Act of 23 June 1923 concerning Federal Miners' Benefit Societies (text as notified 1 July 1926) (L.S. 1926, Ger. 5).

Decree of 17 November 1913 concerning the exemption of certain temporary work from liability to insurance.

Act of 26 July 1930 to amend the Federal Insurance Code (L.S. 1930, Ger. 5).

Act of 1 December 1930 to amend the Federal Insurance Code (L.S. 1930, Ger. 8).

Great Britain.

National Health Insurance Act of 7 August 1924 (L.S. 1924, G. B. 6).

National Health Insurance Act of 16 June 1926 (L.S. 1926, G. B. 7 B).

National Health Insurance Act of 2 July 1928 (L.S. 1928, G. B. 2).

Widows', Orphans' and Old Age Contributory Pensions Act of 7 August 1925 (L.S. 1925, G. B. 7).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1931.

Hungary.

Act No. XXI of 1927 concerning compulsory insurance against sickness and accidents (L.S. 1927, Hung. 1).

Act No. XXIX of 1928 to ratify the Convention.

Latvia.

Act of 10 July 1930 concerning sickness insurance funds (L.S. 1930, Lat. 3 A).

Amendments of 2 October 1930 to the Act of 10 July 1930 concerning sickness insurance funds (L.S. 1930, Lat. 3 B).

Luxemburg.

Act of 17 December 1925 concerning the social insurance code (L. S. 1925, Lux. 2).

Decrees of 16 October 1926, 24 February 1927, 11 December 1929 and 14 January 1930.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Rumania.

Act of 3 May 1929 to ratify the Draft Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

Circular of the Minister of Social Welfare of 17 November 1928 relative to the publication of the Acts of 9 October 1924 and 8 November 1928.

Yugoslavia.

Act concerning workmen's insurance of 14 May 1922 (L.S. 1922, S.C.S. 2).

Order of the Minister of Forests and Mines of 1 December 1924 which lays down the regulations for Relief Funds for the insurance of the workers and staff and of their families and relations in undertakings in the Kingdom of Yugoslavia governed by the Mining Act.

Order of the Minister of Communications of 10 May 1922, concerning the insurance of persons employed in transport undertakings in case of sickness or accident.

See also, under *Convention concerning unemployment*, I, the information supplied by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied. As far as possible please furnish these particulars within the framework of the questions asked below under each Article.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in this Convention.

Great Britain. — The report states that at the time when the Convention was ratified, there was already in force in Great Britain a scheme of compulsory sickness insurance provided under the National Health Insurance Acts 1924-1930, and it is claimed that the provisions of these Acts are at least equivalent to those contained in the Convention.

For the other countries, see below under ARTICLES 2 to 10.

ARTICLE 2.

The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of:

(a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment;

(b) Workers whose wages or income exceed an amount to be determined by national laws or regulations;

(c) Workers who are not paid a money wage;

(d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;

(e) Workers below or above age-limits to be determined by national laws or regulations;

(f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or systems of legislation concerning compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate:

(a) the duration of temporary employment, the definition of occasional employment, and the definition of subsidiary employment in respect of which exemptions may have been granted;

(b) the limit of the wages or income fixed by national laws or regulations for determining the scope of application;

(c) whether all workers who are not paid a money wage are excluded or only certain categories of such workers;

(d) the classes of out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;

(e) the age limits determined by national laws or regulations for admission to insurance;

(f) the persons who are regarded as being "members of the employer's family" as understood in the national legislation.

If advantage has been taken of the exception provided for in paragraph 3 of this Article, please indicate the categories of persons exempted because of their being entitled in case of sickness to advantages at least equivalent, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of sickness, forwarding the texts of the said laws, regulations or statutes with this report.

Austria. — Under the *Workers' Sickness Insurance Act*, the liability to insurance covers all persons employed by way of trade under a contract of employment, service or apprenticeship, including home-workers and middlemen. The following persons are excluded from insurance: (a) the wife or husband, parents, grandparents, step-parents or parents-in-law of the employer; (b) middlemen who normally employ at least one assistant who is not a member of their family and also all middlemen who are members of an industrial guild which has a compulsory sickness fund for masters, or whose earnings from home work are less than 1.50 schillings daily and also homeworkers whose daily earnings are less than 50 groschen; (c) servants of federal provinces, federations of districts, districts or communes in receipt of a monthly or

yearly salary, who are not salaried employees in the sense of the Salaried Employees' Insurance Act, are entitled to the continuation of their remuneration for at least twelve months in case of sickness; (d) charwomen, sewing women, laundresses and the like employed in private households (by Order of 12 June 1929, persons falling under this category, employed for a cash remuneration, are declared subject to insurance where they receive from one employer within one calendar month money wages of at least 40 schillings or, without regard to the amount of remuneration, are employed by one employer on an average for more than 24 hours in one calendar week); (e) spare time or temporary work or work which is inconsiderable in respect of its duration or result, under certain conditions (see further Order of 2 June 1929). The report adds that, apart from the cases mentioned under (b) and (d) above, the liability is independent of the amount of wages. It is also not a condition of the liability to insurance that a person should have attained a certain minimum age or should not exceed a certain maximum age. As regards *salaried employees*, the persons liable to insurance are those engaged in Austria either as their principal or subsidiary employment by one or more employers principally for services which are enumerated in § 1 of the Salaried Employees' Insurance Act. Every person whose employment is governed by the Salaried Employees Act, the Estate Employees Act or the Actors Act is in any case subject to insurance. Apprentices who are in training under a contract of apprenticeship for an employment entailing liability to insurance are also liable to insurance. The report states that age and, except in the case of married women, the amount of earnings, do not affect the liability to insurance. Married women who manage the household of their family are exempt from liability if they are not engaged in an employment or employments for more than 50 hours a month and do not earn more than 80 schillings a month. § 2 of the Salaried Employees' Insurance Act contains a detailed list of the classes of salaried employees who are exempt from liability to insurance. Under this §, persons who do not belong to the class of private or public salaried employees, when they are employed occasionally for a pre-determined period not exceeding one month, are exempt from liability to insurance.

Bulgaria. — § 1 of the Act of 6 March 1924 lays down that every wage-earning and salaried employee of a State, public or private establishment, undertaking or estate, who is not liable to deductions from his pay under any of the Pensions, Acts, shall be compulsorily insured with the Social Insurance Fund in respect of sickness. Under § 2, "wage-earning and

salaried employees" are defined, for purposes of the Act, as all persons engaged for work, irrespective of nature of employment or remuneration. Exemption from compulsory insurance is allowed only for specified classes of temporary workers, e.g. mowers, reapers, etc., who shall be enumerated in the regulations under the Act.

Czechoslovakia. — § 2 (1) of the Act of 1924 provides for compulsory insurance for all persons in the Czechoslovak Republic, whose work or services are covered by a contract governing work, service or apprenticeship but not those engaged in occasional and subsidiary employment; under the terms of § 3 of the Act home workers are also liable to insurance. (a) Persons engaged in occasional or subsidiary employment are not covered by insurance; on the other hand, seasonal or temporary workers fall within the scope of the insurance in so far as their employment is neither occasional nor subsidiary; (b) (d) and (e) the Czechoslovak Act does not provide for these exceptions; (c) no distinction is made between persons who receive a money wage or another form of remuneration; (f) members of the employer's family who do not work under a contract covering work, services or apprenticeship are exempt from the liability of insurance. Persons employed in the public services and in corporations assimilated thereto are exempt from insurance when they are entitled, in the case of sickness, to their salaries for at least a year, or to benefits at least equivalent to those provided for by the Act concerning sickness insurance.

Germany. — § 165 of the Federal Insurance Code lays down that the following persons shall be insured against sickness: (1) workers, assistants, journeymen apprentices, domestic servants; (2) works officials, foremen and other salaried employees in a similar superior position, if such employment is in all these cases their principal occupation; (3) commercial assistants and apprentices, assistants and apprentices in pharmacies; (4) members of the theatrical profession and musicians irrespective of the artistic value of their services; (5) teachers and tutors; (5a) salaried employees engaged in the upbringing of children, teaching, relief work, nursing the sick and public welfare work... provided that this employment is their principal occupation and principal source of income; (6) persons engaged in home industry... The insurance of these persons is subject to the condition that they are remunerated for their services. The Act concerning Federal Miners' Benefit Societies lays down that insurance is compulsory for persons of both sexes employed in mining undertakings, namely, wage-earning employees and salaried employees employed exclusively or

mainly in connection with the technical, financial or commercial operation of any mining undertaking or undertakings. (a) The Federal Insurance Code defines as casual employment any employment which is usually restricted to a period of less than a week on account of the nature of the case or which is so restricted in advance by the contract of work (§ 441). The Act concerning Miners' Benefit Societies lays down that casual workers, within the meaning of § 411 of the Federal Insurance Code, are not insured. The Decree of 17 November 1913 defines the extent to which casual and subsidiary employment is exempted from the liability to insurance. (b) For salaried employees in industry or commerce a limit of salary is at present fixed at 3,600 Reichsmark, for salaried employees in mines this salary limit is at present fixed at 8,400 Reichsmark. (c) § 160 of the Insurance Code lays down that remuneration shall include salary or wages, also shares in profits, payments in kind and other payments received by the insured person instead of, or in addition to, the salary or wages, either from the employer or from a third party, even if only as a matter of custom. Apprentices of all categories are compulsorily insured even if they do not receive remuneration, and are entitled to all benefits of the sickness insurance institution, with the exception of pecuniary sickness benefit (§ 494). (d) For home-workers there is a limit of salary, at present fixed at 3,600 Reichsmark. (e) The Report states that German legislation does not lay down any minimum or maximum age for insurance. (f) The Federal Insurance Code lays down that the employment of one married person by the other shall not entail any liability to insurance (§ 159). Apprentices who are employed in their parents' undertakings are exempt from the liability to insurance at the request of their parents (§ 174). The conditions concerning the right to be insured and exemption from insurance are contained in §§ 169 to 174 of the Federal Insurance Code. Officials exempted from sickness insurance are entitled to the payment of their whole salary for the duration of their sickness. This also applies to officials in the service of the States, communes, etc.

Great Britain. — Under § 1 of the National Insurance Act, 1924, all persons, with certain exceptions, of the age of 16 or upwards who are engaged in employment under any contract of service or apprenticeship or as out-workers, are compulsorily insurable. The persons thus compulsorily insured include workers in industry and commerce and domestic servants. The following are excepted from compulsory insurance; (a) persons engaged in (i) employment of a casual nature otherwise than for the purpose of the

employer's trade or business (§ (l) of Part II of Schedule I to the Act); (ii) employment of any class which is specified in an order as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood (N. H. I. Subsidiary Employments Order, 1931); (iii) persons employed as agents paid by commission or fees or a share in the profits, who are mainly dependent for their livelihood on their earnings from some other occupation, or who are ordinarily employed as such agents by more than one employer, and their employment under no one of such employers is that on which they are mainly dependent for their livelihood (§ (i) of Part II of Schedule I to the Act); (b) persons employed otherwise than by way of manual labour and at a rate of remuneration exceeding in value £250 a year (§ (k) of Part II of Schedule I to the Act); (c) (i) apprentices who receive no money payment in respect of their employment (§ (a) of Part I of Schedule I to the Act); (ii) persons engaged in employment in respect of which no wages or other money payment is made where the employer is the occupier of agricultural holding and the employed person is employed thereon, or where the person employed is the child of or is maintained by the employer (§ (j) of Part II of Schedule I to the Act); (d) out-workers of one of the following classes (N.H.I. Outworkers Orders); (i) persons to whom articles or materials are given out, but who are not themselves substantially engaged in the actual manipulation of those articles or materials; (ii) persons whose employment as out-workers is of a casual nature, and who carry on business at premises occupied by them, and perform for the purpose of such business the work in respect of which they are out-workers; (iii) blind persons to whom work is given out by or on behalf of any charitable or philanthropic institution, and who are not wholly or mainly dependent for their livelihood on their earnings in respect of that work; (e) persons under the age of 16 or over the age of 65 (§ 37 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925); (f) husbands engaged in the service of their wives, and wives engaged in the service of their husbands, and sons and daughters employed by their parents without money payment (§§ (p) and (j) of Part II of Schedule I to the National Health Insurance Act, 1924). A further exception from compulsory insurance is made, under §§ (b) and (c) of Part II of Schedule I to the Act, in the case of persons engaged in employment under the Crown or any local or other public authority, or as clerks or other salaried officials of a railway or other statutory company, and under § 9 (2) of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, in the case of persons engaged in employment of a permanent character

by statutory undertakers, where the Central Authority certifies that the terms of the employment are such as to secure provision in respect of sickness on the whole not less favourable than the benefits conferred by the National Health Insurance Acts. The equivalent benefits are not necessarily conferred by specific laws, but are a matter of contractual obligation under the general law.

Hungary. — § 1 of Act No. XXI of 1927 enumerates the undertakings, establishments, offices and industrial or commercial occupations, including industrial undertaking depending upon agricultural undertakings, subject to compulsory sickness insurance. § 3 lays down that all persons employed for remuneration in the undertakings, etc., referred to in § 1 shall be covered by sickness insurance irrespective of their sex, age or nationality. §§ 4 and 5 provide that out-workers and domestic servants shall be covered by sickness insurance. (a) § 3 (5) lays down that temporary and casual employment shall be covered by insurance. The liability to insurance does not cover subsidiary employment, it being understood that work is subsidiary if it is carried out in addition to another occupation and if it cannot be considered as the principal source of the insured person's livelihood (§ 8 (2)). (b) The Act lays down (§ 3 (2)) that workers, salaried employees, foremen, clerks and, in general, all those in similar employment shall on y be insured if their annual salary does not exceed 3,600 pengoes. (c) The liability to insurance is independent of the nature of the remuneration, which may be in cash or in kind or both together (§ 3 (6)). The liability to insurance exists, moreover, in the case of apprentices, probationers and other persons similarly employed, who, with a view to technical training, work without remuneration or for a wage below the usual rate. (d) In accordance with § 4 home-workers are subject to compulsory insurance even if they themselves supply the raw material or accessories, or if they incidentally work on their own account, provided they do not employ assistance in their workshops. (e) The Act lays down no age limit for admission to the insurance institutions. (f) The members of the employer's family who work as assistants in the latter's undertaking without receiving in addition to their keep, as members of the household, a remuneration such as might be considered as their means of livelihood, are exempted from sickness insurance. Members of the family who work under a contract of apprenticeship or whose work is equivalent to that performed by an ordinary worker must, however, be insured (§ 8 (3) and (4)). § 7 (1) lays down that persons employed in the service of the State, departments, municipalities and communes, and members of the staff of

private educational institutions who are members of the National Pensions Institution, who in case of sickness continue to receive their salaries during at least six months, are exempted from compulsory sickness insurance.

Latvia. — The Act concerning sickness insurance funds applies to all wage earners employed in undertakings, institutions or other places of work whether private, municipal or belonging to the State, or those working for private employers who receive their pay under a contract to which they have freely consented, or in virtue of an Act or private arrangement. The Minister of Social Welfare has the right to issue orders concerning the application of the Act to persons in temporary or occasional employment, and to persons who work at home in co-operation with each other upon work taken home by themselves; also to the proprietors of small undertakings employing less than three workers, with whom they themselves work, to commercial and other travellers, and to writers and journalists.

Luxemburg. — In virtue of §§ 1-4 of the Act of 17 December 1925 sickness insurance applies automatically to workers, salaried employees and apprentices in industrial and commercial undertakings, and particularly to out-workers. (a) The insurance does not cover workers employed for less than a week, workers whose employment, although liable to insurance, does not constitute their principal occupation, and domestic servants or agricultural workers engaged in occasional employment in the industrial or commercial undertakings of their employer; (b) salaried employees engaged in the actual management of an undertaking, foremen and technical agents, commercial clerks and apprentices are not insured unless their annual remuneration does not exceed 10,000 francs; (c) with the exception of apprentices, workers are not covered by insurance unless they receive remuneration in some form or other; (d) § 2 of the Act provides that the insurance does not cover out-workers but that it may be extended to such persons by a public administrative regulation; (e) the Act makes no distinction with regard to age; (f) the report states that the relationship between the employer and employee does not eliminate the liability to insurance. § 4 of the Act allows an exception to be made for persons who, in virtue of Acts or regulations or special arrangements, are entitled to advantages at least equivalent to those laid down by the Convention; the report indicates, however, that this exception has never been applied.

Rumania. — (1) *Old Kingdom and Bessarabia*: Sickness insurance covers workers in industrial undertakings, home

workers and out-workers and also working employers. (2) *Transylvania*: The insurance covers workers and salaried employees in industrial and commercial undertakings and out-workers. (3) *Bukovina*: The insurance covers workers and salaried employees in industrial and commercial undertakings and out-workers. The report adds that the legislation does not provide for the exceptions mentioned under (a)-(f) in the second paragraph of Article 2 of the Convention.

Yugoslavia. — §3 of the Act of 14 May 1922 concerning social insurance defines the scope of sickness insurance in the following manner: "All persons engaged upon physical or intellectual work for which they receive remuneration within the territory of the Kingdom of Yugoslavia, either of a permanent or temporary nature, under a contract of any character whatsoever, shall be covered by insurance without distinction as to sex, age or nationality. The liability to insurance covers apprentices, voluntary workers, pupils in the workshops of public educational institutions (schools of arts and crafts and technical schools, etc.) as well as persons who, owing to their incomplete training, do not in general receive recompense or wages or only receive recompense or wages at less than the usual rate. The insurance also covers persons engaged upon work, for which they receive payment, in their own workshops or in their homes (out-workers), on behalf of another person carrying on a trade (industry), or a commercial or industrial undertaking, even if the said persons provide the raw material and accessories and also work on their own account". (a) Exemption from the liability to insurance may be granted to all persons who only from time to time become liable to insurance because they are only occasionally and not permanently engaged upon work which is remunerated; (b) the liability to insurance is not affected by the amount of wages or income received; (c) workers who are not paid a money wage are equally liable to insurance; (d) the same applies to out-workers; (e) the Act specifies no age limits; (f) the report states that members of the employers' family are liable to insurance in cases where they work for wages under contract. Officials in State transport services are exempted from the liability to insurance provided that they receive from the Minister of Transport benefits at least equal to those to which other categories of workers are entitled under the Act of 14 May 1922. Persons employed in State or provincial offices, institutions or undertakings and, in general, in the offices of public bodies, institutions and foundations, also workers in public railway and navigation services, are not liable to compulsory sickness insurance if they are entitled to receive their wages during

26 weeks from the date when they fall sick.

ARTICLE 3.

An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

Cash benefit may be withheld in the following cases:

(a) Where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article;

(b) As long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities;

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Please indicate the extent of the period during which an insured person is entitled to a cash benefit as fixed by the national legislation, and if this right is made conditional on the insured person having first complied with a qualifying period and on the expiry of the same with a waiting period, please indicate the duration of the qualifying period as well as that of the waiting period.

If national legislation provides for the withholding of the cash benefit, please indicate the cases in which such benefit may be withheld, classifying them in accordance with the reasons indicated in clauses (a), (b), and (c) of paragraph 3.

Austria. — Under the *Workers' Sickness Insurance Act*, cash benefit is payable in case of incapacity for work through sickness for more than three days from the first day of such incapacity for work. It is granted for not more than 26 weeks, but if the patient was insured uninterruptedly for 30 weeks before the sickness, then for not more than 52 weeks for the same case of sickness. The law, however, allows the carriers of sickness insurance by their rules to provide that pecuniary sick benefit may be paid in case of incapacity for work through sickness lasting three days or less, provided the patient has no claim during such period to wages and that such benefit shall be granted only for the maximum period of 78 weeks. The carriers of insurance may provide by their rules that, in the case of insured

persons who are at the same time insured against sickness in some other manner and who fail to inform the fund of this other insurance within three days after the sickness begins, the pecuniary sick benefit shall be reduced so that, together with the pecuniary sick benefit from the other insurance, it does not exceed the cash wages of the insured person. The carriers of insurance may also provide by their rules that, in the case of insured persons who have the right to claim from their employer the continuance of their full wages during sickness, pecuniary sick benefit shall not be granted at all or not be granted in full while such claim subsists. Further, sick benefit is not granted during any period of institutional treatment at the expense of the sick fund. In this case, however, the dependants for whose maintenance the insured mainly provided before his illness are during such treatment, but not beyond the expiration of the benefit period, entitled to an amount equal to half the pecuniary sick benefit. If the sick person refuses to undergo the treatment given him in an institution chosen by the carriers of insurance, these latter may withhold payment of the pecuniary sick benefit. The carriers of insurance may further provide in their rules that the pecuniary sick benefit shall not be granted at all or not granted in full during an illness which the insured person has incurred intentionally. Under the *Salaried Employees' Insurance Act*, pecuniary sick benefit is payable in the case of prevention from performance of duty through sickness lasting more than three days from the fourth day of such prevention for its remaining duration, but not in any case for more than 30 weeks in respect of the same sickness. Such maximum period of pecuniary sick benefit is extended to 52 weeks when 12 contribution months have been credited, and to 78 weeks after 60 contribution months have been credited. Pecuniary sick benefit is not granted for a period of 4 weeks from the beginning of the absence from duty, if under any legislative or contractual provision the employee has a claim during this period to the continued payment of his full remuneration or to compensation in the form of a lump sum. Under the same conditions the cessation of half of the pecuniary benefit is provided for from the beginning of the fifth to the end of the sixth week. Payment of sick benefit is also withheld for the duration of institutional treatment at the expense of the carrier of insurance. In this case, however, a family allowance equal to half the pecuniary sick benefit, but not less than 1.50 schillings a day, is granted to indigent dependants, but in such case indigence is not admitted during the period for which full remuneration or a lump sum in commutation thereof is payable. As regards paragraphs 3 (c) and 4 of this Article, the *Salaried Employees' Insurance*

Act contains similar provisions to those mentioned above for sickness insurance of workers.

Bulgaria. — § 19 of the Act of 6 March 1924 lays down that if the insured person has paid his membership contributions to the Fund for not less than eight consecutive weeks, he shall receive pecuniary benefit at the rate prescribed in the Act for every lost working day from the first day of the sickness and for nine months in the year. In seasonal trades an insured person shall be deemed to be sufficiently qualified to claim pecuniary benefit if he has paid his membership contributions to the Fund for eight weeks during the season, unless the seasonal work is of shorter duration in consequence of its nature. The claim to pecuniary benefit shall lapse if the right to medical attendance is forfeited (for conditions governing the loss of the right to medical attendance, see under ARTICLE 4 below). § 24 lays down that pecuniary benefit shall be suspended or withheld for a period specified by the governing body of the Fund if the insured person refuses to submit to medical treatment or wilfully interrupts it, or if he has incurred the sickness intentionally. The report does not refer to the other cases of suspension mentioned in this Article of the Convention.

Czechoslovakia. — The insured person who is rendered incapable of work owing to sickness is entitled to a pecuniary sick benefit during one year at the most from the fourth day of incapacity (and from the third day if the incapacity to work lasts for more than fourteen days). Instead of pecuniary sick benefit (and medical assistance) the insurance institution may cause the sick person to undergo a cure or may place him in a hospital. (a) and (b) According to the rules, the insurance institutions may decide that, if insured persons are also insured against sickness elsewhere, or are entitled to their pay, or a portion of their pay, during sickness, the fact of not informing the institution, within three days of the beginning of sickness, that they are insured elsewhere, or that they are entitled to a wage, entails a reduction of their pecuniary sick benefit; such reduction is calculated so that the pecuniary sick benefit added to the amounts paid by the other insurance or the wage due does not exceed the total wages of the insured person. When, in lieu of pecuniary sick benefit and medical treatment, the insured person is sent to hospital, his family is entitled to half the pecuniary sick benefit up to one year from the date of his incapacity for work; this relief is granted to the insured person himself, if he has no family and if he has been sent to a public hospital, from the fifth week of his being sent to hospital. (c) The whole or part of the benefit may be refused to any insured person

who does not conform to the rules of the Central Institution of social insurance or who refuses to submit himself to its supervision. Benefit may also be refused to an insured person who has incurred sickness intentionally or by culpable participation in a brawl or through drunkenness. In all cases in which the benefit is refused, a cash benefit may be granted to the family of the insured person equal to half the pecuniary sick benefit.

Germany. — In accordance with § 182 of the Federal Insurance Code, an insured person receives, in case of sickness, a pecuniary sick benefit equal to half the basic wage for each calendar day, where the sickness involves incapacity for work. Sick benefit is granted from the fourth day of sickness and is terminated not later than the end of the 26th week following the day for which pecuniary benefit was first received. If a period during which only medical attendance is granted interrupts the period of receipt of pecuniary sick benefit, the former period up to a maximum of 13 weeks is not included in the duration of the receipt of pecuniary sick benefit (§ 183). The duration of sick benefit may be extended to one year and the pecuniary sick benefit may be increased to three-quarters of the basic wage. In certain cases the pecuniary benefit may be granted as from the first day of incapacity to work (§§ 187 and 191). The right to ordinary benefits for all persons liable to insurance begins to run from the day when they became members of the fund; such membership dates from the day on which the insured person enters an employment liable to insurance (§§ 206 and 306). The benefits laid down by the Act concerning Miners' Benefit Societies are similar to those provided for in the Insurance Code. (a) If an insured person receives pecuniary sick benefit at the same time in respect of another insurance, the sick fund reduces its benefit to such an extent that the total pecuniary sick benefit of the member does not exceed the average amount of his daily earnings. This reduction may however be wholly or in part excluded by the rules (§ 189). The right to pecuniary sick benefit (and home benefit) is suspended if, and to the extent that, an assured person is in receipt of pay during the illness; the sickness fund must reduce in an equivalent proportion the benefits accruing to persons of this kind. (b) Instead of medical attendance and pecuniary sick benefit the fund may grant treatment and maintenance in a hospital. If the insured person placed in a hospital has relatives whom he has hitherto maintained wholly or mainly out of his earnings, home benefit equal to half the pecuniary sick benefit must be paid in addition for the relatives (§§ 184 and 186). The home benefit may be increased up to an amount not exceeding the statutory pecuniary sick benefit (§ 194).

As regards members of the Miners' Benefit Societies the Act provides that an insured person who has hitherto maintained relatives wholly or mainly out of his earnings and who is undergoing hospital treatment, shall receive a home benefit for his relatives, which shall amount to half the sick benefit if the insured person is responsible for the maintenance of only one member of his family and which is increased by one-tenth of the sick benefit for each other member of the family. (c) The Federal Insurance Code provides that if the sick person has repeatedly disobeyed the rules for sick persons or the instructions of the medical practitioner in attendance, he may be placed in a hospital without his consent (§ 184). Moreover, pecuniary sick benefit may be refused in whole or in part to insured members who have incurred sickness intentionally or by culpable participation in a brawl or a fight (§ 192).

Great Britain. — §§ 10 (1) (b and c) and 13 (3) (a and b) of the National Health Insurance Act of 1924 provide that persons who have been insured under the Act for at least 26 weeks and by or in respect of whom not less than 26 weekly contributions have been paid, are entitled to receive periodical payments (referred to as sickness benefit) while rendered incapable of work by some specific disease or by bodily or mental disablement, commencing on the fourth day of the incapacity and continuing for a period not exceeding 26 weeks. If the insured person remains incapable of work after the termination of the period during which sickness benefit may continue, and has been insured under the National Health Insurance Acts for at least one hundred and four weeks and has paid not less than one hundred and four weekly contributions, he is entitled to receive further periodical payments (referred to as disablement benefit), at approximately half the rate of sickness benefit, so long as the incapacity continues or until he attains the age of sixty-five, when old age pension becomes payable. These benefits are not payable (a) where the insured person has received or recovered any compensation or damages under the Workmen's Compensation Act, 1925, or under any scheme certified thereunder, or under the Employers' Liability Act, 1880, or at common law, in respect of the injury or disease by which the person is rendered incapable of work. Where, however, the weekly sum or the weekly value of any lump sum payable by way of compensation or damages is less than the weekly rate of benefit such part of the benefit is paid as together with the weekly sum or the weekly value of the lump sum is equal to the benefit. (§ 16 (1) (a) of the National Health Insurance Act of 1924); (b) during any period when the insured person is an inmate of any workhouse, hospital, convalescent

home, asylum or infirmary supported by any public authority or out of any public funds or by charitable or voluntary subscriptions. During such a period, if the person has any dependants, the benefit is paid or applied in whole or in part to or for the advantage of those dependants. (§ 17 (1) (a) and (2) (a) of the Act); (c) during any period when an insured person is suspended from benefits for a breach of the rules relating to behaviour during sickness (§ 22 (1) of the Act and Rules for Behaviour during Sickness laid down in Schedule XIII of the National Health Insurance Approved Societies Regulations, 1930). Approved societies are empowered to make rules suspending payment of benefit where the incapacity is due to the insured person's wilful misconduct (§ 22 (1) and (2) of the Act).

Hungary. — In accordance with § 30 of Act No. XXI of 1927 concerning sickness insurance, insured persons are entitled, in cases of sickness entailing loss of earning capacity for more than 3 days, to a pecuniary sick benefit payable from the fourth day and (unless the incapacity ceases earlier) during 12 months as from the first day of sickness. The Act does not provide for a probationary period. (a) § 37 lays down that pecuniary sick benefit is not payable to the insured person as long as he is in receipt of or entitled to demand from his employer the full amount of his wages in case of sickness. (b) Under § 47 pecuniary sick benefit is suspended while an insured person is in hospital; if however he is responsible for the maintenance of members of his family, half the pecuniary benefit must be paid to the relatives in question. (c) § 42 lays down that the sickness insurance institution may refuse pecuniary sick benefit to persons who, by not following the instructions of their medical advisers or by not making use of the medical assistance placed at their disposal by the doctor of the institute, retard their cure. The same clause stipulates, moreover, that benefit may be withheld if the sickness results from a fault intentionally committed by the insured person.

Latvia. — Under the Insurance Act of 10 July 1930, an insured person, in case of sickness, receives a pecuniary sick benefit of from 60 to 90 per cent. of his basic wage for each day, provided that the sickness renders him incapable of working. This benefit is granted during the first 26 weeks from the first date on which payment was made. In cases of recurrent sickness, the indemnity is paid until the end of the thirtieth week as a maximum. Pecuniary sick benefit for 52 weeks as a maximum can be granted to the insured person by the general assembly of the insurance institution. The benefit is payable from the fourth

day following the beginning of the illness. The report does not mention cases where benefit may be withheld under the provisions of paragraphs (a), (b) and (c) of the present Article of the Convention. It states that pecuniary sick benefit is not granted in cases where sickness has been incurred intentionally or by culpable participation in a brawl or fight.

Luxemburg. — Pecuniary sick benefit is granted in principle for a period of 26 weeks to all insured persons, with the exception of apprentices who do not receive pay. In order to be entitled to such benefits, the insured person must have been a member of an insurance institution for at least eight days, unless he is the victim of an accident incurred during the course of work entailing incapacity to work for fifteen days. Pecuniary sick benefit is granted from the third day of sickness. Under the rules, the insurance institutions may pay the benefit from the first day of incapacity for illnesses which last for more than eight days, for those which result in death and for those caused by an accident during the course of work. Instead of pecuniary sick benefit (and the medical treatment provided for under Article 4 of the Convention), the insurance institution may grant treatment and maintenance in a hospital. (a) When the insured person is also in receipt of a cash benefit from another insurance, the benefits in cash are reduced in such proportion that the total cash benefit received by the insured person does not exceed his average daily wage. (b) Benefits may be withheld as long as the insured person is deprived of his liberty, is imprisoned, is placed in a reformatory, or is detained as a vagrant or tramp. If the insured person becomes incapable of work through sickness and if, up to that time, he has wholly or mainly maintained his family, half the ordinary pecuniary benefit is allowed to the latter. When treatment and maintenance in a hospital is granted to the insured person instead of pecuniary sick benefit and medical treatment, the members of his family are entitled to a pecuniary benefit equivalent to half the ordinary pecuniary sick benefit. (c) Benefit may be withheld when the insured person deliberately goes to a foreign country without the permission of the governing body, during the whole period of such unauthorised absence. When the insured person refuses to abide by the rules of the fund or disobeys the doctor's orders he may be placed in a hospital. The rules of the fund may further provide that an insured person shall be refused pecuniary sick benefit either in part or altogether if he has incurred sickness intentionally or by culpable participation in a brawl or fight.

Rumania. — (1) *Old Kingdom and Bessarabia:* The maximum period during

which benefit is paid is fixed at sixteen weeks. Benefits are only granted when the insured person has paid contributions for at least two weeks and at the expiry of a waiting period of three days; if the sickness lasts for more than eight days, benefit is also paid for the waiting period. The Act does not provide for any cases in which benefit may be withheld. (2) (3) *Transylvania and Bukovina*: Payments in cash may be paid for 26 weeks but no benefit is paid for the first three days of sickness. Benefit may be withheld owing to refusal to obey the doctor's orders. In Bukovina the sickness funds are allowed by their rules to grant cash benefits for one year.

Yugoslavia. — Insured persons are entitled to pecuniary sick benefit equivalent to two-thirds of their basic salary for a period of at least 26 weeks from the day the sickness began or from the moment when the insured person was rendered incapable of working; benefit is not granted unless sickness entails incapacity for work and lasts more than three days. The report states that the period during which pecuniary sick benefit is granted was extended to 52 weeks by a decision of the Central Institution of Workers' Insurance, approved by the Ministry of Social Affairs on 18 August 1923. Instead of pecuniary sick benefit (and medical attendance and medicaments), the insurance fund may grant hospital treatment. (a) The report states that, when the Central Institution of Workers' Insurance has granted to its members a pecuniary sick benefit which some other person might also have been liable to provide, the Institution may demand compensation for the benefit paid. (b) The insured person receives pecuniary sick benefit irrespective of whether or not he forfeits his wages. If he is maintained in a hospital, the insured person is not entitled to pecuniary sick benefit. If he has a family, it is entitled to half the usual pecuniary benefit. (c) The pecuniary sick benefit may be reduced if the insured person deliberately fails to carry out the doctor's orders. Any member who has intentionally caused his own illness foregoes his right to pecuniary benefit and no pecuniary benefit can be granted to a member of the family who has intentionally caused the sickness of the insured person.

ARTICLE 4.

The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

Please indicate the date of commencement, duration and the nature of the medical and pharmaceutical benefits to which an insured person is entitled in case of sickness, under the first paragraph of this Article.

If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the circumstances in which the insured person may be required to pay a part of the cost of medical benefit.

Austria. — Under the *Workers' Sickness Insurance Act*, medical benefit, including the necessary medical attendance and attendance of a midwife at childbirth and any treatment required for hydrophobia and also the necessary medicines and therapeutical requisites and any other appliance required for the restoration of working capacity, such as artificial limbs and artificial dentures, spectacles, trusses, is granted from the beginning of the sickness for the same maximum period as pecuniary sick benefit. Instead of free medical attendance, the necessary medicaments and pecuniary sick benefit, the insured person may be granted free treatment and maintenance in a curative or nursing institution, together with the necessary expense of conveyance to the institution, and where necessary the expense of conveyance from the institution, where the nature of the disease requires it or suitable home treatment is not possible. In the case of refusal to obey the rules for the conduct of sick persons medical benefit may be entirely withheld. Where a sick person fails to avail himself of the treatment placed at his disposal by the carriers of insurance, he shall not, be entitled to any compensation for the costs incurred. The Act allows the carriers of insurance in the rules for sick persons to prescribe payment by the insured of a special fee for the consultation of the contract doctor, where such doctor is remunerated on the basis of individual services. As regards *salaried employees*, identical provisions are in force, except that medical benefit is granted for an unlimited period where the patient is not attended at home, and otherwise for not more than 78 weeks. In *salaried employees' insurance* the insured is allowed either to avail himself of the medical attendance placed at his disposal by the carrier of the insurance or to procure the same elsewhere, in which latter case he receives the amount fixed by the rules for sick persons as reimbursement for expenses.

Bulgaria. — § 18 of the Act of 6 March 1924 provides that if an insured person who has paid his membership contributions to the Social Insurance Fund for eight consecutive weeks falls sick, he shall

receive medical attendance at the expense of the Fund for nine months in the year. The claim to medical attendance at the expense of the Fund shall lapse if the insured person was not a member of the Fund for the week in which he fell sick, unless such default of membership can be attributed to proved unemployment lasting not more than eight weeks from the date when it began or to other reasons recognised as sufficient by the governing body of the Fund. § 23 lays down that the right to medical attendance shall be suspended wholly or in part if the insured person fails to carry out the instructions or prescriptions of the medical practitioner.

Czechoslovakia. — The sickness insurance fund grants to the insured person, in case of sickness, medical attendance free of charge and the necessary medicaments and therapeutic appliances (medical treatment). Such benefits are continued during the whole illness up to a maximum of one year from the moment when the insured person was rendered incapable of working. Under Czechoslovak law, the insured person is not required to participate in the expenses of his treatment and no provision is made whereby medical benefit may be withheld.

Germany. — The Federal Insurance Code lays down in § 182 that benefits granted by sickness insurance funds comprise "medical attendance from the beginning of the sickness; this shall include medical treatment and the provision of medicaments and likewise of spectacles, trusses, and other minor therapeutic appliances." Ten per cent. of the cost of medicaments, therapeutic appliances and tonics are in any case to be borne by the insured person. The insured person wishing to obtain medical treatment must apply for a treatment certificate, for which he is required to pay 50 Reichspfennig. When he obtains medicaments, therapeutic appliances and tonics, the insured person is required to pay as his share in the expenses a sum of 50 Reichspfennig, which must not exceed the actual cost; when the treatment certificate covers more than one prescription only one payment has to be made. Exemption from the payment of the fee for treatment certificates and from participation in the expenses for medicaments, etc., is granted to certain classes of insured persons, namely: unemployed persons, persons in receipt of invalidity benefit or pension from invalidity insurance or insurance for salaried employees, persons seriously injured (§ 159 (b) of the Federal Insurance Code) and persons seriously wounded in the war. Moreover, when incapacity to work caused by sickness lasts for more than ten days, the insured person is not required to participate in the cost (§ 152 (a), § 1) of the medicaments

and therapeutic appliances necessary to him during the period of his incapacity to work calculated from the tenth day. If the Governing Body of the fund is convinced that the expenditure of the fund for medicaments, etc., imperils the solvency of the fund it may decide that the members of the fund themselves shall bear up to 20 per cent. of the expenses (§ 182a). The Act concerning Miners' Benefit Societies guarantees sickness insurance in accordance with the terms of the Federal Insurance Code.

Great Britain. — Under § 12 of the National Health Insurance Acts and Schedule II of the National Health Insurance Medical Benefit Regulations, 1928, persons compulsorily insured under the Acts are entitled, free of charge and so long as they remain in insurance, to medical treatment and attendance, including the provision of proper and sufficient medicines, and to the prescribed medical and surgical appliances. Under § 23 of the Act of 1924 Insurance Committee are empowered to make rules for the behaviour of insured persons during disease or disablement, and for the suspension from medical benefit of a person who is guilty of breach of these rules. The report makes no reference to the exception provided for in paragraph 2 of this Article.

Hungary. — In accordance with § 30 of Act No. XXI of 1927, the insured person is entitled, in case of sickness, to medical treatment starting from the first day of sickness for a period of one year, and thereafter during such period as pecuniary sick benefit is payable; the law provides, over the same period, for the supply gratis to insured persons of the necessary medicaments and therapeutic appliances. The report states that in accordance with the rules of certain independent sickness insurance funds approved by the Minister of Social Insurance and Labour, the insured person may be called upon to provide a minimum contribution to the expenses of medicaments and other medical appliances. The report points out that the Act does not provide for the suspension of medical treatment in the event of the non-observance of medical advice.

Latvia. — § 35 of the Act concerning sickness insurance funds provides that the benefits granted by the sickness insurance funds include medical assistance. This includes (1) medical treatment of insured persons who have suddenly fallen ill, (2) treatment which the sick person may receive by visiting a doctor and the doctor's visits to the insured person's house, (3) medical treatment for women in childbirth, and (4) treatment and maintenance in hospital. 15 per cent. of the expenses of medical treatment are borne by the insured person. Medicaments are provided free of charge:

(1) in cases of childbirth, (2) when the insured person's life is in danger, and (3) in cases of haemorrhage. The report does not mention any cases where medical benefit may be withheld.

Luxemburg. — Medical and pharmaceutical benefit is granted from the first day of membership and from the beginning of the illness. It is granted for the same period as the pecuniary sick benefit. It comprises medical treatment and medicaments and various curative appliances. Instead of the medical benefit (and pecuniary sick benefit), the fund may grant maintenance and treatment in a hospital. In cases where the fund has not been able under satisfactory conditions to obtain the assistance of a sufficient number of doctors; it may substitute for medical treatment a cash payment not exceeding three-eighths of the average amount of the cash benefits payable by the fund. The report indicates that in practice this substitution has not been made. By decision of the Governing Body and of the Central Committee of the fund, insured persons may be called upon to participate in certain medical or pharmaceutical expenses resulting from medical or pharmaceutical treatment or in certain medical expenses of a pharmaceutical nature only; such participation must not exceed one quarter of the expenses. If an insured person continuously refuses to comply with the doctors' orders, he may be placed in a hospital.

Rumania. — (1) *Old Kingdom and Bessarabia:* Insured persons are entitled to medical treatment for sixteen weeks (the same period as for pecuniary sick benefit), also to a supply of medicaments and medical appliances, either in their own homes or in a hospital. If the insured person is sent to hospital, he receives for his family, if he supports it from his earnings, the full pecuniary benefit. The report does not give any indication with regard to the insured person's participation in the expenses of treatment. (2) *Transylvania:* The insured person is entitled to medical treatment for 26 weeks (a similar period as for pecuniary sick benefit), also to the supply of medicaments and medical appliances, either in his own home or in a hospital. If he is sent to hospital, the insured person receives for his family, if he supports it from his earnings, half the pecuniary benefit. The insured person participates in the hospital expenses as from the fifth week, in proportion to the amount of his pecuniary sick benefit. (3) *Bukovina:* The insured person is entitled to medical treatment for 26 weeks (the same period as for cash benefits) also to the supply of medicaments and medical appliances, either in his own home or in a hospital. If he is sent to hospital, the insured person does not receive any cash benefit. The report

does not mention any participation of the insured person in the expenses of treatment.

Yugoslavia. — Insured persons are entitled to free medical treatment during their illness for 26 consecutive weeks and subsequently during such period as they may receive pecuniary sick benefit. They are also entitled, free of charge, to medicaments, baths, mineral waters, dressings and therapeutical appliances, for 26 weeks; such appliances may be supplied to members after this period for as long as they require them. Since 1923, the period of this benefit has been extended to 52 weeks. Instead of medical treatment and medicaments (and pecuniary benefit), the insured person may be granted maintenance in a hospital. Yugoslav legislation does not require the insured person to participate in the expenses of medical benefit except as regards dental treatment, for which he bears 25 per cent. of the expenses.

ARTICLE 5.

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

Please state whether national laws or regulations have authorised or prescribed the grant of medical benefit to members of an insured person's family.

If so, please indicate the conditions under which such benefit is administered.

Austria. — The *Workers' Sickness Insurance Act* provides that the carriers of insurance are empowered by the Act to allow the insured the right to benefit for the members of their family. Pecuniary sick benefit may not, however, be granted to them. Only such members of the family may be included as live with the insured in his household and are substantially maintained by him and are not by virtue of an employment of their own subject to a legally established sickness insurance or voluntarily insured against sickness. The report adds that the carriers of insurance have generally availed themselves of this power. Under the *salaried employees' insurance* the wife, legitimate and legitimised children of the insured, illegitimate children of an insured woman and in some circumstances also the illegitimate children of an insured man, the parents and the so-called housekeeper, that is the person managing the household of the insured without remuneration, are entitled under the Act to certain benefits of sickness insurance, provided, however, they are not working on their own account and are not liable to any legally established sickness insurance. All

such members of the family are entitled to medical benefit and medicine, and the wife also to maternity benefit and nursing benefit. The members of the family are also entitled to a grant towards the expenses of institutional treatment.

Bulgaria. — The report states that the Act concerning social insurance makes no provision for the grant of medical benefit to members of an insured person's family living in his household and dependent upon him.

Czechoslovakia. — The insured person is entitled to medical assistance for the members of his family living with him and dependent for their subsistence chiefly upon his earnings, provided that they are not entitled to any other insurance benefit on their own account; this right can only be acquired after four weeks from the day when the insured person became liable to insurance.

Germany. — The Federal Insurance Code requires that medical benefit shall be granted to the insured person's family. The Act provides that every person insured against sickness during the last six months, for at least three months, in virtue of an Act of the Reich, is entitled for his or her spouse and for the children dependent upon the insured person, for a period of thirteen weeks, to similar medical treatment to that afforded to the insured person, provided always that the spouse and the children dependent upon the insured person are usually domiciled in the country and have no other legal right to benefits in the case of sickness. Half of the cost of medicaments and other therapeutical appliances of a simple nature is reimbursed. In the case of medical treatment for the family a treatment certificate must also be obtained at the cost of 50 Reichspfennig (§ 205 (b) amended).

Great Britain. — The report states that no provision is made under the National Health Insurance scheme in Great Britain for the grant of medical benefit to members of an insured person's family.

Hungary. — In accordance with the terms of §§ 30 and 32 of Act No. XXI of 1927, members of the insured person's family living in his household and at his expense are entitled as from the first day of sickness to medical treatment and the free provision of medicaments and therapeutic appliances for 12 months. § 48 also provides for the treatment in hospital of members of the family, but only for a maximum period of 4 weeks.

Latvia. — Sickness insurance funds may pay the expenses of medical treatment for the members of the insured person's family living with him and dependent

upon him. The Report states that the conditions under which such benefit is granted are laid down by § 34 of the Act of 10 July 1930.

Luxemburg. — Under its regulations, the insurance fund may grant medical treatment and medicaments to members of the insured person's family who are not liable to compulsory insurance.

Rumania. — (1) *Old Kingdom and Bessarabia*: medical treatment is granted to the wife and children of the insured person who live in his household. (2) and (3) *Transylvania and Bukovina*: medical treatment is granted to members of the family who do not earn their livelihood and are not themselves insured.

Yugoslavia. — Members of the insured person's family who do not earn their own living and who live in the insured person's household are entitled in case of sickness to medical treatment, medicaments and the necessary therapeutical appliances for twenty-six weeks as a maximum, but in any case during the period for which the insured person is entitled to a pecuniary benefit.

ARTICLE 6.

Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view to profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of sickness insurance.

Please indicate the constitution and functions of the authorities entrusted with the administrative and financial supervision of such self-governing institutions.

Please indicate the conditions under which the insured persons are enabled to participate in the management of the self-governing insurance institutions, stating in particular the proportion of seats or of votes assigned to them in the organs of these self-governing institutions.

If advantage has been taken of the provisions of the last paragraph of this Article, please indicate the nature of the national conditions which at present render the administration of compulsory sickness insurance by self-governing institutions difficult or impossible or inappropriate.

Austria. — The following institutions, invested with legal personality and the right of self-administration, are prescribed as carriers of workers' sickness

insurance: regional sick funds; establishment sick funds; guild sick funds; miners' benefit societies and association sick funds. For the uniform and efficient conduct of their common business, workers' sick funds may form federations and the federations may form central or national federations. The funds and federations are under the supreme supervision of the Federal Minister of Social Administration. Immediate supervision is, according as the sphere of operations of the fund or federation extends to part of a federal province, a whole federal province or several federal provinces, exercised by the political regional authority, the provincial Governor or the Federal Minister of Social Administration, and in the case of miners' benefit societies by the mining authority. The internal organisation of the funds is governed by the Act and, within the limits of the legal provisions, by the rules, which must be approved by the supervising authority. The administrative bodies of the sick funds, with the exception of the miners' benefit societies, are the following: the General Meeting, the Governing Body and the Supervising Committee. The General Meeting and the Governing Body consist as to four-fifths of representatives of the insured and as to one-fifth of representatives of the employers, while in the Supervising Committee the proportion between insured and employers is the reverse. As regards miners' benefit societies, the administrative bodies consist of the General Meeting, consisting of all the insured persons, but at which votes up to not more than one-third must be allowed to the owner or owners of the mines with which the benefit society is connected, and the Governing Body, which consists of elected representatives of the insured and the mine owners, who on this body also possess not more than one-third of the votes. The sickness insurance of *salaried employees* is for the great majority of them carried out by the so-called insurance funds for salaried employees, the internal organisation of which is similar to that of the workers' sick funds. For three smaller groups of salaried employees, however, that is to say, salaried employees in agriculture and forestry, journalists and other employees in newspaper undertakings, and dispensing chemists, so-called special insurance institutions are carriers of sickness insurance for the whole federal territory. The administrative bodies of these institutions consist of an equal number of representatives of insured employees and employers. The supervision of the insurance funds and insurance institutions is carried out by the Federal Minister of Social Administration.

Bulgaria. — The report states that in Bulgaria sickness insurance is administered by the State.

Czechoslovakia. — The report states that the self-governing system of sickness insurance in Czechoslovakia, of which the controlling organ, namely the Central Institution of Social Insurance, is supervised by the State, entirely fulfils the provisions of Article 6 of the Convention. Sickness insurance is carried out by district sickness insurance institutions or by institutions set up by separate undertakings, by trade corporations, by associations or by mutual relief funds, duly registered. The administrative bodies of these funds are (1) the general meeting of the delegates elected by insured persons having the right to vote (the right to vote is accorded to persons subject to insurance who on the first day of the month preceding the election were members of the institution and who have reached 20 years of age); (2) the Governing Body composed of 12 members, 9 of whom are elected from insured persons by the general meeting and 3 by the employers; (3) the Supervisory Committee composed of 12 members, of whom 3 are elected by the general meeting and 9 by employers whose workpeople are compulsorily insured in the institution; (4) the Director, nominated by the Central Institution of Social Insurance, who is the official who directs the sickness insurance institution. The Governing Body and the Supervisory Committee sit together to discuss the principal questions. The supervising body of the sickness insurance institution is the Central Institution of Social Insurance, of which the two principal organs, the Commission and the Governing Body, are composed of representatives of insured persons and employers in equal numbers and of experts in social insurance appointed by the Government in slightly larger numbers than representatives of either of the other two groups. The Central Institution of Social Insurance is itself supervised by the Minister of Social Welfare and does not possess legal personality.

Germany. — The report states that sickness insurance is administered in Germany by the sickness insurance funds which are public and self-governing institutions. § 225 of the Federal Insurance Code provides for local sick funds, rural sick funds, establishment sick funds and guild sick funds. The administrative bodies of the funds are the governing body and the committee on which the insured persons are represented in the proportion of two-thirds and the employers in that of one-third. §§ 327-348 of the Insurance Code contain provisions as to the composition and duties of these bodies. The sickness insurance funds are controlled by the State authorities — i.e., by the Insurance Offices. There are, moreover, approved independent insurance funds which are administered in accordance with §§ 503 *et seq.* of the Code and placed under the

control of the private insurance inspection office. As regards persons employed in mines the Federal Miners' Benefit Society supervises the granting of sickness insurance by the District Miners' Funds and the special Funds. The administrative bodies of these funds are the governing body, the governing bodies of the sections, and the general meeting, which consist respectively as to two-fifths of representatives of employers and as to three-fifths of representatives of insured persons (§§ 146 *et seq.* of the Act concerning Miners' Benefit Societies). The Miners' Funds are supervised by the Federal Minister of Labour. § 30 of the Code provides that the object of supervision is to ensure that the law and rules are observed for all the purposes of insurance.

Great Britain. — Under § 13 (1) of the National Health Insurance Act of 1924 sickness benefits are administered by and through societies approved by the Central Authority (the Minister of Health or the Department of Health for Scotland), such approval being subject to the satisfaction of the following conditions under § 29 of the Act: (a) it must not be a society carried on for profit, (b) its constitution must provide to the satisfaction of the Central Authority for its affairs being subject to the absolute control of its members being insured persons, or, if the rules of the society so provide, of its members whether insured persons or not, and for the election and removal of the committee of management or other governing body of the society, in the case of a society whose affairs are managed by delegates elected by members, by those delegates, and in any other cases in such manner as will secure absolute control by its members. Such an approved society is required to make proper provision by rules to the satisfaction of the Central Authority for the government of the society (§ 34 of the Act and Part II of the N.H.I. Approved Societies Regulations, 1930), and to keep its accounts in such form as may be prescribed by the Central Authority, and to submit them to audit by auditors appointed by the Treasury and to submit to have its assets and liabilities valued by valuers appointed by the Treasury (§ 72 of the Act and Part V of the N.H.I. Approved Societies Regulations, 1930). Provision is made for the sickness and disablement benefits of insured persons who are not members of approved societies to be administered by and through the Insurance Committee, or, in the case of those persons who prove that the state of their health is such that they cannot obtain admission to an approved society, by the Central Authority (§§ 13 (1), 54 and 59 (1) (c) of the Act, etc.). Under § 12 (1) medical benefit is administered by Insurance Committees, which are set up for each county or county borough. The constitution and functions

of these committees are laid down in the National Health Insurance Act, 1924 (§§ 48, 50, 51, 52 and 53), and, under § 82 of the Act and §§ 36-43 of the N.H.I. Committees Regulations, 1929, they are required to keep proper books and accounts in a prescribed form and to submit them to audit. The report states that the National Health Insurance scheme in Northern Ireland follows in every substantial particular the corresponding scheme in force in Great Britain, the only difference of importance being that for the purposes of the administration of medical benefit in Northern Ireland the insurance committee organisation has not been adopted. The executive functions of insurance committees in Great Britain are carried out in Northern Ireland by the Ministry of Labour and the judicial functions of insurance committees in Great Britain are performed in Northern Ireland by a body, known as the Medical Benefit Council, which functions for the whole area.

Hungary. — Sickness insurance under Act No. XXI of 1927 is administered by the National Institute of Social Insurance and also by a certain number of independent institutions recognised by the law for different categories of workers (postal employees, persons employed on railways, in the State tobacco industry, in mines, etc.). All these institutions are self-governing, are constituted by the insured persons and the employers, and possess legal personality. The administrative bodies of the National Institute of Social Insurance are the general meeting, the general committee and the executive committee. Moreover, each district fund and each fund of an individual undertaking, acting as a local organ of the Institute, is administered by a separate committee. The members of the general meeting and also of the local committees are elected in equal proportions, directly, by the insured persons and the employers. The general meeting elects, on a basis of equal representation for both parties, the members of the general committee, which in its turn appoints the members of the executive committee. The administrative bodies of the independent insurance institutions are constituted under similar conditions. The public control of all the institutions entrusted with the administration of compulsory sickness insurance is exercised directly by the Minister of Labour and Social Welfare, who at least once a year undertakes through the subordinate administrative bodies an examination of all the books and documents of such institutions.

Latvia. — The report states that the sickness insurance institutions are administered in accordance with §§ 82 ff. of the

Act of 10 July 1930 and are supervised by the Minister of Social Welfare.

Luxemburg. — The administrative bodies are the district funds and employers' funds which are of the nature of public self-governing institutions. The administrative bodies of the funds are the governing body and the general meeting. In the general meeting the employers have one third of the votes and the insured persons two thirds. The funds are supervised by a central committee, which is subject to Government supervision.

Rumania. — The report states that the principle of the self-government of the sickness insurance institutions is assured through the participation of the official representatives of social insurance and of the authorised representatives of the employers' and workers' organisations. (1) *Old Kingdom and Bessarabia:* sickness insurance is administered in virtue of the Act of 1912 by a sickness insurance fund. Together with the funds of the two other branches of social insurance, it constitutes a central institution of social insurance, which acts as a separate department of the Ministry of Labour, but with a self-governing administration; it administers the finances of each fund in collaboration with councils composed of representatives of employers, insured persons and the State. The other organs which assist in administering the insurance are corporations of handicraftsmen, which supervise the collection of the contributions, the payments made and the local administration. (2) *Transylvania:* the organisation of insurance provided for by Act XIX of 1907 was similar to that obtaining in the Old Kingdom. The local administration is undertaken by cantonal funds administered by a governing body composed of equal numbers of representatives of employers and insured persons. State supervision which originally was undertaken by a Government Department is now effected by the Central Social Insurance Institution of Bucarest. (3) *Bukovina:* sickness insurance is applied in virtue of the Act of 1888 by self-governing mutual bodies entitled sick funds, which cover either the workers in a district or the workers in a separate undertaking or in a specified trade. There is no cooperation between these funds and as the majority have a membership of less than 1,000 persons their administrative expenses are proportionately very high. They are supervised by the Prefectures and by the Ministry of Labour.

Yugoslavia. — Sickness insurance is administered in the Kingdom by a Central Institution of workers' insurance, which is a public body set up as a self-governing administration. Its local organs are the local institutions of workers' insurance, transport workers, insurance funds and

miners' relief funds. The three organs of the Central Institution (general meeting, governing body and supervisory committee) are composed of representatives of employers and insured persons in equal numbers. The institution, which does not possess legal personality, is supervised by the Minister of Social Affairs.

ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

Please indicate the conditions under which the insured persons and their employers must share in providing the financial resources of the sickness insurance system.

Please state whether the national legislation provides for a financial contribution by the competent public authority.

Austria. — The resources necessary for carrying out insurance are exclusively provided by contribution from the insured and their employers and no provision has been made for a subsidy from public funds. As regards *workers'* sickness insurance, two-thirds of the contributions payable are paid by the insured and one-third by the employers. Only in the case of insured persons who receive no money wages, and also insured persons under age occupying the position of apprentices, is the whole contribution paid by the employer out of his own moneys. In the case of miners' benefit societies the contributions are borne as to one-half by the insured and as to one-half by the employer. As regards *salaried employees'* sickness insurance, the contribution is borne as to one-half by the insured and as to one-half by the employer, but so that the contribution of the employee must not exceed 15 per cent. of his money remuneration. Any part of the contribution in excess of this is paid by the employer. In the case of insured persons under 17 years of age the whole of the contribution is paid by the employer.

Bulgaria. — § 36 of the Act provides that the expenses of sickness insurance shall be covered by contributions from insured persons, employers and the State. The Act lays down a scale which fixes equal contributions from the employers and from the wage-earning and salaried employees at a rate according to the amount of the latter's pay. The contribution from the State is fixed at half the total received by the Fund from the other contributors.

Czechoslovakia. — Contributions towards the insurance are paid in equal parts by the employers and workers; in cases

where the insured person does not receive a cash payment the contributions are paid entirely by the employer. There is no provision in Czechoslovak legislation for the participation of the State or other public authorities in providing the financial resources for the sickness insurance system.

Germany. — In accordance with the terms of the Federal Insurance Code, the moneys required for sickness insurance funds are contributed by the employers and the insured persons. The persons liable to insurance pay two-thirds and their employers one-third of the contributions. In the case of guild sick funds, it may be provided in the rules that the employers and the persons liable to insurance shall each bear one half of the contributions (§§ 380 and 381). The Act concerning miners' benefit societies lays down that the contributions shall be borne as to two-fifths by the employers and as to three-fifths by the insured persons (§ 117). The Act does not provide for subsidies for sickness insurance funds from the Reich or from the States, but the expenses of the various Insurance Offices are in all cases borne by the public funds.

Great Britain. — §§ 4 and 5 of the Act of 1924 provide that insured persons and their employers are required to pay contributions towards the cost of the benefits provided under the Acts. The employer is required to pay, in the first instance, under § 7 (2) of the Act, both the contributions paid by himself and by the employee, and is entitled to recover from the employee by deduction from his wages or otherwise the amount of the employee's contribution. § 5 and Schedule II of the Act as amended by § 38 and Schedule IV, Part I of the Widows', etc. Contributory Pensions Act, 1925 fix the weekly contributions as follows: (a) ordinarily: men: employer, 4½d.; employee, 4½d.; — women: employer, 4½d.; employee, 4d.; (b) where the rate of remuneration exceeds 3/- but does not exceed 4/- a working day: men: employer, 5½d.; employee, 3½d.; — women: employer, 5½d.; employee, 3d.; (c) where the rate of remuneration does not exceed 3/- a week: men: employer, 9d.; employee, —; — women: employer, 8½d.; employee, —. Under § 4 of the Act of 1924 as amended by § 1 of the Act of 1926, one-seventh of the cost of the benefits and the administration of those benefits in the case of men, and one-fifth in the case of women, is defrayed out of monies provided by Parliament.

Hungary. — In accordance with §§ 20 and 21 of Act No. XXI of 1927, the employers are called upon to furnish contributions in the proportions laid down by the law. They may deduct from the remuneration of the insured person half the contribution which they have paid

on his behalf. The report indicates that the share borne by the State of the expenses of the National Institute of Social Insurance and of the Insurance Institution of Salaried Employees in private employment amounts to 3.2 million pengös a year. This sum also covers the expenses incurred in other branches of insurance with which these institutions are concerned.

Latvia. — The report states that the provisions of the Convention are covered by §§ 62 ff. of the Act of 10 July 1930.

Luxembourg. — The financial resources of the insurance system are provided for by contributions paid as to two-thirds by the insured persons and as to one-third by the employers. The State contributes half the salaries and pensions of the employees of the district funds and half of all administrative expenses.

Rumania. — (1) *Old Kingdom and Bessarabia*: the insured persons alone contribute to the financial resources of the insurance system by making contributions, which vary according to the daily average wage; the Central Fund may, according to the results of preceding years, either increase or diminish the contributions for all corporations or only for certain corporations. For apprentices and unpaid workers, the employer pays the whole contribution, which in such cases is the minimum contribution. The State shares in the administrative expenses of the Central Fund. (2) *Transylvania*: the contributions towards the insurance system are fixed in accordance with the average daily wages and are paid as to half by the insured person and half by the employer. For apprentices and workers who do not receive pay, the contribution, assessed at the minimum rate, is payable by the employer. (3) *Bukovina*: in order to cover the expenses of insurance, the insured persons are required to contribute as to two-thirds and the employers as to one-third. The contributions of the insured persons and employers are fixed by an estimated computation of the expenses for the year and may be modified by a decision of the general meeting of the fund in accordance with the financial results at the end of the year; the contributions of insured persons vary according to the average wage, a maximum being fixed by law.

Yugoslavia. — Insured persons and employers contribute to the financial resources of sickness insurance in equal proportions. The State makes an annual grant of at least 2 million dinars to cover the administrative expenses of the Central Insurance Institution, but the report states that this grant has been reduced. The Central Institution of workers' insurance imposes a supplementary payment upon any employer who has not taken the

steps required by the Act or by a decree issued by the Central Institution or any other competent authority for the protection of the health of the workers in his undertaking.

ARTICLE 8.

This Convention does not in any respect affect the obligations arising out of the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at its First Session.

Of the countries which have sent in reports, *Austria*, *Czechoslovakia* and *Great Britain* have not ratified the Convention concerning the employment of women before and after childbirth.

ARTICLE 9.

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

Please state whether the national legislation grants to the insured person a right of appeal in case of dispute concerning his right to benefit.

Austria. — The report states that in case of dispute concerning a claim to benefit between an insured person and the carriers of insurance, the insured person can appeal to an arbitration court consisting of representatives of insured persons and their employers in equal numbers. An arbitration court is established for insured salaried employees in each federal province. This arbitration court consists of a Chairman appointed from among the judges by the federal Minister of Justice in agreement with the federal Minister of Social Administration, and one member chosen from among the employers and one from among the employees. The decision of the arbitration court is final.

Bulgaria. — § 47 of the Act of 6 March 1924 provides that applications for medical attendance and pecuniary benefit shall be decided upon by the labour inspection authorities under the supervision of the central administrative authorities. Disputes shall be settled by an arbitration court consisting of one of the local justice of the peace (who shall be chairman) and one representative each of employers and workers. The representatives of employers and workers in the arbitration court shall be elected by ballot.

Czechoslovakia. — Any disputes in connection with decisions taken by insurance institutions are heard by arbitration courts; the right of appeal against their decisions is provided for.

Germany. — In the event of any dispute regarding sickness insurance benefits, the case may be brought before the Insurance Office and an appeal against the latter's decision may be brought before the superior Insurance Office.

Great Britain. — §§ 89 and 90 of the Act of 1924 lay down provisions concerning the right of appeal of an insured person in cases of dispute. The final decision rests with the Central Authority or a referee appointed by that Authority.

Hungary. — The report states that under Act No. XXXI of 1921 concerning jurisdiction in questions of social insurance, the rights of insured persons and their dependants are protected. The Social Insurance Court, assisted by assessors elected from among the employers and insured persons, decides all cases in dispute.

Latvia. — The report states that disputes concerning sickness insurance benefits may be referred to the courts in accordance with the statutory procedure.

Luxemburg. — § 79 of the Act of 17 December 1925 provides that disputes concerning benefits, charges or reimbursements shall be decided by the Central Committee or the delegate of the Central Committee, whose decision can be contested before a court of arbitration.

Rumania. — (1) *Old Kingdom and Bessarabia*: the report does not refer to this point. (2) and (3) *Transylvania and Bukovina*: the law gives the insured person the right to appeal in cases of dispute concerning insurance benefits.

Yugoslavia. — The insured person has a right of appeal against the decisions of the local insurance institution, (1) to the Governing Body of the institution, (2) to the Court of Workers' Insurance set up in each district, and, (3) in certain cases, to the High Court of Workers' Insurance sitting at the Central Institution.

ARTICLE 10.

It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Secretary-General of the League of Nations. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

This question does not arise for the countries which have submitted reports.

III.

Article 15 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Great Britain. — The report states that the Government does not propose at present to apply the Convention in any of the non-self-governing dependencies. The Convention is designed to meet the requirements of communities in an advanced stage of development where the worker and his family are entirely dependent for their livelihood on wages derived from regular employment and are sufficiently educated to appreciate the benefits to be derived from a system of compulsory insurance. In the greater number of the non-self-governing dependencies neither of these conditions exist. The administration of compulsory sickness insurance schemes by self-governing institutions would be beyond the capacity of primitive populations. Moreover, even if conditions in the dependencies were such as to render feasible the administration of such schemes by Government, the creation and maintenance of the necessary administrative machinery would, at present, be beyond the capacity of colonial governments, on financial grounds. Nevertheless, the objects of Articles 4 and 5 of the Convention are to a great extent attained by other means, without any specific contribution from the persons who derive benefit from the facilities provided. The report further gives some information on the provisions existing in certain dependencies as regards medical treatment and assistance for native workers.

The question does not arise for the other countries which have submitted reports.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 19 May 1929.

Bulgaria. — 31 January 1931.

Czechoslovakia. — 12 December 1929 (date on which the Convention was published in the *Recueil des lois et décrets*).

Germany. — 15 July 1928.

Great Britain. — 21 May 1931.

Hungary. — 16 July 1928.

Latvia. — 27 February 1930.

Luxemburg. — 15 July 1928. See also the introductory note.

Rumania. — See the introductory note.

Yugoslavia. — 29 December 1929.

V.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the texts of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, particulars regarding the organisation and working of the system of sickness insurance and where such statistics are available, also information concerning the application of the legislation relating to compulsory sickness insurance, especially on the following points :

(1) *Scope of application :*

Number of workers insured.

(2) *Benefits in cash :*

(a) *total cost of benefits in cash ;*

(b) *average cost of benefits in cash per insured person.*

(3) *Benefits in kind :*

(a) *total cost of benefits in kind ;*

(b) *average cost of benefits in kind per insured person.*

(4) *Financial resources :*

Total amount of financial resources.

Provision of financial resources :

(a) *contributions from the employers ;*

(b) *contributions from the insured persons ;*

(c) *contribution by the public authority.*

Austria. — The report states that the provisions of the national legislation are in complete agreement with those of the Convention. The report contains the following statistics :

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured	1,069,653	254,400
(2) Sickness benefit :		
(a) Total amount of payments for sickness benefit	Schillings 57,874,438	6,918,960
(b) Average amount of payments for sick benefit per insured	53.84	27.20
(3) Benefits in kind :		
(a) Total amount of outgoings for benefits in kind	53,829,568	31,921,497
(b) Average amount of outgoings for benefits in kind per insured	50.32	125.47
(4) Furnishing of resources :		
Total amount of contributions	120,066,954	37,394,987
Share of employers	39,724,938	18,126,391
Share of insured	80,342,016	18,268,596

The report adds that the figures given in the above table appear to prove that the number of exceptions from the liability of insurance has not increased in the two branches of insurance, taking into account the fact that a large number of the persons exempted are covered by the sickness insurance scheme for employees of public services, and consequently receive equivalent benefits in case of sickness. Exact figures of the number of persons exempted are not available, as statistics on this subject do not exist.

Czechoslovakia. — The report states that statistics concerning sickness insurance in 1929-1930 have not yet been drawn up.

Germany. — The report states that the number of insured persons in the sickness insurance funds constituted by the laws of the Reich amounted, in 1930, to 20,285,613. The expenditure of these insurance funds for the same year was as follows :

	Total expenditure	Average expenditure per insured person
Benefit in cash	974,304,500 Rm.	26.75 Rm.
Benefits in kind	542,677,700 Rm.	48.03 Rm.

Benefits paid in case of death amounted, in 1930, to 20,419,000 Rm. representing an average of 1.01 Rm. per insured person. The receipts of the sickness insurance funds amounted to 1,911,901,800 Rm. made up as follows : contributions, 1,847,236,000 Rm., interest on invested capital, 39,106,400 Rm., supplementary

contributions for family benefits 4,106,500 Rm., fees for treatment certificates 6,261,900 Rm. representing an average of 94.25 Rm. per insured person, 91.26 Rm. of which are contributions. These figures do not include those of sickness insurance for seamen. The following are the figures for the free approved insurance funds :

Number of members	1928 1,322,728	
	1929 1,462,337	
	1930 1,571,885	
	Total expenditure	Average expenditure per insured person.
Benefits in cash :	1928 : 30,313,700 Rm.	22.74 Rm.
	1929 : 38,265,300 Rm.	26.17 Rm.
	1930 : 32,488,300 Rm.	20.66 Rm.
Benefits in kind :	1928 : 99,751,800 Rm.	74.85 Rm.
	1929 : 116,070,000 Rm.	79.37 Rm.
	1930 : 124,077,400 Rm.	78.94 Rm.

In 1928, the receipts amounted to 163,100,000 Rm. (160,500,000 of which were contributions), in 1929 to 186,100,000 Rm. (182,700,000 of which were contributions) and in 1930 to 196,900,000 Rm. (192,700,000 of which were contributions), representing, for 1928, an average of 122.40 Rm. per insured person (120.40 Rm. of which were contributions), for 1929, 127.26 Rm. (124.93 Rm. of which were contributions) and for 1930, 125.28 Rm. (122.58 of which were contributions).

Great Britain. — The report states that the National Health Insurance scheme has been in operation in Great Britain since July 1912 and is now generally acceptable to employers and employees. The Central Authority has a staff of inspectors, one of whose functions is to enforce compliance with the National Health Insurance Acts, and it is estimated that evasion of the payment of contributions by employers does not amount to 2 per cent. of the contributions due under the Acts. The Central Authority maintains very amicable relationships with the Approved Societies, the Insurance Committees and the doctors and chemists, through whom medical treatment is provided. In the case of the Approved Societies there is a council, on which the various types of societies are represented, to give advice and assistance to the Central Authority. The report adds that, since the National Health Insurance Acts apply to serving soldiers, sailors and airmen, seamen and sea fishermen, in addition to workers in industry and commerce, domestic servant and agricultural workers, and since the benefits provided in the Acts include disablement and maternity benefits, it is not possible to furnish separate statistical information with reference only to the persons and the benefits covered by the Convention. The statistics given below refer to Great Britain : the figures in brackets refer to Northern Ireland.

1. *Scope of Application :*

(a) Number of workers insured on 31st December 1930	£	£
	17,012,000	(355,000)
(b) Estimated number of workers insured on 30th September 1931	17,150,000	(357,000)

2. *Benefits in Cash :*

	During year ended 31st December 1930	Estimate for period 1st Jan. 1931 to 30th Sept. 1931.
(a) Total cost of Sickness Benefit	£ 11,167,000 (239,800)	£ 8,600,000 (194,600)
(b) Average cost of Sickness Benefit per insured person	13s. 2.6d. (13s. 9.7d.)	10s. 0.8d. (11s. 0.7d.)
(c) Total cost of Disablement benefit	6,319,000 (239,200)	4,600,000 (172,200)
(d) Average cost of Disablement Benefit per insured person	7s. 5.7d. (13s. 9.6d.)	5s. 4.6d. (9s. 9.4d.)

3. *Benefits in kind :*

(a) Total cost of Medical Benefit	£ 10,277,000	£ 7,800,000
(b) Average cost of Medical Benefit per person	12s. 2d. (3s. 1d.)	9s. 1.6d. (9s.)
(c) Total cost of Additional Treatment Benefits provided under the scheme	3,360,000 (45,500)	2,500,000 (36,000)
(d) Average cost of Additional Treatment Benefits per insured person ..	3s. 11.7d. (2s. 7.5d.)	2s. 11.1d. (2s. 0.5d.)

4. *Financial resources :*

(a) Contribution from employers	£ 13,143,000 (217,400)	£ 9,650,000 (181,600)
(b) Contributions from employees	12,895,000 (209,500)	9,450,000 (176,400)
(c) Contribution by Exchequer (including cost of central administration) ..	7,334,000 (181,000)	5,400,000 (139,700)
(d) Interest on accumulated funds and sundry receipts ..	5,954,000 (59,000)	4,450,000 (42,700)

Total Financial Resources.

On 31 December 1930, the total accumulated funds amounted to £126,392,000 (£1,485,000) of which £123,643,000 (£1,446,000) was invested and the remainder was in hand or at the Bank.

Hungary. — The average number of persons insured in 1930 amounted to 983,710, of whom 644,599 were men and 339,111 women. In 1929 the average number of insured persons was 990,776, of whom 649,536 were men and 341,240

women. For 1929, the benefits in cash amounted to 32,096,797 *pengös*, representing an average per insured person of 30.53 *pengös*; the benefits in kind amounted to 41,066,000 *pengös*, representing an average per insured person of 39.06 *pengös*. The receipts of the sickness insurance institutions in 1929 amounted to 92,637,637 *pengös*. Of this figure, contributions amounted to 74,487,595 *pengös*, half of which was contributed by the employed and half by the insured persons. At the end of the year 1929 there was a deficit of 11,776,722 *pengös*. The grant made by the State in 1929 towards the administrative expenditure of the National Institute of Social Insurance amounted to 3,045,004 *pengös*, and the grant towards the administrative expenditure of the Insurance Institution of Salaried Employees to 154,996 *pengös*.

Luxemburg. — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1930 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given: number of workers insured in 1930, 64,467 (21.34 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 10,877,111.60 francs (representing an average of 168.72 francs per insured person); expenditure for medical treatment 8,422,026.73 francs (130.64 francs per insured person); expenditure on pharmaceutical products, etc. 5,595,695.93 francs (86.79 francs per insured person); expenditure for treatment in hospitals 2,734,066.19 francs (42.41 francs per insured person); total receipts 82,246,559.81 francs; receipts from contributions 34,919,877.43 francs (541.67 per insured person); these contributions are paid as to two-thirds by the insured persons and as to one-third by the employers. The administrative expenses amounted to 1,474,448 francs (42.83 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 183,491.49 francs (6.10 francs per insured person) for the industrial funds (not including the salary of the accountant which is paid by the employer).

Rumania. — The Government communicates the following provisional statistics, supplied by the Central Social Insurance Fund, referring to the period 1 January-30 September 1931: Cash benefits, Old Kingdom and Bessarabia: 24,327,591 *lei*; Transylvania 66,697,293 *lei*. Benefits in kind: Old Kingdom and Bessarabia 15,535,446.30 *lei*; Transylvania 40,780,083 *lei*. Employers' contributions: Old Kingdom and Bessarabia: the employers do not contribute towards the insurance; Transylvania: 76,044,979 *lei*—Contributions paid by insured persons: Old Kingdom and Bessarabia: 99,431,375.80 *lei*;

¹ In Northern Ireland the Act allowed a sanatorium benefit up to 30 September 1930. On that date this benefit ceased and was replaced on 1 October 1930 by medical benefit.

Transylvania : 76,044,979 *lei*. Contributions paid by the State : Old Kingdom and Bessarabia 38,690,426 *lei*; Transylvania 9,120,951 *lei*.

Yugoslavia. — The report gives the following figures concerning the application of sickness insurance for the year 1930 : average number of insured persons : 631,181; cash benefits : 122,643,407 *dinars* (194.31 per insured person); benefits in kind : 137,931,061 *dinars* (218.53 per insured person); total resources : 308,548,408 *dinars*; employers' contributions : 155,000,000 *dinars*; contributions from insured persons : 150,000,000 *dinars*.

Convention concerning sickness insurance for agricultural workers.

Article 11 of the Convention provides that it "shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General. Thereafter the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the Secretariat".

The Convention came into force on 15 July 1928. The following table shows the countries in which the Convention had come into force before 1 July 1931 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 January-30 September 1931 or for a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2. 1929	4. 11. 1931
Bulgaria	1. 11. 1930	24. 10. 1931
Czechoslovakia	17. 1. 1929	8. 2. 1932
Germany	23. 1. 1928	7. 11. 1931
Great Britain	20. 2. 1931	11. 1. 1932
Luxemburg	16. 4. 1928	19. 11. 1931

The Government of *Luxemburg* stated, in its report for 1930, that a Bill introducing compulsory insurance for agricultural workers had been submitted to the Chamber of Deputies, and that under § 1 (3) of the Act of 17 December 1925 respecting the Social Insurance Code, agricultural workers and domestic servants regularly employed in the subsidiary undertakings of their employers are compulsorily insured. The report for 1931 indicates that the Bill in question will be put to the vote in the course of the Session which opened on 10 November 1931.

I.

Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

Austria.

Agricultural Workers' Insurance Act of 18 July 1928 (L.S. 1928, Aus. 6) as amended by Act of 18 July 1929 (L.S. 1929, Aus. 6).

Salaried Employees' Insurance Act, 1928, text contained in Order of 22 August 1928 (L.S. 1928, Aus. 4 B).

Bulgaria.

Act of 6 March 1924 respecting social insurance (L.S. 1924, Bulg. 1).

Czechoslovakia.

Acts of 9 October 1924 and 8 November 1928 concerning insurance of employees against sickness, invalidity, and old age (L. S. 1924, Cz. 4 and 1928, Cz. 2).

Germany.

Federal Insurance Code of 19 July 1911 (text as notified 15 December 1924) (L. S. 1924, Ger. 10).

Acts of 22 May 1926 and 15 July 1927, to amend Book II of the Federal Insurance Code (L. S. 1926, Ger. 4, and 1927, Ger. 6).

Decree of 17 November 1913, exempting certain temporary work from the liability to insurance.

Act of 26 July 1930 amending the Insurance Code (L. S. 1930, Ger. 5).

Act of 1 December 1930 amending the Insurance Code (L. S. 1930, Ger. 8).

Great Britain.

National Health Insurance Act of 7 August 1924 (L.S. 1924, G. B. 6).

National Health Insurance Act of 2 July 1926 (L.S. 1926, G. B. 7 B).

National Health Insurance Act of 2 July 1928 (L.S. 1928, G. B. 2).

Widows', Orphans' and Old Age Contributory Pensions Act of 7 August 1925 (L.S. 1925, G. B. 7).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1931.

Luxemburg.

Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1925, Lux. 2).

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied. As far as possible please furnish these particulars within the framework of the questions asked below under each Article.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers, which shall be based on provisions at least equivalent to those contained in this Convention.

See under the Articles which follow.

ARTICLE 2.

The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by agricultural undertakings.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of:

- (a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment;
- (b) Workers whose wages or income exceed an amount to be determined by national laws or regulations;
- (c) Workers who are not paid a money wage;
- (d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;
- (e) Workers below or above age-limits to be determined by national laws or regulations;
- (f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

Please give an analysis of the provisions of the laws and regulations which determine the scope of application of the legislation or systems of legislation concerning compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by agricultural undertakings.

If advantage has been taken of the exceptions provided for in the second paragraph of this Article please indicate:

- (a) the duration of temporary employment, the definition of occasional employment, and the definition of subsidiary employment in respect of which exemptions may have been granted;
- (b) the limit of the wages or income fixed by national laws or regulations for determining the scope of application;
- (c) whether all workers who are not paid a money wage are excluded or only certain categories of such workers;

- (d) the classes of out-workers whose conditions of work are not of a like nature to those of ordinary wage earners;
- (e) the age limits determined by national laws or regulations for admission to insurance;
- (f) the persons who are regarded as being "members of the employer's family" as understood in the national legislation.

If advantage has been taken of the exception provided for in paragraph 3 of this Article, please indicate the categories of persons exempted because of their being entitled in case of sickness to advantages at least equivalent, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of sickness, forwarding the texts of the said laws, regulations or statutes with this report.

Austria. — The liability to insurance under the Agricultural Workers' Insurance Act covers all persons employed by way of trade under a contract of employment, service or apprenticeship in the following undertakings: (a) in agriculture or forestry undertakings, including gardening not carried on for gain; (b) in hunting, fishing or extraction of resin; (c) in undertakings accessory to agriculture and forestry; (d) in co-operative societies, farming associations and other associations of farmers having for their object the promotion of the agricultural and forestry production of their members, and in federations of such co-operative societies and associations, provided such undertakings do not employ on an average more than five workers in the year and are not carried on as industrial undertakings; (e) as domestic servants in the household of an agricultural or forestry employer, provided they are principally employed in the household carried on on an agricultural or forestry property. The following are excluded from liability to insurance: (a) the wife or husband of the employer; (b) persons who even while employed obtain their livelihood principally by an independent occupation or from an interest in land reserved by a notarial act or by an entry in the Land Register, or persons who engage in an employment liable to insurance merely in addition to another occupation not carried on on their own account which is their principal means of livelihood; (c) persons receiving poor relief who engage in an employment liable to insurance only occasionally, and persons who owing to physical or mental infirmity or advanced age are only capable of work to an insignificant extent, provided they earn less than one-third of the usual wages of workers of the same class. Members of a family, as defined in § 3 of the Act, are also excluded from insurance, where they reside with the employer in his household and are employed by way of trade as workers in his agricultural or forestry undertaking, provided that the employer undertakes on the form issued for this purpose by the agricultural sick fund to provide for the care and maintenance of such persons in case

of sickness out of his own moneys. The report adds that apart from the case mentioned under (c) above, the liability to insurance is independent of the amount of wages, and it is also not a condition of the liability to insurance that a person should have attained a certain minimum age or should not exceed a certain maximum age. Sickness insurance of salaried employees in agriculture is regulated by the same provisions as sickness insurance of salaried employees in industry and commerce. See also ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Bulgaria. — The Act of 6 March 1924 respecting social insurance applies to agricultural workers under the same conditions as those stated in the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. (See summary of report on the Convention mentioned above, under ARTICLE 2).

Czechoslovakia. — Sickness insurance applies to workers in agriculture and forestry in the same way as to workers in industry and commerce. Insurance is not compulsory in the case of young persons helping their parents in industrial undertakings without being bound by a real contract of employment. See also under ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — The conditions of the Insurance Code concerning the sickness insurance of workers in industry and commerce also apply, subject to the provisions of §§ 417 to 434, to persons employed in agriculture and in subsidiary agricultural undertakings, defined in §§ 918 to 921 of the Code. As regards the remaining points, see under ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — The report states that the provisions of the National Health Insurance Acts apply to agricultural workers in the same way as to workers in industry and commerce. (c) § (j) of Part II of Schedule I to the National Health Insurance Act of 1924 excepts from compulsory insurance persons engaged in employment in respect of which no wages or other money payment is made, where the employer is the occupier of an agricultural holding and the employed person is employed thereon. See also under ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — Under the Act of 17 December 1925 servants and day-labourers in agriculture who are regularly employed in the subsidiary undertakings of their employers must be insured. See under ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. See also introductory note.

ARTICLE 3.

An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

Cash benefit may be withheld in the following cases :

(a) Where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) As long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds; nevertheless, cash benefit shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities.

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Please indicate the extent of the period during which an insured person is entitled to a cash benefit as fixed by the national legislation, and if this right is made conditional on the insured person having first complied with a qualifying period and on the expiry of the same with a waiting period, please indicate the duration of the qualifying period as well as that of the waiting period.

If national legislation provides for the withholding of the cash benefit, please indicate the cases in which such benefit may be withheld, classifying them in accordance with the reasons indicated in clauses (a), (b), and (c) of paragraph 3.

Austria. — Under § 42 of the Act of 18 July 1928, cash benefit is payable in case of incapacity for work through sickness for more than three days from the fourth day of such incapacity. It is granted for not more than 26 weeks, but if the patient was insured uninterruptedly for 30 weeks before the sickness, then for not more than 52 weeks for the same case of sickness. Under the Act it may be provided by the rules of the carrier of insurance

that pecuniary sick benefit may be paid during the first three days of incapacity for work, provided the patient has no claim during such period for payment of wages under the provisions of labour legislation applicable to him, or the sickness is due to an accident in the course of employment, and that the minimum period for the payment of sick benefit shall be extended to 78 weeks. Sick benefit is not given as long as the insured receives lodging and full maintenance from the employer or receives in cash and kind at least 80 per cent. of his total wages, or during any period of institutional treatment at the expense of the carrier of the insurance. In this latter case, however, the dependants for whose maintenance the insured mainly provided before his illness are, during such treatment but not beyond the expiration of the benefit period, entitled to an amount equal to one-half the pecuniary sick benefit. The carriers of insurance may also withhold payment of the pecuniary sick benefit if the insured person refuses to go to a hospital or if, while in hospital, he fails to observe the regulations of the establishment, and is in consequence expelled therefrom. Sick benefit is not payable in the case of a sickness incurred intentionally. As regards the insurance of salaried employees in agriculture, see under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Bulgaria. — See under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — See under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — The terms of the Insurance Code with regard to pecuniary sick benefit apply to agricultural workers under the same conditions as to workers engaged in industry and commerce. Nevertheless § 420 of the Code provides, as regards agricultural workers, that "on the application of the employer and subject to the lapsing of the right of the insured persons to pecuniary sick benefit, the contributions to the fund may be correspondingly reduced for the duration of the contract of work if it is shown that the following minimum conditions are fulfilled: (1) the contract of work is concluded for over a year, (2) the insured persons receive either grants in kind amounting for the year to 360 times the value of the daily pecuniary sick benefit under the rules or daily remuneration equal to the said pecuniary sick benefit, and (3) that they have a legal right to these grants for the duration of the contract of work. If the insured person is sick and incapable of

work beyond the duration of the contract of work, his right to pecuniary sick benefit shall again become operative." As regards the remaining points see under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — See under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See under ARTICLE 3 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. See also introductory note.

ARTICLE 4.

The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's order or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

Please indicate the date of commencement, duration and the nature of the medical and pharmaceutical benefits to which an insured person is entitled in case of sickness under the first paragraph of this Article.

If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the circumstances in which the insured person may be required to pay a part of the cost of medical benefit.

Austria. — As regards the medical benefit to which workers and salaried employees have a right, the legislation on this question contains provisions similar to those indicated under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Bulgaria. — See under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — See under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — The terms of the Insurance Code regarding medical treatment and the provision of medicaments granted to insured persons apply to agricultural workers under the same conditions as to workers in industry and commerce. See

under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — See under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See under ARTICLE 4 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. See also introductory note.

ARTICLE 5.

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

Please state whether national laws or regulations have authorised or prescribed the grant of medical benefit to members of an insured person's family.

If so, please indicate the conditions under which such benefit is administered.

Austria. — As regards the granting of medical benefit to members of the family of workers and salaried employees in agriculture, the legislation on this question contains provisions similar to those indicated under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Bulgaria. — See under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — See under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — The granting of medical benefit to members of the insured person's family is compulsory under § 205 (b) of the Insurance Code. See under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — See under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See under ARTICLE 5 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. See also introductory note.

ARTICLE 6.

Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

Please indicate the constitution and functions of the self-governing institutions entrusted with the administration of sickness insurance.

Please indicate the constitution and functions of the authorities entrusted with the administrative and financial supervision of such self-governing institutions.

Please indicate the conditions under which the insured persons are enabled to participate in the management of the self-governing insurance institutions, stating in particular the proportion of seats or of votes assigned to them in the organs of these self-governing institutions.

If advantage has been taken of the provisions of the last paragraph of this Article, please indicate the nature of the national conditions which at present render the administration of compulsory sickness insurance by self-governing institutions difficult or impossible or inappropriate.

Austria. — The carriers of sickness insurance of agricultural workers are the so-called agricultural sick funds. There is one such agricultural sick fund for each of the federal provinces. The agricultural sick funds are for the purpose of the uniform and efficient conduct of common business united in a national federation of agricultural sick funds. The agricultural sick funds and their national federation possess legal personality and are independently administered; they are under the supreme supervision of the federal Minister of Social Administration. The administrative bodies of the agricultural sick funds are the general meeting, the governing body and the supervising committee. The general meeting and the governing body consist as to three-fifths of representatives of the insured and as to two-fifths of representatives of their employers, while in the supervising committee the proportion between insured and employers is the reverse.

Bulgaria. — See under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — Sickness insurance is effected either by the agricultural sickness insurance institution in the district in which the insured person is employed or by one of the institutions mentioned

under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. The organisation of sickness insurance institutions in agriculture is in every respect similar to that of other sickness insurance institutions.

Germany. — See under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — See under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See introductory note and also under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

Please indicate the conditions under which the insured persons and their employers must share in providing the financial resources of the sickness insurance system.

Please state whether the national legislation provides for a financial contribution by the competent public authority.

Austria. — The resources necessary for carrying out the insurance are provided exclusively by contributions from the insured and their employers, and no provision is made for a subsidy from public funds. Of the contributions payable, half is borne by the insured and half by the employer. In the case of workers who receive no money wages and insured persons under age occupying the position of apprentices, the employer pays the whole amount of the contribution. As regards the regulations which apply to salaried employees, see under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Bulgaria. — See under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — See under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — See under ARTICLE 7 of the *Convention concerning sickness insurance*

for workers in industry and commerce and domestic servants.

Great Britain. — See under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See introductory note and also under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

ARTICLE 8.

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

Please state whether the national legislation grants to the insured person a right of appeal in case of dispute concerning his right to benefit.

Austria. — In case of dispute concerning a claim to benefit between an insured person and the carriers of insurance, the insured may appeal to an arbitration board established in connection with each of the agricultural sick funds consisting of a legal official of the office of the provincial government as chairman and three representatives each of the insured and their employers. The decision of the arbitration board is final.

Bulgaria. — See under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Czechoslovakia. — See under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Germany. — See under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Great Britain. — See under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

Luxemburg. — See introductory note and also under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

ARTICLE 9.

It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Secretary-General of the League of Nations. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

In Europe, it shall be open only to Finland to avail itself of the exception contained in this Article.

This question does not arise for any of the countries which have supplied a report.

III.

Article 14 of the Convention is as follows :

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

In application of the second paragraph of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, please indicate, in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate, as far as possible, the nature of the conditions which may have led to the decision not to apply the Convention, or to apply it subject to modifications, as provided for in the first paragraph of the same Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

Great Britain. — See under Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

The question does not arise for the other countries which have supplied a report.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

Austria. — 19 May 1929.

Bulgaria. — 31 January 1931.

Czechoslovakia. — 17 April 1929.

Germany. — 15 July 1928.

Great Britain. — 21 May 1931.

Luxemburg. — 15 July 1928. See also introductory note.

V.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

The reports supplied do not mention any such decisions.

* * *

Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, particulars regarding the organisation and working of the system of sickness insurance and where such statistics are available, also information concerning the application of the legislation relating to compulsory sickness insurance, especially on the following points :

(1) *Scope of application :*

Number of workers insured.

(2) *Benefits in cash :*

(a) *total cost of benefits in cash ;*

(b) *average cost of benefits in cash per insured person.*

(3) *Benefits in kind :*

(a) *total cost of benefits in kind ;*

(b) *average cost of benefits in kind per insured person.*

(4) *Financial resources :*

Total amount of financial resources ;

Provision of financial resources :

(a) *contributions from the employers ;*

(b) *contributions from the insured persons ;*

(c) *contribution by the public authority.*

Austria. — The report states that the provisions of the national legislation are completely in accordance with those of the Convention. The report gives the following statistics for the year 1929 on the application of the said legislation :

(1) Number of insured . .	193,185
(2) Benefits in cash :	Schillings.
(a) Total cost of benefits in cash . . .	3,858,648
(b) Average cost of benefits in cash per insured person . .	19.97
(3) Benefits in kind :	
(a) Total cost of benefits in kind . . .	6,023,045
(b) Average cost of benefits in kind per insured person . .	31.18

(4) Financial resources :

Total amount of contributions	12,547,601
(a) Contributions from the employers . . .	6,255,796
(b) Contributions from the insured persons	6,291,805

Germany. — The statistical tables contained in the report do not show the exact number of agricultural workers covered by sickness insurance, since in accordance with the law the general district funds and the rural funds cover all categories of workers without distinction. In 1930 the rural funds alone possessed 1,947,183 members. The activities of these funds

for the same year are shown by the following figures :

	<i>Total expenditure</i>	<i>Average expenditure per insured person</i>
Benefits in cash	14,161,900 Rm.	7.27 Rm.
Benefits in kind	59,707,000 Rm.	30.67 Rm.

The nett receipts amounted to 104,998,500 Reichsmarks (102,803,900 of which were contributions), or an average of 53.92 Rm. per insured person (52.87 of which were contributions).

Great Britain. — See summary of report on the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*. The information supplied there applies equally to agricultural workers.

ELEVENTH SESSION (GENEVA, 1928).

Convention concerning the creation of minimum wage fixing machinery.

Article 7 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General. Thereafter this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered."

The Convention came into force on 14 June 1930. The following table shows the countries which had ratified the Convention unconditionally before 1 October 1930 and which, in accordance with Article 408 of the Treaty of Versailles and Article 7 of the Convention, were called upon to submit reports for the period 1 January-30 September 1931 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
China	3. 5. 1930	
France	18. 9. 1930	6. 2. 1932
Germany	30. 5. 1929	7.11. 1931
Great Britain . . .	14. 6. 1929	9.11. 1931
Irish Free State . .	3. 6. 1930	6.11. 1931
Italy	9. 9. 1930	9.12. 1931
Spain	8. 4. 1930	30.11. 1931

The *Chinese* Government, by letter dated 24 December 1931, states that it has already taken action for applying the Convention, the Executive *Yuan* having drafted a regulation and submitted it to the Legislative *Yuan* for approval. It is expected that this regulation will shortly be put into force, but until it is enforced the Chinese Government feels it impossible to furnish an annual report.

The report of the *Spanish* Government states that the provisions of the Royal Legislative Decree of 26 November 1926

which empower joint committees to determine wages, are in the main in harmony with the Convention, but in order to ensure the application of the Convention legislation is in preparation to give it the full force of law.

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Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Where the national law is not fully in harmony with the provisions of the Convention, please indicate whether the ratification of the Convention has itself had any actual legal effect, and in particular (a) whether, and to what extent, the mere act of ratification is considered as having modified previously existing legislation, and (b) by what means observance of the Convention's provisions can be enforced.

France.

Code of Labour and Social Welfare, Book I, §§ 33 to 33m (L. S. 1928, Fr. 11).

Decrees of 10 August 1922 (L. S. 1922, Fr. 1) and 30 July 1926 (L. S. 1926, Fr. 8) issuing public administrative regulations under § 33m of Book I of the Labour Code.

Decree of 24 September 1915, amended by Decrees of 24 September 1919 and 10 April 1929, for the application of certain provisions of the above-mentioned §§ of the Labour Code.

Order of 3 November 1915 issued under the preceding Decree to establish the rules of the Central Board.

Decree of 31 January 1921 for the reorganisation of the Superior Labour Council, amended by Decrees of 13 November 1922, 9 June and 14 October 1924, 4 May 1927 and 20 November 1930.

Germany.

Act of 10 May 1929 respecting the International Convention concerning the creation of minimum wage fixing machinery.

Proclamation of 9 December 1929 respecting the Geneva Convention concerning the creation of minimum wage fixing machinery.

Home Work Act of 27 June 1923. (L. S. 1923, Ger. 4.)

Order of 28 November 1924 respecting trade committees for home work. (L. S. 1924, Ger. 9.)

Order of 6 October 1928 concerning wages lists and wages books in home work. (L.S. 1928, Ger. 6.)

Various Orders issued under the Home Work Act.

Great Britain.

Trade Boards Act, 1909. (B. B. Vol. V, 1910, p. 23.)

Trade Boards Provisional Orders Confirmation Act, 1913.

Trade Boards Act, 1918.

Trade Boards Act (Northern Ireland), 1923. (L.S., 1923. G. B. 3.)

Various Regulations and Orders issued under the Acts.

Irish Free State.

Trade Boards Act, 1909. (B. B. Vol. V, 1910, p. 23.)

Trade Boards Act, 1918.

Italy.

Labour Charter of 21 April 1927 (L. S. 1927, It. 3).

Act No. 563 of 3 April 1926 concerning the legal regulation of collective relations in connection with employment (L. S. 1926, It. 2).

Royal Decree No. 1130 of 1 July 1926, issuing rules for the administration of the above Act (L. S. 1926, It. 5).

Royal Decree No. 471 of 26 February 1928, issuing regulations for the settlement of individual disputes arising out of employment (L. S. 1928, It. 1).

Royal Decree No. 1251 of 6 May 1928, to issue rules for the filing and publication of collective contracts of employment (L. S. 1928, It. 3).

Act No. 877 of 26 April 1930, conferring force of law on the Convention.

Spain.

Royal Legislative Decree of 26 November 1926, to provide for the national corporative organisation of industry (L. S. 1926, Sp. 6).

II.

Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

For the purpose of this Convention the term "trades" includes manufacture and commerce.

France. — § 33 of Book I of the Labour Code lays down that the provisions concerning the fixing of the wages of home workers shall apply to male and female workers engaged in home work in those occupations connected with the clothing industry which are definitely specified under the Act. § 33 *m* provides, however, that under certain conditions, and in accordance with public administrative regulations, the provisions of the Act may be made applicable to male or female home workers belonging to other industries. In application of this provision the scope of the Act was extended, by Decree of 10 August 1922, to subsidiary branches of the clothing industry, and by Decree of 30 July 1926 to home work in certain other branches of industry.

Germany. — The report states that minimum wage fixing machinery within the meaning of the Convention (i.e., not in the sense of some form of compulsory conciliation machinery) is limited to home work, and the German Government has no intention of extending such machinery to other trades for which the existing statutory rate fixing and conciliation machinery has proved fully adequate. § 20 (3) of the Home Work Act provides that if the home workers within the district of a trade committee are obviously paid inadequate wages, and it has proved impossible to arrive at an agreement for the payment of sufficient wages, the committee shall declare the provisions of a collective contract respecting wages to be generally enforceable, or fix minimum wages for home workers. "Inadequate wages" are defined as meaning "remuneration which is such that home workers in certain branches cannot attain the wages customary in the locality by working normal hours, although of full working capacity and skill, or which is lower than the wages paid for the same work in other districts with similar economic conditions or the wages paid in factories and workshops in the same district for similar work".

Great Britain. — Under § 1 (2) of the Trade Boards Act, 1918, the Minister of Labour may make a special Order applying the statutory minimum wage fixing machinery to any specified trade if he is of opinion that no adequate machinery exists for the effective regulation of wages throughout the trade, and that accordingly, having regard to the rates of wages prevailing in the trade, or any part of the trade, it is expedient that such a step should be taken.

Irish Free State. — Effect is given to this Article by § 1 of the Trade Boards Act, 1918. (This section is summarised under the heading "Great Britain" above.)

Italy. — The system adopted in Italian legislation ensures to all workers wages commensurate with the normal requirements of life and at the same time adapted to the possibilities of production and the efficiency of labour, by providing for the conclusion, by the trade associations concerned, of collective labour agreements binding upon all parties or, failing agreement, by judicial decision after proceedings in the Labour Courts. The system therefore includes and goes beyond the limited scope of the Convention.

Spain. — See introductory note.

ARTICLE 2.

Each Member which ratifies this Convention shall be free to decide, after consultation with the organisations, if any, of workers and employers in the trade or part of trade concerned, in which trades or parts of trades, and in particular in which home working trades or parts of such trades, the minimum wage fixing machinery referred to in Article 1 shall be applied.

In addition, in application of this Article, please indicate what method was adopted to consult the organisations of workers and employers.

France. — § 33 *m* of Book I of the Labour Code lays down that the provisions concerning the fixing of the wages of home workers may, after consultation with the Superior Labour Council, be made applicable to all home work. The report states that requests for the extension of the scope of the Act to any given industry are examined by the Ministry of Labour, the labour inspection services and the employers' and workers' organisations concerned. The results of this examination are then submitted to the Superior Labour Council. This Council is composed of 78 members, of which 64, representing industrial and commercial undertakings in general, are chosen, half by the employers and half by the workers and employees, under conditions fixed by the Decree of 31 January 1921.

Germany. — Trade committees for home work (one of whose statutory duties consists in the fixing of minimum wage rates) are in most cases set up at the request of an economic association of workers. In certain cases, however, such a request has been made by an economic association of employers, or the competent authorities have taken the initiative where the factory inspection authorities have reported unsatisfactory conditions in the home working trade concerned. § 19 of the Home Work Act lays down that the Federal Minister of Labour, before deciding to set up a committee, must have consulted the economic associations and official trade representatives of employers and employees.

The supreme State authority or the authority to whom such a task is delegated by it (usually the authority for an intermediate administrative district) then usually convenes all the economic associations of employers and workers concerned to an oral discussion, at which the desirability of setting up a trade committee is discussed. Further, oral or written opinions are taken from the competent Chambers of Commerce and Chambers of Handicrafts, and in many cases also from the authorities concerned in social administration and other competent persons or bodies.

Great Britain. — In accordance with the schedule to the Trade Boards Act, 1918, before a special Order is made applying the minimum wage fixing machinery laid down in the Trade Boards Acts to a fresh trade or extending the scope of an existing trade board, notice of intention to make the Order must be published. Before such a notice of intention is issued, the views of all organisations of employers and workpeople concerned are obtained. The schedule further provides for the receipt of objections to any such proposal and for the holding of a public enquiry regarding objections made. Organisations of employers and workpeople are entitled to express their views at such a public enquiry. The Northern Ireland Act provides for the application of the Act in Northern Ireland to any specified trade by the making of a provisional Order which cannot have effect until confirmed by Parliament, and pending such confirmation the Order may be opposed by means of petition and general procedure as in the case of local Bills.

Irish Free State. — It is the practice to consult representatives of workers and employers in trades to which the Acts may be applied when considering (a) whether the conditions obtaining therein are such as to render the application of the Acts desirable and (b) the precise terms of the definition of the trade to be used for the purpose of such application. The First Schedule to the Act of 1918 provides for formal publication of notice of intention to apply the Acts before definite application of the Acts takes place. The method of consultation is by conference with representatives of workers or employers or of both at various stages up to the final establishment of the Trade Boards in question.

Italy. — Since the Italian system embraces all workers and all branches of economic activity, Italy cannot avail herself of the right allowed under this Article.

Spain. — See introductory note.

ARTICLE 3.

Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation :

Provided that

(1) Before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult ;

(2) The employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations ;

(3) Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not be subject to abatement by them by individual agreement, nor, except with the general or particular authorisation of the competent authority, by collective agreement.

In addition, please give full information with regard to the nature and form of the minimum wage fixing machinery which has been adopted in your country as well as the methods followed in its operation in accordance with the provisions of this Article, indicating the method which was employed for consulting the interested parties under clause 1 and the means by which the employers and workers associated are associated with the operation of the machinery under clause 2.

Please also indicate whether advantage has been taken of the exception provided for in clause 3 in the case of collective agreement (abatement of the minimum rates of wages with the general or particular authorisation of the competent authority).

France. — The minimum wage rates (by the hour or by the day) are fixed by the labour councils, or, in default of such councils, by a special wages committee set up in the chief town of each department. The report states that since no labour councils exist, these rates are fixed throughout the country by the departmental wages committees. Further, in default of a labour council, trade assessment committees draw up *ex officio*, or on the instructions of the Government, the probiviral courts or the trade associations concerned, a schedule of the time necessary for the production of goods in large quantities for the various articles and for the various classes of female workers in the occupations and districts to which their authority extends. § 33 *f* of Book I of the Labour Code lays down that the wages committee shall be composed of two to four male or female workers and the same number of employers belonging to the industries concerned. § 33 *g* provides that each trade assessment committee shall include two employers (men or women), two male or two female workers, or one male and one female worker, according to the nature of the industry. § 33 *h* lays down that the Central Board sitting at the Ministry of Labour, which gives the final decision in cases where objections have been raised to the

decisions of the wages committees or the trade assessment committees, shall include two members (one employer and one worker) of the departmental committee whose decision is opposed, two members (employer and worker) of the Superior Labour Council representing the trade in question, and two members of a probiviral court (one employer and one worker), elected for three years by probiviral courts acting together. The report adds that as, under French law, the obligation to pay minimum wages is a matter of public interest (§ 33 *n*), this obligation cannot be avoided by either individual or collective agreements. Once fixed, the minimum wage rates can only be decreased in accordance with the procedure adopted for fixing them.

Germany. — The preliminary consultations described above under ARTICLE 2 make it clear which organisations of employers and workers should be associated in the work of the trade committee. Such organisations are asked by the central State authorities to send in lists of nominations for membership of the committee. On the basis of these lists the State authority appoints equal numbers of representatives of the employers and workers concerned, with due regard for the claims to representation of the various existing organisations. The representatives of the employers must either be persons who have been engaged as such for not less than six months in one of the industries concerned, and who as a rule employ home workers or give out home work, or else officials of employers' organisations. The representatives of the home workers must be home workers who have been employed for not less than six months in one of the industries concerned, or else officials of the home workers' economic organisations. The number of officials of economic associations on each side may not exceed one half of the total number of representatives on that side. If women home workers are employed in large numbers, they must be represented adequately on the home workers' side of the committee. The supreme State authority also appoints a chairman and two assessors, who together form the impartial element of the trade committee. All members of the committee other than the chairman are appointed for four years. Most of the work of the trade committees is done in plenary sittings, but sections for special trade branches or sub-committees for dealing with specific questions may be appointed. Proceedings for the fixing of minimum wage rates may be initiated by the committee on its own authority or on the application of one of the economic associations of employers or workers concerned. The regulation of minimum wages by the committee may take the form either of the ratification of a collective agreement

between the parties, which thereupon becomes generally binding throughout the district covered by the trade committee, or of an Order fixing minimum rates. The Act lays down that the former method is to be preferred. Piece rates are to be agreed upon or fixed whenever possible; where this is impossible for technical reasons, time rates based on the calculation of the piece work prices for each particular case are to be agreed upon or fixed. Rates once approved or fixed by the committee can only be reduced by the committee itself.

Great Britain. — The work of fixing minimum rates of wages is entrusted for each trade concerned to a joint trade board composed of equal numbers of representatives of employers and workers in that trade together with three independent persons known as "appointed members", one of whom acts as chairman. (In Northern Ireland only one independent person—who is both "appointed member" and chairman—sits on a trade board). Women are eligible for appointment as representative members, and in the case of trade boards for trades in which women are largely employed it is necessary for at least one of the appointed members to be a woman. The Acts require that home workers shall be directly represented on any trade board for a trade in which a considerable proportion of such workers is employed. When a trade board is constituted, the representative members are selected with a view to giving representation as far as possible to the various sections or branches of the trade, the main classes and grades of employers and workers concerned, and the principal districts or centres in which the trade is carried on. All appointments are personal appointments made by the Minister of Labour. No seats are allocated for the purpose of giving representation to associations of employers and workers as such, but the report states that it is the practice to appoint candidates suggested by such associations in so far as they satisfy the above-mentioned requirements. Failing a sufficient number of suitable nominations from this source, candidates are obtained as a result of local enquiries made by officers of the Ministry of Labour. The regulations for a trade board now usually provide that the term of office of a member shall be not longer than two years (three years in Northern Ireland). The trade boards are authorised to establish district trade committees with advisory functions, consisting of representatives of local employers and local workers together with representative members of the board concerned and one or more appointed members to recommend suitable wage rates for their respective areas to the board, etc. Only six boards in Great Britain and three in Northern Ireland have established such

committees. It is the duty of the trade board, after giving notice of its proposals, to fix a minimum rate or minimum rates of wages. A trade board is *bound* to fix a minimum rate or rates for time workers (known as general minimum time rates), and *may* also fix minimum piece rates, guaranteed time rates for the purpose of maintaining the earnings of piece workers, piece work basis time rates, or overtime rates. When a trade board proposes to fix or vary a minimum rate, it is required to issue notice of such proposal and to consider any objections thereto which may be lodged with the trade board within two months of the date of the notice of proposal. The trade board is supplied by the Ministry of Labour with a list of employers in the trade compiled from all available sources. Every employer on the list receives from the trade board by post one or more copies of a poster setting out the board's proposals for fixing, varying, or cancelling a rate, and stating that objections can be lodged with the board by employers or workers within two months. Notice of such proposals must also be given in the *London Gazette*, and, in the case of proposals affecting Scotland, in the *Edinburgh Gazette*. Every employer must exhibit a copy of the notice in his works or place of business or in the place where work is given out, so that work-people may see the board's proposals. When a board has fixed, varied, or cancelled a rate, it must submit its decision to the Minister, who is required by the Acts either to make an Order confirming the rate or to refer the rate back for reconsideration. A rate that has been fixed and confirmed is legally binding on all employers who carry on the work to which the rate applies. Every employer in the trade is informed of the decision by means of a notice which is posted to him giving particulars of the new or revised rates, and must exhibit the notice in his factory or workshop or in the place where work is given out. Under § 6 (1) of the Act of 1909 as amended by § 5 (4) of the Act of 1918 (§ 15 of the Northern Ireland Act), an employer is required to pay wages at not less than the minimum to any worker, other than an injured or infirm worker, who performs any work for which a minimum rate is in force. Agreements to accept less than the minimum are void. Advantage has not been taken of the exception provided in this Article of the Convention. (In Northern Ireland trade boards are *bound* to fix general minimum time rates and where piece workers are employed piece work basis time rates. They *may* fix general minimum piece rates for in-workers and out-workers and general overtime rates. The objection period is fourteen days in case of variation or cancellation of rates and one month in the case of fixing new rates. Notices of proposals are published in the *Belfast*

Gazette, and rates are confirmed by the Ministry of Labour in Northern Ireland.)

Irish Free State. — The machinery is provided by means of Trade Boards which consist of an equal number of employers and of workers with a limited number of independent (appointed) members. Minimum rates of wages are fixed by these Boards in accordance with the Acts and when confirmed by the Minister for Industry and Commerce are statutorily enforceable. § 6 (5) of the 1909 Act provides that any agreement for the payment of wages below these minimum rates is void. The constitution and proceedings of the Trade Boards are governed by regulations made under the Acts. (For more detailed information, reference may be made to the summary given above under the heading "Great Britain", the practice in general being similar in the two countries.)

Italy. — Associations of employers and workers enjoy complete legal equality and have full and effective liberty of action in the conclusion and enforcement of collective labour agreements and in instituting proceedings in the Labour Courts. The wages fixed by collective agreements or by decision of the Labour Courts are binding upon all workers in the class concerned and can be enforced by proceedings before the competent judicial authorities in accordance with Royal Decree No. 471. There can be no abatement without the authorisation of the competent bodies and the protecting authority.

Spain. — See introductory note.

ARTICLE 5.

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the 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.

If existing statistics permit, please indicate separately, in the statement required by this Article, the number of men and women as well as of adults and young persons covered by the minimum wage fixing machinery and the minimum rates of wages fixed for these different categories of workers.

France. — French legislation determining the methods of fixing the minimum wage is at present applicable to male and female home workers in the following industries :

(1) under § 33 of Book I of the Labour Code : manufacture of clothes, hats, footwear, underclothes of every kind, embroidery, lace, feathers, artificial flowers, and all other work included in the clothing industry ;

(2) under the Decree of 10 August 1922 : home work subsidiary to the clothing industry, such as the making of braces, suspenders, ties, belts, etc., and likewise dressmaking, the making of underclothes, embroidery of all kinds on all sorts of materials, and work on lace, feathers and artificial flowers, whether such work is for purposes of clothing or not ; knitting of hosiery or parts thereof, manufacture of rosaries, neck chains (*sautoirs*), crosses, medals, jewellery, umbrellas and the like, and wigs, manufacture and repairing of handmade tapestry, bead and spangle work on stuffs of all kinds (flowers, leaves, foliage, hat shapes, necklets, trimmings, bags, chenille work, fringes for scarves, carpets and upholstery, hair nets);

(3) under the Decree of 30 July 1926 : manufacture of note-paper, paper envelopes, paper bags, paper tubes, books of cigarette paper ; paper pleating ; paper punching ; manufacture of cardboard boxes and tubes and other cardboard goods of all kinds, paper and cardboard cotillon favours ; manufacture of labels, lampshades, fans, Chinese lanterns ; publicity work (address writers, copyists, folders) ; colouring and illuminating of pictures and cards ; touching up and tinting of photographic negatives of proofs and of films ; wrapping of food products and confectionery ; assembling of boxes made of thin wood (especially cheese boxes) ; basket-making, wicker flask casing making, chair caning and chair bottoming with straw ; case making ; making of fancy leather goods ; bristle work, brushmaking (including the fashioning and polishing of brush backs) ; brooms, manufacture of paint brushes ; sorting, finishing and carding of buttons ; burnishing of precious metals and of silvered and gilt ordinary metals.

As regards the minimum wage rates fixed under the Act, the report states that these are published in the *Recueil des Actes administratifs* of the departments concerned. As regards the approximate number of home workers covered by these regulations, the report supplies the following statistics, which have been drawn up by the labour inspection service for the year 1929 :

Industries	Number of workers	Number of undertaking
Clothes	53,809	3,895
Hats	5,446	486
Footwear	12,807	745
Underclothes of every kind	32,711	1,642
Embroidery	25,029	1,077
Lace	3,183	206
Feathers	264	28
Artificial flowers	1,961	160
Work subsidiary to the clothing industry	7,407	210
Dressmaking	730	19
Knitting	2,496	198
Machine Knitting	751	7
Rosaries	1,083	19
Jewellery	445	6
Umbrellas	842	53
Wigs	60	11
Tapestry	58	9
Bead work	1,781	104
Manufacture of paper and cardboard goods	3,369	165
Wrapping of food products and confectionery	36	2
Assembling of boxes made of thin wood . . .	316	12
Basket making, straw and rush work	1,189	59
Case making and making of fancy leather goods .	264	24
Bristle work and brush-making	959	62
Sorting, finishing and carding of buttons . .	267	19
Burnishing of precious metals	39	3
Total	157,302	9,221

Germany. — An official list published in the *Reichsarbeitsblatt* at the end of 1929 shows that on 1 November 1929 there was one general Trade Committee for the whole of Germany (covering the public holiday and carnival articles industry), and 56 trade committees distributed as follows over the various States: Prussia 25, Bavaria 9, Saxony 9, Wurtemberg 4, Baden 5, Thuringia 2, Hamburg 1, Brunswick 1. The distribution of the various committees by trades was as follows: various branches of the clothing industry 27, textile industry 10, paper-transformation industry 5, toy industry 2, metal industry (especially small ironmongery) 2, jewellery, etc., 2, glass, basket, passementerie, straw hat sewing and trimming, artificial flowers, woodcarving, etc., shrimp-shelling, art and feminine handicrafts industries, 1 each. The report states that there are now 57 local trade committees and that both the general committee and the great majority of the local committees have dealt with the regulation of minimum wages. The fact that certain committees have not dealt with the regulation of minimum wages is attributable largely to the fact that in the cases concerned home workers are covered by the existing wage agreements for industrial workers in general. The report for 1930 supplied estimates for the numbers of workers covered by the trade committees in certain districts, based mainly on information supplied by the chairmen of the committees. The figures for Saxony were based on the census of home workers carried out annually on 1 August. The report pointed out that, owing to the considerable fluctuations in the numbers of workers engaged in home work as well as to other causes, the estimates must be accepted with considerable reserve.

Prussia:

Berlin and the Province of Brandenburg	7,900
Province of Pomerania	1,840
Provinces of Upper and Lower Silesia	5,850
Central Germany (Province of Saxony, parts of Thuringia, Free State of Anhalt)	7,600
Parts of the Province of Schleswig-Holstein	1,100
Parts of the Provinces of Hanover and Westphalia; Free State of Lippe . .	2,200
Parts of the Province of Hesse-Nassau	1,250

Bavaria 10,400

Saxony: The census of 1 August 1929 showed 83,061 home workers, of whom 72,687 (including 68,942 women) were covered by the minimum wage Orders issued by the trade committees.

Wurtemberg 5,400

Thuringia 4,600 workplaces where home work is carried on, frequently by more than one person.

With regard to the minimum wages fixed, the report pointed out that the Home Work Act prescribes that so far as possible pieces rates shall be fixed, and added that this fact makes comparisons difficult. The Government was therefore only able to supply figures for cases in which hourly rates had been approved or fixed. The hourly rates for the various branches of the clothing trade varied between 30 and 79 pfennigs, the most frequent rate being from 50 to 55 pfennigs. (The variations were attributable to differences in the kind of needlework performed and to differences of locality). As regards sewing work, the lowest rates were paid for the sewing of aprons and simple light clothing. Medium wages were paid for men's light clothing and the better kinds of women's and children's light clothing and underwear. The highest rates were paid for men's and boys' ready-made clothing. Hourly rates of from 75 to 79 pfennigs had been fixed for ironing in the men's and boys' ready-made clothing trade. In Wurtemberg hourly rates of from 51 to 57 pfennigs had been fixed for machine knitting, etc., i.e. the same rates as were paid in the factories. The general trade committee for the public holiday and carnival articles industry had fixed hourly rates of 20, 30 and 45 pfennigs, according to the quality of the work. The most unfavourable conditions were found in the so-called feminine handicraft trades, such as lacemaking, crocheting, knitting, etc. The number of persons ready to perform such work is always large, and changes in fashion and also, in many cases, the competition of countries where work is less well paid had a lowering effect on wages. The report stated that owing to these circumstances the trade committees had been obliged to fix minimum hourly rates lower than was usual in other trades, in order to prevent the loss of trade to other countries and consequent unemployment for home workers. The report added that conditions were more favourable in cases where home workers were covered by the same collective agreements as factory workers. The report for the period ending 30 September 1931 states that the above information is still substantially correct. It also states that the compilation of so far as possible uniform and regular reports by the trade committees is being prepared for the future.

Great Britain. — The report supplies the following lists of Trade Boards together with the estimated total number of workers covered by the respective Boards and the general minimum time rates fixed by the Boards and in operation at 1 December 1930 for the lowest grades of experienced adult workers.

Great Britain

Trade	Estimated total number of workers under the Board	Female workers	Male workers
		per hour	per hour
		d.	s. d.
Aerated Waters (E. & W.)	12,000	7	1. 1
Aerated Waters (Scotland)		5 $\frac{1}{2}$	— 11 $\frac{1}{2}$
(1) Orkney and Shetlands		6 $\frac{1}{2}$	1. 0 $\frac{1}{2}$
(2) Rest of Scotland	5,000	7 $\frac{1}{2}$	1. 1 $\frac{1}{2}$
Boot and Floor Polish		10 $\frac{1}{4}$ (a)	1. 2 $\frac{1}{4}$
Boot and Shoe Repairing	40,000	6 $\frac{1}{4}$ (a)	— 16 $\frac{1}{2}$
* Brush and Broom	12,500	6 $\frac{1}{2}$	1. 1 $\frac{1}{2}$
* Button Manufacturing	5,000	5 $\frac{3}{10}$	1. 1
* Chain Making (l)	5,000	6 $\frac{3}{4}$ $\frac{1}{47}$ (a)	1. 1 $\frac{12}{47}$
Coffin Furniture and Cerement Making	1,000	7 $\frac{1}{4}$ (b)	—
Corset	15,000	7	1. 1 (d)
Cotton Waste Reclamation	5,000	6 $\frac{1}{2}$	— 11
(1) England and Wales		6 $\frac{1}{4}$	— 11
(2) Scotland			
* Dressmaking and Women's Light Clothing (E. and W.)	150,000	6 $\frac{1}{2}$, 7, 7 $\frac{1}{2}$ (c)	1. — (d)
(1) Retail Bespoke Section		7	1. — (d)
(2) Other Sections			
* Dressmaking and Women's Light Clothing (Scotland)		7, 7 $\frac{1}{2}$ (c)	1. 2 (d)
(1) Retail Branch		6 $\frac{1}{2}$	1. 2 (d)
(2) Other Branches			
Drift Nets Mending	2,000	6 $\frac{1}{4}$ (e)	—
Flax and Hemp	15,000	6	— 10 $\frac{23}{48}$
Fur	12,000	7 $\frac{1}{2}$ (k)	1. 1
General Waste Materials Reclamation	20,000	6	— 10 $\frac{1}{2}$
Hair, Bass and Fibre	2,500	6 $\frac{3}{4}$	— 11 $\frac{1}{4}$
Hat, Cap and Millinery (England and Wales)	60,000	7	1. 1 (d)
Hat, Cap and Millinery (Scotland)			
(1) Wholesale Cloth Hat and Cap Branch		7 $\frac{1}{2}$	1. 2 (d)
(2) Other Branches		7, 7 $\frac{1}{2}$ (c)	1. 2 (d)
Hollow-ware	10,000	6 $\frac{3}{4}$	— 11 $\frac{1}{2}$
Jute	25,000	6	— 9 $\frac{3}{8}$
Keg and Drum	2,500	6 $\frac{5}{8}$	— 11 $\frac{1}{4}$
* Lace Finishing (l)	5,000	6 $\frac{1}{4}$	—
Laundry	120,000		
(1) Cornwall and North Scotland		6 $\frac{1}{4}$	1. 1 $\frac{1}{2}$
(2) Rest of Great Britain		7	1. 1 $\frac{1}{2}$
Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods	10,000	6 $\frac{1}{2}$	—
Made-up Textiles	5,000	6 $\frac{1}{4}$	— 10 $\frac{3}{4}$
Milk Distributive :	120,000	6 $\frac{3}{4}$, 7 $\frac{1}{2}$, 8 $\frac{5}{8}$	— 10 $\frac{1}{2}$
England and Wales		(a) and (c)	1.1, 1.2 (c)
Scotland		6 $\frac{1}{8}$ (a)	11 $\frac{3}{8}$
Ostrich and Fancy Feather and Artificial Flower	7,000	7	1. — (d)
Paper Bag	12,000	7 $\frac{1}{4}$	1. 1 $\frac{1}{8}$
* Paper Box	40,000	7 $\frac{3}{8}$	1. — $\frac{1}{4}$
Perambulator and Invalid Carriage	7,000	6 $\frac{3}{4}$ (a)	— 11 $\frac{1}{2}$
Pin, Hook and Eye and Snap Fastener	2,000	6 $\frac{1}{2}$ (a)	— 10 $\frac{3}{4}$
* Readymade and Wholesale Bespoke Tailoring	65,000	7	— 11 $\frac{3}{4}$ (d)
* Retail Bespoke Tailoring (E. and W. and Scotland)			
England and Wales :			
London Area		8 to 10 (f) (i)	1.1 to 1.4 (f) (j)
Eastern Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.1 to 1.3 (f) (j)
South Eastern Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.0 to 1.3 (f) (j)
Central Southern Area		8 to 9 (f) (i)	1.1 to 1.4 (f) (j)
South Western Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.0 to 1.3 (f) (j)
North Midland Area		8 $\frac{1}{4}$ to 9 $\frac{1}{2}$ (f) (i)	1.1 to 1.4 (f) (j)
Central Midland Area		7 $\frac{1}{2}$ to 10 (f) (i)	1.0 to 1.4 (f) (j)
South Midland Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.1 to 1.4 (f) (j)
Northern Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.0 to 1.3 (f) (j)
Yorkshire Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.0 to 1.4 (f) (j)
East Lancashire Area		9 $\frac{1}{2}$ to 9 $\frac{3}{4}$ (f) (i)	1.2 $\frac{1}{2}$ to 1.4 $\frac{1}{2}$ (f) (j)
West Lancashire Area		9 $\frac{1}{2}$ (i)	1.1 to 1.3 (j) (i)
North Wales Area		9 to 9 $\frac{1}{2}$ (f) (i)	1.1 to 1.3 (f) (j)
South Wales Area		8 to 9 $\frac{1}{2}$ (f) (i)	1.0 to 1.3 (f) (j)
Scotland :		7, 7 $\frac{1}{2}$ (f) and (g)	11, 1/- (f) and (h)
Rope, Twine and Net	15,000	6 $\frac{1}{2}$	10 $\frac{1}{2}$

* See note at foot of table on following page.

Trade	Estimated total number of workers under the Board	Female workers	Male workers
		per hour	per hour
		d.	s. d.
Sack and Bag	5,000	6 $\frac{1}{2}$	11 $\frac{1}{2}$
* Shirtmaking	60,000	7	1. 2 (d)
Stamped or Pressed Metal Wares	15,000	6 $\frac{1}{2}$	— 11
Sugar Confectionery and Food Preserving	90,000	6 $\frac{3}{4}$	1. — (b)
Tin Box	17,000	7 $\frac{1}{4}$	1. 1
Tobacco	45,000	9 $\frac{5}{8}$ (a)	1. 3 $\frac{3}{8}$
* Toy Manufacturing	10,000	6 $\frac{3}{4}$ (a)	1. — $\frac{1}{2}$
Wholesale Mantle and Costume	200,000	7	11 $\frac{1}{2}$ (d)

(a) At 21 years of age.

(b) At 24 years of age.

(c) According to population.

(d) At 22 years of age.

(e) On completion of 2 years' employment in the trade.

(f) Dependent on Area as graded by the Trade Board.

(g) With not less than 4 years' employment after the age of 14.

(h) With not less than 5 years' employment after the age of 14.

(i) After seven years' employment in the trade.

(j) After eight years' employment in the trade.

(k) At 19 years of age.

(l) The minimum rates in the Chain trade and the Lace Finishing Trade are not fixed by reference to sex. The rates shown in the columns "Female Workers" and "Male Workers" are respectively those applicable to work wholly or mainly performed by women and wholly or mainly performed by men.

* Trades marked with an asterisk provide employment for an appreciable number of home workers.

Northern Ireland

Trade	Estimated total number of workers under the Board	Female Workers	Male Workers
		per hour	per hour
		d.	s. d.
Aerated Waters	457	6	1. 0 (e)
Boot and Shoe Repairing	760		
(1) Belfast and Londonderry		9 $\frac{7}{8}$ (c)	1. 2 $\frac{1}{4}$
(2) Other Areas		9 $\frac{1}{4}$ (c)	1. 1 $\frac{1}{4}$
Brush and Broom	77	7 $\frac{1}{4}$ (c)	1. 0
* Dressmaking etc.			
Factory Branch	3,443	6	11 (d)
Retail Branch	867		
Belfast and Londonderry		7	—
Other areas		5, 5 $\frac{1}{2}$ A	—
General Waste Materials	260	5 $\frac{5}{47}$ (b)	— 10 $\frac{31}{47}$ (d)
Hat, Cap and Millinery	264		
Factory Branch		7	
Retail Branch:			
Belfast and Londonderry		6 $\frac{3}{4}$	1. 0 $\frac{1}{2}$ (d)
Other areas		6 $\frac{1}{4}$	
Laundry	1,076	6 $\frac{1}{2}$ (b) B	—
* Linen and Cotton Embroidery	11,286	3 $\frac{1}{2}$ to 5 $\frac{1}{2}$ D	—
Linen and Cotton Handkerchief, etc.	16,431		
Belfast and districts not more than 30 miles by rail from Belfast		6	9 $\frac{3}{4}$ E 7 $\frac{3}{4}$
Other Areas			9 E 7 $\frac{1}{4}$
Milk Distributive	450	6 $\frac{5}{16}$, 7 $\frac{3}{4}$, 8 $\frac{9}{16}$ A (a)	9 $\frac{9}{16}$, 11 $\frac{11}{16}$, 12 $\frac{3}{4}$ A (a)
Paper Box	909	6 $\frac{1}{2}$	8 C, 9 $\frac{3}{4}$
Readymade & Wholesale Bespoke Tailoring	3,276	5 $\frac{3}{4}$	10 $\frac{1}{4}$ (d)
* Retail Bespoke Tailoring:	1,807		
Belfast and Londonderry		6 $\frac{1}{2}$	1. 0 $\frac{5}{8}$ (d)
Other Areas		5 $\frac{3}{4}$	1. 0 $\frac{1}{8}$ (d)
Rope, Twine and Net:	1,716		
Belfast		4 $\frac{3}{4}$	8 $\frac{1}{2}$
Other Areas		4 $\frac{1}{4}$	8
* Shirtmaking	8,475	6	11 $\frac{3}{4}$ (d)
Sugar Confectionery and Food Preserving	408	6 $\frac{1}{4}$	11 $\frac{1}{2}$ (d)
Tobacco	1,763	8 $\frac{1}{7}$ (c)	1. 1 $\frac{7}{47}$ (c)
Wholesale Mantle and Costume	184	6	10 $\frac{1}{2}$

(a) At age of 19

(b) " " " 20

(c) " " " 21

(d) " " " 22

(e) " " " 23

A According to population.

B After 6 months' experience.

C During 1st year's employment after attainment of age of 21 years.

D According to class of work.

E With 2 years' experience in preceding 5 years.

* Trades marked with an asterisk provide employment for an appreciable number of home workers.

As far as Great Britain is concerned, the report states that there is great variety in the use which the Boards have made of the powers entrusted to them. All the Boards, as the Acts require, have fixed general minimum time rates and all but two have fixed overtime rates. In the case of four Boards the overtime rates do not apply to piece workers. In certain trades in which the main body of workers are engaged in routine processes, the Boards have confined themselves to fixing general minimum time rates and overtime rates or they have fixed such rates with the addition only of a piece-work basis time rate. Two Boards have fixed a lower rate for certain remote areas. Four Boards have two or three sets of differential rates for classes of areas according to their population, whilst the two Retail Bespoke Tailoring Boards have more elaborate schemes of district rates. All the other Boards have fixed one set of rates to apply throughout the area of their jurisdiction. In a few cases differential rates have been fixed for special classes such as home workers and casual workers. Fourteen Boards have fixed general minimum piece rates; in eight cases these rates apply to a substantial number of workers in the trade, while in six cases piece rates have been fixed for small classes of workers only. One Board has fixed guaranteed time rates for all female piece workers, whilst five Boards have fixed guaranteed time rates for special classes of piece workers. Minimum time rates for grades of adult workers above the lowest have been fixed by about two-thirds of the Boards. In the case of women workers (who form the great majority of all but four or five trades) the rate for the lowest grade applies to a large proportion of the workers. The minimum rates fixed by four Boards vary from time to time with changes in the cost of living figure published each month by the Ministry of Labour, while

one Board has stabilised its minimum rates in relation to a fixed cost of living figure, a sliding scale applying only when the cost of living index rises to a higher figure. In Northern Ireland all trade boards have fixed general minimum time rates, and for trades in which piece workers are employed, piece-work basis time rates. General minimum piece rates have been fixed by seven of the boards and general overtime rates by all but three. Differential rates for country districts have been fixed by seven trade boards in Northern Ireland. The Trade Boards Act in both Great Britain and Northern Ireland allow for the fixation of different rates for different classes of workers, and particularly for persons learning the trade. All the Trade Boards have fixed special rates for younger workers, and certain Boards have fixed special rates for indentured apprentices. Under § 5 (5) of the Act of 1918 and § 10 of the Northern Ireland Act, a Trade Board has power in the case of time-workers (if they cannot suitably be placed on piece-work) to issue permits of exemption specifying the conditions under which they are prepared in any particular case to allow an infirm or injured worker to be employed at less than the minimum time rates. On 30 September 1931 the number of holders of permits of exemption in Great Britain was 2,488.

Irish Free State. — The machinery is applied through visiting inspectors. The number of workers covered is subject to considerable fluctuations but those employed in establishments included in the last inspection were 2,950 males and 10,501 females. Arrears of wages recovered as a result of inspection totalled £543.17.3 in 1930. The following table shows the Trade Boards which have been set up and the general minimum time rates for experienced adult workers as currently fixed by the Boards.

Trade		Rate	
		Female workers	Male workers
		s. d.	s. d.
Aerated Waters	per hour	5 ½ (a)	11
Boot and Shoe Repairing	per week	40 6	58 6
Brush and Broom	per hour	6 ¼ (b)	{ 1 1 ¼ (b) 1 1 ½
General Waste Materials Reclamation	per week	20 0 (c)	46 0 (d)
Linen and Cotton Embroidery	per hour	3 ½	—
Milk Distributive trade	per week	5 ½ (e) (f)	(f)
		25s. 3d., 31s., 34s. 3d., 26s. 9d., 32s. 6d., 35s. 6d., 32s. 6d., 39s. 6d., 43s. 6d.	34s. 6d., 42s. 3d., 46s. 36s., 44s. 3d., 48s. 43s. 9d., 53s. 9d., 58s. 6d.
Paper Box	per hour	7	1 1 ½
Shirtmaking	per hour	6d., 6 ½d. (e)	1s. 4d., 1s. 6d. (e)
» (Female Homeworkers in Co. Donegal only)	per hour	6	—
Sugar Confectionery and Food Preserving	per hour	7 (a)	1 0 ½ (g)
Readymade and Wholesale Bespoke Tailoring	per hour	6 ¼	10 ¼d. to 1s. 4 ½d. (e)
Tobacco	per week	31 6	49 6
Women's Clothing and Millinery	per hour	{ 6 ½ 7 ½ (h)	1 1

- (a) For workers 18 years of age or over.
(b) The rates are fixed on a sliding scale varying with the "Cost of Living Figure". The rates shown above are those applicable when this figure is not less than 55 nor more than 71.
(c) For workers 20 years of age or over.
(d) For workers 18 years of age or over.
(e) According to the kind of work.
(f) For workers 19 years of age or over, classified in 3 categories of work, for each of which rates are fixed for rural, urban and metropolitan areas.
(g) For workers 22 years of age or over.
(h) Higher rate applicable, only to Dublin, Cork, Limerick and Waterford.

Italy. — As the Italian system is of a general character, it is unnecessary to state the progress made in the application and extension of the machinery. Publications containing the texts of collective agreements, etc., are furnished to the Office regularly.

Spain. — The report states that joint committees exist in almost every industry, and gives the following list: mining, electricity, gas, water, metallurgy of iron and steel and other metals and allied industries, building, chemical industry, furniture and luxury industries, the decorative arts, textiles, clothing and millinery, printing, milling and baking, food industries, land transport, including railways, maritime transport, public entertainments, hotel industry, commerce, business offices, banking and exchange, intellectual professions, the press, and hygiene services. The report adds that there is not yet sufficient statistical data available respecting the number of men, women and young persons benefiting by the introduction of minimum wage fixing machinery.

III.

Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace are as follows:

1. The Members engage to apply Conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to

their colonies, protectorates and possessions which are not fully self-governing:

- (1) Except where owing to the local conditions the Convention is inapplicable, or
- (2) Subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

In application of the second paragraph of this Article of the Treaties of Peace please indicate in respect of each of your colonies, protectorates and possessions, the action taken for the application of the Convention.

Please indicate as far as possible the nature of the conditions which may have led to the decision not to apply the Convention or to apply it subject to modifications as provided for in the first paragraph of this Article.

Please add, in so far as they have not already been communicated to the International Labour Office, all relevant legislative texts, reports, etc.

France. — The report states that, owing to local conditions, the Convention has not been applied in the French overseas possessions.

Great Britain. — The report states that the Convention is partially applied in the following dependencies: In *Ceylon* by Ordinance No. 27 of 1927 (L. S. 1927, Ceyl. 1). Estate Wages Boards appointed by the Governor consist of a public officer as chairman, two employers of Indian labourers working on estates, and two representatives of the labourers. It is the duty of

each Board to fix minimum rates of wages for time work on estates within its jurisdiction, and these rates may be different for different localities within the Board's jurisdiction and for different classes of labourers. The Board of Indian Immigrant Labour is empowered to vary rates fixed by an Estate Board or to fix rates when an Estate Board has failed to do so. This machinery is working satisfactorily and it has not been found that minimum wages tend to become standard wages. The question of creating similar machinery for labourers other than Indian labourers is at present engaging the attention of the Government of Ceylon. In the *Straits Settlements* by § 131 of the Labour Ordinance, No. 197 of the revised edition 1928, as amended by Ordinance No. 6 of 1930 (L. S. 1923, S. S. 1); in the *Federated Malay States* by § 141 of the Labour Code (Enactment No. 18 of 1923, as amended by No. 1 of 1928, § 10, and No. 9 of 1930, § 5) (L.S. 1923, F.M.S. 1); in the *Unfederated Malay States: Johore*, Labour Code, Enactment No. 10 of 1924 as amended by No. 16 of 1928, § 9; *Kedah*, Enactment No. 2 of 1345 A.H.; *Kelantan*, Enactment No. 2 of 1927 as amended by No. 24 of 1930; *Perlis*, Enactment No. 3 of 1345 A.H. These enactments empower the Indian Immigration Committee to prescribe, subject to approval, standard rates of wages payable to all classes of Indian labourers performing certain specified kinds of labour. The Committee is required to give reasonable notice of its intention to fix such rates in any particular area at a meeting which all interested parties may attend, including representatives of the local Government and of the Government of India. When the rates have been agreed upon, notice of their coming into effect is given by publication in the Government Gazette and in the Press. In *Gibraltar* machinery of the nature contemplated by the Convention exists in the case of the coal trade. The question of introducing legislation applying the provisions of the Convention is engaging the attention of the Colonial Government. The question of the enactment of legislation to give effect to the principles of the Convention in other dependencies is engaging the attention of the British Government in consultation with the local Governments. The report mentions as a matter of interest that statutory minimum wages for immigrant Indian labourers are prescribed in *British Guiana*, *Jamaica*, *Mauritius*, and the *British Solomon Islands Protectorate* (though in most cases the rates were determined many years ago and, except in *Mauritius*, the legislation does not make provision for any revision of the rates laid down) and that similar provision is made for indigenous labourers in *British Guiana*, *Fiji*, *British Solomon Islands Protectorate* and *Gilbert and Ellice Islands Colony*.

Italy. — Consideration is being given to the possibility of adapting the Convention to colonial labour conditions.

Spain. — The legislation applies to the colonies and protectorates.

The question does not arise in the case of the other Governments.

IV.

Please state upon which date the application of the provisions of this Convention came into effect.

France. — 18 September 1931.

Germany. — 14 June 1930.

Great Britain. — 14 June 1930.

Irish Free State. — 3 June 1931.

Italy. — 9 September 1931.

Spain. — 8 April 1931.

V.

Article 4 of the Convention is as follows :

Each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, 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.

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 legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

Please state, with particular reference to this Article, to what authority or authorities the application of the legislation and administrative regulations, etc., mentioned under I and II is entrusted and by what method application is supervised and enforced, indicating the limitation of time as determined by national laws or regulations specified in the second paragraph of this Article.

France. — § 33 a of Book I of the Labour Code lays down that every manufacturer, commission agent or middleman who causes the work mentioned in the Act to be carried out as home work shall inform the labour inspector thereof, and shall keep a register containing the name and address

of every male or female worker thus employed. § 33 *b* lays down that the prices for making up goods fixed by each home work contractor for articles produced in large quantities shall be affixed permanently in the waiting rooms and the rooms where the raw materials are delivered to the male or female workers, and the goods are received after being made up. Finally, § 33 *c* lays down that when a male or female worker receives work to be done at home, a ticket with a counterfoil attached or a book shall be issued at the same time to such person, stating especially the nature and quantity of the work and the making-up prices applicable to it. The same § requires the observance of certain formalities by the employer when the finished work is delivered. The report emphasises the fact that all these formalities, which at the same time constitute measures of control, are intended to allow the worker to calculate his nett wages, to compare them with the compulsory minimum wage and, if necessary, to establish his rights by an action at civil law. The penal sanctions provided in case of contraventions of the provisions concerning minimum wages for home workers are laid down in § 99 *a* of Book I of the Labour Code. In addition to these penal sanctions, civil sanctions, as laid down in § 33 *i* can be applied. This § lays down that the probiviral courts, or, in default of such courts, the justices of the peace, shall be competent to correct all accounts providing for wages less than the minimum and to enforce the payment to the worker of any deficiency in the wages paid in comparison with the wages which should have been paid, without prejudice to any compensation which the employer may be sentenced to pay to such worker. Further, by § 33 *k* the associations authorised for the purpose by a Decree may bring an action at civil law with respect to failure to observe the Act. As regards the recovering of arrears of wages, § 33 *j* provides that the complaints of male or female workers with respect to the rates applied to the work carried out by them shall not be admissible unless lodged not later than one month after payment of their wages. This time limit shall not apply to any action at law taken by a worker with a view to obtaining the application to him of a special tariff established by a formal judicial decision and published as set forth in the Act. According to the legal definition fixed by a Decree of the Court of Final Appeal on 22 May 1907, special tariffs are "those which cover particular operations not provided for by the general tariffs, and have been fixed by legal decisions and published by posting at the door of the police court". The report adds that the labour inspection service is entrusted with the control of the execution of §§ 33 *a*, 33 *b* and 33 *c*, which fix, under the conditions stated above, the procedure to be

followed by employers for an effective application of the minimum wage rates.

Germany. — Supervision of the application of the Home Work Act is carried out by the factory inspection authorities. The activities of these authorities, especially in respect of the supervision of wages, are effectively seconded by the trade unions which bring to the authorities' attention cases known to them of under-payment. In Berlin two women officials of the factory inspection service deal exclusively with the supervision of wages. In Prussia the number of women factory inspectors whose work is devoted solely to wage supervision, and who must therefore be specially trained, will be permanently increased. In the case of the non-observance of a minimum rate fixed by a trade committee, the trade committee has first to demand that the balance due to the worker or workers concerned shall be paid. If this demand is not complied with the committee may inflict a fine. Claims for the repayment of a deficiency may be made within four weeks after the receipt of the deficient payment. A home worker may also bring his claim before the labour court. A passage in the report of the Labour Ministry of the Reich to the Reichstag for the year 1930 (forwarded with the annual report) states that the infliction of fines by the trade committees in cases of non-observance of the minimum wage regulations is a matter of particular difficulty, both on account of the somewhat complicated nature of the procedure and also because each individual case of non-observance must be thoroughly examined. Nevertheless, fines, in some cases of a considerable amount, are frequently inflicted.

Great Britain. — Minimum rates which have been confirmed by the Minister of Labour are enforceable either by civil or criminal proceedings and are in practice enforced at the expense of the State through a body of inspectors. As regards criminal proceedings, any employer who fails to pay wages to any worker at not less than the minimum rates is liable to a fine of £20 for each offence and to a further fine of £5 for each day on which the offence is continued after conviction. The Court may also order the employer to pay a worker arrears of wages for a period not exceeding two years. Civil proceedings for the recovery of arrears of wages may be taken by an aggrieved worker or by the Ministry of Labour on his behalf. Under the Statute of Limitations such arrears cannot be claimed for a period of more than six years back. Failure to post notices issued by Trade Boards or to keep records of wages paid is punishable by a fine. The inspectors specially appointed to supervise observance of the minimum wage rates and

other conditions of employment laid down by Trade Boards have power to enter premises, to examine wage books, and to interrogate workers. During the nine months ended 30 September 1931 the number of inspections made in Great Britain was 17,235. The number of workers whose wages were examined was 165,337 and the number of prosecutions undertaken was 24. The amount of arrears of wages collected by the Ministry of Labour for the same period was £22,695. In Northern Ireland during the same period the number of workers whose wages were examined was 5,823, and the number of prosecutions undertaken was 3. The amount of arrears of wages collected was £306.

Irish Free State. — When a minimum rate of wages fixed by a Trade Board is confirmed by the Minister for Industry and Commerce and becomes statutorily enforceable employers concerned are notified. Printed notices of the rates applicable must be exhibited in the premises of every employer affected. Enforcement of payment of the prescribed rates is carried out by Inspectors attached to the Department of Industry and Commerce. §§ 14-17 of the Act of 1909 make provision for the appointment of these officers and for other means for enforcing the Acts. These officers are vested with powers of entry, inspection and prosecution, detailed in § 15 of the Act of 1909. In addition they are also vested with the powers of Inspectors of Factories under § 119 of the Factory and Workshop Act, 1901. If on inspection workers are found to have been paid at rates less than the minimum prescribed, the employer is in the first instance approached in writing for payment of arrears. If arrears are not paid, § 9 (1) of the Act of 1918 provides for the institution by the Department of Industry and Commerce of legal proceedings against the employer for the recovery of arrears of wages due to the worker. The worker may on his own initiative institute civil proceedings. In proceedings taken by the Department, not more than six months may elapse between the date on which the offence came to the knowledge of the Department and the date on which the information is laid against the employer. Arrears may be claimed over a period of two years. In proceedings taken by the worker, the time limit is governed by that ordinarily applicable in the case of recovery of debt. No court proceedings against employers were taken during the period under review.

Italy. — § 10 of Act No. 563 of 3 April 1926, § 51 of Royal Decree No. 1130 of 1 July 1926, and Royal Decree No. 1251 of 6 May 1928 provide for the filing and publication of collective labour agreements and enable all concerned to ascertain their wages exactly. The provisions of Royal

Decree No. 471 of 26 February 1928 entitle workers to receive the sums actually due, on the scale laid down, as payment for work done. The right is subject to the general regulations governing prescription, which takes effect after one year for manual workers' wages and after five years for employers' salaries. Supervision is entrusted to the Ministries of Corporations and Justice, acting through the Corporative Inspectorate and the subordinate judicial authorities respectively.

Spain. — See introductory note.

VI.

Please state whether decisions have been given by courts of law, or other courts, regarding the application of the Convention. If so, please supply the text of such decisions.

France. — The report states that legal decisions as regards the application of the provisions of the French legislation in question are published in the *Bulletin du Ministère du Travail* (B.M.T.) and in the *Bulletin de l'Inspection du Travail* (B.I.T.), as follows: Judgment of the correctional court at Agen (Lot-et-Garonne) on 14 February 1917 (B.M.T. 1917, p. 89); Order of the Court of Final Appeal (Civil Chamber) of 22 May 1917 (B.M.T. 1917, p. 314); Judgment of the probiviral court of the Seine (textile section) of 8 June 1917 (B.M.T. 1917, p. 554); Order of the Court of Final Appeal (Civil Chamber) of 26 June 1917 (B.M.T. 1917, p. 555); Order of the Court of Final Appeal (Civil Chamber) of 28 July 1919 (B.M.T. 1920, p. 434); Order of the civil court of the Seine of 7 March 1919 (B.M.T. 1920, p. 557); Order of the Court of Final Appeal (Criminal Chamber) of 10 May 1924 (B.I.T. 1924, p. 180); Judgment of the police court of Brioude (Haute-Loire) of 30 June 1924 (B.I.T. 1924, p. 183); Judgment of the civil court of Brioude (Haute-Loire) of 29 July 1924 (B.I.T. 1924, p. 186).

Great Britain. — In August, 1930, notice was given of a draft Order applying the Acts to the catering trade. Objections followed and, after a public enquiry, certain interested parties took action in the Courts to restrain the Minister from proceeding on certain legal grounds. The action of the Minister was upheld in the Court of Appeal but a further appeal to the House of Lords was pending on 30 September 1931.

No decisions are reported by the other Governments.

Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, particulars regarding the organisation of the inspection services entrusted with the duty of enforcing the provisions of the Convention and any other relevant data which you may consider useful in so far as such information has not already been given under other headings and in particular under II (Article 5) and V.

France. — The report states that the labour inspection service instituted proceedings, during 1929, in 21 cases arising out of

102 contraventions of the provisions of §§ 33 *a*, 33 *b* and 33 *c* of Book I of the Labour Code (see under V. above). The following statistical table shows the number and nature of the infringements covered by these proceedings :

Nature of the infringement	Number of cases of proceedings	Number of contraventions
§ 33 <i>a</i>	13	13
§ 33 <i>b</i>	5	5
§ 33 <i>c</i>	3	84
	—	—
	21	102

Geneva, March 1932.

ALBERT THOMAS.

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LEAGUE OF NATIONS

INTERNATIONAL LABOUR
CONFERENCE

SIXTEENTH SESSION

GENEVA, 1932

RECORD OF PROCEEDINGS



INTERNATIONAL LABOUR OFFICE

GENEVA, 1932

09616

ANNEXE V. — APPENDIX V.

Rapports annuels fournis en exécution de l'article 408
du Traité de Versailles.Annual reports supplied under Article 408
of the Treaty of Versailles.

1) Rapport de la Commission des experts désignée pour examiner les rapports annuels soumis en exécution de l'article 408 (présenté au Conseil d'administration du Bureau international du Travail et transmis par lui à la Conférence).

La Commission des experts chargée d'examiner, pour en faire rapport au Conseil d'administration, les rapports qu'en vertu de l'article 408 du Traité, les États doivent présenter, chaque année, sur l'application des conventions qu'ils ont ratifiées, s'est réunie à Genève du 29 février au 5 mars.

Ont assisté aux travaux de la Commission :

M. ERICH.
Sir Selwyn FREMANTLE.
M. Jules GAUTIER.
M. GINI.
M. DE KOSCHEMBAHR-LYSKOWSKI.
M. McNAIR.
M. VON NOSTITZ.
M. QUADRAT.
M. RAPPARD.
M. TSCHOFFEN.

La Commission a nommé comme Président M. Tschoffen, et comme rapporteur M. Jules Gautier.

Elle a tenu avant tout à remercier la Commission de l'article 408 à la quinzième session de la Conférence des termes bienveillants par lesquels elle a exprimé sa satisfaction du travail « encore plus complet et plus approfondi que les années précédentes » que les experts avaient fourni en 1931 et elle y a puisé un précieux encouragement.

Elle a suivi d'ailleurs, et elle compte suivre à l'avenir, la méthode de travail qui, en 1931, avait donné les meilleurs

(1) Report of the Committee of Experts appointed to examine the annual reports made under Article 408 (submitted to the Governing Body of the International Labour Office, and transmitted by the Governing Body to the Conference).

The Committee of Experts set up to examine and report to the Governing Body on the reports submitted by Governments annually, under Article 408 of the Treaty, on the application of the Conventions which they have ratified, met at Geneva from 29 February to 5 March.

The following members were present :

Mr. ERICH.
Sir Selwyn FREMANTLE.
Mr. Jules GAUTIER.
Mr. GINI.
Mr. DE KOSCHEMBAHR-LYSKOWSKI.
Mr. McNAIR.
Mr. VON NOSTITZ.
Mr. QUADRAT.
Mr. RAPPARD.
Mr. TSCHOFFEN.

The Committee appointed Mr. Tschoffen as Chairman and Mr. Jules Gautier as Reporter.

The Committee desires in the first place to thank the Committee on Article 408 of the Fifteenth Session of the Conference for its appreciative references to the work of the experts, which, it stated, was "even more thorough and fuller" in 1931 than in previous years. The Committee of Experts derived great encouragement from these appreciative remarks.

The Committee followed, and intends to continue following in future, the method of work which was found to give the best

résultats, c'est-à-dire que chacun de ses membres a reçu, avant la session de la Commission, et pour les examiner à tête reposée, les rapports se référant à certaines conventions. De cette façon, sans aucune perte de temps, la Commission a pu confronter les observations faites par ses membres avec les informations que le Bureau avait réunies de son côté et en tirer des conclusions. Le travail en a été du même coup simplifié et approfondi.

Il importe de rappeler que, dans son rapport de 1931, la Commission avait suggéré au Conseil d'administration que, pour donner aux gouvernements plus de temps pour la rédaction de leurs rapports, et aux experts pour l'étude préalable de ces rapports, et pour éviter les retards signalés chaque année, très préjudiciables à un travail régulier et complet, que les rapports pour 1931 ne couvrirent qu'une période de neuf mois, du 1^{er} janvier au 30 septembre, afin que, à l'avenir, on pût les faire porter sur une période de douze mois allant du 1^{er} octobre d'une année au 30 septembre de l'année suivante. Cette proposition, approuvée par le Conseil d'administration et par la Commission de l'article 408 à la Conférence, a passé pour la première fois cette année dans la pratique et on doit constater que le résultat a été satisfaisant.

En effet, le nombre des rapports à fournir par les Etats, en vertu de l'article 408, est de 417. Au 27 février, 378 avaient été reçus par le Bureau. Il n'en manquait donc que 39. En 1931, sur 392 rapports dus, il en était arrivé, en temps utile, 336, soit 56 manquants. La différence entre les deux années se marque d'ailleurs encore plus en faveur de 1932, si l'on remarque que sur les 39 rapports manquants de cette année, 27 sont à porter au compte de deux Etats, la Grèce et Cuba, qui n'ont fourni aucun rapport et dont on parlera ci-après.

Si on ajoute que la Bulgarie qui, l'année dernière, n'avait envoyé aucun rapport et qui, cette année, les a fait parvenir en temps utile, déclare par ailleurs qu'elle s'est abstenue d'envoyer deux rapports concernant deux conventions dont la ratification avait été notifiée par erreur, et que l'Irlande présente pour l'absence de six rapports des raisons qui peuvent être prises en considération, il n'en reste guère que quatre qui doivent être considérés comme retardataires. Il y a là un progrès certain qu'il importe d'enregistrer.

Mais il faut revenir tout de suite sur le cas de la Grèce et de Cuba. La Grèce n'a fait parvenir au Bureau aucune communication donnant une explication de l'absence de ses rapports ou un espoir que ces rapports seraient envoyés ultérieurement et avant l'ouverture de la Conférence. Cette manière de faire n'est pas en conformité avec l'article 408 du Traité, aux dispositions duquel la Grèce,

results in 1931. In pursuance of this method, each of its members received the reports referring to certain Conventions before the Committee met, and was thus able to study them at leisure. The Committee could thus, without loss of time, compare the observations made by its members with the information collected by the Office, and draw the necessary conclusions. This greatly simplified the work, and at the same time made it more thorough.

It will be remembered that the Committee, in its 1931 report, suggested that, in order to give Governments more time for drawing up their reports, and the experts more time to make a preliminary study of them, and also in order to avoid the delays which occur every year and greatly impede full and regular work, the reports for 1931 should only cover nine months, from 1 January to 30 September. In future years they would once more cover an entire year, but the period would run from 1 October of one year to 30 September of the next year. That proposal was approved by the Governing Body and by the Conference Committee on Article 408. It was put into practice for the first time this year, and the results have proved satisfactory.

The number of reports to be furnished by States under Article 408 is 417. On 27 February the Office had received 378 reports, and there were thus only 39 reports outstanding. In 1931, 336 out of the 392 reports which were due arrived by the date fixed, 56 being outstanding. It will be seen that the improvement in 1932 is still greater than the above figures show, if it is remembered that of the 39 reports which are outstanding this year, 27 are due from two States (Greece and Cuba) neither of which has sent any reports at all. The question of these two States will be further discussed below.

Bulgaria sent no reports last year, but furnished them in sufficient time this year, stating that it has not sent reports concerning two Conventions the ratification of which was notified in error, while the Irish Free State gives explanations deserving of consideration for the absence of six reports. There thus remain only four reports which must be regarded as not having been submitted at the proper time. This represents definite progress, which should be noted.

The cases of Greece and Cuba require immediate consideration. Greece has made no statement to the Office explaining the absence of its reports or offering a prospect that the reports will be sent in later before the Conference opens. Such procedure is not in accordance with Article 408 of the Treaty, under which Greece, by the fact of ratifying Conventions, bound itself to send reports. Even when it is known

lorsqu'elle a ratifié les conventions s'est par là même engagée à répondre et, même lorsqu'on sait qu'un Etat a fait des efforts pour conformer sa législation aux conventions, il n'est pas possible d'admettre qu'il puisse, sans invoquer de raisons, se soustraire aux obligations qu'il a consenties et que les autres Etats remplissent. La Commission doit donc suggérer au Conseil d'administration de demander d'urgence au Gouvernement grec les raisons de son retard, retard qui s'est déjà produit plusieurs fois et qui empêche les experts d'exercer leur mission.

La situation, en ce qui concerne Cuba, est plus grave encore. Le Gouvernement cubain s'est borné à faire savoir, comme il l'avait déjà fait l'an passé, que le Congrès national n'avait pas encore adopté les projets de loi destinés à faire porter effet aux conventions ratifiées. Mais il ne donne, sur lesdits projets de loi, aucun détail qui permette de se rendre compte dans quelle mesure ils assureront l'application des conventions et quelle sera leur portée pour la création, dans l'Etat de Cuba, d'une législation sociale analogue à celle des Etats ayant ratifié les mêmes conventions que lui. La Commission se croit d'autant plus fondée à signaler au Conseil d'administration l'attitude du Gouvernement cubain qu'elle a précédemment marqué le danger des ratifications qui, n'étant suivies dans les Etats qui ratifient d'aucune réalisation légale ou réglementaire, ne sont en fait qu'un trompe-l'œil, n'apportent aucune amélioration dans l'état social des travailleurs et risquent de fausser l'action de l'Organisation internationale du Travail. Les Commissions de l'article 408 aux 14^{me} et 15^{me} sessions de la Conférence ont, elles aussi, dans des termes très précis et très forts, indiqué qu'elles partageaient entièrement cette opinion, et la Conférence, en approuvant les rapports de ses commissions, a consacré cette doctrine. Il y aurait donc lieu de faire valoir auprès du Gouvernement cubain, dont il n'est pas question de suspecter la bonne volonté, les raisons impérieuses qui l'obligent à mettre sans délai sa législation en accord avec les conventions ratifiées et à satisfaire à l'article 408. Il serait bon, en attendant cette réalisation, que le Gouvernement cubain fût invité à communiquer au Bureau les projets qui sont soumis au Congrès national.

* * *

L'annexe I de ce rapport donne, convention par convention, et Etat par Etat, les observations que les experts ont cru devoir retenir pour être signalées au Conseil d'administration. On doit remarquer qu'au cours de leur examen des rapports, les experts ont été amenés à discuter un certain nombre de questions se référant à l'application ou à l'interprétation des conventions, qui ne peuvent

that a State has made efforts to bring its legislation into conformity with the Conventions, it cannot be admitted that it may, without giving any reason for its action, fail to carry out obligations to which it has subscribed, and which are fulfilled by other States. The Committee accordingly feels bound to suggest that the Governing Body should ask the Greek Government, as a matter of urgency, to explain the reasons for a delay which has already occurred on several occasions, and which prevents the experts from carrying out their functions.

The position as regards Cuba is still more serious. The Cuban Government has simply stated as it did last year, that the National Congress has not yet adopted the Bills intended to give effect to the ratified Conventions. It does not, however, give any information concerning the Bills in question which would make it possible to see how far they will ensure the application of the Conventions and to what extent they will represent the establishment of social legislation in Cuba similar to that of States which have ratified the same Conventions as Cuba. The Committee feels that it is all the more justified in drawing the attention of the Governing Body to the Cuban Government's attitude, since it has already pointed out the danger of ratifications which are not followed by the issue of laws or regulations in the ratifying countries, which are therefore quite illusory, which represent no improvement in the social position of the workers, and which are thus likely to endanger the effective working of the International Labour Organisation. The Committees on Article 408 at the Fourteenth and Fifteenth Sessions of the Conference stated in extremely strong and definite terms that they fully shared that view, and the Conference endorsed it by approving the reports of its Committees. The attention of the Cuban Government, whose good will is not in question, should therefore be drawn to the urgent reasons why it should, without delay, bring its legislation into harmony with the Conventions it has ratified and satisfy the requirements of Article 408. Until such time as this has been done, it would be desirable to ask the Cuban Government to communicate the Bills which are before the National Congress to the Office.

* * *

Appendix I of the present Report gives, Convention by Convention and country by country, the observations which the experts think it necessary to bring to the notice of the Governing Body. It should be noted that, in considering the reports, the experts discussed a certain number of questions referring to the application or the interpretation of Conventions of which it is not possible to give an account

trouver leur place ici, mais qui permettent aux experts de déclarer que l'application des conventions et l'incorporation de leurs dispositions dans les législations nationales se poursuivent et se consolident; que, par suite, la législation sociale internationale est en progrès constant et devient par la collaboration des gouvernements, des patrons et des ouvriers, partie intégrante du patrimoine social des travailleurs. Les observations comprises dans l'annexe I portent la plupart du temps, non sur des questions de fond, mais sur de simples détails, qu'il est cependant, en pareille matière, nécessaire de relever, ou sur des points un peu plus importants, sur lesquels, après explication, on constatera peut-être qu'il n'y a que de simples malentendus. L'étendue de l'annexe I prouve seulement que la Commission des experts a voulu pousser son information aussi loin que possible.

* * *

Parmi les points que les experts croient devoir signaler particulièrement au Conseil d'administration, nous notons l'utilité qu'il y aurait à faire remarquer aux Etats qu'il importe qu'il soit répondu très exactement aux questions du formulaire et à éviter de traiter dans un même rapport plusieurs questions différentes ou même des questions qui ne sont pas posées, alors qu'il n'est pas suffisamment répondu à des questions qui le sont.

D'autre part, si certains gouvernements, dans leurs rapports, tiennent grand compte des observations faites l'année précédente, il arrive que certains rapports reproduisent avec une trop évidente fidélité des rapports antérieurs, bien que sur ceux-ci des observations aient été faites auxquelles il a été donné déjà des réponses satisfaisantes, soit par écrit, soit par l'organe des représentants des Etats à la Conférence et devant la Commission de l'article 408. Il en résulte que les Etats intéressés perdent le bénéfice des réponses qu'ils ont faites et exposent la Commission des experts, sur la foi des rapports qu'elle a sous les yeux, à renouveler des observations qui n'ont plus d'objet. Inversement, lorsque les observations faites par les experts ou par la Commission de l'article 408 n'ont pu être suivies d'une réponse immédiate, il serait très souhaitable que dans le rapport de l'année suivante les Etats voulussent bien reprendre ces observations et indiquer quelle suite y a été donnée.

* * *

La Commission des experts a déjà eu l'occasion de marquer l'intérêt qu'elle attachait aux observations générales que les Etats veulent bien fournir sur l'application de la législation sociale établie en conformité avec les conventions; et il

here. The experts can, however, state that the application of the Conventions and the incorporation of their provisions in national legislation is being continued and consolidated, that steady progress is therefore being made in international labour legislation, and that, through the collaboration of Governments, employers and workers, such legislation is becoming an integral part of the social heritage of the workers. Most of the observations in Appendix I deal not so much with essential questions as with points of detail — points which must, however, be mentioned under the circumstances. Others deal with rather more important questions, which may, after explanations have been given, prove to be simply due to misunderstanding. The length of Appendix I proves nothing more than that the Committee of Experts desired to obtain the fullest possible information.

* * *

One of the points which the experts feel it necessary to bring to the special attention of the Governing Body is the desirability of impressing on the Governments the importance of replying accurately to the questions in the form for report, and of not dealing in the same report with a number of different questions — sometimes, indeed, questions which have not been asked — when an adequate reply is not given to the questions which have been asked.

Further, whilst some Governments pay full attention in their reports to the observations made the year before, in other cases the reports reproduce those of previous years only too faithfully, even when observations have been made on them and satisfactory replies have been given either in writing or by the representatives of the States in question at the Conference or before the Committee on Article 408. This means that the States in question do not receive the benefit of the replies which they have made, and renders the Committee of Experts liable, on the evidence of the reports before it, to repeat observations which are no longer necessary. Conversely, when no immediate reply has been given to the observations made by the experts or by the Committee on Article 408, it would be extremely desirable if, in the following year's report, States would take account of those observations and indicate what action has been taken on them.

* * *

The Committee of Experts has already mentioned the importance which it attaches to any general observations which States are able to supply on the application of the social legislation established in accordance with the Conventions. Some

faut dire ici que déjà, dans certains rapports, des observations générales très complètes et d'un grand intérêt ont été fournies. Elle a eu la satisfaction de voir la Commission de l'article 408 et le Conseil d'administration entrer dans ses vues. Avant que les formulaires soient modifiés en ce sens, elle croit devoir appeler l'attention du Conseil sur l'intérêt qu'il y aurait, dans le corps même du formulaire et à propos des questions spéciales, à inviter les Etats à fournir le plus possible de données statistiques, comme quelques-uns le font déjà. Il y a, dans les conventions, des prescriptions dont la portée bienfaisante apparaîtrait plus précisément si, non seulement on constatait que lesdites prescriptions sont formellement remplies, mais encore si on voyait avec évidence à quel nombre de travailleurs elles ont été utiles et, par suite, quel a été leur effet réel. On objectera peut-être qu'on risque de compliquer la tâche des Etats qui ont à fournir les rapports prévus par l'article 408. Outre que cette objection tombe si l'on réfléchit que les Etats possèdent certainement les éléments de telles statistiques, et même ces statistiques elles-mêmes déjà en forme, il y a là pour eux un moyen fort honorable de faire connaître à tous les résultats qu'ils obtiennent et un exemple à offrir à ceux qui resteraient encore en retard.

La Commission avait l'an dernier, à propos des observations générales sollicitées dans chaque formulaire, pensé qu'il serait possible d'obtenir des organisations patronales et ouvrières leurs observations éventuelles sur l'application des conventions. Cette suggestion n'ayant pas été unanimement acceptée, la Commission de l'article 408 et le Conseil d'administration ont jugé qu'il n'y avait pas lieu d'y donner suite. Toutefois, elle suggère qu'il serait peut-être intéressant de se borner à poser aux Etats la question de fait suivante :

« Prière de faire savoir si vous avez reçu des organisations patronales et ouvrières des observations relativement à l'application des conventions telle que vous la pratiquez et, dans l'affirmative, de donner un résumé de ces observations. »

Enfin la Commission, soucieuse d'accomplir complètement la tâche qui lui a été assignée, croit devoir signaler que l'examen des textes, si consciencieux qu'il puisse être, ne suffit pas pour se rendre un compte exact de la situation. Les faits surtout importent et la Commission ne les connaît pas dans la mesure nécessaire pour accomplir toute sa mission.

La Commission est heureuse de constater que le Conseil se préoccupe d'investigations qui permettraient de contrôler si les conventions reçoivent, autant qu'il est désirable, une application pratique.

reports already contain extremely full and interesting general observations. The Committee of Experts notes with satisfaction that the Committee on Article 408 and the Governing Body have endorsed its views. Before the forms for reports are modified accordingly, it thinks it right to point out to the Governing Body that it would be desirable to ask States, in the body of the form for report, and in connection with the special questions, to supply as many statistics as possible, as is already done by some States. The Conventions contain some provisions the good effect of which would be more clearly shown if it were not merely known that they were formally applied, but if, in addition, evidence were given to show how many workers they had benefited, and, consequently, what their real effect had been. It will perhaps be objected that this would complicate the work of States which have to furnish reports under Article 408. That objection can, however, scarcely be maintained if it is remembered that States undoubtedly possess the elements of such statistics, or even the statistics themselves, and also that it would provide a good opportunity of making generally known the results which they have achieved, and setting an example to those countries which are still behind-hand.

Last year, when discussing the general observations for which each of the forms for report asks, the Committee thought that it might be possible to obtain any observations on the application of Conventions which employers' and workers' organisations might have to make. As that suggestion did not receive unanimous agreement, the Committee on Article 408 and the Governing Body did not think fit to give effect to it. The Committee nevertheless suggests that it might be desirable to ask States the following question :

“ Please state whether you have received observations from employers' and workers' organisations concerning the way in which Conventions are applied, and, if so, please give a summary of such observations. ”

Finally, the Committee feels bound to point out, in order to carry out the work assigned to it as completely as possible, that a study of documents, however conscientiously carried out, is not sufficient to give an exact idea of the situation. The facts are what matter most, and the Committee is not sufficiently acquainted with them to carry out its mission fully.

The Committee notes with satisfaction that the Governing Body is considering means of investigating whether Conventions are as fully applied in practice as would be desirable.

La Commission, comme les années précédentes, a chargé un de ses membres, Sir Selwyn Fremantle, d'un rapport spécial sur l'application des conventions aux colonies.

Elle croit utile d'annexer à son propre rapport (annexe III), pour l'information du Conseil d'administration, le rapport spécial de Sir Selwyn Fremantle. Ce document permettra au Conseil de constater que l'application des conventions dans les colonies, protectorats et possessions des Etats ayant ratifié atteint, dès à présent, un niveau appréciable et que des informations déjà importantes sont fournies par plusieurs gouvernements tant sur l'extension de cette application et ses modalités pratiques que sur la nature des difficultés qu'elle a pu rencontrer. La Commission a elle-même constaté cette année un très notable progrès dans l'une et l'autre direction.

A cet égard, elle rappelle qu'elle avait proposé, en 1931, de développer dans le formulaire la question relative à l'application des conventions aux colonies. Le Conseil d'administration a jugé qu'il valait mieux ne pas surcharger les rapports de l'article 408, mais il a retenu le passage du rapport de la Commission de la Conférence relatif à cet objet et qui est ainsi conçu : « La Commission espère que les gouvernements intéressés se rendront compte de l'importance de la question de l'extension des conventions aux colonies et de l'intérêt qu'il y a pour le Bureau international du Travail à recevoir sur cette matière une documentation aussi précise et aussi abondante que possible. »

La Commission des experts a pu s'assurer, en présence des efforts déjà accomplis par de grandes puissances coloniales (Grande-Bretagne, Pays-Bas, France) pour admettre certaines de leurs colonies au bénéfice de certaines conventions internationales du travail, que ces puissances avaient, par avance, répondu à l'appel de la Commission de la Conférence. Sans doute, il n'y a là qu'un commencement et le Traité laisse les puissances coloniales seules juges des circonstances qui permettent l'application des conventions aux colonies ou s'y opposent. Mais il ne saurait échapper à personne, comme la Commission des experts l'a déjà indiqué dans son précédent rapport, que la confrontation des conditions dans lesquelles les conventions peuvent être appliquées aux colonies, et des résultats déjà obtenus, peut, non seulement fournir au Bureau international du Travail des renseignements très utiles, mais faire connaître aux puissances coloniales elles-mêmes des expériences d'un haut intérêt et leur suggérer des solutions que jusqu'ici elles n'avaient pas cru acceptables.

As in previous years, the Committee asked one of its members, Sir Selwyn Fremantle, to draw up a special report on the application of the Conventions to colonies. It considers it desirable to append to its own report, for the information of the Governing Body, the special report of Sir Selwyn Fremantle (Appendix III). This report will show the Governing Body that the application of the Conventions in the colonies, protectorates and possessions of States which have ratified them has already been effected to a considerable extent, and that a number of Governments are supplying a considerable amount of information both as regards the extent of such application and the methods adopted in practice, and on the nature of the difficulties which have been encountered. The Committee this year has noted appreciable progress in both of these directions.

In this connection it may be recalled that the Committee proposed in 1931 that the question in the form for report relating to the application of Conventions to colonies should be made fuller. The Governing Body considered it better not to overload the reports under Article 408, but it expressed agreement with the following passage in the report of the Conference Committee which deals with this subject "The Committee expresses the hope that the Governments concerned may realise the importance of the question of the extension of the Conventions to the colonies and the value to the International Labour Office of obtaining as detailed and as full information on this question as possible."

The Committee of Experts has been able to assure itself, in presence of what has been done by great colonial Powers such as Great Britain, the Netherlands and France to enable some of their colonies to benefit by certain international labour Conventions, that those Powers had in advance responded to the appeal of the Conference Committee. This is of course only a beginning, and the Treaty makes colonial Powers the sole judges of the circumstances which allow or prevent the application of Conventions to colonies. But it will be universally realised that, as the Committee of Experts pointed out in its previous report, a comparison of the conditions in which Conventions may be applied to colonies and of the results obtained would not only provide the International Labour Office with extremely useful information, but would enable the colonial Powers themselves to acquire most interesting knowledge of the experience of other Powers and to obtain suggestions for solving problems which they had hitherto thought insoluble.

Telles sont les quelques remarques générales que la Commission croit devoir soumettre au Conseil d'administration. Les observations contenues dans l'annexe I en sont le complément nécessaire. La Commission des experts, comme on l'a déjà marqué plus haut, sans optimisme trop confiant, mais en toute conscience, conclura que la législation sociale du travail que l'Organisation internationale du Travail est chargée d'établir se développe sûrement, sur un rythme plus ou moins accéléré, mais sans interruption et d'un consentement général.

Le Rapporteur :
(Signé) JULES GAUTIER.

Genève, le 5 mars 1932.

The above are the general remarks which the Committee feels it necessary to lay before the Governing Body. The observations made in Appendix I form a necessary complement. The Committee of Experts feels it possible, without undue optimism but after conscientious examination, to conclude that the labour legislation which it is the mission of the International Labour Organisation to promote is developing steadily, at a rate of varying rapidity but without interruption, and by general agreement.

(Signed) JULES GAUTIER,
Reporter.

Geneva, 5 March 1932.

ANNEXE I.

LISTE DES POINTS SUR LESQUELS LA COMMISSION A ESTIMÉ QUE LES RAPPORTS EXAMINÉS APPelaient DES OBSERVATIONS OU A L'ÉGARD DESQUELS DES INFORMATIONS SUPPLÉMENTAIRES PARAISSENT DÉSIRABLES.

Convention tendant à limiter à huit heures par jour et à quarante-huit heures par semaine le nombre des heures de travail dans les établissements industriels.

Belgique. — En 1930 et en 1931, la Commission de la Conférence a fait remarquer qu'alors qu'aux termes de l'article 14 de la convention ses dispositions peuvent être suspendues « en cas de guerre ou en cas d'événement présentant un danger pour la sécurité nationale », l'article 12 de la loi belge du 14 juin 1921 prévoit que cette suspension pourra avoir lieu « lorsque, de l'avis du Conseil supérieur du travail et du Conseil supérieur de l'industrie et du commerce, il y a nécessité d'ordre national de s'assurer, par le développement de l'exportation, les moyens d'échange indispensables à l'importation des subsistances ».

Malgré la généralité des termes employés par la convention, il serait difficile d'admettre qu'ils permettent de suspendre son application dans le cas prévu par la loi belge.

Le Gouvernement belge ne le soutient pas mais observe qu'il n'a jamais fait usage du texte ci-dessus reproduit et qu'il ne doit pas envisager cette éventualité. Il ajoute qu'il y aurait plus d'inconvénients que d'avantages à engager la procédure parlementaire nécessaire pour parvenir à une modification de la loi afin d'éliminer les discordances signalées.

La Commission ne peut que prendre acte des déclarations du Gouvernement d'un pays qui a toujours veillé attentivement à l'application des conventions par lui ratifiées, persuadée qu'au moment opportun ce gouvernement prendra les mesures nécessaires pour faire disparaître le manque d'harmonie, du reste théorique, entre les conventions et la législation nationale.

Bulgarie. — Le rapport du Gouvernement a un caractère extrêmement sommaire et n'est pas

APPENDIX I.

LIST OF POINTS ON WHICH THE COMMITTEE CONSIDERED THAT THE REPORTS EXAMINED CALLED FOR OBSERVATIONS OR UPON WHICH SUPPLEMENTARY INFORMATION SEEMED DESIRABLE.

Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

Belgium. — In 1930 and in 1931 the Conference Committee noted that whereas Article 14 of the Convention lays down that the operation of its provisions may be suspended "in the event of war or other emergency endangering the national safety" § 12 of the Belgian Act of 14 June 1921 provides for suspension "whenever in the opinion of the Superior Labour Council and the Superior Council of Industry and Commerce it is a national necessity that the means of exchange indispensable for the importation of the requisites of existence be ensured by the development of export trade".

In spite of the general character of the terms used in the Convention, it would be difficult to admit that they allow of its application being suspended in the case mentioned by the Belgian Act.

The Belgian Government does not maintain that that is the case, but points out that it has never made use of this clause and that it does not contemplate the possibility of doing so. It adds that more harm than good would be done by setting in motion the Parliamentary procedure necessary to effect an amendment of the Act in order to remove the discrepancy.

The Committee can only take note of this statement made by the Government of a country which has always taken great care to apply the Conventions which it has ratified, and it is convinced that the Government will, at a suitable opportunity, take steps to remove the lack of harmony, which is in any case of a theoretical character, between the Convention and its national legislation.

Bulgaria. — The report of the Government is of an extremely summary character and is not

rédigé dans la forme prescrite par le Conseil d'administration. Il conviendrait de demander au Gouvernement de rédiger à l'avenir ses rapports dans la forme requise, en donnant des renseignements sur l'application de chaque article de la convention, en particulier sur l'application des articles 7 et 8, à l'égard desquels il ne semble pas que le rapport présenté cette année contienne des informations quelconques.

Chili. — On a constaté, les années précédentes, que sur différents points la législation existante n'était pas en harmonie avec la convention. Le rapport de cette année déclare qu'un décret législatif, entré en vigueur le 29 novembre 1931, comporte toutes les modifications nécessaires pour mettre la législation nationale en parfait accord avec la convention. La Commission note ce fait avec satisfaction et exprime le vœu que dans son prochain rapport le Gouvernement fournira des renseignements détaillés sur l'application du nouveau décret, dans la forme prescrite par le Conseil d'administration.

Inde. — La Commission prend acte des renseignements détaillés que contient le rapport sur la consultation des organisations patronales et ouvrières, faite conformément à l'article 6 de la convention.

Lithuanie. — Le Gouvernement lithuanien a ratifié la convention en 1931 et le présent rapport est le premier qu'il ait eu à présenter. Ce rapport est extrêmement sommaire et ne permet pas à la Commission de se faire une idée nette de la manière dont les différentes dispositions de la convention sont effectivement appliquées. Elle exprime le vœu que l'année prochaine le Gouvernement sera à même de présenter un rapport plus complet et plus détaillé, dans la forme prescrite par le Conseil d'administration.

Luxembourg. — La Commission constate qu'un projet d'arrêté grand-ducal a été soumis au Conseil d'Etat et aux Chambres professionnelles aux fins de donner effet à certaines dispositions de la convention qui ne sont pas entièrement couvertes par la législation existante. La Commission espère qu'il sera possible au Gouvernement d'assurer à brève échéance la mise en vigueur de ce projet d'arrêté.

L'année précédente, la Commission a attiré l'attention sur l'exclusion du champ d'application de la convention des entreprises d'artisans employant moins de vingt ouvriers; elle avait proposé que l'on demande au Gouvernement des informations sur le nombre et la nature des entreprises employant moins de vingt ouvriers qui ont été soumises à l'application de la convention et de celles qui en restent exclues, ainsi que sur les critères qui ont été suivis. Le rapport actuel ne contient pas de renseignements détaillés sur cette question et se borne à déclarer que « la distinction entre l'industrie, le commerce et le métier est d'ordre jurisprudentiel; sont à considérer comme entreprises du métier les entreprises relevant de la Chambre des artisans ». Cette définition est encore insuffisante pour permettre à la Commission de se faire une idée sur le caractère des entreprises exclues du champ d'application de la convention. La Commission propose donc de demander au Gouvernement des renseignements complets et détaillés sur la nature des entreprises affiliées à la Chambre des artisans, si possible avec des exemples précis.

Portugal. — 1. Malgré les explications détaillées fournies par le Gouvernement, la Commission n'a pas pu se faire une idée exacte de la situation en ce qui concerne l'application de la journée de huit heures et la semaine de quarante-huit heures aux entreprises de transport. L'art. 9 du décret n° 5516 du 7 mai 1919 prévoit formellement que si le travail ne peut être organisé par équipes dans ces entreprises, la durée du travail pourra être prolongée sans fixer aucune limite à cette prolongation. En outre, le décret n° 8244 du 8 juillet 1922 prévoit à son art. 38 que la limite de quarante-huit heures par semaine peut être dépassée sur les chemins de fer, toujours sans fixer une limite à ce

drawn up in accordance with the form prescribed by the Governing Body. The Government might be asked in future to draw up its reports in the prescribed form, giving information on the application of each Article of the Convention and particularly on the application of Articles 7 and 8 with regard to which no information whatever appears to be contained in this year's report.

Chile. — It has been noted in past years that existing legislation was on a number of points not in harmony with the Convention. This year's report states that a Legislative Decree came into force on 29 November 1931 embodying changes necessary to bring the national legislation into complete agreement with the Convention. The Committee notes this fact with satisfaction and hopes that in its next report the Government will supply detailed information on the application of the new Decree in the form prescribed by the Governing Body.

India. — The Committee notes the detailed information contained in the report on the consultation of workers' and employers' organisations in accordance with Article 6 of the Convention.

Lithuania. — The Lithuanian Government ratified the Convention in 1931 and this is the first annual report which it has had to submit. The report is of an extremely summary character and does not enable the Committee to form a clear idea of the manner in which the various provisions of the Convention are in fact applied. It expresses the hope that next year the Government will be able to supply a fuller and more detailed report in the form prescribed by the Governing Body.

Luxembourg. — The Committee notes that a draft Grand-Ducal Decree has been submitted to the Council of State and the occupational Chambers for the purpose of giving effect to certain provisions of the Convention which are not fully covered by existing legislation. The Committee hopes that it will be possible for the Government to secure the early application of this draft Decree.

Last year the Committee drew attention to the exclusion from the scope of the Convention of handiwork undertakings employing less than twenty workers, and suggested that the Government should be asked for information as to the number and nature of the undertakings employing less than twenty workers which have been made subject to the application of the Convention and of those which are still excluded, as well as the criteria followed. The present report does not supply any detailed information on the subject but simply states that "the distinction between industry, commerce and arts and crafts is a matter for the courts; by handiwork undertakings is meant undertakings lying within the scope of the Chamber of Handicraftsmen". The above definition is still insufficient to enable the Committee to form any idea as to the character of the undertakings excluded from the scope of the Convention. It therefore suggests that the Government should be asked to supply full and detailed information on the nature of the undertakings which may affiliate to the Chamber of Handicraftsmen, with concrete examples if possible.

Portugal. — 1. Notwithstanding the detailed explanations supplied by the Government, the Committee has been unable to form an exact idea of the position as regards the application of the eight-hour day and the forty-eight-hour week to transport undertakings. §9 of Decree No. 5516 of 7 May 1919 expressly lays down that if work cannot be organised in shifts in such undertakings hours of work may be extended, but does not fix any limit for such extension. Further, Decree No. 8244 of 8 July 1922 lays down in §38 that the limit of forty-eight hours per week may be exceeded in the case of railways, but here again no

dépassement. La Commission estime, par conséquent, qu'il y aurait lieu de prier le Gouvernement de vouloir bien fournir des renseignements supplémentaires sur la situation de droit et de fait dans les entreprises de transports.

2. L'article 7 de la convention prévoit la communication au Bureau international du Travail d'une liste des travaux classés comme ayant un fonctionnement nécessairement continu dans le sens de l'article 4. Le Gouvernement portugais déclare dans son rapport qu'il n'existe pas encore au Portugal une liste officielle des travaux ayant un fonctionnement nécessairement continu. Etant donné l'importance de cette disposition de la convention, du point de vue du contrôle mutuel en vue duquel l'article 408 a été inséré dans le Traité de Paix, la Commission se permet d'exprimer l'espoir qu'il sera possible au Gouvernement d'entreprendre prochainement l'établissement d'une telle liste en vue de l'application stricte de la convention.

Roumanie. — On a précédemment formulé des observations sur l'application des articles 2, 6 et 8 de la convention. Le Gouvernement déclare que les questions soulevées par ces remarques ont été soumises au Conseil supérieur du travail pour avis, en vue de prévoir des dispositions légales. La Commission propose que l'on fasse demander au Gouvernement de tenir le Bureau international du Travail au courant des décisions prises par le Conseil supérieur du travail sur ces points.

Tchécoslovaquie. — La Commission constate avec une vive satisfaction que le Gouvernement tchécoslovaque a présenté un rapport très complet et très détaillé sur l'application de la convention et qu'il a notamment tenu à traiter d'une manière approfondie de toutes les observations faites l'an dernier, soit par la Commission des experts, soit par la Commission de l'article 408 à la Conférence.

Elle croit toutefois nécessaire de relever à nouveau un point qui a déjà fait l'objet d'observations l'année dernière. Il s'agit des conditions de contrôle de l'horaire de travail dans les établissements n'occupant pas plus de vingt ouvriers. Le Gouvernement tchécoslovaque répète cette année que dans les entreprises assujetties à la loi, et qui emploient plus de vingt ouvriers, un règlement de travail signé par le patron doit être affiché dans les locaux de travail, et que ce règlement contient « des dispositions relatives à la durée du travail, à la manière du roulement des équipes et aux pauses ». Il ajoute que « l'affichage des règlements de travail dans les petits métiers et industries apparaît être sans portée, car dans ce genre d'entreprises le contact du patron et des salariés est bien plus étroit que dans la grande production industrielle. Il faut néanmoins accentuer que la question des règlements de travail est également réglementée en Tchécoslovaquie par les conventions collectives considérablement ramifiées qui ont trait aussi aux entreprises comptant moins de vingt salariés ». Le Gouvernement tchécoslovaque semble donc ne pas avoir modifié la manière de voir exprimée déjà par lui l'an dernier en réponse aux observations de la Commission d'experts. Il semble qu'il y ait, de la part du Gouvernement tchécoslovaque, un malentendu sur la portée exacte des dispositions de l'article 8 alinéa *a*) de la convention. Ce texte demande en effet non pas l'affichage du nombre d'heures maximum qui doivent être faites chaque jour, mais l'affichage de l'horaire de travail. Or, il semble à première vue improbable que les conventions collectives, auxquelles il est fait allusion dans la réponse du Gouvernement tchécoslovaque, fixent non seulement le nombre d'heures qui doivent être effectuées dans les établissements auxquels ces conventions collectives se rapportent, mais les heures auxquelles le travail doit commencer et finir dans chaque établissement. La Commission serait donc reconnaissante au Gouvernement tchécoslovaque de vouloir bien lui indiquer si les conventions collectives contiennent ainsi les horaires de travail de tous les établissements auxquels elles se rapportent.

limit is laid down. The Committee accordingly considers that the Government should be requested to supply further information on the position in law and in fact in transport undertakings.

2. Article 7 of the Convention lays down that a list of the processes which are classed as being necessarily continuous in character under Article 4 is to be communicated to the International Labour Office. The Portuguese Government states in its report that no official list of processes which are necessarily continuous in character at present exists in Portugal. Since this provision of the Convention is a very important one from the point of view of the mutual supervision in the interests of which Article 408 was included in the Treaty of Peace, the Committee ventures to hope that the Government will find it possible in the near future to establish such a list, with a view to the strict application of the Convention.

Rumania. — Observations have in the past been made in regard to the application of Articles 2, 6 and 8 of the Convention. The Government states that the questions raised by these observations have been submitted to the Superior Labour Council with a view to obtaining its opinion before introducing legislation. The Committee suggests that the Government should be asked to keep the International Labour Office informed of the decisions of the Superior Labour Council on these points.

Czechoslovakia. — The Committee notes with satisfaction that the report of the Czechoslovak Government is extremely full and detailed and that all the observations made last year either by the Committee of Experts or the Conference Committee on Article 408 are dealt with in detail.

It nevertheless feels it necessary to draw attention once more to one point on which observations were made last year. This point relates to the possibility of checking the hours worked in undertakings employing not more than twenty workers. The Czechoslovak Government again states this year that in undertakings covered by the Act which employ more than twenty workers, works regulations signed by the employer must be posted up on the working premises and that those regulations contain "provisions relating to hours of work, to the system of rotation of shifts and to breaks". It further states that "the posting up of works regulations in small industries and handicrafts appears unnecessary, as in undertakings of that kind contact between employers and workers is much closer than in large industrial undertakings. It should, however, be emphasised that the question of works regulations is also regulated in Czechoslovakia by the widespread collective agreements which also cover undertakings employing less than twenty persons". The Czechoslovak Government would thus appear not to have changed the views which it expressed last year in reply to the observations of the Committee of Experts. The Czechoslovak Government would appear to be under a misapprehension as to the exact meaning of Article 8, paragraph (*a*), of the Convention. What that clause requires is not the posting up of the maximum number of hours to be worked per day but the posting up of the time-table of work. It would at first sight appear improbable that the collective agreements to which the Czechoslovak Government's reply refers fix not only the number of hours to be worked in the undertakings which they cover but the hours at which work is to begin and end in each undertaking. The Committee would therefore be grateful if the Czechoslovak Government would inform it whether the collective agreements contain the time-table of work in all the undertakings to which they refer.

En outre, et pour répondre à une remarque contenue dans le rapport du Gouvernement tchécoslovaque, elle tient à faire observer que les prescriptions contenues à l'article 8 alinéa *a*) de la convention n'ont pas essentiellement pour objet, comme il paraît le croire, de renseigner les ouvriers sur le nombre maximum d'heures pendant lesquelles ils peuvent être employés mais de faire connaître aux inspecteurs chargés de contrôler les dispositions concernant la durée du travail, les heures pendant lesquelles les ouvriers peuvent être occupés et par conséquent celles pendant lesquelles ils ne peuvent être occupés sans convention.

Convention concernant le chômage.

Observation générale. — Aux termes de l'article 3 de la convention, les Membres de l'Organisation internationale du Travail qui ratifieront la convention et qui ont établi un système d'assurance contre le chômage devront, dans les conditions arrêtées d'un commun accord entre les Membres intéressés, prendre des arrangements permettant à des travailleurs ressortissant à l'un de ces Membres et travaillant sur le territoire d'un autre de recevoir des indemnités d'assurance égales à celles touchées par les travailleurs ressortissant à ce deuxième Membre.

La plupart des Membres de l'Organisation qui, ayant un système d'assurance contre le chômage, sont appelés à appliquer cette disposition, se bornent à informer la Commission qu'ils pratiquent en cette matière la réciprocité internationale. Il convient d'observer que, quoique ce principe de réciprocité ait vraisemblablement été présent à l'esprit des rédacteurs de la disposition citée ci-dessus, il ne figure pas expressément dans la convention. Celle-ci ne parle en effet que « des conditions arrêtées d'un commun accord ». Il semblerait que les Membres de l'Organisation appelés à mettre les ouvriers étrangers au bénéfice de leur système d'assurance contre le chômage sont tenus de le faire dans des conditions arrêtées d'un commun accord. Il serait donc intéressant de trouver dans chaque rapport fourni par un pays ayant un système d'assurance contre le chômage l'indication des autres Membres de l'Organisation internationale du Travail avec lesquels ces conditions auraient été arrêtées et, si possible, le texte de ces conventions ou accords.

Bulgarie. — 1. Le rapport ne signale pas la communication des renseignements au Bureau international du Travail, conformément à l'article premier de la convention.

2. Le rapport ne donne aucune indication sur le nombre des bureaux de placement existant en 1931.

3. Le rapport ne fait pas mention de la question de l'octroi des indemnités d'assurance-chômage aux travailleurs étrangers conformément à l'article 3 de la convention.

Il y aurait lieu de demander au Gouvernement de donner des renseignements complémentaires sur ces points.

Espagne. — Le rapport de l'Espagne indique que les dispositions législatives et administratives en vigueur sous l'ancien régime n'étaient pas de nature à assurer l'application effective de la convention. Il annonce, d'autre part, que de telles mesures sont actuellement à l'étude, un projet de loi, en particulier, ayant été déposé sur le bureau des Cortès. La Commission se permet d'espérer que la législation projetée pourra être mise en vigueur dans un avenir rapproché.

Finlande. — Le rapport de la Finlande indique que ce pays n'a pas cru devoir conclure de conventions ou accords avec d'autres Etats pour assurer aux ouvriers étrangers le bénéfice du système

The Committee would further point out, in reply to a remark made in the Czechoslovak Government's reply, that the main object of the provisions of Article 8, paragraph (*a*), of the Convention is not, as the Government appears to believe, to acquaint the workers with the maximum number of hours for which they may be employed, but to acquaint the inspectors who have to enforce the regulations concerning hours of work of the hours during which workers may be employed, and, consequently, those during which they may not be employed without breach of the regulations.

Convention concerning unemployment.

General observation. — Under Article 3 of the Convention, Members of the International Labour Organisation which have ratified the Convention and which have established systems of insurance against unemployment must, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for workers belonging to the latter.

Most of the Members of the Organisation which have a system of unemployment insurance and should consequently apply that clause, confine themselves to informing the Committee that they practise international reciprocity in this respect. It should be noted that although the principle of reciprocity was probably present in the minds of the authors of the above clause, it is not expressly mentioned in the Convention, which only refers to "terms being agreed between the Members concerned". It would therefore seem that Members of the Organisation which are required to enable foreign workers to benefit by their unemployment insurance system are obliged to do so on terms agreed between the Members concerned. It would accordingly be desirable if each report furnished by a country possessing a system of unemployment insurance mentioned the other Members of the International Labour Organisation with which such terms had been agreed and gave, if possible, the text of such Conventions or agreements.

Bulgaria. — 1. The report does not mention the communication of information to the International Labour Office in accordance with Article 1 of the Convention.

2. The report supplies no information on the number of employment exchanges existing in 1931.

3. The report does not mention the question of the extension of unemployment insurance benefits to foreign workers in accordance with Article 3 of the Convention.

The Government might be asked to supply supplementary information on these points.

Spain. — The report states that the laws and administrative regulations in force under the previous régime were not of a nature to ensure the effective application of the Convention. It states that the necessary measures are at present under consideration and that a Bill has been tabled in the Cortes. The Committee ventures to hope that the proposed legislation will come into force as early as possible.

Finland. — The report states that the Government has not yet thought it necessary to conclude conventions or agreements with other States in order to allow foreign workers to benefit by the

d'assurance contre le chômage en vigueur en Finlande. Le rapport indique du reste qu'en fait l'ordonnance en vigueur sur les caisses de chômage ayant droit à des subsides sur les fonds publics place les travailleurs étrangers à ces caisses dans la même situation à tous égards que les ouvriers nationaux.

Il convient d'observer que, quoique ce système soit de nature à protéger pleinement les ouvriers étrangers en Finlande, il n'assure pas une égale protection des ouvriers finlandais travaillant à l'étranger dans des pays membres de l'Organisation internationale du Travail qui possèdent un système d'assurance contre le chômage.

Grande-Bretagne. — En 1930, la Commission avait été informée des plaintes élevées par le Gouvernement de l'Etat libre d'Irlande relatives à une disposition en vigueur dans l'Irlande du Nord. Aux termes de cette disposition, les prestations d'assurance-chômage n'étaient étendues aux ouvriers ressortissants de l'Etat libre qu'à la condition d'une résidence d'au moins trois ans dans le Royaume-Uni. Le Gouvernement britannique avait estimé que cette disposition n'était pas contraire aux termes de l'article 3 et que, d'ailleurs, elle ne s'inspirait pas du désir de faire subir aux ressortissants de l'Etat libre d'Irlande un traitement différentiel. Il est intéressant de trouver dans le rapport britannique, l'indication d'un accord conclu entre ce Gouvernement et celui de la Suisse, assurant aux ouvriers suisses travaillant en Grande-Bretagne le bénéfice de la législation britannique contre le chômage sans cette condition de résidence. Il est curieux de noter, en particulier, que cet accord est destiné à étendre ses effets dans tout le Royaume-Uni, sauf dans l'Irlande du Nord.

Inde. — Le rapport de l'Inde signale qu'à la suite des enquêtes de la Commission royale, le Gouvernement devra examiner à nouveau la situation en ce qui concerne l'application de la convention. La Commission estime qu'il conviendrait de prier le gouvernement de vouloir bien tenir le Bureau au courant des résultats de cet examen.

Luxembourg. — L'année passée, la Commission a noté, à propos de l'article 1 de la convention, l'indication du rapport d'après laquelle les bureaux publics de placement communiquent tous les renseignements dont ils disposent au Gouvernement luxembourgeois, et a fait remarquer que cette mesure ne répondait pas aux exigences de cet article qui prévoit la communication des renseignements au Bureau international du Travail. La Commission note à nouveau que le rapport actuellement présenté ne mentionne pas, à propos de l'article 1, la communication des renseignements au Bureau international du Travail, bien qu'elle ait été informée que le Bureau avait effectivement reçu de tels renseignements. La Commission pense qu'il y aurait lieu d'attirer de nouveau l'attention du Gouvernement sur ce point.

Suisse. — Le Gouvernement suisse signale que, sur 36 bureaux publics de placement qui se trouvent en activité sur le territoire de la Confédération, 10 ne sont pas pourvus d'un comité consultatif composé de représentants des patrons et des ouvriers. Le rapport indique que de tels comités n'existent pas, par exemple, auprès des bureaux cantonaux, lorsque ces derniers coordonnent l'action de bureaux locaux qui sont eux-mêmes pourvus de tels comités et qu'inversement lorsque le bureau central du canton possède un de ces comités paritaires, il peut être inutile d'exiger que les bureaux communaux en constituent également. La Commission estime qu'il conviendrait de demander au Gouvernement si ces deux éventualités sont les seules dans lesquelles on constate l'absence des comités consultatifs prévus par la convention.

system of unemployment insurance existing in Finland. The report states that in practice the Order concerning unemployment funds which are entitled to subsidies from public funds treats foreign workers belonging to those funds entirely in the same way as national workers.

It should be pointed out that although that system is calculated to afford full protection to foreign workers in Finland, it does not ensure equal protection for Finnish workers employed abroad in countries belonging to the International Labour Organisation which possess a system of unemployment insurance.

Great Britain. — In 1930 the Committee was informed of the complaints made by the Government of the Irish Free State concerning a provision which was in force in Northern Ireland. Under that provision unemployment insurance benefits were not payable to workers who were nationals of the Irish Free State unless they had been resident for not less than three years in the United Kingdom. The British Government considered that that clause was not contrary to Article 3 and was, moreover, not intended to subject nationals of the Irish Free State to differential treatment. It is interesting to note that the British report states that an agreement has been concluded between Great Britain and Switzerland allowing Swiss workers employed in Great Britain to benefit by British legislation concerning unemployment without such condition as regards residence. It is in particular noteworthy that the agreement in question extends to the whole of the United Kingdom except Northern Ireland.

India. — The report of India states that as a result of the investigations of the Royal Commission, the Government will review the present position as regards the application of the Convention. The Committee considers that the Government should be requested to keep the Office informed of the results of such further consideration.

Luxembourg. — Last year the Committee noted that under Article 1 of the Convention the report stated that public employment agencies communicated all information at their disposal to the Luxembourg Government, and pointed out that this did not satisfy the requirements of the Article, which provides for the communication of information to the International Labour Office. The Committee again notes that the present report still does not refer, under Article 1, to the communication of information to the International Labour Office, although it has been informed that in fact the International Labour Office has received such information. It ventures to suggest that the attention of the Government should once again be drawn to the matter.

Switzerland. — The Swiss Government states that out of 36 public employment agencies which are at work on the territory of the Confederation, 10 do not possess an advisory committee consisting of representatives of employers and workers. Such committees do not, for example, exist in connection with cantonal agencies when they co-ordinate the work of local agencies which themselves have such committees, and conversely, when the central agency of the canton possesses a joint committee it appears unnecessary to require the communal agencies also to set up committees. The Committee considers that the Government should be asked whether these are the only cases in which the advisory committees for which the Convention provides have not been set up.

Convention concernant l'emploi des femmes avant et après l'accouchement.

Allemagne. — Aux termes du rapport, les ressortissantes étrangères n'ont pas droit à l'allocation spéciale accordée aux femmes avant et après l'accouchement en vertu de l'article 12 des principes fédéraux, étant donné que les dispositions de ces principes fédéraux ne s'appliquent aux ressortissantes étrangères que lorsqu'il en a été décidé ainsi soit par le Gouvernement du Reich d'accord avec le Reichsrat, soit par une convention internationale. Étant donné qu'en vertu de l'article 2 de la convention, le terme « femme » désigne toute personne du sexe féminin, quelle que soit sa nationalité, on pourrait demander au Gouvernement allemand des renseignements complémentaires sur la façon dont les femmes étrangères n'ayant pas droit aux prestations d'assurance (dont le nombre est sans doute extrêmement faible) peuvent faire valoir leur droit aux prestations prévues par la convention.

Bulgarie. — 1. En 1929, la Commission de la Conférence a fait remarquer qu'il ne semblait pas que la législation bulgare prévoyait, conformément à l'article 4 de la convention, un délai maximum pendant lequel il ne peut être signifié de congé à la femme, outre la période de six semaines après l'accouchement pendant laquelle, en vertu de l'article 3 de la convention, elle n'est pas autorisée à travailler.

En 1930, le représentant du Gouvernement bulgare a fait connaître à la Commission de la Conférence qu'une femme ne pouvait être renvoyée sans un préavis de 15 jours et que ce préavis ne pouvait être donné avant l'expiration d'un délai de six semaines après l'accouchement. Malgré le vœu exprimé par la Commission de la Conférence que le rapport annuel contiendrait à l'avenir de plus amples explications sur ce point, le rapport actuel n'en fait pas mention.

2. D'après le rapport, l'octroi de repos pour l'allaitement est facultatif, alors qu'en vertu de l'article 3 d) de la convention, ce repos doit être accordé obligatoirement.

La Commission estime qu'il conviendrait de demander au Gouvernement de donner des explications complémentaires sur ces deux points.

Chili. — Il y a lieu de faire la même remarque que pour la convention sur la durée du travail dans les entreprises industrielles.

Espagne. — Du rapport qui est extrêmement sommaire, il résulte que pendant la période envisagée, la législation espagnole n'a pas été en accord avec la convention. Toutefois, il est fait allusion à une nouvelle législation adoptée en 1931. La Commission se permet d'espérer que dans son prochain rapport, le Gouvernement espagnol donnera des renseignements complets sur l'application de toute la législation existante en la matière, et cela dans la forme prescrite par le Conseil d'administration.

Hongrie. — La Commission note avec satisfaction l'entrée en vigueur de la législation donnant suite aux dispositions de l'article 3 a), b), d) et de l'article 4 de la convention.

Lettonie. — Les années précédentes, on a relevé le fait que tandis que la convention assure la protection des femmes pendant une période de six semaines avant et de six semaines après l'accouchement, la législation lettone établit cette protection pour une période de quatre semaines avant et huit semaines après l'accouchement. Le rapport de cette année déclare que les autorités médicales et législatives estiment que cette disposition est mieux adaptée aux conditions économiques et sociales du pays. On doit cependant faire remarquer que la ratification de la convention implique l'obligation précise d'assurer la protection aux femmes pendant une période de six semaines précédant la date présumée de l'accouchement.

Convention concerning the employment of women before and after childbirth.

Germany. — According to the report, foreign women are not entitled to the special relief granted to women before and after childbirth under section 12 of the Federal Principles, as the provisions of the Federal Principles in question relate to foreigners only if this has been decided by the Federal Government with the approval of the Federal Council or by a State treaty. Since under Article 2 of the Convention the term "woman" signifies any female person irrespective of nationality, the German Government might be asked for further information on the manner in which foreign women who are not entitled to insurance benefit (the number of whom is no doubt extremely small) can claim the benefits provided by the Convention.

Bulgaria. — 1. In 1929 the Conference Committee pointed out that Bulgarian legislation does not appear to provide for a maximum period under Article 4 of the Convention during which a woman may not be given notice of dismissal, beyond the six weeks following confinement during which, under Article 3 of the Convention, a woman may not be permitted to work.

In 1930 the representative of the Bulgarian Government informed the Conference Committee that no woman could be dismissed without a fortnight's notice and that such notice could not be given until the expiry of the six weeks after confinement. Notwithstanding the hope expressed by the Conference Committee that a statement to this effect would in future be explicitly inserted in the annual report, the present report makes no reference to the subject.

2. According to the report, the granting of time off for nursing is optional, whereas under Article 3 (d) of the Convention such time off must be granted compulsorily.

The Government might be asked to supply supplementary information on these two points.

Chile. — The same observation must be made as under the Convention limiting hours of work in industrial undertakings.

Spain. — The report, which is of an extremely summary character, makes it clear that during the period covered Spanish legislation was not in harmony with the Convention. The adoption of new legislation during 1931 is, however, mentioned. The Committee hopes that in its next report the Spanish Government will give full information on the application of all the relevant legislation in the form prescribed by the Governing Body.

Hungary. — The Committee notes with satisfaction the entry into force of the legislation giving effect to the provisions of Article 3 (a), (b) and (d), and Article 4 of the Convention.

Latvia. — Reference has been made in past years to the fact that, whereas the Convention secures protection for women during a period of six weeks before and six weeks after childbirth, Latvian legislation secures such protection four weeks before and eight weeks after childbirth. The present report states that this provision is considered by the medical authorities and the legislature as better adapted to the social and economic conditions of the country. It must, however, be pointed out that ratification of the Convention involves a definite obligation to grant protection to women six weeks before the presumed date of childbirth.

Luxembourg. — La Commission note avec satisfaction que des dispositions ont été introduites dans un projet d'arrêté soumis au Conseil d'Etat et aux Chambres professionnelles, dans le but de mettre la législation luxembourgeoise en concordance complète avec les dispositions de la convention. La Commission forme le vœu qu'il sera possible au Gouvernement d'assurer à brève échéance la promulgation de ce projet d'arrêté.

Roumanie. — On a constaté l'année précédente que les systèmes d'assurance-maladie en vigueur dans les différentes parties de la Roumanie ne sont pas de nature à assurer l'application complète des dispositions de la convention. Il résulte du rapport actuellement présenté que le projet de loi coordonnant les systèmes d'assurance sociale et qui comporte des dispositions appliquant l'article 3 de la convention n'a pas encore été mis en vigueur. La Commission exprime le vœu qu'il sera possible au Gouvernement d'établir à brève échéance la législation nécessaire.

Yougoslavie. — L'article 3 d) de la convention prévoit que la femme « aura droit dans tous les cas, si elle allaite son enfant, à deux repos d'une demi-heure pour lui permettre l'allaitement ». La législation yougoslave accorde à une femme un repos pour l'allaitement d'une durée d'une demi-heure toutes les quatre ou cinq heures lorsque l'enfant se trouve dans le logement de la mère, et de 15 minutes toutes les quatre ou cinq heures lorsque l'enfant se trouve à la crèche de l'entreprise dans laquelle la mère est employée. La Commission estime qu'il conviendrait d'attirer l'attention du Gouvernement sur la discordance entre cette disposition et le texte de la convention.

Convention concernant le travail de nuit des femmes.

Afrique du Sud. — En 1930, la Commission de la Conférence avait demandé que le Gouvernement donne dans ses prochains rapports des renseignements détaillés sur l'effet combiné de la loi sur les fabriques et de la loi sur les salaires, du point de vue de l'application de la convention. Bien que la Commission n'ait aucun motif de doute sur l'application effective de la convention, elle reste cependant dans l'impossibilité, en présence du rapport présenté par le Gouvernement, de se faire une opinion sur la manière dont l'application est effectivement assurée par l'effet conjugué de ces deux lois.

Belgique. — Le rapport attire l'attention sur les difficultés rencontrées pour l'application de la convention dans les entreprises de peignage de laine de la région de Verviers, en raison du refus des ouvrières intéressées de commencer le travail à 5 heures du matin. Devant cette difficulté, le Gouvernement belge a présenté à la session de 1931 de la Conférence une proposition tendant à la revision de la convention. Toutefois, comme cette proposition n'a pas été adoptée, le Gouvernement déclare qu'il a fait connaître aux personnes intéressées que la pratique suivie dans la région verviétoise devait être mise en accord avec les prescriptions de la convention et que des pourparlers dans ce sens sont actuellement en cours. La Commission espère que le Gouvernement belge informera le Bureau du résultat de ses négociations.

Hongrie. — La Commission constate avec satisfaction que la législation nécessaire pour une entière application de la convention est actuellement entrée en vigueur.

Inde. — Le rapport déclare que la loi sur les fabriques de l'Inde sera, espère-t-on, soumise bientôt à une revision, comme suite aux recommandations formulées par la Commission royale d'enquête sur le travail, et que l'on profitera de cette occasion pour introduire dans la loi des modi-

Luxembourg. — The Committee notes with satisfaction that provisions have been inserted in a draft Decree which has been submitted to the Council of State and the occupational chambers for the purpose of bringing Luxembourg legislation into full harmony with the provisions of the Convention. The Committee hopes that it will be possible for the Government to secure the early adoption of this draft Decree.

Rumania. — It was noted last year that the systems of sickness insurance in force in different parts of Rumania are not such as to give full application to the relevant provisions of the Convention. It appears from the present report that the Bill for unifying the systems of social insurance, which contains provisions for the application of the Convention, is not yet in force. The Committee hopes that it will be possible for the Government to establish the necessary legislation at an early date.

Yugoslavia. — Article 3 (d) of the Convention provides that a woman "shall in any case, if she is nursing her child, be allowed half-an-hour twice a day during her working hours for this purpose". Under Yugoslav legislation a woman is allowed for this purpose half-an-hour every four or five hours where the child is at the mother's home and fifteen minutes every four or five hours where the child is in the crèche of the undertaking in which the mother is employed. The attention of the Government might be drawn to the discrepancy between the latter provision and the text of the Convention.

Convention concerning employment of women during the night.

South Africa. — In 1930 the Conference Committee asked that the Government should in future reports give detailed information on the combined operation of the Factories Act and the Wage Act for the purpose of applying the Convention. While the Committee has no reason to doubt the effective application of the Convention, it still finds it impossible from the report submitted by the Government to form an opinion as to the manner in which such application is, in fact, secured by the operation of these two Acts.

Belgium. — The report draws attention to a difficulty experienced in applying the Convention in wool-combing establishments in the district of Verviers, owing to the refusal of the women workers concerned to begin work at 5 a.m. In view of this difficulty, the Belgian Government submitted to the Conference in 1931 a proposal for the revision of the Convention. As this proposal was not adopted, however, the Government states that it has informed the persons concerned that the practice at Verviers must be brought into harmony with the provisions of the Convention, and that negotiations are at present in progress for the purpose. The Committee hopes that the Belgian Government will inform the Office as to the result of these negotiations.

Hungary. — The Committee notes with satisfaction that the legislation for the full application of the Convention has now come into force.

India. — The report states that the Indian Factories Act will, it is hoped, shortly come under revision as a result of the recommendations made by the Royal Commission on Labour, and that opportunity will then be taken to introduce provisions ensuring to women workers in factories a

fications assurant aux ouvrières des fabriques un repos de nuit de onze heures consécutives, ainsi que le prescrit l'article 2 de la convention. La Commission prend acte de cette déclaration et formule le vœu que le Gouvernement tienne le Bureau au courant des progrès de la nouvelle législation.

Lithuanie. — L'observation formulée à propos de la convention sur la durée du travail dans les entreprises industrielles s'applique également à la présente convention.

Roumanie. — La Commission prend acte avec satisfaction de la réponse fournie par le Gouvernement à la remarque faite l'année précédente sur la discordance semblant exister entre le paragraphe 3 de l'art. 15 de la loi du 9 avril 1928 et la convention; elle note également avec satisfaction qu'un projet de loi va être présenté au Parlement pour supprimer cette discordance.

Convention fixant l'âge minimum d'admission des enfants aux travaux industriels.

Belgique. — La Commission constate que si le rapport du Gouvernement se réfère, à propos de l'article 4 de la convention, à certaines dispositions de l'article 16 de la loi sur le travail des femmes et des enfants, il ne mentionne pas par contre la disposition prescrivant que « les chefs d'entreprise, patrons et gérants, tiennent un registre d'inscription portant les indications énumérées au premier alinéa du présent article ». Comme l'application de cette disposition paraît être indispensable pour donner suite aux prescriptions de l'article 4 de la convention, la Commission estime que l'on pourrait demander au Gouvernement pourquoi son rapport ne la mentionne pas.

Bulgarie. — Le rapport du Gouvernement ne contient pas de renseignements sur l'application de l'article 4 de la convention (tenue d'un registre). On pourrait demander au Gouvernement de fournir des renseignements complémentaires sur ce point.

Chili. — La remarque formulée à propos de la convention concernant la durée du travail dans les entreprises industrielles s'applique également à la présente convention.

Lettonie. — 1. Le rapport du Gouvernement mentionne parmi les mesures légales tendant à l'application de la convention, une Instruction du Ministre des Affaires sociales du 9 janvier 1931, ayant trait aux dispositions relatives au travail de jeunes ouvriers dans les établissements industriels et les ateliers. Etant donné qu'elle ne possède pas d'exemplaire de cette Instruction, la Commission n'a pas pu se faire une idée de son application. Il conviendrait de demander au Gouvernement de communiquer au Bureau un exemplaire de ce document.

2. La déclaration faite par le Gouvernement à propos de l'article 3 de la convention reproduit les dispositions de l'article sans donner aucune indication quant à son application. La Commission estime qu'il conviendrait de demander au Gouvernement des informations complémentaires sur ce point.

3. L'article 4 de la convention prévoit la tenue d'un registre de toutes les personnes de moins de 16 ans employées dans les entreprises industrielles. Le rapport présenté par le Gouvernement déclare que la tenue d'un registre est exigée pour toutes les personnes de moins de 15 ou 16 ans. La Commission estime qu'il y aurait lieu d'attirer l'attention du Gouvernement sur cette discordance.

Roumanie. — La Commission prend acte avec satisfaction de la déclaration formulée dans le

night rest of eleven consecutive hours, as laid down in Article 2 of the Convention. The Committee notes this statement and hopes that the Government will keep the Office informed of the progress of the projected legislation.

Lithuania. — The observation made under the Convention limiting hours of work in industrial undertakings applies also in the case of this Convention.

Rumania. — The Committee notes with satisfaction the Government's statement in reply to the observation made last year that §15 (3) of the Act of 9 April 1928 is considered not to be in harmony with the Convention and that a Bill is to be submitted to Parliament for its deletion.

Convention fixing the minimum age for admission of children to industrial employment.

Belgium. — The Committee notes that whilst the Government's report mentions under Article 4 of the Convention certain provisions of §16 of the Act relating to the employment of women and children, it does not mention the provision laying down that "heads of undertakings, employers and managers shall keep a register of the entries prescribed in paragraph 1 of this section." As the application of this clause appears to be essential in order to give effect to the provisions of this Article of the Convention, the Committee suggests that the Government might be asked why its report contains no reference thereto.

Bulgaria. — The Government's report contains no information on the application of Article 4 of the Convention (keeping of a register). The Government might be asked for supplementary information on this point.

Chile. — The observation made with reference to the Convention limiting hours of work in industrial undertakings applies with regard to this Convention also.

Latvia. — 1. The Government's report mentions among the legislative measures for the application of the Convention an Instruction of 9 January 1931 of the Ministry of Social Welfare on the provisions concerning the employment of young workers in industrial establishments and workshops. As no copy of this Instruction is available, it is impossible for the Committee to form any opinion as to its application. It suggests that the Government should be asked to communicate a copy of this document to the Office.

2. The statement of the Government under Article 3 of the Convention reproduces the provisions of the Article without supplying any information as to their application. The Government might be asked for supplementary information on this point.

3. Article 4 of the Convention lays down that a register must be kept of all persons under the age of 16 years employed in industrial undertakings. The report of the Government states that a register is required in respect of all persons under 15 or 16 years of age. This discrepancy might be pointed out.

Rumania. — The Committee notes with satisfaction the statement in the Government's very

rapport très complet et très intéressant présenté par le Gouvernement, qui fait connaître que certaines questions soulevées par l'application des articles 2 et 4 de la convention ont été renvoyées au Conseil supérieur du travail en vue de mener à l'adoption de mesures légales. La Commission exprime le vœu que les mesures nécessaires soient prises à brève échéance.

Convention concernant le travail de nuit des enfants dans l'industrie.

Belgique. — L'année dernière, la Commission avait constaté que d'après le rapport du Gouvernement belge, des dérogations sont autorisées dans les fonderies de zinc, de plomb et d'argent, dans les laminaires et dans les fonderies de cuivre; elle estimait qu'il conviendrait de demander au Gouvernement si l'exemption des jeunes gens dans ces industries ne s'applique qu'aux travaux où l'on fait emploi des fours à réverbère ou à régénération, conformément aux termes de l'article 2 de la convention. Etant donné que le rapport actuellement présenté ne répond pas à cette question, la Commission se croit obligée de la poser à nouveau et d'attirer l'attention du Gouvernement sur les termes précis de cet article.

Chili. — La remarque formulée à propos de la convention concernant la durée du travail dans les entreprises industrielles s'applique également à la présente convention.

Hongrie. — La Commission se croit obligée de faire remarquer que la légère discordance sur laquelle elle a attiré l'attention l'année passée (à propos de l'emploi d'enfants dans les briquetteries à travail manuel) subsiste encore actuellement.

Inde. — La remarque formulée à propos de la convention concernant le travail de nuit des femmes s'applique également à la présente convention.

Lettonie. — De même que les années précédentes, la Commission doit constater que la législation à laquelle se réfère le rapport ne contient aucune disposition assurant le repos de onze heures prévu dans la convention. La Commission estime qu'il conviendrait que l'on demandât au Gouvernement de nouveaux renseignements sur la manière dont l'application de cette disposition de la convention est effectivement assurée.

Lithuanie. — Les remarques formulées à propos de la convention concernant la durée du travail dans les entreprises industrielles s'appliquent également à la présente convention.

Pays-Bas. — La Commission prend acte avec satisfaction de l'adoption de mesures légales tendant à supprimer les discordances sur lesquelles elle avait attiré l'attention l'année précédente.

Roumanie. — La Commission note avec satisfaction que le Gouvernement, dans son rapport, déclare qu'une proposition va être soumise au Conseil supérieur du travail en vue de supprimer le dernier paragraphe de l'art. 9 de la loi roumaine, lequel, bien qu'il n'ait pas été mis en vigueur, ne paraît pas être en accord avec les dispositions de la convention. La Commission se permet d'espérer que les mesures nécessaires seront prises à brève échéance.

Yougoslavie. — La Commission constate avec satisfaction qu'une circulaire ministérielle a prescrit aux inspecteurs du travail de ne pas permettre les dérogations prévues par l'art. 18 de la loi du 28 février 1922, dont la Commission a fait remarquer l'année précédente le désaccord avec la convention.

full and interesting report to the effect that questions concerning the application of Articles 2 and 4 of the Convention have been referred to the Superior Labour Council with a view to the adoption of legislative measures. The Committee hopes that the necessary steps may be taken at an early date.

Convention concerning the night work of young persons employed in industry.

Belgium. — Last year the Committee noted that according to the report of the Belgian Government exemptions are allowed in zinc, lead and silver smelting works, in rolling mills and in copper smelting works, and suggested that the Government should be asked whether the exemption of young persons in these industries applied only to processes in which reverberatory or regenerative furnaces are used in accordance with the terms of Article 2 of the Convention. As the present report contains no reply to this question the Committee feels bound to raise it afresh and to draw attention to the exact terms of this Article of the Convention.

Chile. — The observation made with reference to the Convention limiting hours of work in industrial undertakings applies with regard to this Convention also.

Hungary. — The Committee is bound to note that the discrepancy to which it drew attention last year (concerning the employment of young persons in brick works in which bricks are made by hand) still exists.

India. — The observation made in respect of the Convention concerning employment of women during the night applies in the case of this Convention also.

Latvia. — As in past years, the Committee has to note that the legislation mentioned in the report does not contain any provision to ensure the eleven hours' rest prescribed by the Convention. The Committee suggests that the Government should again be asked for information on the manner in which the application of this provision of the Convention is in fact secured.

Lithuania. — The observations made in respect of the Convention limiting hours of work in industrial undertakings apply in the case of this Convention also.

Netherlands. — The Committee notes with satisfaction the adoption of legislation for the purpose of removing the discrepancies to which it drew attention last year.

Rumania. — The Committee notes with satisfaction the statement in the Government's report to the effect that a proposal is to be submitted to the Superior Council of Labour for the deletion of the last paragraph of §9 of the Rumanian Act, which, though it has not been put into application, does not appear to be in harmony with the provisions of the Convention; it hopes that the necessary steps will be taken at an early date.

Yugoslavia. — The Committee notes with satisfaction that a Ministerial Circular has been issued to the factory inspectors instructing them not to allow exceptions under §18 of the Act of 28 February 1922, to which the Committee drew attention last year as not being in harmony with the Convention.

Convention concernant l'âge minimum d'admission des enfants au travail maritime.

Bulgarie. — Le rapport indique que la réglementation visant les équipages des bateaux à vapeur appartenant à la Compagnie de la marine marchande bulgare assure l'application de la convention. Il conviendrait toutefois de demander au Gouvernement bulgare s'il n'existe pas d'autres bateaux affectés à la navigation maritime, battant pavillon bulgare et n'appartenant pas à cette compagnie ; dans l'affirmative, il y aurait intérêt à savoir comment l'application des dispositions de la convention est assurée à bord de ces bateaux.

Hongrie. — Le rapport signale qu'étant donné que la Hongrie ne possède ni ports ni littoral, la loi ratifiant la convention ne peut comporter d'application pratique. On pourrait toutefois demander au Gouvernement si malgré l'absence de ports ou de littoral nationaux il n'existe pas en fait des bateaux affectés à la navigation maritime et battant le pavillon hongrois ; dans l'affirmative, il conviendrait de demander comment l'application des dispositions de la convention est assurée à bord de ces bateaux.

Lettonie. — Comme l'année dernière, le rapport n'indique pas si un registre portant mention des dates de naissance des personnes au-dessous de 16 ans est tenu à bord des navires lettons, conformément à l'article 4 de la convention. A la quatorzième session de la Conférence, en réponse à une observation sur ce point, le délégué du Gouvernement letton a déclaré que la tenue d'un tel registre était en fait requise sur les navires lettons. La Commission exprime à nouveau le vœu formulé à cette occasion par la Commission de la Conférence, qu'à l'avenir le Gouvernement letton traite spécialement ce point dans son rapport annuel.

Convention concernant l'indemnité de chômage en cas de perte par naufrage.

Espagne. — La législation assurant l'application des dispositions de la convention vise tous les « membres de l'équipage ». Le Gouvernement explique, en réponse à une question posée par la Commission l'année dernière, que les termes « membres de l'équipage » ne visent pas les officiers du pont et des machines. Etant donné que la convention est applicable « à toutes les personnes employées à bord de tout navire effectuant une navigation maritime », il conviendrait de demander au Gouvernement quelles mesures sont prises pour assurer le bénéfice de l'application des dispositions de la convention aux officiers et aux capitaines.

Lettonie. — Le rapport ne donne aucune définition du terme « marins » aux fins de l'application de la convention. D'autre part, la législation mentionnée dans le rapport ne paraît contenir aucune disposition prescrivant l'octroi d'une indemnité de chômage en cas de perte par naufrage. Le Gouvernement pourrait être invité à fournir des renseignements complémentaires sur ces deux points.

Pologne. — Le rapport indique que le projet de loi destiné à mettre la législation polonaise en harmonie avec les dispositions de la convention est encore en cours de préparation ; ce projet avait été mentionné pour la première fois dans le premier rapport annuel fourni par ce Gouvernement pour l'année 1924. Le rapport actuel indique toutefois que les travaux préparatoires seront terminés prochainement. La Commission formule le vœu que le Gouvernement polonais fasse tout en son pouvoir pour hâter la préparation et l'adoption du projet en question et qu'il tiendra le Bureau informé des progrès accomplis en cette matière.

Roumanie. — Le Gouvernement roumain signale qu'aucun naufrage n'est survenu pendant la période visée par le rapport, mais que la législation nécessaire pour faire porter effet à la conven-

Convention fixing the minimum age for admission of children to employment at sea.

Bulgarie. — The report refers to the regulations concerning the crews of steam vessels belonging to the Bulgarian Merchant Shipping Company as securing application of the Convention. The Government might be asked, however, whether there are no vessels engaged in maritime navigation flying the Bulgarian flag and not belonging to this company, and if there are such vessels, how observance of the provisions of the Convention is secured upon them.

Hungary. — The report states that as Hungary has neither a seaport nor seaboard no practical application can be given to the provisions of the Act ratifying the Convention. The Government might be asked, however, whether despite the lack of a national seaport or seaboard there are not in fact vessels engaged in maritime navigation flying the Hungarian flag, and if there are such vessels, how observance of the provisions of the Convention is secured upon them.

Latvia. — As last year, the report does not indicate whether a register giving the dates of birth of persons under 16 years of age is kept on board Latvian vessels in accordance with Article 4 of the Convention. At the Fourteenth Session of the Conference, in response to an observation on this point, the Latvian Government delegate declared that such a register was in fact required on Latvian vessels. The Committee reiterates the request made at the Conference Committee on that occasion that in future the Latvian Government should specifically deal with this point in its annual report.

Convention concerning unemployment indemnity in case of loss or foundering of the ship.

Spain. — The legislation applying the provisions of the Convention covers all "members of the crew". The Government explains, in response to a question raised by the Committee last year, that the term "members of the crew" does not cover deck or engine-room officers. The Committee suggests that since the Convention applies to "all persons employed on any vessel engaged in maritime navigation", the Government should be asked what steps are taken to ensure the benefit of the Convention's provisions to officers and masters.

Latvia. — The report gives no definition of the term "seamen" for the purposes of the application of this Convention. Moreover, no provision appears to be made in the legislation quoted in the report for the granting of an indemnity in respect of unemployment due to shipwreck. The Government might be asked for supplementary information on these two points.

Poland. — The Bill to bring Polish legislation into harmony with the Convention, mentioned as long ago as the first report supplied by the Government (for 1924), is stated still to be in course of preparation. The present report adds, however, that the preparatory work will be concluded at an early date. The Committee hopes that the Government will do everything in its power to hasten the preparation and passage of the Bill in question and that it will keep the Office informed of the progress made in the matter.

Rumania. — The Rumanian Government states that whilst no shipwreck occurred during the period covered by the report, the legislation necessary for giving effect to the Convention has

tion n'a pas encore été déposée devant le Parlement. La Commission formule le vœu que les mesures nécessaires soient prises sans retard pour faire porter plein effet aux dispositions de la convention.

Yugoslavie. — Dans une lettre datée du 30 octobre 1931 communiquant au Bureau d'autres rapports annuels, le Gouvernement yougoslave indique que le rapport concernant l'application de cette convention sera envoyé le plus tôt possible, le projet concernant la réglementation des conditions de travail à bord des navires n'étant pas encore terminé. Le Bureau n'a pas encore reçu ce rapport. La Commission se permet d'espérer que le Gouvernement s'efforcera de hâter la préparation et l'adoption de la législation en question.

Convention concernant le placement des marins.

Belgique. — Le Gouvernement belge déclare dans son rapport que des « raisons d'ordre budgétaire et des difficultés pratiques de réalisation » ont empêché jusqu'ici l'organisation d'un bureau de recrutement gouvernemental. Or l'existence d'un système d'offices gratuits de placement pour les marins, assuré par l'Etat, est prévu aux termes de l'article 4 de la convention, à défaut de tels offices organisés et maintenus par des associations représentatives des armateurs et des marins agissant en commun. Le rapport déclare de plus que l'Office du placement gratuit existant est organisé et maintenu par l'Union des armateurs belges sans représentation des marins. Il conviendrait d'attirer à nouveau l'attention du Gouvernement sur cette divergence, et de lui demander de bien vouloir fournir des explications supplémentaires sur la nature des difficultés qui l'ont jusqu'ici empêché de donner plein effet aux dispositions de la convention.

Espagne. — D'après le rapport fourni par le Gouvernement espagnol, il appert que la convention n'a pas pu être effectivement appliquée vu l'absence de dispositions législatives. Le Gouvernement espagnol assure cependant que l'élaboration d'une telle législation est actuellement à l'étude. La Commission tient à exprimer l'espoir que cette législation sera bientôt mise en vigueur.

Estonie. — Le rapport présenté par le Gouvernement de l'Estonie ne fournit pas, comme les précédents, les statistiques appelées par les dispositions de l'article 10 de la convention.

Finlande. — Dans le rapport pour 1930, le Gouvernement finlandais signalait l'existence de quelques sociétés qui s'occupaient d'assurer le placement de leurs membres et percevaient à ce propos une finance. Le Gouvernement ajoutait que cette pratique, contraire à l'esprit de l'article 2 de la convention, était en voie de disparition. La Commission constate que le rapport actuel ne contient aucune information à ce sujet.

Japon. — Aux termes de l'article 2 de la convention, le placement des marins ne peut faire l'objet d'un commerce exercé dans un but lucratif. Aux termes de l'article 3, des dérogations à cette règle sont cependant admises à titre provisoire, à condition qu'elles soient expressément autorisées par le Gouvernement et que ce dernier soumette les bureaux de placement non gratuits à un contrôle. Les statistiques fournies par le Gouvernement japonais permettent de constater la réduction progressive du nombre de bureaux non gratuits autorisés en dérogation de l'interdiction générale et font prévoir leur disparition complète à brève échéance. La Commission tient à souligner ce fait heureux.

Lettonie. — La Commission constate que, par une ordonnance en date du 15 janvier 1931, le Gouvernement a pris de nouvelles mesures pour l'application des articles 4 et 5 de la convention.

not yet been submitted to Parliament. The Committee hopes that the necessary steps will be taken without delay to give effect to the provisions of the Convention.

Yugoslavia. — In a letter dated 30 October 1931 forwarding other annual reports, the Government states that the report concerning the application of this Convention will be forwarded as soon as possible, the Bill concerning the regulation of conditions of work on board ship not having yet been completed. No report has yet been received by the Office. The Committee hopes that the Government will do everything in its power to hasten the preparation and adoption of the legislation in question.

Convention for establishing facilities for finding employment for seamen.

Belgium. — The Belgian Government states in its report that "reasons of a financial nature and practical difficulties" have so far prevented the organisation of a Government agency for seamen. Article 4 of the Convention, however, provides that there shall be a system of free employment offices for seamen maintained by the State if there are no such offices organised and maintained by representative associations of shipowners and seamen jointly. The report further states that the existing free employment office is organised and maintained by the Belgian Shipowners' Union and that seamen are not represented. The Government's attention should be once again drawn to this discrepancy and it should be asked to provide further explanations concerning the nature of the difficulties which have so far prevented it from giving full effect to the provisions of the Convention.

Spain. — According to the Spanish Government's report it would appear that the Convention has not been effectively applied owing to the absence of legislation. The Spanish Government states, however, that the drafting of such legislation is at present under consideration. The Committee expresses the hope that such legislation will soon be put into force.

Estonia. — The report submitted by the Government of Estonia does not, like the previous reports, contain the statistics required by Article 10 of the Convention.

Finland. — In its report for 1930 the Finnish Government stated that there were certain associations which provided facilities for finding employment for their members and charged a fee for doing so. The Government added that this practice, which was contrary to the spirit of Article 2 of the Convention, was dying out. The Committee notes that the present report contains no information on the subject.

Japan. — Under Article 2 of the Convention, the business of finding employment for seamen may not be carried on as a commercial enterprise for pecuniary gain. Article 3, however, allows temporary exceptions to that rule provided that they are expressly authorised by the Governments and are carried on under Government inspection and supervision. The statistics furnished by the Japanese Government show a progressive reduction in the number of fee-charging agencies which are licensed as an exception to the general prohibition, and there would seem to be a prospect that they will entirely disappear in the near future. The Committee draws attention to this welcome development.

Latvia. — The Committee notes that by issuing an Order dated 15 January 1931 the Government has taken fresh steps for the application of Articles 4 and 5 of the Convention. In view of the difficulties

En raison des difficultés qui sont survenues précédemment dans l'application de ces articles, la Commission estime qu'il y aurait lieu de demander au Gouvernement de fournir dans un prochain rapport des détails sur le mode suivant lequel il a été pratiquement donné suite aux dispositions de l'ordonnance citée ci-dessus.

Roumanie. — Le rapport indique qu'il n'existe en Roumanie qu'un seul office gratuit de placement pour les marins à Constantza. Etant donné l'existence d'autres ports situés à assez grande distance de Constantza, il conviendrait de demander au Gouvernement si, pour que le système roumain puisse être déclaré « efficace et répondant aux besoins », pour employer les termes de l'article 4, des offices de placement ne devraient pas être créés dans ces ports.

Convention concernant l'âge d'admission des enfants au travail dans l'agriculture.

Autriche. — En ce qui concerne l'application de l'article 2 de la convention, le rapport du Gouvernement déclare que « d'après les informations fournies par les autorités scolaires des pays fédérés, il est à supposer qu'il est tenu compte d'une manière générale de la stipulation de la convention prévoyant une période de fréquentation scolaire de 8 mois au moins par an ». Il serait évidemment plus satisfaisant si le Gouvernement était en mesure d'indiquer nettement que cette disposition est strictement observée dans tout le territoire de la République.

Japon. — L'année passée, la Commission de l'article 408 instituée par la Conférence avait noté que le rapport du Gouvernement japonais n'indiquait pas clairement que la disposition de l'article 2 prévoyant que le total annuel de la période de fréquentation scolaire ne pourrait être réduit à moins de 8 mois, était observée. Le présent rapport non plus ne contient aucune indication à cet effet.

Pologne. — L'année passée, la Commission de l'article 408 instituée par la Conférence avait noté que le rapport du Gouvernement polonais n'indiquait pas clairement que la disposition de l'article 2 prévoyant que le total annuel de la période de fréquentation scolaire ne pourrait être réduit à moins de 8 mois, était observée. Le présent rapport non plus ne contient aucune indication à cet effet.

Convention concernant la réparation des accidents du travail dans l'agriculture.

Observation générale. — L'attention de la Commission a été attirée sur une question que soulève la rédaction de l'article premier de la convention. Cet article stipule que « tout membre de l'Organisation internationale du Travail ratifiant la présente convention, s'engage à étendre à tous les salariés agricoles le bénéfice des lois et règlements ayant pour objet d'indemniser les victimes d'accidents survenus par le fait du travail ou à l'occasion du travail ». On a demandé à la Commission si, à son avis, cet article permettait non seulement d'aménager le système de réparation des accidents du travail en vigueur pour les autres travailleurs aux fins de l'appliquer aux travailleurs agricoles, mais encore de prévoir des degrés de protection légale différents dans les deux cas. La Commission a estimé que la rédaction de l'article exige nettement que si les systèmes et méthodes peuvent être adaptés dans la mesure nécessaire, le degré de protection assuré par ces systèmes et ces méthodes doit par contre être l'équivalent pour les travailleurs agricoles et pour les travailleurs d'autres catégories.

Pologne. — Les années précédentes, on avait attiré l'attention sur le fait que dans les voie-

which have been experienced in the past in the application of these Articles, the Committee suggests that the Government should be asked to supply in its next report details as to the manner in which practical effect has been given to the provisions of the above-mentioned Order.

Rumania. — The report states that there is only one free employment office for seamen at Constantza. Since there are other Rumanian ports situated at a considerable distance from Constantza, the Government should be asked whether employment offices should not be created in those ports, in order that the system may be described as "efficient and adequate" in the sense of Article 4.

Convention concerning the age of admission of children to employment in agriculture.

Austria. — With regard to the application of Article 2 of the Convention, the report of the Government states that "from the information received from the educational authorities in the federated provinces it may be assumed that the provision of the Convention which lays down that the total annual period of school attendance may not be reduced to less than 8 months is, generally speaking, observed". It would clearly be more satisfactory if the Government could state definitely that this provision is universally observed.

Japan. — Last year the Conference Committee on Article 408 noted that the report of the Japanese Government did not state definitely that the provision of Article 2 requiring that the total annual period of school attendance shall not be reduced to less than 8 months was observed. The present report again contains no such statement.

Poland. — Last year the Conference Committee on Article 408 noted that the report of the Polish Government did not state definitely that the provision of Article 2 requiring that the total annual period of school attendance shall not be reduced to less than 8 months was observed. The present report again contains no such statement.

Convention concerning workmen's compensation in agriculture.

General observation. — The attention of the Committee was drawn to a question arising out of the terms of Article 1 of the Convention. This Article lays down that "each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage earners its laws and regulations which provide for the compensation of workers for personal injury by accidents arising out of or in the course of their employment". The Committee was asked whether in its opinion this Article allowed not merely that the system of compensation in force for other workers might be suitably modified for the purposes of application to agricultural wage earners, but that the extent of the protection afforded by the legislation might be different in the two cases. In the Committee's opinion the Article as drafted clearly requires that, while the systems and methods may be subjected to the necessary adaptation, the extent of the protection afforded by such systems and methods must be equivalent for agricultural and other wage earners if the Convention is to be fully respected.

Poland. — Attention has in past years been drawn to the fact that in the Central, Southern

vodies centrales, orientales et méridionales, la législation existante ne s'appliquait pas aux entreprises agricoles d'une superficie ne dépassant pas 30 hectares et que, par conséquent, la protection assurée aux travailleurs occupés dans les exploitations plus petites n'était pas en accord avec les exigences de la convention. Dans ces précédents rapports, le Gouvernement polonais a fait allusion à un projet de loi d'assurance sociale en vertu duquel l'assurance obligatoire pour la réparation des accidents du travail allait être étendue à toutes les entreprises agricoles de plus de cinq hectares. Le rapport actuellement présenté déclare que cette élaboration a été poursuivie afin d'aboutir à la rédaction définitive du projet de loi au cours de l'année 1931. La Commission tout en prenant acte de cette déclaration, se croit obligé d'exprimer à nouveau le souhait que le Gouvernement fasse tout ce qui est en son pouvoir pour hâter l'entrée en vigueur de la législation projetée, et de rappeler au Gouvernement qu'en vertu de l'article premier de la convention, tout pays ayant procédé à la ratification est obligé d'étendre sa législation sur la réparation des accidents du travail à tous les salariés agricoles.

Convention concernant l'emploi de la céruse dans la peinture.

Autriche. — La Commission a pris acte avec intérêt du mémoire très détaillé présenté par le Gouvernement autrichien sur les cas de saturnisme constatés chez les ouvriers peintres en Autriche, pendant l'année 1931. Elle a relevé spécialement le passage du mémoire relatif aux cas qui se sont produits chez des ouvriers occupés à des travaux à l'intérieur des bâtiments.

Belgique. — La Commission prend acte de la déclaration faite par le Gouvernement à propos de l'article 5 (IV) de la convention, d'après laquelle il se propose de reprendre la publication d'instructions spéciales destinées à être distribuées aux ouvriers peintres et qui seront rédigées sur le même plan que celles qui ont été adoptées pour la propagande générale en faveur de l'hygiène.

Bulgarie. — Il résulte du rapport qu'aucune mesure spéciale n'a été prise pour l'application de l'article premier de la convention. Le Gouvernement ajoute qu'étant donné qu'en Bulgarie le blanc de plomb n'a presque aucune application dans la peinture des bâtiments, les dispositions de la convention ont pour ce pays une portée purement formelle. Toutefois, la Commission se croit obligée de faire remarquer que, à moins que l'emploi de ces produits ne soit entièrement inexistant, la ratification de la convention implique l'obligation de prendre des mesures précises pour l'application de l'article premier.

Chili. — La Commission note que les dispositions de la convention seront introduites dans un règlement édicté en exécution de l'article 246 du décret législatif entré en vigueur le 29 novembre 1931. La Commission constate avec satisfaction que des mesures ont été prises pour donner suite à la convention et espère qu'il sera possible au Gouvernement de promulguer sans délai le règlement nécessaire.

Espagne. — La Commission note avec satisfaction que, par décret du 28 mai 1931, il a été promulgué un règlement pour appliquer la convention.

Estonie. — L'année passée, la Commission avait fait remarquer que le rapport ne donnait aucune indication sur les mesures adoptées pour exécuter les dispositions de l'article 5, II, c) de la convention, et avait estimé qu'il conviendrait de demander au Gouvernement des renseignements complémentaires sur ce point. La Commission note avec satisfaction que le rapport contient ces renseignements.

and Eastern Provinces agricultural establishments not exceeding 30 hectares are not covered by the existing legislation, and that the protection afforded to workers employed on the smaller farms is thus not in full harmony with the requirements of the Convention. In previous reports the Polish Government has referred to a social insurance Bill by which compulsory insurance in respect of workmen's compensation for accidents is to be extended to all agricultural undertakings exceeding 5 hectares. The present report states that work has been continued with a view to the definitive drafting of this Bill during 1931. The Committee, while taking account of this statement, is bound to reiterate its hope that the Government will do everything in its power to hasten the entry into force of the projected legislation, and to remind the Government that under Article 1 of the Convention each ratifying country is bound to extend its workmen's compensation legislation to all agricultural wage earners.

Convention concerning the use of white lead in painting.

Austria. — The Committee noted with interest the detailed memorandum submitted by the Austrian Government concerning the cases of lead poisoning which occurred among working painters in Austria in 1931. It specially noted the passage of the memorandum concerning the cases which occurred among workers employed in the internal painting of buildings.

Belgium. — The Committee notes the Government's statement under Article 5 (IV) of the Convention that it intends to recommence the publication of special instructions for distribution to working painters, drawn up on the same lines as those adopted for general health propaganda.

Bulgaria. — It appears from the report that no special measures have been taken for the application of Article 1 of the Convention. The Government adds that as white lead paints are scarcely used in Bulgaria in the painting of buildings, the provisions of the Convention are only of formal significance in that country. So long, however, as the use of such paints is not completely non-existent, the Committee feels bound to point out that ratification of the Convention involves an obligation to take positive steps to apply Article 1.

Chile. — The Committee notes that the provisions of the Convention are to be incorporated in regulations based on §246 of the Legislative Decree which came into force on 29 November 1931. The Committee notes with satisfaction that steps are thus being taken to give full effect to the Convention and hopes that it will be possible for the Government to issue the necessary regulations without delay.

Spain. — The Committee notes with satisfaction that by Decree of 28 May 1931 regulations have been issued for the application of the Convention.

Estonia. — 1. Last year the Committee pointed out that the report contained no indication as to the measures adopted to comply with the provisions of Article 5 (II) (c) of the Convention and suggested that the Government should be asked for supplementary information on this point. The Committee notes with satisfaction that the present report contains such information.

2. L'article 5, I, *b*) traite de l'application de la peinture par pulvérisation. Or, le passage du rapport du Gouvernement relatif à ce point a trait à la protection des travailleurs contre les poussières. La Commission a observé qu'une erreur de traduction semble avoir été commise et qu'on a confondu les mesures à prendre contre les poussières et celles à prendre en cas de peinture par pulvérisation.

Lettonie. — 1. L'article 2 de la convention stipule que les dispositions de l'article premier ne seront applicables ni à la peinture décorative, ni aux travaux de filage et de réchappissage, et que les gouvernements détermineront les lignes de démarcation entre les différents genres de peinture. Or, le rapport du Gouvernement déclare que cette démarcation ne peut être déterminée dans la pratique. En présence de cette déclaration, il serait intéressant de savoir comment l'emploi du blanc de plomb, etc., dans ces modes de travaux de peinture est réglementé.

2. Dans le passage relatif à l'article 5 de la convention, le rapport indique qu'en vertu de la législation lettone le Ministère des Affaires Sociales a qualité pour promulguer des ordonnances en vue de l'application de certaines dispositions de cet article. Toutefois, le rapport ne donne aucun renseignement sur les mesures prises effectivement dans ce sens par le Ministère.

La Commission estime qu'il conviendrait de demander au Gouvernement des renseignements complémentaires sur ces deux points.

Luxembourg. — La Commission note qu'un projet de décret grand-ducal a été déposé au Conseil d'Etat et devant les Chambres professionnelles, en vue de l'application intégrale de la convention. La Commission se permet d'espérer que le Gouvernement fera tous ses efforts pour hâter la mise en vigueur de ce décret, et qu'il tiendra le Bureau au courant des résultats réalisés dans ce domaine.

Pologne. — La Commission constate que l'application de la convention a été, par une loi du 13 janvier 1931, étendue à la province de Silésie.

Roumanie. — L'année dernière, la Commission avait noté qu'une décision ministérielle reproduisant le texte de la convention avait été publiée pour donner une application provisoire à la convention, mais qu'une commission spéciale travaillait à la rédaction de règlements spéciaux pour les industries insalubres et que l'on tiendrait compte dans ces règlements des principes fixés par la convention. Le rapport indique que la commission a procédé à la rédaction de règlements d'hygiène généraux, qui sont pour l'instant soumis à un examen de la part des autorités compétentes et des organisations, et que d'autre part, des règlements spéciaux concernant notamment l'emploi de la céruse dans la peinture sont en voie d'élaboration.

La Commission, tout en prenant note de la déclaration contenue dans le rapport, qu'aucun cas de saturnisme chez les ouvriers peintres ne se serait produit au cours de la période envisagée par le rapport, formule le vœu que le Gouvernement fasse tous ses efforts pour assurer à brève échéance l'entrée en vigueur des règlements sans lesquels il peut être difficilement donné une suite intégrale à la convention.

Tchécoslovaquie. — Pour l'article 7 de la convention, le Gouvernement renouvelle sa déclaration des années précédentes, à savoir que les dispositions détaillées sur la tenue des statistiques du saturnisme seront contenues dans une ordonnance qui sera promulguée en vertu de l'article 10 de la loi du 12 juin 1924. La Commission estime qu'il conviendrait de demander au Gouvernement de tenir le Bureau au courant du développement pris par ces travaux.

En outre, la Commission constate que les exceptions concernant l'application de peinture dans les locaux où la peinture est fréquemment exposée à l'action des vapeurs, et les

2. Article 5, I (*b*) deals with spray painting. The Government's report on this point deals with the protection of workers against dust. It has been suggested to the Committee that owing to an error in translation some confusion may have arisen between dust and spray.

Latvia. — 1. Article 2 of the Convention lays down that the provisions of Article 1 shall not apply to artistic painting or fine lining and the Government's report states that no such limits can be defined in practice. In view of this statement it is difficult to see how the use of white lead, etc., in such forms of painting can be regulated.

2. In its reply under Article 5 of the Convention, the report states that under Latvian legislation the Ministry of Social Welfare is empowered to issue orders for the application of certain provisions of the Article. The report does not, however, give any information as to the steps actually taken in this direction by the Ministry.

The Government might be asked for supplementary information on these two points.

Luxemburg. — The Committee notes that a draft Grand-Ducal Decree has been laid before the Council of State and the occupational Chambers for the full application of this Convention. The Committee hopes that the Government will make every effort to hasten the entry into force of this Decree and that it will keep the Office informed of the progress made in the matter.

Poland. — The Committee notes that application of the Convention has now been extended by an Act of 13 January 1931 to the Province of Silesia.

Rumania. — Last year the Committee noted that a Ministerial decision reproducing the text of the Convention had been issued for the provisional application of the Convention, but that a special committee was drawing up regulations for unhealthy industries and that account would be taken in these regulations of the principles laid down in the Convention. The present report states that the Committee has now drafted general health regulations which are at present being examined by the competent authorities and organisations, and that special regulations concerning the use of white lead in painting, among other matters, are at present being drawn up.

The Committee, while noting that no case of lead poisoning among working painters was reported during the period covered by the report, hopes that the Government will make every effort to secure the early application of the regulations, without which full effect can hardly be given to the Convention.

Czechoslovakia. — Under Article 7 of the Convention the Government repeats a statement made in past years to the effect that detailed provisions concerning the compilation of statistics of lead poisoning are to be contained in an Order to be issued in virtue of §10 of the Act of 12 June 1924. The Committee suggests that the Government should be asked to keep the Office informed of the progress made in this matter.

The Committee further notes that the exceptions concerning painting in buildings where the paint is frequently exposed to the action of steam, and work intended to renew an existing coat of paint

travaux qui ont pour objet la remise en état de la première couche de fond par le seul moyen du renouvellement des anciennes couches plombiques blanches sont maintenues. Elle estime qu'il conviendrait de demander au Gouvernement des informations supplémentaires sur les mesures de contrôle qui sont prises afin d'empêcher que la pratique de ces exceptions donne lieu à des abus.

Yugoslavia. — L'article 5, I, b) traite de l'application de la peinture par pulvérisation. Les rapports du Gouvernement parlent à ce propos de la protection des travailleurs contre les poussières.

Comme dans le cas de l'Estonie, il semble que cette confusion provienne d'une erreur de traduction.

Convention concernant l'application du repos hebdomadaire dans les établissements industriels.

Bulgarie. — La phrase finale du rapport déclare que « les modifications des dispositions de la convention par rapport aux conditions locales sont prévues dans la loi même sur l'hygiène et la sécurité du travail ». Il conviendrait de demander au Gouvernement de fournir des informations supplémentaires en ce qui concerne la portée de cette déclaration.

Etat libre d'Irlande. — L'année passée, la Commission des experts a fait observer que le rapport ne contenait aucune information sur l'application de l'article 7 de la convention (apposition d'affiches, etc.). Le rapport fourni cette année indique que le Gouvernement ne dispose pas, à l'heure actuelle, des pouvoirs nécessaires pour rendre obligatoire l'apposition d'affiches en ce qui concerne les personnes au-dessus de 18 ans, et que, d'autre part, le Gouvernement ne possède pas d'éléments qui seraient de nature à démontrer que de tels pouvoirs seraient indispensables pour réaliser, dans les circonstances existant actuellement dans l'Etat libre d'Irlande, les buts visés par la convention.

Tchécoslovaquie. — La Commission ne croit pas nécessaire de répéter ce qu'elle a dit à propos de la convention sur la durée du travail. Il est bien évident que les mêmes observations s'appliquent également pour les dispositions de la convention sur le repos hebdomadaire.

Convention concernant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs.

Bulgarie. — L'observation présentée au sujet de la convention fixant l'âge minimum d'admission des enfants au travail maritime vise également cette convention.

Estonie. — La Commission avait noté l'année dernière qu'il ne ressortait pas clairement du rapport annuel que l'article 6 de la convention (article qui prévoit que les contrats d'engagement d'équipage contiendront un résumé des dispositions de la convention) était en fait pleinement appliqué. Le rapport actuel ne contient pas de renseignements complémentaires sur ce point. La Commission suggère à nouveau que le Gouvernement estonien soit invité à fournir des indications supplémentaires.

France. — La Commission note avec satisfaction que de nouveaux règlements ont été édictés pour écarter les divergences concernant l'application de la convention aux bateaux jaugeant 200 tonneaux ou moins.

Hongrie. — L'observation présentée au sujet de la convention fixant l'âge minimum d'admission des enfants au travail maritime vise également la présente convention.

simply by the re-painting of previous coats of white lead paint, are maintained. It suggests that the Government should be asked for further information on the measures of supervision adopted to prevent these exceptions from being abused.

Yugoslavia. — Article 5, I (b) deals with spray painting. The Government's report on this point deals with the protection of workers against dust.

It has been suggested to the Committee that, as in the case of Estonia, there is confusion due to an error of translation.

Convention concerning the application of the weekly rest in industrial undertakings.

Bulgaria. — The concluding sentence of the report states that " modifications in the provisions of the Convention with reference to local conditions are provided for in the Act concerning public health and the protection of labour ". The Government might be asked for some further information as to the meaning of this statement.

Irish Free State. — Last year the Committee of Experts pointed out that the report contained no information as to the application of Article 7 of the Convention (posting of notices, etc.). The present report states that the Government have at present no powers to compel the posting of notices in respect of men over the age of 18, but that no evidence has come before the Government indicating that such powers are necessary to secure the objects of the Convention under existing conditions in the Saorstát.

Czechoslovakia. — The Committee does not feel it necessary to repeat what was said in connection with the Hours Convention. The same observations obviously apply as regards the Weekly Rest Convention.

Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.

Bulgaria. — The observation made in respect of the Convention fixing the minimum age for admission of children to employment at sea applies in the case of this Convention also.

Estonia. — The Committee noted last year that it was not clear from the annual report that Article 6 of the Convention (which provides that all articles of agreement shall contain a summary of the provisions of the Convention) is in fact fully complied with. The present report contains no further information on the point. The Committee again suggests that the Government should be asked for supplementary information.

France. — The Committee notes with satisfaction that fresh regulations have been introduced to remove the discrepancy as regards the application of the Convention to vessels of 200 tons or less.

Hungary. — The observation made in the case of the Convention fixing the minimum age for admission of children to employment at sea applies also in the case of this Convention.

Inde. — La Commission note avec satisfaction que des dispositions correspondant à celles de la convention ont été insérées dans la loi de 1931 portant amendement de la loi sur la marine marchande. Elle prend note également de la déclaration du Gouvernement qu'une réglementation est en train d'être élaborée, en accord avec les organisations les plus représentatives d'armateurs et de marins en vue de fixer les conditions d'emploi des jeunes gens de plus de 16 ans, engagés ou emmenés en mer pour travailler comme soutiers ou chauffeurs à bord de navires de cabotage mûs principalement par la vapeur. La Commission suggère que le Gouvernement soit invité à tenir le Bureau informé des progrès réalisés quant à l'élaboration de cette réglementation.

Italie. — La Commission avait noté l'année dernière qu'il ne ressortait pas clairement du rapport annuel que l'article 6 de la convention (qui prévoit que les contrats d'engagement d'équipage contiendront un résumé des dispositions de la convention) était en fait pleinement appliqué. Le rapport actuel ne contient pas de renseignements supplémentaires sur ce point. La Commission suggère à nouveau que le Gouvernement italien soit invité à fournir des indications supplémentaires à cet égard.

Lettonie. — La Commission avait noté l'année dernière qu'il ne ressortait pas clairement du rapport annuel que l'article 6 de la convention (qui prévoit que les contrats d'engagement d'équipage contiendront un résumé des dispositions de la convention) était en fait pleinement appliqué.

Le rapport actuel ne contient pas de renseignements complémentaires sur ce point. La Commission suggère à nouveau que le Gouvernement soit invité à fournir des précisions à cet égard.

Pologne. — La Commission avait noté l'année dernière qu'il ne ressortait pas clairement du rapport annuel que l'article 6 de la convention (qui prévoit que les contrats d'engagement d'équipage contiendront un résumé des dispositions de la convention) était en fait pleinement appliqué. Le rapport actuel ne contient pas de renseignements complémentaires sur ce point. La Commission suggère à nouveau que le Gouvernement soit invité à fournir des précisions à cet égard.

Roumanie. — Dans son rapport le Gouvernement roumain déclare à nouveau que le modèle de contrat d'engagement sera modifié pour le mettre en harmonie avec les dispositions de l'article 6 de la convention. La Commission formule le vœu que le Gouvernement fasse tout en son pouvoir pour assurer la réalisation prochaine de cet engagement.

La Commission note, d'autre part, que le rapport du Gouvernement roumain n'indique pas explicitement si le registre tenu à bord des bateaux roumains fait mention de la date de naissance de toutes les personnes de moins de 18 ans employées à bord. La Commission suggère que le Gouvernement soit invité à fournir des indications plus précises sur ce point particulier.

Convention concernant l'examen médical obligatoire des enfants et des jeunes gens employés à bord des bateaux.

Bulgarie. — L'observation formulée à propos de la convention concernant l'âge minimum d'admission des enfants au travail maritime s'applique également à la présente convention.

Hongrie. — L'observation formulée à propos de la convention concernant l'âge minimum d'admission des enfants au travail maritime s'applique également à la présente convention.

Inde. — La première partie de l'observation formulée à propos de la convention concernant l'âge minimum d'admission des jeunes gens au

India. — The Committee notes with satisfaction that provisions corresponding to those of the Convention have now been enacted in the Indian Merchant Shipping (Amendment) Act, 1931. It also notes the statement of the Government that rules prescribing the conditions of employment of young persons over sixteen years of age engaged or carried to sea to work as trimmers or stokers on coasting ships principally propelled by steam are being drawn up in consultation with the most representative organisations of shipowners and seamen. It suggests that the Government should be asked to keep the Office informed of the progress made in drawing up these rules.

Italy. — The Committee noted last year that it was not clear from the annual report that Article 6 of the Convention (which provides that all articles of agreement shall contain a summary of the provisions of the Convention) is in fact fully complied with. The present report contains no further information on the point. The Committee again suggests that the Government should be asked for supplementary information.

Latvia. — The Committee noted last year that it was not clear from the annual report that Article 6 of the Convention (which provides that all articles of agreement shall contain a summary of the provisions of the Convention) is in fact fully complied with. The present report contains no further information on the point. The Committee again suggests that the Government should be asked for supplementary information.

Poland. — The Committee noted last year that it was not clear from the annual report that Article 6 of the Convention (which provides that all articles of agreement shall contain a summary of the provisions of the Convention) is in fact fully complied with. The present report contains no further information on the point. The Committee again suggests that the Government should be asked for supplementary information.

Rumania. — The Rumanian Government has again declared in its report that the model for seamen's articles of agreement will be modified in accordance with the provisions of Article 6 of the Convention. The Committee hopes that the Government will do everything in its power to secure the early carrying out of this undertaking.

Further, the Committee notes that the Government's report does not state explicitly that the register kept on board Rumanian vessels mentions the date of birth of all the persons under eighteen years of age employed on board. It suggests that the Government should be asked to make a more explicit statement on this point.

Convention concerning the compulsory medical examination of children and young persons employed at sea.

Bulgaria. — The observation made as regards the Convention fixing the minimum age for admission of children to employment at sea applies also in the case of this Convention.

Hungary. — The observation made in respect of the Convention fixing the minimum age for admission of children to employment at sea applies also in the case of this Convention.

India. — The first part of the observation made in regard to the Convention fixing the minimum age for the admission of young persons to employ-

travail en qualité de soutiers ou chauffeurs s'applique également à la présente convention.

Italie. — La Commission note avec satisfaction bue, par une circulaire en date du 17 mai 1931, le Département de la Marine marchande du Ministère des Communications a attiré l'attention de toutes les autorités des ports sur les obligations dérivant de la convention.

Convention concernant la réparation des accidents du travail.

Bulgarie. — Le rapport est le premier que le Gouvernement ait été tenu de fournir. La Commission constate qu'il n'est pas présenté dans la forme prescrite par le Conseil d'administration; elle exprime le vœu que les rapports soient établis à l'avenir en conformité avec le formulaire, car sa tâche est rendue très difficile si elle ne reçoit pas des informations détaillées sur l'application de chaque article de la convention. En particulier, le rapport n'indique pas de quelle manière il est donné suite aux dispositions de l'article 10 relatif à la fourniture et au renouvellement normal des appareils de prothèse et d'orthopédie.

Espagne. — La Commission constate que la législation existante n'est pas entièrement d'accord avec la convention; elle exprime le vœu que le Gouvernement fasse tous ses efforts pour hâter l'adoption et l'entrée en vigueur de la législation à laquelle se réfère le rapport, en vue d'assurer l'observation intégrale des dispositions de la convention.

Lettonie. — L'année dernière, la Commission avait noté qu'il conviendrait de demander au Gouvernement si, en fait, les organismes d'assurance contre les accidents renouvellent les appareils de prothèse et d'orthopédie ou s'ils paient une indemnité supplémentaire à cet effet, conformément aux dispositions de l'article 10 de la convention. La Commission note avec satisfaction que, d'après le rapport, les appareils de prothèse et d'orthopédie sont effectivement renouvelés ou qu'il est accordé une indemnité supplémentaire aux frais de l'organisme assureur.

Luxembourg. — La législation à laquelle se réfère le rapport du Gouvernement ne paraît pas s'appliquer aux travailleurs occupés dans des entreprises commerciales. La Commission estime que l'on pourrait rappeler au Gouvernement que ces travailleurs ne sont pas exclus du champ d'application de la convention et lui demander de quelle manière les dispositions de la convention sont effectivement appliquées à cette catégorie de travailleurs.

Convention concernant la réparation des maladies professionnelles.

Belgique. — L'article premier de la convention stipule que le taux de l'indemnité payable en raison de maladies professionnelles ne sera pas inférieur à celui que prévoit la législation nationale pour les dommages résultant d'accidents du travail. Le rapport indique positivement que les indemnités payables en vertu de la loi relative à la réparation des dommages causés par les maladies professionnelles sont égales à celles payables en raison de dommages résultant d'accidents du travail dans l'industrie. La Commission constate toutefois que les textes législatifs cités dans le rapport prévoient des indemnités différentes suivant qu'il s'agit de conséquences d'accidents ou de maladies professionnelles. C'est ainsi, par exemple, qu'en cas de décès consécutif à un accident, il est alloué une somme de 750 francs pour frais funéraires et un capital représentant la valeur d'une rente viagère égale à 30 pour cent du salaire annuel, tandis que, s'il s'agit de maladies professionnelles, ces mêmes indemnités s'élèvent res-

ment as trimmers or stokers applies also in the case of this Convention.

Italy. — The Committee notes with satisfaction that by a circular dated 17 May 1931 the Mercantile Marine Department of the Ministry of Communications has drawn the attention of all harbour authorities to the obligations arising out of the Convention.

Convention concerning workmen's compensation for accidents.

Bulgaria. — The report is the first which the Government has been called upon to supply. The Committee notes that it is not drawn up in the form prescribed by the Governing Body, and ventures to hope that this will not be the case with regard to future reports, as, unless detailed information is given on the application of each Article of the Convention, the Committee's task is made extremely difficult. In particular, the report does not show how effect is given to the provisions of Article 10 respecting the supply and normal renewal of artificial limbs and surgical appliances.

Spain. — The Committee notes that existing legislation is not fully in harmony with the Convention, and hopes that the Government will make every effort to hasten the adoption and entry into force of the legislation to which it refers in its report, for the purpose of securing full observation of the Convention's provisions.

Latvia. — Last year the Committee suggested that the Government should be asked whether the accident insurance institutions in practice renew artificial limbs and surgical appliances, or whether they pay supplementary compensation for that purpose in accordance with Article 10 of the Convention. The Committee notes with satisfaction the statement in the present report to the effect that artificial limbs and surgical appliances are in fact renewed, or supplementary compensation is granted, at the expense of the insurance institution.

Luxembourg. — The legislation cited in the Government's report does not appear to apply to workers employed in commercial undertakings. The Committee suggests that the Government might be reminded that such workers are not excluded from the scope of the Convention, and should be asked how in fact the Convention's provisions are applied to them.

Convention concerning workmen's compensation for occupational diseases.

Belgium. — Article 1 of the Convention lays down that the rates of compensation payable in respect of occupational diseases shall not be less than those prescribed by the national legislation for injury resulting from industrial accidents. The report definitely states that the benefits payable in virtue of the Act respecting compensation for injury caused by occupational diseases are equal to those payable in respect of injury caused by industrial accidents. The Committee notes, however, that in certain cases the legislation cited in the Government's report fixes different benefits in the two cases. Thus, in case of death from accident a funeral benefit of 750 francs and a capital representing the capitalised value of a pension of 30 per cent. of the annual wage are payable, whilst in the case of occupational diseases the figures are respectively 500 francs and 25 per cent. Similarly, in case of accidents, if the incapacity caused is or becomes partial the benefit payable is equivalent to 50 per cent. of the difference

pectivement à 500 francs et à 25 pour cent. De même, en cas d'incapacité partielle consécutive à un accident, l'indemnité allouée serait équivalente à 50 pour cent de la différence entre le salaire de la victime antérieurement à l'accident et celui qu'elle peut gagner avant son rétablissement complet, tandis que, si elle résulte de maladie professionnelle, l'indemnité allouée équivaldrait à la différence entre le salaire effectivement touché et les deux tiers de la moyenne quotidienne du salaire gagné avant la maladie. On pourrait demander au Gouvernement des renseignements complémentaires sur cette discordance apparente.

Bulgarie. — Le rapport ne contient aucune indication sur l'application de l'article 2 de la convention. Il conviendrait de demander au Gouvernement d'indiquer si toutes les maladies professionnelles et intoxications mentionnées dans le tableau annexé à cet article sont considérées comme maladies professionnelles et assimilées comme telles aux accidents du travail.

Lettonie. — Il y aurait lieu de demander au Gouvernement letton si la liste des maladies professionnelles assimilées aux accidents, liste prévue par la remarque 1 à l'article 4 de la loi du 1^{er} juin 1927, a été publiée.

Convention concernant l'égalité de traitement des travailleurs étrangers et nationaux en matière de réparation des accidents du travail.

France. — La Commission prend acte avec intérêt de l'indication contenue dans le rapport et d'après laquelle un jugement analogue à celui rendu par le tribunal civil de Briey (qu'elle avait signalé l'année dernière) a été réformé. Elle a également noté avec intérêt que l'on peut s'attendre à voir se généraliser cette jurisprudence et que le ministère du Travail se déclare prêt, toutes les fois qu'il sera saisi par des ouvriers étrangers ou leurs ayants droit d'un litige basé sur l'application de la convention, à les mettre en mesure de défendre leurs droits.

Portugal. — La Commission note avec satisfaction l'adoption d'un décret en date du 10 août 1931 prévoyant que les travailleurs étrangers subissant, au Portugal, des accidents du travail, ont droit à la pension indiquée dans la loi, même lorsqu'ils résident hors du territoire portugais, lorsqu'un traitement équivalent est assuré aux travailleurs portugais par la législation des pays dont ces ouvriers étrangers sont ressortissants.

Convention concernant le travail de nuit dans les boulangeries.

Bulgarie. — L'article 2 de la convention stipule que le terme « nuit » comprend l'intervalle entre onze heures du soir et cinq heures du matin, mais que, lorsque le climat ou la saison le justifient, ou après accord entre les organisations patronales et ouvrières intéressées, l'intervalle écoulé entre dix heures du soir et quatre heures du matin peut être substitué à l'intervalle écoulé entre onze heures du soir et cinq heures du matin. Or le rapport présenté par le Gouvernement bulgare déclare que, pour l'application de la convention, on interprète le terme « nuit » comme désignant l'intervalle compris entre neuf heures du soir et quatre heures du matin. Toutefois, le rapport ne contient aucune indication sur les raisons pour lesquelles cette période a été substituée à celle qui est prévue dans l'article 2 de la convention. Il conviendrait de demander au Gouvernement de fournir des indications complémentaires sur ce point.

Luxembourg. — La Commission note que les dispositions en vue de l'application de la convention sont contenues dans le projet de décret

between the wage earned before the accident and that which can be earned by the worker concerned pending his complete recovery, whilst in the case of occupational diseases the benefit payable appears to be the difference between the wage actually earned and two-thirds of the average daily wage before the illness. The Government might be asked for supplementary information on this apparent discrepancy.

Bulgaria. — The report contains no information on the application of Article 2 of the Convention. The Government might be asked to state definitely whether all the occupational diseases and poisonings mentioned in the schedule to this Article and occurring in the industries and processes that are also therein mentioned are considered as occupational diseases and assimilated to industrial accidents.

Latvia. — The Latvian Government might be asked whether the list of occupational diseases treated in the same way as accidents, to which reference was made in Note I to §4 of the Act of 1 June 1927, has yet been published.

Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

France. — The Committee notes with satisfaction the Government's statement that a decision similar to that of the Civil Court at Briey, to which it drew attention last year, has now been reversed; that the view embodied in the contrary decisions of other courts may be expected now to be generally accepted; and that the Ministry of Labour will not fail, whenever its attention is brought by foreign workers or their dependants to litigation concerning the application of the Convention, to assist them to defend their rights.

Portugal. — The Committee notes with satisfaction the adoption of a Decree dated 10 August 1931 to the effect that foreign workers who meet with industrial accidents in Portugal are entitled to the pension prescribed by the law, even where they reside outside Portuguese territory, if equivalent treatment is granted to Portuguese workers by the legislation of the countries of which such foreign workers are nationals.

Convention concerning night work in bakeries.

Bulgaria. — Article 2 of the Convention lays down that the term "night" shall include the interval between 11 o'clock in the evening and 5 o'clock in the morning, but that when it is required by the climate or season or when it is agreed by the employers' and workers' organisations concerned, the interval between 10 o'clock in the evening and 4 o'clock in the morning may be substituted for the interval between 11 o'clock in the evening and 5 o'clock in the morning. The report of the Bulgarian Government states that, for the purposes of the application of the Convention, the term "night" is interpreted as meaning the interval between 9 in the evening and 4 in the morning. The report does not, however, contain any information as to the reasons for which this period has been substituted for that normally prescribed in Article 2 of the Convention. The Government might be asked to supply supplementary information on this point.

Luxembourg. — The Committee notes that provisions for the application of the Convention are contained in the draft Grand-Ducal Decree

grand-ducal qui a été soumis au Conseil d'Etat et aux Chambres professionnelles. La Commission estime qu'il conviendrait de demander au Gouvernement de tenir le Bureau au courant des progrès réalisés dans l'élaboration de ce projet.

Convention concernant le contrat d'engagement des marins.

Belgique. — Sur l'application de l'article 9, le rapport signale que, bien que la législation en vigueur sur ce point n'ait d'autre but que de sauvegarder les intérêts des marins, la possibilité sera examinée, lors d'un amendement futur de la loi belge sur le contrat d'engagement maritime, de faire disparaître la discordance signalée par la Commission. La Commission prend note de cette déclaration.

L'article 14 de la convention stipule que le marin a, dans tous les cas, le droit de se faire délivrer par le capitaine un certificat établi séparément et appréciant la qualité de son travail, ou indiquant tout au moins s'il a entièrement satisfait aux obligations de son contrat. On s'était demandé, les années précédentes, si ce droit était pleinement sauvegardé par la législation et la pratique belges. Bien que le rapport du Gouvernement ne soit pas explicite sur ce point, la Commission croit comprendre qu'en fait un marin n'éprouve aucune difficulté pour obtenir, s'il le désire, un certificat comme celui qui est prévu par la convention. Elle pense toutefois que le Gouvernement belge pourrait être invité à donner des précisions sur ce point.

Espagne. — Le rapport, qui est le premier que le Gouvernement espagnol était appelé à fournir sur l'application de cette convention ratifiée par l'Espagne le 23 février 1931, est extrêmement succinct et n'a pas été établi selon la forme prescrite par le Conseil d'administration. Il est impossible de se faire une idée exacte des conditions dans lesquelles les divers articles de la convention sont en fait appliqués, ni du champ d'application de la législation espagnole. La Commission suggère en conséquence que le Gouvernement espagnol soit invité à fournir l'année prochaine un rapport détaillé établi selon la forme prescrite et expliquant comment chaque article de la convention est appliqué.

Estonie. — La Commission note que le Gouvernement reconnaît que la législation estonienne n'est pas tout à fait conforme aux dispositions de l'article 9 de la convention, car elle ne donne pas à un marin estonien, engagé dans un port estonien, la liberté de mettre fin à un engagement conclu pour une période indéterminée dans un port quelconque où le bateau charge ou décharge une cargaison, mais seulement dans un port estonien. La Commission, tout en reconnaissant, comme le signale le Gouvernement estonien, qu'il est de l'intérêt d'un marin estonien que son capitaine ne puisse le congédier dans un port étranger, estime devoir souligner à nouveau la discordance existant entre la convention et la législation estonienne, et signaler qu'en raison de cette discordance un marin estonien peut dans certains cas se trouver privé d'un droit que l'article 9 de la convention lui reconnaît.

France. — La Commission constate que le Gouvernement français reconnaît que les divergences existant entre la législation et la pratique françaises et les dispositions des articles 5 et 9 de la convention qu'elle avait signalées les années précédentes, subsistent. La Commission note que, dans l'opinion du Gouvernement français, ces divergences sont favorables aux marins eux-mêmes. Elle tient toutefois à rappeler l'observation qui avait été formulée l'année dernière par la Commission de la Conférence, dans les termes suivants : « La Commission estime qu'une décision de ne pas appliquer certaines dispositions de la convention, même lorsque cette décision est prise

which has been submitted to the Council of State and the occupational Chambers. The Committee suggests that the Government should be asked to keep the Office informed of the progress made with this measure.

Convention concerning seamen's articles of agreement.

Belgium. — As regards the application of Article 9 the present report states that although the sole object of the existing legislation on the point was to protect the interests of seamen, the possibility will be considered, when an occasion occurs for revising the Belgian Act concerning seamen's articles of agreement, of removing the discrepancy to which the Committee has drawn attention. The Committee notes this statement.

Article 14 of the Convention lays down that a seaman shall at all times have the right to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement. The question has been raised in past years whether this right was fully assured by Belgian law and practice. Although the Government's report is not explicit on the point, the Committee presumes that in fact a seaman has no difficulty in securing a certificate of the kind specified in the Convention should he so desire. It suggests, however, that the Government might be asked to report specially on this point.

Spain. — The report, which is the first that the Government has had to supply on the application of this Convention, ratified by it on 23 February 1931, is extremely summary and is not drawn up in the form prescribed by the Governing Body. It is impossible to form an exact idea of the manner in which the various articles of the Convention are, in fact, applied, or as to the exact scope of the Spanish legislation. The Committee therefore suggests that the Government should be asked next year to supply a full and detailed report in the prescribed form, explaining how each separate article of the Convention is applied.

Estonia. — The Committee notes the admission of the Government that Estonian legislation is not in exact harmony with the provisions of Article 9 of the Convention, inasmuch as an Estonian seaman signed on in an Estonian port is not free to terminate an agreement for an indefinite period in *any* port where the vessel loads or unloads, but only in an Estonian port. The Committee, while recognising that, as the Estonian Government points out, it is to the interest of an Estonian seaman that the master should not be free to discharge him in a foreign port, is at the same time bound once again to note the discrepancy between the Convention and Estonian law and to point out that, as a result of this discrepancy, an Estonian seaman may in some cases be deprived of a right which, under Article 9 of the Convention, he should enjoy.

France. — The Committee is bound to note the admission of the French Government that the discrepancies between French law and practice and the provisions of Articles 5 and 9 of the Convention, to which it has drawn attention in past years, still subsist. The Committee notes that in the opinion of the French Government the discrepancies are in the interests of the seamen themselves. It ventures, however, to recall the following observation made last year at the Conference Committee. "The Committee considers that a decision, even by agreement with the representative organisations of workers and employers concerned, not to apply certain provisions of a

en accord avec les organisations représentatives des travailleurs et des patrons intéressés, soulève une question épineuse et délicate quant à la nature de l'engagement résultant des conventions internationales du travail. Il est possible que les dispositions de l'article 405, § 11, du Traité de Versailles qui stipulent que « en aucun cas, il ne sera demandé à aucun des Membres, comme conséquence de l'adoption par la Conférence d'une recommandation ou d'un projet de convention, de diminuer la protection déjà accordée par la législation aux travailleurs dont il s'agit » puissent, dans certains cas, être légitimement interprétées comme autorisant des décisions de ce genre. La Commission se permet toutefois d'attirer l'attention sur le danger qui résulterait, du point de vue de l'application uniforme des conventions internationales du travail, d'une application trop large d'un tel principe. »

La Commission prend note d'autre part des explications fournies par le Gouvernement français sur l'application de l'article 14 de la convention et de la déclaration faite par ce Gouvernement, qu'il n'existe pas de divergences réelles entre la législation française et les dispositions de la convention quant à l'application de cet article.

Yougoslavie. — Le rapport fait mention parmi les textes législatifs en vertu desquels la convention est appliquée, d'un règlement sur la navigation. Comme le texte de ce règlement n'a pas été annexé au rapport, il est difficile de se faire une idée exacte de la manière selon laquelle certaines dispositions de la convention sont appliquées. En particulier, comme on l'a signalé l'année dernière, les renseignements contenus dans le rapport au sujet de l'application des articles 13 et 14 ne peuvent être considérés comme suffisants. Il paraîtrait que des dispositions visant la matière traitée par la convention seront insérées dans un projet de loi sur la marine marchande qui est actuellement en cours de préparation. La Commission formule le vœu que le Gouvernement fasse tout en son pouvoir pour hâter la préparation et l'adoption de ce projet de loi et qu'il tienne le Bureau informé des progrès réalisés.

Convention concernant le rapatriement des marins.

Espagne. — Le rapport est le premier que le Gouvernement ait été appelé à fournir sur l'application de cette convention. La Commission constate qu'il est extrêmement sommaire et n'est pas rédigé dans la forme prescrite par le Conseil d'administration. Il est, par suite, malaisé de découvrir la manière dont sont appliquées les différentes dispositions de la convention. La Commission exprime le vœu qu'à l'avenir le Gouvernement veuille bien suivre pour l'établissement de ses rapports l'ordre du formulaire, et fournir des indications détaillées sur l'application de chaque article de la convention.

Yougoslavie. — A l'exception de la référence aux articles 13 et 14 de la convention, les remarques formulées à propos de la convention sur le contrat d'engagement des marins s'appliquent également à la présente convention.

Convention concernant l'assurance-maladie des travailleurs de l'industrie et du commerce et des gens de maison.

Bulgarie. — Le rapport a un caractère très sommaire et n'est pas établi dans la forme approuvée par le Conseil d'administration. La Commission se permet d'exprimer le vœu qu'à l'avenir les rapports soient rédigés dans la forme prescrite, de façon à lui permettre de se faire une idée nette de la manière dont chaque article de la convention est appliqué.

1. Pour l'application de l'article 4 de la convention, la Commission constate que, en vertu

Convention raises a difficult and delicate question as to the exact nature of the binding force of the International Labour Conventions. It is possible that the provisions of Article 405 (11) of the Treaty of Versailles, which lays down that 'in no case shall any Member be asked or required as a result of the adoption of any Recommendation or draft Convention by the Conference to lessen the protection afforded by its existing legislation to the workers concerned' may in some cases be legitimately regarded as making such decisions possible. At the same time it ventures to call attention to the danger of too extensive application of such a principle from the point of view of the uniform application of the International Labour Conventions. "

On the other hand, the Committee notes the explanations given by the French Government on the application of Article 14 of the Convention and the statement of the Government that there is no real divergence between French law and the provisions of the Convention as regards the application of this Article.

Yougoslavie. — The report mentions, among the legislative texts in virtue of which the Convention is applied, a public regulation on shipping. As the text of this regulation has not been supplied with the report, it is difficult to obtain an exact idea of the manner in which certain provisions of the Convention are applied; in particular, as was pointed out last year, the information supplied in the report on the application of Articles 13 and 14 cannot be considered adequate. It is understood that provisions covering the same scope as the Convention will be contained in a Bill at present in preparation to deal with merchant shipping. The Committee hopes that the Government will do everything in its power to hasten the preparation and adoption of this Bill and that it will keep the Office informed of progress made in the matter.

Convention concerning the repatriation of seamen.

Spain. — This is the first report that the Government has been called upon to submit on the application of this Convention. The Committee notes that it is extremely summary and is not drawn up in the form prescribed by the Governing Body. It is therefore difficult to discover the manner in which the various provisions of the Convention are carried out. The Committee hopes that in its future reports the Government will follow the prescribed form and will give detailed information on the application of each Article of the Convention.

Yougoslavie. — Except for the reference to Articles 13 and 14 of the Convention, the observations made on the Convention concerning seamen's articles of agreement also apply to the present Convention.

Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

Bulgaria. — The report is of a very summary character and is not drawn up in the form approved by the Governing Body. The Committee ventures to hope that future reports will be drawn up in the prescribed form so as to enable it to form a clear idea of the manner in which each Article of the Convention is applied.

1. With regard to the application of Article 4 of the Convention, the Committee notes that

de l'article 18 de la loi du 25 mars 1924, le droit au traitement médical est subordonné à un stage de 8 semaines consécutives. Elle doit faire remarquer que la convention ne prévoit pas de stage pour l'assistance médicale.

2. L'article 6 de la convention prévoit que l'assurance-maladie est gérée par des institutions autonomes et que les assurés participent à la direction de ces institutions dans des conditions établies par des lois ou des règlements nationaux. D'autre part, cet article prévoit que la gestion de l'assurance-maladie peut être assumée directement par l'État lorsque et aussi longtemps que la gestion par des institutions autonomes est rendue difficile ou impossible ou inappropriée en raison des conditions nationales et notamment de l'insuffisance de développement des organisations d'employeurs et de travailleurs. La Commission estime qu'il conviendrait de demander au Gouvernement les raisons pour lesquelles il a semblé impossible, en Bulgarie, de remettre la gestion de l'assurance-maladie entre les mains d'institutions autonomes.

3. Le rapport ne contient pas de renseignements sur l'application de l'article 9 de la convention prévoyant que « un droit de recours doit être reconnu à l'assuré en cas de contestation au sujet de son droit aux prestations. » Il conviendrait de demander au Gouvernement des renseignements complémentaires sur ce point.

Luxembourg. — La Commission constate avec satisfaction qu'un projet de loi a été déposé sur le bureau de la Chambre des députés, tendant à étendre le bénéfice de l'assurance-maladie obligatoire aux gens de maison. Il conviendrait de demander au Gouvernement de tenir le Bureau au courant du sort fait à ce projet de loi.

Roumanie. — La Commission avait noté, l'année passée, que l'assurance-maladie était, à ce moment, organisée d'une manière différente dans les diverses parties du Royaume et que plusieurs dispositions de la convention n'étaient pas intégralement appliquées. Par la même occasion, elle avait pris acte du fait qu'un projet de loi tendant à l'unification de la législation et supprimant les discordances signalées ci-dessus avait été présenté au Parlement et elle avait exprimé le vœu que les décisions des organes législatifs, nécessaires pour donner plein effet à la ratification dans l'ensemble du pays, puissent être prises à brève échéance. Dans le rapport de cette année, le Gouvernement déclare que la question a été reprise par le nouveau Parlement et qu'une Commission a été désignée pour rédiger les dispositions légales nécessaires. La Commission exprime à nouveau le vœu que le Gouvernement fasse tous ses efforts pour assurer la prochaine adoption de cette législation, de manière qu'il puisse être donné une suite intégrale aux dispositions de la convention.

Convention concernant l'assurance-maladie des travailleurs agricoles.

Bulgarie. — Les observations formulées à propos de la convention concernant l'assurance-maladie des travailleurs de l'industrie et du commerce et des gens de maison s'appliquent également à la présente convention. D'autre part, il semble résulter du rapport que l'on ait eu recours à la dérogation autorisée par l'article 2 a) de la convention pour les emplois temporaires. La Commission estime qu'il conviendrait de demander au Gouvernement des informations complémentaires sur la portée de cette dérogation en Bulgarie.

Luxembourg. — La Commission constate avec satisfaction qu'un projet de loi a été déposé à la Chambre des députés en vue d'établir une assurance obligatoire pour les travailleurs agricoles, conformément à la convention. La Commission estime qu'il conviendrait de demander au Gouvernement de tenir le Bureau au courant du sort fait à ce projet de loi.

under §18 of the Act of 25 March 1924 the right to medical treatment is subject to a probationary period of eight consecutive weeks. It is bound to point out that the Convention does not provide for a probationary period in respect of medical treatment.

2. Article 6 of the Convention lays down that sickness insurance shall be administered by self-governing institutions and that the insured persons shall participate in the management of such institutions on conditions to be prescribed by national laws or regulations. At the same time the Article provides that the administration of sickness insurance may be undertaken directly by the State where and as long as administration is rendered difficult or impossible or inappropriate by reason of national conditions and particularly by the insufficient development of the employers' and workers' organisations. The Committee suggests that the Government should be asked to indicate the reasons for which it has been found impossible in Bulgaria to confide the administration of sickness insurance to self-governing institutions.

3. The report contains no information as to the application of Article 9 of the Convention, which provides that "a right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit." The Government might be asked for supplementary information on this point.

Luxembourg. — The Committee notes with satisfaction that a Bill has been laid before the Chamber of Deputies for the purpose of extending compulsory sickness insurance to domestic servants. It suggests that the Government should be asked to keep the Office informed with regard to the progress of this Bill.

Rumania. — The Committee noted last year that, under present conditions, sickness insurance being regulated differently in different parts of the Kingdom, various provisions of the Convention are not fully applied. It noted at the same time that a Bill for the unification of legislation had been submitted to Parliament for the purpose of putting an end to the discrepancies in question, and expressed the hope that the legislative decisions necessary to give full effect to ratification throughout the Kingdom might soon be taken. In the present report the Government states that the question has been taken up afresh by the new Parliament and that a Committee has been appointed to draw up the necessary legislation. The Committee reiterates its hope that the Government will make every effort to secure the early adoption of this legislation so that full effect may be given to the provisions of the Convention.

Convention concerning sickness insurance for agricultural workers.

Bulgaria. — The observations made in respect of the Convention concerning sickness insurance for workers in industry and commerce and domestic servants apply also in the case of this Convention. Further, it would appear from the report that advantage has been taken of the exception allowed under Article 2 (a) of the Convention respecting temporary employment. The Committee suggests that the Government might be asked for supplementary information on the significance of this exception for Bulgaria.

Luxembourg. — The Committee notes with satisfaction that a Bill has been submitted to the Chamber of Deputies for the purpose of introducing compulsory insurance for agricultural workers in accordance with the Convention. The Committee suggests that the Government should be asked to keep the Office informed of the progress made with regard to this Bill.

Convention concernant l'institution de méthodes de fixation de salaires minima.

Espagne. — Le rapport indique que la législation requise pour la mise en application de cette convention est en préparation. La Commission exprime l'espoir que cette législation pourra être en vigueur à une date rapprochée.

ANNEXE II.

A. LISTE DES RAPPORTS ANNUELS RECUS PAR LE BUREAU JUSQU'AU 27 FÉVRIER 1932 INCLUS ET EXAMINÉS PAR LA COMMISSION

(Par mesure d'économie, le Bureau a cru préférable de ne pas reproduire cette liste, qui couvre 13 pages dactylographiées.)

B. LISTE DES RAPPORTS ANNUELS QUI N'ÉTAIENT PAS PARVENUS AU BUREAU LE 27 FÉVRIER 1932

Heures de travail :

Grèce.

Chômage :

Grèce.

Accouchement :

Cuba.
Grèce.

Travail de nuit des femmes :

Cuba.
Grèce.

Age minimum industrie :

Cuba.
Grèce.

Travail de nuit des enfants :

Cuba.
Grèce.

Age minimum maritime :

Cuba.
Grèce.

Indemnité de chômage (naufnage) :

Cuba.
Grèce.
Etat libre d'Irlande.
Yougoslavie.

Placement des marins :

Cuba.
Grèce.

Céruse :

Cuba.
Grèce.

Repos hebdomadaire :

Grèce.

Soutiers ou chauffeurs :

Cuba.
Grèce.
Etat libre d'Irlande.

Examen médical :

Cuba.
Grèce.
Etat libre d'Irlande.

Réparation des accidents du travail :

Cuba.

Convention concerning the creation of minimum wage-fixing machinery.

Spain. — The report states that the legislation required to put this Convention into effect is being prepared. The Committee expresses the hope that it will be possible to bring this legislation into force in the near future.

APPENDIX II.

A. LIST OF ANNUAL REPORTS RECEIVED BY THE OFFICE BY 27 FEBRUARY 1932 AND EXAMINED BY THE COMMITTEE.

(In the interests of economy it has been thought better not to reproduce this list, which covers 13 typescript pages.)

B. LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 27 FEBRUARY 1932.

Hours :

Greece.

Unemployment :

Greece.

Childbirth :

Cuba.
Greece.

Night work of women :

Cuba.
Greece.

Minimum age (industry) :

Cuba.
Greece.

Night work of young persons :

Cuba.
Greece.

Minimum age (sea) :

Cuba.
Greece.

Unemployment indemnity (sea) :

Cuba.
Greece.
Irish Free State.
Yugoslavia.

Employment for seamen :

Cuba.
Greece.

White lead :

Cuba.
Greece.

Weekly Rest :

Greece.

Trimmers or Stokers :

Cuba.
Greece.
Irish Free State.

Medical examination :

Cuba.
Greece.
Irish Free State.

Workmen's compensation :

Cuba.

Maladies professionnelles :

Cuba.

Egalité de traitement :

Cuba.

Travail de nuit dans les boulangeries :

Cuba.

Inspection des émigrants :

Etat libre d'Irlande.

Contrat d'engagement des marins :

Bulgarie.

Cuba.

Etat libre d'Irlande.

Rapatriement des marins :

Bulgarie.

Cuba.

Etat libre d'Irlande.

Salaires minima :

Chine.

Workmen's compensation (occupational diseases) :

Cuba.

Equality of treatment (workmen's compensation)

Cuba.

Night work in bakeries :

Cuba.

Inspection of emigrants :

Irish Free State.

Articles of agreement (seamen) :

Bulgarie.

Cuba.

Irish Free State.

Repatriation of seamen :

Bulgarie.

Cuba.

Irish Free State.

Minimum wage :

China.

Groupée par pays, la liste des rapports manquants s'établit comme suit :

	2 rapports (sur 25 rapports dus)	
Bulgarie	1	»
Chine	1	»
Cuba	16	»
Grèce	13	»
Etat libre d'Irlande	6	»
Yugoslavie	1	»

List showing, by countries, the number of reports not received :

	2 reports (out of 25 reports due)	
Bulgarie	1	»
China	1	»
Cuba	16	»
Greece	13	»
Irish Free State	6	»
Yugoslavia	1	»

ANNEXE III.

APPLICATION DES CONVENTIONS AUX COLONIES, POSSESSIONS ET PROTECTORATS.

Observations de Sir Selwyn Fremantle.

Union Sud-Africaine. — Le rapport déclare que l'Union Sud-Africaine ne possède ni colonies, ni possessions, ni protectorats. A l'égard de la convention concernant l'égalité de traitement des travailleurs nationaux et étrangers en matière de réparation des accidents du travail, le rapport ajoute que les dispositions en vigueur dans le territoire sous mandat du Sud-Ouest africain sont conformes aux obligations contenues dans le mandat.

L'attention du Gouvernement de l'Union devrait être appelée sur le fait que d'autres puissances mandataires (Australie, Belgique, Grande-Bretagne, par exemple), donnent, dans leurs rapports, des informations sur les mesures prises en ce qui concerne les territoires sous mandat ; on pourrait demander au Gouvernement d'examiner s'il ne lui serait pas possible de fournir pareillement, dans ses rapports, des renseignements relatifs à l'application des conventions au territoire sous mandat du Sud-Ouest africain.

Australie. — A l'égard de la convention concernant le placement des marins, le Commonwealth déclare que les dispositions de la loi sur la navigation, relative au recrutement et à l'engagement des marins n'ont été appliquées ni à la Papouasie (partie Sud-Est de la Nouvelle-Guinée), ni au territoire sous mandat de la Nouvelle-Guinée, où les marins sont des indigènes primitifs. L'application de ces dispositions aux territoires sus-indiqués est pratiquement impossible.

Belgique. — La Belgique n'avait pas donné de renseignements l'année dernière. Cette année, le rapport indique pour chaque convention que la question de l'application de la convention au

APPENDIX III.

APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES AND POSSESSIONS.

Observations submitted by Sir Selwyn Fremantle.

South Africa. — The reports state that the Union has no colonies, protectorates or possessions, and in the case of the Convention concerning equality of treatment as regards workmen's compensation, the report adds that the Mandated Territory of South West Africa is dealt with under the Mandate.

The attention of the Government of the Union might perhaps be drawn to the fact that other Mandatory Powers — for example, Australia, Belgium, and Great Britain — include in their reports information as to the action taken in regard to mandated territories, and the Government might be asked to consider whether it could not likewise give information in its reports concerning the Mandated Territory of South West Africa.

Australia. — With reference to the Convention on employment-finding facilities for seamen, the Commonwealth Government reports that the provisions of the Navigation Act relative to the supply and engagement of seamen have not been applied in the Territory of Papua nor the Mandated Territory of New Guinea, where the seamen are aboriginal natives. The application of such provisions to these territories is stated to be impracticable.

Belgium. — The Government gave no detailed information last year. This year the report for each Convention is that the question of applying it in the Congo and Mandated Territory is under

Congo et dans les territoires sous mandat fait l'objet d'un examen et qu'une décision sera prise avant l'envoi du prochain rapport annuel. Cette réponse paraît satisfaisante.

Danemark. — Le Danemark indique pour chaque convention qu'elle n'est pas appliquée au Groenland. Pas d'observation.

Espagne. — A l'exception de deux cas pour lesquels il n'est pas fait mention des colonies, les rapports déclarent que les conventions ratifiées par l'Espagne s'appliquent à tous les territoires placés sous la souveraineté espagnole ; par contre, ils ne donnent aucun renseignement sur les mesures législatives, administratives ou autres qui assurent l'application de ces conventions.

Peut-être, pourrait-on demander au Gouvernement espagnol de donner ces renseignements.

France. — La France a donné, de façon générale, des renseignements complets sur la mesure dans laquelle les diverses conventions sont appliquées dans l'Afrique du Nord. Cette constatation comporte les exceptions suivantes :

<i>Conventions :</i>	<i>Observations :</i>
Travail de nuit des femmes	Pas d'indication relativement aux colonies de l'Afrique du Nord.
Travail de nuit des jeunes gens	
Indemnité en cas de naufrage	Pas d'indication pour l'Algérie.
Repos hebdomadaire	Pas d'indication pour le Maroc et la Tunisie.
Egalité de traitement	
Examen médical des jeunes gens employés à bord	Pas d'indication pour le Maroc.
Placement des marins	
Céruse	Pas d'indication pour la Tunisie.

Le Gouvernement français pourrait être invité à fournir les renseignements qui font défaut. En outre, étant donné que l'application de la loi de 1906 sur le repos hebdomadaire a été étendue à l'Algérie en 1909, et que cette loi — comme la convention d'ailleurs — prévoit certaines dérogations et a été complétée par une série d'ordonnances et décrets, il y aurait peut-être lieu de demander si la loi et la pratique en Algérie sont conformes à la convention.

La convention concernant l'âge minimum des jeunes gens employés en qualité de soutiers ou chauffeurs a été mise en vigueur en Algérie et, avec certaines modifications, au Maroc. On envisage actuellement la possibilité d'appliquer les principes de cette convention en Tunisie.

Sauf une seule exception, il est indiqué pour toutes les colonies autres que l'Afrique du Nord, que les conventions, en raison des conditions locales, ne sont généralement pas appliquées. Aucun renseignement n'est donné sur la nature des conditions qui rendent les conventions inapplicables dans des possessions et dépendances aussi importantes que l'Indochine, l'Afrique Occidentale, l'Afrique Equatoriale, les Antilles, la Guyane et Madagascar, où la vie industrielle a déjà acquis un développement considérable. Le Gouvernement français pourrait être invité à examiner cette question.

Grande-Bretagne. — Les conventions relatives au travail de nuit des femmes, au travail de nuit des jeunes gens, à l'âge minimum d'admission au travail dans l'industrie, à l'âge minimum d'admission au travail maritime, à l'âge minimum d'admission au travail de soutiers et chauffeurs et à l'indemnité de chômage en cas de perte par naufrage ont été appliquées avec ou sans modification dans un certain nombre de colonies (voir la liste annexée). Dans d'autres colonies, une législation tendant à appliquer ces conventions fait actuellement l'objet d'un examen. A l'île de la Trinité, la convention sur l'âge minimum d'admission au travail dans l'industrie serait, aux termes

consideration and that a decision will be reached before the next annual report is sent. This is satisfactory.

Denmark. — The Government states for each Convention that it is not applied in Greenland. No remarks.

Spain. — Except in two cases, where no mention of colonies is made, the reports state this year, as in past years, that the Conventions ratified by Spain apply to all territories under Spanish sovereignty, but in spite of requests for information nothing has been said regarding the legislative, administrative or other measures which ensure such application.

The Spanish Government might again be asked to furnish this information.

France. — The Government has generally given full information regarding the extent to which various Conventions apply in Northern Africa. To this statement however there are the following exceptions :

<i>Subject of Convention.</i>	<i>Remarks.</i>
Night work of women :	No mention of North African Dependencies.
Night work of young persons :	
Unemployment indemnity for seamen :	No mention of Algeria.
Weekly rest in industry :	No mention of Morocco and Tunisia.
Workmen's compensation ; equality of treatment :	
Medical examination of young persons at sea :	No mention of Morocco.
Employment finding facilities for seamen :	
White lead :	No mention of Tunisia.

The French Government might perhaps be asked to supply the omissions. Further, in view of the fact that the French law on weekly rest was extended to Algeria as far back as 1909 and that the present French law as also the Convention admits of certain exceptions, and has been supplemented by various orders and decrees, enquiry may perhaps be made as to whether the law and practice in Algeria are in accordance with the Convention.

The Convention regarding minimum age for employment of trimmers and stokers applies to Algeria and, with modifications, to Morocco. The question of applying the principle of the Convention to Tunisia is under consideration.

With one exception, it is stated with regard to all colonies other than those in Northern Africa that "on account of local conditions the Convention is not generally applied." No information is given regarding the nature of the conditions which render the Convention inapplicable in such important dependencies as Indo-China, West and Equatorial Africa, the French West Indies and Madagascar, where there is already an appreciable volume of industrial development. The French Government may perhaps be asked to consider this question.

Great Britain. — The reports show that the Conventions concerning night work for women and for young persons, the three Conventions concerning the minimum age for employment in industry, at sea, and as trimmers and stokers, and the Convention concerning unemployment indemnity for seamen in case of loss of ship, have been applied with or without modifications in a number of colonies (see list annexed) ; and in a number of other colonies legislation to apply them is under consideration. In Trinidad the Convention concerning the minimum age for employment in industry is said to apply without modification, but in the Ordinance cited the age is fixed at 12

du rapport, appliquée sans modification ; toutefois, l'ordonnance citée à cet égard fixe l'âge minimum à douze ans. Le Gouvernement britannique pourrait être invité à donner des éclaircissements sur ce point.

La législation concernant le contrat d'engagement des marins, qui est en vigueur dans un certain nombre de colonies, fait l'objet d'un examen en vue de déterminer dans quelle mesure cette législation est conforme à la convention. Dans un certain nombre d'autres possessions et dépendances maritimes, on examine la possibilité de mettre en vigueur une législation de cette nature.

Il est indiqué que la convention concernant les droits d'association et de coalition des travailleurs agricoles est partout appliquée, étant donné qu'il n'existe pas de législation privative de ces droits.

Quant à la convention concernant le chômage, elle n'a été appliquée dans aucune possession ou dépendance ; son application présuppose, en effet, des conditions qui n'existent que dans les pays ayant atteint un développement industriel avancé ; aussi n'est-elle pas susceptible d'application aux conditions de vie des pays tropicaux où la majorité de la population se compose de paysans effectuant des travaux agricoles sur leurs terres ou sur celles de leur tribu et où (comme c'est fréquemment le cas) au travail salarié s'ajoutent, dans une large mesure, des occupations de ce genre. Dans les quelques colonies qui doivent recourir à la main-d'œuvre immigrée ou recrutée à l'étranger, des dispositions spéciales sont prises pour adapter les disponibilités en main-d'œuvre aux besoins locaux. Sauf dans des circonstances tout à fait exceptionnelles, il n'y a que très peu de « chômage » suivant l'acception que l'on donne en Europe à cette expression ; lorsque ces circonstances surviennent, il est nécessaire de prendre des mesures spéciales pour y porter remède.

Les conventions sur l'assurance-maladie dans l'industrie et dans l'agriculture ne sont encore appliquées dans aucune possession ou dépendance pour les raisons suivantes :

1) Les gains provenant de salaires ne constituent pas l'unique ressource de la population ;
2) La population n'est pas suffisamment instruite pour apprécier les bienfaits d'un système d'assurance obligatoire ; 3) La population n'est pas en mesure de créer des institutions autonomes permettant le fonctionnement d'un système d'assurance. Il convient, en outre, de signaler que, dans presque toutes les possessions ou dépendances, le Gouvernement assure gratuitement le traitement médical et l'hospitalisation des malades, auxquels s'ajoute parfois l'activité des sociétés de bienfaisance et (dans les Indes Occidentales) des sociétés de secours mutuels. En ce qui concerne les domaines agricoles et les mines, les employeurs, de façon générale, sont légalement tenus d'assurer aux ouvriers malades un traitement médical convenable ; la même obligation incombe aux entrepreneurs titulaires de contrats pour l'exécution de grands travaux de construction. Dans un grand nombre de possessions et dépendances également, les familles indigènes sont en grande majorité à même de pourvoir à leur propre entretien en travaillant sur leurs terres.

La convention sur les salaires minima fait l'objet d'une application partielle à Ceylan, dans les Etablissements du Détroit et dans les Etats malais fédérés et non fédérés, en ce qui concerne les immigrants hindous. A Ceylan, les taux sont fixés par des commissions de salaires créées pour chaque district ; ces commissions comprennent un fonctionnaire président, deux patrons et deux travailleurs hindous. La création d'organismes similaires pour d'autres catégories de travailleurs est présentement à l'étude. Dans les Etablissements du Détroit et dans les Etats malais, la Commission d'immigration hindoue fixe les taux des salaires, après avoir entendu les parties en cause.

On pourrait demander au Ministère des Colonies d'examiner l'opportunité de créer des organismes semblables dans les colonies où il existe de grandes exploitations sucrières ; Guyane, Trinité, îles Fidji, et, éventuellement, île Maurice.

years. The Government might be asked to explain.

The legislation respecting seamen's articles of agreement existing in various colonies is being examined to see to what extent it conforms to the Convention, and the question of the enactment of similar legislation in other maritime dependencies is under consideration.

The Convention regarding the rights of association of agricultural workers is stated to apply universally, since there is no legislation in conflict with it.

As to unemployment, the report states that the Convention has not been applied in any dependencies since it is based on conditions in highly organised industrial communities and is not applicable to conditions in tropical countries, where the majority of the population are peasants engaged in agricultural pursuits on their own or tribal lands, or where (as in many cases) wage earning employment is largely supplemented by such occupations. In the few colonies which are dependent on imported or immigrant labour, special arrangements are in force for co-ordinating the supply of labour to local requirements. Save in very exceptional circumstances, there is little "unemployment" as understood in Europe, and when such circumstances arise it is necessary to take special measures to meet them.

The Conventions concerning sickness insurance in industry and in agriculture are not being applied in any of the dependencies for reasons summarised as follows :

The people are (1) not entirely dependent on wages ; (2) not sufficiently educated to appreciate the benefits of compulsory insurance ; (3) not capable of forming self-governing institutions to administer the system. Moreover, in practically all dependencies the Government provides free medical and hospital treatment, sometimes supplemented by charitable bodies and (in the West Indies) by friendly societies. On agricultural estates and mines employers are generally required by law to provide adequate medical treatment, and the same is the case when contracts for important works of construction are entered into. Also in many dependencies the majority of native families can provide for their own subsistence by working on their own lands.

The Minimum Wage Convention is stated to be partially applied in Ceylon, the Strait Settlements, and the Federated and Unfederated Malay States, so far as Indian immigrants are concerned. In Ceylon the rates are fixed by Estate Wages Boards for each district, consisting of a public officer as chairman, two employers, and two Indian labourers. The question of creating similar machinery for other labourers is under consideration. In the Straits Settlements and the Malay States the Indian Immigration Committee prescribes rates after hearing all interested parties.

The Colonial Office might perhaps be asked if it would consider the advisability of introducing similar machinery in such colonies as British Guiana, Trinidad and Fiji, and possibly Mauritius, where there are large sugar estates.

Réparation des accidents du travail. — Une législation de caractère général est en vigueur dans 16 colonies et dépendances et, en ce qui concerne certaines branches d'industrie, dans 8 autres colonies et dépendances. En outre, l'adoption de mesures législatives analogues est envisagée en ce qui concerne 13 autres colonies.

Dans 14 des 16 colonies où la législation dont il s'agit présente un caractère général, les travailleurs agricoles sont mis au bénéfice de la réparation des accidents du travail, dans les mêmes conditions que les autres catégories d'ouvriers. En Palestine, la question de l'application de ce régime aux travailleurs agricoles est à l'examen. A la Trinité, une proposition de cette nature a été écartée, en raison du fardeau excessif qu'un système de réparation des accidents du travail aurait imposé au propriétaire paysan. Toutefois, les ouvriers agricoles employés à des travaux où il est fait usage de machines sont mis au bénéfice d'un régime de réparation des accidents.

La convention concernant la réparation des maladies professionnelles a été appliquée avec des modifications à Malte et dans la Rhodésie septentrionale. On étudie présentement la question de l'extension de son application à d'autres dépendances, où une législation sur la réparation des accidents du travail est, soit en vigueur, soit projetée. Mais, eu égard au nombre restreint de médecins possédant les connaissances et l'expérience nécessaires, il est indispensable d'agir avec prudence.

Egalité de traitement. — Dans les 24 colonies qui ont été mentionnées ci-dessus comme bénéficiant d'une législation sur la réparation des accidents du travail, il n'est pas fait de distinction à l'égard des ressortissants étrangers. Toutefois, dans les colonies d'Afrique portées sur la liste dont il s'agit, les dispositions législatives ne s'appliquent qu'aux indigènes africains; en ce qui concerne l'île Maurice, il est prévu, pour les paiements périodiques, une condition de résidence.

Italie. — Sauf dans deux cas, les rapports renvoient à ceux qui ont déjà été fournis l'an passé. Ces rapports faisaient connaître que la convention sur le repos hebdomadaire était appliquée par ordonnance des différents Gouverneurs; que la question de l'application à des colonies de la convention sur l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers et chauffeurs et de la convention sur le placement des marins était à l'étude; que les conventions sur le contrat d'engagement des marins et le rapatriement des marins étaient en vigueur dans les colonies, et que la convention concernant la réparation des accidents du travail dans l'agriculture n'y était pas appliquée. Il serait utile de demander au Gouvernement italien si la question de l'application aux colonies des deux conventions concernant respectivement l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers et chauffeurs et la réparation des accidents du travail dans l'agriculture a été réglée.

La convention concernant l'égalité de traitement est appliquée en Tripolitaine, en Cyrénaïque, à Rhodes, à Cos et à Leros. Il a été déclaré l'année dernière que dans les autres îles du Dodécanèse, ainsi que dans la Somalie italienne, les conditions locales n'avaient pas jusqu'alors permis l'application de cette convention.

A l'égard de la convention concernant les méthodes de fixation des salaires minima, le rapport déclare qu'elle n'a pas encore été appliquée dans les colonies, mais que la question de l'adaptation de cette convention aux conditions du travail colonial est à l'étude.

Un décret royal est en voie d'élaboration en vue d'étendre aux colonies l'application de la convention concernant l'indemnité de chômage en cas de perte par naufrage.

Japon. — Les rapports sur l'application des conventions concernant la réparation des maladies

Legislation on the subject of workmen's compensation of a general character exists in sixteen colonies and dependencies, and as regards certain occupations only in eight more colonies and dependencies. In thirteen other colonies legislation is contemplated.

In fourteen out of the sixteen colonies where legislation is of a general character compensation is payable to agricultural workers equally with others. In Palestine the question of including agricultural workers is under consideration. In Trinidad a proposal to include them was dropped in view of the fact that an intolerable burden would be placed on the peasant proprietor, though agricultural workers employed in connection with machinery are included.

The Convention concerning workmen's compensation for occupational diseases has been applied with modifications to Malta and Northern Rhodesia. The question of extending it to other dependencies, where workmen's compensation legislation exists or is contemplated, is under consideration, but in view of the scarcity of medical practitioners with the requisite knowledge and experience it is necessary to proceed with caution.

In the twenty-four dependencies mentioned above as having workmen's compensation legislation, there is no discrimination against foreign workers, but in the African colonies included in the list the provisions apply only to natives of Africa, and in Mauritius there is a condition of residence in the case of periodical payments.

Italy. — Except in two cases reference is made to last year's reports. It was last year reported that the weekly rest is secured in some colonies by Ordinance of the Governors; that the question of extending the Conventions concerning the minimum age for trimmers and stokers and employment-finding facilities for seamen was under consideration; and that the Conventions concerning articles of agreement and repatriation of seamen apply in the colonies, while the Convention on workmen's compensation in agriculture does not apply. The Italian Government might be asked whether the question of extending the two Conventions mentioned above has been decided.

The Convention on equality of treatment as regards workmen's compensation is stated to apply in Tripoli, Cyrenaica, and Rhodes Kos and Leros, and it was stated last year that in the other islands of the Dodecanese and in Somaliland local conditions have not hitherto permitted its application.

The Convention concerning minimum wage fixing machinery has not yet been applied to the colonies, but the report states that consideration is being given to the possibility of adapting it to colonial labour conditions.

A Royal Decree is being drafted extending to the colonies the Convention concerning unemployment indemnity for seamen.

Japan. — As regards the Conventions concerning workmen's compensation for occupational

professionnelles et l'égalité de traitement renvoient à ceux de 1929. Il semble que ces conventions ne soient pas appliquées aux colonies.

Pour les conventions sur le placement des marins et la simplification de l'inspection des émigrants à bord, les rapports font connaître qu'elles ne sont pas encore appliquées dans les colonies, en raison des différences très marquées que présentent les conditions économiques et sociales dans ces territoires.

En ce qui concerne les trois conventions relatives à l'emploi des jeunes gens au travail maritime (âge d'admission au travail maritime, âge d'admission au travail de soutiers et chauffeurs, examen médical obligatoire des jeunes gens employés à bord), le rapport déclare que le Gouvernement japonais espère les appliquer dans les colonies dans la mesure où les conditions locales le permettront ; à l'heure actuelle, une loi relative à l'âge d'admission au travail maritime a été élaborée en vue d'appliquer les principes de ces conventions à Formose (Taiwan).

Etant donné que dans les colonies les conditions de vie diffèrent de celles qu'on trouve au Japon proprement dit, la convention concernant le chômage n'y a pas encore été appliquée ; toutefois, le nombre des bureaux gratuits de placement s'y accroît, et un contrôle plus strict y est exercé sur les bureaux de placement payants.

La convention sur l'âge minimum d'admission au travail dans l'agriculture est en vigueur dans l'île Sakhaline (Karafuto) où l'instruction est obligatoire ; l'instruction n'est pas obligatoire dans les autres colonies.

Pays-Bas. — En ce qui concerne la Guyane hollandaise (Surinam) les rapports déclarent que les conditions locales ont empêché l'application des conventions, et qu'il a été impossible d'y apporter les modifications permettant de les y rendre applicables.

A Curaçao, selon les rapports, l'application des conventions n'a pas été nécessaire.

Le Gouverneur général des Indes néerlandaises a présenté un rapport intéressant, qui peut se résumer de la manière suivante :

Travail de nuit des femmes. — Les femmes ne peuvent en aucun cas être employées pendant la nuit dans les salines. Dans d'autres industries, telles que les manufactures de thé, l'emploi des femmes n'est permis qu'avec une autorisation spéciale du Directeur du Travail ; le nombre de ces autorisations est réduit d'année en année. On envisage l'inscription de nouvelles branches d'industrie sur la liste des industries où le travail de nuit est interdit, sauf autorisation spéciale.

Les trois conventions relatives au travail maritime des enfants et des jeunes gens (âge d'admission au travail maritime, âge d'admission au travail des soutiers et chauffeurs, examen médical obligatoire des jeunes gens employés à bord) sont appliquées, sauf abaissement de deux années de l'âge minimum fixé dans la convention.

Les conventions relatives à l'âge d'admission des enfants aux travaux industriels et au travail de nuit des enfants sont appliquées ; toutefois, l'âge minimum d'admission au travail a été ramené de 14 à 12 ans. Le rapport ajoute qu'il a été établi un règlement, accepté volontairement par un certain nombre de manufactures de tabac, et aux termes duquel les enfants âgés de 12 à 15 ans ne peuvent être employés dans les manufactures de tabac que pendant la période de l'année comprise entre les mois de novembre et de juin.

En ce qui concerne les conventions relatives à la réparation des accidents du travail et à la réparation des accidents du travail dans l'agriculture, le rapport déclare que le projet de règlement sur la réparation des accidents a été établi d'après les principes des conventions, et que ce règlement sera appliqué dès qu'auront été examinées les réponses données aux différentes consultations auxquelles il a été procédé ; ce règlement s'appliquera aux travailleurs agricoles employés en vertu de contrats de travail comportant des sanctions pénales.

diseases and equality of treatment for national and foreign workers, the reports refer to those for 1929. Apparently these Conventions are not applied to the colonies.

For the Conventions on employment-finding facilities of seamen and inspection of emigrants, it is stated that they are not yet applied to the colonies as conditions there are so markedly different that application is regarded as unsuitable.

For the three Maritime Conventions affecting young people, it is stated that Japan hopes to apply them to the colonies as far as circumstances permit, and at present a Minimum Age Bill for Seamen is being drafted applying the principles of these Conventions to Taiwan (Formosa).

With regard to the Convention on Unemployment, the report states that as the conditions in the colonies are different from those of Japan proper, the Convention has not been applied to them, but that free employment agencies in the colonies are being increased and greater supervision exercised over profit-making agencies.

The Convention on minimum age for employment in agriculture is being enforced in Karafuto (Sakhalin), where education is compulsory. It is not compulsory in other colonies.

Netherlands. — With regard to Surinam (Dutch Guiana), the Government reports that local conditions have prevented the application of the Conventions and that it has been impossible to introduce modifications which would make them applicable.

With regard to Curaçao, it is stated that the application of the Conventions is unnecessary.

The Governor-General of the Dutch East Indies has furnished an interesting report of which the following is a summary :

Night work for Women. — The Convention is applied with modifications. In salt packing women cannot be employed at all at night ; in other industries, such as tea factories, their employment is allowed only by special authorisation of the Director of Labour. These authorisations are being reduced each year and additions to the list of industries in which special authorisation is required are contemplated.

The three Maritime Conventions (minimum age, sea ; trimmers or stokers ; compulsory medical examination) for young persons are being applied with the modification that the age is reduced by two years in each case.

The Conventions concerning the minimum age in industry and the night work of young persons apply with the modification that the age is reduced from 14 to 12. The report adds that regulations have been made and accepted by voluntary agreement in a number of tobacco undertakings to provide that children between the ages of 12 and 15 should be employed in the tobacco factories only between November and June.

With reference to the Conventions concerning workmen's compensation for accidents and workmen's compensation in agriculture, it is stated that draft Accident Regulations have been framed on the lines of the Conventions and will be enforced after consideration has been given to opinions received, and that these regulations will cover the case of such agricultural workers as are employed on the basis of labour agreements subject to penal sanction.

Pour la convention relative à la réparation des maladies professionnelles, le rapport déclare qu'il ne sera possible d'appliquer cette convention que lorsque de plus amples renseignements auront été obtenus quant à la nature et à la fréquence de ces maladies. Peut-être, pourrait-on demander au Gouvernement néerlandais si les mesures nécessaires ont été prises pour réunir ces renseignements.

Portugal. — En communiquant sa ratification des conventions, le Gouvernement portugais a réservé, pour une décision ultérieure, la question de l'application de ces conventions aux colonies. Les rapports présentés l'an dernier par le Portugal se référaient à cette question, mais ne faisaient pas connaître s'il avait été pris une décision quelconque. Aussi la Commission avait-elle demandé si la question avait été étudiée. Aucune réponse n'a été faite à cette demande de renseignements, et les rapports de 1931 restent muets à cet égard.

Peut-être, pourrait-on demander au Gouvernement de fournir les informations dont il s'agit.

As regards the Convention concerning compensation for occupational diseases, it is stated that it will only be possible to apply the Convention when further information has been collected relating to the nature and frequency of occupational diseases. The Dutch Government may perhaps be asked if this information is being collected.

Portugal. — The Portuguese Government, in communicating its ratification of Conventions, reserved the question of their application to dependencies for future decision. Its reports for last year referred to this reservation but did not state whether any decision had been arrived at. The Committee thereupon asked whether the matter had been considered. No reply has been received to this request for information, and this year's reports are silent on the subject.

The Government might perhaps be again asked to supply the required information.

TABLEAU

Application des conventions aux colonies, protectorats et possessions.

Janvier-septembre 1931.

Les possessions dont le nom est en caractères italiques indiquent que l'application de la convention n'a pas figuré dans le rapport de l'année précédente.

CONVENTIONS

Etats ayant des possessions qui ont procédé à la ratification de la convention.

Possessions dans lesquelles les conventions sont appliquées :
a) sans modification ;
b) avec modifications.

Durée du travail.

Belgique	a) Néant	b) Néant
Portugal	a) Néant	b) Néant

Chômage.

Afrique du Sud	(Pas de renseignements pour le territoire sous mandat.)	
Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions	
France	a) Néant	b) Algérie, Tunisie
Grande-Bretagne	a) Néant	b) Néant
Italie	a) Néant	b) Néant
Japon	a) Néant	b) Néant

Accouchement.

Espagne	a) Toutes les possessions
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Travail de nuit des femmes.

Afrique du Sud	(Pas d'informations pour le territoire sous mandat.)	
Belgique	a) Néant	b) Néant
France	a) Néant	b) Néant
Grande-Bretagne	a) Palestine, Trinité, Ceylan, <i>Iles Fidji</i> , Iles Gilbert et Ellice, protectorat britannique sur les Iles Salomon	b) <i>Nigeria</i> , Côte de l'Or, Hong-Kong
Italie	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

Age minimum (industrie)

Belgique	a) Néant	b) Néant
Grande-Bretagne	a) Ceylan, Iles Gilbert et Ellice, Trinité, Bornéo du Nord, <i>Iles Fidji</i> .	b) Palestine, Ouganda, <i>Tanganyika</i> , Chypre, <i>Ste-Hélène</i> , Hong-Kong, Etablissements du Détroit, Etats fédérés malais, <i>Ile Maurice</i> .
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

Travail de nuit des enfants dans l'industrie.

Belgique	a) Néant	b) Néant
France	a) Néant	b) Néant
Grande-Bretagne	a) Néant	b) Palestine, Ouganda, Ceylan, Hong-Kong, <i>Iles Fidji</i> , Etats fédérés malais, Chypre.
Italie	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

Age minimum, maritime.

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
Grande-Bretagne	a) <i>Barbade</i> (en pratique), Ceylan, <i>Bornéo du Nord</i> , <i>Iles Fidji</i> , Iles Gilbert et Ellice.	b) Côte de l'Or, <i>Archipel des Bahama</i> .
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

TABLE

Showing application of Conventions to colonies, protectorates and possessions.

January-September 1931.

Dependencies in *italics* represent applications not reported last year.

CONVENTION

*States with Dependencies
which have ratified the Con-
vention.*

Dependencies to which Conventions are applied :
(a) without modification ;
(b) with modifications.

Hours.

Belgium	(a) None	(b) None
Portugal	(a) None	(b) None

Unemployment.

South Africa	(no information as to Mandated Territory)	
Spain	(a) All dependencies	
Belgium	(a) None	(b) None
France	(a) None	(b) Algeria, <i>Tunisia</i>
Great Britain	(a) None	(b) None
Italy	(a) None	(b) None
Japan	(a) None	(b) None

Childbirth.

Spain	(a) All dependencies
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Night work, women.

South Africa	(no information as to Mandated Territory)	
Belgium	(a) None	(b) None
France	(a) None	(b) None
Great Britain	(a) Palestine, Trinidad, Ceylon, <i>Fiji</i> , Gilbert and Ellice Islands Colony, British Solomon Islands Protec- torate	(b) <i>Nigeria</i> , Gold Coast, Hong Kong.
Italy	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

Minimum age, industry.

Belgium	(a) None	(b) None
Great Britain	(a) Ceylon, Gilbert and Ellice Islands Colony, Trinidad, North Borneo, <i>Fiji</i>	(b) Palestine, Uganda, <i>Tanganyika</i> , Cyprus, <i>St. Helena</i> , Hong Kong, Straits Settlements, Federated Ma- lay States, <i>Mauritius</i>
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

Night Work, young persons.

Belgium	(a) None	(b) None
France	(a) None	(b) None
Great Britain	(a) None	(b) Palestine, Uganda, Ceylon, Hong Kong, <i>Fiji</i> , Federated Malay States, Cyprus
Italy	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

Minimum age, sea.

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
Great Britain	(a) <i>Barbados</i> (in practice), Ceylon, <i>North Borneo</i> , <i>Fiji</i> , Gilbert and Ellice Islands Colony	(b) Gold Coast, <i>Bahamas</i>
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

CONVENTIONS.

Etats ayant des possessions qui ont procédé à la ratification de la convention.

Possessions dans lesquelles les conventions sont appliquées :
a) sans modification ;
b) avec modifications.

Indemnité de chômage (naufnage).

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Néant	b) Néant
Grande-Bretagne	a) Malte, Chypre, Bermudes, Jamaïque, Trinité, Etablissements du Détroit, Ile Maurice, Seychelles, Iles Fidji, Honduras britannique, Bornéo du Nord.	
Italie	a) Néant	b) Néant

Placement des marins.

Australie	a) Néant	b) Néant
Belgique	a) Néant	b) Néant
Espagne		Aucune indication dans le rapport
France	a) Algérie	b) Néant
Italie	a) Néant	b) Néant
Japon	a) Néant	b) Néant

Age d'admission (agriculture).

Belgique	a) Néant	b) Néant
Italie	a) Néant	b) Néant
Japon	a) Sakhaline (Karafuto).	b) Néant

Droits d'association et de coalition des travailleurs agricoles.

Belgique	a) Néant	b) Néant
France	a) Néant	b) Algérie
Grande-Bretagne	a) Toutes les possessions.	
Italie	a) Néant	b) Néant
Pays-Bas	a) Indes orientales.	b) Néant

Réparation des accidents (agriculture).

France	a) Algérie, Guyane, Réunion, Martinique.	b) Néant
Grande-Bretagne	a) Tanganyika, Rhodésie septentrionale, Territoire des Somalis, Nigeria, Gibraltar, Malte, Barbade, Jamaïque, Grenade, St-Vincent, Guyane anglaise, Ste-Hélène, Ile Maurice, Bornéo du Nord.	b) Trinité.
Italie	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Néant

Céruse.

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Algérie, Maroc	b) Néant

Repos hebdomadaire (industrie).

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Algérie	b) Néant
Italie	a) Néant	b) (aucun détail n'est donné).
Portugal	a) Néant	b) Néant

Age minimum (soutiers ou chauffeurs).

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Algérie	b) Maroc
Grande-Bretagne	a) Malte, Chypre, Bermudes, Trinité, Jamaïque, Ile Maurice, Iles Fidji, Honduras britannique, Bornéo du Nord.	b) Seychelles.
Italie	a) Néant	b) Néant
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

Examen médical.

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Algérie	b) Néant
Grande-Bretagne	a) Malte, Chypre, Iles Bermudes, Jamaïque, Trinité, Iles Fidji, Ile Maurice, Honduras britannique, Bornéo du Nord.	b) Seychelles.
Italie	a) Néant	b) Néant
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Indes orientales.

CONVENTION

*States with Dependencies
which have ratified the Con-
vention.*

Dependencies to which Conventions are applied
(a) *without modification ;*
(b) *with modifications.*

Unemployment indemnity (seamen).

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
France	(a) None	(b) None
Great Britain	(a) Malta, Cyprus, Bermuda, Jamaica, Trinidad, Straits Settlements, Mauritius, Seychelles, Fiji, British Honduras, North Borneo	(b) None
Italy	(a) None	(b) None

Employment-finding, seamen.

Australia	(a) None	(b) None
Belgium	(a) None	(b) None
Spain		Report silent
France	(a) Algeria	(b) None
Italy	(a) None	(b) None
Japan	(a) None	(b) None

Minimum age, agriculture

Belgium	(a) None	(b) None
Italy	(a) None	(b) None
Japan	(a) Karafuto (Sakhalin)	(b) None

Rights of association (agriculture)

Belgium	(a) None	(b) None
France	(a) None	(b) Algeria
Great Britain	(a) All dependencies	
Italy	(a) None	(b) None
Netherlands	(a) East Indies	(b) None

Workmen's compensation (agriculture)

France	(a) Algeria, Matrinique, Réunion, Guiana	(b) None
Great Britain	(a) Tanganyika Territory, Northern Rhodesia, Somaliland, Nigeria, Gibraltar, Malta, Barbados, Jamaica, Grenada, St. Vincent, British Guiana, St. Helena, Mauritius, North Borneo	(b) Trinidad
Italy	(a) None	(b) None
Netherlands	(a) None	(b) None

White lead

Belgium	(b) None	(b) None
Spain	(a) All dependencies	
France	(a) Algeria, Morocco	(b) None

Weekly rest, industry

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
France	(a) Algeria	(b) None
Italy	(a) None	(b) (Details not given)
Portugal	(a) None	(b) None

Minimum age, trimmers and stokers.

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
France	(a) Algeria	(b) Morocco
Great Britain	(a) Malta, Cyprus, Bermuda, Jamaica, Trinidad, Mauritius, Fiji, British Honduras, North Borneo	(b) Seychelles
Italy	(a) None	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

Medical examination, young persons, sea

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
France	(a) Algeria	(b) None
Great Britain	(a) Malta, Cyprus, Bermuda, Jamaica, Trinidad, Fiji, Mauritius, British Honduras, North Borneo	(b) Seychelles
Italy	(a) None	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies

CONVENTIONS.

Etats ayant des possessions qui ont procédé à la ratification de la convention.

Possessions dans lesquelles les conventions sont appliquées :
a) sans modification ;
b) avec modifications.

Réparation des accidents du travail.

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
Pays-Bas	a) Néant	b) Néant
Portugal	a) Néant	b) Néant

Réparation des maladies professionnelles.

Belgique	a) Néant	b) Néant
France		Le rapport n'est pas encore dû.
Grande-Bretagne	a) Néant	b) Malte, Rhodésie septentrionale.
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Néant
Portugal	a) Néant	b) Néant

Réparation des accidents (égalité de traitement).

Union Sud-Africaine	(Pas d'informations pour le territoire sous mandat.)	
Belgique	a) Néant	b) Néant
Espagne	(Aucune indication dans le rapport.)	
France	a) Algérie, Tunisie	b) Maroc.
Grande-Bretagne	a) Palestine, Rhodésie septentrionale, Territoire des Somalis, Nigeria, Gibraltar, Malte, Barbades, Jamaïque, Trinité, Grenade, St-Vincent, Guyane anglaise, Ste-Hélène, Ile Maurice, Bornéo du Nord, Kénia, Ouganda, Tanganyika, Sierra-Leone, Chypre, Seychelles, Iles Fidji.	b) Néant
Italie	a) Tripolitaine et Cyrénaïque, Erythrée, Rhodes, Cos et Leros.	b) Néant
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Néant
Portugal	a) Néant	b) Néant

Inspection des émigrants.

Australie	a) Néant	b) Néant
Belgique	a) Néant	b) Néant
Japon	a) Néant	b) Néant
Pays-Bas	a) Néant	b) Néant

Contrat d'engagement des marins.

Belgique	a) Néant	b) Néant
Espagne	a) Toutes les possessions.	
France	a) Algérie	b) Maroc
Grande-Bretagne		Non mentionné au rapport.
Italie	a) Toutes les possessions.	

Rapatriement des marins.

Belgique	a) Néant	b) Néant
Espagne		Aucune indication dans le rapport.
France	a) Algérie	b) (La législation en vigueur en Tunisie contient certaines dispositions relatives au rapatriement en cas de maladie.)
Italie	a) Toutes les possessions.	

Assurance-maladie (industrie et commerce).

Grande-Bretagne	a) Néant	b) Néant
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Assurance-maladie (agriculture).

Grande-Bretagne	a) Néant	b) Néant
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Salaires minima.

Australie	a) Pas de rapport à fournir.	
Espagne	a) Toutes les possessions.	
France	a) Néant	b) Néant
Grande-Bretagne	a) Néant	b) Ceylan, Etablissements du Détroit, Etablissements malais fédérés, Etablissements malais non fédérés (Johore, Kedah, Kelantan, Perlis), Gibraltar.
Italie	a) Néant	b) Néant

Note. — Le Danemark qui a ratifié les conventions concernant le chômage, l'âge minimum (industrie), le travail de nuit des enfants, l'âge minimum maritime, les droits d'association (agriculture), l'âge minimum (soutiers ou chauffeurs) et l'égalité de traitement (réparation des accidents du travail), indique dans ses rapports qu'aucune de ces conventions n'est appliquée au Groenland, l'unique dépendance danoise.

CONVENTION

*States with Dependencies
which have ratified the Con-
vention.*

Dependencies to which Conventions are applied :
(a) *without modification ;*
(b) *with modifications.*

Workmen's compensation (accidents)

Belgium	(a) None	(b) None
Spain	(a) All dependencies	
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None

Workmen's compensation (diseases)

Belgium	(a) None	(b) None
France		Report not yet due.
Great Britain	(a) None	(b) Malta, Northern Rhodesia
Japan	(a) None	(b) None
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None

Workmen's compensation (equality of treatment)

South Africa	(no information as to Mandated Territory)	
Belgium	(a) None	(b) None
Spain	Report silent	
France	(a) Algeria, Tunisia	(b) Morocco
Great Britain	(a) Palestine, Northern Rhodesia, Somaliland, Nigeria, Gibraltar, Malta, Barbados, Jamaica, Trinidad, Grenada, St. Vincent, British Guiana, St. Helena, Mauritius, North Borneo, Kenya, Uganda, Tanganyika Territory, Sierre Leone, Cyprus, Seychelles, Fiji	(b) None
Italy	(a) Tripolitania and Cyrenaica ; Eritrea ; Rhodes, Cos and Leros	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None

Inspection of emigrants.

Australia	(a) None	(b) None
Belgium	(a) None	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) None

Seamen's articles.

Belgium	(a) None	(b) None
Spain	(b) All dependencies	
France	(a) Algeria	(b) Morocco
Great Britain		Not stated in report
Italy	(a) All dependencies	

Repatriation of seamen.

Belgium	(a) None	(None
Spain	Report silent	
France	(a) Algeria	(b) (The legislation in force in Tunisia makes certain provisions for repatriation in case of sickness)
Italy	(a) All dependencies	

Sickness insurance (industry, etc).

Great Britain	(a) None	(b) None
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Sickness insurance (agriculture).

Great Britain	(a) None	(b) None
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Minimum wage-fixing machinery.

Australia	(a) Report not due	
Spain	(a) All dependencies	
France	(a) None	(b) None
Great Britain	(a) None	(b) Ceylon, Straits Settlements, Federated Malay States, Unfederated Malay States (Johore, Kedah, Kelantan, Perlis), Gibraltar
Italy	(a) None	(b) None

Note. — Denmark, which has ratified the Conventions on unemployment ; minimum age, industry ; night work, young persons ; minimum age, sea ; rights of association in agriculture ; minimum age, trimmers and stokers ; and workmen's compensation (equality of treatment), reports that none of these Conventions is applied in Greenland, the only Danish dependency.

2) Communications par lesquelles les Gouvernements ont complété les informations contenues dans leurs rapports annuels.

AUTRICHE

(Traduction.)

Vienne, le 7 avril 1932.

Monsieur le Directeur,

Par votre lettre n° D 601/3002/5, en date du 24 mars dernier, vous avez bien voulu me faire parvenir les observations faites par la Commission des experts au sujet du rapport présenté par le Gouvernement autrichien sur l'application de la *convention concernant l'âge d'admission des enfants au travail dans l'agriculture*, convention ratifiée par l'Autriche. Vous me demandiez en outre de vous faire parvenir des renseignements complémentaires relatifs à ces observations.

Comme il ressort du rapport présenté en son temps, sur ladite convention, ce sont les autorités scolaires des pays et des districts qui accordent les facilités de fréquentation scolaire. Conformément à la Constitution fédérale, l'Administration centrale de la République autrichienne n'exerce aucune influence directe sur l'octroi de ces facilités. Si le rapport annuel déclare qu'il est à « supposer » qu'il est tenu compte de la période de fréquentation scolaire de 8 mois au moins par an, cette façon de s'exprimer s'explique par le fait que l'Administration centrale n'était pas encore en possession, au moment de la rédaction du rapport, de toutes les informations qui devaient lui parvenir des autorités des pays. Entre temps, toutes ces informations sont parvenues à l'autorité centrale et nous pouvons en conséquence déclarer ce qui suit : La prescription valable pour l'ensemble du territoire fédéral et prévoyant que la fréquentation scolaire doit avoir une durée de 10 mois par an est observée sans exception pendant les premières 6 années scolaires. Des facilités de fréquentation scolaire ne peuvent être accordées avant le cours des septième et huitième années scolaires. La durée de l'exemption de la fréquentation scolaire atteint en moyenne 3 à 4 mois de sorte que la fréquentation scolaire dure 8 mois de moins. Il s'agit de facilités accordées dans des cas individuels en raison d'une situation de famille ou d'une situation économique spéciales. Au cours de l'année scolaire 1930-1931, des facilités de fréquentation scolaire furent accordées dans 29.000 cas, ce qui correspond à 3,7 % du nombre total de 800.000 enfants astreints à la fréquentation scolaire.

J'espère que ces explications suffiront pour convaincre le Conseil d'administration que les dispositions de ladite convention sont strictement observées sur l'ensemble du territoire de la République autrichienne.

Veuillez agréer, etc....

(Signé) Dr RESCH,
Ministre fédéral de
l'Administration sociale.

BELGIQUE

Bruxelles, le 30 mars 1932.

Monsieur le Directeur,

J'ai pris connaissance des observations faites par le Comité des experts de l'article 408 concernant l'application par la Belgique de diverses conventions ratifiées.

J'ai l'honneur de vous transmettre ci-contre les réponses des administrations intéressées au sujet

(2) Communications from Governments forwarding information supplementary to that contained in their annual reports.

AUSTRIA

(Translation.)

Vienna, 7 April 1932.

Sir,

By your letter No. D.601/3002/5 of 24 March you were so good as to inform me of the observations made by the Committee of Experts on the annual report of the Austrian Government concerning the application of the *Convention concerning the age for admission of children to employment in agriculture* ratified, by Austria. At the same time you invited my Government to supply explanations to the International Labour Office on the subject of these observations.

As is stated in the report supplied on the Convention in question, responsibility for granting leave of absence from school attendance lies with the provincial and district school authorities. Under the Constitution, the Federal Government has no direct say in the granting of such leave of absence. The fact that it is stated in the annual report that it may be "assumed" that the minimum period of eight months' school attendance in the year is generally observed, is attributable to the fact that when the report was drawn up full information from the provincial authorities was not yet to hand. Since then such information has been received, and the following statement may be made. The provision in force throughout the territory of the Confederation to the effect that school attendance must cover at least ten months is observed without exception during the first six school years. In general, leave of absence from school may only be granted in the seventh and eighth school years. Such leave is granted on an average for from three to four months, so that the period of school attendance does cover at least eight months. The leave is granted individually in view of special family and economic circumstances. Altogether, leave of absence from school was granted in 29,000 cases in the school year 1930-1931, representing a percentage of 3.7 out of the total number of 800,000 children attending school.

I trust that these explanations will suffice to convince the Governing Body that the provisions of the Convention in question are strictly observed throughout the territory of the Austrian Republic.

I have the honour, etc.

(Signed) Dr. RESCH,
Federal Minister for
Social Welfare.

BELGIUM

(Translation.)

Brussels, 30 March 1932.

Sir,

I have taken note of the observations of the Committee of Experts on Article 408 concerning the application by Belgium of various Conventions ratified by that country.

I have the honour to forward you herewith the replies of the administrative departments

de ces observations et je vous serais obligé de vouloir bien les communiquer à la commission compétente qui sera constituée par la Conférence internationale du Travail.

Veuillez agréer, etc.

*Pour le Ministre,
le Directeur Général,
(Signé) J. BRIBOSIA.*

Convention concernant le travail de nuit des femmes.

Les pourparlers auxquels fait allusion le rapport des experts qui étaient entamés entre les organisations patronales et ouvrières n'ont pas abouti. Toutefois, à raison de la crise industrielle, le travail a été supprimé après 22 heures et par ce fait les prescriptions de la convention sont depuis lors strictement observées.

Convention fixant l'âge minimum d'admission des enfants aux travaux industriels.

Les explications données à l'article 4 de la convention se réfèrent à l'article 16 de la loi belge sur le travail des femmes et des enfants qui n'a pas été, il est vrai, reproduit *in extenso*; c'est ce qui a suggéré au rapporteur de poser la question concernant la tenue du registre pour l'inscription des enfants; celui-ci est effectivement exigé et l'inspection du travail veille à l'exécution de cette prescription.

Convention concernant le travail de nuit des enfants dans l'industrie.

Il est exact que dans des usines métallurgiques autres que celles de fer et d'acier, des adolescents de 16 à 18 ans sont occupés après 10 heures du soir et avant 5 heures du matin à des travaux où l'on fait usage de fours autres que ceux à réverbère ou à régénération.

Le travail aux fours autres que ceux à réverbère ou à régénération n'est ni plus pénible ni moins hygiénique et peut être assimilé au travail où il est fait usage des fours déterminés par la convention.

En conséquence, le Département estime que la dérogation en cause peut être appliquée par analogie aux adolescents susdits.

Convention concernant le placement des marins.

Les raisons essentielles faisant obstacle à l'établissement par l'Etat d'offices gratuits de placement pour marins sont d'ordre budgétaire. L'Etat ne peut envisager d'inscrire au budget les dépenses importantes qui résulteraient de la création de pareils offices.

Ces dépenses seraient, par ailleurs, totalement superflues. En effet, le régime actuel donne entière satisfaction aussi bien aux marins qu'aux armements et le besoin de tels offices ne se fait nullement sentir en Belgique.

Pour le surplus, il est référé aux explications données sur cet objet des communications antérieures, en précisant que tout placement s'opère, en Belgique, gratuitement, des sanctions pénales étant édictées contre les contraventions à cette règle.

Cette légère divergence est au reste négligeable si l'on considère l'effort considérable et particulièrement méritoire développé par la Belgique en vue de la ratification des conventions maritimes, la hâte avec laquelle elle y a procédé et l'appui qu'elle a donné au cours des discussions internationales aux initiatives du Bureau international du Travail.

Convention concernant la réparation des maladies professionnelles.

Il est exact qu'il existe certaines divergences entre les indemnités accordées aux victimes des dommages résultant des maladies professionnelles

concernées avec regard à ces observations et should be obliged if you would kindly communicate them to the competent Committee to be set up by the International Labour Conference.

I have the honour, etc.

*For the Minister:
(Signed) J. BRIBOSIA,
Director-General.*

Convention concerning employment of women during the night.

The negotiations between the employers' and workers' organisations to which allusion is made in the report of the Committee of Experts have yielded no result. Owing, however, to the industrial crisis, work after 10 p.m. has been discontinued, so that the provisions of the Convention are now strictly observed.

Convention fixing the minimum age for admission of children to industrial employment.

The explanations supplied with regard to Article 4 of the Convention refer to §16 of the Belgian Act concerning employment of women and children. It is true that the provisions of this section were not reproduced *in extenso*, and this fact prompted the Reporter to raise his question concerning the keeping of a register of persons under age. Such a register is, in fact, required and the labour inspection service sees that this provision is carried out.

Convention concerning the night work of young persons employed in industry.

It is true that in metallurgical works other than those engaged in the manufacture of iron and steel young persons between 16 and 18 years of age are employed after 10 p.m. and before 5 a.m. on work in which furnaces other than reverberatory or regenerative furnaces are used.

Work on such furnaces is neither more exhausting nor less healthy and may be assimilated to work in which the furnaces specified by the Convention are used.

The Department consequently considers that the exception in question is justified by analogy in the case of the young persons concerned.

Convention for establishing facilities for finding employment for seamen.

The essential reasons that prevent the State from setting up free employment offices for seamen are of a financial nature. It is impossible for the State to consider the insertion in the budget of the considerable expenditure that would be involved in setting up such offices.

Such expenditure would, moreover, be entirely superfluous, as the present system gives full satisfaction both to the seamen and to the ship-owners and no need of such offices has been felt in Belgium.

Reference may further be made to the explanations supplied on this subject in previous communications. It should also be borne in mind that all employment-finding in Belgium is carried out free of charge, penalties being laid down for any breach of this rule.

This slight discrepancy is, moreover, negligible in view of the considerable and peculiarly praiseworthy efforts made by Belgium to ratify the maritime Conventions, the rapidity with which she has ratified them and the support that she has given in the course of international discussions to the measures proposed by the International Labour Office.

Convention concerning workmen's compensation for occupational diseases.

It is true that certain discrepancies exist between the benefits allowed respectively in the case of occupational diseases and industrial

et celles dont bénéficient les victimes d'accidents du travail. Le service compétent prépare un projet de loi destiné à faire disparaître ces divergences et à mettre ainsi en accord complet la loi du 24 juillet 1927 avec les stipulations de la convention.

Convention concernant le contrat d'engagement des marins.

Article 9. — Dans les communications antérieures sur cet objet, il a été exposé que la divergence signalée entre l'article 9 de cette convention (dont la ratification a été proposée à la législature postérieurement au dépôt du projet de loi devenu la loi du 5 juin 1928) et l'article 92 de la loi du 5 juin 1928 portant réglementation du contrat d'engagement maritime, a été délibérée et que les organisations professionnelles nationales tant de marins que d'armateurs ont marqué leur préférence pour la stipulation de l'article 92 de la loi, et écarté la faculté de résiliation du contrat d'engagement à l'occasion de toute escale.

L'article 92 est jugé comme offrant de meilleures garanties aux marins belges enrôlés pour une durée illimitée, que l'article 9 de la convention et est compris par les organisations professionnelles des marins comme présentant une meilleure sauvegarde. Cet article n'a fait, à l'expérience, l'objet d'aucune critique.

Il est, néanmoins, confirmé que l'opportunité sera examinée de faire disparaître la divergence incriminée, si l'occasion s'en présente lors d'une révision éventuelle de la loi belge.

Article 14. — Les organisations professionnelles de marins consultées, lors des travaux préparatoires de la loi du 5 juin 1928 sur le contrat d'engagement maritime, ont rejeté formellement une stipulation analogue à celle qui figure sous l'article 14 de la convention, n'admettant pas que des capitaines ou officiers puissent, par la délivrance ou par le refus de délivrance d'un certificat, laisser s'établir même une simple présomption que le marin n'aurait pas satisfait à ses obligations. Par ailleurs, la loi en question s'inspire à cet égard de l'esprit de la législation générale belge en matière de travail.

D'autre part, les rôles d'équipages et les livrets de marins portent mention des dates du commencement et de l'expiration de l'engagement.

Enfin, des certificats *satisfecit* sont délivrés bénévolement par les armements aux marins qui, exceptionnellement, en font la demande.

Application des conventions aux colonies, etc.

L'examen de l'application au Congo belge et au Ruanda-Urundi de différentes conventions sur le travail est en bonne voie et j'espère être en mesure de vous communiquer d'ici peu ma décision à ce sujet.

BULGARIE

Sofia, le 4 avril 1932.

Monsieur le Directeur,

En réponse à votre lettre n° D 601/3001/10, du 24 mars dernier, nous avons l'honneur de vous présenter ci-inclus des renseignements complémentaires sur l'application des conventions.

Veuillez agréer, etc.

*Le Ministère de l'Industrie, du Commerce
et du Travail :*
(Signé) G. PETROFF.

Le Directeur :
(Signé) G. VALEFF.

accidents. The competent service is drawing up a Bill for the purpose of putting an end to these discrepancies and thus bringing the Act of 24 July 1927 into full harmony with the provisions of the Convention.

Convention concerning seamen's articles of agreement.

Article 9. — In previous communications on this subject, it has been explained that the discrepancy between Article 9 of the Convention (ratification of which was proposed to the Legislature after the introduction of the Bill which subsequently became the Act of 5 June 1928) and § 92 of the Act of 5 June 1928 relating to seamen's articles of agreement, to which attention has been drawn, was deliberate and that the national occupational organisations both of seamen and of shipowners have indicated their preference for the provisions of § 92 of the Act and have rejected the idea of allowing articles of agreement to be terminated at *any* port.

§ 92 is considered to offer better protection to Belgian seamen signed on for an indefinite period than Article 9 of the Convention and is understood by the seamen's occupational organisations as representing a better safeguard. Experience has not led to any criticism as regards this section.

It is, however, confirmed that the desirability of removing the discrepancy in question will be considered if an opportunity arises in the course of a revision of the Belgian Act.

Article 14. — The seamen's occupational organisations which were consulted in the course of the preparatory work on the Act of 5 June 1928 relating to seamen's articles of agreement formally rejected provisions analogous to that embodied in Article 14 of the Convention, as they would not agree that masters or officers might, by granting or withholding a certificate, give ground even for a mere presumption that a seaman had not fulfilled his obligations. Moreover, the Act in question reflects in this respect the spirit of general labour legislation in Belgium.

The list of crew and the seamen's discharge books record the dates at which the agreement began and terminated.

It may, however, be noted that certificates of satisfactory service are granted voluntarily by the shipowners to such seamen as request them by way of exception.

Application of Conventions in colonial possessions, etc.

Consideration of the question of applying various Labour Conventions to the Belgian Congo and to Ruanda-Urundi is well advanced, and it is hoped that the Minister's decision may be made known at an early date.

BULGARIA

(Translation.)

Sofia, 4 April 1932.

Sir,

In reply to your letter No. D.601/3001/10 of the 24th ult., we have the honour to forward to you herewith the supplementary information concerning the application of Conventions.

We have the honour to be, Sir, etc.

(Signed) G. PETROFF,
Minister of Industry, Commerce and
Labour.

(Signed) G. VALEFF,
Director.

Convention tendant à limiter à huit heures par jour et à quarante-huit heures par semaine le nombre des heures de travail dans les établissements industriels.

La durée du travail dans les établissements industriels est fixée par le décret n° 24 de 1919, en principe à 8 heures par jour ou 48 heures par semaine.

Toutefois, la durée du travail dans les établissements, entreprises et autres, dans lesquels les conditions du travail l'exigent, peut être fixée par décret à moins de 8 et de 48 heures, sur proposition du Ministre du Commerce, de l'Industrie et du Travail.

De même dans certains établissements, entreprises et autres, il peut être admis, en cas de force majeure ou de circonstances imprévues, un travail supplémentaire rémunéré spécialement, ainsi qu'un travail de nuit qui par principe est interdit. Ces dérogations, toutefois, ne sont pas applicables aux enfants n'ayant pas 16 ans révolus.

Il est à noter que jusqu'à présent aucune dérogation au décret n° 24 n'a été admise.

Convention concernant le chômage.

1) Le 1^{er} janvier 1932, le nombre de chômeurs enregistrés s'élevait à 26.654 ; le 1^{er} février 1932, il était de 27.507, et le 1^{er} mars de 31.589.

2) En Bulgarie, il y a depuis le 1^{er} avril 1931 26 inspectorats de travail auprès desquels fonctionnent des bureaux de placement.

3) La Bulgarie est en réciprocité législative avec tous les Etats qui ont ratifié la convention. En outre, il existe une convention spéciale entre la Tchécoslovaquie et la Bulgarie.

Convention concernant l'emploi des femmes avant et après l'accouchement.

1) Une femme ne peut être renvoyée qu'après un préavis de 15 jours qui ne peut pas être donné avant l'expiration d'un délai de six semaines après l'accouchement.

2) L'octroi de repos est obligatoire pour l'employeur et facultatif pour la femme. Dans le rapport il est dit textuellement « que pendant la période d'allaitement, la femme peut, si elle désire, obtenir pendant 6 mois après l'accouchement deux repos par jour à raison d'une demi-heure chacun ».

Convention concernant l'âge minimum d'admission des enfants aux travaux industriels.

Jusqu'à présent une disposition spéciale pour l'application de l'article 4 de la convention n'a pas été élaborée. Or, le contrôle prévu est effectué soit au cours des revisions, soit par les déclarations que les employeurs sont obligés de présenter toutes les deux années et dans lesquelles est prévue une rubrique spéciale pour les travailleurs entre 14 et 16 ans, conformément à l'art. 2 de la loi sur l'hygiène et la sécurité du travail.

Convention concernant l'âge minimum d'admission des enfants au travail maritime.

En dehors des bateaux à vapeur appartenant à la Compagnie de la marine marchande bulgare il n'en existe pas d'autres.

Convention concernant l'emploi de la céruse dans la peinture.

Les taxes douanières sont tellement élevées que l'importation de la céruse est impossible (le kg. 23 leva).

Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

Hours of work in industrial undertakings are fixed by Decree No. 24 of 1919, in principle, at eight hours per day and forty-eight hours in the week.

Nevertheless, hours of work in undertakings of all kinds in which conditions of labour permit may be fixed at less than eight and forty-eight hours by Decree, on the proposal of the Minister of Commerce, Industry and Labour.

Similarly, in certain undertakings etc. overtime may be allowed in the event of *force majeure* or unforeseen circumstances, at special rates; also night work, which in principle is forbidden. These exceptions, however, are not applicable to children under 16 years of age.

It should be noted that hitherto no exception to Decree No. 24 has been allowed.

Convention concerning unemployment.

(1) On or about 1 January last the number of registered unemployed was 26,654. On 1 February last the number was 27,507 and on 1 March, 31,589.

(2) Since 1 April 1931, there have been 26 factory inspectorates in Bulgaria. The employment exchanges work in connection with these inspectorates.

(3) Bulgaria has a system of legislative reciprocity with all the States which have ratified the Convention. Furthermore, there is a special Convention between Czechoslovakia and Bulgaria.

Convention concerning the employment of women before and after confinement.

(1) A woman may not be dismissed without a fortnight's notice, which notice cannot be given before the expiry of a time-limit of six weeks after confinement.

(2) The employer is compelled to grant a rest period, and the woman may avail herself of it at her discretion. In the report it is stated that "during the nursing period the woman may, if she so desires, secure, during the six months after confinement, two rest periods of half an hour each per day."

Convention concerning the minimum age for admission of children to industrial employment.

Up to the present, no special provision for the application of Article 4 of the Convention has been made. The supervision provided for in the Article is carried out either during periodical revisions or by means of the declarations which the employers are compelled to submit every two years in which a special rubric is provided for workers between 14 and 16 years of age, in accordance with §2 of the Health and Safety of Workers Act.

Convention fixing the minimum age for admission of children to employment at sea.

There are no merchant vessels under the Bulgarian flag except the steam-boats belonging to the Bulgarian Merchant Shipping Company.

Convention concerning the use of white lead in painting.

Customs duties are so high in Bulgaria that the importation of white lead is impossible (23 leva per kg.).

En ce qui concerne la préservation des ouvriers des mines de plomb du saturnisme, une circulaire du 28 février 1928 oblige les inspecteurs du travail, entre autres, de veiller à ce que :

1) les ouvriers soient soumis au moins une fois par mois à un examen médical ;

2) la nourriture et l'eau potable soient éloignés du lieu du travail et

3) avant le commencement du travail les ouvriers induisent leurs mains soit avec de l'huile, soit avec de la graisse.

D'autre part, un règlement spécial à cet égard est en cours d'élaboration.

Convention concernant l'application du repos hebdomadaire dans les établissements industriels.

Les dispositions de la convention concernant l'application du repos hebdomadaire dans les établissements industriels sont appliquées par l'art. 20 de la loi sur l'hygiène et la sécurité du travail. L'article en question stipule que chaque ouvrier a le droit à un repos hebdomadaire de 36 heures.

Toutefois, la loi du 17 février 1911 sur le repos des dimanches et des jours fériés stipule à son art. 6 que dans les établissements industriels le travail du dimanche et pendant les jours fériés ne peut être autorisé que dans des cas exceptionnels et seulement après autorisation préalable du Ministère du Commerce, de l'Industrie et du Travail.

Le repos de dimanche ou de jours fériés de ces travailleurs est compensé par un repos de 52 jours à raison d'un jour de repos par semaine.

Convention concernant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs.

Voir les renseignements donnés au sujet de la convention concernant l'âge minimum d'admission des enfants au travail maritime.

Convention concernant l'examen médical obligatoire des enfants et des jeunes gens employés à bord des bateaux.

Voir les renseignements donnés au sujet de la convention concernant l'âge minimum d'admission des enfants au travail maritime.

Convention concernant la réparation des accidents du travail.

L'art. 10 de la loi sur les assurances sociales stipule : « au cas où le lésé aurait besoin de traitement, il sera soigné, jusqu'à guérison, à la charge du Fonds des Assurances sociales », compte « Accidents ».

Le traitement consiste en traitement à l'hôpital, visite médicale, médicaments et matériel sanitaire, secours chirurgical et *moyens d'orthopédie*, s'il y a lieu.

Durant la période du traitement, il reçoit également pour chaque journée de travail perdue une subvention en espèces au taux ci-dessous :

	Traitement domicile	Traitement hôpital
Ceux qui touchent un salaire journalier :		
1. jusqu'à 15 leva	12 leva	8 leva
2. de 16 à 30 leva	16 »	12 »
3. » 31 à 45 »	20 »	15 »
4. » 46 à 60 »	25 »	18 »
5. dépassant 61 leva	30 »	20 »

Il sera ajouté à la subvention allouée pour traitement à domicile ou à l'hôpital, une subvention supplémentaire à raison de 1 leva pour chaque enfant de l'assuré.

Remarque : Dans les cas de traitement à l'hôpital, la subvention pécuniaire est donnée à la famille de l'assuré s'il en a une.

As regards the protection of workers in lead mines from lead poisoning, a circular of 28 February 1928 compels factory inspectors to see, *inter alia*, that :

(1) Workers shall be subjected to medical examination at least once a month ;

(2) All food and drinking water shall be far removed from the place of work, and,

(3) Before beginning work, workers shall smear their hands either with oil or with grease.

Special regulations on the subject are in course of preparation.

Convention concerning the application of the weekly rest in industrial undertakings.

The provisions of the Convention concerning the application of the weekly rest in industrial undertakings are applied by means of §20 of the Health and Safety of Workers Act. The section in question provides that every worker is entitled to a weekly rest of 36 hours.

Nevertheless, the Act of 17 February 1911, concerning holidays and Sunday rest, provides in §6 that in industrial undertakings authorisation may be given for work on Sunday and on holidays only in exceptional cases, and only after previous authority has been obtained from the Ministry of Commerce, Industry and Labour.

The Sunday and holiday rest of such workers is compensated for by 52 rest days, at the rate of one day's rest per week.

Convention concerning the minimum age for the admission of young persons to employment as trimmers or stokers.

See the information given on the subject of the Convention concerning the minimum age for the admission of children to employment at sea.

Convention concerning the compulsory medical examination of children and young persons employed at sea.

See the information given on the subject of the Convention concerning the minimum age for the admission of children to employment at sea.

Convention concerning workmen's compensation for accidents.

§10 of the Social Insurance Act provides that "in the event of the injured person requiring treatment, he shall be treated, until cured, at the expense of the Social Insurance Fund" (Accident Account).

The treatment consists of hospital treatment, medical visits, medicines, bandages, etc., surgical attention, artificial limbs and surgical appliances if necessary.

During the period of treatment the patient also receives, for each day's work lost, a cash benefit at the following rate :

Salary, per day :	Treatment at home	Treatment in hospital
1. Under 15 leva	12 leva	8 leva
2. 16 to 30 leva	16 »	12 »
3. 31 to 45 »	20 »	15 »
4. 46 to 60 »	25 »	18 »
5. Over 61 leva	30 »	20 »

In addition to the cash benefit allowed for treatment at home or in hospital, a supplementary benefit is given of one *leva* per day for each child of the injured person.

N. B. — In the case of treatment in hospital, the cash benefit is given to the family of the injured person, if he has one.

Convention concernant la réparation des maladies professionnelles.

1) L'art. 11 de la loi sur les assurances sociales stipule :

Lorsqu'après guérison le lésé est incapable de travailler, l'incapacité de travail, sa durée et sa catégorie seront établies par une commission composée : de deux médecins, de l'inspecteur du travail ou son adjoint, d'un ouvrier et d'un employeur appartenant à la catégorie de travail respectif.

Il sera accordé au lésé de ce genre une pension personnelle d'accident aux taux suivants :

a) En cas d'incapacité de travail complète sa pension annuelle sera égale au taux de son salaire moyen pendant les 25 derniers jours de travail multiplié par 300. Si toutefois il n'a pas reçu de salaire, sa pension sera calculée sur une base de 15 leva de salaire par jour.

L'assuré atteint d'incapacité complète et qui a besoin des soins permanents d'autrui reçoit une indemnité supplémentaire au taux de 800 leva mensuellement.

b) Lorsqu'il a acquis une incapacité de travail sans néanmoins avoir besoin des soins d'autrui, la pension sera accordée en conformité avec l'incapacité de travail, dont le taux sera indiqué dans un index spécial annexé au règlement concernant l'application de la présente loi.

Nulle pension d'accident ne pourra être inférieure à 1.200 leva par an, ni supérieure à 48.000 leva par an.

Remarque : La procédure suivant laquelle seront établi le salaire journalier et la catégorie de la pension, sera indiquée dans les dispositions concernant l'application de la présente loi.

c) Quand l'incapacité est de 10 à 20 % inclusivement, la victime de l'accident aura droit de recevoir pour toute indemnité, un capital égal à la rente qui lui aurait été allouée pour 5 années.

2) Toutes les maladies professionnelles et intoxications mentionnées dans le tableau annexé à l'article 2 de la convention sont considérées comme maladies professionnelles. Elles sont énumérées dans la liste des maladies professionnelles annexée au règlement relatif à l'application de la loi sur les assurances sociales. Dans cette liste sont énumérées 102 cas différents de maladies professionnelles.

Convention concernant le travail de nuit dans les boulangeries.

L'article 2 de la convention prévoit un repos de nuit de sept heures consécutives. Ceci est réalisé entre 9 heures du soir et 4 heures du matin. Cette période a été fixée après accord entre les organisations patronales et ouvrières intéressées.

En tous cas la disposition concernant le travail de nuit dans les boulangeries n'est nullement contradictoire à la convention et elle prévoit même des conditions de travail plus favorables.

Convention concernant l'assurance-maladie des travailleurs de l'industrie et du commerce et des gens de maison.

1) L'article 3 de la convention prévoit un stage pour l'attribution de l'indemnité de maladie. L'article 4 de la convention n'est pas en désaccord avec l'article 3 car il prévoit que l'assuré qui a la faculté d'obtenir une indemnité en espèces aura aussi droit à l'assistance médicale, laquelle est donnée dès le premier jour de la maladie, exactement comme il est stipulé dans la convention.

A part cela l'article 1 de la convention stipule que chaque Membre de l'Organisation internationale du Travail s'engage à instituer l'assurance-maladie obligatoire, dans des conditions au moins équivalentes à celles prévues dans la convention et non pas dans les conditions exactes prévues dans la convention même.

En compensation de l'obligation de stage, notre loi sur les assurances sociales exempte l'assuré des frais d'assistance médicale.

Convention concerning workmen's compensation for occupational diseases.

(1) §11 of the Social Insurance Act provides :

When, after treatment, the injured person is incapable of working, his incapacity to work, and its duration and classification, shall be established by a Committee composed of two doctors, the factory inspector or his assistant, one worker and one employer in the same branch of labour.

The injured person shall be granted a personal accident pension at the following rates :

(a) In the event of complete incapacity to work, his annual pension shall be equal to the rate of his average wages during his last 25 days of work, multiplied by 300. If on the other hand he has not received any wage, his pension shall be calculated on the basis of a daily wage of 15 leva.

An insured person totally incapacitated for work who needs permanent attention from others receives a supplementary pension of 800 leva per month.

(b) When the insured person has become incapable of working, but has no need of permanent attention from others, the pension will be granted in proportion to his incapacity for work. The rates of such pension will be indicated in a special appendix to the Regulation concerning the application of the present Act.

No accident pension may be less than 1,200 leva per year or higher than 48,000 leva per year.

N.B. -- The procedure for establishing the daily wage and the category of pension will be indicated in the provisions for the application of the present Act.

(c) When incapacity is from 10 to 20 per cent. inclusive, the victim of the accident shall be entitled to receive in full payment a lump sum equivalent to the pension which would have been allotted to him for five years.

(2) All the occupational diseases and poison cases referred to in the schedule annexed to Article 2 of the Convention are considered as occupational diseases. They are enumerated in the list of occupational diseases annexed to the Regulations concerning the application of the Social Insurance Act. In this list 102 instances of occupational diseases are mentioned.

Convention concerning night work in bakeries.

Article 2 of the Convention provides for a nightly rest of seven consecutive hours. This is given between 9 p.m. and 4 a.m. The period in question was fixed in agreement with the employers' and workers' organisations concerned.

In any event the provision concerning night work in bakeries is in no way contradictory to the Convention and even provides for more favourable conditions of labour.

Convention concerning sickness insurance for workers in industry and commerce and domestic servants.

(1) Article 3 of the Convention provides for a probationary period for the grant of sick pay. Article 4 of the Convention is not contrary to Article 3, since it provides that the insured person who is entitled to a cash benefit shall also be entitled to medical attention, which is given from the first day of the illness, exactly as is provided in the Convention.

Apart from this, Article 1 of the Convention provides that each Member of the International Labour Organisation shall undertake to set up a compulsory system of sickness insurance under conditions at least equivalent to those provided for in the Convention, but not under the exact conditions provided for in the Convention.

As some compensation for the compulsory probationary period, the Bulgarian Social Insurance Act exempts the insured person from any charge for medical attention.

2) En fait, l'autonomie existe. Le Fonds des assurances sociales a son budget séparé. Le placement des capitaux ne se fait qu'après avis du Conseil supérieur du Travail. Aux commissions chargées d'établir les rentes participent des représentants des employeurs et des travailleurs. De même à la commission de vérification des comptes.

3) Les assurés ont un droit de recours devant le Tribunal administratif suprême en ce qui concerne leurs droits de pensions. En outre, conformément à l'art. 47 de la loi sur les assurances sociales, l'assuré a un droit de recours en cas de contestation au sujet de son droit aux prestations médicales et pécuniaires devant les tribunaux de conciliation, auprès de chaque inspectorat de travail.

Convention concernant l'assurance-maladie des travailleurs agricoles.

D'après la loi sur les assurances sociales et son règlement, ne sont pas obligatoirement assurés les travailleurs temporaires comme par exemple les faucheurs, moissonneurs, vendangeurs, etc., qui par profession ne sont pas des ouvriers et qui sont engagés par les agriculteurs pour effectuer divers travaux d'agriculture pour une période très restreinte — maximum 2 semaines.

ESPAGNE

(Traduction.)

Madrid, le 4 avril 1932.

Monsieur le Directeur,

En réponse à votre lettre n° D 601/3002/57 en date du 24 mars dernier, transmettant les observations faites par la Commission des experts au sujet des rapports annuels fournis par l'Espagne sur les mesures prises pour faire porter effet aux conventions ratifiées par lui, je conviens qu'en effet, les dits rapports souffrent, en des points déterminés, d'un manque de précision provenant de la carence d'une législation appropriée ou de son application défectueuse; pour ces raisons, cette législation est en train de subir une profonde modification sur divers points.

A cette modification contribuera puissamment la législation sociale projetée, qui, dûment sanctionnée, est actuellement en train d'entrer en vigueur. Y contribuera notamment la ratification de toutes les conventions qui n'avaient pas encore été ratifiées, ratification qui nécessairement devra susciter une nouvelle législation sociale plus homogène et inspirée des principes posés par les conventions mentionnées, et fournissant en conséquence de plus grandes facilités d'application et de surveillance.

Ces remarques se réfèrent à toutes les conventions en général. En ce qui concerne plus particulièrement les conventions maritimes, j'ai le plaisir de vous faire connaître qu'au cours du mois dernier, il a été tenu une conférence maritime qui a traité de diverses questions que vous signalez et notamment du placement, en étudiant la réglementation de ce placement sur la base des directives données dans la convention. Quant à la législation relative aux accidents du travail, les Cortès étudient actuellement les résultats d'une enquête qui nous a paru nécessaire d'entreprendre en vue de mieux adapter notre législation à la législation adoptée et ratifiée.

Pour ce qui est de notre législation sociale dans les colonies, je tiens à souligner qu'elle est peu nombreuse, étant donné le peu d'importance qu'elle présente. Les questions qui se posent sont résolues jusqu'ici conformément aux usages et aux coutumes ou bien en appliquant, par analogie, d'autres lois.

Espérant que dans les rapports ultérieurs toutes ces lacunes seront comblées, je vous prie d'agréer, etc.

(Signé)

PEDRO SANGRO Y ROS DE OLANO.

(2) In point of fact, there is real autonomy. The sickness insurance funds have their own separate budget. Investments take place only after the Superior Labour Council has given its views. Representatives of the employers and the workers sit on all the Committees for fixing rates of pension, as also on the auditing committees.

(3) Insured persons are entitled to appeal to the Supreme Administrative Court on the subject of their right to benefit. Furthermore, in accordance with §47 of the Social Insurance Act, the insured person is entitled to appeal, in the event of any dispute as to his right to medical attention and cash benefit, to conciliation boards, which are attached to each factory inspectorate.

Convention concerning sickness insurance for agricultural workers.

According to the Social Insurance Act and the Regulations for its application, temporary workers are not insured — e.g., reapers, harvest hands, vineyard workers, etc., who are not workers by profession and who are engaged by farmers to do various agricultural work for a short period (a fortnight at most).

SPAIN

(Translation)

Madrid, 4 April 1932.

Sir,

In reply to your letter No. D.601/3002/57 of 24 March 1932, transmitting the observations of the Committee of Experts on the subject of the annual reports supplied by Spain concerning the measures taken to give effect to the Conventions ratified by her, I agree that there is some lack of precision in the reports in question on certain points, either owing to the fact that no appropriate legislation exists or to the fact that such legislation is not properly applied and is now undergoing thorough amendment on various points.

The situation will be greatly improved by the projected social legislation which has been duly sanctioned and which is about to come into force and, particularly, by the ratification of all the Conventions which have not yet been ratified. This ratification will of necessity give rise to new social legislation of a more homogeneous character, based upon the principles laid down in the Conventions in question, and consequently offering greater facilities for application and supervision.

These observations refer to the Conventions in general. With particular reference to the Maritime Conventions, I am glad to be able to inform you that during the last month a Maritime Conference has been held which dealt with various questions raised by you and, in particular, with that of finding employment, the regulation of which was considered along the lines laid down in the Convention. As regards legislation relating to industrial accidents, the Cortès are at present investigating the results of an enquiry which was considered necessary in order better to adapt our legislation to the legislation adopted and ratified.

With reference to our social legislation in the colonies, I should like to emphasise the fact that there is very little legislation owing to the small importance of the question. Questions which arise have so far been settled in accordance with local customs or by the application of other legislation by analogy.

In the hope that in future reports all these omissions will be repaired,

I have the honour, etc.

(Signed)

PEDRO SANGRO Y ROS DE OLANO.

ESTONIE

ESTONIA

(Translation.)

Tallinn, le 7 avril 1932.

Tallinn, 7 April 1932.

Monsieur le Directeur,

Vous avez bien voulu m'adresser, en date du 24 mars dernier, les observations présentées par la Commission des experts au sujet des rapports annuels fournis par le Gouvernement estonien en vertu de l'article 408 du Traité de Versailles.

J'ai l'honneur de vous présenter mes remarques à l'égard de ces observations.

Convention concernant le placement des marins.

La maison des marins a fourni des indications statistiques sur le fonctionnement de son office de placement pour l'année 1931 :

	Demandes d'emploi	Nombre de placements
Officiers de pont	90	69
Officiers de machine	79	67
Personnel de pont	240	111
Personnel de machine	223	97
Personnel de service général	80	48
Total . . .	712	392

Convention concernant l'emploi de la céruse dans la peinture.

J'ai eu déjà l'occasion de vous informer que l'emploi de la céruse, du sulfate de plomb et des produits contenant ces pigments dans les travaux de peinture intérieure des bâtiments est très peu répandue en Estonie puisque ces produits sont trop chers et qu'ils sont remplacés ordinairement par d'autres matériaux. En particulier la peinture par pulvérisation n'est pas pratiquée dans notre pays. Dans ces conditions il paraît inutile d'insérer dans les arrêtés réglementant l'emploi des produits mentionnés ci-dessus des dispositions sur les mesures à prendre pour écarter le danger provenant de l'application de la peinture par pulvérisation, d'autant plus qu'un manque absolu d'expérience pratique ne permet pas de juger quelles mesures sont les plus appropriées.

Toutefois, si le Bureau international du Travail ne refusait pas de me fournir des indications exactes sur ces mesures je me ferais un devoir de compléter de dispositions correspondantes la réglementation actuelle.

Convention concernant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs.

La Commission déclare avoir noté l'année dernière qu'il ne ressortait pas clairement du rapport annuel que l'article 6 de la convention était en fait pleinement appliqué.

Le Gouvernement estonien n'a pas été informé de cette observation. J'ai fait examiner encore une fois la liste des observations formulées par la Commission en 1931 annexée à la lettre, n° D 601/3004/20 du 2 mai 1931, du Directeur du Bureau international du Travail ; elle ne contient aucune mention à cet égard. Il convient de noter que la loi sur les marins du 22 mars 1928 à son art. 10 répète les dispositions de cette convention. En même temps l'art. 74 de la loi oblige le capitaine de veiller à ce qu'un exemplaire de cette loi puisse être consulté à bord. Cette méthode a été adoptée sur demande des marins eux-mêmes qui l'ont estimée la plus appropriée. Ainsi le but de la prescription de l'article 6 de la convention — d'assurer aux marins la possibilité de prendre connaissance des dispositions de la convention — est à ce qu'il paraît atteint sinon en forme, du moins en fond.

Sir,

By your letter No. D.601/3002/20, dated 24 March, you were so good as to forward to me the observations made by the Committee of Experts on the annual reports submitted by the Estonian Government under Article 408 of the Treaty of Versailles.

I have the honour to communicate to you herewith my remarks on these observations.

Convention for establishing facilities for finding employment for seamen.

The Seamen's Institute has supplied the following statistical information on the activities of its employment office during 1931 :

	Requests for employment	Number of persons placed
Deck officers	90	69
Engine-room officers	79	67
Deck crew	240	111
Engine-room crew	223	97
Catering department	80	48
Total	712	392

Convention concerning the use of white lead in painting.

I have already had occasion to inform you that the use of white lead, sulphate of lead and products containing these pigments in painting work in the interior of buildings is very rare in Estonia, since the products in question are too expensive and are normally replaced by other materials. In particular, spray painting is unknown in Estonia. It is therefore considered useless to insert provisions concerning the steps to be taken in order to prevent danger arising from the application of paint in the form of spray in the Decrees regulating the use of the above-mentioned products, especially as a total lack of practical experience makes it impossible to decide on the most appropriate steps.

Nevertheless, if the International Labour Office were willing to supply me with precise information on these steps, I would undertake to see that corresponding provisions are inserted in the existing regulations.

Convention concerning the minimum age for the admission of young persons to employment as trimmers or stokers.

The Committee reports that it noted last year that it was not clear from the annual report that Article 6 of the Convention is in fact fully complied with.

The Estonian Government was not informed of this observation. I have had the list of observations made by the Committee in 1931 and appended to letter No. D.601/3004/20 of 2 May 1931 from the Director of the International Labour Office examined once again, but it contains no mention of such an observation. It is to be noted that the Seamen's Act of 22 March 1928 reproduces in §10 the provisions of the Convention in question. Moreover, §74 of the Act requires the master to ensure that a copy of the Act is available for consultation on board. This method was adopted at the request of the seamen themselves, who considered it to be the most appropriate one. Thus the object of the provisions contained in Article 6 of the Convention — to guarantee the seamen a possibility of making themselves aware of the provisions of the Convention — appears to be realised effectively if not formally.

Convention concernant le contrat d'engagement des marins.

Il est vrai qu'un marin estonien peut, dans certains cas, se trouver privé d'un droit que l'article 9 de la convention lui reconnaît; cependant c'est un mal moins grand en comparaison avec les risques que court un marin congédié par son capitaine dans un port étranger.

Veuillez agréer, etc.

(Signé) J. HÜNERSON,
Ministre de l'Instruction publique
et des Affaires sociales.

FINLANDE

Helsinki-Helsingfors, le 31 mars 1932.

Monsieur le Directeur,

Par votre lettre n° D 601/3002/21, en date du 24 mars 1932, vous avez bien voulu communiquer au Ministère des Affaires sociales les observations formulées par la Commission des experts nommée en vertu de l'article 408 du Traité de Versailles sur l'application des conventions ratifiées par la Finlande. En vous remerciant de cette communication, le Ministère a l'honneur d'exposer ce qui suit :

Au sujet de la *convention concernant le chômage* la Commission des experts fait observer que, quoique les travailleurs étrangers en Finlande se trouvent dans la même situation à l'égard de l'assurance contre le chômage que les ouvriers nationaux, le système d'assurance en vigueur actuellement n'assure pas une égale protection des ouvriers finlandais travaillant à l'étranger. A cet égard il n'y a pas lieu de faire d'autres remarques de la part de la Finlande sinon que le nombre des travailleurs finlandais travaillant dans les pays étrangers, dont des travailleurs ont trouvé du travail en Finlande, est si peu considérable que la réciprocité à ce sujet n'a que peu d'importance pratique. S'il y avait pourtant désormais lieu d'assurer la protection des travailleurs finlandais à l'étranger contre le chômage, le Gouvernement prendra des mesures nécessaires à cet égard.

Quant à la *convention concernant le placement des marins*, la Commission des experts fait observer que dans le rapport pour 1930, le Gouvernement finlandais signalait l'existence de quelques sociétés qui s'occupaient d'assurer le placement de leurs membres et que le rapport pour l'année 1931 ne contient aucune information à ce sujet. Ici il faut signaler qu'on n'a pas jugé nécessaire de donner un rapport pour 1931 sur l'application de ladite convention, la situation à cet égard étant la même que l'année précédente. En ce qui concerne les sociétés s'occupant du placement de leurs membres, il est expressément indiqué dans le rapport pour 1930 au sujet de l'application de l'article 3, que la législation en vigueur actuellement en Finlande autorise certes les sociétés d'exercer le placement pour ses membres en percevant à ce propos une taxe, fixée par l'autorité, mais il est en même temps constaté qu'il n'existe aucune société exerçant le placement des marins. Il semble qu'il doit y avoir un malentendu à cet égard dans le rapport de la Commission des experts.

(Signé) ERKKI PAAVOLAINEN,
Ministre des Affaires sociales.

(Signé) NIILLO A. MANNIO,
Secrétaire général.

Convention concerning seamen's articles of agreement

It is true that an Estonian seaman may in some cases be deprived of a right which under Article 9 of the Convention he should enjoy. This is a less serious disadvantage, however, as compared with the risks run by a seaman who is discharged by the master in a foreign port.

I have the honour, etc.,

J. HÜNERSON,
Minister of Public Instruction
and Social Welfare.

FINLAND

(Translation)

Helsingfors, 31 March 1932.

Sir,

By letter No. D.601/3002/21, dated 24 March 1932, you were good enough to communicate to the Ministry of Social Affairs the observations made by the Committee of Experts appointed under Article 408 of the Treaty of Versailles on the application of the Convention ratified by Finland. In thanking you for this communication, the Minister has the honour to state as follows :

With regard to the *Convention concerning unemployment*, the Committee of Experts observes that, although foreign workers in Finland are treated on a footing of equality with national workers in respect of unemployment insurance, the system of insurance at present in force does not ensure equal protection for Finnish workers employed abroad. In this connection it is not necessary to give any other explanations on behalf of Finland than that the number of Finnish workers employed in foreign countries whose nationals are working in Finland is so insignificant that reciprocity in this respect has only very little practical importance. If, however, the need for ensuring protection against unemployment to Finnish workers employed abroad should arise in the future, the Government will take the necessary measures in this connection.

With regard to the *Convention for establishing facilities for finding employment for seamen*, the Committee of Experts observes that in its report for 1930 the Finnish Government stated that there were certain associations which provided facilities for finding employment for their members and that the report for 1931 contains no information on the subject. It should be stated here that it was not thought necessary to give a report for 1931 on the application of the said Convention, since the situation in this respect remained the same as in the previous year. With regard to the associations which provide facilities for finding employment for their members, it was clearly stated in the report for 1930 on the application of Article 3 that the legislation in force in Finland did authorise associations to provide facilities for their members for finding employment and charge a fee fixed by the authorities for doing so, but that no association was in existence for the purpose of finding employment for seamen. There must apparently be a misunderstanding in this connection in the report of the Committee of Experts.

(Signed) ERKKI PAAVOLAINEN,
Minister of Social Affairs.

(Signed) NIILLO A. MANNIO,
Secretary-General.

INDE

Par lettre en date du 6 avril 1932, l'Office de l'Inde à Londres a fait parvenir au Bureau copie de la communication ci-après du Gouvernement de l'Inde relative à l'application des conventions tendant à limiter à huit heures par jour et à quarante-huit heures par semaine le nombre des heures de travail dans les établissements industriels et concernant l'application du repos hebdomadaire dans les établissements industriels.

(Traduction.)

Simla, le 25 février 1932.

Monsieur le Sous-Secrétaire d'Etat de l'Inde,
Département de l'Economie et de l'Outre-Mer,
Office de l'Inde, Londres.

Monsieur le Sous-Secrétaire d'Etat,

Application des conventions de Washington (heures de travail) et de Genève (repos hebdomadaire) aux chemins de fer.

J'ai l'honneur de me référer à la lettre 282 L en date du 13 août 1931, contenant un rapport détaillé sur la manière dont les dispositions des conventions ci-dessus sont appliquées au personnel des chemins de fer de l'Inde; je me réfère également aux rapports qui vous ont été présentés (n° L 1015 en date du 19 novembre 1931), conformément à l'article 408 du Traité de Versailles, sur l'application des conventions adoptées par l'Organisation internationale du Travail et ratifiées par l'Inde.

2. Comme il avait été indiqué aux paragraphes 3 et 4 de la première des communications ci-dessus, l'ensemble de la question de l'extension du règlement actuellement en vigueur aux chemins de fer auxquels il n'avait pas encore été appliqué, a fait l'objet d'un examen au cours du mois de décembre de l'année dernière. Malgré la tension financière du moment qui ne vous est point inconnue, et malgré la nécessité d'éviter de nouvelles charges aux chemins de fer de l'Inde, le Gouvernement de l'Inde, en exécution des engagements pris par lui, a pris la décision ferme d'appliquer le règlement aux *Great Indian Peninsula* et *Eastern Bengal Railways* à partir du 1^{er} avril 1932. A ce moment, l'organisation de l'inspection placée sous le contrôle du travail sur les chemins de fer sera également élargie de manière à assurer l'exécution correcte du règlement.

3. Le Gouvernement de l'Inde regrette cependant que la situation financière actuelle des chemins de fer ne permette pas d'étendre dès maintenant le règlement aux chemins de fer de Birmanie et aux lignes exploitées par des Compagnies, bien que les conditions du travail d'une grande partie des agents de ces chemins de fer soit déjà conforme aux dispositions du règlement. Au surplus, il y a lieu de remarquer que, par l'extension de la loi aux *Great Indian Peninsula* et *Eastern Bengal Railways*, plus que la moitié du nombre des agents des chemins de fer employés par les chemins de fer de la catégorie I seront soumis aux lois dans lesquelles sont incorporées les dispositions des deux conventions.

4. D'accord avec le Secrétaire d'Etat de l'Inde de Sa Majesté, je viens vous prier de bien vouloir transmettre copie de la présente lettre au Directeur du Bureau international du Travail.

Veuillez agréer, etc...

(Signé) J. F. BLACKWOOD,
Secrétaire du Railway Board.

INDIA

By letter of 6 April 1932 the India Office in London has communicated to the Office a copy of the following despatch from the Government of India concerning the application of the Conventions limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, and concerning the application of the weekly rest in industrial undertakings.

Simla, the 25th of February 1932.

To the Under Secretary of State for India,
Economic and Overseas Department,
India Office, London.

Sir,

Application to the railways of the Washington (hours of work) and Geneva (weekly rest) Conventions.

I am directed to invite a reference to this office letter No. 282-L, dated the 13th August 1931, under which a full report was submitted as to the manner in which the provisions of the above Conventions are being applied to the staff on Indian Railways; and also to the reports submitted to you (No. L.1015 of the 19th November 1931) under Article 408 of the Treaty of Versailles in respect of the Conventions adopted by the International Labour Organisation which have been ratified by India.

2. As foreshadowed in paragraphs 3 and 4 of the first mentioned communication, the whole question of extending the present Regulations to those Railways on which they have not yet been applied was reviewed in December of last year. In spite of the present conditions of financial stringency, of which you are well aware, and of the necessity of avoiding further commitments with regard to working expenses on Indian Railways, the Government of India have, in pursuance of their undertaking, definitely decided to apply the Regulations to the Great Indian Peninsula and Eastern Bengal Railways with effect from the 1st of April 1932; when the organisation for inspection under the Supervisor of Railway Labour will also be enlarged so as to ensure that the Regulations are correctly carried out.

3. The Government of India regret, however, that the present financial situation in which the Railways find themselves does not permit of the Regulations being extended at the present time to the Burma Railways and the Company-managed Lines, although a large proportion of the employees on these railways are already working according to the provisions of the Regulations. Moreover, it may be noted that with the extension of the law to the Great Indian Peninsula and Eastern Bengal Railways, more than half of the total number of railway employees on Class I Railways will have become amenable to legislation embodying the provisions of the two Conventions.

4. I am to request that, with the approval of His Majesty's Secretary of State for India, a copy of this letter may be forwarded to the Director, International Labour Office.

I beg to remain, etc.

(Signed) J. F. BLACKWOOD,
Secretary, Railway Board.

ITALIE

(Traduction.)

Délégation italienne à la Conférence
internationale du Travail.

Genève, le 14 avril 1932.

Monsieur le Directeur,

En réponse à votre lettre en date du 24 mars dernier relative aux observations formulées par la Commission des experts de l'article 408 sur l'application, en Italie, de la convention fixant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs et sur l'application de certaines conventions aux colonies, j'ai l'honneur de vous fournir, au nom de mon Gouvernement, les informations complémentaires que vous m'avez demandées, en vous priant de bien vouloir les communiquer à la Commission compétente de la Conférence.

Convention fixant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs.

L'observation de la Commission des experts concerne l'article 6 de la convention qui prescrit que les contrats d'engagement contiendront un résumé des dispositions de la convention. Il ne s'agit donc pas des obligations substantielles résultant de la convention, qui sont entièrement appliquées en Italie, mais d'une obligation de caractère formel prévue de toute évidence pour assurer l'observation des dispositions substantielles de la convention même.

Ceci dit, il semble que lorsqu'il existe à cette fin dans un pays, comme c'est le cas en Italie, d'autres garanties de sécurité et même d'une efficacité plus grande, de manière à rendre superflue l'adoption des mesures suggérées par la convention, il ne peut y avoir aucune difficulté d'estimer que les obligations formelles dérivant de la convention sont entièrement appliquées, elles aussi, dans le pays en question.

Pour ce qui est de l'Italie, il y a donc lieu de remarquer tout particulièrement ce qui suit :

1) Les dispositions de la convention fixant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs sont observées en tant que règles de droit public au moment de l'inscription dans les registres du bureau de placement et de la conclusion du contrat d'engagement par l'autorité maritime en présence de laquelle ce contrat doit être établi, ces dispositions étant devenues partie intégrante du droit italien par le décret qui a donné à la convention force exécutoire dans le Royaume, et figurant, dès 1920, dans le règlement en vigueur relatif aux bureaux de placement.

2) Les jeunes gens d'un âge inférieur à celui prévu par la convention ne peuvent être admis au travail en qualité de soutiers ou chauffeurs du fait que toute sorte de placement privé est interdit en vertu du décret-loi royal n° 1031 du 24 mai 1925, que les jeunes gens n'ayant pas l'âge prescrit ne peuvent être inscrits par les bureaux de placement publics, afin de trouver un emploi de soutiers ou chauffeurs et, enfin, que, lors de la conclusion de tout contrat d'engagement, l'autorité maritime doit intervenir et que cette autorité assure ainsi l'observation des dispositions dont il s'agit et de toute autre disposition relative à la protection des marins.

3) Etant donné les garanties susmentionnées, il semble donc superflu de prévoir que, conformément à la convention, les dispositions de celle-ci devront figurer dans le contrat d'engagement, comme il est considéré que l'inscription d'autres dispositions d'ordre public intéressant la protec-

ITALY

(Translation.)

Italian Delegation to the International
Labour Conference.

Geneva, 14 April 1932.

Sir,

In reply to your letter of 24 March concerning the observations of the Committee of Experts on Article 408 with regard to the application in Italy of the Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers, and to the application of certain Conventions to the colonies, I have the honour to furnish on behalf of my Government the supplementary information required, with the request that you will be so good as to communicate it to the competent Committee of the Conference.

Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.

The observation of the Committee of Experts concerns Article 6 of the Convention, which lays down that articles of agreement shall contain a brief summary of the provisions of the Convention itself. It thus concerns not the substantial obligations arising out of the Convention, with which Italy fully complies, but an obligation of a formal character, the object of which is clearly to ensure the observance of the substantial provisions of the Convention.

Subject to this preliminary observation, it would appear that when there exist in a country for this purpose, as is the case in Italy, other guarantees, and guarantees which are even more effective than, and are consequently of such a character as to render superfluous the adoption of, those suggested in the Convention, there can be no difficulty in holding that even the formal obligations arising out of the Convention itself are in such a case completely fulfilled by the country in question.

As regards Italy in particular, the following may be pointed out :

(1) That the observance of the provisions of the Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers, which are provisions of public interest, is secured when the seaman's name is entered on the registers of the employment office, and when the signing of the articles of agreement is supervised by maritime authorities in whose presence the agreement must be concluded, since these practices have become an integral part of Italian law in virtue of the Decree by which full and entire execution in the Kingdom of Italy has been secured for the Convention, and since, moreover, the regulations in force concerning employment offices have since 1920 made them obligatory.

(2) That it is impossible to engage for employment as trimmers or stokers young persons under the age laid down for the following reasons : (a) because every form of private employment finding is prohibited in virtue of Legislative Decree No. 1031 of 24 May 1925 ; (b) because young persons under the prescribed age may not be registered for such employment in the public employment offices ; (c) because the maritime authority must be a party to the conclusion of all articles of agreement and thus ensures the observance of the provisions in question, as of all other provisions laid down for the protection of seamen.

(3) That in view of the guarantees described above, the summary which, according to the Convention, should be contained in the articles of agreement, therefore appears superfluous, just as the demand for the inclusion of other provisions of public interest for the protection of seamen

tion des marins est superflue pour autant que toutes ces prescriptions sont appliquées d'office par les capitaines de port et qu'elles peuvent être invoquées à tout moment par les personnes intéressées en tant que règles auxquelles il ne peut être dérogé par la volonté des parties.

Application des conventions aux colonies.

La Commission des experts a pris acte des informations fournies par le Gouvernement italien à ce sujet et elle s'est bornée à demander que la question de l'application aux colonies des deux conventions relatives à l'âge d'admission au travail en qualité de soutiers ou chauffeurs et à la réparation des accidents du travail soit réglée.

En me référant à cette demande, j'ai l'honneur de vous faire connaître que l'application de ces deux conventions est encore à l'étude et de vous assurer que la question de cette application est examinée dans un esprit des plus bienveillants.

Veuillez agréer, etc.

(Signé) DE MICHELIS.

LITHUANIE

Par lettres en date des 15 et 31 mars 1932, le Gouvernement lithuanien a communiqué au Bureau les renseignements suivants destinés à compléter les informations fournies par les rapports annuels présentés en vertu de l'article 408 du Traité de Versailles, et à être soumis à la Conférence.

Convention tendant à limiter à 8 heures par jour et à 48 heures par semaine le nombre des heures de travail dans les établissements industriels.

Article 1. — Bien que la loi lithuanienne du 30 novembre 1919 sur la durée du travail ne vise pas tous les ouvriers employés dans les services de transports, les dispositions de la convention, qui a force de loi en Lithuanie, s'appliquent à ces ouvriers et en particulier aux travailleurs employés à des travaux nécessitant leur déplacement.

Article 4. — Dans les verreries et dans certaines parties de distilleries d'alcool et de brasseries, les travaux à fonctionnement continu sont effectués par trois équipes dont chacune travaille 56 heures par semaine.

Article 6. — 1) L'art. 5 de la loi du 30 novembre 1919 stipule que les dérogations aux dispositions tendant à limiter le nombre des heures de travail à huit heures par jour et à quarante-huit heures par semaine « sont autorisées exclusivement dans le cas des ouvriers chargés de travaux accessoires, tels que la surveillance des chaudières, des moteurs et des pompes, celle des appareils d'éclairage, de chauffage, de distribution d'eau ou du service de garde et d'extinction d'incendies et, en général, de travaux sans l'exécution préalable desquels le fonctionnement de l'établissement ne peut être repris à l'heure déterminée et dont la suspension interromprait ladite exploitation ». Les dispositions de cet article sont appliquées sous la direction des inspecteurs du travail et dans les conditions stipulées par la convention.

2) L'art. 9 f) de la loi du 30 novembre 1919 qui prévoit que « le travail pendant les heures supplémentaires, avant qu'une requête d'autorisation n'ait été adressée à l'inspecteur du travail, mais subordonnée toutefois à son consentement ultérieur, est autorisé . . . pour les ouvriers isolés ou pour de petits groupes d'ouvriers » est hors de pratique en Lithuanie.

3) Les dispositions du paragraphe 2 de l'article 6 de la convention se trouvent appliquées en

is considered superfluous in so far as such provisions are applied *ex officio* by the harbour officials, and in so far as they may be appealed to at any time by the party concerned as provisions which cannot be set aside at the will of the parties.

Application of Conventions to the colonies.

The Committee of Experts has taken note of the information supplied by the Italian Government on this subject and merely asks that the question of extending the two Conventions concerning the minimum age for trimmers or stokers and concerning workmen's compensation in agriculture to the colonies should be decided.

In reply to this request, I have the honour to inform you that the extension of these two Conventions to the colonies is still under consideration, and to assure you that the question of such extension is being examined in the most benevolent spirit.

I have the honour, etc.

(Signed) DE MICHELIS.

LITHUANIA

By letters dated 15 and 31 March 1932 the Government has communicated the following information supplementary to that contained in the annual reports submitted in virtue of Article 408 of the Treaty of Versailles for communication to the Conference :

(Translation.)

Convention limiting hours of work in industrial undertakings to eight in the day and forty-eight in the week.

Article 1. — Although the Lithuanian Act of 30 November 1919 concerning daily hours of work does not cover all workers in transport undertakings, the provisions of the Convention, which has force of law in Lithuania, apply to such workers, and in particular to workers employed in performing work which necessitates their movement from place to place.

Article 4. — In glass works and in certain departments of alcohol manufactories and breweries, work on continuous processes is carried on by three shifts, each working 56 hours per week.

Article 6. — (1) §5 of the Act of 30 November 1919 lays down that exemption from the provisions limiting hours of work to eight in the day and forty-eight in the week "shall be granted only in the case of workers employed in accessory work (minding boilers, motors and pumps, attending to the lighting, heating and water supply of the factory and workplace buildings), responsible for watching and fire protection, and in general employed in work without the previous performance of which the undertakings cannot begin work at the prescribed hour, and in consequence of any cessation of which the work is necessarily interrupted". The provisions of this section are applied subject to the direction of the labour inspectors, and under the conditions laid down in the Convention.

(2) §9 (f) of the Act of 30 November 1919, which lays down that "the working of overtime without the previous procuring of a permit from the Inspector of Labour, but subject to his subsequent notification, shall be authorised. . . ; for individual workers or small groups of workers," has no practical application in the country.

(3) The provisions of the second paragraph of Article 6 of the Convention are in fact applied

pratique en Lithuanie. En autorisant les employeurs à effectuer des heures supplémentaires de travail, les inspecteurs du travail les engagent à majorer le salaire de 25 à 50 pour cent par rapport au salaire normal.

Convention concernant le travail de nuit des femmes.

Article 1. — Le champ d'application du Code industriel n'est pas aussi large que celui de la convention. Toutefois, il est possible, aux termes du Code, d'en étendre le champ d'application et il a été fait usage de cette faculté, notamment par l'ordonnance rendue le 20 octobre 1931 par l'inspecteur en chef du travail. L'interdiction du travail de nuit des femmes s'étend à tous les établissements industriels.

Article 2. — La convention ayant force de loi en Lithuanie, il n'a pas été jugé nécessaire d'introduire dans la législation nationale une disposition stipulant que le terme « nuit » signifie une période d'au moins onze heures consécutives. De plus, une disposition de ce genre serait sans utilité pratique.

Article 4. — Les art. 123 à 125 du Code industriel autorisent certaines exceptions que la convention n'admet pas. Les art. 123 et 125, cependant, ne sont pas appliqués dans la pratique en Lithuanie.

Convention concernant le travail de nuit des enfants dans l'industrie.

Article 1. — L'ordonnance rendue le 20 octobre 1931 par l'inspecteur en chef du travail a étendu l'interdiction du travail de nuit des enfants à tous les établissements industriels.

Article 2. — 1) La loi générale sur les travailleurs de l'industrie portera à 18 ans la limite d'âge légal pour l'emploi des jeunes gens pendant la nuit.

2) Dans les verreries où le travail doit être nécessairement continué, le travail de nuit est autorisé dans le cas des enfants âgés de 16 ans au moins.

Article 3. — Aucune définition du terme « nuit » n'a été insérée à la loi nationale ; la raison en est identique à celle donnée ci-dessus sous convention concernant le travail de nuit des femmes (article 2).

* * *

D'une façon générale, tous les points, sur lesquels la loi nationale n'est pas en entière harmonie avec les dispositions des conventions internationales du travail, sont repris par la loi générale sur les travailleurs de l'industrie qui sera promulguée dans un avenir rapproché ; le projet de loi a déjà été adopté en première lecture par le Conseil des Ministres.

LUXEMBOURG

Luxembourg, le 1^{er} avril 1932.

Monsieur le Directeur,

...J'ai l'honneur de vous remettre sous ce pli deux numéros du *Mémorial* portant publication de l'arrêté grand-ducal du 30 mars 1932 sur l'application de diverses conventions internationales ratifiées par le Luxembourg... Je joins également à la présente une note qui fait suite à

in Lithuania. Labour inspectors, when they authorise employers to work overtime, instruct them to increase wages by 25 to 50 per cent. over the normal rate.

Convention concerning employment of women during the night.

Article 1. — The scope of the Industrial Code is not so extensive as that of the Convention. It is possible under the terms of the Code, however, to extend its scope, and advantage has been taken of this possibility, in particular by an Order issued by the Chief Inspector of Labour on 20 October 1931. The prohibition of employment of women during the night extends to all industrial undertakings.

Article 2. — As the Convention has force of law in Lithuania, it has not been considered necessary to insert in the national legislation a provision to the effect that the term "night" signifies a period of at least 11 consecutive hours. Such a provision would, moreover, be without any practical utility.

Article 4. — §§ 123-125 of the Industrial Code allow certain exceptions which are not covered by the Convention. These sections have, however, no practical application in Lithuania.

Convention concerning night work of young persons employed in industry.

Article 1. — The prohibition of the industrial employment at night of young persons has been extended to all industrial undertakings by the Order issued by the Chief Inspector of Labour on 20 October 1931.

Article 2. — (1) The legal minimum age limit for the employment of young persons at night will be raised to 18 years by the general Act concerning industrial workers.

(2) In glass works where work must necessarily be carried on continuously, night work is authorised in the case of young persons over 16 years of age.

Article 3. — No definition of the term "night" has been inserted in the national law, for the reason given in respect of the Convention concerning employment of women during the night.

* * *

In general, all the points in respect of which the national law is not in full accordance with the provisions of the international labour Conventions will be dealt with by the general Act concerning industrial workers to be promulgated at an early date ; the Bill has already been adopted at its first reading by the Council of Ministers.

LUXEMBOURG

(Translation)

Luxembourg, 1 April 1932.

Sir,

...I have the honour to forward to you herewith two numbers of the Official Journal in which the Grand-Ducal Decree of 30 March 1932 concerning the application of various Conventions ratified by Luxembourg is published. . . . I am also enclosing a note in reply to your letter

vosre honorée en date du 24 mars dernier et qui répond aux quelques observations formulées par la Commission des experts au sujet des mesures prises par le Luxembourg pour mettre à exécution les conventions ratifiées par lui avant le 1^{er} juillet 1931.

Je profite de l'occasion pour vous renouveler, etc.

*Le Directeur général
du Travail et de la Prévoyance sociale :*
(Signé) DUPONG.

Convention tendant à limiter à huit heures par jour et à quarante-huit heures par semaine le nombre des heures de travail dans les établissements industriels.

L'arrêté grand-ducal du 30 mars 1932, dont un exemplaire se trouve joint, concernant l'application de différentes conventions adoptées par la Conférence internationale du Travail au cours de ses dix premières sessions, tient compte de l'observation faite par la Commission des experts.

L'art. 9 dudit arrêté englobe dans le champ d'application de la convention tous les établissements industriels, y compris les entreprises artisanales si elles répondent à une des conditions suivantes :

a) Si elles comptent normalement plus de vingt salariés.

b) Si, à cause de la prédominance d'un outillage industriel tel que chaudières et moteurs mécaniques, ou par d'autres critères, elles doivent être considérées comme revêtant un caractère industriel.

Par cette nouvelle réglementation, l'application pleine et entière de la convention de Washington se trouvera assurée dans le Grand-duché de Luxembourg.

Convention concernant le chômage.

Le Luxembourg a fait parvenir au Bureau international du Travail un rapport général sur la situation du chômage pendant l'année 1931.

Il prendra soin pour qu'à l'avenir le Bureau international du Travail reçoive régulièrement, à l'échéance de chaque trimestre, un rapport détaillé sur la situation du chômage durant le trimestre en question.

Convention concernant l'emploi des femmes avant et après l'accouchement.

L'arrêté précité du 30 mars 1932 tient compte du vœu exprimé par la Commission des experts.

Convention concernant l'emploi de la céruse dans la peinture.

Le Luxembourg se réfère à l'arrêté grand-ducal du 30 mars 1932 qui assure l'application intégrale de la convention.

Convention concernant la réparation des accidents du travail.

La loi du 17 décembre 1925, concernant le Code des assurances sociales, n'exclut pas les entreprises commerciales de l'assurance contre les accidents.

Aux termes de l'art. 85, alinéa 3 dudit code, les patrons des entreprises commerciales sont autorisés à assurer leur personnel contre les suites d'accidents industriels.

Il échet de faire observer que la plupart des entreprises commerciales comprennent des parties de travail à caractère industriel. Dans tous ces cas, l'assurance-accidents obligatoire supplante l'assurance facultative. En effet, l'art. 67 du même code stipule que les exploitations comprenant plusieurs parties sont soumises à l'assurance obligatoire pour tout le personnel occupé dans les

of 24 March concerning the various observations made by the Committee of Experts with regard to the steps taken by Luxemburg for the purpose of giving effect to the Conventions ratified by that country before 1 July 1931.

I have, etc.

(Signed) DUPONG,
Director-General of Labour and
Social Welfare.

Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

The Grand-Ducal Decree of 30 March 1932 concerning the application of various Conventions adopted by the International Labour Conference at its first ten Sessions, of which a copy is attached, takes account of the observation of the Committee of Experts.

§ 9 of the Decree makes the provisions of the Convention applicable to all industrial undertakings, including handicraft undertakings, so long as one of the following conditions is fulfilled :

(a) if the undertaking normally employs more than 20 wage earners ;

(b) if, owing to the predominance of industrial equipment, such as boilers or motors, or in view of other criteria, the undertaking is to be regarded as industrial in character.

These new provisions ensure the full application of the Washington Convention in the Grand Duchy of Luxemburg.

Convention concerning unemployment.

The Government of Luxemburg has supplied the International Labour Office with a general report on the unemployment situation during 1931. It will see that in future the International Labour Office receives regularly, at the end of every period of three months, a detailed report on the unemployment situation during the period in question.

Convention concerning the employment of women before and after childbirth.

The above-mentioned Decree of 30 March 1932 takes account of the hope expressed by the Committee of Experts.

Convention concerning the use of white lead in painting.

Reference may be made to the Grand-Ducal Decree of 30 March 1932 by which full application of the Convention is ensured.

Convention concerning workmen's compensation for accidents.

The Act of 17 December 1925 concerning the Social Insurance Code does not exclude commercial undertakings from accident insurance.

Under § 85 (3) of this Code, employers in commercial undertakings are permitted to insure their employees against the consequences of industrial accidents.

It is to be noted that the majority of commercial undertakings include departments in which the work is of an industrial character. In all such cases compulsory accident insurance takes the place of optional insurance. § 67 of the above-mentioned Code lays down that undertakings comprising several different departments are subject to compulsory insurance in respect of all

diverses parties et pour l'intégralité de l'occupation même non habituelle exécutée par chaque ouvrier sur les ordres de son patron ou du préposé de ce dernier, dès qu'une seule de ces parties est assujettie à l'assurance soit obligatoirement, soit volontairement.

L'assurance obligatoire s'étend également aux services domestiques ou autres auxquels les personnes assurées pourront, en dehors de leur occupation habituelle, être assujetties par leurs patrons ou leurs préposés.

Convention concernant le travail de nuit dans les boulangeries.

Il est satisfait à cette demande de la Commission des experts par l'arrêté grand-ducal du 30 mars 1932 prémentionné.

Conventions concernant l'assurance-maladie des travailleurs de l'industrie et du commerce et des gens de maison et concernant l'assurance-maladie des travailleurs agricoles.

L'assurance-maladie obligatoire sera étendue aux gens de maison ainsi qu'aux travailleurs agricoles par projet de loi qui a été déposé à la Chambre des Députés. Le Gouvernement ne manquera pas de tenir le Bureau international du Travail au courant du sort que la Chambre réservera à ce projet.

persons employed in the various departments and in respect of all work, including occasional work, executed by each worker at the order of his employer or of the latter's representative, so long as a single department is subject to either compulsory or optional insurance.

Compulsory insurance also applies to domestic service or other work which insured persons may be asked to perform outside their regular employment by their employers or by the representatives of their employers.

Convention concerning night work in bakeries.

The answer to the question raised by the Committee of Experts is supplied by the Grand-Ducal Decree of 30 March 1932.

Convention concerning sickness insurance for workers in industry and commerce and domestic service and Convention concerning sickness insurance for agricultural workers.

Compulsory sickness insurance is to be extended to cover domestic servants and agricultural workers by a Bill which has been submitted to the Chamber of Deputies. The Government will not fail to keep the International Labour Office informed of the progress of this Bill.

SUISSE

SWITZERLAND

(Translation.)

Berne, le 9 avril 1932.

Berne, 9 April 1932.

Monsieur le Directeur,

Sir,

Par lettre du 24 mars, vous avez bien voulu nous communiquer les observations formulées par la Commission des experts à l'occasion de l'examen du rapport annuel présenté par le Gouvernement suisse sur les mesures prises pour faire porter effet aux dispositions de la *convention concernant le chômage*.

By letter No. D.601/3002/59, of 24 March, you were so good as to communicate to me the observations of the Committee of Experts on the annual report submitted by the Swiss Government concerning the steps taken to give effect to the provisions of the *Convention concerning unemployment*.

La Commission constate que, d'après le rapport du Gouvernement suisse, 10 bureaux publics de placement sur 36 qui sont en activité en Suisse ne sont pas pourvus d'un comité consultatif composé de représentants des patrons et des ouvriers. Le rapport indique que de tels comités n'existent pas, par exemple, auprès des bureaux cantonaux, lorsque ces derniers coordonnent l'action de bureaux locaux qui sont eux-mêmes pourvus de tels comités, et qu'inversement lorsque le bureau central du canton possède un de ces comités paritaires, il peut être inutile d'exiger que les bureaux communaux en constituent également. La Commission des experts demande si ces deux éventualités sont les seules dans lesquelles on constate l'absence des comités consultatifs prévus par la convention.

The Committee notes that the Swiss Government states that out of 36 public employment agencies which are at work in Switzerland 10 do not possess an advisory committee consisting of representatives of employers and workers. Such committees do not, for example, exist in connection with cantonal agencies when they co-ordinate the work of local agencies which themselves have such committees, and, conversely, when the central agency of the Canton possesses a joint committee it may appear unnecessary to require the communal agencies also to set up committees. The Committee of Experts asks whether these are the only cases in which the advisory committees for which the Convention provides have not been set up.

En réponse à cette question, nous nous permettons de rappeler tout d'abord que le Gouvernement suisse a pris, en temps utile, les mesures propres à assurer l'application sur le territoire de la Confédération des dispositions de la convention concernant le chômage. L'ordonnance édictée à cet effet par le Conseil fédéral le 11 novembre 1924 prescrit, entre autre, aux cantons de constituer des comités formés dans une égale proportion, de représentants des patrons et des ouvriers pour servir d'organes consultatifs dans les questions qui concernent les bureaux de placement.

In reply to this question, I would venture to point out in the first place that at the proper time my Government took the necessary steps to ensure the application of the provisions of the Convention concerning unemployment throughout the territory of the Confederation. The Order issued for the purpose by the Federal Council on 11 November 1924 lays down, *inter alia*, that the Cantons must set up committees consisting of an equal number of representatives of employers and workers to act as advisory bodies on questions concerning the employment offices.

L'autorité fédérale veille avec soin à ce que le service public de placement institué en Suisse fût pourvu d'un système de comités consultatifs appropriés aux exigences. De tels comités furent institués auprès des bureaux de placement là où les conditions en justifiaient l'existence. Si

The Federal authorities took care that the public employment-finding service set up in Switzerland should possess a system of advisory committees properly adapted to the necessities of the situation. Such committees were set up in connection with the employment offices wherever

certain bureaux — au nombre de 10 — ne possèdent pas de comité paritaire, c'est que des circonstances spéciales en avaient fait considérer l'institution superflue. C'est le cas notamment dans les deux éventualités indiquées dans le rapport, où il est dit que l'existence de tels comités peut paraître superflue auprès des bureaux cantonaux, lorsque ces derniers coordonnent l'action de bureaux locaux qui sont eux-mêmes pourvus de comités paritaires, et qu'inversement lorsque le bureau central du canton possède un de ces comités, il peut être inutile d'exiger que les bureaux communaux en instituent également.

Ces deux éventualités sont, hormis trois exceptions, les seules dans lesquelles on constate l'absence d'un comité consultatif. Dans les trois cas où il n'en est pas ainsi, il s'agit de bureaux de placement sans importance situés dans de petits cantons ruraux où les conditions de vie de la population et l'administration publique sont si simples que le service de placement joue forcément un rôle tout à fait effacé. La population dans ces régions montagneuses est dans sa grande majorité très sédentaire et n'a que rarement recours au service de placement, dont le fonctionnement est assuré normalement par un seul employé, qui trouve même encore le temps d'exercer d'autres fonctions publiques.

Nous étions persuadé jusqu'ici que l'état de choses existant en Suisse était bien conforme à l'esprit de la convention. Nous avons du reste signalé cette situation dans chaque rapport annuel depuis 1927 en appuyant sur le fait que l'obligation de constituer des comités paritaires avait été en Suisse interprétée dans ce sens que les cantons pouvaient ne pas constituer ces comités lorsque des circonstances spéciales pouvaient les faire juger superflus.

Cette manière de voir n'ayant jusqu'à présent jamais fait l'objet d'aucune remarque quelconque ni de la part de la Commission des experts, ni de la Commission de la Conférence internationale du Travail, nous ne doutions pas qu'elle eût également trouvé l'agrément de l'Organisation internationale du Travail. Nous étions donc resté jusqu'à maintenant sous l'impression que des circonstances spéciales, telles que celles auxquelles il était fait allusion dans nos rapports annuels, pouvaient être prises en considération sans que l'on s'écartât pour autant de l'esprit de la convention.

Quoi qu'il en soit, nous sommes tout disposés à reprendre l'examen de la question et à revoir si l'institution de comités paritaires dans les cas exceptionnels dont il est question peut malgré tout être envisagée.

En portant ce qui précède à votre connaissance, nous saisissons l'occasion qui se présente pour vous renouveler, etc.

(Signé) RENGGLI.

TCHÉCOSLOVAQUIE

Prague, le 5 avril 1932.

Monsieur le Directeur,

Au sujet des observations formulées par la Commission des experts à sa session de cette année à l'égard de l'application des conventions internationales du travail, ratifiées par la Tchécoslovaquie, lesquelles observations nous ont été communiquées par votre lettre du 24 mars 1932, n° D 601/3001/17, le Ministère de la Prévoyance sociale a l'honneur de vous faire savoir ce qui suit :

En ce qui concerne l'observation de la Commission des experts visant l'affichage (du commencement et de la fin de la journée du travail ainsi que l'affichage du *repos hebdomadaire*), le Ministère de la Prévoyance sociale faisant suite aux raisons antérieurement indiquées communique que, dans les petits établissements où les rapports du patron

existing conditions justified such a step. The fact that some offices—10 in number—have no joint committee is due to the fact that special circumstances made it appear superfluous to set up such committees. This is so more particularly in the two cases indicated in the report, where it is stated that such committees do not, for example, exist in connection with cantonal agencies when they co-ordinate the work of local agencies which themselves have such committees, and, conversely, when the central agency of the Canton possesses a joint committee it may appear unnecessary to require the communal agencies also to set up committees.

With three exceptions, these two cases are the only ones in which there is no advisory committee. In the three cases where this is not so, the employment offices in question are unimportant ones in small rural cantons where the conditions under which the population live and the nature of the public administrative system are so simple that the employment-finding service necessarily plays an altogether minor part. The population in these mountain districts is, with very few exceptions, not prone to movement, and rarely applies to the employment-finding service, the activities of which are normally carried on by a single official who has time to carry on additional public duties simultaneously.

My Government had hitherto been convinced that the state of affairs in Switzerland was in full harmony with the spirit of the Convention. The situation has, moreover, been described in each annual report since 1927, and the fact has been emphasised that the obligation to set up joint committees had been interpreted in Switzerland in the sense that the Cantons were free not to set up such committees where special circumstances might appear to render them superfluous.

As this view had not previously given rise to any observation either from the Committee of Experts or from the Committee set up by the International Labour Conference, we had no doubt that it was also approved by the International Labour Organisation. We had therefore hitherto been under the impression that special circumstances such as those alluded to in our annual reports might be taken into consideration without a departure from the spirit of the Convention.

However this may be, my Government is quite prepared to re-examine the question and to consider whether it may after all be possible to contemplate setting up joint committees in the exceptional cases in question.

I have the honour, etc.,

(Signed) RENGGLI.

CZECHOSLOVAKIA

(Translation.)

Prague, 5 April 1932.

Sir,

On the subject of the observations formulated by the Committee of Experts at its Session this year concerning the application of international labour Conventions ratified by Czechoslovakia, which observations were communicated to us by your letter of 24 March 1932, No. D.601/3001/17, the Ministry of Social Welfare has the honour to inform you as follows :

As regards the observation of the Committee of Experts concerning the posting up of the beginning and the end of the day's work, and also concerning the posting up of the weekly rest period, the Ministry of Social Welfare, states that, for the reasons previously communicated to you, in small undertakings where the relations between

avec ses salariés sont directs et fréquents, les travailleurs sont suffisamment renseignés sur l'horaire du travail dans l'établissement, même en cas d'absence d'affichage d'un règlement du travail. En outre, le Ministère de la Prévoyance sociale fait savoir que même dans les écoles professionnelles dont la fréquentation est obligatoire pour tous les apprentis dans l'industrie, les apprentis sont suffisamment informés sur la protection que leur assure la législation tchécoslovaque avancée dans le domaine de la politique sociale.

Quant à l'observation de la Commission des experts concernant le passage du rapport du Gouvernement tchécoslovaque sur l'application de la *convention internationale concernant l'emploi de la céruse dans la peinture*, le Ministère de la Prévoyance sociale fait savoir que, — comme le Bureau international du Travail en a été informé déjà — une Commission spéciale pour la protection technique et hygiénique des travailleurs a été créée auprès du Ministère de la Prévoyance sociale comme son organe consultatif (cf. à ce sujet les articles publiés dans la *Chronique de la sécurité industrielle* vol. V, nos 1 et 6, et vol. VI, nos 1 et 3). La question susmentionnée sera examinée par ladite Commission lorsque tous les offices compétents seront tombés d'accord à ce sujet. Le Ministère de la Prévoyance sociale ne manquera pas d'informer le Bureau international du Travail de la marche et des résultats des travaux y relatifs.

À l'égard de l'autre observation de la Commission des experts concernant l'application de la convention susmentionnée, le Ministère de la Prévoyance sociale fait savoir comme suite aux communications précédentes que — comme il résulte des rapports annuels de l'Office central d'inspection du travail — aucune gêne n'a été jusqu'ici constatée, dans le sens indiqué par l'observation de la Commission des experts. Les inspecteurs du travail suivent attentivement ce problème.

En vous communiquant ces explications supplémentaires au rapport annuel sur l'application des conventions internationales du travail ratifiées par la Tchécoslovaquie, je vous prie, etc.

Le Ministre des Affaires sociales :
(Signé) CZECH.

YUGOSLAVIE

Belgrade, le 2 avril 1932.

Monsieur le Directeur,

J'ai l'honneur de vous accuser réception de votre lettre du 24 mars a. c. n° D 601/3002/55 avec les observations de la Commission des experts sur les rapports annuels, établis en vertu de l'art. 408 du Traité de Versailles, sur les mesures prises par le Gouvernement yougoslave pour mettre à exécution les conventions ratifiées par lui avant le 1^{er} juillet 1931.

Quant aux observations de la Commission des experts, j'ai l'honneur de vous présenter les remarques suivantes :

1) *Convention concernant l'emploi des femmes avant et après l'accouchement.*

L'art. 24 de la loi sur la protection des ouvriers, du 28 février 1922, qui assure l'application de l'art. 3 d) de la convention concernant l'emploi des femmes avant et après l'accouchement, ne fait pas de difficultés à l'application régulière de la convention. La preuve en est que les rapports des inspecteurs du travail n'ont pas révélé jusqu'aujourd'hui d'infractions à ces dispositions de la

the employer and his wage-earners are direct and frequent, the workers are sufficiently informed of the time-table in the undertaking, even in the event of such time-table not being posted up. Furthermore, the Ministry of Social Welfare states that, even in occupational schools, attendance at which is compulsory on all apprentices in industry, the apprentices are adequately informed of the protection which is assured them by the advanced legislation of Czechoslovakia in the sphere of social policy.

As regards the observation of the Committee of Experts concerning the passage in the report of the Czechoslovak Government on the application of the *International Convention concerning the use of white lead in painting*, the Ministry of Social Welfare states that, as the International Labour Office has already been informed, a special Committee for the technical and hygienic protection of workers has been created in the Ministry of Social Welfare, as a consultative body attached to the Ministry. (Cf. on this subject the articles published in the "Industrial Safety Survey", Vol. V, Nos. 1 and 6 and Vol. VI, Nos. 1 and 3). The question referred to above will be considered by this Committee when all the competent offices have arrived at an agreement on the subject. The Ministry of Social Welfare will not fail to inform the International Labour Office of the progress and the results obtained.

As regards the other observation of the Committee of Experts concerning the application of the above Convention, the Ministry of Social Welfare states, in pursuance of previous communications, that, as is shown by the annual reports of the Central Factory Inspection Office, no inconvenience has so far been noted on the lines indicated by the observations of the Committee of Experts. The factory inspectors are carefully considering this problem.

In communicating to you these supplementary explanations of the annual report on the application of the International Labour Conventions ratified by Czechoslovakia, I have the honour, etc

(Signed) CZECH,
Minister of Social Affairs.

YUGOSLAVIA

(Translation.)

Belgrade, 2 April 1932.

Sir,

I have the honour to acknowledge your letter of 24 March 1932 No. D.601/3002/55, containing the observations of the Committee of Experts on the annual reports submitted in accordance with Article 408 of the Treaty of Versailles on the measures taken by the Government of Yugoslavia to give effect to the provisions of Conventions ratified by it before 1 July 1931.

With reference to the observations of the Committee of Experts, I have the honour to submit the following comments :

(1) *Convention concerning the employment of women before and after childbirth.*

§ 24 of the Workers' Protection Act of 28 February 1922, which ensures the application of Article 3 (d) of the Convention concerning the employment of women before and after childbirth, does not in any way hinder the regular application of the Convention. The proof of this is shown by the fact that the reports of the factory inspectors have not, up to the present, mentioned

convention. D'ailleurs, à l'occasion d'une revision éventuelle de la loi sur la protection des ouvriers, le Ministère de la Politique sociale et de la Santé publique tiendra compte de l'observation de la Commission des experts pour mettre les dispositions de l'art. 3 d) de la convention en harmonie avec le texte de la loi.

2) *Convention concernant le travail de nuit des enfants dans l'industrie.*

Au sujet de cette convention, il n'y a plus aucune observation à faire.

3) *Convention concernant l'indemnité de chômage en cas de perte par naufrage.*

En ce qui concerne les observations faites de la part de la Commission des experts au sujet de cette convention, j'ai l'honneur de me rapporter à la déclaration donnée l'année dernière à la Conférence internationale du Travail par notre délégué gouvernemental suivant laquelle une commission des représentants des Ministères intéressés a élaboré un projet de loi sur la réglementation des conditions du travail à bord des bateaux maritimes du Royaume de Yougoslavie. Cette loi aurait pour but d'assurer dans la législation nationale l'application des dispositions de toutes les conventions maritimes du travail ratifiées par notre pays. Ce projet, qui a été achevé déjà au mois de janvier 1931, a dû être par suite envoyé à l'avis à la Commission pour la codification du droit maritime privé auprès du Ministère de la Justice, ainsi qu'au Ministère du Transport. On a été obligé d'attendre un certain temps les observations de la Commission pour la codification du droit maritime privé en raison qu'elle ne siège que périodiquement. D'autre part, la promulgation de la Constitution du 3 septembre 1931 et les élections législatives qui l'ont suivi, ont ajourné la discussion de ce projet devant le corps législatif. Mais entre-temps, les observations de la part des autorités compétentes étant parvenues au Ministère, la rédaction définitive fut donnée à ce projet. Le Ministère de la Politique sociale et de la Santé publique, d'accord avec le Ministère du Transport, sera en mesure dans le plus bref délai de soumettre au pouvoir législatif ce projet de la loi.

4) *Convention concernant l'emploi de la céruse dans la peinture.*

Quant à l'article 5, I b) de cette convention, l'article 7 du règlement sur l'emploi de la céruse dans la peinture du 7 mai 1931 est en complète harmonie avec le texte de la convention. L'application de la convention est rigoureuse. Les observations de la Commission proviennent uniquement d'une erreur de traduction.

5) *Convention concernant le contrat d'engagement des marins.*

Le texte législatif dont on parle dans le rapport sur l'application de cette convention est le règlement sur la navigation du 25 avril 1774. Ce règlement est toujours en vigueur, comme fut d'ailleurs mentionné dans ledit rapport, en vertu de l'art. 10 du règlement du Ministère du Transport du 25 février 1919, déterminant que toutes les anciennes lois sont applicables dans la mesure où elles ne seront pas ultérieurement modifiées.

En annexe se trouvent les paragr. 3 de l'art. VI et 15 de l'art. VII du règlement sur la navigation, dont on fait mention dans le rapport annuel.

Les remarques formulées à propos de la convention sur l'indemnité de chômage en cas de perte par naufrage, se rapportent également à la présente convention. En conséquence, les explications ci-dessus exposées visent les deux conventions.

any infringement of these provisions of the Convention. The Ministry of Social Politics and Public Health will bear in mind the observation of the Committee of Experts in any future revision of the Workers' Protection Act, in order to bring the text of the Act into agreement with the provisions of Article 3 (d) of the Convention.

(2) *Convention concerning the night work of young persons employed in industry.*

There is no further observation to be made on the subject of this Convention.

(3) *Convention concerning unemployment indemnity in case of loss or foundering of the ship.*

With reference to the observations made by the Committee of Experts on this Convention, I have the honour to refer to the statement made last year by our Government Delegate to the International Labour Conference, to the effect that a committee of representatives of the Ministries concerned had drafted a Bill regulating conditions of work on board sea-going vessels in the Kingdom of Yugoslavia. The object of this Bill is to ensure in national legislation the application of the provisions of all the maritime labour Conventions ratified by our country. This Bill, the preparation of which was terminated in January 1931, was to be communicated to the Committee for the codification of private maritime law attached to the Ministry of Justice and also to the Ministry of Transport, for their opinions. It has been necessary to await for some time the observations of the Committee for the codification of private maritime law, as it meets only at intervals. Moreover, the promulgation of the Constitution of 3 September 1931 and the parliamentary elections which followed it, delayed the discussion of the Bill by Parliament. Meanwhile, however, since the observations of the competent authorities had been received by the Ministry, the Bill was drawn up in its final form. The Ministry of Politics and Public Health, in agreement with the Ministry of Transport, will submit the Bill to the statutory authorities with the least possible delay.

(4) *Convention concerning the use of white lead in painting.*

As regards Article 5, I (b) of this Convention, §7 of the Regulations of 7 May 1931, concerning the use of white lead in painting, is in complete agreement with the text of the Convention. The Convention is strictly enforced. The observations of the Committee arise merely from an error in translation.

(5) *Convention concerning seamen's articles of agreement.*

The legislative text mentioned in the report on the application of this Convention is the Navigation Regulations of 25 April 1774. These Regulations are still in force, as is stated elsewhere in the report under consideration, in virtue of §10 of the Regulations of the Ministry of Transport of 25 February 1919, which lays down that all old Acts remain in force in so far as they have not been subsequently amended. The text of §§6 (3) and (15) of the Navigation Regulations mentioned in the annual report is attached herewith in the form of an appendix.

The statements made with reference to the Convention on unemployment indemnity in case of loss or foundering of the ship apply equally to the present Convention. Consequently the explanations given above cover the two Conventions.

6) *Convention concernant le rapatriement des marins.*

Quant aux observations de la Commission des experts au sujet de cette convention, en annexe de cette lettre on trouvera les textes des paragraphes 3 de l'art. VI, 4 de l'art. VII et du paragr. 15 du même article du règlement sur la navigation, dont on fait mention dans le rapport annuel sur l'application de cette convention.

Veuillez agréer, etc.

*Le Ministre de la Politique sociale
et de la Santé publique,*

(Signé) PUCELJ.

ANNEXE.

*Règlement sur la navigation.**Article VI.**Paragraphe 3.*

Nous désirons et ordonnons que les marins, nos sujets, engagés dans les ports de notre littoral, ne peuvent pas abandonner leurs services ou être congédiés dans des ports étrangers, même s'il existait le consentement mutuel entre le capitaine et le marin, de même que si leur contrat d'engagement était échu ou non, ou que le voyage avait été terminé. En conséquence, sous aucun prétexte les marins ne peuvent pas abandonner le service avant le retour du navire dans un port national, sauf le cas d'empêchement légal. La cause de l'empêchement doit être mentionnée dans le certificat délivré au marin par le capitaine au moment du débarquement. L'infraction à cette disposition est punissable. Si le capitaine enfreint cette obligation, les consulats ou les autorités administratives sont tenus à récompenser le marin à titre de rémunération ou récompense équitable.

*Article VII.**Paragraphe 4.*

*Obligation de payer les frais de voyage de retour
aux marins jusqu'au port du littoral national.*

Nous recommandons à nos capitaines qu'ils retournent aux pays de notre Etat sans s'arrêter nulle part et nous décidons que les armateurs doivent payer aux marins les frais de pension et de voyage jusqu'au retour dans un port du littoral, où les tribunaux commerciaux sont appelés à statuer sur les frais en les fixant d'après les prix courants, si pareils litiges ont lieu.

Paragraphe 15.

Le contrat d'engagement doit se faire par écrit.

Les contrats d'engagement conclu entre le capitaine de navire et les officiers, etc., qu'ils fassent le voyage par rémunération ou au voyage, doivent être établis par écrit et portés au livre du navire ; au cas contraire, feront foi les déclarations des officiers et marins, tant qu'ils le confirment par serment.

(6) *Convention concerning the repatriation of seamen.*

With reference to the observations of the Committee of Experts on the subject of this Convention, the text of §§6 (3), 7 (4) and 7 (15) of the Navigation Regulations referred to in the annual report on the application of this Convention, is attached to this letter in the form of an appendix.

I have the honour to be, etc.

(Signed) PUCELJ,

*Minister of Social Politics
and Public Health.*

APPENDIX

*Navigation Regulations**Section VI.**Paragraph 3.*

We desire and command that seamen, our subjects, engaged in our sea ports, may not leave their employment or be dismissed in foreign ports, even with the mutual consent of the master and seaman, or even if their articles of agreement had expired, or the voyage had terminated. Consequently, seamen may not leave their employment on any pretext whatever before the return of the vessel to a home port, except in case of legal hindrance. The cause of hindrance shall be stated in the certificate given to the seaman by the master at the moment of disembarkation. Infringement of this provision is a penal offence. If the master violates this obligation, the consulates or administrative authorities are required to compensate the seaman.

*Section VII.**Paragraph 4.*

*Obligation for the payment of the expenses of the
seaman's return voyage to the home port.*

We recommend our masters to return direct to our country, and we lay down that shipowners shall pay their seamen living and travelling expenses until their arrival in a home port, where the commercial courts shall be responsible for determining the expenses and for fixing them with reference to current prices in case of a dispute.

Paragraph 15.

Articles of agreement shall be drawn up in writing.

Articles of agreement concluded between the master of a ship and the officers, etc. whether for a regular salary or by the voyage, shall be drawn up in writing and entered in the ship's articles ; in the contrary event, statements made on oath by officers or seamen shall be valid.

3) Rapports annuels fournis par le Gouvernement grec en exécution de l'article 408 du Traité de Versailles.

A la date du 5 avril 1932, le Gouvernement grec a adressé au Bureau international du Travail les rapports annuels sur les treize conventions ratifiées par la Grèce avant le 1^{er} juillet 1931.

Le texte de ces rapports qui se réfèrent à la période comprise entre le 1^{er} janvier et le 30 septembre 1931 est reproduit ci-après :

Rapport sur l'application de la convention tendant à limiter à huit heures par jour et à quarante-huit heures par semaine le nombre des heures de travail dans les établissements industriels, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 1^{er} novembre 1920.

I.

L'application de la présente convention, qui a été ratifiée par la loi n° 2269 du 1^{er} juillet 1920, procède graduellement par décrets spéciaux introduisant le régime des huit heures par branche d'industrie. Les textes de ces décrets ainsi que celui de la circulaire n° 23 qui expliquait aux autorités les dispositions de la convention, vous ont été adressés par les rapports précédents.

Il est établi par le service compétent du Ministère de l'Economie nationale un projet de décret qui codifie et complète toutes les dispositions en vigueur relatives à l'application de « la limitation du nombre des heures du travail journalier dans les divers industries et ateliers » et prévoit que l'autorisation d'excéder des heures perdues sera accordée de sorte qu'aucune infraction puisse être commise.

Ce projet approuvé déjà par le Conseil du travail se trouve devant le Conseil d'Etat, et nous espérons qu'avant l'expiration d'un mois entrera en vigueur selon les dispositions de ce projet de décret.

A. La limitation à huit heures est étendue aux établissements industriels ci-après :

1. Industries mécaniques : les usines des accumulateurs électriques et celles de réparation des compteurs à gaz et éclairage.

2. Industries du bâtiment : fours à chaux, fabrique de ciment, de plâtre, tuileries de dalles peu importe dans quelles conditions s'effectuent les travaux.

3. Industries de l'alimentation : biscuiteries, usines de conservation des aliments par réfrigération, distillation de la bière, même en cas où le travail n'est pas continu.

4. Industries textiles : dans les locaux de blanchiment.

5. Industries des matières animales : boyauderies, etc.

6. Industries du bois : les scieries, et généralement aux fabriques où le travail du bois s'effectue par des machines-outils.

7. Toutes les papeteries.

8. Industries du vêtement : dans les blanchisseries, ateliers de dégraissage, etc.

9. Tous les travaux de peinture à pistolet et les travaux continus.

B. L'entrepreneur est tenu d'insérer dans un livre le personnel occupé par lui, ainsi que les heures de travail effectué par chacun d'eux.

(3) Annual reports supplied by the Greek Government under Article 408 of the Treaty of Versailles.

On 5 April 1932 the Greek Government forwarded to the International Labour Office the annual reports on the thirteen Convention ratified by Greece before 1 July 1931.

The text of the reports, which covers the period between 1 January and 30 September 1931, is given below :

Report on the application of the Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 1 November 1920.

I.

The application of this Convention, which was ratified by Act No. 2269 of 1 July 1920, is proceeding gradually by means of special Decrees which introduce the eight-hours system by groups of industries. The texts of these Decrees and also that of Circular No. 23, which explained the provisions of the Convention to the relevant authorities, have already been communicated to you in former reports.

The competent service of the Ministry of National Economy has drawn up a draft Decree codifying and completing all the provisions in force which relate to the application of "the limitation of the number of hours of daily work in various industries and workshops". This draft provides that permission to exceed this limit in order to make up hours of work lost shall be so granted as to make any infringement impossible.

The draft has already been approved by the Labour Council and is at present under examination by the Council of State, and we hope that it will come into force within another month.

A. The limitation of working hours to eight daily applies in the following industrial undertakings :

1. Mechanical industries : factories for electric accumulators and for repairs to gas and lighting meters.

2. Constructional industries : lime-kilns, cement works, plasterers' shops, tile yards, regardless of the conditions under which the work is done.

3. Food industries : biscuit-making works, food refrigerating factories, breweries, even if the work is not continuous.

4. Textile industries : in bleaching works.

5. Animal products industries : Cat-gut factories, etc.

6. Woodworking industries : Sawmills and, in general, any factories where woodworking is carried on by machinery.

7. All paper industries.

8. Clothing industries : in laundry and cleaning works, etc.

9. All painting in the form of spray and continuous painting undertakings.

B. The head of the undertaking is required to keep a register of the staff employed by him, and also the hours worked by each employee.

C. La récupération des heures de travail perdues à la suite d'intempéries ou en cas de force majeure sera permise à condition que l'arrêt du travail résultant de tels faits sera constaté par les autorités compétentes auxquelles les directeurs des entreprises intéressées devront s'en référer à temps.

II.

L'article du décret royal du 14-27 août 1913 détermine exactement les sens des mots « établissements industriels et commerciaux » par opposition aux sens des travaux agricoles.

Par nos rapports précédents, vous êtes en possession des textes du décret en question.

III.

Une liste des travaux qui sont considérés comme ayant un fonctionnement nécessairement continu dans le sens de l'article 4 de la convention, vous a été adressée par nos rapports des années précédentes.

Il n'y a pas d'accords tels qu'ils sont prévus à l'article 5 de la convention.

Les dispositions réglementaires prises en vertu de l'article 5 se trouvent dans les décrets d'application de la présente convention.

IV.

Notre pays n'a point de colonies ni de protectorats.

V.

Les dispositions de la présente convention sont entrées en application le 10 juillet 1920.

VI.

L'application des lois et règlements administratifs est confiée au service de l'inspection du travail, à la police, ainsi qu'à l'inspection des mines.

*Le Ministre de l'Economie nationale ;
(Signé) P. VOURLOUMIS.*

Rapport sur l'application de la convention concernant le chômage, dont la ratification formelle a été communiquée au Secrétariat général de la Société des Nations le 1^{er} novembre 1920.

I.

La présente convention a été ratifiée par la loi n° 2270 publiée dans le Journal Officiel du 1^{er} juillet 1920 et le décret royal du 22 septembre 1922. Les textes de ces dispositions vous ont été adressés par nos rapports des années précédentes.

L'application de la convention est assurée par la loi n° 5288 du 1^{er} août 1931 sur « la réglementation du marché du travail » qui prévoit l'institution de bureaux de placement dans les centres industriels les plus importants du pays (art. 2 de la loi afférente) ainsi que de la section du mouvement ouvrier et migratoire faisant partie de la Division du travail et de la prévoyance sociale du Ministère de l'Economie nationale (art. 17 et 18 de la même loi).

En ce moment, le décret mettant à exécution la loi en question se trouve déjà devant le Conseil d'Etat.

Quant aux bureaux de placement payants, ceux-ci ne peuvent, en vertu de la loi en question (art. 14), continuer à fonctionner qu'en se conformant aux prescriptions des autorisations spéciales du Ministère de l'Economie nationale.

C. Hours of work lost owing to weather conditions or *force majeure* may be made up, provided that the stoppage of work resulting from these causes is noted by the competent authorities, to whom the heads of the undertakings concerned must refer in time.

II.

The Royal Decree of 14-27 August 1913 gives an exact definition of the terms "industrial and commercial undertakings" as opposed to agricultural undertakings.

Former reports have already put you in possession of the text of the Decree in question.

III.

A list of undertakings in which continuous work is considered necessary in the sense of Article 4 of the Convention has been communicated to you in former reports.

There are no agreements in Greece such as provided for by Article 5 of the Convention.

The statutory provisions taken in pursuance of Article 5 are contained in the decrees applying the Convention.

IV.

Our country possesses neither colonies nor protectorates.

V.

The application of the provisions of this Convention came into effect on 10 July 1920.

VI.

The enforcement of the Acts and Administrative Regulations is entrusted to the Labour Inspection Service, to the police authorities and to the mines inspectorate.

*(Signed) P. VOURLOUMIS,
Minister of National Economy.*

Report on the application of the Convention concerning unemployment, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 1 November 1920.

I.

The Convention was ratified by Act 2270, published in the Official Journal of 1 July 1920, and by the Royal Decree of 22 September 1922. The texts of these provisions have already been communicated to you with previous reports.

The application of the Convention is ensured by Act 5288 of 1 August 1931 concerning "the regulation of the labour market", which provides for the establishment of employment exchanges in the most important industrial centres of the country (§2 of the Act) and also by the department of the Labour and Social Welfare Division of the Ministry of National Economy which deals with the movement of workers and with migration (§§17 and 18 of the Act).

At the present moment the Decree for the application of this Act is before the Council of State.

§ 14 of the above Act lays down that fee-charging employment agencies may only be carried on in future by special permits from the Ministry of National Economy.

II.

Ainsi, la loi susmentionnée se présente conforme à la convention internationale concernant le chômage.

Il n'existe pas d'autre législation en vigueur concernant le chômage dans notre pays.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de la présente convention sont entrées en application le 10 juillet 1920.

V.

L'exercice du contrôle de l'application de la convention et des lois et règlements y relatifs appartient à la Division du travail et de la prévoyance sociale du Ministère de l'Economie nationale, ainsi qu'aux organes du Service d'inspection du travail.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant l'emploi des femmes avant et après l'accouchement, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 1^{er} novembre 1920.

I.

La présente convention a été ratifiée par la loi n° 2274 publiée dans le Journal Officiel du 1^{er} juillet 1920.

Le texte de cette loi et celui de la circulaire n° 23 qui expliquait la loi, vous ont été adressés par nos rapports des années précédentes.

II.

L'article 2 du décret royal du 14 août 1913 détermine exactement le sens des mots « établissements industriels et commerciaux » par opposition au sens des travaux agricoles.

Le texte de ce décret vous a été adressé par nos rapports précédents.

Le Gouvernement actuel se propose de déposer sous peu à la Chambre le projet de loi sur les assurances sociales. Ce projet tend à protéger presque la totalité des salaires du pays en cas d'accident, de maladie professionnelle, de maladie générale, d'accouchement, d'invalidité, vieillesse et décès. Le Gouvernement espère que le projet y relatif sera transformé en loi au cours de cette année et qu'ainsi la convention trouvera prochainement une application intégrale. Pour le moment, la législation en vigueur sur l'assurance-maladie et maternité des travailleurs du tabac assure l'application de la présente convention pour une partie importante du monde ouvrier de notre pays.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 10 juillet 1920.

I.

The above-mentioned Act is thus in accordance with the Convention.

There is no other legislation in force in our country on the subject of unemployment.

III.

Our country possesses neither colonies nor protectorates.

IV.

The application of the provisions of this Convention came into effect on 10 July 1920.

V.

The enforcement of the application of the Convention and of the Acts and Regulations relating to it is entrusted to the Labour and Social Welfare Division of the Ministry of National Economy and to the different authorities of the Labour Inspection Service.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention concerning the employment of women before and after childbirth, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 1 November 1920.

I.

The Convention was ratified by Act 2274, published in the Official Journal of 1 July 1920.

The text of this Act and that of Circular No. 23 interpreting it have already been communicated to you with our former reports.

II.

§2 of the Royal Decree of 14 August 1913 gives an exact definition of the terms " industrial and commercial undertakings " as opposed to agricultural undertakings.

The text of this Decree has already been communicated to you with our former reports.

The present Government proposes shortly to lay before the Chamber the Bill concerning social insurance. This Bill will provide for the protection of almost all the wage-earners in the country against accidents, occupational diseases, diseases in connection with childbirth, invalidity, old age and death. The Government hopes that the Bill referred to above will be adopted during the present year, and the complete application of the Convention will thereby be secured in the near future. At present the legislation in force concerning sickness and maternity insurance of workers in the tobacco industry ensures the application of the Convention in respect of a considerable number of workers in our country.

III.

Our country possesses neither colonies nor protectorates.

IV.

The application of the provisions of the Convention came into effect on 10 July 1920.

V.

L'application des lois et règlements administratifs est confiée au Service de l'inspection du travail, réorganisé par la loi n° 4819 du 14 juillet 1930, à la police, ainsi qu'à l'inspecteur des mines.

Le Ministre de l'Economie nationale :

(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant le travail de nuit des femmes, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 1^{er} novembre 1920.

I.

Depuis 1912, la Grèce a appliqué, par la loi ΔΚΘ (n° 4029) concernant le travail des femmes et des mineurs, toutes les dispositions relatives à la convention internationale à laquelle elle a adhéré.

Les articles 1 et 3 de la convention s'appliquent par l'article 6 de ladite loi n° 4029.

Le travail des femmes après 9 heures du soir et avant 5 heures du matin est interdit :

- a) dans les établissements ou ateliers industriels ;
- b) dans les carrières, mines et industries extractives de toute nature ;
- c) dans la construction des bâtiments et les travaux similaires qui s'effectuent en plein air et
- d) dans les établissements commerciaux et annexes de toute nature.

Le repos de nuit de onze heures qu'impose l'article 2 de la convention s'applique par le 2^me paragraphe de l'article 1 de la loi n° 4029 qui stipule que « l'interruption de travail accordée aux femmes à titre de repos de nuit doit être d'une durée au minimum de onze heures consécutives ».

Les exceptions prévues par l'article 4 de la convention sont fixées par l'article 7 de la loi en question qui permet le travail de nuit des femmes pendant 36 jours, après autorisation de l'inspection du travail, en cas d'interruption imprévue à la suite d'un accident, à moins que cette interruption ne se répète périodiquement.

L'art. 8 de la loi n° 4029 prévoit que les entreprises et établissements industriels dans lesquels se produisent, pendant des périodes déterminées, des augmentations régulières de travail (industries saisonnières), ou, dans des cas exceptionnels, une accumulation du travail, peuvent obtenir l'autorisation de travailler, pendant une période de 36 jours dans la même année, en réduisant les heures du repos de nuit des femmes de 11 à 10 heures.

Les exceptions prévues par l'article 6 de la présente convention s'appliquent par l'art. 9 de la loi n° 4029 qui stipule que « le travail de nuit des femmes dans les établissements industriels où il y a danger de destruction des matières premières ou des produits du travail » peut être autorisé par des décrets édités après avis du Conseil du travail.

Les décrets publiés dans ce but jusqu'à aujourd'hui concernent :

- 1) Les fabriques et les ateliers de conserves de poissons, publiés le 25 septembre 1913 ;
- 2) les laiteries, publié le 4 juillet 1925 ;
- 3) les fabriques et ateliers de manipulation et de préparation de conserves de figues sèches et fraîches, publié le 30 août 1927 ;
(Des exemplaires de ces décrets vous ont été envoyés antérieurement.)
- 4) les fabriques de l'industrie des raisins secs, publié le 20 février 1932. (Vous trouverez ci-joint 2 exemplaires de ce décret.)

V.

The application of the Acts and Administrative Regulations is entrusted to the Labour Inspection Service, as re-organised by Act 4819 of 14 July 1930, to the police authorities and to the inspector of mines.

(Signed) P. VOURLOUMIS,

Minister of National Economy.

Report on the application of the Convention concerning employment of women during the night, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 1 November 1920.

I.

Since 1912, Greece has applied all the provisions of the Convention to which it has given its adherence by virtue of Act 4029 concerning "the work of women and minors".

§6 of this Act applies Articles 1 and 3 of the Convention.

The employment of women after 9 p.m. and before 5 a.m. is prohibited :

- (a) in industrial undertakings and workshops ;
- (b) in mines, quarries and underground work of any kind ;
- (c) in building work and other similar open-air work ; and
- (d) in commercial and kindred concerns of any kind.

The night rest period of eleven hours required by Article 2 of the Convention is applied by §1 (2) of Act 4029, which lays down that the period of night rest granted to women shall consist of eleven consecutive hours.

The exceptions provided for by Article 4 of the Convention are determined by §7 of the Act in question, which allows women to be employed during the night for 36 days by special permit from the labour inspection service, in the case of unforeseen and not regularly recurring interruptions of work owing to accidents.

§8 of Act 4029 provides that industrial undertakings and establishments in which an increased demand for labour occurs regularly at certain periods of the year (seasonal trades), or in the case of extraordinary pressure of work, may obtain a permit to employ women for 36 days in the same year with a diminution of the hours of nightly rest from 11 to 10 hours.

The exceptions provided for by Article 6 of the Convention are applied by §9 of Act 4029, which lays down that night work of women in industrial undertakings where there is a danger of deterioration of raw material or manufactured products may be authorised by Decrees issued after consultation of the Labour Council.

Decrees published with this object up to the present refer to the following undertakings :

- (1) Factories and workshops for packing fish, issued on 25 September 1913 ;
- (2) Dairies, issued on 4 July 1925 ;
- (3) Factories and workshops for dry and fresh figs (jams) issued on 30 August 1927.

Copies of these Decrees have already been communicated to you.

- (4) Factories for the raisin industry, issued on 20 February 1932. (Two copies of this Decree are attached to this report.)

II.

L'art. 2 du décret royal du 14 août 1913 détermine exactement le sens des mots «établissements industriels et commerciaux» en opposition au sens des travaux agricoles.

Le texte de ce décret vous a été adressé par nos rapports des années précédentes.

Il n'a pas été fait usage de la faculté prévue au paragraphe 2 de l'article 2 de la convention.

Il n'a pas été fait usage de la faculté prévue par l'article 7 de la convention.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de la présente convention sont entrées en application à partir du 10 juillet 1921.

V.

L'application des lois et règlements administratifs est confiée aux organes du Service de l'inspection du travail, récemment réorganisé par la loi n° 4819 du 14 juillet 1930, assistés par les organes de la police, ainsi qu'aux inspecteurs des mines.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLLOUMIS.

Rapport sur l'application de la convention fixant l'âge minimum d'admission des enfants aux travaux industriels, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 1^{er} novembre 1920.

I.

Les art. 1 et 2 de la loi n° 2271 du 24 juin 1920 portant ratification de la convention interdisent l'admission des enfants âgés de moins de 14 ans aux travaux énumérés dans ladite convention.

Cette loi étant postérieure à la loi n° 4029 du 24 janvier 1912, elle a modifié celles des dispositions de la loi du 24 janvier 1912 sur le travail des femmes et des adolescents qui lui étaient contraires, en ce qui concerne l'âge d'admission des enfants. Les autres dispositions de la loi n° 4029 sont encore en vigueur.

L'application de la loi n° 2271 est assurée par les dispositions suivantes de la loi n° 4029 :

L'art. 14 de la loi n° 4029 dispose que les personnes âgées de moins de 16 ans ne sont admises dans : 1. les fabriques, établissements industriels et les ateliers ; 2. les mines, carrières et industries extractives de toute nature ; 3. dans les travaux de construction de bâtiments et les travaux similaires qui s'effectuent en plein air ; 4. dans les entreprises de transport de personnes ou marchandises par terre ou par eau, s'ils ne possèdent pas un certificat médical attestant leur vaccination. L'état de leur santé et qu'ils sont aptes à effectuer leur travail sans qu'il y ait danger pour leur santé et leur développement physique. L'attestation de ce genre est fournie gratuitement par le Ministère de l'Economie nationale et inscrite dans un livret de travail. Les livrets de travail sont distribués gratuitement par les maires.

Les employeurs doivent noter sur les livrets de travail la date d'admission à l'entreprise de la personne à laquelle appartient le livret, et aussi la date de son congédiement. Il est interdit aux employeurs : a) de faire sur le livret des remarques ou des observations de toute sorte concernant les qualités ou la conduite des travailleurs et b) de refuser de rendre aux travailleurs leurs livrets de travail (art. 14).

II.

§2 of the Royal Decree of 14 August 1913 gives an exact definition of the terms "industrial and commercial undertakings" as opposed to agricultural undertakings.

The text of this Decree has been communicated to you with previous reports.

No use has been made of the exception provided for by paragraph 2 of Article 2 of the Convention.

No use has been made of the exception provided for by Article 7 of the Convention.

III.

Our country possesses neither colonies nor protectorates.

IV.

The application of the provisions of this Convention came into effect on 10 July 1921.

V.

The application of the Acts and Administration Regulations is entrusted to the authorities of the Labour Inspection Service, as re-organised by Act 4819 of 14 July 1930, aided by the police authorities and inspectors of mines.

(Signed) P. VOURLLOUMIS,
Minister of National Economy.

Report on the application of the Convention fixing the minimum age for admission of children to industrial employment, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 1 November 1920.

I.

§§ 1 and 2 of Act 2271 of 24 June 1920, which ratified the Convention, prohibit the employment of children under 14 years of age in the occupations enumerated in the Convention.

This Act, promulgated later than Act 4029 of 24 January 1912 concerning the employment of women and minors, amended those provisions of the latter Act which were contrary to its provisions, on the question of the age of admission of children. The remaining provisions of Act 4029 are still in force.

The application of Act 2271 is ensured by the following provisions of Act 4029 :

§14 of Act 4029 provides that persons under 16 years of age are not allowed to be employed in : 1. Factories, industrial concerns and workshops ; 2. Mines, quarries and underground works of any kind ; 3. Building work and other similar open-air work ; 4. Undertakings for the conveyance of passengers and goods on land or on water, unless such persons possess a medical certificate showing that they have been vaccinated, the state of their health, and that they are capable of carrying out their work without prejudice to their health and physical development. This certificate is supplied, free of charge, by the Ministry of National Economy, and is inscribed in work-books which are distributed, free of charge, by mayors.

Employers are required to state in the work-books the date of admission to the undertaking of the person to whom the book belongs and also the date of his discharge. Employers are not allowed : (a) to make any observations in the work-book with regard to the qualifications or conduct of the workers, or (b) to refuse to give up the work-books to the workers (§14).

L'employeur est tenu d'aviser les autorités compétentes chargées du contrôle de l'application des lois relatives à la protection des travailleurs, des jours pendant lesquels s'effectue le travail, le début et la fin du travail, les repos intermédiaires ainsi que le genre du travail, des enfants âgés de moins de 18 ans (art. 15).

L'art. 17 de cette même loi permet au Gouvernement d'interdire, de limiter ou de conditionner le travail des enfants et des femmes dans les cas où il est jugé pénible ou dangereux pour leur santé et leur intégrité physique ou morale.

Le décret royal du 14 août 1913 qui concerne l'application de la loi n° 4029, en se basant sur l'article susmentionné, a énuméré aux articles 36 et 37 les travaux qui sont dangereux ou insalubres.

Le texte de ces deux articles est le suivant :

Article 36 : Travaux dangereux et insalubres.

Suivant l'art. 17 de la loi n° 4029, les travaux dont la liste suit sont considérés comme dangereux pour la santé et l'intégrité physique des mineurs du sexe masculin âgés de moins de 16 ans, d'une part, et du sexe féminin âgés de moins de 18 ans, d'autre part, et l'occupation de ces personnes aux travaux ci-après est interdite :

1. Fabriques de production de gaz d'éclairage ;
2. Fabriques de feux d'artifice ;
3. Fabriques de production de gaz comprimés (acide carbonique, oxygène et ammoniaque) ;
4. Fabriques pour la production d'acide sulfurique, d'acide sulfureux et de combinaisons sulfuriques, d'acide nitrique et d'acide muriatique ;
5. Fabriques pour la production de sulfure de carbone ;
6. Fabriques pour la production du chlore, chlorure de chaux, des chlorures alcalins, de chlore sulfureux ;
7. Fabriques pour la production de sels chlorurés ;
8. Fabriques pour la production du phosphore ;
9. Fabriques pour la manipulation du plomb, d'alliages de plomb et de couleurs plombiques ;
10. Fabriques pour la manipulation de l'antimoine, ainsi que d'alliages de combinaisons de l'antimoine ;
11. Fabriques pour la manipulation de l'arsenic et la production de combinaisons arsenicales ;
12. Fabriques pour la production d'aniline et de couleurs d'aniline ;
13. Fabriques pour la production de cyanures ;
14. Fabriques pour la production d'acide oxalique ;
15. Fabriques pour la production d'éther éthylique, acétique et propylique ;
16. Fabriques pour la production de collodion et de cellulose ;
17. Ateliers de dorure et d'argenture ;
18. Fabriques où il est fait usage de mercure et d'amalgames de mercure ;
19. Fabriques où il est fait usage de substances organiques susceptibles de fermentation, les fabriques pour la production de colle d'os et de colle forte, ainsi que les tanneries ;
20. En général, toute fabrique où se forment des gaz dangereux pouvant déterminer une intoxication ou une lésion des organes respiratoires ;
21. Fabriques distillant des produits inflammables quelconques (distilleries d'alcool, fabriques pour la production de térébenthine, etc.) ;
22. Locaux où se trouvent des accumulateurs électriques.

The employer is required to give notice to the competent authorities who control the application of legislation relating to workers' protection, of the days during which the work is done, the beginning and end of the work, the rest periods and the nature of the work of children under 18 years of age (§15).

§17 of the same Act allows the Government to prohibit, limit or make conditions for the work of women and children in cases where this work is considered exacting or dangerous to their health and to their physical or moral condition.

The Royal Decree of 14 August 1913 concerning the application of Act 4029, which has as a basis the above-mentioned section, determines, in §§ 36 and 37, the occupations which shall be considered dangerous or unhealthy.

The text of these two sections is as follows :

Section 36. : Dangerous or unhealthy occupations.

Under §17 of Act 4029 the occupations given in the following list are considered to endanger the health and physical condition of male minors of under 16 years of age and of female minors under 18 years of age, and the employment of such minors is prohibited :

1. Gasworks ;
2. Firework factories ;
3. Factories for the manufacture of compressed gases (carbonic acid, oxygen, ammonia) ;
4. Factories for the manufacture of sulphuric acid, sulphurous acid, sulphur compounds, nitric acid and hydrochloric acid ;
5. Sulphuretted carbon factories ;
6. Factories for the manufacture of chlorine, chloride of lime, chloride alkalines, and chloride of sulphur ;
7. Factories for the manufacture of sodium chloride ;
8. Phosphorus factories ;
9. Factories for the preparation of lead, lead alloys and lead pigments ;
10. Factories for the preparation of antimony or mixtures and compounds thereof ;
11. Factories for the preparation of arsenic or mixtures and compounds thereof ;
12. Aniline factories and preparation of aniline dyes ;
13. Factories for the manufacture of cyanide compounds ;
14. Oxalic acid factories ;
15. Factories for the manufacture of ethylic, sulphuric and acetic ether ;
16. Factories for the manufacture of collodion and celluloid ;
17. Gilding and plating factories ;
18. Factories where mercury and mercury amalgams are used ;
19. Factories using organic substances subject to decay ; factories preparing gum and glue, and tanneries ;
20. All factories where noxious gases are given off liable to poison or injure the respiratory organs ;
21. Factories where inflammable liquids are distilled (alcohol, spirits of turpentine, etc.) ;
22. Rooms containing electric accumulators.

Sont réputés nuisibles et dangereux pour les personnes du sexe masculin âgées de moins de 16 ans et pour les femmes âgées de moins de 18 ans, au sens de l'art. 17 de la loi n° 4029 et, par suite, sont interdits à ces personnes, les travaux appartenant aux branches d'industries ci-après :

1. *Dans les moulins à farine, filatures et scieries* : les locaux où se forment des poussières nuisibles aux organes respiratoires et à la santé en général, à moins que l'inspecteur du travail n'estime que les appareils d'aspiration suffisent à écarter absolument tout danger. Cette interdiction s'applique également aux ateliers où s'effectue une manipulation quelconque de la laine, du coton, du lin, du chanvre, des fibres animales ou végétales, plumes et cuirs (battage, peignage, nettoyage, etc.) ;

2. *Dans les fabriques d'allumettes* : le travail et le séjour dans les locaux où se fabrique la pâte phosphorique dans lesquels les allumettes sont trempées et séchées, ainsi que dans les locaux connexes aux dits ateliers dans lesquels prennent naissance des vapeurs phosphoriques ;

3. *Dans les gobeletteries et les cristalleries, etc.* : le travail et le séjour dans les locaux où l'on manipule les matières brutes, souffle le verre, nettoie les fours, coupe, polit et flitte le verre et dans lesquels le verre est traité par l'acide fluorhydrique ;

4. *Dans les fabriques de matières explosives, de poudre, dynamite et de fulminate de mercure* : le travail et le séjour dans les ateliers de production de feux d'artifice, de matières explosives ainsi que la fabrication et le remplissage de cartouches ;

5. *Dans les fabriques d'engrais chimiques* : le travail et le séjour dans les locaux où des poussières prennent naissance au moment de la mouture, ainsi que dans les locaux où des vapeurs et des gaz insalubres se forment à la suite de transformations chimiques, à moins que l'inspecteur du travail n'estime que les appareils d'aspiration suffisent à écarter tout danger ;

6. *Dans les fabriques de chapeaux* : l'imprégnation du feutre avec des apprêts au mercure, le travail et le séjour dans les locaux où s'effectue l'apprêt, le brossage et la cuisson du feutre, à moins que l'inspecteur du travail n'estime que les mesures de sécurité prises suffisent à écarter absolument tout danger.

7. *Dans les imprimeries et établissements similaires* : la composition, la stéréotypie et la composition à la machine (linotype) ;

8. *Dans les fabriques de papier* : le blanchiment du papier, de la paille et des chiffons, et en outre le défilage des chiffons ;

9. *Dans les usines métallurgiques* : le nettoyage de cheminées dans les usines de plomb.

Les textes de ces dispositions vous ont été adressés par nos rapports des années précédentes.

II.

L'art. 2 du décret royal du 14 août 1913 mentionné ci-dessus, détermine exactement le sens des mots « établissements industriels et commerciaux ».

Par ces mêmes rapports vous avez reçu un modèle du registre prévu à l'article 4 de la convention ; de pareils registres sont employés dans tous les établissements auxquels s'applique ladite convention.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de la présente convention sont entrées en application le 10 juillet 1921.

Under § 17 of Act 4029, male workers of under 16 years and female workers of under 18 years may not be employed in certain processes in the following industries :

1. *In flour mills, cloth factories, spinning mills and saw mills* ; in rooms where there exists dust which is injurious to the lungs and to the health generally, unless in the opinion of the factory inspector, the mechanical exhaust apparatus prevents any danger. This prohibition shall apply to all workrooms where work is performed such as the beating, carding or cleaning of wool, cotton, flax, hemp, animal and vegetable fibres, feathers and hair ;

2. *In match factories* : working or remaining in rooms where the phosphorus paste is prepared, where the matches are dipped or dried and, generally, any places connected with the above, where phosphorus fumes are given off ;

3. *Glass, crystal, etc., factories* : working or remaining in a room where the glass mixture is prepared, the glass is blown, the furnaces cleaned, or the glass cut, polished, cut or treated with acid ;

4. *Explosives factories, such as gunpowder, bomb, dynamite factories, and workshops for the preparation of fulminate of mercury* : in rooms where fireworks are manufactured, explosive substances are prepared and cartridges are made and filled.

5. *Chemical manure factories* : working or remaining in places where the grinding produces dust, or where fumes and gas are generated by a chemical process, unless, in the opinion of the factory inspector, the mechanical exhaust apparatus prevents any danger.

6. *Hat factories* : the wetting of hats with combinations of mercury ; working or remaining in rooms where felt hats are polished, brushed and boiled, unless, in the opinion of the factory inspector, the mechanical exhaust apparatus prevents any danger.

7. *Printing establishments, etc.* : work in typesetting rooms, in stereotype and linotype rooms.

8. *Paper factories* : bleaching paper, straw and rags and tearing up the same.

9. *Smelting works* : the cleaning of lead flues.

The texts of these provisions have already been communicated with previous reports.

II.

§2 of the Royal Decree of 14 August 1913 mentioned above gives an exact definition of the terms " industrial and commercial undertakings ".

In our previous reports you have received a model of the register required by Article 4 of the Convention. Similar registers are used in all the undertakings to which the Convention applies.

III.

Our country possesses neither colonies nor protectorates

IV.

The application of the provisions of this Convention came into effect on 10 July 1921.

V.

L'application des lois et règlements administratifs est confiée au corps de l'inspection du travail réorganisé par la loi n° 4819 du 14 juillet 1930, à la police, ainsi qu'à l'inspecteur des mines.

Les dispositions pénales de la loi assurent l'application de la présente convention.

Le Ministre de l'Economie nationale,
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant le travail de nuit des enfants dans l'industrie, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 1^{er} novembre 1920.

I.

Les dispositions de la présente convention sont appliquées par la loi n° 2272 publiée au Journal Officiel le 1^{er} juillet 1920, ainsi que par la loi n° 4029, le décret du 14 août 1913 et les circulaires n°s 23 et 31.

Les textes de ces dispositions vous ont été adressés par mes rapports des années précédentes. L'application stricte de la convention a été également exigée des autorités compétentes par la circulaire n° 71729 et par la note n° 4678 adressée au Ministère de la Justice en vue du jugement rapide des contraventions aux dispositions de la présente convention. Des exemplaires de ces deux textes vous ont été adressés avec nos rapports des années précédentes.

II.

L'art. 2 du décret du 14 août 1913 détermine exactement le sens des mots « établissements industriels et commerciaux » par opposition au sens des travaux agricoles.

Le texte de ce décret vous a été adressé par nos rapports des années précédentes.

Il n'a pas été fait usage de la faculté prévue à l'article 2 de la convention.

Il n'a pas été fait usage des facultés prévues à l'article 3, paragraphes 2, 3 et 4 de la convention.

Les conditions imposées pour l'usage de l'exception autorisée par l'article 4 sont indiquées dans la circulaire n° 31 (voir rubrique « exceptions ») qui explique les art. 7 et 8 de la loi n° 4029 qui ont le même contenu que l'article 4 de la convention.

Les textes de ces dispositions vous ont été adressés par nos rapports précédents.

Il n'a pas été fait usage de la faculté prévue à l'article 7 de la convention.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de la présente convention sont entrées en application à partir du 10 juillet 1920.

V.

L'application des lois et règlements administratifs est confiée au corps de l'inspection du travail réorganisé par la loi n° 4819 du 14 juillet 1930, à la police, ainsi qu'à l'inspecteur des mines.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

V.

The enforcement of the Acts and Administrative Regulations is entrusted to the Labour Inspection Service, as re-organised by Act 4819 of 14 July 1930, to the police authorities and to the inspectors of mines.

The penal provisions of the law ensure the application of this Convention.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention concerning the night work of young persons employed in industry, the formal ratification of which was communicated to the Secretary-General on 1 November 1920.

I.

The provisions of this Convention are applied by Act 2272, published in the Official Journal of 1 July 1920, Act 4029, Decree of 14 August 1913, and Circulars Nos. 23 and 31.

The texts of these provisions have already been communicated to you with my previous reports. The strict application of the Convention is moreover demanded of the competent authorities by Circular No. 71729 and Note No. 4678, addressed to the Ministry of Justice, to ensure rapid awards in cases of infringement of the provisions of the Convention. Copies of these two legislative texts have already been communicated to you with our previous reports.

II.

§2 of the Decree of 14 August 1913 gives an exact definition of the terms "industrial and commercial undertakings" as opposed to agricultural undertakings.

The text of this Decree has already been communicated to you with our previous reports.

No use has been made of the exception provided for in Article 2 of the Convention.

No use has been made of the exceptions provided for in Article 3, paragraphs 2, 3 and 4 of the Convention.

The conditions under which use may be made of the exceptions authorised by Article 4 are indicated in Circular No. 31 (see heading "exceptions") which explains §§ 7 and 8 of Act 4029, the text of which is identical with Article 4 of the Convention.

The texts of these provisions have already been communicated to you with our previous reports.

No use has been made of the exception provided for in Article 7 of the Convention.

III.

Our country possesses neither colonies nor protectorates.

IV.

The application of the provisions of this Convention came into effect on 10 July 1920.

V.

The application of the Acts and Administrative Regulations is entrusted to the Labour Inspection Service, as re-organised by Act 4819 of 14 July 1930, to the police authorities and to the inspectors of mines.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Rapport sur l'application de la convention fixant l'âge minimum d'admission des enfants au travail maritime, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 16 décembre 1925.

I.

La présente convention a été mise en application par le décret-loi du 7 octobre 1925.

La loi n° 4211 de 1929 a entériné ce décret-loi.

Les textes de la loi et du décret vous ont été adressés par nos rapports précédents.

II.

Article 2. — Cet article est pleinement appliqué par le décret du 6 juillet 1931 qui concerne « le modèle d'admission à la navigation de paquebots marchands grecs » paru au Journal Officiel n° 184 (1931).

Vous trouverez ci-joint un exemplaire de ce décret.

Suivant l'art. 2 de ce décret l'admission des enfants âgés au-dessous de 14 ans est interdite.

Article 3. — Le décret susmentionné du 6 juillet prévoit l'application de l'article 3 de la présente convention.

Tous les autres articles de la convention sont appliqués par la loi n° 4211 de 1929 comme nous vous avons fait connaître par nos rapports de l'année précédente.

Article 4. — Cet article est pleinement appliqué. Un modèle de registre prévu à cet article vous a été adressé par nos rapports des années précédentes.

III.

Article 5 de la convention. — Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 7 octobre 1925.

V.

L'application des lois et règlements mentionnés ci-dessus est confiée à la section des travailleurs de mer et aux capitaines du port, services qui font partie de la Division de la Marine marchande du Ministère de la Marine. D'après l'article 13, § 4 du décret royal du 28 février 1924 publié au n° 44 (année 1924) du Journal Officiel, décret relatif à la modification des lois, des décrets-lois et décrets royaux concernant l'administration de la marine marchande, l'inspection pour l'application des dispositions réglant le travail maritime appartient à ces services.

Le Ministre de l'Economie nationale :

(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant l'indemnité de chômage en cas de perte par naufrage, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 16 décembre 1926.

I.

La présente convention a été mise en application par le décret-loi du 7 octobre 1925 publié au n° 291 (année 1925) du Journal Officiel qui vous a été adressé avec nos rapports précédents. Le texte de la loi 4004 de 1929 vous a été adressé par nos rapports précédents.

Report on the application of the Convention fixing the minimum age for admission of children to employment at sea, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 16 December 1925.

I.

The Convention was carried into effect by the Legislative Decree of 7 October 1925.

Act 4211 of 1929 confirmed this Decree.

The texts of this Act and Decree have already been communicated to you with our previous reports.

II.

Article 2. — This Article is fully applied by the Decree of 6 July 1931 which relates to "the model clearance certificate for Greek merchant vessels", which was published in the Official Journal, No. 184 (1931).

A copy of this Decree is attached herewith.

Under §2 of this Decree the admission to employment of children under fourteen years of age is prohibited.

Article 3. — The above-mentioned Decree of 6 July 1931 provides for the application of Article 3 of the Convention.

The remaining Articles of the Convention are applied by Act 4211 of 1929, as we have already stated in previous reports.

Article 4. — This Article is fully applied. A model of the register prescribed by this Article has already been communicated to you with our previous reports.

III.

Article 5 of the Convention. — Our country possesses neither colonies nor protectorates.

IV.

The application of the provisions of this Convention came into effect on 7 October 1925.

V.

The enforcement of the Acts and Administrative Regulations mentioned above is entrusted to the Seamen's and Port Authorities' Section of the Mercantile Marine Department of the Ministry of Marine. Under §13 (4) of the Royal Decree of 28 February 1924 published in No. 44 (1924) of the Official Journal, which concerns the amendment of the Acts, Legislative Decrees and Royal Decrees respecting the administration of the Mercantile Marine, the supervision of the application of the provisions regulating maritime work belongs to this Section.

(Signed) P. VOURLOUMIS,

Minister of National Economy.

Report on the application of the Convention concerning unemployment indemnity in case of loss or foundering of the ship, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 16 December 1926.

I.

The Legislative Decree of 7 October 1925, published in No. 291 (1925) of the Official Gazette, which was communicated to you in a previous report, applies the provisions of this Convention. The text of Act No. 4004 of 1929 was also communicated to you in a previous report.

II.

Article 2. — L'indemnité payable en vertu de l'article 2 de la convention est limitée à deux mois de salaire par l'article 2, paragraphe 3 du susdit décret.

Article 3. — Les articles 2, 3 et 4 du décret royal du 24 juillet 1920 relatif à la codification (texte unique) des lois sur le paiement du salaire des ouvriers et du traitement des employés et domestiques déterminent la procédure qui est à la disposition des marins pour recouvrer les indemnités accordées en vertu de la présente convention ; le texte de ces dispositions vous a été adressé par nos rapports précédents.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 7 octobre 1925.

V.

L'application des lois et règlements mentionnés ci-dessus est confiée à l'Administration de la marine marchande, et plus particulièrement aux capitaines de port, ainsi qu'aux tribunaux civils (le tribunal correctionnel peut d'après les articles 2 et 3 du décret royal du 24 juillet 1920, mentionné ci-dessus, condamner les contrevenants aux dispositions de ce décret à une peine d'emprisonnement allant jusqu'à deux mois ou à une peine pécuniaire, etc.) ou à l'organisation ouvrière compétente.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant le placement des marins, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 18 décembre 1925.

I.

La présente convention a été mise en application par le décret-loi du 7 octobre 1925, publié dans le Journal Officiel n° 291 de la même année et entériné par la loi n° 4369 de 1929, ainsi que par le décret du 30 octobre 1926, publié dans le Journal Officiel n° 382 de 1926, qui a institué un service du placement des marins au Pirée, conformément aux principes de la susdite convention. Un décret du 22 juin 1927 s'est actuellement substitué au décret du 30 octobre 1926, publié d'après l'art. 20 du décret du 1^{er} juin 1927.

Les textes de ces dispositions vous ont été adressés par nos rapports précédents.

II.

Articles 2 et 3. — Le commerce du placement des marins dans un but lucratif est entièrement interdit en Grèce. Les contrevenants sont punis d'après les dispositions de l'art. 2 du décret-loi du 7 octobre 1925.

Article 4. — En Grèce, il n'y a qu'un type d'office de placement, celui institué par l'art. 20 du décret du 1^{er} juin 1927 et le décret du 22 juin 1927, qui donne des renseignements complets sur l'organisation du système de placement.

Par le décret du 1^{er} mars 1927 a été instituée la « Maison des marins » ayant pour but la protection et l'assistance aux marins en chômage. Les art. 1

II.

Article 2. — §2 (3) of the above Decree limits the indemnity payable in virtue of Article 2 of the Convention to two months' wages.

Article 3. — §§2, 3 and 4 of the Royal Decree of 24 July 1920, concerning the codification in a single text of the legislation on the payment of wages and salaries, defines the means by which seamen may secure payment of the indemnities to which they are entitled under this Convention. The text of this Decree was communicated to you in a previous report.

III.

This country has no colonies or protectorates.

IV.

The provisions of this Convention came into force on 7 October 1925.

V.

The administration of the laws and regulations mentioned above is in the hands of the mercantile marine authorities—the port authorities in particular—of the competent workers' organisation or of the civil courts. The latter (the police courts) may, in accordance with §§2 and 3 of the above mentioned Royal Decree of 24 July 1920, punish contravention of the provisions of this Decree with imprisonment not exceeding two months, a fine or other penalty.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention for establishing facilities for finding employment for seamen, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 18 December 1925.

I.

The Legislative Decree of 7 October 1925, published in the Official Gazette No. 291 of that year, applies, and Act No. 4369 of 1929 ratifies, the provisions of this Convention. The Decree of 30 October 1926, published in the Official Gazette No. 382 of that year, instituting a placing service at Piræus, is also in conformity with the Convention ; the Decree of 22 June 1927, in pursuance of §20 of the Decree of 1 June 1927, has now superseded the Decree of 30 October 1926.

The text of these measures was communicated to you in previous reports.

II.

Articles 2 and 3. — The finding of employment for seamen for commercial purposes is entirely forbidden in Greece. Contraventions are punished in accordance with the provisions of §2 of the Legislative Decree of 7 October 1925.

Article 4. — There is only one type of placing office in Greece, that set up in pursuance of §20 of the Decree of 1 June 1927 and the Decree of 22 June 1927, to which reference may be made for details on the organisation of placing.

A "Seamen's Institute" was established in pursuance of the Decree of 1 March 1927 to protect and assist unemployed seamen. §1 (2) (d) and

§ 2 d), 6 et 13 de ce décret déterminent le mode et les conditions de cette assistance au point de vue du placement. Le texte de ce décret vous a été adressé par nos rapports des années précédentes.

Article 5. — Les art. 3 et 4 du même décret appliquent les dispositions de l'article 5 de la convention.

Article 6. — L'art. 6 du même décret applique les dispositions de l'article 6 de la présente convention.

Article 7. — Les facilités pour examiner le contrat d'engagement de marins sont assurées par recours à la « Maison des marins » fondée par le décret du 1^{er} mars 1927.

Article 8. — Le nouveau décret du 22 juin 1927 n'exclut pas le placement des étrangers par le Bureau du Travail maritime.

Article 9. — Il n'y a pas de dispositions analogues à celles de la présente convention en ce qui concerne les officiers de pont et les officiers mécaniciens.

Article 10. — En ce qui concerne la coordination par le Bureau international du Travail des divers systèmes nationaux de placement, mon pays, avant toute réponse, désire avoir les avis et plans de ce bureau.

III.

Notre pays n'a point de colonies, ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 30 octobre 1926.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant l'emploi de la céruse dans la peinture, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 17 décembre 1921.

I.

Les dispositions de la présente convention sont appliquées jusqu'à présent par la loi n° 2994, ainsi que la loi n° 2654 et le décret royal du 17 décembre 1921. Les textes de ces dispositions vous ont été adressés par nos rapports précédents.

Un projet de décret qui modifie et complète la législation existant en la matière de sorte qu'elle sera complètement conforme à la dite convention internationale a déjà été adopté par le Conseil du travail. Ce décret se trouve devant le Conseil d'Etat et nous vous en enverrons une copie, dès qu'il sera promulgué.

II.

Les dispositions les plus importantes contenues dans ce décret sont les suivantes :

L'art. 2 du décret prévoit les cas dans lesquels il sera permis d'employer des couleurs contenant des composés d'oxydes plombiques.

L'art. 4 prévoit le marquage des récipients afin de protéger autant que possible les travailleurs qui utilisent ces matières délétères.

Les art. 5 et 6 imposent des modes de vente ainsi que les formes sous lesquelles ces matières seront portées dans le commerce.

Les art. 7 à 17 imposent des règlements sanitaires et préventifs contre les dangers de la production

§§6 and 13 of this Decree define the methods by which and the conditions under which assistance in respect of placing is given. The text of this Decree has been communicated to you in a previous report.

Article 5. — §§3 and 4 of the same Decree apply the provisions of Article 5 of the Convention.

Article 6. — §6 of the Decree applies the provisions of Article 6 of the Convention.

Article 7. — Facilities for examining seamen's contracts of service are provided at the Seamen's Institute, established in pursuance of the Decree of 1 March 1927.

Article 8. — The Decree of 22 June 1927 does not prohibit the placing of foreign seamen by the Maritime Placing Office.

Article 9. — There is no legislation in this country corresponding to the provisions of this Convention on deck and engine-room officers.

Article 10. — As far as the co-ordination of the various national placing systems by the International Labour Office is concerned, the Greek Government cannot reply until it has been informed of the opinions and plans of the Office.

III.

This country has no colonies or protectorates.

IV.

The provisions of this Convention came into force on 30 October 1926.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention concerning the use of white lead in painting, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 17 December 1921.

I.

Up to date, Acts 2994 and 2654 and the Royal Decree of 17 December 1921 apply the provisions of this Convention. The text of these measures has been communicated to you in previous reports.

A draft Decree to amend and complete the existing legislation so as to bring it into complete conformity with this Convention has already been adopted by the Labour Council and is now before the Council of State. We will send you a copy of this Decree as soon as it is promulgated.

II.

The most important provisions of this Decree are as follows :

§2 defines the cases in which the use of pigments containing lead oxides will in future be permissible.

§4 prescribes that containers of such pigments shall be marked in order to reduce the risks run by workers using them.

§§5 and 6 prescribe the forms in which they may be put on the market and the conditions in which they may be sold.

§§7 to 17 provide for health measures and regulations to reduce risk in the production and utilis-

et utilisation des couleurs de composés plombiques, l'art. 10 spécialement prévoit des mesures préventives dans la peinture au pistolet, peinture qui présente en effet les plus grands dangers d'empoisonnement.

Les art. 19 et 20 stipulent que les marchands de couleurs ne pourront fournir des composés d'oxydes plombiques qu'aux personnes possédant une autorisation de l'inspection du travail compétente dans le but de permettre un contrôle plus effectif des limitations imposées par le présent décret.

L'art. 21 prévoit l'établissement de règlements spéciaux préservant les mesures préventives sanitaires contre les dangers du saturnisme.

Les art. 22 à 25 disposent que tous les ouvriers de ce genre doivent être munis d'un livret individuel et définissent le mode de délivrance après un examen médical obligatoire qui sera renouvelé tous les six mois. Une des prescriptions de l'art. 25 stipule qu'il faut accorder un droit de priorité aux ouvriers atteints par le saturnisme pour entrer dans les hôpitaux publics ou communaux.

L'art. 26 exige que tout cas de saturnisme soit déclaré pour permettre de suivre tous les cas de cette maladie qui peuvent se présenter, de contrôler les conditions sanitaires de chaque industrie de peinture et d'établir une statistique suivant les prescriptions de la convention internationale.

Dans le même but, l'art. 27 prescrit la notification de décès causés par le saturnisme.

Enfin l'art. 29 contient les sanctions pénales pour assurer l'application des dispositions de l'art. 3 de la loi n° 2654.

III.

Notre pays n'a point de colonies, ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 17 décembre 1921 sauf en ce qui concerne le sulfate de plomb, pour lequel l'interdiction est appliquée depuis le 19 novembre 1927.

V.

L'application des lois et règlements administratifs mentionnés ci-dessus est confiée à l'inspection du travail et aux autorités de police et des ports.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant l'application du repos hebdomadaire dans les établissements industriels, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 11 mai 1929.

I.

En Grèce, le repos hebdomadaire avait été consacré pour le personnel des établissements industriels avant la ratification de la présente convention et les dispositions y relatives sont contenues dans le texte du décret du 8 mars 1920 sur la codification des lois concernant le repos dominical.

Les textes de ces documents vous ont été adressés par nos rapports précédents.

II.

L'article 1 du décret précité prévoit l'application du repos dominical dans tous les travaux industriels ou commerciaux avec certaines exceptions. Les dispositions de ce décret, complétées par les règlements pris par les Ministères des Voies et

ation of pigments containing lead, §10 in particular providing for preventive measures in case of spray painting, which entails the greatest risk of poisoning.

§§19 and 20 stipulate that dealers in pigments shall supply lead oxide products only to persons in possession of a permit issued by the competent factory inspection authority, in order that the limitations imposed by the Decree shall be effectively applied.

§21 provides for the drafting of special health and protective regulations against lead poisoning.

§§22 to 25 lay down that all workers in the trades concerned must be provided with personal books, and define the conditions under which such books shall be issued. These include a medical examination every six months. §25 includes a stipulation that workers suffering from lead poisoning must be given priority of entry into State and communal hospitals.

§26 requires that every case of lead poisoning be notified, so that the course of the disease may be followed, health conditions in every painting undertaking be supervised, and statistics in accordance with the Convention be drawn up.

With the same object in view, §27 requires notification of every death caused by lead poisoning.

Finally, §29 provides for penal sanctions for contravention of the provisions of §3 of Act 2654.

III.

This country has no colonies or protectorates.

IV.

The provisions of the Convention came into force on 17 December 1921, except in the case of the Regulations concerning lead sulphate, which came into force on 19 November 1927.

V.

The factory inspection service and the police and port authorities are responsible for the administration of the above-mentioned Acts and Administrative Regulations.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention concerning the application of the weekly rest in industrial undertakings, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 11 May 1929.

I.

In Greece the staff of industrial undertakings had already been assured a weekly rest before ratification of this Convention, as may be seen from the text of the Decree of 8 March 1920 concerning the codification of the Acts on Sunday rest.

The text of these measures has been communicated to you in previous reports.

II.

§1 of the above mentioned Decree provides for the application of the Sunday rest in all industrial and commercial works with certain exceptions. The provisions of this Decree, taken in conjunction with measures taken by the Ministries of Communi-

Communications et de la Marine marchande pour les entreprises des transports, donneront satisfaction aux stipulations de la convention en question.

Dans les cas où le repos dominical, en raison de circonstances ou de conditions particulières, ne peut pas être appliqué, les employeurs sont tenus d'accorder un repos compensateur.

A cet effet, les dispositions y relatives prévoient l'affichage, dans les locaux du travail, d'un tableau indiquant :

1. les noms et prénoms du personnel occupé dans l'établissement et les heures pendant lesquelles s'effectue le travail et

2. le jour de la semaine pendant lequel le repos de vingt-quatre heures est accordé à chaque ouvrier ou employé.

III.

Notre pays n'a point de colonies, ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 13 août 1922.

V.

L'application des lois et règlements administratifs mentionnés ci-dessus est confiée aux organes de l'inspection du travail, ainsi qu'à la police.

Le Ministre de l'Economie nationale
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention fixant l'âge minimum d'admission des jeunes gens au travail en qualité de soutiers ou chauffeurs, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 14 juin 1930.

I.

La présente convention est appliquée en vertu des dispositions de la loi n° 4505 du 7 avril 1930 et de la circulaire n° 12005 du 2 mai 1930.

Les textes de ces documents vous ont été adressés par nos rapports précédents.

II.

Article 3. — Il n'a pas été fait usage des dispositions du paragraphe c) de l'article 3 de la convention.

Article 5. — D'après l'art. 61 de la loi n° 3347, tout navire grec doit posséder un rôle d'équipage dans lequel sont inscrites toutes les personnes constituant l'équipage du navire, avec mention de leur âge et de la qualité dans laquelle elles sont engagées. Nous vous adressons ci-inclus la copie d'une page dudit rôle comprenant ses rubriques et ses subdivisions.

III.

Notre pays n'a point de colonies, ni de protectorats.

IV.

Les dispositions de cette convention sont entrées en application le 14 juin 1930.

V.

D'après l'art. 12, paragraphe 4 du décret royal du 28 février 1924 relatif à la codification des lois, décrets-lois et décrets royaux concernant l'admini-

cations and of Mercantile Marine in respect of transport undertakings, will entail practical application of the Convention.

If, by reason of special circumstances or conditions, Sunday rest cannot be given, employers are required to allow a compensatory rest period.

With this object in view, it is provided that a list shall be exposed at work-places, showing:

1. the full names and working hours of the staff employed:

2. the day of the week on which each person employed receives his rest period of 24 consecutive hours.

III.

This country has no colonies or protectorates.

IV.

The provisions of this Convention came into force on 13 August 1922.

V.

The factory inspection service and the police are responsible for the administration of the above mentioned measures.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 14 June 1930.

I.

Act 4505 of 7 April 1930 and Circular 12005 of 2 May 1930 apply the provisions of this Convention.

The text of these documents has been communicated to you in previous reports.

II.

Article 3. — The provisions of paragraph (c) of Article 3 of the Convention have not been utilised.

Article 5. — In accordance with §61 of Act 3347, every Greek vessel must possess a register in which the name of each member of the crew and the position in which he is engaged must be entered. We enclose a copy of a page of such a register, showing its columns and sub-divisions.

III.

This country has no colonies or protectorates.

IV.

The provisions of the Convention came into force on 14 June 1930.

V.

In accordance with §12 (4) of the Royal Decree of 28 February 1924, concerning the codification of the Acts, Legislative Decrees and Royal Decrees

nistration de la marine marchande, le contrôle de l'application des dispositions réglant le travail maritime appartient à la Section des travailleurs de mer et aux capitaines de port, services qui font partie de la Direction de la marine marchande.

Le texte dudit décret vous a été envoyé par nos rapports des années précédentes.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

Rapport sur l'application de la convention concernant l'examen médical obligatoire des enfants et des jeunes gens employés à bord des bateaux, dont la ratification formelle a été communiquée au Secrétaire général de la Société des Nations le 29 juin 1930.

I.

La présente convention est appliquée en vertu de la loi n° 4674 du 12 mai 1930 et de la circulaire n° 14291 du 23 mai 1930 (Service de l'Administration de la marine marchande). Le texte de la loi n° 4674 a été déposé au Bureau international du Travail le 28 juin 1930. Les textes de ces documents vous ont été adressés par nos rapports précédents.

III.

Notre pays n'a point de colonies ni de protectorats.

IV.

Les dispositions de la présente convention sont entrées en application le 28 juin 1930.

V.

Le contrôle de l'application de la présente convention est confiée aux capitaines de port, devant lesquels s'opère la constitution des équipages.

Les contrevenants aux dispositions de la convention sont punis d'après l'art. 2 de ladite loi n° 4674.

Le Ministre de l'Economie nationale :
(Signé) P. VOURLOUMIS.

4) Rapport de la Commission de la Conférence chargée d'examiner les rapports présentés en exécution de l'article 408 du Traité de Versailles ¹.

La Commission se composait de 32 membres : 16 représentants des Gouvernements, 8 représentants patronaux et 8 représentants ouvriers. En raison de la présence un peu irrégulière des membres, quelques doutes furent exprimés sur la valeur que pourrait présenter l'application, à la Commission, du système Riddell. Toutefois, cette question n'a pas eu d'importance du fait qu'on n'a pas eu à procéder à des votes.

Le Bureau de la Commission a été constitué comme suit : Président : M. O'Rahilly, délégué gouvernemental de l'Etat libre d'Irlande ; Vice-Présidents : M. Cort van der Linden, conseiller technique du délégué patronal des Pays-Bas ; M. Kupers, délégué ouvrier des Pays-Bas ; Rapporteur : Le Président lui-même.

on the administration of the mercantile marine, the application of maritime labour legislation is controlled by the Maritime Labour Section and port authorities, both of which are services attached to the Administration of the mercantile marine.

The text of this Decree was submitted to you in a previous report.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

Report on the application of the Convention concerning the compulsory medical examination of children and young persons employed at sea, the formal ratification of which was communicated to the Secretary-General of the League of Nations on 29 June 1930.

I.

Act 4674 of 12 May 1930 and Circular 14291 of 23 May 1930 (Mercantile Marine Administration Service) apply the provisions of this Convention. The text of Act 4674 was communicated to the International Labour Office on 28 June 1930. The text of these documents was communicated to you in previous reports.

III.

This country has no colonies or protectorates.

IV.

The provisions of this Convention came into force on 28 June 1930.

V.

The port authorities of the ports at which vessels are manned are responsible for the application of this Convention.

Contravention is punished in accordance with §2 of the above-mentioned Act 4674.

(Signed) P. VOURLOUMIS,
Minister of National Economy.

(4) Report of the Committee of the Conference appointed to examine the annual reports supplied under Article 408 of the Treaty of Versailles ¹.

The Committee consisted of 32 members: 16 representing Governments, 8 representing Employers, 8 representing Workers. In view of the fluctuating attendance some doubts were expressed as to the value of applying the Riddell system to the Committee. But the point is unimportant, as no actual votes were found to be necessary.

The following Officers were appointed : Chairman : Mr. O'Rahilly (Government Delegate of the Irish Free State); Vice-Chairmen : Mr. Cort van der Linden (adviser to the Employers' Delegate of the Netherlands), and Mr. Kupers (Workers' Delegate of the Netherlands). Reporter : The Chairman.

¹ Voir *Compte rendu*, pp. 317 et 331.

¹ See *Proceedings*, pp. 317 and 331.

OBSERVATIONS GÉNÉRALES.

En raison de la façon toujours plus approfondie et consciencieuse dont les experts ont accompli leur travail, la Commission a estimé désirable cette année de changer la procédure suivie jusqu'à maintenant. En vue d'éviter tout double emploi avec la tâche déjà effectuée par les experts et afin que la Commission puisse concentrer son attention sur les questions de principe importantes et sur tous faits nouveaux qui pourraient être soulevés au cours de la discussion, il fut décidé de ne pas désigner cette année de sous-rapporteurs comme cela avait été le cas les années précédentes. Le rapport même de la Commission d'experts (*Compte rendu provisoire* n° 3)¹ a été adopté comme base des discussions de la Commission. On doit donc considérer que la Commission a, d'une manière générale, approuvé et fait siennes les observations des experts en y ajoutant les commentaires et remarques contenus dans le présent rapport. Cette approbation donnée dans l'ensemble aux observations des experts rend, par conséquent, inutile la réimpression de leur rapport soit en totalité, soit en partie. La Commission espère que l'attention de chaque Gouvernement sera spécialement appelée sur les commentaires utiles et les observations amicales présentés par les experts.

La Commission a poursuivi son travail en trois étapes :

1) Discussion des conclusions et observations générales présentées par les experts.

2) Examen de l'exécution effective des dispositions de chaque convention, basé sur l'annexe I au rapport des experts, les informations ultérieures reçues des Gouvernements et les faits allégués par les membres de la Conférence.

3) Discussion sur l'application des conventions aux colonies, possessions ou protectorats, basée sur les observations de Sir Selwyn Fremantle données dans l'annexe III au rapport des experts.

Le nombre croissant des conventions ratifiées qui doivent être examinées par la Commission ainsi que le volume toujours plus considérable du *Résumé des rapports annuels présentés en exécution de l'article 408* ont amené la Commission à soumettre deux suggestions destinées à faciliter les travaux dans les années qui vont suivre. La Commission recommande instamment que, pour faciliter les citations, les conventions soient officiellement désignées par un numéro, suivi d'un titre abrégé entre parenthèses. Ces numéros et titres pourraient être insérés en tête des pages de la liste officielle des projets de convention et du *Résumé des rapports annuels présentés en exécution de l'article 408*. Quant aux recommandations, elles feraient, bien entendu,

GENERAL OBSERVATIONS.

In view of the ever-increasing thoroughness and admirable care with which the Experts perform their task, it was considered desirable this year to change the method of procedure. To avoid an unnecessary duplication of the work already performed by the Experts and to ensure that the Committee would be able to concentrate its attention on important matters of principle and on any fresh facts which might be brought forward in the course of discussion, it was decided not to appoint Sub-Reporters as in former years. The actual report of the Committee of Experts (*Provisional Record* No. 3)¹ was adopted as the basis of our deliberations. It is therefore to be understood that this Committee approves and endorses in general terms the findings of the Experts, with such additional comments and observations as are contained in the present report. This general approval renders it unnecessary to reprint, in whole or in part, the report of the Committee of Experts. We trust that the particular attention of each Government will be drawn to the helpful comments and friendly criticisms made by the Experts.

We proceeded with our work in three stages :

(1) a discussion of the general conclusions and observations made by the Experts ;

(2) an examination of the actual observance of the individual Conventions, based on Appendix I of the Experts' report, on subsequent information received from Governments, and on facts alleged by members of the Conference.

(3) a debate on the application of Conventions to Colonies, Possessions and Protectorates, based on Sir Selwyn Fremantle's observations given in Appendix III of the Experts' report.

The increasing number of ratified Conventions to be examined by this Committee and the growing bulkiness of the *Summary of Annual Reports under Article 408* lead us to make two suggestions designed to facilitate the work in future years. We strongly recommend that, for convenience of reference, the Conventions should be officially designated by a number followed by a short title in brackets. These numbers and titles could be inserted as page-headings in the official list of Draft Conventions (the Recommendations receiving a separate numeration), and in the *Summary of Annual Reports under Article 408*. The numeration might be inserted in the replies of the Governments and in the Experts' report. We also venture

¹ Voir ci-dessus, p. 598.

¹ See above p. 598.

l'objet d'un numérotage séparé. Le numérotage pourrait être également employé dans les réponses des Gouvernements et dans le rapport des experts. La Commission se permet en outre de suggérer que le Conseil d'administration devrait examiner l'opportunité d'accroître le nombre des experts au fur et à mesure de l'augmentation du nombre des rapports annuels des Gouvernements. Si on les compare avec les dépenses qu'il faut encourir pour préparer et obtenir la ratification des conventions, les crédits accordés pour le contrôle de l'application des conventions déjà ratifiées paraissent très modestes. On peut donc dire que toute augmentation de crédit qui permettrait d'augmenter encore l'efficacité de ce contrôle ne devrait pas être refusée.

Il ne semble pas hors de propos d'expliquer brièvement le point de vue général qui a été adopté par la Commission. Le système des conventions représente un progrès entièrement nouveau du droit international. Il permet à un pays de garantir à d'autres Etats l'application de certains principes d'ordre social à son propre territoire. En d'autres termes, le pays en question assume l'obligation internationale de mettre en vigueur certaines conditions de travail sur son territoire. Ce grand progrès vers la solidarité sociale et les idéals humanitaires n'est pas encore pleinement entré dans la conscience nationale des différents pays. En outre, tout en confirmant l'opinion exprimé dans les rapports de la Commission de l'article 408 aux deux dernières sessions de la Conférence sur les obligations précises résultant de la ratification des conventions, la Commission a estimé que l'Organisation internationale du Travail est un organisme vivant dont le fonctionnement est basé sur un esprit de collaboration active et volontaire. L'expérience a montré que l'Organisation peut compter sur l'acceptation de plus en plus étendue d'un idéal de coopération dans le domaine de la justice sociale et que les Etats, animés d'un esprit de collaboration qui ne saurait être trop hautement apprécié, se sont montrés disposés à interpréter dans un sens large les obligations juridiques de l'article 408. La Commission s'est donc considérée moins comme investie d'une mission d'enquête au sens strict du mot que comme un organe de l'opinion publique internationale ayant pour but d'apporter l'encouragement mutuel et l'émulation dans les efforts tendant à l'amélioration des conditions sociales. Bien entendu, la Commission a considéré comme son devoir d'appeler l'attention sur les cas concrets d'infraction aux dispositions des conventions ratifiées et de citer les faits incompatibles avec les prescriptions de ces conventions. Les représentants des Gouvernements mis en cause sont venus à la Commission et ils ont promis d'examiner avec le plus grand soin les faits allégués et de rechercher les moyens de mettre fin à tous abus. La Commission désire à cet égard exprimer sa gratitude pour la collaboration courtoise qui lui a été donnée par

to suggest that the Governing Body should consider the advisability of increasing the number of Experts as the number of Government reports increase. In comparison with the expense involved in preparing and securing the ratification of Conventions, the funds allocated to the supervision of the application of already ratified Conventions are very small. Hence any increase of expenditure for the latter purpose, which would increase its efficiency, should not be grudged.

It may not be amiss to explain briefly the general point of view which was adopted by the Committee. The whole system of Conventions represents an entirely new development of international law, through which a country guarantees to other countries the application of certain social principles within its own territory; that is, it assumes an international obligation to enforce certain conditions within its territory. This great advance in social solidarity and humanitarian ideals is not yet fully adjusted to the national consciousness of individual nations. The Committee confirms the opinion expressed in the reports of the Committee on Article 408 to the Conference at its last two Sessions, concerning the exact obligations resulting from the ratification of Conventions. We are, however, working through a living international organism, founded on a spirit of active and voluntary collaboration. Experience has shown that we can count upon an increasingly accepted ideal of co-operative social justice, and that States, in a spirit of collaboration which cannot be too highly praised, have been willing to interpret in a generous spirit the juridical obligations of Article 408. We therefore regarded ourselves not so much as a strict court of inquiry but rather as an organ of international public opinion with the object of securing mutual encouragement and emulation in striving for social amelioration. It was of course our duty to draw attention to concrete instances of infringement and to cite facts incompatible with the prescriptions of ratified Conventions. Representatives of the Governments concerned came before the Committee and promised careful consideration of the facts alleged and rectification of any abuses found. We wish to record our appreciation of the courteous co-operation of the representatives of the Governments concerned. With the exception of these points, on which we have received assurances, we are of opinion that the practical application of ratified Conventions is gradually becoming more effective. We trust that the discrepancies still existing will be removed by next year. At the same time we earnestly hope that, in

les représentants des Gouvernements intéressés. Si l'on excepte les points susmentionnés, auxquels, comme on vient de le voir, on a promis de porter remède, la Commission pense que l'application des conventions ratifiées devient de plus en plus effective et elle espère que les divergences qui existent encore disparaîtront d'ici à l'année prochaine. En même temps, elle exprime le vœu, en insistant tout particulièrement sur ce point, que dans d'autres cas également la législation soit adaptée d'une manière satisfaisante aux conventions ratifiées. Il est vrai que certains pays n'ont pas encore achevé d'adapter complètement aux conventions la loi et la pratique nationales et que dans les pays les plus atteints par la crise économique actuelle l'application de certaines dispositions des conventions est rendue provisoirement difficile. Quant aux infractions purement formelles et aux divergences de peu d'importance, la Commission n'a pas estimé qu'il était opportun de les examiner d'une façon approfondie puisqu'elles sont déjà traitées d'une façon complète et avec toute la compétence voulue dans le Rapport des experts, déjà approuvé par la Commission.

Malgré l'attention de plus en plus grande portée par les Gouvernements aux observations des experts, il est regrettable que dans certains cas il semble exister un certain manque de coordination entre les délégués gouvernementaux à la Conférence et les administrations chargées de préparer les rapports annuels, de sorte que les observations présentées sur les rapports annuels antérieurs ainsi que les promesses faites par les délégués aux sessions précédentes de la Conférence restent ignorées. Il y a lieu d'espérer qu'à l'avenir les délégués gouvernementaux appelleront l'attention de leurs Gouvernements sur ce point. La Commission estime que le moment est venu d'établir une liste spéciale des cas au sujet desquels la Commission de l'article 408 et, implicitement, la Conférence elle-même ont, depuis des années, dû faire, sans le moindre résultat, toujours les mêmes observations. La Commission désire également renouveler son appel aux administrations nationales pour qu'elles veuillent bien fournir leurs rapports à la date fixée.

Les experts ont critiqué spécialement l'absence de rapports annuels de la part de la Grèce et de Cuba. Depuis lors, les rapports du Gouvernement hellénique sont parvenus au Bureau et ont été imprimés dans le *Compte rendu provisoire* n° 9. La Commission renvoie ces rapports aux experts qui les examineront à leur prochaine session et elle espère que les experts auront reçu en outre de nouveaux rapports annuels de la Grèce. Tout en appréciant les difficultés qu'a rencontrées le Gouvernement hellénique du fait que son pays a été atteint cruellement par la crise économique, la Commission a confiance qu'il fera tous ses efforts pour remplir les obligations prescrites par les conventions. Quant au

other cases as well, legislation will be satisfactorily adapted to the ratified Conventions. There are, of course, delays in certain countries in completely adjusting national legislation and practice; and the present economic stress is probably rendering certain applications temporarily difficult in the more hard-pressed countries. As for formal contraventions and minor technicalities, we did not consider it profitable for us to enter into a minute discussion of them, for they are already more adequately and competently dealt with in the Experts' report, which we approve

In spite of the increasing attention which the Governments pay to the observations of the Experts, it is regrettable that in some cases there appears to be a lack of co-ordination between the Government Delegates at the Conference and the administrators responsible for preparing the annual reports, so that the comments made on the previous annual reports and the promises made by the Delegates at the preceding Conference are ignored. It is to be hoped that in future the Government Delegates will draw the attention of their Governments to this matter. We consider that the time has come to draw up a special list of cases in regard to which the Committee on Article 408, and by implication the Conference itself, have for years past had to make the same observations again and again without result. We wish also to renew the appeal to the Government Departments to supply their reports by the appointed date.

The Experts made special animadversions on the cases of Greece and Cuba. Since then the annual reports of the Greek Government have reached the Office and have been printed in *Provisional Record* No. 9. We refer these Reports to the next meeting of the Experts and we hope that they will also have further annual reports from Greece before them. While appreciating the difficulties of this Government, especially as this historic country is most severely affected by the economic crisis, we trust that every effort will be made to comply with the obligations prescribed by the Conventions. The case of Cuba is more serious. The Committee directed the attention of the Cuban Government Delegates to

cas de Cuba, il est plus sérieux. La Commission a appelé l'attention des délégués du Gouvernement cubain sur les observations des experts et elle a reçu une réponse écrite qui a été lue à la séance du 22 avril. La lettre du Gouvernement cubain déclarait que :

« En raison de sa constitution de caractère présidentiel, le Gouvernement de Cuba n'a pas la faculté de requérir le Parlement et de soumettre à son examen des projets de loi. C'est pour cette raison qu'il n'existe pas encore de législation ayant trait aux conventions ratifiées. »

Aucune autre explication n'a été donnée à la Commission sur cette question particulière d'ordre constitutionnel. La Commission estime cependant de son devoir d'appeler l'attention sur l'article 405, alinéas 5 et 7 de la Partie XIII du Traité de paix. Ces dispositions obligent le Gouvernement à soumettre la convention « à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre ». Elles obligent en outre l'Etat Membre à prendre « telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention ». Il ne semble donc pas possible à un Gouvernement de soutenir qu'il n'est pas en mesure d'assurer l'adoption de la législation nécessaire. Ce n'est pas le Gouvernement d'ailleurs qui devient partie à la convention, mais l'Etat lui-même et tous les organes de l'Etat, législatifs ou administratifs, sont tenus de donner effet aux obligations internationales que l'Etat a solennellement contractées. La Commission a donc quelque peine à comprendre les raisons présentées par le Gouvernement cubain et elle se voit obligée d'appuyer les observations des experts. La Commission est d'avis que, dans de tels cas, il faut se demander sérieusement si le Conseil d'administration ne devrait pas avoir recours à la procédure prévue à l'article 411, paragraphe 4, du Traité de Versailles.

[Les membres de la Commission ont pris note avec satisfaction des nouvelles explications et assurances données à la Conférence par le délégué du Gouvernement cubain et, pour éviter tout malentendu, ils n'insistent pas sur les paragraphes du rapport qui concernent Cuba, dans l'espoir qu'aucune occasion de critique ne subsistera l'année prochaine.¹]

En ce qui concerne l'inclusion dans les rapports annuels de renseignements d'ordre statistique, la Commission est d'accord avec la suggestion des experts qui, à sa connaissance, a déjà été approuvée en principe par le Conseil d'administration. La Commission pense que chaque question posée

the observations of the Experts and received a written reply which was read at our meeting of 22 April. This letter stated that :

“The Cuban Government has not the power, on account of the presidential character of its Constitution, to oblige Parliament to examine bills. For this reason there is at present no legislation dealing with the Conventions which Cuba has ratified”.

The particular constitutional difficulty was not further explained to us. But we would direct attention to Article 405, sections 5 and 7, of Part XIII of the Treaty. This obliges the Government to bring the Draft Convention “before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action”, and lays down that ratification will be made by a Member “if it obtains the consent of the authority or authorities within whose competence the matter lies” and that the Member “will take such action as may be necessary to make effective the provisions of such Convention”. Hence it does not seem to be open to a Government to plead that the Government cannot secure the adoption of the necessary legislation. It is not the Government which becomes a Party to the Convention but the State, and all the organs of the State, legislative and administrative, are bound to give effect to the binding international obligation which the State has solemnly contracted. We are therefore at a loss to understand the reason put forward by the Cuban Government, and we must perforce endorse the observations of the Experts. We consider that in cases of this kind the question must be seriously raised whether the Governing Body should not set in motion the procedure laid down in Article 411, paragraph 4, of the Treaty of Versailles.

[The members of the Committee have noted with satisfaction the further explanations and assurances given to the Conference by the Cuban Government Delegate and, to avoid misunderstanding, do not wish to insist on the paragraphs in the Report referring to Cuba, in the hope that next year no occasion for criticism will arise¹.]

With regard to the provision of statistical information, we are in agreement with the suggestion of the Experts, which, we understand, has already been approved in principle by the Governing Body. We think that each query submitted to the Governments should contain a request for the

¹ Ce paragraphe a été inséré au rapport à la suite d'une décision prise par la Conférence à sa quinzième séance plénière, du 27 avril 1932. Voir *Compte rendu*, pp. 317-325 et 331-333.

¹ This paragraph was inserted in the Report as the result of a decision taken by the Conference at its fifteenth plenary sitting, on 27 April 1932. See *Final Record*, pp. 317-325 and 331-333.

aux Gouvernements devrait contenir une demande de renseignements statistiques. Et par ces mots elle n'entend pas seulement les pourcentages mais les chiffres eux-mêmes, les données d'ordre financier et plus particulièrement les statistiques détaillées concernant l'organisation des services d'inspection.

La Commission approuve également la suggestion des experts tendant à demander des renseignements sur les observations présentées aux Gouvernements par ceux qui sont les plus directement intéressés à l'application effective des conventions. La Commission a approuvé en principe la question supplémentaire ci-après, dont la rédaction ne doit pas être considérée nécessairement définitive :

« Prière de faire savoir si vous avez reçu des organisations patronales ou ouvrières intéressées des observations quelconques sur l'application pratique des dispositions de la convention ou sur l'application des lois nationales ayant pour but d'assurer l'exécution des dispositions de la convention. Dans l'affirmative, vous compléteriez utilement la documentation de la Conférence en communiquant un résumé de ces observations en y joignant telles remarques que vous jugeriez utiles. »

OBSERVATIONS CONCERNANT DIVERSES CONVENTIONS.

A. *Questions de principe ou d'interprétation.*

1) L'article premier de la convention I (heures de travail) donne une définition approximative des mots : « établissements industriels », non pas par voie d'énumération complète des établissements assujettis, mais en spécifiant les activités économiques qui sont « notamment » visées. La même rédaction se retrouve dans les conventions V (admission des enfants aux travaux industriels), VI (travail de nuit des enfants), XIV (repos hebdomadaire). La dernière phrase de l'article semble diviser les activités économiques en trois catégories en stipulant que « dans chaque pays, l'autorité compétente déterminera la ligne de démarcation entre l'industrie, d'une part, le commerce et l'agriculture, d'autre part ». Le Conseil d'administration qui s'est préoccupé de la difficile question de l'artisanat se rendra compte qu'un réel problème est posé dans l'interprétation de cet article. Cette question d'interprétation s'est trouvée soulevée à la Commission à propos de l'article 9 de l'arrêté luxembourgeois du 30 mars 1932 qui semblait écarter de l'application de la convention I les entreprises artisanales : a) qui occupent moins de 20 salariés et b) qui ne revêtent pas « un caractère industriel ». Il était difficile pour la Commission de discuter un arrêté aussi récent et dont

relevant statistical information. We refer not merely to percentage statistics, but to actual numbers, to financial figures, and most particularly to details concerning the organisation of factory inspection.

We also approve of the Experts' suggestion that information be requested as to the observations made to the respective Governments by those most vitally interested in the practical execution of the Conventions. We agree in principle with the following additional question, without stressing the exact phraseology.

"Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful."

OBSERVATIONS CONCERNING INDIVIDUAL CONVENTIONS.

A. *Matters of principle or interpretation.*

(1) Article 1 of Convention I (hours) gives a quasi-definition of the term "industrial undertaking", not by an exhaustive enumeration but by specifying the economic activities which are "particularly" included. The same wording is also to be found in Convention V (admission of children to industrial employment), VI (night work of young persons), XIV (weekly rest). The final sentence of the Article seems to divide economic activities into three categories: "The competent authority in each country shall define the line of division which separates industry from commerce and agriculture". The Governing Body, which has been preoccupied with the difficult question of handicrafts, will appreciate that a real problem is involved in the interpretation of this Article. The question arose in the Committee in connection with §9 of the Grand-Ducal Decree of Luxemburg, dated 30 March 1932, which seemed to exempt from the provisions of Convention I those handicraft undertakings which (a) employed less than twenty workers and (b) did not possess "an industrial character". It was difficult to argue about a law which had been so recently passed, concerning the practical application of which no information was as yet available.

l'application pratique ne lui était aucunement connue. Cependant, plusieurs membres de la Commission ont exprimé des doutes sur la conformité de l'article 9 de l'arrêté et des dispositions correspondantes de la convention. De plus, à une séance ultérieure, le représentant du Gouvernement luxembourgeois a été autorisé par le Ministre du Travail à annoncer que le passage discuté de l'arrêté serait abrogé et que l'énumération des « établissements commerciaux » donnée à l'article 1^{er} serait complétée par les mots : « et généralement tous établissements non visés par l'alinéa suivant (c'est-à-dire les entreprises agricoles), en relations directes avec le consommateur ou l'utilisateur pourvu qu'ils ne fassent emploi d'un outillage industriel ». La Commission a vivement apprécié le geste si prompt et si courtois du Gouvernement luxembourgeois, mais l'impression générale a été que si les modifications envisagées par le Luxembourg étaient entièrement conformes à l'article premier de la convention, il subsistait encore un doute sur le point de savoir dans quelle mesure les entreprises artisanales sont visées par ce même article. D'autre part, la question de l'application de cet article aux fonctionnaires a été soulevée par le délégué du Gouvernement allemand. La Commission a décidé en conséquence d'appeler l'attention du Conseil d'administration sur ce problème et de suggérer qu'il pourrait être opportun, en conformité avec l'article 423 du Traité de paix, d'obtenir de la Cour permanente de Justice internationale une interprétation au sujet du champ d'application de cet article.

2) L'article 3 de la convention II (chômage) prescrit que les Membres qui ratifient la convention « devront, dans les conditions arrêtées d'un commun accord entre les Membres intéressés, prendre des arrangements permettant à des travailleurs ressortissant à l'un de ces Membres et travaillant sur le territoire d'un autre, de recevoir des indemnités d'assurance égales à celles touchées par les travailleurs ressortissant à ce deuxième Membre ». Cette année, comme les années précédentes, la Commission a discuté longuement la nature exacte de l'obligation prévue par cet article. On peut voir la preuve qu'il n'a pas été appliqué d'une façon satisfaisante dans le fait que sur 276 accords possibles, un petit nombre seulement a été communiqué au Bureau. Plusieurs membres de la Commission ont estimé que les mots « dans les conditions arrêtées d'un commun accord » qui mentionnent seulement les modalités des accords ont fait l'objet d'interprétations abusives afin d'inclure dans les accords des réserves territoriales non envisagées par l'article en question ou encore d'y apporter des conditions restrictives qui peuvent rendre les accords impossibles et enlever ainsi toute portée à l'article. C'est ainsi que la Grande-Bretagne a conclu avec la Suisse un accord

Nevertheless, several members of the Committee expressed doubts as to the conformity of this section of the Luxembourg Decree with the Convention. However, at a subsequent sitting the representative of the Government of Luxembourg was authorised by the Minister of Labour to announce that the disputed section of the Decree would be repealed and that to the enumeration of "commercial establishments" in §1 there would be added the words: "and in general undertakings not covered by the following paragraph (i.e. agricultural undertakings) in direct relation with the consumer, provided that they do not use industrial equipment". The Committee greatly appreciated the prompt and courteous co-operation of the Luxembourg Government. But it was generally felt that, though the proposed law of Luxembourg was in entire conformity with the Article of the Convention, there still remained a doubt as to the relation of handicraft undertakings to this Convention, and the further question of the application of the Article to civil servants was raised by the German Government Delegate. It was therefore decided to direct the attention of the Governing Body to the problem, and to suggest that it might be advisable, in accordance with Article 423 of the Treaty, to secure from the Permanent Court of International Justice an interpretation concerning the whole field of application of the Article.

(2) Article 3 of Convention II (unemployment) prescribes that the ratifying Members "shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another, shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to another". This year, as in past years, there was considerable discussion as to the exact nature of the obligation implied by the Article. That the prescription has not been successfully applied is shown by the fact that out of the 276 agreements possible only a very small number have been reported to the Office. Several members of the Committee maintained that the words "upon terms agreed upon", which merely referred to the modalities of an agreement which was mandatory, were being abused so as to cover territorial limitations not envisaged in the Article or restrictive conditions which made agreement impossible and thus rendered the Article nugatory. Thus, Great Britain has made with Switzerland an arrangement which excludes from its operation that part of the territory of the United Kingdom which is known as Northern Ireland. Again, it was asserted

qui exclut de son champ d'application la partie du territoire du Royaume-Uni, connue sous le nom d'Irlande du Nord. De ce fait, il a été allégué que tout accord entre la Grande-Bretagne et l'Etat libre d'Irlande était rendu impossible parce que la Grande-Bretagne permet au Parlement de l'Irlande du Nord, qui est subordonné au Parlement britannique, d'imposer la condition d'une résidence de trois ans qui est incompatible avec l'égalité de traitement; et que, en l'absence d'accord de réciprocité, les employeurs et les travailleurs doivent verser des cotisations sans que les ouvriers travaillant dans un pays autre que le leur puissent recevoir les prestations correspondantes à leurs versements. Certains membres de la Commission ont également regretté que les pays d'immigration hésitent à conclure des accords de réciprocité avec les pays d'origine des travailleurs. Malgré les arguments et exemples cités, d'autres membres de la Commission ont estimé que des réserves territoriales ou autres étaient permises et que les obligations prévues à l'article 3 devraient être considérées comme remplies lorsqu'un Etat a engagé des négociations avec un autre pays pour conclure des accords sur l'assurance-chômage. La Commission a décidé, en conséquence, de renvoyer la question au Conseil d'administration et à la prochaine session de la Conférence qui doit s'occuper du problème de l'assurance-chômage.

B. *Application pratique des conventions.*

Outre les observations présentées par les experts et les réponses faites à ces observations par certains Gouvernements, réponses qui ont été reproduites dans le *Compte rendu provisoire* de la Conférence, il y a lieu de mentionner les observations supplémentaires ci-après qui ont été faites au cours des discussions de la Commission. La Commission se permet de soumettre les réponses publiées dans le *Compte rendu provisoire* et les observations supplémentaires ci-après à la Commission d'experts pour qu'elle veuille bien les examiner à sa prochaine session.

Convention I (heures de travail).

Un membre du groupe ouvrier a informé la Commission qu'une enquête effectuée récemment par la Fédération générale des Syndicats bulgares à Gabrovo, et analysée dans les *Informations sociales* du 1^{er} février 1932, avait révélé une application défectueuse, dans un certain nombre d'établissements importants, de la législation limitant les heures de travail à huit heures par jour et à quarante-huit heures par semaine. En réponse à cette déclaration, le représentant du Gouvernement bulgare a expliqué les circons-

that agreement between Great Britain and the Irish Free State was made impossible, because Great Britain allows the subordinate legislature of Northern Ireland to impose a three years' residential qualification which is incompatible with equality of treatment; and in the absence of reciprocal agreement, employers' and workers are required to pay contributions from which workmen employed in a State other than their own cannot derive benefit. It was also complained that countries into which workers immigrate are reluctant to make a reciprocal arrangement with the country of origin of these workers. In spite of these arguments and instances, other members of the Committee held that territorial and other restrictions were allowable and that the obligation of the Article was satisfied simply by initiating negotiations. It was therefore decided to refer the matter to the Governing Body and to the next Session of the Conference, which will be dealing with unemployment insurance.

B. *The practical application of Conventions.*

In addition to the observations of the Experts, and to the replies made thereto by certain Governments, which are reproduced in the *Provisional Record* of the Conference, we wish to record the following additional criticisms which were made during our discussions. We venture to refer both the replies published in the *Provisional Record* and the following additional matters to the attention of the Committee of Experts at its next Session.

Convention I (Hours).

A member of the Workers' Group informed the Committee that an enquiry recently carried out by the Bulgarian General Federation of Trade Unions in Gabrovo, and reported in *Industrial and Labour Information* for 1 February 1932, showed very defective application of the legislation limiting hours of work to eight in the day and forty-eight in the week in a number of important undertakings. The representative of the Bulgarian Government, in reply to this statement, explained the circumstances in which

tances dans lesquelles s'étaient produits les faits signalés dans l'enquête, et il a ajouté que le Ministre du Travail avait pris les mesures nécessaires pour assurer la stricte application de la loi et qu'il avait même demandé de modifier la loi en question, afin de lui donner temporairement les pouvoirs nécessaires pour faire fermer les établissements qui ne l'observaient pas. La question se bornerait donc simplement aux sanctions à appliquer.

La Commission prend acte de l'exposé du représentant du Gouvernement bulgare et exprime l'espoir que dans son prochain rapport annuel, ce Gouvernement sera en mesure de déclarer que les efforts du Ministre du Travail pour obtenir la stricte application de la loi faisant porter effet à la convention ont été satisfaisants.

D'autre part, selon une réclamation soumise à la Commission par un membre du groupe ouvrier, il aurait été déclaré au Parlement roumain que certaines entreprises en Roumanie travailleraient régulièrement de 10 à 12 heures par jour. Un article publié dans le numéro de février 1932 de la *Revista de Igiena Socială* par le Directeur du travail au Ministère roumain du Travail, de l'Hygiène publique et de la Prévoyance sociale, signalait que, malgré la limitation de la durée du travail à huit heures par jour, les apprentis ne bénéficiaient pas de cette disposition légale. La réclamation en question faisait connaître des cas précis s'étant produits dans des entreprises et des régions déterminées où les limites légales de la durée du travail avaient été largement dépassées.

Un représentant du Gouvernement roumain voulut bien se rendre à la Commission et il promit que les questions soulevées dans la réclamation ci-dessus recevraient bientôt la suite qu'elles comportent.

Convention II (chômage).

La Commission fut informée par le représentant ouvrier de l'*Etat libre d'Irlande* que, bien qu'il existe dans ce pays un système complet de bureaux de placement publics, l'application des dispositions de l'article 2 de la convention stipulant que des comités comprenant des représentants des patrons et des ouvriers seront nommés et consultés pour tout ce qui concerne le fonctionnement de ces bureaux, n'était pas satisfaisante et que certaines réclamations étaient faites par les chômeurs.

En réponse à ces allégations, le représentant du Gouvernement de l'*Etat libre* prit l'engagement d'appeler sur elles l'attention de son Gouvernement.

La Commission le remercie de cette promesse et elle espère que la question sera traitée dans le prochain rapport annuel du Gouvernement de l'*Etat libre*.

the situation reported had arisen, and added that the Minister of Labour had taken the necessary steps to ensure the strict application of the law and that he had even asked for an amendment of the law to give him power temporarily to close down undertakings where the law was not observed. The question was now simply one of the infliction of the necessary penalties.

The Committee takes note of the statement of the Bulgarian Government representative and expresses the hope that in its next annual report the Government will be in a position to state that the efforts of the Minister to secure strict application of the law to apply the Convention have been successful.

A statement was submitted to the Committee by a representative of the Workers' Group to the effect that it had been pointed out in the *Rumanian* Parliament that there were undertakings in that country regularly working ten to twelve hours a day. An article published in the February 1932 issue of *Revista de Igiena Socială* by the Director of Labour in the Rumanian Ministry of Labour, Public Health and Social Welfare, stated that while normal working hours were eight in the day apprentices did not benefit by the statutory limit. Specific instances were quoted of individual undertakings and undertakings in particular districts in which the legal hours of work were widely exceeded.

A representative of the Rumanian Government courteously attended and promised that the matters complained of would be promptly attended to.

Convention II (unemployment).

The Committee was informed by the Workers' representative of the *Irish Free State* that although there was a complete system of free employment agencies existing in the country, the application of the provision of Article 2 laying down that Committees including representatives of employers and of workers shall be appointed to advise on matters concerning the carrying on of such agencies was not satisfactory, and that certain grievances consequently existed among unemployed workers.

The representative of the Government undertook to draw the attention of his Government to the matter.

The Committee welcomes this undertaking and hopes that the point will be dealt with in the next annual report.

Une réclamation fut en outre présentée au nom des travailleurs roumains au sujet du nombre estimé insuffisant des bureaux de placement en *Roumanie* et en ce qui concerne le fonctionnement défectueux des bureaux existants, en raison du manque d'organisation et du manque de crédits. Les renseignements statistiques sur le chômage, publiés par le Gouvernement roumain sous-estimeraient grandement la gravité du mal. Les dispositions de la loi réglementant les bureaux de placement seraient en grande partie lettre morte et, dans certains districts, on n'aurait pas encore désigné de représentants des organisations ouvrières pour les comités prescrits par l'article 2 de la convention. De plus, les bureaux de placement auraient été employés pour briser les grèves, fait qui semble incompatible avec l'esprit de la convention.

Le représentant du Gouvernement roumain qui a bien voulu accepter de se rendre à la Commission, a promis de mettre fin aux abus signalés.

Convention III (emploi des femmes avant et après l'accouchement).

En réponse à une observation faite par la Commission d'experts, le représentant du Gouvernement allemand a communiqué les informations suivantes à la Commission qui se permet, à son tour, de les soumettre à l'examen de la Commission d'experts :

« Les femmes enceintes et nécessiteuses et les femmes en couches qui doivent être assistées en vertu des dispositions de l'ordonnance relative au droit d'assistance, ont le droit, conformément au paragraphe 34 des Principes Fédéraux, si elles sont étrangères, à l'entretien, et en particulier au logement, à la nourriture, aux vêtements et aux soins que comporte leur état. Lorsque « l'assistance-maladie » est nécessaire, elle doit leur être accordée. Dans la limite de ces droits, l'assistance est automatiquement accordée aux femmes étrangères qui en ont besoin par l'organisation de secours du lieu de leur résidence. D'autre part, les prestations spéciales accordées aux femmes enceintes nécessiteuses et aux femmes en couches, mentionnées au paragraphe 12 des Principes Fédéraux (notamment l'allocation versée pour les dépenses des couches, les prestations de maternité et d'allaitement) ne leur sont pas dues, du fait que les dispositions correspondantes des Principes Fédéraux ne s'appliquent aux étrangères que dans le cas seulement où le Gouvernement Fédéral, avec l'agrément du Reichsrat ou, en vertu d'un traité de l'Etat, en a ainsi disposé. De telles dispositions ne sont pas encore entrées en vigueur. »

It was asserted on behalf of the Workers that in *Rumania* the number of employment exchanges was inadequate, and moreover, owing to lack of organisation and funds, the existing exchanges were largely ineffective. The unemployment returns published by the Rumanian Government greatly understated the amount of unemployment existing. The provisions of the Act regulating employment exchanges were largely a dead letter, and in particular districts representatives of the workers' organisations had not yet been appointed to the Committees prescribed by Article 2 of the Convention. Further, the employment exchanges were used for strike-breaking purposes, a fact which appeared inconsistent with the spirit of the Convention.

The representative of the Rumanian Government, who accepted the Committee's invitation to attend, undertook to rectify the abuses referred to.

Convention III (employment of women before and after childbirth).

In reply to the observation made by the Committee of Experts, the representative of the German Government communicated the following information to the Committee, which in turn refers it to the attention of the Committee of Experts :

“ The necessitous pregnant women and women in childbirth who are to be assisted under the terms of the Order concerning the right to relief are entitled under §34 of the Federal Principles, if they are foreigners, to maintenance and in particular to lodging, food, clothing and attendance. Where ‘ sick relief ’ is necessary, it must be granted to them. Within these limits relief is automatically granted to foreign women who stand in need of it by the relief organisation of their place of residence. On the other hand, the special benefits for necessitous pregnant women and women in childbirth mentioned in §12 of the Federal Principles (particularly a grant towards the expenses of confinement, maternity benefit, nursing benefit), are not available for them, as the corresponding provisions of the Federal Principles apply to foreigners only where the Federal Government with the agreement of the Reichsrat, or a State treaty, so provides. Such provisions have not yet come into force. ”

Convention IV (travail de nuit des femmes).

Une réclamation fut portée à la connaissance de la Commission sur les abus qui existeraient en *Roumanie* au sujet de la disposition permettant d'employer, à titre exceptionnel, les femmes pendant la nuit, sous réserve de l'autorisation ultérieure des services d'inspection du travail intéressés.

Le délégué du Gouvernement roumain a promis de rendre la disposition plus rigoureuse.

Convention V (âge minimum d'admission des enfants aux travaux industriels).

Un représentant du groupe ouvrier a informé la Commission, au nom des représentants des syndicats *yougoslaves*, que les enfants étaient employés dans les établissements industriels depuis l'âge de 12 ans et que cette pratique était autorisée par la loi du 9 mars 1932 qui venait d'entrer en vigueur.

La Commission se permet d'attirer l'attention du Gouvernement yougoslave sur cette réclamation et elle espère que la question sera traitée dans le prochain rapport annuel.

Il a été également porté, par les ouvriers, à la connaissance de la Commission qu'en vertu des dispositions transitoires de la loi *roumaine* du 9 avril 1928, les enfants de plus de 12 ans étaient employés dans des conditions contraires à la lettre et à l'esprit de la loi. De plus, des enfants même plus jeunes auraient été occupés dans certaines industries. Par exemple, des enfants de 9 à 10 ans seraient occupés dans les verreries, l'industrie textile et dans d'autres entreprises, et l'inspection du travail ne serait pas suffisamment bien organisée pour prévenir ces abus. En outre, un grand nombre de patrons dans l'Ancien Royaume et en Bessarabie ne tenaient pas les registres requis par l'article 4 de la convention, de sorte que de sérieux abus se produisaient.

Le délégué du Gouvernement roumain a bien voulu assister à la Commission et il a pris l'engagement de soumettre la question à son Gouvernement afin que les abus signalés puissent prendre fin.

Convention VI (travail de nuit des enfants).

La même réclamation résumée ci-dessus signalait qu'en *Roumanie*, l'industrie du papier, de la cellulose et les raffineries de sucre travaillaient normalement avec deux équipes, de 10 à 11 heures chacune, et employaient des enfants même au-dessous de 16 ans au travail de nuit.

Le délégué du Gouvernement roumain a pris, au sujet de cette convention, le même engagement qu'à propos de la convention précédente.

Convention IV (employment of women during the night).

It was asserted that abuses prevailed in *Rumania* concerning the provision allowing exceptional employment of women during the night, subject to the subsequent authorisation of the Inspection Services concerned.

The Rumanian Government Delegate undertook to make the provision more stringent.

Convention V (minimum age for admission of children in industrial employment).

A representative of the Workers' Group informed the Committee, on behalf of representatives of the *Yugoslav* trade unions, that children were employed in industrial undertakings from the age of 12, and this practice was authorised by the Act of 9 March 1932 which had just come into force.

The Committee ventures to draw the attention of the *Yugoslav* Government to this statement and hopes that it will be dealt with in the next annual report.

On behalf of the Workers it was asserted that under the transitional provisions of the *Rumanian* Act of 9 April 1928 children over 12 years of age were employed in circumstances contrary to the letter and the spirit of the Act. Moreover, in certain industries even younger children were employed. For instance, children of 9 and 10 years of age were employed in the glass, textile and other industries and the Inspection Service was not sufficiently well organised to prevent such abuses. Moreover a large number of employers in the Old Kingdom and in Bessarabia did not keep the registers required by Article 4 of the Convention, with the result that serious abuses occurred.

The Rumanian Government Delegate attended the meeting of the Committee and undertook to refer the matter to his Government so that these abuses might be stopped.

Convention VI (night work of young persons).

On behalf of the Workers it was asserted that in *Rumania* undertakings in the paper, cellulose and sugar-refining industries, normally working with two shifts of ten or eleven hours each, employed during the night young persons under 16 years of age.

The Rumanian Government Delegate gave a similar undertaking for this Convention.

Convention IX (placement des marins).

Dans une réclamation présentée en conformité avec l'article 409 par les syndicats lettons, ainsi que dans le rapport des experts, il a été fait mention des conditions d'application des articles 4 et 5 de cette convention en *Lettonie*. Un délégué du Gouvernement letton s'est présenté à la Commission et a déclaré que le Cabinet avait l'intention de nommer le président du Comité pour le placement des marins et que toutes difficultés seraient bientôt surmontées.

Convention X (âge d'admission des enfants au travail dans l'agriculture).

Le représentant du Gouvernement *polonais* a informé la Commission que les paragraphes 23 et 24 du décret du 7 février 1919, qui ont été résumés dans le rapport annuel, montrent clairement que les enfants des écoles peuvent être employés à des travaux agricoles urgents pendant une période qui ne peut dépasser 14 jours au printemps et en automne. La période d'absence ainsi autorisée ne s'élève donc au total qu'à 28 jours. Il est clair, par conséquent, que, dans ces conditions, les enfants fréquentent l'école pendant une période considérablement plus longue que les 8 mois prévus par la convention. On pourrait donc estimer que cette convention est appliquée d'une façon satisfaisante en Pologne.

Convention XII (réparation des accidents du travail dans l'agriculture).

Le représentant du Gouvernement *polonais* a informé la Commission que le projet de loi sur l'assurance sociale remplaçant le projet de loi mentionné dans le rapport du Gouvernement polonais a été déposé le 2 mars 1932 sur le bureau de la Diète. En ce qui concerne l'assurance-accidents des travailleurs agricoles occupés dans les entreprises ne dépassant pas 30 hectares, le projet prévoit que dans les voïévodies centrales, méridionales et orientales, la date de l'extension de cette assurance aux dites entreprises sera fixée par voie d'un simple arrêté administratif du Conseil des Ministres, publié au *Moniteur Polonais*. Le projet constitue donc un progrès en comparaison de la situation législative actuelle. La loi du 30 janvier 1924 stipule, en effet, que les travailleurs agricoles en question seront assujettis à l'assurance sociale en vertu d'une loi distincte. Le nouveau projet ne stipule d'ailleurs plus la nécessité d'adapter les bases de perception de cotisations et le paiement des prestations aux exigences des petites exploitations agricoles. Le projet de loi ne se contente pas de réglementer l'assurance-accidents des travailleurs agricoles salariés ; il prévoit, en outre, à

Convention IX (facilities for finding employment for seamen).

In a complaint made under Article 409 by the Latvian trade unions, and again in the Experts' report, reference was made to the manner in which *Latvia* was carrying out Articles 4 and 5 of this Convention. A representative of the Latvian Government attended the Committee and stated that the Government had agreed to appoint the chairman of the committee entrusted with the duty of placing seamen, and that any difficulty would be satisfactorily solved in the immediate future.

Convention X (age for admission of children to employment in agriculture).

The Representative of the *Polish* Government informed the Committee that §§ 23 and 24 of the Decree of 7 February 1919, which were summarised in the annual report, showed clearly that school children might be employed on urgent agricultural work for a period not exceeding fourteen days in spring and in autumn. The period of absence thus authorised totalled only twenty-eight days. Hence it was clear that under these conditions, children attended school for a considerably longer period than the eight months prescribed by the Convention. The Convention might therefore be considered to be satisfactorily applied in Poland.

Convention XII (workmen's compensation in agriculture).

The representative of the *Polish* Government informed the Committee that the social insurance Bill replacing that mentioned in the Government's report was laid before the Diet on 2 March 1932. As regards insurance against accidents of agricultural workers employed on farms not exceeding 30 hectares in the Central, Southern and Eastern Provinces, the Bill laid down that the date of the extension of such insurance to such farms would be fixed by an administrative Decree to be issued by the Council of Ministers and published in the "Polish Monitor". The Bill thus represents a definite progress in comparison with the present position of legislation. The Act of 30 January 1924 lays down that the agricultural workers in question are to be brought within the scope of insurance under a *separate law*. The new Bill further does not provide for the necessity of adapting the methods of collecting contributions and of the payment of benefits to the conditions affecting small farmers. The Bill not only regulated accident insurance of wage-earning agricultural workers ; it provided also, in § 302, that an Order of the Council of Ministers should be enacted concerning

l'article 302, qu'une ordonnance du Conseil des Ministres sera édictée concernant l'assurance-accidents des petits exploitants agricoles indépendants et de leurs familles pour tout le territoire de la Pologne. Vu les conditions spéciales du travail dans l'agriculture, cette disposition facilite dans une grande mesure l'extension de l'assurance-accidents aux salariés dont il est question plus haut.

Convention XV (âge d'admission des sou-tiers et chauffeurs).

Le représentant du Gouvernement polonais a informé la Commission que le Ministre du Commerce et de l'Industrie avait donné des instructions aux autorités maritimes afin que tous les contrats d'engagement contiennent dorénavant un résumé des dispositions de la convention.

La Commission a pris note de cette assurance.

Conventions maritimes (VII, XV et XVI).

En ce qui concerne l'application des conventions maritimes ratifiées par la Hongrie, la Commission d'experts a soulevé la question de savoir, nonobstant l'absence de tout port ou littoral hongrois, s'il n'existait pas un certain nombre de navires de commerce battant pavillon hongrois et, dans l'affirmative, par quels moyens l'application des dispositions des conventions en question était assurée à bord de tels navires.

Le représentant du Gouvernement hongrois a informé la Commission que lorsque les conventions ont été ratifiées par la Hongrie le problème ne se posait pas, car il n'existait à cette date aucun navire de commerce battant pavillon hongrois. Le représentant en question a ajouté que son Gouvernement examinerait la situation et qu'il était disposé, malgré des obstacles évidents, à étudier les méthodes qui permettraient d'assurer l'application des conventions ci-dessus. Des informations complètes sur ce point seront contenues dans le prochain rapport annuel de la Hongrie. La Commission a accueilli ces déclarations avec gratitude.

APPLICATION DES CONVENTIONS
AUX TERRITOIRES COLONIAUX.

La Commission a voué une attention particulière à l'application des conventions aux territoires coloniaux et au rapport de Sir Selwyn Fremantle annexé à celui de la Commission d'experts. La Commission est heureuse de constater qu'un progrès soutenu a été accompli dans l'application, avec les modifications nécessaires, des conventions aux colonies où le développement industriel et les conditions sociales rendent

accident insurance of heads of small independent agricultural undertakings and their families throughout Polish territory. In view of the special conditions affecting agricultural work this provision greatly facilitated the extension of accident insurance to the workers mentioned above.

Convention XV (minimum age of trimmers or stokers).

The representative of the Polish Government informed the Committee that the Minister of Commerce and Industry had now given strict orders to the maritime authorities to see that in future all articles of agreement contained a summary of the provisions of the Convention.

The Committee took note of this assurance.

Maritime Conventions (VII, XV and XVI).

With regard to the application of the maritime Conventions ratified by Hungary, the Committee of Experts raised the question whether, notwithstanding the absence of a national seaport or sea coast, there are not a certain number of merchant vessels flying the Hungarian flag, and if so by what means the application of the provisions of the Conventions is secured on board such vessels.

The representative of the Hungarian Government informed the Committee that when the Conventions were ratified the problem did not arise, as there was no Hungarian merchant fleet in existence. Since then the situation had changed and a certain number of vessels were now flying the Hungarian flag. His Government was considering the resulting situation and was prepared, notwithstanding the obvious difficulties involved, to investigate the methods by which application of the Conventions could be secured. Full information on the subject would be contained in the next annual report. The Committee welcomes this undertaking.

APPLICATION OF CONVENTIONS
TO COLONIAL POSSESSIONS.

The Committee devoted particular attention to the question of the application of Conventions to colonial possessions and to the report by Sir Selwyn Fremantle appended to the report of the Committee of Experts. It is glad to note that gradual progress is being made in the direction of applying Conventions, with suitable modifications, to colonial possessions where industrial and social conditions make such

cette application possible. Il est évidemment essentiel que dans l'intérêt de l'efficacité et de l'universalité de l'activité de l'Organisation internationale du Travail, aucun territoire administré par les Etats Membres, où les conditions de travail se rapprochent de celles que les auteurs de la Partie XIII du Traité de paix ont eues à l'esprit, soit excepté du champ d'application des décisions de la Conférence simplement pour des raisons constitutionnelles ou des motifs de race. Certains pays fournissent déjà des informations complètes et très intéressantes sur l'application des dispositions de l'article 421. Par contre, d'autres Gouvernements, donnant de l'article une interprétation différente, s'abstiennent de fournir les renseignements détaillés qui permettraient à la Conférence de connaître les raisons de la non-application des conventions à leurs territoires coloniaux. Néanmoins, les progrès s'accomplissent tant en ce qui concerne la quantité des informations fournies que l'étendue de l'application. Mais, comme certains délégués de puissances coloniales l'ont fait observer, la question est complexe et difficile. La Commission espère sincèrement que le temps n'est pas éloigné où il sera possible d'avoir la certitude que les conventions ont été appliquées, avec les modifications nécessaires, à tous les territoires coloniaux où les conditions rendent cette application possible, et d'autre part que les raisons de la non-application des conventions aux autres possessions coloniales ont été exposées complètement et en pleine franchise.

Le représentant du Gouvernement *portugais* a informé la Commission que le Code du travail indigène des colonies portugaises tenait compte des dispositions de la plupart des conventions ratifiées par le Portugal. Selon ce représentant, les industries existant dans les colonies portugaises n'occupent pas une grande population ouvrière. Les sucreries n'emploient que les indigènes, et cela pendant la récolte de la canne à sucre. Les fabriques d'huiles végétales sont peu nombreuses et ont une capacité de production relativement restreinte. Ce sont les chemins de fer qui occupent le plus grand nombre d'ouvriers et l'horaire de travail y est le même qu'en Europe. Les mines en exploitation sont également peu nombreuses et les conditions de travail y sont réglées par des dispositions conformes à celles qui ont été prévues par les conventions. Il y a, néanmoins, certaines divergences entre les conventions élaborées par la Conférence internationale du Travail et la législation coloniale portugaise, mais ces divergences sont considérées comme inévitables, étant donné la grande diversité des colonies, les diversités de races et de peuples, la variété des usages des indigènes, etc. Néanmoins, le Gouvernement portugais est pleinement conscient de l'importance des problèmes du travail indigène qui se posent dans ses colonies et le Code du travail

application praticable. In the interests of the effectiveness and the universality of the work of the International Labour Organisation, it is clearly essential that no areas administered by the States Members in which the labour conditions approximate to those which the authors of Part XIII of the Peace Treaty had in mind should be excepted from the scope of the Conference's decisions simply on racial or constitutional grounds. Certain countries already supply full and very interesting information on the application of the provisions of Article 421. Other Governments interpret differently their obligations under this Article and refrain from supplying any detailed information to enlighten the Conference on their reasons for not applying Conventions to their colonial possessions. Progress is, however, being made both in the quantity of information supplied and in the extent of application. But, as certain Delegates of Colonial Powers pointed out, the question is complex and difficult. The Committee sincerely hopes that the time is not far distant when it will be possible to feel confidence both that the Conventions have been applied with suitable adaptations to all colonial possessions where the conditions make such application practicable, and that the reasons for the non-application of Conventions to the remaining possessions have been fully and frankly stated.

The representative of the Government of *Portugal* informed the Committee that the Native Labour Code in the Portuguese colonies took the provisions of the majority of the ratified Conventions into account. The industries existing in the colonies did not employ a large number of workers. On the sugar plantations only native labour was employed and such labour was employed only during the sugar-cane harvest. The vegetable oil factories were very few in number and of a comparatively low productive capacity. The greatest number of workers were employed on the railways and their hours of work were the same as in Europe. Very few mines were worked and conditions of work in them were regulated by provisions in harmony with those of the Conventions. Certain divergencies did exist between the provisions of the Conventions drawn up by the International Labour Conference and Portuguese colonial legislation, but such divergencies were inevitable in view of the great diversity of the colonies. Due account must be taken of differences in race, character, customs etc. Nevertheless, the Portuguese Government was fully alive to the problems of native labour in its colonies, and the Native Labour Code of 6 December 1928 and the Colonial Act of 8 July 1930 clearly proved that the Government was keenly

indigène du 6 décembre 1928 et la loi coloniale du 8 juillet 1930 prouvent clairement qu'il s'est résolument attaché à protéger le bien-être et la vie des races indigènes. Le Code en question traite également, entre autres, des heures de travail, du repos hebdomadaire, de la réparation des accidents, des maladies professionnelles, etc.

La Commission estime qu'il y a lieu de résumer dans son rapport l'intéressante déclaration du représentant du Gouvernement portugais, et elle espère que dans ses prochains rapports annuels ce Gouvernement voudra bien continuer à tenir la Conférence informée des progrès de la législation sociale promulguée dans ses colonies.

Genève, le 26 avril 1932.

(Signé) ALFRED O'RAHILLY,
Président.

interested in protecting the welfare and life of the native races. The Code dealt *inter alia* with the questions of hours of work, weekly rest, industrial accidents, occupational diseases, etc.

The Committee has thought it worth while to record the interesting statement of the representative of the Portuguese Government. It hopes that in its annual reports the Government will continue to keep the Conference informed of the development of its social policy in the colonies.

Geneva, 26 April 1932.

(Signed) ALFRED O'RAHILLY,
Chairman.