

LEAGUE OF NATIONS

INTERNATIONAL LABOUR CONFERENCE

SEVENTEENTH SESSION

GENEVA, 1933

SUMMARY OF ANNUAL REPORTS
UNDER ARTICLE 408.



INTERNATIONAL LABOUR OFFICE

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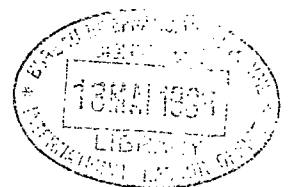


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INTRODUCTION.

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-nine 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 October-1931 September 1932 is formally laid before the Conference¹.

At the end of the summary will be found two appendices. The first of these consists of the summaries of sixteen reports supplied by the Government of *Rumania*, which reached the Office too late for inclusion in the main body of this volume. The second consists of the report of the Committee of Experts appointed by the Governing Body in accordance with a Resolution adopted by the International Labour Conference at its Eighth Session, to examine the annual reports made under Article 408^{2, 3}.

¹ In pursuance of a suggestion of the Committee of Experts appointed to examine the annual reports made under Article 408, the Governing Body of the International Labour Office decided, at 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-31 December.

² 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.

³ 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).

I. 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 18 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	6. 9.1926	27.10.1932
Bulgaria	14. 2.1922	2.12.1932
Chile	15. 9.1925	20.12.1932
Czechoslovakia . . .	24. 8.1921	22. 1.1933
Greece	19.11.1920	27. 1.1933
India	14. 7.1921	22.12.1932
Lithuania	19. 6.1931	12.11.1932
Luxemburg	16. 4.1928	1.11.1932
Portugal	3. 7.1928	10. 1.1933
Rumania	18. 6.1921	
Spain	22. 2.1929 ¹	18.12.1932

Appended to the annual report the Government of *Luxemburg* has communicated to the Office a Draft Ducal Order for amending the Ducal Order of 30 March 1932. The Draft Order has been submitted to the Council of State and the Occupational Chambers and its object is to bring *Luxemburg* legislation into harmony with the provisions of Article 1 of the Convention with regard to the regulation of hours of work in handicraft undertakings. According to the legislation in force these undertakings are regarded especially as industrial undertakings only if they satisfy certain con-

ditions laid down in § 9 of the Order of 30 March 1932 (see below under ARTICLE 1). Doubts having arisen with regard to the practical usefulness of the criteria thus established the Government has taken the initiative to repeal the Section in question and to make clear by a new definition the commercial character of handicraft undertakings of minor importance which, by their nature, must be excluded from the scope of the eight hour régime. According to the proposed definition contained in the Draft Order among commercial undertakings will be included also "all undertakings... exclusively in direct relation with the consumer provided that they do not use industrial equipment. All equipment driven by motive power in excess of one-horse power shall be deemed to be industrial equipment".

The report of the Government of *Rumania* has not yet been received¹.

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.

¹ This conditional ratification came into force unconditionally on 1 October 1931.

¹ The report was received by the Office on 31 March 1933. For the summary of it see Appendix A below.

I. Hours of work (industry).

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.

Decree No. 178 of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chil. 1).

Decree No. 224 of 16 March 1932 approving the regulations concerning hours of work in railway 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 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).

Greece.

Act No. 2269 of 1 July 1920 (O. B. Vol. II, No. 1, p. 20).

Special Decrees issued in application of Act No. 2269 (L. S. 1924, Gr. 1 and 4; 1925, Gr. 2; 1926, Gr. 1; 1929, Gr. 3).

Decree of 27 June 1932 to consolidate and supplement the provisions relating to the eight-hour working day (L. S. 1932, Gr. 2).

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 September 1928 (came into force 7 April 1930). (L. S. 1928, Ind. 1.)

Act of 26 March 1930 amending the Indian Railways Act 1890. (L. S. 1930, Ind. 1.)

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.

Luxembourg.

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).

Order of 30 March 1932 concerning the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).

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).

Decree No. 20207 of 13 August 1931 to reduce the amount of the fines for breaches of the provisions regulating hours of work.

Spain.

Decree of 1 July 1931 (transformed into law on 9 September 1931) fixing the maximum statutory daily hours of work at eight hours (L. S. 1931, Sp. 9).

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.

I. Hours of work (Industry).

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.

Chile. — The Decree of 13 May 1931 does not define industrial undertakings. 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. The above-mentioned Decree, however, prescribes the eight-hour day for commercial employees also, with the result that the distinction between industry and commerce is of little importance.

Czechoslovakia. — The Act of 19 December 1918 respecting the eight-hour working day 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.

Greece. — The Act No. 2269 of 1 July 1920 reproduces the text of the Convention. The Decree of 27 June 1932 to consolidate and supplement the provisions of the eight-hour working day applies, under the terms of § 1 of the Decree, to the following occupations: (1) underground mining work of all kinds, surface mining and metallurgical work at Laurium, ore-crushing in general and quarrying; (2)

engine building, iron foundries, boiler making, copper and brass works in general, foundries and factories for hydraulic apparatus, the manufacture and repair of safes, scales, beds, electric accumulators and metal objects in general, the manufacture of wire, tacks, lead pipes, and lead shot, tinware factories, plating shops, workshops for the repair and cleaning of gas meters, the galvanising departments of all the above works and undertakings, and the spray painting of metal objects. The Decree does not apply to departments of establishments which are not subject to its provisions if the said departments are exclusively engaged in the maintenance and repair of the machinery of the establishments in question; (3) lime works and lime kilns, plaster and stucco works, brick works, tile works, potteries, marble carving and sawing yards, paving stone factories, the construction, reconstruction, maintenance, repair, alteration or demolition of any building, excavation work, construction of railways or tramways, construction or alteration of harbours, docks, piers, canals, installations, and all preparatory work connected therewith; (4) dyeing and bleaching departments of weaving and spinning mills; (5) roller mills with a daily output of more than 10 tons, bakeries with a large output as defined in Act No. 3770 of 12 January 1929; manufacture of fancy bread, biscuits, chocolates and confectioners' products including pastries, sausage factories, gut works, and factories for the treatment of animal refuse, slaughter houses, condensers in the food preserving industry, and departments for the fermentation of beer and malting, and salt works; (6) carbom bisulphide works, paper mills, waste paper and rag stores, gas works, departments (a) for the extraction of fat, (b) glazing and washing, (c) extraction of gelatine, and (d) boiler houses in factories for the working up of bones and horns, the compounding of rubber, and the spray colouring of rubber, glass works (blowers and persons employed in the crushing rooms at the furnaces), and electric lamp factories; (7) factories for the preparation and working up of leather, except boot and shoe factories; (8) factories for the manufacture of envelopes, record books, boxes and bags, bookbinding, printing, lithographing and zinc engraving establishments; (9) coverlet and mattress factories, laundries, textile printing, dyeing and cleaning works, and workshops for pressing; (10) brush and broom factories, all woodworking industries (except the manufacture of furniture), and spray painting work; (11) works for the generation and distribution of electric current, light and power, and workshops for electric installations; (1) omnibus drivers and conductors. The provisions of the Decree apply to all work of preparation, finishing, alteration and storage of any raw material or article in the above undertakings or

occupations, provided that it is carried out in the premises utilised for the undertaking or occupation. The provisions of the Decree also apply to all factories or departments thereof with continuous processes. (Factories or departments thereof with continuous processes are deemed to mean factories or departments in which the daily hours of actual work of the persons employed therein exceed ten hours). The report states that, for the application of the Convention, the definition of "industrial factories and workshops", as opposed to "agriculture", which is given in § 2 of the Decree of 14 August 1913, holds good. Agriculture, cattle-breeding, forestry, and works of a similar nature having the character of the preparation of the producer's own products are excluded from the application of this Decree.

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. The report states that although the Act concerning hours of work is not applicable to work in transport undertakings which makes it necessary for the workers to move from place to place, the provisions of the Convention which have force of law in Lithuania cover also workers employed in such work. The report adds that it has not been considered necessary to define the line of division which separates industry from commerce and agriculture.

Luxemburg. — § 1 of the Order of 30 March 1932 defines the expression "industrial undertakings" as in Article 1 of the Convention. The Section also determines the undertakings and establishments which must be considered as being of a commercial or agricultural character. With regard to handicraft undertakings, § 9 of the Order provides "that they shall be subjected to the legislative provisions concerning hours of work only if they satisfy one of the following conditions: (a) if normally they employ more than twenty workers; (b) if by reason of the predominantly industrial character of their equipment (e.g. boilers or mechanical propellers) or by other criteria they must be regarded as possessing an industrial character". 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.

Spain. — The Decree of 1 July 1931 regulates the maximum statutory daily hours of work not only in industry but also in commerce, agriculture, mining undertakings, maritime transport, railways, road transport, etc.

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

I. Hours of work (industry).

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. The report states that the hours of work of proprietors, directors and managers are not limited. The Bulgarian Act does not provide for any prolongation of work in the sense of paragraph (c) of this Article.

Chile. — §§ 24 and 25 of the Decree of 13 May 1931 provide 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. The above provision does not apply to persons occupying a post with supervisory, directive or confidential duties such as foremen, charge hands, porters, etc. § 26 provides that subject to an agreement concluded between the employer and the wage-earning employees in an undertaking a weekly half-day holiday may be introduced; in this case the limit of eight hours may be exceeded by one hour on the other days of the week subject to a maximum of forty-eight hours in the week. § 30 provides that the daily hours of actual work shall be interrupted by one or more breaks, the total duration of which shall not be less than two hours, during which all work shall be prohibited. The said breaks may not be taken into consideration in calculating the daily hours of work.

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." The Circular of the Ministry of Social Welfare of 21 March 1919 respecting the interpretation of the Act provides that the hours of work fixed by the Act 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 to the effect that the time during which the worker remains on duty must be included in the legal hours of work.

Greece. — § 2 of the Decree of 27 June 1932 to consolidate and supplement the provisions relating to the eight-hours working day, lays down that the hours of work in the occupations and industrial undertakings mentioned in the Decree shall not exceed eight in the day and forty-eight in the week. Under the terms of § 3 of the Decree, the daily hours of work fixed above may be extended by one hour daily in pursuance of a permit issued in conformity with the provisions of the Decree, subject to the following conditions: (1) that the factory does not work on Saturday afternoon; (2) that the daily wage for Saturday is paid in full, and (3) that the total hours of work do not exceed forty-eight in the week. § 7 provides that, where persons are employed in shifts it shall be permissible to employ

I. Hours of work (industry).

persons in excess of eight hours in any one day and forty eight hours in any one week if the average number of hours of work for a period of three weeks or less does not exceed eight per day and forty-eight per week.

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. The report states that no use has been made of the exceptions provided for in paragraphs (a), (b) and (c) of this Article.

Luxemburg. — §§ 2 and 3 of the Order of 30 March 1932 reproduce the terms of this Article.

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). The report states that, in regard to hours of work in land transport undertakings in general and to railways in particular, provisions were adopted quite recently, to impose the observance of hours of work within the terms laid down by the Convention, up to the maximum limit allowed by Article 4 of the said Convention when it is a question of making use of this maximum, and the safeguarding of the rest periods established by law, account being taken in special cases of the provisions of Article 4 of the Convention concerning the application of the weekly rest. To this end, the Ministry of Finance, through the medium of the Compulsory Social Insurance and General Provident Institute, which is responsible for all matters concerning the observance of the statutory limits as to hours of work has given instructions to railway and other transport undertakings, to see that their respective hours comply with the provisions of the Convention. Furthermore, new regulations on hours of work in the transport industry have been drafted, which are in full harmony with the principles contained in the Conventions concerning hours of work in industrial undertakings and the application of the weekly rest in the said undertakings, and the Government is

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now studying this draft. It is pointed out, however, that the services of the railway undertakings, and in general those of other forms of public transport, have already since 1928 established hours of work for their respective staffs conforming to the principles of the Convention. See also under ARTICLE 4 below.

Spain. — § 1 of the Decree of 1 July 1931 provides that the maximum statutory daily hours of work of wage-earning and salaried employees and agents in industrial undertakings, trades and work of all kinds, for remuneration, carried on under the direction and supervision of another, on account of the State, a province or a municipality, either directly or under a concession or contract or on account of a private undertaking, shall be eight hours, subject to the exemptions, reductions and and extensions prescribed or authorised by the Decree. § 2 provides that the statutory limitation laid down above shall not apply to the work of directors, managers and high officials in undertakings who on account of the nature of their duties cannot be subject to a strict limitation of their hours of work. Under § 1 (2), in cases in which the nature of the work does not permit of a uniform daily distribution of hours of work, or when an agreement has been concluded between employers and workers, the competent official joint bodies may authorise hours of work to be calculated on a weekly basis, provided that the daily hours of work of each worker do not in any case exceed nine in virtue of such authorisation. Under § 32 of the Decree, in underground work in mines the ordinary hours of work may not exceed seven in the day. The report adds, however, that the coming into force of this provision in the case of metal mines has been postponed to the end of 1932.

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 of 24 June 1919, 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. — The Decree of 13 May 1931 provides in § 27 that the normal working day may be exceeded in case of *force majeure*, or a chance event, or in order to prevent accidents or to carry out urgent repairs to machinery or plant, but only in so far as is necessary to avoid interference with the normal working of the establishment or undertaking.

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.

Greece. — § 4 of the Decree of 27 June 1932 lays down that the daily hours of work may be extended beyond the limits fixed above in case of urgent work which must be carried out in order to prevent impending accidents, for salvage purposes, or to repair accidental injuries to the material, equipment or buildings of the undertaking. In such cases the owner or manager of the undertaking is bound to

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report the extension to the labour inspectorate or, where there is none, to the police authority. The extension of working hours is unlimited on the first day but, on the following days, is to be authorised in pursuance of a permit issued in conformity with the provisions of the Decree, provided that it shall not be more than two hours in excess of the ordinary working hours, and shall not continue for longer than is necessary to avoid serious interference with the ordinary working of the undertaking.

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. — § 9 of the Act of 1919 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. With regard to the exception mentioned last, the report states that it has no practical application in Lithuania.

Luxemburg. — § 4 of the Order of 30 March 1932 reproduces the terms of this Article.

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).

Spain. — § 9 of the Decree of 1 July 1931 provides for overtime work necessary to prevent serious imminent danger or on account of an accident which has occurred. The overtime work so permitted has to be remunerated at a rate not less than 25 per cent. above the normal. In the case of mines, § 37 of the Decree provides that in cases of *force majeure* and also whenever it is necessary to avert actual or impending danger the owners, concession holders or contractors shall be entitled to increase the daily hours of work on their own responsibility, provided that they notify forthwith the competent joint committee and the Labour Inspectorate. § 97 (b) contains similar provisions for employees and workers in services connected with railways.

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

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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. Decree No. 24 of 24 June 1919 does not permit a 56-hour week.

Chile. — The Decree of 13 May 1931 contains no provision of this kind.

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.)

Greece. — § 8 of the Decree of 27 June 1932 provides that the limit of hours of work prescribed by the Decree 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. In this case the shift shall be changed weekly in such a manner that the shift working at night in one week shall be employed during the day in the following week and where a shift is employed on Sunday it shall be granted a rest period of twenty-four hours on another day in the week.

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 in glass works and sugar factories as well as in certain branches of alcohol distilleries and in some breweries continuous work is carried on in three shifts, each shift working 56 hours per week.

Luxemburg. — § 5 of the Order of 30 March 1932 contains provisions similar to those contained in this Article of the Convention. A Ministerial Order will define the processes to which these provisions are applicable.

Portugal. — § 19 of Decree No. 10782 of 20 May 1925 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." The report states that the competent authorities are at present engaged in studying new conditions for industries with continuous processes, restricting, so far as possible, their industrial working. See also under ARTICLE 2 above.

Spain. — Spanish legislation does not appear to contain corresponding provisions.

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 limi-

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tation 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. — The report states that the Decree No. 24 of 24 June 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.

Chile. — § 33 of the Decree of 13 May 1931 provides that, with respect to hours of work, railway undertakings shall be governed by special regulations subject to the general principles laid down in the Decree.

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.

Greece. — The report states that there are no agreements within the meaning of this Article.

India. — This Article does not apply.

Lithuania. — The report states that agreements of the kind provided for in this Article have not been concluded.

Luxemburg. — § 6 of the Order of 30 March 1932 reproduces the terms of this Article.

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

Spain. — §§ 81 and 87 of the Decree of 1 July 1931 contain provisions regulating the hours of work of certain categories of railway workers. According to these provisions the average working day of a shift shall not exceed eight hours.

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

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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 exceptions of the kind provided for in this Article of the Convention are not permitted by Decree No. 24 of 24 June 1919.

Chile. — § 25 of the Decree of 13 May 1931 provides that the legal limitation of hours of work shall not apply to persons performing duties of an intermittent nature or which require mere presence on duty such as barbers' assistants, hotel employees watchmen, roadmen, etc., or other duties which are declared by the General Inspectorate of Labour to be of a similar character or to persons performing duties which, on account of their nature, cannot be subject to a fixed working day. Nevertheless, such employees may not remain at the workplace for more than twelve hours a day and must have a rest period of not less than one hour within the working day. § 28 of the Decree provides that, in the case of work which on account of its nature does not prejudice the health of the employees, an agreement may be made in writing in special cases laid down by the competent inspection office to work overtime not exceeding two hours a day, provided that the wage paid for such overtime is at a rate of 50 per cent. above the normal wage.

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) provides that "overtime shall not extend altogether beyond 20 weeks or 240 hours in the year." 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 further states that the rate paid in general, in Czechoslovakia, is at least equal to that prescribed by the Convention, and that it considerably exceeds it in the chief branches of industry.

Greece. — § 5 of the Decree of 27 June 1932 lays down that the daily working hours may be extended in pursuance of a permit issued in conformity with the provisions of the Decree in order to make up for lost time, provided that the daily hours of work do not exceed ten hours in the day in the case of a total suspension of work due to: (1) accident or *force majeure* (accidents to plant, failure of driving power, lack of raw materials, catastrophes); (2) official or local festivals except Sunday and days placed on the same footing as Sunday; (3) changes in the weather in industries or occupations which, on account of their nature, are subject to the influence of atmospheric changes. The permit mentioned in the preceding paragraph shall be granted

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subject to the following conditions: (a) that the owner or manager of the undertaking notifies the nearest police authority within twenty-four hours and receives a certificate respecting the time lost after investigation by the competent police authority; (b) that if the stoppage does not exceed one day the lost time may be made up within a fortnight dating from the day when work is resumed; (c) that if the stoppage does not exceed one week the lost time is made up within thirty days dating from the day when work is resumed; (d) that if the stoppage exceeds one week the time lost is made up within the time limit fixed by the labour inspector in whose district the factory is situated; (e) that the average hours of work reckoned from the interruption of work until the expiry of the time limit fixed in the preceding paragraphs for the making up of lost time do not in any case exceed forty-eight hours in the week. § 6 provides that, in case of proved exceptional pressure of work the hours of work may be exceeded in pursuance of a permit: (a) by not more than two hours in the day except on Saturday and on sixty days in the year; (b) for more than two hours in the day on the eve of holidays provided that the total hours of work in excess of the eight-hour day do not exceed one hundred and twenty hours in the year. Under § 9 of the Decree, any head or manager of an undertaking who wishes to avail himself of the powers specified in the preceding sections shall submit an application specifying: (1) the reason for which he desires the permit; (2) the temporary changes which he proposes to make in the customary hours of work; (3) the number of workers (men, women and children) who are to be employed, and (4) the remuneration to be paid for the additional hours; such remuneration shall be not less than 25 per cent. higher than the ordinary rates. In the case of a permit to make up for lost time the certificate of the police authority mentioned above shall also be attached to the application. § 10 lays down that the permits shall be granted in Athens and the Piraeus by the chief inspector of labour and each of the other districts by the competent labour inspector or in default of such by the competent police authority. § 1 (2) of the Decree further provides, with reference to its application, that exceptions may be authorised by a decision of the Minister of National Economy issued with the approval of the Labour Council, but only on the ground of exceptional pressure of work where there are serious objections to dealing with the work by an increase of staff.

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.

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Lithuania. — § 5 of the Act of 30 November 1919 provides that exemption from the provisions limiting the number of hours of work to eight per day and forty-eight per 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 undertaking cannot begin work at the prescribed hour, and in consequence of any cessation of which work is necessarily interrupted. The provisions of this section are applied under the supervision of the labour inspectors in the conditions laid down by the Convention. The report states that the provisions of paragraph 2 of this Article of the Convention are applied in practice in Lithuania. When authorising employers to utilise overtime the labour inspectors insist upon a rate of wages 25-50 per cent. higher than the normal.

Luxemburg. — § 7 of the Order of 30 March 1932 contains provisions similar to those contained in this Article of the Convention. It also provides for a Ministerial Order to be issued fixing the exceptions in question and indicating the maximum number of hours of overtime permitted in each case.

Portugal. — Overtime is permitted in virtue of § 6 of Decree No. 5516 and § 18 of Decree No. 10782 (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 or services." The report stresses the point that the foregoing applies only to workers and salaried employees of the State and or 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).

Spain. — § 4 of the Decree of 1 July 1931 provides that the competent official joint bodies may authorise the conclusion of an agreement between the workers in any establishment and their employer for the working of overtime up to a maximum of 50 hours a month and 120 hours a year in order to deal with cases of emergency. In certain specified cases the number of hours of overtime may be increased to a total of 240 a year by the decision of the official joint bodies, provided that the monthly maximum of 50 hours is not exceeded. Under § 5 the right to propose the working of overtime lies with the employer and the worker is free to accept or refuse. Under § 6 every hour's overtime shall be paid at the rate not less than 25 per cent. higher than the standard rate. The increased payment shall be not less than 40 per cent. for overtime worked at night or on Sunday or for any hours worked in excess of ten in the day. In the case of women, overtime shall always be paid at not less than 50 per cent. above the ordinary rate. Over and above these general provisions, the Decree contains special rules regarding exceptions permitted in the case of various categories of workers. Thus, specially extended limits for overtime are fixed in the case of: workers engaged in processes which affect the stopping or continuing of other processes (§ 10); workers are engaged in processes accessory to the main undertaking (§ 11); male workers over 18 employed in tile-works (§ 17); operations in forges, foundries and workshops for the repair of iron materials which, owing to the nature of the operation, must be carried on continuously either for a fixed period or until completed (§ 49); watchmen, permanent way workers and gate-keepers at level crossings (§§ 79 and 80); and drivers of horse carriages, motor-cars and all vehicles plying for hire (§ 101).

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.

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(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. — § 92 of the Decree of 13 May 1931 provides that every employer or manager shall be bound to draw up and submit to the General Inspectorate of Labour for approval rules of employment concerning order, hygiene, safety, etc. It is provided in § 93 that these rules of employment shall specify the hours at which work begins and ends and the hours of work of each shift, if work is done in shifts, and breaks. According to § 94 the rules of employment must be affixed in at least two conspicuous places at the workplace. Under § 32 wage-earning employees may not be employed outside the times fixed in the rules of employment except as provided in §§ 27 and 28 (see under ARTICLES 3 and 6). The report adds that draft regulations concerning the special register for overtime have been submitted by the General Inspectorate of Labour for approval by the Minister of Labour, but that his decision has not yet been given.

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 collective agreements, which are of two kinds, viz., those concluded between the respective employers' and workers' organisations, and those concluded between guilds of handicrafts and guilds of journeymen. These latter agreements fix the hours at which work begins and ends, breaks, etc., thus supplying a source of information for the factory inspection services with regard to the hours during which workers may be employed in handicraft undertakings and small scale industries.

Greece. — § 13 of the Decree of 27 June 1932 provides that owners or managers of undertakings covered by the Decree shall keep a legible time-table in duplicate, the entries in which shall be submitted for approval to the competent labour inspectorate or in default of such to the local police authority. The time-table shall specify: (a) the names in full of the workers in each shift; (b) the times for the beginning and cessation of the work of the shifts and the duration of the breaks and (c) the overtime approved with the rate of remuneration therefor. One copy of the time-table shall be affixed in a conspicuous place in every workplace. Under § 17, owners or managers of occupations or undertakings covered by the Decree shall also keep a register in which they shall enter: (1) the number of persons employed by them and the hours of work of each employee in the day; (2) the permits for overtime granted to them in case of a general interruption of work for the reasons specified in 5 of the Decree (see under ARTICLE 6 above), and (3) the extra remuneration paid thereof. This register shall be placed at the disposal of the officials of the labour inspectorate or the police authorities. Finally, § 15 lays down that an employer shall not compel his employees to remain in the workplace or the establishment during the breaks or intervals for meals.

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. The Government has communicated with the report specimen copies of rosters to which railway servants are working.

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

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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 which under §§ 103 and 142 of the Act concerning industries must, after approval by the factory inspector, be posted up in the undertakings, has been communicated to the Office.

Luxemburg. — § 8 of the Order of 30 March 1932 contains provisions similar to those of this Article of the Convention.

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."

Spain. — § 16 of the Decree of 1 July 1931 provides that employers in every establishment shall be bound to make known by means of notices permanently affixed in a conspicuous place in the establishment or in some other suitable place the hours for the beginning and ending of work and, if work is carried on in shifts, the hours for the beginning and ending of the work of each shift and the breaks for rest granted during the daily hours of work not included therein in conformity with the statutory provisions, the decisions of the joint bodies or the agreements legally authorised in lieu thereof. Such time-tables may not be altered unless notice has previously been given to the competent joint bodies and to the Labour Inspectorate. Under § 17 a worker may not be employed outside the hours specified as working hours, during the hours set apart for rest in conformity with the above provisions.

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",

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."

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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 Hours of Employment Regulations were extended to the Eastern Bengal and the Great Indian Peninsula Railways with effect from 1 April 1932, so that the Regulations are formally applied to more than half the number of railway workers in India to whom the Act is applicable. Present financial circumstances have made it impossible to give statutory force to the Regulations in the Burma Railways and the Company-managed Railways, but a large majority of the employees on those lines are working according to the provisions of this Convention, and every effort will be made to apply the Act as soon as the necessary funds become available.

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) Lineworks;
- (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, gasworks (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;
- (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.

Greece. — For information regarding the scope of the legislation at present in force, see above under ARTICLE 1.

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.

See the introductory note.

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

Chile. — No use has been made of the exception provided for in this Article.

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

Greece. — The report does not refer to this question.

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

Lithuania. — No use has been made of the exception provided for in this Article.

Luxemburg. — No use has been made of the exception provided for in this Article.

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

Spain. — No use has been made of the exception provided for in this article.

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

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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 calcears.

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. By a Royal Order of 12 March 1932 a special system of hours of work was established for the staff of public and private slaughter houses.

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

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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 response to this observation 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 the period under review 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. (See table below). 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; confectionery, ice-making and the manufacture of chocolate; manufacture of biscuits, ginger-

bread and marzipan; retting of flax in streams, ponds and in fields; 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); electro-plating (electrolytic baths); galvanisation of iron and cast iron by a hot process (iron galvanising); manufacture of artificial silk by the collodion 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; certain 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, electrotpe). 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 OCTOBER 1931 TO 30 SEPTEMBER 1932 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	—	—	—	1	11	429	1	11	429
Wood work and furnishing	2	44	4.588	7	83	5.989	9	127	10.577
Food and Drink	1	58	5.916	3	163	11.076	4	221	16.992
Textiles	18	1.158	70.626	45	1.410	120.415	63	2.568	191.041
Metals	7	168	8.602	22	413	21.223	29	581	29.825
Clothing	3	39	1.797	5	129	5.156	8	168	6.953
Artistic and fine work	1	11	418	—	—	—	1	11	418
Book printing, binding, etc.	1	125	7.750	—	—	—	1	125	7.750
Hides and skins	2	120	3.672	12	341	13.923	14	461	17.595
Tobacco	—	—	—	1	158	1.580	1	158	1.580
Chemicals	—	—	—	4	132	13.630	4	132	13.630
Paper	—	—	—	5	80	7.560	5	80	7.560
Special	2	15	1.490	19	1.051	75.666	21	1.066	77.156
Ceramics	—	—	—	2	32	4.056	2	32	4.056
Quarries	—	—	—	1	14	2.128	1	14	2.128
Glass	—	—	—	2	79	3.008	2	79	3.008
Transport	—	—	—	1	1	456	1	3	456
	87	1.738	104.859	130	4.099	286.295	167	5.837	391.154

I. Hours of work (Industry).

Bulgaria. — The report states that the Decree No. 24 of 24 June 1919 does not permit the exceptions allowed by Articles 4, 5 and 6 of the Convention.

Chile. — The report states that with regard to this point Chilean legislation does not contain any provisions other than those contained in §§ 24-33 of the Decree of 13 May 1931 (see above under ARTICLES 4-6).

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 alternation 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 1932: Permits were granted to 284 undertakings (0.12 per cent. of the total number of undertakings covered by accident insurance, or 0.04 per cent. after deduction of agricultural undertakings); the total number of workers employed in these 284 undertakings was 58,370 (1.38 per cent. of the total number of wage-earners); the number of workers who worked overtime was 12,261 (0.29 per cent. of the total number of wage-earners); the total number of hours of overtime expressed in working days of eight hours was 65,202 or 10,867 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 the circular of the Minister of Social Welfare of 31 December 1929 relating to the limitation of permission for overtime,

I. Hours of work (industry).

amended, to meet the exigencies of the present serious economic crisis, by the Circular of 3 December 1931.

Greece. — The report does not contain a list of continuous processes in the sense of Article 4 of the Convention. The report states, further, that no agreements exist equivalent to those mentioned in Article 5. For information concerning provisions relative to exceptions, see under ARTICLE 6.

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 report states 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 the 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. — See under ARTICLE 4, 5 and 6.

Luxemburg. — The report states that no use has been made of the powers given by Articles 4 and 6 and that no agreements have been made under Article 5.

Portugal. — The report states that no agreements of the kind contemplated in Article 5 of the Convention exist in Portugal, and, further, that the law allows permanent or temporary exceptions, as provided by Article 6, only as regards the transport industry, cases of *force majeure*, urgent national necessity, mobilisation, etc. (Decree No. 5516, § 6). With regard

to industries with continuous processes, the Government communicates the three following lists (published in the *Diário do Governo* of 10 March 1911), while observing that the competent authorities are at present engaged in studying new conditions for such industries.

(a) *Industries in which continuous processes are allowed.*

1. Hydrochloric, nitric, sulphuric acids, etc.
2. Hydrogen peroxide.
3. Chemical extraction of fats.
4. Minium (red lead).
5. Animal charcoal.
6. Soda.
7. Carbon bisulphide.
8. Salt works.
9. Dynamite and explosives factories.
10. Paper, carboard and pasteboard factories.
11. Glass works.
12. Margarine factories.
13. Factories for the generation of electricity, gas and by-products.
14. Production and utilisation of wind or water power.
15. Refrigeration and ice factories.
16. Furnaces for the decarbonisation and refining of metals.
17. Preparation of blood, tripe and other offal.
18. Hides, skins, leather and their derivatives.
19. Work on the foundations of bridges and wharves (compressed air).
20. Undertakings for the supply of water.
21. Undertakings for the supply of light.
22. Loading and unloading undertakings.
23. Telephone undertakings.
24. Hospitals.

(b) *Industries in which continuous processes are allowed at certain seasons.*

1. The manufacture of wine and the distillation of wine and lees, at the proper season.
2. Olive oil, during the harvest season.
3. Preserving and canning (fruit, vegetables, fish, meat, etc.), when there is an abundance of the products used as raw materials.
4. Superphosphates and other fertilisers, on the occasion of the agricultural seasons in which they are used.

(c) *Industries in which continuous processes are limited to certain of their operations.*

1. Sugar factories, treatment of molasses.
2. Italian "pasta" factories, drying.
3. Rubber factories, drying and decanting.
4. Glue and gelatine factories, treatment of raw materials, work on autoclaves and drying plant.
5. Candle factories, preparation of fatty acids and distillation of glycerine.
6. Potteries, drying and tending of furnaces.
7. Metal pen factories, tending of furnaces.
8. Breweries, superintending fermentation.
9. Straw for hats, bleaching of straw.
10. Lime, cement and plaster, tending of furnaces.
11. Butter and cheese making, superintending fermentation and treatment of milk.
12. Dye works, work on natural indigo.
13. Newspaper undertakings, work indispensable for printing, sale and distribution.
14. Garages, urgent repair work.
15. Offices, warehouses and factories, care-taking, fire prevention and similar services.

I. Hours of work (industry).

Spain. — The report states that all the information required under this Article is contained in the Decree of 31 July 1931.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate and has come to the conclusion that local conditions render application impracticable.

Portugal. — The Convention was ratified by Portugal subject to the reservation of subsequent decisions as regards its application to the Portuguese colonies. In this connection, the Government states that the industries existing in the colonies do not employ a large number of workers. On the sugar plantations only native labour is employed and such labour is employed only during the sugar-cane harvest. The vegetable oil factories are very few in number and of a comparatively low productive capacity. The greatest number of workers are employed on the railways and their hours of work are the same as in Europe. Very few mines are worked and conditions of work in them are regulated by provisions in harmony with those of the Conventions. Certain divergencies exist between the provisions of the Conventions drawn up by the International Labour Conference and Portuguese colonial legislation, but such divergencies are 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 is 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 prove that the Government is keenly interested in protecting the welfare and life of the native races. The Code deals *inter alia* with the questions of hours of work, weekly rest, industrial accidents, occupational diseases, etc.

Spain. — The Convention is stated to be applied in the towns under Spanish sovereignty in Morocco (Melilla and Ceuta).

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

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. In particular, please supply information on the organisation and working of inspection.

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, who are divided into 25 inspection services and placed under the supervision of the Directorate of Labour and Social Insurance.

Chile. — The authorities responsible for the application of the relevant laws and regulations are : The Labour Inspectorate, as organised by the Legislative Decree No. 1331 of 5 August 1930 and paragraph 1 of Part III of Book IV of the Decree No. 178 of 13 May 1931, and the Labour Courts, which are regulated by Part I of Book IV of the Decree No. 178. The procedure for supervision is laid down in §§ 567-573 of the Decree No. 178 and the methods followed are in accordance with the general principles for the organisation of factory inspection services contained in the Recommendation adopted by the International Labour Conference at its Fifth Session. The working of the General Inspectorate of Labour is determined by the departmental regulations concerning this Service which were approved by Decree No. 369 of 2 April 1932.

I. Hours of work (industry).

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

Greece. — The application of the relevant laws and regulations is entrusted to the factory inspectors, the police authorities and the inspector of mines.

India. — The Factories Act is administered by the Local Governments through their factory inspectors. It is the Local Governments who are empowered to make rules for the application of the Act. 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 Government 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 the application of the relevant legislation is entrusted to the factory inspectors. Breaches of the law are punishable by a fine of from 50 to 1000 litas or by imprisonment up to four weeks.

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 the 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.

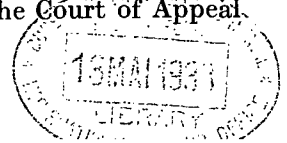
Portugal. — § 9 of Decree No. 10782 provides that "the administrative and police authorities shall supervise and enforce the carrying out of the provisions respecting hours of work, and shall draw up reports and impose fines in case of contravention. Class or trade associations or their delegates, or 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." §§ 13-15 of the Decree prescribe penalties in cases of infringement. The report states that the supervision of the observance of the relevant legislation lies with the Compulsory Social Insurance and General Provident Institute.

Spain. — The application of the provisions concerning hours of work is entrusted to the general labour directorate in the Ministry of Labour. Supervision is ensured, under the general control of the above-mentioned directorate, by the labour inspectors, whose duties are laid down in the Decree of 23 June 1932. The committees of inspection of the mixed juries set up in the different occupations are called upon to assist the inspectors. In the occupations where no mixed juries have been set up the delegates of the Labour Council act in the above capacity. The regulations concerning these bodies are contained respectively in the Act of 27 November 1931 regarding mixed juries and the Act of 3 September 1930 concerning inspection by the delegates of the Labour Council. Complaints relating to overtime work are submitted to the mixed juries when the amount claimed by the workers does not exceed 2,500 pesetas and to the industrial courts if the sum exceeds that amount. Appeals against the decisions of the juries are decided by the Minister of Labour and those against the decisions of industrial courts are settled by a special bench of the Supreme Court.

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. — A decision of the Supreme Court of Appeal of 22 December 1930 has annulled a decision of the Court of Appeal



I. Hours of work (industry).

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.*)

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.

Spain. — The report states that the decisions given by the Supreme Court in connection with the compensation of overtime work are included in the collection of laws.

The other reports supplied do not mention any such decisions.

VII.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the number of hours overtime worked in the cases covered by Articles 3 and 6 of the Convention, etc.

Belgium. — The report states that the Labour Inspectorate is able to affirm that the provisions of the Act of 14 June 1921 are applied in practice in the majority of industrial and commercial undertakings. Whilst the application of the Act continues to give rise to numerous complaints,

an analysis of the reports submitted in respect of each of these complaints shows that in more than 85 per cent. cases the complaints relate to matters which are not illegal. This is explained by the fact that the structure of the Act, re-enforced by numerous orders providing for exceptions covering specified industries or undertakings, has become too complicated for persons who are not well-informed. During the period 1 October 1931 to 30 September 1932 the number of breaches detected by the Factory Inspectors was 228. The report adds that it is impossible to estimate the number of workers covered by the relevant legislation.

Bulgaria. — The report does not refer to this question.

Chile. — The report states that the application of the provisions of the Convention is carried out very strictly, mainly owing to the terms of Decree No. 113 of 30 June 1932, which, with a view to relieving unemployment, has suppressed all overtime work for a period of one year from 15 June 1932.

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 1931, which will be transmitted to the International Labour Office.

Greece. — The report does not refer to this question.

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. The Note on the working of the Factories Act is based upon the reports of the inspection services and the statements appended to it give information regarding the number of workers covered by the Act and the number and nature of the convictions obtained for contraventions of the law. 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. The Government has also communicated a copy of the annual report of the Supervisor of Railway Labour on the working of the Hours of Employment Regulations on the North Western and East Indian Railways during the year 1931-1932. The report adds that

II. Unemployment.

in accordance with the recommendations of the Royal Commission on Labour for the reduction of hours of work in perennial factories the Government of India has circulated for eliciting opinions a Draft Factories Bill which *inter alia* provides for a 54 hours week and a ten-hours day in such factories. Provision has also been made for the statutory imposition of maximum limits of overtime. It is noted that the Bill is designed primarily for the purpose of eliciting opinions and that the Government is not committed to the principles embodied in it.

Lithuania. — The report states that the Act concerning hours of work applies to all workers employed in industry. Their number on 1 July 1932 was 13,744. This figure does not, however, include workers employed in establishments which employ less than three persons. During the period covered by the report four cases of infraction were detected and the offenders were prosecuted. Permission for overtime was granted to an undertaking employing twenty-five workers. Such overtime was authorised for a period of three months at the rate of two hours per day.

Luxemburg. — The report states that for the period under review the factory inspectorate reported only one case of infraction of the relevant provisions.

Portugal. — The report states that the regulations in force regarding hours of work are strictly observed. The existing legislation, however, still requires revision on certain points. A committee was accordingly set up, by an Order of 10 February 1930, 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 (Fourteenth Session, Geneva) on hours of work in commerce and offices.

Spain. — The report states that the relevant particulars are published in the reports of the factory inspectors.

II. 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 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
South Africa	20. 2.1924	30.11.1932
Austria	12. 6.1924	7.11.1932
Belgium	25. 8.1930	27.10.1932
Bulgaria	14. 2.1922	2.12.1932
Denmark	13.10.1921	4.11.1932
Estonia	20.12.1922	24.10.1932
Finland	19.10.1921	8.11.1932
France	25. 8.1925	14.1.1933
Germany	6. 6.1925	7.11.1932
Great Britain . . .	14. 7.1921	21.12.1932
Greece	19.11.1920	27. 1.1933
Hungary	1. 3.1928	5.1.1933
India	14. 7.1921	22.12.1932
Irish Free State . .	4. 9.1925	31.10.1932
Italy	10. 4.1923	12.12.1932
Japan	23.11.1922	15. 2.1933
Luxemburg	16. 4.1928	1.11.1932
Netherlands	6. 2.1932	27.10.1932
Norway	23.11.1921	7.10.1932
Poland	21. 6.1924	7.12.1932
Rumania	13. 6.1921	
Spain	4. 7.1923	20. 3.1933
Sweden	27. 9.1921	14.11.1932
Switzerland	9.10.1922	1.11.1932
Yugoslavia	1. 4.1927	7.11.1932

The *Greek* Government states in its report that the application of the Convention is ensured by Act No. 5288 of 31 August 1931 respecting the regulation of the labour market, amended and consolidated by a Decree of 10 October 1932. The report further states that, by a Decree of 14 December 1932, employment exchanges have been set up in the following towns : Athens, the Piraeus, Volo, Patras, Salonika and Kavala ; the composition and functions of the governing bodies of these exchanges are determined by a Decree of 30 November 1932. Various legislative texts relating to the working and co-ordination of employment exchanges are in process of being drafted, and will be transmitted to the International Labour Office as soon as they are published.

The *Indian* Government states in its report that "the Royal Commission on Labour recommended that Government should examine the possibilities of making preparations to deal with urban unemployment among industrial workers when it

II. Unemployment.

arises, and of taking action where it is now required, on the lines of the system devised to deal with famine in rural areas. This recommendation has been communicated to the provincial Governments for consideration and necessary action as and when required".

The report of the *Rumanian* Government has not yet been received¹.

The *Spanish* Government's report points out that the delay in the strict application of the Convention is due to the quantity of local or regional machinery which it is essential to set up in order to be in a position to collect complete statistics of unemployment; great progress has been made in setting up this machinery but it is still far from being complete. In so far as may be possible, the central services of the Ministry of Labour and Social Welfare endeavour to furnish sufficiently approximate figures.

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. Native Labour Regulation Act of 1911. Natives (Urban Areas) Act of 1923. Juveniles Act of 1921 (L. S. 1921, Part II, S. A. 1).

The report states that "the national law of the Union cannot be said to be in full harmony with the Convention, compliance therewith being obtained by means of administrative action on the part of the Government. The ratification of the Convention has not had any actual legal effect, nor has it modified existing legislation in any degree. So far as Europeans are concerned, free employment agencies throughout the Union of South Africa are conducted by the Government; compliance with the terms of the Convention is thus ensured."

Austria.

Unemployment Insurance Act of 24 March 1920 as subsequently amended by 28 amending Acts (text up to and including the XIXth amendment in L. S. 1927, Aus. 1; text of XXIInd and XXIIIrd amendments in L. S. 1928, Aus. 9, and 1929, Aus. 4).

¹ The report was received by the Office on 31 March 1932. For the summary of it see Appendix A below.

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 employment² 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. (L. S. 1930, Bel. 10).

Various legislative and administrative measures taken 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.

Act of 23 June 1932 concerning employment exchanges and unemployment insurance, replacing the Acts of 1 July 1927 and 9 November 1928 on the same subject.

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 a series of Decrees concerning the conditions to be fulfilled by municipal or 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).

Various Decrees of 1931 and 1932 concerning the granting of State subsidies to unemployment funds and relief works for different categories of workers.

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Germany.

Act of 25 May 1925 ratifying the Convention.
Act of 16 July 1927 respecting employment exchanges and unemployment insurance (L. S. 1927, Ger. 5), successively amended by various Acts and Orders, particularly by Order of the President of the Reich No. III of 6 October 1931 to ensure economic and financial security and combat political extravagance, and Order of the President of the Reich of 14 June 1932 concerning measures for continuing assistance to the unemployed and social insurance and means of decreasing the expenses for relief borne by the municipalities.

Great Britain.

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

Unemployment Insurance Acts, 1920-1932 (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; 1928, G.B. 6; 1929, G.B. 2 and 7; 1930, G.B. 1 and 10; 1931, 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.

Greece.

Act No. 2270 of 1 July 1920 to ratify the Convention.

Royal Decree of 22 September 1922 concerning the establishment of employment exchanges (L. S. 1922, Gr. 6).

Act No. 5288 of 31 August 1931 respecting the regulation of the labour market.

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 Decrees 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, to ensure collaboration between 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 the rural population 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 (L. S. 1928, It. 2).

Legislative Decree of 15 November 1928 relating to the constitution of funds for the institution and working of free employment exchanges for the unemployed, modified by Royal Decree of 19 November 1931.

Royal Decree of 6 December 1928 issuing regulations for the administration of the Royal Decree of 29 March 1928 (L. S. 1928, It. 6).

Royal Decree of 9 December 1929 to amend the Royal Decree of 29 March 1928 concerning the national organisation of labour supply and demand (L. S. 1929, It. 5 A).

Royal Decree of 9 December 1929 to amend the Royal Decree of 6 December 1928 issuing regulations for the administration of the Royal Decree of 29 March 1928 concerning the national organisation of labour supply and demand (L. S. 1929, It. 5 B).

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.

Royal Legislative Decree of 28 December 1931 issuing regulations for corporative inspection.

Royal Legislative Decree of 14 January 1932 containing rules for the collection of contributions for compulsory social insurance against invalidity, old age, unemployment and tuberculosis.

Royal Legislative Decree of 31 March 1932 amending the regulations for employment exchanges set up under Royal Decree of 29 March 1928.

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), amended by Notification No. 181 of 31 August 1932.

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).

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Luxemburg.

- 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.

Netherlands.

- Act of 29 November 1930 regulating employment-finding (L. S. 1930, Neth. 5).
- Decree of 2 December 1916 issuing general regulations for the granting of subsidies to Unemployment Funds (B. B. 1917, Vol. XII, p. 99).

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) text as published by Act of 3 March 1926.
- 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; 1932, Pol. 3).
- Ministerial Decree of 2 May 1930 concerning the rights of workers employed abroad to unemployment insurance benefits.
- Notification, of 24 June 1932, of the uniform text of the law concerning unemployment insurance.
- Various legislative and administrative measures dealing especially with Posnania, Pomerania and Upper Silesia.

Spain.

- Act of 27 November 1931 to organise, on a national scale, the free public placing of the workers.
- Regulation of 6 August 1932 concerning the development and application of the principles contained in the above-mentioned Act.
- Decree of 25 May 1932 (which became an Act on 9 September 1931) setting up a service to organise insurance against involuntary unemployment.
- Regulation of 30 September 1931 concerning the execution of the decree which set up the National Unemployment Insurance Fund.

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).
- Orders of 9 April 1925, 20 December 1929 and 26 September 1932 relating to the Federal Act of 17 October 1924.
- Federal Decree of 23 December 1931 granting emergency assistance to the unemployed.
- Orders of 15 February and 12 May 1932 regulating the distribution of relief funds to the unemployed in various industries.

Yugoslavia.

- Workers' Protection Act of 28 February 1922 (L. S. 1922, S. C. S. 1).
- Order of 17 June 1932 amending regulation of 26 November 1927 concerning the organisation of employment exchanges and of direct assistance to the unemployed.
- Order of 12 June 1928 concerning private fee-charging employment exchanges (L. S. 1928, S. C. S. 2).
- 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.

II. Unemployment.

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 periodical statistical information required under Article I of the Convention is 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. The report contains a detailed account of the measures taken by the Government to combat unemployment.

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, a statement of the allowances paid by the National Emergency Fund and a survey of the activities of the Committees on claims ; (2) quarterly, a table giving the details, arranged under organisations, of placings effected by the independent labour exchanges approved by the State ; (3), half-yearly, a survey of the activities of the Committee of appeal for claims attached to the National Emergency Fund ; (4), 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 § 19 of the Act of 12 April 1925 for the keeping of records applications by employers and workers. Applications made in special cases are forwarded by the employment exchanges to the competent labour inspection service. Further, a memorandum on unemployment in Bulgaria and on the measures taken to combat it, transmitted to the Office in May 1931, 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.

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 month-

II. Unemployment.

ly 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.

Greece. — The report contains no information on the application of this Article.

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 has 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. — The International Labour Office 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 Government 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.

Luxemburg. — 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 states that a statistical statement of unemployment has been forwarded quarterly to the International Labour Office.

Netherlands. — The report states that various publications containing figures relating to unemployment, and, in particular, the periodical published monthly by the Central Statistical Office, are transmitted regularly to the International Labour Office. The report adds that in future, information on measures relating to unemployment will also be sent, if possible monthly.

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

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

Spain. — The report states that since, up to the present, it has only been possible to organise approximately four thousand employment and registration agencies for the workers, out of the nine thousand which are provided for, only local or provincial statistics are available, which do not reflect the general situation in the country. The Ministry of Labour and Social Welfare, however, endeavours to fill the gaps and to furnish particulars which allow the volume of unemployment to be estimated. The report gives no indication of the steps taken to communicate to the International Labour Office, within the time-limits laid down by the Convention, information concerning the endeavour to overcome unemployment; on the other hand, it enumerates all the legal provisions promulgated for that purpose.

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 *La Vie*

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Economique, published monthly by the Federal Department of Public Economy. This review contains 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 *La Vie Economique* and to the new Federal Acts or regulations concerning the development of unemployment insurance and the steps taken to combat unemployment.

Yugoslavia. — Monthly statistical reports on the progress of unemployment in Yugoslavia are supplied regularly to the Office by the Central Employment Exchange.

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 public 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. Please indicate in particular the number of free employment agencies set up, the number of applications for employment received, the number of vacancies notified, and the number of persons placed in employment, by such agencies.
- (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) Free employment exchanges for both Europeans and coloured population have been established throughout the Union, under the control of the Minister of Labour. The Union is divided into eight labour inspectorates. At the headquarters of each inspectorate the employment bureau operates primarily for the town concerned but also serves as a clearing house for the postal labour

bureaux falling within the inspectorate. In rural areas some 256 subsidiary labour exchanges have been established under postmasters. In the principal towns adults and juveniles are separately dealt with. The juvenile labour bureaux are under the control of Juvenile Affairs Boards, which are mixed bodies co-operating closely with Apprenticeship Committees. The functions of the Committees referred to in Article 2 of the Convention are at present fulfilled by local Committees, appointed where required and consisting of representatives of employers and employees, to advise the officer in charge of the Government bureaux. With regard to natives, the system of free assistance operates as follows: magistrates submit to the Director of Native Labour from time to time particulars of any demand for native labour which may arise in their respective districts and Native Commissioners furnish to that officer monthly returns of native labour available in their districts classified according to their suitability for agriculture, mining, industrial and commercial work and domestic work. The returns are collated in the office of the Director of Native Labour, who puts the district of demand into touch with the district of supply. In addition to this scheme, there are institutions licensed under the Native Labour Regulations Act, 1911 which, while not carried on by the Government, are nevertheless subject to the supervision of the Director of Native Labour, and do not charge the natives fees for their services. They consist of organizations which are paid by the employers for obtaining the services of natives.

(b) The report states that there are no private free employment agencies of any recognised standing in the Union, the majority being societies or organisations of various kinds which endeavour to obtain employment for their members as a subsidiary aim. Provision for the establishment of private fee-charging 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

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between the system in force in the Union and systems in force in other countries. 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. There are at present more than 100 public employment exchanges in Austria. During 1931, the number of applications for employment was 3,606,672, the number of vacancies notified, 263,815, and the number of vacancies filled, 243,815.

(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 19 February 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

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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. 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 23 June 1932, replacing 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

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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. On 1 April 1931 the number of free employment exchanges was 30. During the period from 1 April 1930 to 31 March 1931, these exchanges received 410,483 applications for employment and 76,969 notices of vacancies. The number of vacancies filled during the same period was 72,899.

(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 18 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. During 1931, the number of applications for employment received by the public employment exchanges was 29,746, and the number of vacancies notified was 23,319; 20,878 vacancies were filled during the same year.

(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' representatives 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

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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 states that the organisation of public employment exchanges is developing more and more widely, and that at the present moment every department has a departmental office. In addition, a certain number of important centres have set up or re-organised municipal exchanges. 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); 688 municipal exchanges. In addition, 76 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

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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. The report states that the number of free employment agencies is 1210 (Great Britain 1182, Northern Ireland 28); the number of applications for employment, 2,776,143 (Great Britain 2,709,875, Northern Ireland 66,268); the number of vacancies notified, 1,952,447 (Great Britain 1,926,405, Northern Ireland 26,042) and the number of vacancies filled, 1,802,290 (Great Britain 1,776,979, Northern Ireland 25,311).

(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 (1920-1932) 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.

Greece. — (a) The Act of 31 August 1931 lays down, in §2, that employment exchanges may be established in towns with a population of more than 20,000. In exceptional cases employment exchanges may also be established in towns with a population of less than 20,000. Under §3 (3), the rules for the organisation of each employment exchange, its area of jurisdiction and matters relating to the collaboration between different exchanges shall be prescribed by decisions of the Ministers of National Economy and

Finance, issued after consultation with the governing body of the employment exchange concerned. §4 provides that, among other duties, the employment exchanges shall be responsible for the periodical publication of tables showing the number and qualifications of unemployed persons and the vacancies in their respective areas or in the areas of other employment exchanges, and also information supplied by the Ministry of National Economy relating to the state of the labour market in countries of emigration. They shall also submit to the Ministry of National Economy fortnightly reports based on the lists specified above. §6 lays down that every employment exchange shall be managed by a governing body, the number of members of which shall not be less than five nor more than eleven including the chairman. According to the number of members of the governing body of each exchange, at least one and not more than four of its members shall belong to the employers' group and an equal number to the employees' group, and one or two members shall be appointed, on the proposal of the municipal council of the town in which the exchange is situated, from members of the said council who do not belong either to the employers' or to the employees' group. The number of members of the governing body of each exchange appointed from the members of the municipal councils shall not exceed the number of employers' members; they shall be selected by the Minister of National Economy from a list of twice the number required submitted by the competent municipal council. §9 lays down that neither the persons placed in employment nor the employers shall be charged any fee in respect of placing of wage-earning or salaried employees in employment through the employment exchanges. Under the terms of §§17 and 18, a labour and migration section shall be set up in the Directorate of Labour and Social Welfare of the Ministry of National Economy, one of the duties of which shall be to compile and publish through the general State Statistical Department monthly and annual statistical tables relating to unemployment in Greece as a whole and in the different parts of the country, and also relating to migration. See also introductory note.

(b) §14 of the Act of 31 August 1931 provides that, after the expiry of a period of three months reckoned from the coming into operation of this Act, private employment exchanges shall not be set up or continue their operations without a special permit from the Minister of National Economy, issued at the request of the persons concerned; the said persons shall comply with the conditions laid down in the permit. After the setting up of a public employment exchange, permits for the establishment of fee-charging private

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employment exchanges within the same area shall not be issued. Not more than a year after the setting up of employment exchanges in conformity with this Act, fee-charging private employment exchanges in the district of the public employment exchange shall cease to carry on their operations and shall not be entitled to any compensation.

(c) The report states that the Government will consider carefully the proposals of the International Labour Organisation relating to the co-ordination of the operations of the various national systems of employment-finding.

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; a model of these regulations has been transmitted to the Office. The report states that these are at present eight public employment exchanges possessing 312 branches; the number of free private exchanges is 139. During the period of which the report treats, these exchanges received 693,942 applications for employment and 147,235 notices of vacancies, and filled 127,986 of these vacancies. As regards the finding of employment for agricultural workers, Order No. 77000/1926 has created a system of public employment exchanges for these workers. Decree No. 27600/1930 lays down that the agricultural committees set up under Act No. XVIII of 1920 shall act as advisory bodies to the agricultural employment exchanges; the National Chamber of Agriculture fulfils the same functions in connection with the Central employment exchange for agricultural workers, which works directly under the Ministry of Agriculture. In 1931, the number of these agricultural exchanges was 1,859 and the number of agricultural workers for whom they found employment was 87,283.

(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. — The provisions of the provincial famine codes deal adequately with the case of agricultural unemployment or unemployment among the rural population. Although the agencies employed under these codes are not permanent but open and close as circumstances demand, the system is permanent. The rural unemployment relief schemes under the famine codes provide work for applicants and not merely information as to employment. The report states that the Royal Commission on Labour recommended a system of agencies for dock workers on the lines of the Convention. The recommendation is that, with a view to decasualisation and to secure a more equitable distribution of employment, a system of registration of dock labour should be introduced in each of the main ports, supervised and controlled by the port authority assisted by representatives of shipowners, stevedores and labourers. The Government of India has invited the provincial Governments of Bombay and Burma to ask the Port Trusts, Karachi and Rangoon, to explore the possibility of formulating a suitable scheme on the lines recommended by the Commission. The report adds that Indian conditions and the Indian system of unemployment relief differ so radically from those of other countries which have ratified the Convention that no co-ordination embracing India is feasible. See also introductory note.

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

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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. According to a statement showing the number of unemployed registered with employment exchanges on the last Monday of each month, the number on 26 October 1931 was 26,050, and on 26 September 1932, 80,923. During the twelve months under review, 47,835 vacancies were notified and 44,650 filled.

(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, for harvest workers and for workers who gather the olive crop and for workers in theatrical undertakings, 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 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 unemployed 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. The report gives tables showing the number of various classes of employment exchanges with statistics showing the extent of their activities.

(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 and theatrical undertakings, 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

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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 454 in September 1932. 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, Aomori, Nagano and Okayama. 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. The report states that, during the period under review, the number of vacancies notified was 1,176,784, the number of applications for employment was 1,497,090, and the number of vacancies filled was 520,149.

(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 or 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 has been sent to the International Labour Office.

(b) Private employment offices are governed by the Act of 2 May 1913 and the Grand-Ducal Decree of 21 August 1931;

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§ 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 Government considers that it would be useful if Governments or central employment offices were to transmit periodically to the International Labour Office statistics, classified by occupations, showing the number of vacancies notified and applications for employment in each country which had not been satisfied; the Office would in its turn transmit to the Governments or central employment offices all statistics received by it which it considered might be used for an international placing of workers. The Governments or central employment offices would then get into touch with each other with a view to such placing.

Netherlands. — (a) Under the provisions of the Act of 29 November 1930, the public employment agencies are the municipal labour exchanges, the municipal employment agencies, the district labour exchanges and the National Service for Unemployment Insurance and Employment-Finding. Placings are effected by these agencies free of charge. Municipalities of 15,000 or more inhabitants are required to set up and maintain a labour exchange. Municipalities of less than 15,000 inhabitants, where there is no labour exchange, are required to set up an employment agency and to ensure its proper functioning. The supervision of each labour exchange is entrusted to a committee composed of representatives of employers and workers in equal numbers, which may not be less than two. The chairman and members of the committee are appointed, suspended and dismissed by the municipal council; appointment of the members can only take place after consultation with the employers' and workers' organisations concerned. A committee of control for the employment agency must be appointed by the municipal council in municipalities of 5,000 or more inhabitants and, by order of the Minister of the Interior, in municipalities of less than 5,000 inhabitants. The district labour exchanges ensure co-operation between the different public employment agencies in their area and also arrange for exchange of labour supply and demand with the labour market of the district. The Minister may require one of the municipal labour exchanges of a district to act as district labour exchange. The supervision of this body is entrusted to a committee composed of the members of the committee set up for the municipal labour exchange with the addition of at

least one employer and one worker engaged in industry in a municipality or district other than that of the district labour exchange and two persons of official position in the district municipalities other than the municipality to which the district labour exchange belongs. The National Service for Unemployment Insurance and Employment-Finding co-ordinates and supervises the work of public employment-finding. Attached to this service is a central aid committee for employment-finding and migration which includes, among its other members, an equal number of representatives of employers and workers. The report states that there are at present about 1,000 municipal employment agencies and 42 district exchanges which have registered, during 1931, 975,414 applications for work and 330,431 notices of vacancies. The number of vacancies filled was 280,740.

(b) The report states that a certain number of employment agencies exist which are not fee-charging and which are supported by benevolent societies or employers' or workers' organisations. The total number of these exchanges is about 200. The report adds that these labour exchanges collaborate with the public employment agencies. Special measures, however, have not yet been taken for ensuring a general co-ordination of their operations. The question is still under consideration.

(c) With regard to the co-ordination of employment-finding on a national scale, the report states that, during 1931, co-ordination was established between public employment agencies in the Netherlands and similar agencies in Germany and Belgium. The Government is of opinion that general co-ordination is only of importance to the extent to which restrictions on the employment of foreign workers are removed in the different countries.

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

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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 period under review, these offices found employment for 268,514 workers. Employment abroad was found for approximately 4,000 workers. The number of unemployed on 30 September 1932 was 150,446. 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 30 in 1932, as against about 50 in 1931. 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.

Spain. — (a) Under the Act of 27 November 1931, a system of free public employment agencies was set up. The organisation of these agencies, which are subdivided into several departments, is undertaken in the principal municipalities by the local government authority. Provincial or regional agencies are responsible for co-ordinating the work of the municipal agencies situated in their district. Finally there is a Central Office for employment and unemployment whose competence covers the whole of the Republic. The activities of the employment agencies must not be prejudicial

to the interests of the employers or the workers; for instance, they must not run counter to conditions of work laid down either in agreements between employers and workers or by the decisions of joint committees. The municipal and regional agencies are supervised by committees of inspection which comprise representatives of the employers and workers and competent persons nominated by the Ministry of Labour and Social Welfare. The Central Office is supervised by a special Sub-Committee of the Council of Labour to which employers' and workers' representatives and competent persons are attached.

(b) Measures covering private employment agencies, until such time as the latter cease to exist, are laid down by the provisions of the regulation of 6 August 1932 and are rigorously applied.

(c) The report states that the Spanish Government intends to bring the working of the Spanish system of placing workers into conformity with the rules of co-ordination followed by the International Labour Office in so far as those rules are not definitely incompatible with certain peculiarities of the conditions existing in Spain.

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 1932 there were working 36 public employment exchanges controlling 36 employment offices and 100 branch offices, 4 of which were engaged in finding employment for seamen. About 250 employment agents, 19 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. In 1931, the number of applications for employment was 754,876, the number of vacancies notified, 319,971, and the number of vacancies filled, 263,585.

(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 Office of Industry, Arts and Crafts, and Labour, 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 public offices in Switzerland dealing chiefly with employment-finding number 37 at the present moment. All these offices now possess joint committees, which are set up at the request of the employers' and workers' groups by the cantonal or municipal authorities. Members of the committees are elected for three or four years, and are generally eligible for re-election. 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. The report supplies the following details with regard to the work of employment exchanges during the

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period from 1 October 1931 to 30 September 1932 :

	Vacancies notified.	Applications for employment.	Vacancies filled.
1. Public employment exchanges	147,353	342,665	110,933
2. Joint employment exchanges :			
(a) Swiss technical employment exchange service	722	2,276	297
(b) Swiss employment exchange service for commercial workers	1,387	7,339	1,073

(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 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 Office of Industries, Arts and Crafts, and Labour 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 system of employment exchanges set up under the Act of 28 February 1922 was reorganised under the Regulations of 26 November 1927 concerning the organisation of employment exchanges and direct assistance to the unemployed. § 1 of the Regulations provides for the creation of public employment exchanges at the seat 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 under the control 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 1932 the number of these employment exchanges was 24. During the period from 1 January to 30 September 1932, 189,808 applications for employment were registered, 35,430 vacancies notified and 30,268 filled. The public employment exchanges are autonomous institutions, with a Board of Management as the supreme body. This Board consists of seven members, three of whom are representatives of the Chambers of Labour and three of the professional chambers; the remaining member is a State official and acts as chairman. The Central Employment Exchange Committee which is attached to the Central Employment Exchange Office, is the supreme employment exchange body, and consists of three delegates from the Chambers of Labour, three from the professional chambers, one from the Central Secretariat of trade union federations and one from the Central Secretariat of employers' associations.

(b) According to § 3 of the above Regulations, 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 Regulations. With regard to the co-existence of private fee-charging employment exchanges, their working has been regulated by an Order of 12 June 1928. § 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. Private exchanges must keep at the disposal of the authorities up-to-date statistics of their activities. The report states that an Order is being drafted which will lay down detailed instructions for the co-ordination of the operations of public and private exchanges.

(c) The Government is of opinion that it would be advisable to leave each State free to organise its system of employment-finding according to its own requirements and local conditions.

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.

Please indicate the countries, if any, the nationals of which enjoy the equality of rights laid down by this Article.

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. Equality of rights, in the sense of this Article, is granted to the nationals of the following countries: Austria, Czechoslovakia, Denmark, France, Great Britain, Luxemburg, the Netherlands and Poland.

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." The report states that Bulgaria observes the principle of reciprocity with all the States which have ratified the Convention and further, that a special agreement on the subject has been concluded with Czechoslovakia.

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, Belgium, Rumania, Austria, Yugoslavia and Spain, 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. Four further treaties have been signed, namely, one with Rumania on 28 January 1930, one with Austria on 27 May 1930, one with Yugoslavia on 29 July 1932, and one with Spain on 2 November 1932. The

¹ L.S. 1920, Int. 2.

² L.S. 1924, Int. 3.

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ratification of these latter 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, Austrian, Dantzic and British nationals. 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; a special agreement was concluded with Switzerland on 19 November 1929. Under an agreement made during 1932, nationals of Great Britain receive the same treatment in Germany as German nationals, in regard to emergency unemployment benefit. 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 January 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.

Greece. — The report states that a system of compulsory unemployment insurance exists in Greece for workers in the tobacco industry, the flour-milling industry and the baking industry. Under this system, no distinction is made between foreigners and nationals for these three classes of workers.

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, if they are engaged in the employments covered by the Acts. As these Acts are not less favour-

able 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. The nationals of every country while resident in the Irish Free State have equal rights with Free State nationals as regards unemployment insurance. The law lays down no restrictive "residence" qualification. Non-domiciled seamen, however, are not insured against unemployment in the Irish Free State.

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.

Luxembourg. — The report states that, in principle, Article 3 of the Convention does not appear to have any application in the Grand Duchy, since the present system of unemployment indemnities is merely a system of assistance given by the State or the communes, on a non-contributory basis. The labour treaty between Belgium and Luxembourg provides however, in § 7, that allowances granted in cases of unemployment by one State shall be also granted, in each of the contracting States, to the nationals of the other State. Further special agreements relating to unemployment relief exist with Austria, Germany, Italy and the Netherlands.

Netherlands. — The report states that an arrangement has been made with Switzerland, by an exchange of notes, by which Swiss and Dutch nationals are on an equal footing as regards benefits granted by unemployment funds. The report adds that foreigners living in the Netherlands are in general treated in the same way as nationals with regard to benefits granted by unemployment funds.

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,

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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 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 the Decree of the President of the Republic of 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.

Spain.— In Spain there is no official unemployment insurance in the proper

sense of the term. However, the system of unemployment benefit is being made applicable, reciprocally, to unemployed persons of French nationality in Spain; the treaty of 2 November 1932, which provides for this reciprocity, has been submitted to Parliament for ratification. The report also points out that the Decree of 25 May 1931, which instituted the Unemployment Insurance Service, specifically provides for the principle of reciprocity and lays down that, even in the absence of any agreement, the benefit of the Spanish legislation is granted to nationals of Andorra, Portugal and the latin-american Republics, including Brazil.

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 had ratified the Convention when the agreements were made. In addition, the Swiss Government entered into negotiations with the French Government, during 1932, with a view to concluding a similar agreement. 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. As regards the question of unemployment insurance of foreign sea-

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sonal workers, the Federal Office of Industries, Arts and Crafts, and Labour has recommended the insurance funds not to ensure these workers against unemployment, so that the workers in question may avoid having to pay contributions. In any case they cannot receive benefits, for they are, as a rule, required to leave Switzerland when they become unemployed, and this prevents them from fulfilling the legal obligations which are necessary for the control of unemployed workers. The question of foreign workers possessing a *permis de séjour* for a limited period is a very delicate one, and no definite solution of it has as yet been found.

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 Regulations 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 Convention has not been ratified on behalf of the Mandated territory of *South West Africa*. No system of unemployment insurance obtains in the territory. Unemployed persons register their names at

the various magistracies and their names are communicated to the Director of Works, Windhoek, whose office constitutes what may be termed a central unemployment bureau and who places these persons on the available relief works as opportunity offers. This procedure has only become necessary as a result of the present world depression.

Belgium. — The report states that the Department for the Colonies has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate and has come to the conclusion that local conditions render application impracticable.

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

France. — Owing to local conditions the Convention is not applied generally in French overseas possessions or protectorates. 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.

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 special measures to meet them.

Italy. — The special conditions of the labour market in *Libya* and *East Africa*

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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. An organisation for colonisation in *Cyrenaica* was set up by Royal Legislative Decree No. 696 of 11 June 1932.

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:

	Plac ng of general workers	Plac ng 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.

Netherlands. — While there is no legislation in the *Netherlands Indies* on employment-finding or unemployment insurance, effect is given to the main provision of the Convention by labour exchanges, of which there were in August 1932 six large and eleven small, and which furnish free employment-finding service for workers belonging to all classes of the population. The majority of the large exchanges are under the control of a supervisory committee on which employers and workers are represented; central supervision is exercised by the Labour Office. The Government grants a monthly subsidy of 225 florins to the larger exchanges and of 25 florins to the smaller, refund postage, telegram and telephone charges, and makes a special grant when employment is found for a worker outside the commune. According to reports from the Governors, in *Surinam* local conditions prevent application of the Convention and it is impossible to introduce modifications which would make it applicable, and in *Curacao* application of the Convention is unnecessary.

Spain. — The report states that as regards the *colonies*, the local situation, characterized as it is by a shortage of labour, render measures to counteract unemployment superfluous. As regards the territories *under protectorate*, a decree of 18 June 1932 regulated the labour market, taking into account the circumstances particular to Spanish Morocco, so as to protect European workers who go to that district against the consequences of unemployment.

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

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IV.

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. In particular, please supply information on the organisation and working of inspection.

South Africa. — The application of the measures giving effect to the Convention in the Union is entrusted, in so far as Europeans and coloured population are concerned, 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. In so far as natives are concerned, the application is entrusted to the Minister of Native Affairs.

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, to the inter-communal and communal Unemployment Funds and to the Joint Committees for Appeals. 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. Disputed cases relating to the right of insured persons to benefits from recognised unemployment funds are laid before the Labour

Commission, which consists of the Director mentioned above, acting as chairman, and ten other members, six representing the unemployment funds and four appointed by Parliament. Appeal may be made from the decisions of the Commission to the Ministry of Social Affairs.

Estonia. — The application of the relevant legislation is entrusted to the Ministry of Public Instruction and Social Affairs. The work of the labour exchanges is examined and controlled by the labour inspectors or other persons appointed by the Ministry, and also by means of the reports which the exchanges are required to furnish regularly on their work.

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 consequence 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.

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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.

Greece. — The supervision of the application of the relevant legislation and regulations is the duty of the Directorate of Labour and Social Welfare of the Ministry of National Economy, and of the labour inspection services.

Hungary. — The immediate supervision of the public employment exchanges for workers in industry, mining and commerce is carried out by the mayor of the town in which the exchange is situated. The employment exchange of Budapest exercises a general control of all public and private exchanges. 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. Inspection of branch offices is made by local headquarters (the employment exchanges) and of the whole system by officers stationed at the Central Office as and when required.

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 employment exchanges, a supervision which is carried out by means of the corporative inspection services.

Japan. — The enforcement of the relevant laws and regulations, etc., is entrusted to the 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 labour exchanges are placed under the supreme control of the Government, and are directed and supervised by a committee which is composed of a Government delegate as chairman, two delegates from the town where the exchange is situated, one employers' delegate and one workers' delegate. A central committee is set up to exercise Government control over the decisions taken by the joint committees on questions of unemployment relief.

Netherlands. — The application of the legislative provisions concerning unemployment insurance and employment-finding falls within the jurisdiction of the Minister of the Interior, who controls the National Service of Unemployment Insurance and Employment-Finding, the business of which is to ensure centralised control of public and private employment agencies.

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 and a series of subsequent Decrees, by the voivods as intermediary authorities and by the Ministry of Labour and Social Welfare as the final authority.

Spain. — The application of the Acts and regulations referred to under I is undertaken (1) by the employment and unemployment service of the Ministry of Labour and Social welfare; (2) by the Central Employment Office; (3) by the municipal, provincial or regional employment organisations. The report lays stress upon the fact that the participation of employers and workers in the committees entrusted with the supervision of the employment agencies ensures that these agencies fulfil the object for which they were created.

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 the detailed reports upon their activities which the exchanges are required to render at regular intervals. Meetings of the heads

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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 executive bodies for unemployment insurance are the unemployment funds, which are controlled by the municipalities, the cantons, and, finally, by the Confederation, which exercises supreme control through the Federal Office of Industry, Arts and Crafts, and Labour. Any insured person who considers that his rights have been infringed may appeal to one or other of these bodies. The Federal Office is so far unaware of any well-founded complaints by foreigners on the question of equality of treatment. The application of the provisions relating to the service of public employment exchanges is entrusted to the cantons. The Federal Office acts as the central office for the whole country and as manager in chief of the service of public employment exchanges. It co-ordinates the operations of the public and private employment exchanges and supervises their working.

Yugoslavia. — The supervision of the application of the Act and the Regulations concerned is entrusted to the Minister for Social Affairs and Public Health. The Central Employment Exchange Office and the Central Employment Exchange Committee ensure application by exercising direct control of the administrative and financial functions of the public employment exchanges, and by examining the decisions of the autonomous organs of the exchanges.

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.

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 Act concerning employment exchanges and unemployment insurance are regularly published in Part IV of the *Reichsarbeitsblatt* under the heading "Unemployment Insurance". The other orders, decrees and important decisions taken by the Minister of Labour of the Reich or by the President of the Reich organisation for employment exchanges and unemployment insurance, relating to

the Act mentioned above, are published in Part I of the *Reichsarbeitsblatt*.

The other reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, giving, for example, extracts from official reports and any other information bearing on the practical application of the Convention. 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.)

South Africa. — The report states that no special provisions exist for finding employment for workers in theatrical undertakings, as the number of these workers is relatively negligible.

Austria. — The report does not refer to this question.

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.

Bulgaria. — The report does not refer to this question.

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. — There is no special organisation in Estonia for finding employment for workers in theatrical undertakings. The associations of artistes and musicians serve, to a certain extent, as a means of

finding employment for these workers, but the extent of their activity in this respect is negligible.

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 under review. 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 1931 was 1,284,602. 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. — The Government states that the Convention is applied in Germany in the letter and in the spirit. 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. For a general appreciation of the manner in which the Convention is applied, the report refers to Chapters I-IV of the report of the Ministry of Labour for the year 1931.

Greece. — The report states that employment-finding for workers in theatrical undertakings is facilitated by the "Labour Fund", which was created by a Decree of 18 January 1932, and which grants loans to the mutual benefit associations formed by unemployed workers of this class.

Hungary. — The report states that, owing to the unfavourable condition of the labour market, co-ordination of the operations of public and private employment exchanges is only realised to a slight extent. The report adds that the Ministry of Commerce has drafted a Bill to regulate employment-finding for theatrical performers; this Bill is at present being examined by the Ministries concerned. Employment-finding for performers engaged in entertainment undertakings other than theatrical is generally effected by means of the general association of artistes.

India. — The report contains no information on this question.

Irish Free State. — The report states that there is no further information to add.

Italy. — As regards the question of persons employed in public theatrical undertakings, a free national employment exchange has been set up under the Decree of the Minister of Corporations of 18 June 1932. This exchange, which is situated in Rome and attached to the National Federation of Fascist Theatrical Trade Unions, is managed by an administrative committee composed of equal numbers of representatives of the National Association of the Theatrical Industry and of the National Federation of Fascist Theatrical Trade Unions. The Decree provides for the possibility of setting up branch exchanges in the eight principal Italian cities. Employers are required to engage persons for work in theatrical undertakings through this national office as from 1 October 1932, even when the engagement is for less than a week.

Japan. — The report states that, with the progress of employment exchanges in general, these agencies have a tendency towards gradual specialisation. A seasonal employment exchange agency (or an agency set up for a certain period in the year) is created in conformity with the needs of the local situation. The following table shows the number of employment ex-

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change agencies classified according to their specialised functions :

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	57 ¹	104
Women	7 ²	—
Intellectual workers	1	10
Korean workers	4	—
Liaison employment exchanges	1	—
Ex-soldiers and discharged soldiers	—	1
Seasonal workers	30	—
Total	100	115

In view of the present acute unemployment crisis, serious efforts are being made by the local employment exchange bureaux, which now number seven, to facilitate prompt employment exchange agencies and also to place workers in relief work for unemployment. In October 1931, the so-called "mobilisation day" for placing in employment was held throughout Japan, and on that occasion the public was invited to utilise employment agencies. The Central Committee and the seven local committees give their advice, on being requested to do so by the Minister, on all questions regarding employment ; in September 1932 an enquiry was undertaken by these committees as to the best means of decreasing unemployment in the different classes of work with which they dealt.

Luxemburg. — Workers in theatrical undertakings enjoy, in general, the same facilities as other workers as regards the finding of employment. For statistics relating to unemployment and to the activities of the labour exchanges, the report refers to the *Annuaire officiel* of 1933, which has been sent to the Office.

Netherlands. — The report states that employment-finding for workers in entertainment undertakings is effected almost entirely through private exchanges which, in accordance with the provisions of the Act of 1930 on employment-finding, are required to obtain a special permit to act as labour exchanges, and are moreover under the supervision of the authorities.

Norway. — The report does not refer to this question.

Poland. — As regards the question of employment-finding for workers in theatrical undertakings, the report states that there are seven employment exchanges supported by the occupational organisations of these workers, viz. : Polish

Trade Union of Theatrical Artists at Warsaw, Union of Polish Dramatic Artists, Trade Union of Musicians of the Polish Republic, Trade Union of Stage Artists, etc. Under the provisions relating to exchanges supported by associations, these exchanges are under the control of the public employment exchanges, and are required to furnish them with reports on their work.

Spain. — Article 6 of the temporary provisions which figure in the Regulation of 6 August 1932 expressly stipulates that private agencies dealing with the placing of theatrical artistes, pelota players and persons taking part in bull-fights and other spectacles are subject to the general rules laid down by the Act of 27 November 1931 concerning employment agencies.

Sweden. — Agreements have been concluded with Denmark, Norway, Germany, Switzerland and Czechoslovakia whereby reciprocity of treatment is ensured to their 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. — The report states that the manner in which the Convention is applied in the cantons may be considered as satisfactory. 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, the Swiss Society of Chorists and the Corporation of Theatrical Artists of French Switzerland 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, for the use of all musicians and, if necessary, for other classes of workers employed in the entertainments industry. The negotiations with the professional circles concerned, however, have not so far led to any practical results.

¹ Including 31 temporary agencies.

² Including 1 for women and young persons.

III. Childbirth.

Yugoslavia. — The report states that 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 this 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.

III. 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 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	14. 2. 1922	2.12.1932
Chile	15. 9. 1925	20.12.1932
Cuba	6. 8. 1928	
Germany	31. 10. 1927	7.11.1932
Greece	19. 11. 1920	27. 1.1933
Hungary	19. 4. 1928	5. 1.1933
Latvia	3. 6. 1926	6. 2.1933
Luxemburg	16. 4. 1928	1.11.1932
Rumania	13. 6. 1921	
Spain	4. 7. 1923	13.12.1932
Yugoslavia	1. 4. 1927	7.11.1932

By letters dated 15 September 1932, 2 December 1932, 3 February 1933 and 21 February 1933, the Government of *Cuba* communicated the following infor-

mation. Experience has shown that, in order that the 16 Conventions ratified by Cuba may be properly applied, national legislation must be adopted providing for penalties in case of breach of their provisions and for the creation of a corps of special inspectors. Such a corps does not at present exist and has not yet been created owing to serious economic difficulties by which the Republic has been intensely affected for some years past, and which have steadily grown in gravity. The Secretary of State nevertheless recently set up a special Committee to draft legislation for submission by the Executive Power to the Congress in order that these social questions may be dealt with as urgent, from the point of view both of the country and, more particularly, of the proletarian classes which, owing to the world economic crisis, stand urgently in need of such legislation. Legislation was duly drafted by the Committee, for the application of the Conventions and the creation of a corps of inspectors (a copy of the Bills drafted being forwarded to the International Labour Office). On 21 January 1933 three messages from the President of the Republic to the Congress were published, submitting the Bills for the application of the Conventions concerning the night work of young persons employed in industry, the employment of women before and after childbirth, and employment of women during the night. The Bills have not, however, yet been approved by the Congress, owing to certain difficulties arising from the present period of elections for the purpose of obtaining the necessary quorum.

The report of the *Greek* Government states that the Social Insurance Act No. 5733 of 10 October 1932 provides adequate protection for almost all salaried workers in the country against risks such as occupational or other diseases, accidents, confinement, invalidity, old age and death. The Act, which will come into force on 11 March 1933, provides, in § 37, that women who are insured shall have the right, during a period of six weeks before and six weeks after their confinement, to daily benefits equal to the sickness benefit granted to insured persons. The Act also provides for the payment, for a maximum period of ninety days, of a nursing benefit equal to half the sickness benefit.

The Government of *Luxemburg* states that a Bill which has passed its first reading in the Chamber of Deputies and has been submitted to the Council of State will amend § 12 of the Act of 17 December 1925 as follows: Pregnant women who have been insured for at least six months during the year which precedes their confinement, shall be entitled (a) to the services of a midwife or,

III. Childbirth.

if necessary, a doctor when they are confined, and (b) to pecuniary benefit, equal to sick benefit, for a period of six weeks before and six weeks after their confinement.

The report of the *Rumanian* Government has not yet been received¹.

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.

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).

Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

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 1928 amending Book II of the Insurance Code of the Reich (L. S. 1928, 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.

Greece.

Act No. 2274 of 1 July 1920 ratifying the Convention (O. B. Vol. II, No. 1, p. 20).

Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B. B. Vol. VII, 1912, p. 285).

Royal Decree of 14/27 August 1913, issued in application of Act No. 4029 (B. B. Vol. IX, 1914, p. 219).

See also introductory note.

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).

Order No. 9090 of 29 December 1931 amending and completing certain provisions of Act No. XXI of 1927 (L. S. 1931, Hung. 5).

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).

Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 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.

Legislative Decree of 22 March 1929 instituting maternity insurance in Spain (L. S. 1929, Sp. 2).

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

Decree of 26 May 1931 on the administration of maternity insurance.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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), amended by the Act of 5 December 1931 (L. S. 1931, S.C.S. 5).

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 Legislative Decree of 13 May 1931 to ratify the Labour Code lays down, in § 307, that the provisions of the Code relating to working mothers shall apply to all industrial or commercial establishments, whether belonging to the State, a municipality or a private individual, or to a public or private body of any kind. 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. The report adds that no legislative or administrative provisions exist for defining the line of division which separates industry and commerce from agriculture; any such decision comes within the jurisdiction of the courts or of the labour organisations.

Germany. — For the scope of the Federal Insurance Code, which lays down the scale of maternity benefits, etc., see summary of the German report on the application of the *Convention concerning sickness insurance for workers in industry*, etc., ARTICLE 2. The scope of the Act of 16 July 1927 respecting the employment of women before and after childbirth 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

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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 includes not only women workers but also women working on their own account, or not engaged in a gainful occupation at all.

Greece. — The Act No. 2274 of 1 July 1920 contains the text of the Convention. The line of division which separates industry and commerce from agriculture has not yet been defined. The report states, however, that for the application of this Convention the definition of "industrial factories and workshops", as opposed to "agriculture", which is given in § 2 of the Royal Decree of 14/27 August 1913, holds good. Agriculture, cattle-breeding, forestry and works of a similar nature having the character of the preparation of the producer's own products are excluded from the application of the Decree. See also introductory note.

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 maritime navigation.

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. — § 1 of the Order of 30 March 1932 reproduces the terms of the present Article of the Convention in so far as the definition of industrial and commercial establishments is concerned. Agricultural undertakings are defined by the same § as undertakings covered by § 159 of the Act of 17 December 1925 respecting the Social Insurance Code.

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. The report states that, under § 3 (1) of the Regulations of 29 January 1930, maternity insurance, with all its rights and obligations, applies to all women workers or employees in industrial, sanitary, commercial or agricultural undertakings of any kind, without regard to the nature of the employment or system of remuneration, with the exception of women employed in exclusively domestic work.

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, nationality, nature of employment or system of remuneration.

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

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. Subject to these rights, relief is granted automatically to necessitous foreign women by the relief organisation of their place of residence. 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 this § relate to foreigners only if this has been decided by the Federal Government, with the approval of the Reichsrat or by a State Treaty. It should be noted, however, that no such measures have as yet been enforced.

Greece. — The Act No. 2274 of 1 July 1920 reproduces the text of the Convention. See also introductory note.

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. — Under § 17 of the Order of 30 March 1932 the provisions of the Convention relating to rest apply to all women, whether married or not, employed in public or private industrial or commercial undertakings, or in undertakings depending on them.

Spain. — § 1 of the Decree of 21 August 1923 provides that § 9 of the Act of 18 March 1900 shall be amended to cover "all women wage-earners, irrespective of age, nationality or marital status." § 2 of the Legislative Decree of 22 March 1929 concerning maternity insurance lays down that maternity insurance applies to all women workers or employees who are subject to the compulsory system of working women's pensions, irrespective of their age, nationality or civil status.

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,

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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 Legislative Decree of 13 May 1931 to ratify the Labour Code lays down, in §§ 309 to 312, that women workers shall be entitled during pregnancy to a rest period of six weeks before and six weeks after confinement. During this period the employment of a woman worker who is pregnant in an industrial or commercial establishment shall be prohibited. During the same period the employer or owner of the undertaking shall be bound to keep her post open for the pregnant woman notwithstanding any agreement which may have been made to the contrary. Further, an employer shall not dismiss a woman worker without reasonable cause while

she is pregnant, nor shall reduction in the output of the woman worker due to pregnancy be deemed to be a reasonable cause. A woman worker who desires to take the leave allowed shall submit to the head of the industrial or commercial establishment a certificate issued by a medical practitioner or midwife stating that she has reached the stage of pregnancy entitling her to this rest. As regards *salaried employees*, § 162 lays down that they shall be entitled to leave with full pay for six weeks before and six weeks after confinement. (c) § 310 of the Legislative Decree provides that the employer shall be bound to pay the woman worker an allowance to be fixed at the amount necessary, together with the allowances granted under the compulsory Workers' Insurance Act, to make up 50 per cent. of the wage during the period of leave. If the woman worker is not entitled to an allowance under the insurance system, the employer shall pay the full amount. Under § 15 of the Decree of 22 January 1926 it is provided that the Fund shall grant the following benefits: 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) § 318 of the Labour Code provides that working mothers shall be entitled to two breaks, not exceeding one hour a day in all, for the purpose of nursing their children; such breaks shall be deemed to be included in the hours of actual work for the purposes of the payment of the wage irrespective of the method of remuneration. A woman shall not be entitled to renounce the right to make use of such breaks for the purpose specified.

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 pro-

vision 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) § 8 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.

Greece. — The Act No. 2274 of 1 July 1920 reproduces the text of the Convention. See also introductory note.

Hungary. — (a) § 8 (2) of Act No. V of 1928 and § 6 (1) of the Decree of 30 December 1930 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. (The report states, however, that if the Social Insurance Institute has a persistent budgetary deficit the benefit may be reduced to 50 per cent. of the average daily wage.) 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

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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. — § 17 of the Order of 30 March 1932 reproduces the terms of paragraphs (a), (b) and (d) of this Article 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.

Spain. — (a) and (b) § 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." Similar principles are embodied in § 3 (2) of the Legislative Decree of 22 March 1929 relating to maternity insurance. (c) Under § 3 of this Legislative Decree, women who are subject to maternity insurance are entitled, during and after their confinement, to the assistance of a midwife or doctor, to the medical appliances necessary for the confinement, and to the medical attendance to be fixed by the Regulations applying the Decree. They shall also be entitled to an indemnity during the rest period, which shall be compulsory for six weeks after the confinement. The right to the rest period and the resulting indemnity shall be assured to a woman thus insured six weeks before her confinement on production of a statement by the doctor or midwife to the effect that the confinement will probably take place within six weeks. The Regulations of 29 January 1930 extend the principle of application of the above-mentioned provisions. (d) 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." § 21 of the Legislative Decree of 22 March 1929 confirms the right granted by virtue of the provisions mentioned above.

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, as amended by the Act of 5 December 1931, 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 six weeks before and six weeks after confinement at a daily rate of three-quarters of the basic wage, child endowment benefit, fixed at 150 *dinars*, provided that the child is born alive, nursing benefit for insured women who nurse their children themselves, for twelve weeks after the cessation of the maternity benefit at a daily rate of half of the basic wage but not more than 4 *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." Nevertheless, a woman may not be dismissed without a fortnight's notice being given, and such notice may not be given until after the six weeks' period following her confinement.

Chile. — § 313 of the Legislative Decree of 13 May 1931 provides that if confinement takes place more than six weeks after the date on which the woman worker began her leave, or if it is followed by any illness directly due to the confinement which prevents the woman from working for a period exceeding six weeks 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. Under § 314, a woman shall be entitled, during any extension of the leave, to the allowance specified in § 310 of the Decree (see above under ARTICLE 3).

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.

Greece. — The Act No. 2274 reproduces the text of the Convention. See also introductory note.

Hungary. — Act No. V of 1928 (§ 8) and the Decree for its application reproduce the terms of the Convention, and fix the

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period in excess of the statutory rest period which must elapse before notice can legally be given at four weeks.

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. — § 18 of the Order of 30 March 1932 lays down that, in cases such as those provided for by this Article of the Convention, an employer may not give a woman worker notice of dismissal during her absence until that absence has lasted three months, nor may he give her notice of dismissal at such a time that the notice would expire during such absence. Moreover, § 8 of the Act of 31 October 1919 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. In case of illegal notice the parties may appeal to the courts of the justices of the peace and the arbitration courts.

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. These provisions are retained in § 21 of the Legislative Decree of 22 March 1929.

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 the question of the application of social insurance to the zones under Spanish protection in Africa has been submitted, for examination by the authorities of the institutions collaborating with the National Welfare Institute.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

Bulgaria. — The application of the Social Insurance Act is entrusted to the

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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 labour courts. The methods of supervision are laid down by §§ 567-573 of the Legislative Decree of 13 May 1931.

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. Undertakings are liable to the usual supervision of the factory inspection service, and wherever women are employed the inspectors ensure that the special provisions with regard to pregnant women and nursing mothers are observed. In many places close collaboration between the factory inspection service, the sickness insurance authorities and the public relief authorities is ensured by administrative means.

Greece. — The application of the relevant laws and regulations is entrusted to the factory inspection service, re-organised by Act No. 4819 of 14 July 1930, to the police, and to the mines inspection service.

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.

Spain. — The application of the relevant legislation is entrusted to the National Welfare Institute and the funds affiliated to it. For this purpose, each of these organisations appoints a committee, the members of which are chosen from among its advisers, to whose number is added the Director-General of Health (or his representative in the provinces), a medical adviser, a municipal official, a provincial deputy, three employers' and three workers' representatives. Inspection is entrusted to the body of officials who carry out the inspection work for the obligatory pensions for workers. This body consists of a chief inspector, 21 regional inspectors and the necessary number of sub-inspectors. The functions of maternity insurance inspection are laid down in Chapter IX of the Regulations of 29 January 1930. For purposes of jurisdiction in disputed cases relating to maternity insurance, special social welfare committees exist, the duties and the composition of which are laid down in the Regulations of 7 April 1932.

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

V.

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 on 19 March 1932 the Labour Court of the Reich gave a decision relating to the incapacity for work of a married woman as a result of her pregnancy. This decision

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examined particularly the relation between the legal provisions concerning the employment of women before and after childbirth on the one hand, and those of § 616 of the Civil Code and § 63 of the Commercial Code on the other hand, with regard to the questions of suspension of work (§ 2 (1) of the Act concerning the employment of women before and after childbirth) and of the grant of an indemnity during the period of suspension (§ 2 (3) of the same Act). The Court decided that the provisions of the Act took precedence of the above-mentioned sections of the two Codes. An extract from the decision was published in the *Reichsarbeitsblatt*, 1932, No. 18, p. I, 116.

The remaining reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number and nature of the contraventions reported, etc., the cost of granting the benefits laid down in Article 3 (c) of the Convention, etc.

Bulgaria. — The report does not refer to this question.

Chile. — The report states that, as soon as appropriate statistics are available, the Government will transmit them to the International Labour Office.

Germany. — The Government states that the Convention is applied in Germany in the letter and in the spirit. The report contains a considerable amount of statistical information, taken from the official publication "Sickness Insurance during 1930, with provisional statistics for 1931." According to this information, the number of cases in which relief for confinement was granted by the sickness insurance authorities has increased, in relation to the number of insured persons, in the following proportion: from 37.2 to 37.5 for every thousand members, and from 38.3 to 38.4 for every thousand female members. The average duration of relief in confinement cases was about ten weeks for all the sickness funds except the miners' fund. The average period during which the women received nursing benefit was nearly ten weeks in the case of insured persons and ten and a half weeks in the case of members of the family of the insured persons. As regards the sickness

funds set up by legislation, the number of cases of relief was as follows:

	Insured women (In thousands)	Members of the family of the insured person
Number of cases of relief for confinement	303	485
Days for which relief was granted	21,462	33,180
Days during which the women were treated in maternity hospitals	225	188
Days for which nursing benefit was granted	20,744	35,838

The number of cases of relief for confinement under the whole sickness scheme, including the approved funds, was 821,164 as against 843,064 in 1929. Seventy-one cases out of every 100 births in Germany (as against 70 in the preceding year) gave rise to relief for confinement granted under the sickness insurance scheme. The report states that most of the sickness insurance funds have set up dispensaries for pregnant women and young mothers, so that the women who are in receipt of relief towards confinement or family relief in case of confinement as provided for under the sickness insurance scheme enjoy continuous relief. A considerable number of municipal administrations have also provided similar protection by means of dispensaries and visits from visiting nurses.

Greece. — The report states that the complete application of the Convention will be ensured by the coming into force of the Act No. 5733 (see introductory note)

Hungary. — The report states that the labour inspectors have not reported any contraventions of the provisions in question, and that the number of women covered by the compulsory sickness insurance scheme in 1931 was 330,270.

Latvia. — The report states that the provisions of the Convention apply to about 100,000 persons.

Luxemburg. — The report does not refer to this question.

Spain. — The report states that the application of the Convention is proceeding normally, in spite of certain difficulties due to the fact that some employers' and workers' centres are unacquainted with their rights and obligations under the terms of the Convention. Notwithstanding this, however, the number of women workers subject to maternity insurance during the year to which the report refers was 392,138, of whom 17,613 received benefits. The sum total of these benefits may be classified as follows:

Leave benefit	860,644.00	pesetas
Nursing benefit	705,212.50	»
Medical and pharmaceutical aid	497,659.78	»
Total	2,063,516.28	pesetas

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Yugoslavia. — The report states that the benefits granted for cases of confinement to insured members in 1931 amounted to a total of 13,828,629 dinars, and the benefits to members of their families to 20,320,301 dinars.

IV. Convention concerning employment of women during the night.

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
South Africa	1. 11. 1921	2. 11. 1932
Albania	17. 3. 1932	
Austria	12. 6. 1924	7. 11. 1932
Belgium	12. 7. 1924	27. 10. 1932
Bulgaria	14. 2. 1922	2. 12. 1932
Chile	6. 10. 1921	20. 12. 1932
Cuba	6. 8. 1928	
Czechoslovakia	24. 8. 1921	27. 1. 1933
Estonia	20. 12. 1922	24. 10. 1932
France	14. 5. 1925	25. 1. 1933
Great Britain	14. 7. 1921	24. 11. 1932
Greece	19. 11. 1920	27. 1. 1933
Hungary	19. 4. 1928	5. 1. 1932
India	14. 7. 1921	22. 12. 1932
Irish Free State	4. 9. 1925	14. 10. 1932
Italy	10. 4. 1923	12. 12. 1932
Lithuania	19. 6. 1931	12. 11. 1932
Luxemburg	16. 4. 1928	1. 11. 1932
Netherlands	4. 9. 1922	27. 10. 1932
Rumania	13. 6. 1921	
Switzerland	9. 10. 1922	1. 11. 1932
Yugoslavia	1. 4. 1927	7. 11. 1932

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

The information supplied by the *Cuban* Gouvernement with reference to the the

application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

By letter of 18 March 1933 the Government of *Portugal* stated that, since the Convention had been ratified only very shortly before the date by which an annual report on its application should have been supplied, the competent services had been unable to prepare the necessary report in time. The Government had not indeed realised that it would be required to draw up a report at such short notice. At the same time, the Government would not fail, next year, to fulfil its obligations under Article 408 of the Treaty of Versailles.

The report of the *Rumanian* Government has not yet been received¹.

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.

Factories Act 1918 (Act No. 28 of 1918).

Factories (Amendment) Act 1931 (Act No. 26 of 1931). (L. S. 1931, S.A. 2).

Wage Act No. 27 of 1925 (L. S. 1925, S.A. 1) as amended by Act No. 23 of 1930 (L. S. 1930, S.A. 4).

Industrial Conciliation Act No. 11 of 1924 (L. S. 1924, S.A. 1) as amended by Act No. 24 of 1930 (L. S. 1930, S.A. 5).

Mines and Works Act No. 12 of 1911 (B.B. Vol. VI, 1911, p. 63).

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

IV. Night work, women.

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).
Royal Decree No. 24 of 24 June 1919 respecting the eight and six-hour day.
Order No. 2834 of 1919 respecting the application of the eight and six-hour day in public and private undertakings.

Chile.

Decree No. 178 of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L.S. 1931, Chile 1).

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).

Greece.

Act No. 2275 of 1 July 1920 (O. B. Vol. II, No. 1, p. 20).
Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B. B. Vol. VII, 1912, p. 285).
Royal Decree of 14/27 August 1913 issued in application of Act No. 4029 (B. B. Vol. IX, 1914, p. 219).
Act No. 4819 of 14 July 1930 concerning the organisation of the factory inspection service (L. S. 1930, Gr. 9).
Royal Decree of 25 September/8 October 1913 respecting the night employment of women in factories and workshops for packing fish in boxes (preserved fish) (B. B. Vol. IX, 1914, p. 225).
Decree of 4 July 1925 respecting the employment of women over the age of 18 years at night in dairies (L.S. 1925, Gr. 3).
Decree of 30 August 1927 respecting the employment of women at night in factories and workshops for the packing of dried and green figs (preserved figs) (L.S. 1927, Gr. 3).
Decree of 20 February 1932 respecting the employment of women over the age of 18 years at night in the preparation and packing of grapes and raisins (L. S. 1932, Gr. 1).

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.

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).
Order by the Chief Labour Inspector dated 25 October 1931.

Luxemburg.

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).
Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference at its first ten Sessions (L.S. 1932, Lux. 1).

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).

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 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.

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.

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) of this Article, § 8 (1) of the Mines and Works Act prohibits the employment of females underground in any mine; mines include quarries. In respect of "quarries and other works" the report states that if they are factories, the provisions of the Factories Act (§ 15 (1)

apply, and if they are not factories, the provisions of the Wage Act or Industrial Conciliation Act can be invoked. As regards paragraph (b) of the Article, the definition of a factory under the Factories Act includes all the undertakings referred to in that paragraph where machinery is installed or where three persons are employed, but it does not include the generation, transformation and transmission of electricity or motive power of any kind. As regards paragraph (c) the undertakings enumerated in the Convention are all indirectly controlled by the provisions of the Industrial Conciliation Act and the Wage Act. The report contains the following information with regard to the combined effect of the Factories Act, the Wage Act and the Industrial Conciliation Act: In the case of operations falling outside the scope of the Factories Act, legislative authority exists in the Wage Act 1925 as amended for enforcing compliance with the Convention. Usage and custom in South Africa is however such that no work is undertaken by women at the present time in contravention of the Convention, and if such a tendency should develop in industrial undertakings not subject to the Factories Act the provisions of the Wage Act could be invoked which provides *inter alia* that on receipt of a reference from the Minister, the Wage Board (set up under the Wage Act) investigates and may make a recommendation under § 3 (4) (f) as amended of that Act to provide for "any other matter affecting the remuneration, hours or conditions of employment of any employees". Under § 6 (3) as amended, the Minister may then make a determination in accordance with the Wage Board's recommendation. As the scope of the Wage Act excludes only employees in agriculture, horticulture and pastoral pursuits, forestry, domestic service in private households and offices of Parliament, in addition to the public and railway services which are under direct State control, it is explained that legislative authority exists for dealing with any tendency towards contravention of the Convention which may develop. As regards collective agreements under the Industrial Conciliation Act regarding conditions of labour, the following clause almost invariably appears: "No person may be employed in an establishment which is not a factory, during any hours of the day when it would, under the provisions of the Factories Act, 1918, be unlawful to employ such persons if the establishment were a factory." Should the Minister of Labour apprehend that contravention of the Convention is likely to take place and no such clause appears in the agreement, he would refuse to give it the force of law under § 9 of the Industrial Conciliation Act, and the provisions of the Wage Act would then be applied in the manner indicated above. The report adds that there is no necessity

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to demarcate industry from commerce as both are subject to the Wage Act and the Industrial Conciliation Act where the Factories Act does not apply. As regards agriculture, the interpretation of the scope of the Statutes concerned is a question for the Courts. The provisions for the exclusion of agriculture are contained in § 2 (2) of the Factories Act, § 1 of the Industrial Conciliation Act and § 1 of the Wage Act.

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 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.

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.

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.

Chile. — The Decree of 13 May 1931 does not contain a definition of the term "industrial undertaking". Under § 1 of the Decree, however, a "contract of employment" means an agreement by which an employer and a wage-earning or salaried employee bind themselves mutually, in the case of the latter, to perform any manual or intellectual work or services, and in the case of the former, to pay a specified remuneration for such work or

services. Under § 2 the term "employer" means any individual or body corporate who or which carries on on his or its account or on account of another an undertaking or work of any kind or extent in which wage-earning or salaried employees are engaged, irrespective of the number of such employees. A "salaried employee" means any person in whose work the intellectual effort dominates over the physical effort required. A "wage-earning employee" means any person not covered by the definition of employer or salaried employee and who works on account of another in a trade or handicraft or renders specified services. The report states that no legislative provisions or regulations exist in Chile concerning the line of demarkation provided for in the last paragraph of this Article, it being the responsibility of the courts and the authorities dealing with labour to take the necessary decisions in this connection.

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.

Greece. — The Act No. 2275 of 1 July 1920 contains the text of the Convention. Act No. 4029 of 1912 applies the night work prohibition to women employed in (a) factories and industrial concerns and workshops, (b) quarries, mines and underground work of any kind, (c) building work and other similar open-air work, . . . (e) commercial concerns and selling places of any kind. The line of division which separates industry from commerce and agriculture has not been fixed. The report states, however, that for the application of this Convention the definition of "industrial factories and workshops", as opposed to "agriculture", which is given in § 2 of the Royal Decree of 14/27 August 1913, holds good. Agriculture, cattle-breeding, forestry and works of a similar nature having the character of the preparation of the producer's own products are excluded from the application of the Decree.

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 the 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."

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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 report states that the scope of the Industrial Code is not so extensive as that of the Convention but that it is possible under the terms of the Code to extend its scope. 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 the employment of women during the night extends to all industrial undertakings. The report adds 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 Order of 30 March 1932 concerning the application of certain Conventions adopted by the International Labour Conference at its first ten Sessions defines in § 1 the term "industrial undertaking" as in Article 1 of the Convention, with the addition that transport undertakings are included in the definition. By § 19 of the Order however transport undertakings are excluded from the night work (women) prohibition. § 1 of the Order also contains a definition of commercial undertakings and agricultural undertakings.

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.

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 Factory Act and the Administrative Order issued under it indicate positively the undertakings covered whereas the Federal Act of 31 March 1922 relating to the employment of women employed in industry and the Administrative Order of 15 June 1923-11 June 1928 indicate such undertakings both positively and negatively. 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

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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 (§ 1). 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 (1) of the Factories Act prohibits the employment of women between 6 o'clock in the evening and 7 o'clock in the morning, subject to exemptions in certain cases but not so as to authorise the employment of women between 9 p.m. and 5 a.m. The report states that, as explained under Article 1, the hours of work may be determined in non-factories under the Wage Act or the Industrial Conciliation Act so as to enforce compliance with the Convention where non-compliance is feared. 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 the Royal Decree of 24 June 1919 and the Order No. 2834 issued under the Royal Decree, 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.

Chile. — § 48 of the Decree of 13 May 1931 provides that "women shall not be employed on night work in industrial undertakings which is performed between 8 p.m. and 7 a.m. Under § 342 of the Decree in establishments engaged in breadmaking, pastrymaking, confectionery or similar industries whether as their principal industry or as a subsidiary industry, all work of employees is prohibited between 10 p.m. and 5 a.m. By agreement between the employers' and workers' organisations concerned in the locality, subject to the approval of the labour inspector, the period during which work is prohibited may be from 9 p.m. to 4 a.m.

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

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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. Paragraph 2 of the Article did not apply to Great Britain.

Greece. — The Act No. 2275 of 1 July 1920 contains the text of the Convention. § 6 of the Act of 1912 concerning the work of women and minors prescribes a night rest period of not less than eleven consecutive hours, including the period between 9 p.m. and 5 a.m.

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. Revision of the Indian Factories Act has been taken in hand as a result of the recommendations made by the Royal Commission on Labour and clause 32 (2) of the Draft Factories Bill which has been circulated for eliciting opinions will, if it is passed into law, bring the legislation into conformity with the Convention.

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 reports explain, however, that 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 eleven consecutive hours and further that such a provision would be without any practical utility.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. Under § 20 of the Order of 30 March 1932 the period of night rest must comprise a minimum of 11 consecutive hours including the interval between 10 p.m. and 5 a.m. The report states that no use has been made of the exception provided for in the second paragraph of the Article.

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."

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."

Chile. — Under § 48 of the Decree of 13 May 1931 women may not be employed on night work in industrial undertakings which is performed between 8 p.m. and 7 a.m. except in undertakings in which only members of one and the same family are employed under the authority of one of them. § 49 provides that women shall not be employed on mining work underground or on work specified as beyond their strength or dangerous to their physical or moral welfare in consideration of their sex. Under § 342 of the Decree in establishments engaged in breadmaking, pastrymaking, confectionary or similar industries whether as their principal industry or as a subsidiary industry, all work of employees is prohibited between 10 p.m. and 5 a.m. By agreement between

the employers' and workers' organisations concerned in the locality, subject to the approval of the labour inspector, the period during which work is prohibited may be from 9 p.m. to 4 a.m. The prohibition applies to all persons in the establishment including owners and partners.

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.

Greece. — The Act No. 2275 of 1 July 1920 includes the text of the Convention. § 6 of Act No. 4029 of 1912 provides that women may not be employed in the undertakings and kinds of work specified in the Act between the hours of 9 p.m. and 5 a.m. The exception relating to family undertakings is not referred to in this Act.

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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. The report states that § 123 of the Code which deals with work in shifts and § 125 which gives the offices of industry or, where necessary the governors, the right to authorise the employment of young persons and women at night in family undertakings, have no application in practice in Lithuania. The conditions of employment at night are fixed for each case separately by the Chief Inspector of Labour.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. § 19 of the Order of 30 March 1932 provides that women without distinction of age shall not be employed during the night in any public or private industrial undertaking or in any branch thereof. Penalties for cases of infraction of the provisions of the Article are laid down in § 44 of the Grand Ducal Order of 30 March 1932 and § 2 of the Act of 5 March 1928.

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)).

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. — (a) § 27 (b) of the Factories Act provides that no restriction imposed under Chapter 3 relating to hours worked shall apply to "any person engaged in work necessitated by a breakdown of plant or machinery caused by accident, or any other unforeseen emergency, or for over-hauling or repair work of plant or machinery which cannot be performed on a regular working day." The Act does not lay down any particular

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conditions subject to which employers are allowed to take advantage of this exception. (b) § 15 (2) of the Factories Act, 1918, as amended by § 4 of Act No. 26 of 1931, provides that: "For the purpose of performing any work in or about any factory which must necessarily be performed in the evening in order to avoid the loss or deterioration of any material, the Minister may (by Gazette notice), permit the employment of females over the age of 16 years between 6 o'clock in the evening and midnight, provided that they are not employed during any period for a number of hours in excess of the maximum number of hours of work prescribed by this Act or any other law for such females." The report states that the above Section has been applied during the years 1927 to 1932 in fish-smoking, photography, fruit canning, bacon curing, spinning, citrus packing, printing and sweets processes, but that in no case during the past five years has the exemption operated in respect of employment after 9 p.m. or before 5 a.m. in contravention of Article 2 of the Convention, i.e., the exemption permitted by Article 4 (b) has not been taken advantage of.

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.

Chile. — The report states that Chilean legislation does not make provision for these exceptions. § 344 of the Decree of 13 May 1931 provides, however, that "in specially attested cases of *force majeure* (in bakeries, etc.) temporary exemptions may be allowed under the order of the competent Governor, after consulting the labour inspectorate for the locality."

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

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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 issued under the Act of 23 April 1919 and dealing with the industries concerned.

Greece. — The Act No. 2275 of 1 July 1920 contains the text of the Convention. As regards the exception for cases of *force majeure* provided in paragraph a),

Act No. 4029 of 1912 lays down in § 7 that "in the case of unforeseen and not regularly recurring interruptions of work in consequence of accidents, exceptions from the usual stipulations on night work . . . may be permitted during a period of eight days by the competent police authority and during four weeks by the competent prefect, in so far as persons above the age of 16 are concerned." The Royal Decree of 14/27 August 1913 and Circular No. 31 of 17 September 1913 lay down the formalities subject to which employers may take advantage of this exception. The exception referred to in paragraph b) of Article 4 is provided for in § 9 of Act No. 4029 of 1912 which prescribes that by Royal Decree issued upon the proposal of the Minister of National Economy, after having obtained the opinion of the Superior Labour Council, exceptions may be granted as regards women over 18 years of age for certain branches of manufacture in which night work is necessary in order to avoid deterioration of raw materials or products. The report mentions the following Royal Decrees as having been issued in application of this provision: (1) Royal Decree of 25 September/8 October 1913 providing that each year from 15/28 August to 31 January/13 February women over 18 years of age may be employed after 9 p.m. and before 5 a.m. in factories and workshops for packing fish. (2) Decree of 4 July 1925 permitting the employment of women over the age of 18 years between 9 p.m. and 11 p.m. in dairies during the period from 13 April to 31 August in each year. (3) Decree of 30 August 1927 permitting the employment of women who have attained the age of eighteen years between 9 p.m. and 5 a.m. in factories and workshops for the packing of dried and green figs (preserved figs) during the period 1 August to 31 October in each year. (4) Decree of 20 February 1932 permitting the employment of women over the age of 18 years between 9 p.m. and 5 a.m. from 15 July to 30 September in each year for certain operations and from 15 August to 31 October for certain other operations in connection with the preparation and packing of grapes and raisins.

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 dépôts 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.

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§ 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 exceptions admitted by Articles 4 and 6 of the Convention are reproduced in §§ 21 and 22 of the Order of 30 March 1932. The report states that during the years 1931 and 1932 no use was made of the exceptions provided for in these Article.

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.

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 in no case was this exception utilised during the period covered by the report. 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 these report for 1930 and 1931 only in the case of one Canton (Schaffhouse) was an application made during the above period for an exception of this kind viz: for two women for two weeks in a milliner's undertaking which had urgent seasonal work to do.

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.

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.—The report states that although § 13 (2) of the Factories Act provides for seasonal exemption from the limits imposed by § 13 (1), such seasonal exemptions do not entitle employers to employ women in contravention of the Convention. See also Articles 2 and 4.

¹ See under *Hours Convention*, ARTICLE 10, for definition of "factory".

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.

Chile.—Chilean legislation does not provide for the exemption contained in this Article.

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

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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.

Greece. — The Act No. 2275 of 1 July 1920 includes the text of the Convention. § 8 of Act No. 4029 of 1912 provides that in undertakings or classes of work 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, a shortening of the uninterrupted night rest to 10 hours may be permitted, and the commencement of the night rest fixed at 10 p.m. for a period of eight days within one and the same year, by the competent police authorities, and for a period of four weeks by the prefect. The conditions under which this exception may be granted are laid down in Circular No. 31 of 17 September 1913 and supplemented by § 12(2) of Act No. 4819 of 14 July 1930 concerning the organisation of the factory inspection service.

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. — The report states that the provisions of this Article have not been utilized in India.

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.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. See also under ARTICLE 4.

Netherlands. — No equivalent provisions.

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. According to the reports of the Cantonal Governments for the period 1930-1931 permission to reduce the night rest period to ten hours is not granted in any case.

Yugoslavia. — The report states that the national legislation does not contain any corresponding 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 states that this exemption is not taken advantage of in South Africa.

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 of this Article does not arise in Bulgaria since the climate does not prevent the full application of Decree No. 24 of 24 June 1919.

Chile. — No application.

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.

Greece. — The report states that advantage has not been taken of this provision of the Convention.

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 states that no use has been made of this provision.

Luxemburg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. This exception is however not provided for in the Order of 30 March 1932.

Netherlands. — No use has been made of this Article, nor does the Government propose to apply it.

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 the relevant legislation does not contain any corresponding provision.

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 report states that owing to local conditions the provisions of the Convention are not applicable to the Mandated Territory of South West Africa.

Belgium. — The report states that the Government has decided to apply the Convention to the Belgian Congo and territories under Belgian mandate in the near future. The measures taken for this purpose will be reported to the Office.

France. — The Government states that owing to local conditions the Convention is not applied in French overseas possessions.

Great Britain. — The Convention is applied in dependencies as follows:—*Nigeria* (including the *Cameroons under British mandate*), by Ordinance 1 of 1929 as amended by Ordinance 17 of 1932; *Gold Coast* (including *Togoland under British mandate*), by 1928 Edition of Laws Cap. 101 as amended by Ordinance 9 of 1932 (in both the foregoing cases the exemption of undertakings employing not more than ten men or women have been reported); *Hong Kong*, by Ordinance 27 of 1932 (the employment of women in any industrial undertaking between 9 p.m. and 7 a.m. is prohibited by regulation under this Ordinance); *Fiji*; *Gilbert and Ellice Islands Colony*, by Ordinance 5 of 1931; *British Solomon Islands Protectorate*, by Kings Regulation 10 of 1931; *Palestine*; *Ceylon*; *Zanzibar*, by Ordinance 2 of 1932; *Federated Malay States*, by Enactment 9 of 1932; *Johore*, by Enactment 3 of 1932; *Brunei*, by Enactment 4 of 1932; *North Borneo*, by Gazette Notification 156/

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1932; *Seychelles*, by Ordinance 12 of 1932. It has also been applied in *Trinidad*, with an exemption for undertakings employing not more than ten men or women; *British Honduras*, by Ordinance No. 21 of 1931, with a similar exemption; and *Uganda*, by Ordinance 32 of 1931, with the modification that "night" is defined as a period between 10 p.m. and 5 a.m. It is stated that amending Ordinances will be introduced in *Trinidad* and *Uganda*. In *Malta* an Act (No. 21 of 1926) has been passed applying the Convention, but this has not yet been brought into force.

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 that 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, 20 and 10 from 1926 to 1931, and to 8 during the first six months of 1932. These figures show that night work is gradually diminishing. The number 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 used up to the end of December. For 1931 the corresponding figures were 38,726 and 8,998, and for the period January-June 1932, the figures were 22,560 and 4,434. 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 1931, thirty-six breaches of the provisions in force were reported. During the first six months of 1932, the number of breaches was twelve. The preparation of a bill to include the undertakings specified by Article 1 of the Ordinance of 1925, No. 648, in the category of undertakings that may employ women at night only in virtue of a special authorisation by the Director of the Labour Bureau as provided by § 4 of the above-mentioned Decision has been postponed by reason of the crisis. 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 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. In particular, please supply information on the organisation and working of inspection.

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South Africa. — The Minister of Labour is entrusted with the administration of the Factories Act, the Industrial Conciliation Act and the Wage Act. The Minister of Mines and Industries is responsible for the administration of the Mines and Works Act. For the purposes of inspection under the Factories Act, the Union is divided into six factory inspectorates with inspectors stationed at the following centres: Johannesburg (6 inspectors covering the Transvaal Province areas); Bloemfontein, one inspector covering the Orange Free State Province. Durban, 4 inspectors covering the Natal Province area. Capetown, 5 inspectors covering the Cape Western District area. Port Elizabeth, 4 inspectors covering the Cape Eastern District area. East London, one inspector covering the Border District area. Where the occupations concerned fall outside the scope of the Factories Act, collective agreements and wage determinations almost invariably prescribe hours of work similar to those laid down in the Factories Act, and the number of inspectors available under these Acts are as follows: 10 inspectors stationed at Capetown for covering the Cape Western area; 8 at Johannesburg and 2 at Pretoria for covering the Transvaal area; 2 at East London and 4 at Port Elizabeth for covering the Cape Eastern area; 5 at Durban for Natal; 2 at Bloemfontein for the Orange Free State and one at Kimberley for the Cape North Eastern area. 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 generally to the administrative authorities of the State and, as regards mines, to the State mining authorities. The factory inspection services are independent of the general administrative authorities and are placed under the immediate control of the Federal Ministry of Social Administration which is assisted in the administration of factory inspection by a central inspectorate established in the Ministry itself. The organisation of the mining authorities is based upon the Act of 21 July 1871 and on the Orders of 26 January and 12 July 1923. According to these provisions the mining authorities of first instance are the district mining offices; these are placed under the immediate supervision of the Federal Ministry of Commerce and Transport, which is the final mining authority. 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. According to the report for 1929, 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.

Chile. — The authorities responsible for the application of the laws and regulations relating to the Convention are the General Labour Inspectorate as organised by the Legislative Decree No. 1331 of 5 August 1930, by paragraph 1 of Chapter III of Book IV of the Decree of 13 May 1931 and by the Decree No. 369 of 2 April 1932. The application of the relevant legislation appertains in so far as its juridical aspect is concerned to the labour courts as regulated by Chapter I of Book IV of the Decree No. 178 of 3 May 1931. The report adds that the procedure for supervision is in accordance with the general principles for the organisation of factory inspection services contained in the Recommendation adopted by the International Labour Conference at its Fifth Session in 1923. The inspectorate includes women who are responsible for supervising the Conditions of work of women and children.

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. In order to secure the application of the law they carry out supervision of the establishments directly by visits of inspection. The labour inspectors have the right to institute proceedings before the competent judicial authorities. Penalties are provided for in cases of infraction.

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.

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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. 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 also to the report of the recent Departmental Committee on the Factory Inspectorate which was published in 1930. That Committee recommended a substantial increase in the Inspectorate and the total strength has already been increased from 205 to 244. The Mines Inspectorate is organised on similar lines; the present strength is 111. In Northern Ireland the organisation of the inspecting staff is more centralised than in Great

Britain but the methods of inspection are similar.

Greece. — The report states that the application of the Acts and Regulations is entrusted to the authorities of the Labour Inspection Service, assisted by the police authorities and to the inspectors of mines.

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. Inspection is a State Service carried out by Civil Servants attached to the Department of Industry and Commerce.

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 whose organisation and functions are laid down in the Act of 17 January 1925 is responsible for the supervision and enforcement of the relevant legislation. Failure to observe the provisions of the Convention is punishable. Persons contravening its provisions are liable to imprisonment up to a month, or to a fine which may amount to 500 litas after trial by a court of law.

Luxembourg. — 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

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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 and to the State and communal police. 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.

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. There is a woman among these assistants in the district which contains the largest number of female works. 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. The Government states that henceforth these reports will be submitted yearly.

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. This section provides that for the purpose of supervision over the administration of § 17-20

(nightwork of women and young persons) of the Act, every occupier of any undertaking mentioned in § 1 of 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 the year of birth, exact times of beginning and ending work and breaks, and exact particulars of overtime employment. The occupier of the undertaking must display such a register in an easily accessible and visible place on the premises of the undertaking or, if work is carried on in the open air, at the office of the undertaking in question.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the application of the exceptions allowed under Articles 4 and 6 of the Convention, etc.

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. According to the report of the Chief Inspector of Factories for the year 1931, the number of premises registered under the Factories Act at 31 December 1931 was 5413. During that year the inspectors paid 9227 visits and travelled 89,424 miles.

Austria. — The report states that in Austria, the application of the provisions

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of the Convention is carried out very strictly. By way of exception the employment of women at night was authorised in raw sugar factories in pursuance of an agreement concluded some years ago by the employers' associations concerned and the workmen. The authorisation was granted for the duration of the sugar-beet harvest and during the period of refining, subject to the condition, however, that pregnant women were not to be employed at night, and that in the case of the other women a medical certificate attesting physical fitness for night work was produced. This exception would seem to be covered by the provisions of Article 4 (b). At the end of 1931, mining undertakings in Austria employed 13,659 workers of whom 331 were women employed exclusively on surface work. During the period covered by the report, no infraction of the provision of the Convention was detected in the mining undertakings concerned. No requests for exemptions were made. The report states that statistical information concerning the number of women protected by the Convention and employed in industrial undertakings other than mining undertakings is not available. For information concerning breaches of the night work prohibition in industrial undertakings other than mining undertakings reference is made to the report of the factory inspectors for the year 1931.

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 results of the inspections carried out by the factory inspectors indicate a very satisfactory measure of observance of the provisions of the Act relating to the employment of women and children which embodies the principles of the Convention. In the industrial undertakings it is stated to be rare to find persons covered by the relevant legislation to be without the identification cards provided for by statute. During the period 1 October 1931 to 30 September 1932, 36 infractions were reported by the factory inspectors in respect of the legislation concerning the employment of women and children.

Bulgaria. — The report contains no information under this heading.

Chile. — The report states that the inspectors during their visits see to the strict observance of the night work prohibition and that as soon as complete and accurate statistical information is available the Government will communicate it to the International Labour Office.

Czechoslovakia. — The report states that copies of the report of the inspection service for 1931 containing full information upon the manner in which the Convention is applied in Czechoslovakia will be supplied to the International Labour Office.

Estonia. — During 1931 the number of women covered by the Act was 14,584. In the course of that year no complaint alleging non-observance of the Act was made to the inspectors. 8 cases of infraction were however noted. In 4 of these a simple warning was given while in the other 4 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. No such exceptions were granted in 1931. In the case of Article 4 (b) of the Convention, exceptions were granted in 1931 to 78 undertakings, with a total of 27,031 nights to which the exception applied. (Of these 78 undertakings, 63 were engaged in fish-preserving, and accounted for 24,018 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 1931 there were 12 prosecutions and 98 offences; whilst as regards the period of rest at night there were no breaches reported.

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 1931 there were six instances in Great Britain and two in Northern Ireland in which employers were prosecuted in respect of offences constituting breaches of this Convention. The undertakings in which these breaches were found included a printing works, a laundry, establishments for toffee making, dress-making and making of handkerchiefs and household linen, a brush works, a spirit bottling works and a glass bottle works. 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 in 1931, 50,037 in factories in Northern

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Ireland. In December 1931 the number of women employed as wage earners above ground at mines and quarries more than 20 feet deep in Great Britain was 2,302.

Greece. — The report contains no information under this heading.

Hungary. — The report states that the number of women workers employed in the undertakings falling within the jurisdiction of the labour inspectorate during the year 1931 was 68,575. The statistics for 1932 are not yet available. According to the reports of the factory inspectors for the year 1931 the employers as a rule observe the regulations prohibiting the employment of women at night. The breaches of such prohibition have been comparatively rare. When they occur they are immediately punished by the authorities. The Government does not possess statistical information with regard to the number of breaches detected. The report further states that only in very rare cases did the employers utilise the derogations provided by the Act by applying for permission to reduce the night rest period of eleven hours or to employ women during the night.

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.

Italy. — The report states that according to the information published in the appendix to the Labour Bulletin concerning the work of the corporative inspection service during 1931, 11,587 ordinary visits of inspection and 11,723 special visits were made by the inspectors to the industrial undertakings covered by the Young Persons' and Womens' Employment Act, and therefore covered by the night work prohibition. Of these visits of inspection, 633 were carried out during

the night, and 894 cases of infraction were notified during 1931.

Lithuania. — The report states that 4,856 women are employed in industrial undertakings employing more than three workers.

Luxemburg. — The report does not refer to this question.

Netherlands. — The annual report states that neither in respect of the night rest period nor of the interval which must be included in it were any breaches of the Convention reported. In the Netherlands the employment of women to skewer herrings is authorised for two periods a year until midnight and 2 a.m. respectively. In this connection no breaches were detected. The number of times a woman is employed to skewer herrings during the night is diminishing steadily; in 1931 14 women in all were engaged in night-work of this kind. During the year 1930 approximately 95,000 women worked in factories or workshops within the meaning of the Labour Act. The report adds that more recent statistics are not available.

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 1931 the number of workers subject to the federal factory inspection was 362,735, 126,900 of whom were women. As regards the Act concerning the employment of young persons and women in industry, the reports of the Cantonal authorities show that if any breaches of the night work prohibition do occur, it is in undertakings connected with the clothing industry and sometimes in florists' undertakings that such breaches take place. The Government states, however, that as a general rule in small undertakings also subject to the Act the observance of the night work prohibition has become customary among the population and consequently does not leave much to be done by the authorities. During the period covered by the report 21 judgments were given in respect of infractions of the Act relating to work in factories and 8 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 8 cases and by the administrative authorities in 21 cases.

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Yugoslavia. — According to the report of the Central Factory Inspectorate the number of undertakings visited during the year was 6,994. The number of workers employed in them was 168,323. The number of breaches of the provisions concerning the nightwork of women was 34. No penalty under § 18 (exceptions) of the Act were imposed.

V. 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 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3. 1932	
Belgium	12. 7. 1924	27.10. 1932
Bulgaria	14. 2. 1922	2.12. 1932
Chile	15. 9. 1925	20.12. 1932
Cuba	6. 8. 1928	
Czechoslovakia	24. 8. 1921	27. 1. 1933
Denmark	4. 1. 1923	4.11. 1932
Estonia	20. 12. 1922	24.10. 1932
Great Britain	14. 7. 1921	24.11. 1932
Greece	19. 11. 1920	27. 1. 1933
Irish Free State	4. 9. 1925	26.10. 1932
Japan	7. 8. 1926	15. 2. 1933
Latvia	3. 6. 1926	6. 2. 1933
Luxemburg	16. 4. 1928	1.11. 1932
Netherlands	21. 7. 1928	27.10. 1932
Poland	21. 6. 1924	7.12. 1932
Rumania	13. 6. 1921	
Switzerland	9. 10. 1922	1.11. 1932
Yugoslavia.	1. 4. 1927	7.11. 1932

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

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth.*

The report of the *Rumanian* Government has not yet been received¹.

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.

Decree of 30 April 1926 to approve the Regulations respecting industrial hygiene and safety (L.S. 1926, Chile 2).
Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L.S. 1931, Chile 1).
Decree of 7 May 1932 to approve the Regulations concerning registers for young persons of under 16 years of age.

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).

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

V. Minimum age (industry).

Greece.

- Act No. 2271 of 1 July 1920 (O.B. Vol. II, No. 1, p. 20).
 Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B.B. Vol. VII, 1912, p. 285).
 Royal Decree of 14/27 August 1913, issued in application of Act No. 4029 (B.B. Vol. IX, 1914, p. 219).

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), as amended by Act of 26 April 1924 (L. S. 1924, 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 (L.S. 1931, Lat. 5).

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).
 Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).

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), amended and completed by Act of 7 November 1931 (L.S. 1931, Pol. 5 A).
 Order of the Minister of Labour and Social Welfare of 24 December 1931 respecting registers and lists of young persons (L.S. 1931, Pol. 5 C), superseding Decree of 14 December 1924.
 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.
 Act of 7 November 1931 restricting the employment of young persons in Upper Silesia (L.S. 1931, Pol. 5 B).

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 1923/30 June 1927/11 June 1928/9 July 1930 under the Factory Act (L.S. 1919, Switz. 4. and 1923, Switz. 3).
 Administrative Order of 15 June 1923/11 June 1928 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 class-

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ified 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. — The Legislative Decree of 13 May 1931 to ratify the Labour Code does not contain any definition of " industrial undertaking ". The report adds 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.

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 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. 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.

Greece. — The Act No. 2271 of 1 July 1920 contains the text of the Convention. Act No. 4029 of 1912, which, in so far as its provisions agree with the Convention, is still in force applies, under the terms of § 1, to (a) factories and industrial concerns and workshops; (b) quarries, mines and underground works of any kind; (c) building work and other similar open-air work; (d) undertakings for the conveyance of passengers and goods on land or on water; and (e) commercial concerns and sales stores of all kinds. § 17 of the Act authorises the Government to prohibit, restrict, or lay down conditions for the employment of children in all work exceeding their physical strength or prejudicial to their health, morals, or safety. The Decree of 14 August 1913 issued in application of the above Act gives, in §§ 36 and 37, a list of dangerous and unhealthy occupations in which the employment of children under 16 is prohibited. The report states that for the application of this Convention the definition of "industrial factories and workshops", as opposed to "agriculture", which is given in § 2 of the above Decree, holds good.

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.

Luxembourg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. § 1 of the Order of 30 March 1932 defines the terms "commercial undertaking" and "agricultural undertaking."

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

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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.

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, 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 Federal Office for Industries, Arts and Crafts and Labour, subject to appeals to the Federal Court. If, however,

the decision to be taken concerns a whole class of undertakings, the competent authority is the Federal Council.

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. — § 47 of the Legislative Decree of 13 May 1931 stipulates that children under 14 but over 12 years of age who have completed their compulsory school attendance may be employed; nevertheless, they shall not be employed in industrial undertakings, even as apprentices, unless the undertaking is one in which only members of one and the same family are employed under the authority of one of them.

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

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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.

Greece. — The Act No. 2271 of 1 July 1920 reproduces the text of the Convention. Further, § 14 of the Act No. 4029 of 1912 stipulates that workers under 16 years of age may not be employed in the undertakings or industries mentioned in § 1 (a) to (d) (see under ARTICLE 1), unless they submit a medical certificate certifying that they have been vaccinated and that they are in good health and capable of carrying out the work concerned without prejudice to their health or physical development.

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. — § 10 of the Act of 24 March 1922, as amended, prohibits the employment of children under 14 years of age. § 9 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." 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.

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.

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

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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. — The Legislative Decree of 13 May 1931 to ratify the Labour Code does not appear to allow for this exception.

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.

Greece. — The Act No. 2271 of 1 July 1920 reproduces the text of the Convention. Act No. 4029 of 1912 provides that, in orphanages and philanthropic institutions in which industrial instruction is given in addition to elementary instruction, children under 14 years of age must not be employed for more than three hours each day with industrial instruction or craftsmen's work (§ 1 (3)).

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 and § 11 of the Order of 30 March 1932 both reproduce the terms of this Article.

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.

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. The report states that a Circular of the Labour Directorate has now made it compulsory for employers to keep a register stating the ages of workers employed by them.

Chile. — § 47 (2) of the Legislative Decree of 13 May 1931 provides that every employer or head of an industrial undertaking shall keep a register of young persons under the age of 16 years employed by him, containing the dates of their births and other particulars required by the Regulations. These Regulations were approved by the Decree of 7 May 1932.

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 submit these registers to 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,

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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 births 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.

Greece. — The Act No. 2271 of 1 July 1920 reproduces the text of the Convention. Moreover, Act No. 4029 of 1912 contains provisions concerning the keeping of registers and lists of children and young persons under 18 years of age employed in the undertakings concerned. These registers and lists must be held at the disposal of the competent authorities.

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 Instruction of 9 January 1931 lays down that every employer in an industrial undertaking, when engaging young persons under the age of fifteen or sixteen years, shall verify their ages by means of their passports or birth certificates, and shall enter such personal information concerning them in the general register of workers.

Luxembourg. — The Act of 5 March 1928 giving force of law to the Convention reproduces the terms of this Article. § 12 of the Order of 30 March 1932 lays down that every works manager or employer shall be required to record the name, occupation, address, place and date of birth of each of his workers in a special register drawn up in accordance with the model appended to the Order of 30 May 1883 concerning the employment of children in industrial undertakings.

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. This

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register specifies the papers which must be presented by any young person on his engagement, viz. (a) a certificate to the effect that the young person has completed his fifteenth year; (b) a permit from his parents or guardians; (c) a certificate to the effect that he has completed his compulsory school attendance; (d) a medical certificate from a doctor appointed by the labour inspector stating that the work for which the young person is engaged is not beyond his physical strength and will not prejudice his development. 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.

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* their dates of 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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has come to the conclusion that local conditions render application impracticable.

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: *Zanzibar*: By Decree 2 of 1932. *Nigeria* (including the *Cameroons*

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under British Mandate): by Ordinance 17 of 1932. *Gold Coast* (including *Togoland under British Mandate*): by Ordinance 9 of 1932. *Seychelles*: By Ordinance 12 of 1932. *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 under 12 in other industrial occupations. 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*: Ordinance 16 of 1932 raised the minimum age to 14 years. *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, while for other occupations the minimum age is 12, 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 18 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 Ordinance 27 of 1932 and Regulations thereunder. No child under 12 may be employed in any industrial undertaking. Further, no child under 16 (previously 15) may be employed in a "dangerous" trade (boiler chipping, manufacture of fireworks, glass making, lead processes or vermilion manufacture), and no child under 16 (previously 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 Federal Malay States Enactment No. 8 of 1927 children under 16 are prohibited from being in attendance on machinery. *Johore*: By rules under Enactment No. 4 of 1932 the Convention is applied with the same modifications as in the Straits Sett-

lements. *North Borneo*: The Convention is applied by Gazette Notification 77/1931. *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 Ordinance 5 of 1931. *British Solomon Islands Protectorate*: By Kings Regulation 10 of 1931. *British Honduras*: By Ordinance No. 20 of 1931 the employment of children under 12 is prohibited, and children between the ages of 12 and 14 may not be employed for more than 4 hours a day. In *Malta* an Act (No. 21 of 1926) has been passed applying the Convention but has not yet been brought into force.

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 institutions, 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, ended on 28 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 tobacco for tobacco factories 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. Voluntary agreements have been concluded with tobacco planters in East Java and 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. In East Java, 37 undertakings have accepted these voluntary agreements, which limit the hours of work of young persons to 7 hours a day outside the harvest season and to 8 hours a day during that season. The Regulations for the Principalities, which have been accepted by 17 tobacco undertakings, provide especially that young persons shall only be employed during the harvest season, 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 1931 ninety-five cases of infraction of the provisions relating to the employment of children were reported. From January to June 1932, the number of breaches of the provisions was one. Besides administrative and police officers, officials of the Labour Inspection Service and Safety Service are responsible for the observance of these provisions. In the case of the voluntary agreements, responsibility for supervision rests with the Labour Inspection Service only. In *Surinam*, local conditions prevent 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 unenecessary.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 employment of women during the night*.

Chile. — See summary of report on the *Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week*.

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. Penalties for breaches of the provisions in force 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, who have power to bring an action before the

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competent jurisdiction. Penalties are laid down to be applied in cases of infringement.

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 of 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).

Greece. — The application of the relevant laws and regulations is entrusted to the factory inspectors, the inspector of mines and the police authorities. The report states that the labour inspection services were re-organised by the Act No. 4819 of 14 July 1930.

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 part of the Employment of Children Act, authority and to the local authorities, such as the mines inspection bureaux (in the case of mining undertakings) and to the local government offices in the 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 and the labour inspection service.

Luxembourg. — 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. 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. The amending Act of 7 November 1931 increases the penal sanctions in cases of infringement and invests the labour inspectors with a certain amount of legal authorities.

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 labour inspectors.

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V.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and information concerning the number and nature of the contraventions reported, etc.

Belgium. — The report indicates that the statements submitted by the labour inspection service during supervisory visits permit one to draw the conclusion that the provisions of the Act concerning women's and children's work are entirely satisfactorily carried out. Employment of children under 14 years of age is extremely rare and the few infringements recorded refer to children who finished their elementary classes before reaching the age of 14 and were engaged as apprentices as soon as the scholastic year ended. The staff register is in general well kept up. It was noted that in certain small workshops and wholesale and retail shops no work-books were supplied. There are no available statistics as to the number of persons protected by the legislation in question. A statement of infringements is published monthly in the *Revue du Travail*. According to this statement the number of infringements during the period under review was 36.

Bulgaria. — The report does not refer to this question.

Chile. — The report states that no special information is available as regards the application of the Convention.

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.

Denmark. — The report states that during 1931 only one infringement was recorded in the undertakings under the control of factory inspection.

Estonia. — The factory inspectors' reports for 1931 record 16 complaints made by workers to the inspectors with regard to non-observance of the provisions of the Act. The inspectors themselves report two cases of infringement which gave rise to warnings.

Great Britain. — See the summary of the report on the *Convention concerning employment of women during the night*. In 1931 there was one instance in which the Factory Department brought an action in respect of the employment of children under 14.

Greece. — The report does not refer to this question.

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 1931, 15 convictions took place in respect of breaches of Article 2 of the Convention, and 16 in respect of breaches of Article 3. 4,741,823 workers are employed in the undertakings to which the Minimum Age for Industrial Employment Act applies.

Latvia. — The report states that there are no available statistics giving the number of persons protected by the legislation concerned.

Luxemburg. — The report does not refer to this question.

Netherlands. — The report states that in 1931, 529 actions were brought for the illegal employment of children protected by the Act. These actions may be classified as follows: 130 cases of employment in a factory or workshop; 163 cases of employment in distributing bread, milk and newspapers; 119 cases of employment on distributive work of other kinds; 117 cases of employment in other occupations. It must be noted, however, that a considerable number of these cases did not concern occupations prohibited by the Convention. 40 of the above-mentioned actions were brought by the labour inspection service; 287 by the provincial police authorities; 108 by the State police and 94 by the rural police. Fines inflicted were usually of from 2 to 3 florins and in some cases of from 5 to 10 florins. The report adds that the

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prohibited work was usually taking place in undertakings belonging to relations.

Poland. — The Government states in its report that the labour inspection service, which does its utmost, by means of inspection, to suppress the illegal employment of children, has obtained satisfactory results only in the more important undertakings. For the control of small workshops the labour inspection service makes use of the registers of the sickness funds, which supply the service with registers of workers covered by compulsory insurance. These registers allow the service to discover infringements and, when necessary, to interfere. According to the inspectors' reports for 1931, the number of children under 15 employed in industry was about 140. This number is not, however, complete, since a certain number of children are not insured by their employers. Most of the children illegally employed are under 14 years of age. The number of those of 13 years of age is considerably less, and the number of those younger still is negligible.

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 1931, out of a total of 362,735 workers subject to Federal inspection, 30,597 (8.4 per cent.) persons were between 14 and 18 years of age, of whom 15,295 were of the male sex (6.5 per cent. of the total number of male workers), and 15,302 were of the female sex (12 per cent. of the total number of female workers). During the period covered by the report, four contraventions in respect of the employment of children in violation of § 70 of the Federal Factories Act were brought to the notice of the authorities and fines were inflicted. No contraventions of the Federal Act of 31 March 1922 relating to the employment of young persons and women in industry were brought to the notice of the authorities. The report adds that the provisions in the cantons with regard to compulsory school attendance and the minimum age for apprenticeship contribute to a decrease in the number of infringements of § 2 of the Act. Moreover, the economic crisis has not been without effect in this respect, for young workers are less sought after. A suggestion has been made to prolong the period of compulsory school attendance in order to restrict the possibility of work as much as possible to older persons. In one canton this suggestion has already been partly put into force, for the municipalities have been authorised to extend the compulsory school attendance period for children who have finished their normal period of school attendance but have not found any work.

Yugoslavia. — The Government states that, according to the report of the central labour inspection service, the number of workers employed in the 6,994 undertakings inspected was 168,323. The number of infringements of the provisions of § 20 of the Labour Protection Act was 8.

VI. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3. 1932	
Austria	12. 6. 1924	7. 11. 1932
Belgium	12. 7. 1924	27. 10. 1932
Bulgaria	14. 2. 1922	2. 12. 1932
Chile	15. 9. 1925	20. 12. 1932
Cuba	6. 8. 1928	
Denmark	4. 1. 1923	4. 11. 1932
Estonia	20. 12. 1922	24. 10. 1932
France	25. 8. 1925	25. 1. 1933
Great Britain . . .	14. 7. 1921	24. 11. 1932
Greece	19. 11. 1920	27. 1. 1933
Hungary	19. 4. 1928	5. 1. 1933
India	14. 7. 1921	22. 12. 1932
Irish Free State . .	4. 9. 1925	31. 10. 1932
Italy	10. 4. 1923	12. 12. 1932
Latvia	3. 6. 1926	6. 2. 1933
Lithuania	19. 6. 1931	12. 11. 1932
Luxemburg	16. 4. 1928	1. 11. 1932
Netherlands	17. 3. 1924	27. 10. 1932
Poland	21. 6. 1924	7. 12. 1932
Portugal	10. 5. 1932	
Rumania	13. 6. 1921	
Switzerland	9. 10. 1922	1. 11. 1932
Yugoslavia	1. 4. 1927	7. 11. 1932

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

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

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 Government of *India* states that its attention has been drawn to the fact that the Factory Act of 1911 does not expressly secure for children a night rest of eleven consecutive hours. It adds that revision of the Indian Factories Act has been taken in hand as a result of the recommendations made by the Royal Commission on Labour, and that § 32 (2) of the draft Factories Bill (a copy of which has already been sent to the Office), which has been circulated for eliciting opinions, will, if it is passed into law, bring the legislation into conformity with the Convention.

The Government of *Lithuania* states that the Act concerning labour contracts, which will be enacted in the near future, will repeal all those legislative provisions with respect to the age limit for children's work which are contrary to the Convention. It should be further stated that, although §§ 123 to 125 of the Industrial Act (Code of the laws of the Russian Empire, Vol. XI, Part II) permit certain exceptions which are not admitted by the Convention, these exceptions are not in practice applied in Lithuania.

By letter of 18 March 1933 the Government of *Portugal* stated that, since the Convention had been ratified only very shortly before the date by which an annual report on its application should have been supplied, the competent services had been unable to prepare the necessary report in time. The Government had not indeed realised that it would be required to draw up a report at such short notice. At the same time, the Government would not fail, next year, to fulfil its obligations under Article 408 of the Treaty of Versailles.

The report of the *Rumanian* Government has not yet been received.¹

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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).

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Bulgaria.

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

Chile.

Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

Legislative Decree of 30 April 1926 approving the Regulations on industrial health and safety (L. S. 1926, Chil. 2).

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).

Act of 30 June 1928 to amend certain sections of Book II of the Code of Labour (L. S. 1928, Fr. 13).

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).

Greece.

Act No. 2272 of 1 July 1920 (O. B. Vol. II, No. 1, p. 20).

Act No. 4029 of 24 January/6 February 1912 concerning the work of women and minors (B. B. Vol. VII, 1912, p. 285).

Royal Decree of 14/27 August 1913, issued in application of Act No. 4029 (B. B. Vol. IX, 1914, p. 219).

Circulars No. 31 of 17 September 1913 and No. 23 of 16 July 1920, of the Ministry of National Economy.

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 (L. S. 1929, Hung. 1A).

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), with amendments and additions of 26 April 1924 (L. S. 1924, 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).

Order of the Chief Inspector of Labour of 20 October 1931.

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).

Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).

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 Decrees No. 591 of 4 November 1922 (L. S. 1922, Neth. 5) and No. 448 of 23 November 1931 (L. S. 1931, Neth. 5A).

Tramway Regulations, No. 85 of 24 February 1920, as amended by Royal Decrees No. 592 of 4 November 1922 (L. S. 1922, Neth. 5) and No. 449 of 23 November 1931 (L. S. 1931, Neth. 5B).

Poland.

Act of 18 December 1919 relating to hours of work in industry and commerce (L. S. 1920, Pol. 1), text as amended and completed by Act of 7 November 1931 (L. S. 1931, Pol. 1).

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2), text as amended and completed by Act of 7 November 1931 (L. S. 1931, Pol. 5).

Order of the President of the Republic of 7 June 1927 relating to industrial law (L. S. 1927, Pol. 4).

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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.

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 1923/30 June 1927/11 June 1928/9 July 1932 under the Federal Act relating to work in factories (L. S. 1919, Switz. 4, and 1923, Switz. 3).

Administrative Order of 15 June 1923/11 June 1928 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

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.

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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*.

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 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 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, 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 competent authority, which in Great Britain would be the courts of law.

Greece. — The Act No. 2272 of 1 July 1920 reproduces the text of the Convention. Act No. 4029 of 1912 applies the

night work prohibition to young persons under 18 years of age employed in (a) factories and industrial concerns and workshops, (b) quarries, mines and underground works of any kind, (c) building work and other similar open-air work, . . . (e) commercial concerns and selling places of any kind. The line of division which separates industry from commerce and agriculture has not been fixed. The report states, however, that for the application of this Convention the definition of "industrial factories and workshops", as opposed to "agriculture", which is given in § 2 of the Royal Decree of 14/27 August 1913, holds good.

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. — § 122 of the Code of the laws of the Russian Empire, Vol. XI, Part II, text of 1906, prohibiting the night work of children, applies only to certain fixed industries. The same section provides, however, that the Superior Office of Industry (of the Empire) may apply the same prohibition to other industrial undertakings by an administrative measure. By virtue of this authorisation the Chief Labour Inspector, by an Order of 20 October 1931, has extended the prohibition of night work for children to all industrial undertakings. The report adds that, since no night work is done either in commerce or agriculture, it has not been considered necessary to define the line of division provided for in the last paragraph of the present Article of the Convention.

Luxembourg. — The Act of 5 March 1928, which has given force of law to the provisions of the Convention, reproduces its terms. § 1 of the Order of 30 March 1932 defines the terms "commercial undertaking" and "agricultural undertaking".

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 and 1931, 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

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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.

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 under-

taking, the decision lies with the Federal Office of Industries, Arts and Crafts and Labour. Where the decision affects a whole class of establishments, the competent authority is the Federal Council. No such decision has been necessary during the period covered by the report.

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, during the year under review, 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.

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) enamelling 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

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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. — § 48 of the Legislative Decree of 18 May 1931 to ratify the Labour Code lays down that "young persons under the age of 18 years shall not be employed on night work in industrial undertakings which is performed between 8 p.m. and 7 a.m. except in undertakings in which only members of one and the same family are employed under the authority of one of them". An exception to this prohibition is made in the case of young persons of over 16 years of age, for the industries enumerated in the Regulations applying the Act, for operations which by reason of their nature must necessarily be carried out day and night. The report adds that the Regulations to enumerate the industries and operations to which the above exception applies have not yet been enacted.

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.

Greece. — The Act No. 2272 of 1 July 1920 reproduces the text of the Convention. Act No. 4029 of 1912 provides in § 6 for the prohibition of the employment of young persons under 18 years of age in the undertakings and kinds of work specified in the Act. No reference is made to the exception for family undertakings. As regards the exception for continuous processes, the report states that it has not been used.

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 undertakings 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 and introductory note).

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, as amended, prohibits the employ-

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ment of children and young persons of 14 to 18 years at night. 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 in glass works and sugar factories night work is allowed for children of not less than 16 years of age. See also introductory note.

Luxemburg. — The prohibition contained in this Article of the Convention is provided for in § 13 of the Order of 30 March 1932 and § 2 of the Act of 5 March 1928, which lays down penalties for breaches. The industries cited under (b), (d) and (e) of this Article do not exist in Luxemburg.

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 and 23 November 1931, 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.

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 Federal Office of Industries, Arts and Crafts and Labour (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 21 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 has been granted. 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 § 48 of the Legislative Decree of 13 May 1931 young persons under the age of 18 years may not be employed between 8 p.m. and 7 a.m. Under § 342 of the same Decree all work in bakeries is prohibited between the hours of 10 p.m. and 5 a.m. By agreement between the employers' and workers' organisations concerned in the locality, however, and subject to the approval of the labour inspector, the period during which work is prohibited may be from 9 p.m. to 4 a.m. The report adds that there are no special provisions referring to coal or lignite mines and that the last paragraph of the Article does not apply to Chile.

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

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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 in-

clusion 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.

Greece. — The Act No. 2272 of 1 July 1920 reproduces the text of the Convention. § 6 of Act No. 4029 of 1912 prohibits the employment of young persons under 18 years of age between 9 p.m. and 5 a.m. and provides that the uninterrupted night rest is to be at least 11 hours. The report states that no advantage has been taken of the exceptions allowed by the second, third and fourth paragraphs of this Article.

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. The report adds that the exception provided for in the second paragraph of this Article is not admitted under Lithuanian law.

Luxemburg. — The Act of 5 March 1928, which has given force of law to the provisions of the Convention, reproduces its terms. § 15 of the Order of 30 March 1932 stipulates further that the nightly rest prescribed by the Act shall include the interval between 9.30 p.m. and 5.30 a.m. for young persons under the age of 16 years employed in works, workshops, factories or other workplaces. Finally, the same section provides that in bakeries the interval between 9 p.m. and 4 a.m. may be substituted by Ministerial Order for the interval between 10 p.m. and 5 a.m.

in respect of the employment of young persons of not less than 16 years of age.

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. 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, as amended by Royal Decrees Nos. 448 and 449 of 23 November 1931, 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.

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

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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.

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.

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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.

Greece. — The Act No. 2272 of 1 July 1920 reproduces the text of the Convention. Act No. 4029 of 1912 provides in § 7 that in the case of unforeseen and not regularly recurring interruptions of work in consequence of accidents, exceptions to the usual stipulations on night work may be permitted during a period of eight days by the competent police authority and during four weeks by the competent prefect, in so far as persons above the age of 16 years are concerned. The Decree of 14-27 August 1913 and Circular No. 31 of 17 September 1913 lay down the form-

alities subject to which employers may take advantage of this 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

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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. See also introductory note.

Luxemburg. — The Act of 5 March 1928, which has given force of law to the Convention, reproduces its terms. The report states that, as regards the work of young persons 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 Article 4 of the Convention.

Netherlands. — No exception to the prohibition relating to night work is provided as regards factories and workshops. § 95 (a) 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 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 § 79 of the Regulations of 24 February 1920 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".

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 authority 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

¹ See under *Convention I*, ARTICLE 10, for definition of "factory".

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 been granted.

Bulgaria. — No application.

Chile. — The report states that there have been no suspensions of or temporary exemptions from the prohibition contained in § 48 of the Legislative Decree of 13 May 1931 and no provision is made for them in the clause in question.

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 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 industries, however, the Article does not apply, as there is no corresponding provision in the Factory and Workshop Act. A provision of this nature exists as regards underground workers in coal mines, but it has never been used.

Greece. — The report states that no advantage has been taken of the exception provided for in this Article.

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.

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. The latter section, as amended by the Act of 7 November 1931, stipulates that in cases of national or economic necessity the Council of Ministers may authorise an increase or a reduction of the daily or weekly hours of work by the issue of Orders enacted on the proposal of the Ministry of Labour and Social Welfare after consultation with the Chambers of Industry and Commerce, the Chambers of Handicrafts and the occupational organisations of workers and employers. These Orders shall be issued for a fixed period of not longer than one year and they may include branches of industry or special undertakings either for the whole State or in certain fixed provinces.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has come to the conclusion that local conditions render application impracticable.

Denmark. — The Government reports that the ratification does not include *Greenland*.

France. — The French Government states that owing to local conditions the Convention is not 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:* Ordinance 16 of 1932 prohibits the night work of young persons under 18. *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 27 of 1932 and Regulations thereunder apply the Convention with the modification that the prohibition relates to the

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period between 9 p.m. and 7 a.m. *Federated Malay States*: Enactment 9 of 1932 applies the Convention. The Convention is also applied in *Johore*, by Enactment 4 of 1932; *Brunei*, by Enactment 4 of 1932; *North Borneo*, by Gazette Notification 156/1932; *Seychelles*, by Ordinance 12 of 1932; *Zanzibar*, by Decree 2 of 1932; *Nigeria* (including *Cameroons under British Mandate*), by Ordinance 17 of 1932; *Gold Coast* (including *Nogoland under British Mandate*), by Ordinance 9 of 1932; *Gilbert and Ellice Islands Colony*, by Ordinance 5 of 1931; and *British Solomon Islands Protectorate*, by King's Regulation 10 of 1931. *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 *Jamaica* the Convention is applied by Law 5 of 1932 and in *British Honduras* by Ordinance 20 of 1931, in both cases with the modification that the age limit is 16 years instead of 18, and that in the case of *Jamaica* the prohibition extends to a period of 10 hours instead of 11. 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.

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 that 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. The reasons for the modification of the provisions of the Convention are the same as in the case of the *Convention concerning employment of women during the night*. The minimum age is fixed at 12 years by reason of there being Native labour. When regulations are framed concerning the employment of young persons it will be considered how far it would be possible to extend this prohibition. The observance of the legislation is ensured by the authorities mentioned in the summary of the report on the *Convention concerning employment of women during the night*. 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 is unnecessary.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

Austria. — See the summary of the report upon the *Convention concerning employment of women during the night*.

Belgium. — The factory inspector 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 limiting hours of work in industrial undertakings to eight in the day and forty-eight in the week*.

Denmark. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*.

Estonia. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*.

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

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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.

Greece. — The application of the relevant laws and regulations is entrusted to the factory inspectors, the police authorities and the inspectors of mines. The report adds that the labour inspection service was re-organised by the Act No. 4819 of 15 July 1930.

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 report states that the enforcement of the relevant legislation is entrusted to the Labour Inspection Service, the powers of which are fixed by the Act of 17 January 1925 concerning the Labour Inspection Service and by the Circular of 25 September 1925 applying the Act.

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*.

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 labour inspectorates.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the application of the exceptions allowed under Articles 2, 3 and 4 of the Convention, etc.

Austria. — The report states that no statistics are available showing the number of persons protected by the Convention, except in the case of mining undertakings. At the end of 1931, 13,659 persons were employed in these undertakings, of whom 90 were young male persons, 29 of whom were employed exclusively on the surface. No case of breach of the provisions of the Convention has been recorded in mining undertakings. As regards other undertakings no statistics of infringements are available.

Belgium. — The report states that, according to observations made during visits of inspection by the Labour Inspection Service, it may be concluded that the provisions of the Act concerning women's and children's work are observed in an entirely satisfactory manner. The number of infringements of the Act during the period covered by the report was 36. A statement of reported breaches of the law 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.

VI. Night work, young persons (industry).

Bulgaria. — The report does not refer to this question.

Chile. — The report states that statistical and other information concerning the application of the Convention will be sent to the Office as soon as it is available.

Denmark. — The report states that in 1931, 48 infringements gave rise to legal proceedings. 25 of these cases were concerned with the illegal employment of young persons during the night in bakeries. The remaining 23 infringements were concerned with the illegal prolongation of hours of work in industrial undertakings. 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 944 in 1931. 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 person; in the other legal proceedings were instituted.

France. — The Government reports that in 1931 no exemption was granted either to mining concerns (Article 3 of the Convention) or in cases of emergency (Article 4). As regards the continuous process industries the French Government forwards the following table for the year 1931 :

Industry,	No. of establishments.	Staff on night-duty.	
		Boys. 16-18 yrs.	Adult males.
Paper factories :	322	707	14,502
Sugar (factories and refineries) :	107	98	13,049
Metal works :	150	1,351	55,832
Glass works :	154	728	9,795
Totals :	733	2,884	93,178

The report states that, as regards breaches of the provisions of the Convention, during the year 1931 the Factory Inspection Service prosecuted in 17 cases out of 39 breaches of the prohibition of night work of children, and in one case out of 4 breaches of the regulations concerning nightly rest.

Great Britain. — In 1931 there were thirteen instances in Great Britain and 8 in Northern Ireland in which employers were prosecuted in respect of breaches of

this Convention. The undertakings in which these breaches were found included six bakeries, two cabinet works, a hosiery factory, a laundry, a ready-made clothing factory, a cable works, a brush works, a glass bottle works (where female young persons were employed) and two paper mills, where male young persons under 16 were employed at night. In 1930, 812,603 young persons were employed in factories in Great Britain and in 1931, 18,370 young persons were employed in factories in Northern Ireland. In December, 1931, the number of young persons employed as wage earners at mines and quarries more than 20 feet deep in Great Britain was 85,868. See also the summary of the report on the *Convention concerning employment of women during the night*.

Greece. — The report does not refer to this question.

Hungary. — The report states that in 1931 the number of children employed in undertakings subject to labour inspection was 8,753. According to the reports of the labour inspectors the provisions concerning night work of children are in general satisfactorily observed. The inspectors recorded only 9 cases of infringement during 1931.

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.

Irish Free State. — The report states that "as the provisions of the legislation obtaining in Saorstát Éireann prior to the ratification of this Convention were more stringent in regard to the prohibition of employment of young persons at night, the application of the terms of the Convention has not caused any alteration. The legislation implementing the ratification of the Convention is in addition to, and not in derogation of, any previous laws. The earlier provisions, therefore, which are more restrictive in their nature, still obtain in this country."

Italy. — The report states that in 1931 out of a total of 23,311 inspections of factories 633 were made during the night, and that in the same year the number of proceedings taken in cases of infringement was 894.

Latvia. — The report states that the factory inspectors have not received any complaints of non-observance of the Act.

Lithuania. — The report states that the number of children employed in industrial

VI. Night work, young persons (industry).

establishments which employ 3 or more workers is 444.

Luxemburg. — The report does not refer to this question.

Netherlands. — The report states that no cases of breaches of the regulations concerning nightly rest have been reported. In 1930 these were about 150,000 young persons working in factories and workshops subject to the Labour Act.

Poland. — See the summary of the report on the *Convention fixing the minimum age for admission of children to industrial employment*. § 4 of the Order of 24 December 1931 superseding 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. The report states that the Act of 7 December 1931 amending and completing certain provisions of the Act of 2 July 1924 concerning the work of young persons and women, lays down that the Minister of Labour and Social Welfare may decide, for certain fixed undertakings, the percentage of young persons to be employed in relation to the total number of adult workers. The Act further prohibits the

employment of young persons without payment of wages and also of apprentices paying a premium.

Switzerland. — The reports of the federal factory inspectors give for the year 1931 the following figures: the number of workers subject to federal factory legislation was 362,735, distributed as follows: 14 to 18 years of age: men 15,295 (6.5 per cent. of the total number of men workers), women 15,302 (12 per cent. of the total number of women workers), total 30,597 (8.4 per cent.). In 1929, the year in which the last factory statistics were drawn up, the number of workers of 14 to 18 years of age was 46,873. It may be noted that the half-yearly reports of the federal factory inspectors and the Cantonal Governments 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 38 convictions were pronounced for violation of the night work prohibition. Of these, 12 were in respect of the Factories Act and 26 in respect of the Act relating to the employment of young persons and women in arts and crafts. The report adds that any further breaches of the prohibition of night work which may exist are undoubtedly to be found exclusively in the baking industry.

Yugoslavia. — The report does not refer to this question.

SECOND SESSION (GENOA, 1920).

VII. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931—30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Belgium	2. 2. 1925	27.10.1932
Bulgaria	16. 3. 1923	2.12.1932
Canada	31.3.1926	29.11.1932
Cuba	6. 8. 1928	
Denmark	12. 5. 1924	4.11.1932
Estonia	3. 3. 1923	24.10.1932
Finland	10.10.1925	8.11.1932
Germany	11. 6. 1929	7.11.1932
Great Britain . . .	14. 7. 1921	9.11.1932
Greece	16.12.1925	27. 1. 1933
Hungary	1. 3. 1928	5. 1. 1933
Irish Free State . .	4. 9. 1925	14.10.1932
Japan	7. 6. 1924	15. 2. 1933
Latvia	3. 6. 1926	6. 2. 1933
Luxemburg	16. 4. 1928	1.11.1932
Netherlands	26. 3. 1925	27.10.1932
Norway	7.10.1927	7.10.1932
Poland	21. 6. 1924	7.12.1932
Rumania	8. 5. 1922	
Spain	20. 6. 1924	13.12.1932
Sweden	27. 9. 1921	14.11.1932
Yugoslavia	1. 4. 1927	7.11.1932

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The *Hungarian* Government states in its report that, with a view to the application of the Act no. XVI of 1928 ratifying the Convention, the Minister of Commerce has prepared a draft Order which will probably be published in the course of 1933. It should, however, be noted that the Act No. XVI of 1928 itself is binding upon the masters of Hungarian vessels even without the issuing of a special Order for this purpose. The competent authorities are doing their best to give effect to the provisions of this Act. The report adds that, since Hungary has no ports or sea-board and the number of vessels flying the Hungarian flag is only seven, the Convention is applicable in Hungary only to a limited extent.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The report of the *Rumanian* Government has not yet been received.¹

In its report the *Spanish* Government states that the national legislation applying the provisions of the Convention was embodied in the Labour Code of 23 August 1926, which is at present in force. The Convention has full legal force in virtue of the provision of Article 65 of the Spanish Constitution according to which all Conventions ratified by Spain shall be considered to be an organic part of Spanish legislation. The report adds that, with regard to those provisions of the Convention which are not yet fully incorporated in Spanish legislation, the Minister has proposed an amendment of the Code which the Government is examining with special care and in which account is taken of the resolution adopted, in the light of the Con-

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

VII. Minimum age (sea).

vention, by the National Maritime Conference held at Madrid in 1922.

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).

Greece.

Legislative Decree of 7 October 1925 relating to the ratification of the Convention.
Act No. 4211 of 1929 confirming the above Legislative Decree.
Decree of 6 July 1931 to determine the model for articles of agreement to be used by vessels of the Greek mercantile marine.

Hungary.

Act No. XVI of 1928 ratifying the Convention.
See also introductory note.

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.

Spain.

Labour Code of 23 August 1926, §§ 35, 36 and 37 (L.S. 1926, Sp. 5).
See also introductory note.

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 (The report states that the only vessels in existence in Bulgaria are those which belong to this Company.)

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".

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention contains the text of the Convention.

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.

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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 Seamen's Code 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.

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. The report states that the Regulations respecting the crews of the vessels of the Bulgarian Navigation Company lay down in § 3 (a) that members of the crew must have attained the age of twenty-one years.

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.

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention contains the text of the Convention. The report states that the provisions of Article 2 of the Convention are also applied by the Decree of 6 July 1931 to determine the model for articles of agreement to be used by vessels of the Greek mercantile marine. § 2 of these

model articles of agreement prohibits the engagement of children under 14 years of age.

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 of 17 March 1921. § 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.

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. The exception regarding vessels in which only members of the same family are employed is

provided for in the Bill for amending the Code (see introductory note).

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 undertakings 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 8.

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. — The Act of 1 May 1923 does not refer to "training ships". The report adds that in practice the Act does not apply to training ships owned by the State.

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

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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.

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention contains the text of the Convention. Further, the exception provided for in this Article of the Convention is also provided by the Decree of 6 July 1931 to determine the model for articles of agreement to be used by vessels of the Greek mercantile marine.

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.

Spain. — No reference is made to this exception either in the Labour Code or in

the Bill for amending it. (See introductory note.)

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 states that the Regulations of the Bulgarian Navigation Company oblige the masters of vessels to keep a register in which the name, surname, age, nationality, etc. of each seaman should be entered.

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".

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention contains the text of the Convention. The report states that this Article of the Convention is strictly applied. A model of the register required by the Article has already been sent to the International Labour Office.

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. A register is also kept on board in accordance with the terms of this Article of the Convention. This register must contain a statement of the dates of birth of all persons under 16 years of age.

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

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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 their dates of 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 dates 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.

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 dates of birth of all seamen under 18 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 their dates of 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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and considers that in the existing state of development of the colony the Convention cannot be applied. The Convention is of no practical importance for the Mandated Territory, which is an inland territory. §§ 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* (including *Togoland under British Mandate*) (Cap. 101, Revised Laws, 1928), *Ceylon* (Ordinance No. 6 of 1923), *Gilbert and Ellice Islands Colony* (Ordinance 5 of 1931), *Fiji* (Ordinance No. 34 of 1931), *North Borneo* (Gazette Notification No. 90 of 1931), *Seychelles* (Ordinance 12 of 1932), *Cyprus* (Ordinance 16 of 1932) and *British Solomon Islands Protectorate* (King's Regulation 10 of 1931). The Convention is also applied in *Zanzibar* (Decree 2 of 1932) with the modification that a child may be employed on a native vessel or fishing boat if he is under the care of an adult relative who is the master or a member of the crew and is in possession of a certificate from the Port Office to the effect that he is a fit and proper person to have charge of the child, in *Hong Kong* (Ordinance 13 of 1932) with a modification similar to that in *Zanzibar*, in *Jamaica* (Law 5 of 1932) and in *British Honduras* (Ordinance 20 of 1931) with the modification in both cases that the laws do not include a provision corresponding to Article 4. 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.

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. The Port Captains are responsible for the observance of the law. 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 applicable 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 Conventions is applied to all territories and places under Spanish sovereignty.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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. These authorities are under the jurisdiction of the Departments of Transport, the Colonies and Foreign Affairs respectively.

Bulgaria. — The report states that the labour inspectors are responsible for the application of the relevant 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. Where necessary the latter may enforce application by means of a provisional Order subject to the right of the persons concerned to vindicate their rights subsequently in Germany by appealing to the ordinary courts. The orders given by the seamen's office or consul must be observed by both parties (§ 129 of the Seamen's Code). In case of infraction committed by the master he becomes liable, under § 114 (3) of the Seamen's Code, to

¹ L. S. 1926, D.E.I. 1.

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a fine which may amount to 50 RM. or imprisonment. The seamen's offices and the consuls have been instructed to ensure at the time of signing on of the seaman that the shipowner fulfils all his obligations *vis à vis* the seaman. Failure to carry out the decision of the seamen's office gives rise to the penalties provided for in § 114 (15) of the Seamen's Code.

Great Britain. — The application of the law is supervised by officers of the Board of Trade.

Greece. — The supervision of the application of the relevant legislation is within the jurisdiction of the Seamen's and Port Authorities' Section of the Mercantile Marine Department of the Ministry of Marine. The Department is also responsible for the inspection of maritime work.

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 Saorstát, 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 Order 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.

Spain. — The labour and the maritime authorities (i.e., the general labour inspectorate and the harbour authorities) are responsible for the supervision of the application of the legislation in force. The articles of agreement issued to each seaman on the day of signing on stipulate that the articles are valid only if they are countersigned by the competent 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.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection and registration services, and, if such statistics are available, information concerning the number and nature of the contraventions reported, etc.

Belgium. — According to the report no breaches have been notified.

Bulgaria. — The report does not refer to this point.

Canada. — The report states that the provisions of the Convention which are embodied in the Canada Shipping Act are strictly observed by owners, masters and seamen of Canadian vessels to which they apply, and that no difficulty in their operation has been experienced during the period from 1 October 1931 to 30 September 1932. The report adds that no statistics in this connection are compiled by the Department of Marine.

Denmark. — The report states that the supervision of the application of the provisions of the national legislation is as efficient as possible. Regular reports from the commissioners of maritime registration do not exist. Such reports are submitted only in cases where, in the course of their duties, the commissioners detect breaches of the legislation in force. Since no breaches of the laws relating to the Convention have been so far notified reports of this kind do not exist.

Estonia. — The report does not refer to this point.

Finland. — The report does not refer to this point.

Germany. — The German Government states that it is applying the Convention both in the spirit and in the letter. No difficulties have come to light and no breaches have been reported. No reports on this question by the seamen's offices or consuls exist.

Great Britain. — No reports of inspection or registration services are available and no relevant statistics are compiled. His Majesty's Government are satisfied that the Convention is in effective operation.

Greece. — The report does not refer to refer to this point.

Hungary. — See introductory note.

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 154. No cases of contravention were reported in October-December 1931 but 15 cases were reported during the period January-September 1932.

Latvia. — The report states that no legal difficulties of application have arisen during the period under review.

Luxemburg. — See introductory note.

Netherlands. — The report states that very young children are fairly often seen in fishing boats. In one fishing port 30 prosecutions were instituted. It is, however, very difficult to prove that the children in question were employed on board, with the result that it is often impossible to apply the sanctions.

Norway. — Statistical information with regard to the number of children covered by the relevant legislation does not exist. No breaches have been reported.

Poland. — The report does not refer to this point.

Spain. — The report states that no information under this heading is available.

Sweden. — The Government states that as a rule statistical information relating to the particulars requested under this heading does not exist. It is, however, possible to state as a general observation that the Conventions ratified by Sweden are strictly applied. This observation is confirmed by the fact that, so far as the Government is aware, the occupational associations concerned have not submitted any complaints with regard to the application of the Conventions ratified by Sweden.

Yugoslavia. — The report does not refer to this point.

VIII. 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 1932, and from which annual reports under Article 408 were due in respect of the period

VIII. Unemployment indemnity (shipwreck).

1 October 1931—30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	2. 2. 1925	27.10. 1932
Bulgaria	16. 3. 1923	2.12. 1932
Canada	31. 3. 1926	29.11. 1932
Cuba	6. 8. 1928	
Estonia	3. 3. 1923	24.10. 1932
France	21. 3. 1929	30.12. 1932
Germany	4. 3. 1930	7.11. 1932
Great Britain . . .	12. 3. 1926	9.11. 1932
Greece	16.12. 1925	27. 1. 1933
Irish Free State. . .	5. 7. 1930	23. 3. 1933
Italy	8. 9. 1924	12.12. 1932
Latvia.	29. 8. 1930	6. 2. 1933
Luxemburg	16. 4. 1928	1.11. 1932
Poland	21. 6. 1924	7.12. 1932
Rumania.	10.11. 1930	
Spain	20. 6. 1924	13.12. 1932
Yugoslavia	30. 9. 1929	7.11. 1932

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The Government of the *Irish Free State*, in its report, states that "instructions have been issued for the drafting of legislation for the purpose of implementing this Convention in full. Owing to presure of Parliamentary business the promotion of the legislation has unfortunately been delayed. Since the ratification of the Convention, only one case appears to have occurred in which, if the law were actually in operation, the owner or person with whom the seaman contracted for service on board the lost vessel would be liable for the indemnity against unemployment in respect of which the Convention applies. It should be pointed out that, in accordance with the Unemployment Insurance Acts in operation in the Saorstat, unemployment insurance contributions are compulsorily payable in respect of persons domiciled or having a place of residence in Saorstat Eireann and employed under any contracts of service on a ship or vessel registered in Saorstat Eireann. Such persons, when unemployed, become eligible for unemployment benefit payable under the Unemployment Insurance Acts, at the same rates and on pre-

cisely the same conditions as other insured persons. In view of these provisions, very little, if any, hardship has been entailed by the delay in legislation."

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. After co-ordination by the Departments concerned this Bill was recently submitted to the Council of Ministers, which laid it before the Diet. The Committee on Labour Protection of the Diet adopted the Bill on 1 March 1933. The Polish Government states that it will keep the International Labour Office informed as to the later stages of the Bill.

The report of the *Rumanian* Government has not yet been received.¹

The *Spanish* Government states in its report that the National Maritime Conference which was held at Madrid in 1932, taking into account the fact that the Convention has acquired force of law in virtue of § 65 of the Spanish Constitution, has submitted to the Government a draft measure which the Government is examining. According to this draft measure all members of the crew will have the right to a minimum indemnity of one month's wages ; in cases where the period of unemployment caused by the shipwreck exceeds one month the crew will have the right to a maximum of three months' wages.

In its letter of 7 November 1932 the Government of *Yugoslavia* states that a Bill of January 1931 concerning the regulation of conditions of work on board seagoing vessels, which has been drafted for the purpose of ensuring by legislation the application of all the maritime Conventions ratified, is at present before the Committee for the Codification of Private Maritime Law set up in connection with the Ministry of Justice. This Committee has given its opinion to the Ministry of Transport and Communications, which is competent to legislate in this matter, that the above Bill should not be submitted to Parliament before the Committee has completed the preparation of the draft for the codification of private maritime law.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

VIII. Unemployment indemnity (shipwreck).

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).

Greece.

Legislative Decree of 7 October 1925 relating to the ratification of the Convention.

Act No. 4004 of 1929 amending and confirming the above Legislative Decree.

Royal Decree of 24 July 1920 codifying the laws relating to the payment of wages of workers, employees and domestic servants.

Irish Free State.

See introductory note.

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).

Amendment to the Seamen's Order of 30 October 1928.

Luxembourg.

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, final text of 24 June 1932 (L. S. 1932, 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.

Decree of the President of the Republic dated 29 November 1930 concerning the organisation and working of social insurance institutions (L. S. 1930, Pol. 5).

Order of the Minister of Labour and Social Assistance dated 30 November 1931 concerning the provisional organs of the social insurance institutions.

Spain.

Labour Code of 23 August 1926, §§ 43 and 51 (L. S. 1926, Sp. 5).

See introductory note.

Yugoslavia.

See introductory note.

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 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

VIII. Unemployment indemnity (shipwreck).

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.

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention, as amended and confirmed, reproduces the text of the Convention.

Irish Free State. — See introductory note.

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.

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. Under the amending Act of 17 March 1932 the Council of Ministers has the power to extend compulsory insurance to undertakings occupying less than five workers. The Decree of 24 November 1927 provides for the insurance of captains, deck officers and engineer officers.

Spain. — § 28 of the Labour Code of 23 August 1926 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 for 1931 stated that the term did not include deck and engineroom officers. The term "vessel" includes all vessels, whatever may be their employment, except ships of war.

Yugoslavia. — See introductory note.

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. The report further states that on the occasion of a recent shipwreck the question arose as to whether the unemployment indemnity should be calculated only on the basis of the wage mentioned in the muster roll or if it should include, in addition to the wage proper, an additional indemnity for food. The latter solution has been adopted by the administrative interpretation. This decision has, however, only the value of an administrative interpretation which has no binding force upon the courts which may be called upon to deal with a dispute arising out of the application of the Act. In such cases it is for the judicial decisions given by the court to lay down the rule of law.

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."

Greece. — The Legislative Decree of 7 October 1925, as amended, relating to the

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ratification of the Convention provides that the indemnity shall not exceed two months' wages, and that, in the case of seamen not paid by the month, the pay for the purpose of calculating the indemnity shall be the amount certified as normal for the period of the engagement by the port or consular authority of the place where the seaman was engaged.

Irish Free State. — See introductory note.

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. The report states that, in this case, the seaman receives an indemnity equal to two months' wages. § 39 of the Order of 30 October 1928 stipulates that if a seaman'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 the wages taken as the basis for calculating the amount of contributions, regard being had to the family obligations of the unemployed worker. These wages may not exceed 6 *zlotys* per day. The unemployed worker becomes entitled to the indemnity 10 days after his registration at an employment exchange. The indemnity continues for a period of 13 weeks during the course of a year, which period 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. See also 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". See also introductory note.

Yugoslavia. — See introductory note.

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 is open to seamen in recovering this indemnity as in recovering wages.

Bulgaria. — The report states that in case of dispute the seaman has the right to appeal to the conciliation courts which, according to the report of 1929, have the power (notwithstanding the administrative penalties to which the master refusing to pay to the seaman the indemnity due becomes liable), to order payment of the sum due by means of summary procedure free of charge.

Canada. — Under § 186 of the Canada Shipping Act, as amended, a seaman may

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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 report states that the Act of 15 February 1929 provides that "this indemnity is recoverable in the same manner as arrears of wages earned during the last voyage" i.e. it is in principle, like wages, unseizable and inalienable, according to the provisions of §§ 65-68 of the Maritime Labour Code of 13 December 1926. § 92 of the Code provides that "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 the indemnity is similar to that for the recovery of wages as laid down in the Maritime Labour Code.

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.

Greece. — The Legislative Decree of 7 October 1925 relating to the ratification of the Convention, contains the text of the Convention itself. The procedure available to seamen for recovering indemnities payable under the Convention is laid down in §§ 2, 3 and 4 of the Royal Decree of 24 July 1920.

Irish Free State. — See introductory note.

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, and that according to the provisions of the Act of 18 July 1924 (final text of 24 June 1932) the indemnity may not be attached either by judicial process or under administrative procedure.

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.

Yugoslavia. — See introductory note.

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.

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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, after re-examining the question of applying the Convention to the *Belgian Congo*, is of opinion that in the existing stage of development of the colony the Convention cannot be applied. The matter is of no practical importance for the *Mandated Territory*, which is an inland territory. The report 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 report states that although there has been no decree applying the Convention to *Algeria*, it is applied in fact, since the law of 15 February 1929 has been extended to the Colony. In *Tunisia* application of the Convention is rendered difficult by the poverty of the owners of the small coasting vessels which form the greater part of the shipping of the colony. In the other colonies the Convention is not applied by reason of the local conditions. The evolution of the colonies has not been such as to make possible at present the application to them of the French law. The Department of the Colonies proposes, however, to have the possibility of adopting the Convention examined by the various colonies.

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, and to the *Federated Malay States* by Enactment 24 of 1932.

Italy. — The Government states that the question of extending the Convention to the colonies is at present under consideration.

Spain. — The report states that the Convention is applied to all territories and places under Spanish sovereignty.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 for this purpose in the ports are the maritime registration authorities. As soon as information is received that a vessel has suffered wreck, or, by reason of the absence of news, there is reason to believe that a vessel has been lost, these authorities must take the necessary steps to see that the officers and crew of the vessel are paid off and to safeguard the rights of the crew or their dependants. For this purpose they must attach the insurance benefits, wages and hull due to the shipowner in order to guarantee the payment of any preferential claims of the seaman. Such claims consist principally of his wages, which include where necessary the cost of treatment and sickness allowance in case of illness of the seaman, and the unemployment indemnity established by the Act of 15 February 1929. For the purpose of calculating this indemnity, the administrative authorities of the mercantile marine have instructed the maritime registration authorities to reckon it provisionally for a maximum period of two months, and to verify the exact date on which the seamen concerned sign on for a new engagement, in order to see that the indemnity is paid only up to that date. The report states that although the Act of 15 February 1929 establishing unemployment indemnity has not yet been incorporated in the Maritime Labour Code and although no provision in it indicates

clearly that § 54 of the Maritime Labour Code is applicable to it, it has been recognised in practice that such indemnity must be paid under the same conditions as wages and other payments due under the articles of agreement, of which the indemnity constitutes an extension. The unemployment indemnity is paid in the presence of the maritime authority and mention is made of it in the muster roll of the crew of the vessel and in the seaman's book. In these circumstances the maritime registration authorities have every facility for ensuring the strict observance of the provisions of the Convention by the ship-owners.

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 latter may ensure application by means of a provisional order subject to the right of the persons concerned to appeal to the ordinary courts. The provisional order has executory force for both parties. Breaches on the part of the master are punishable by means of penalties. 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. Failure to carry out the decisions of the Seamen's Offices gives rise to the penalties provided for in the Seamen's Code.

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 give a decision, which has the force of law.

Greece. — The enforcement of the relevant legislation is entrusted to the Mercantile Marine Department, and in particular to the harbour masters, and also to the civil courts. Under the terms of §§ 2 and 3 of the Royal Decree of 24 July 1920, the correctional courts may inflict a fine, or imprisonment up to two months, etc., in cases of contravention.

Irish Free State. — See introductory note.

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. The report adds that the application of the provisions of the Convention is ensured by the Labour Inspection Service and the Directorate of Maritime Affairs.

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 exchanges, 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.

Spain. — According to the report the maritime authorities and the labour inspection service are responsible for the application of the legislation in force.

Yugoslavia. — See 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.

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.

VIII. Unemployment indemnity (shipwreck).

Great Britain. — It has been decided by the House of Lords, on appeal in the *Croxteith 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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number of vessels wrecked or otherwise lost, the number of cases in which indemnities have been granted under Article 2 of the Convention, etc.

Belgium. — The report states that no occasion for the application of the Convention arose during the period covered by it, in view of the fact that no shipwreck was registered.

Bulgaria. — The report does not contain any information under this heading.

Canada. — The report states that the provisions of the Convention which are embodied in the Canada Shipping Act are strictly observed by owners, masters and seamen of Canadian vessels to which they apply, and that no difficulty in their operation has been experienced during the period from 1 October 1931 to 30 September 1932. No statistics in connection with the operation of the Convention are compiled by the Department of Marine.

Estonia. — No information.

France. — The French Government has communicated to the Office together with its report statistical tables compiled on 1 July 1932 giving information concerning the number of workers covered by the Convention. For a summary of this information see below under the *Convention concerning seamen's articles of agreement, VI.*

Germany. — The Government states that in Germany the Convention is applied in the letter and in the spirit. Such application has not given rise to any difficulty and no cases of infraction have been reported. Reports on the subject from the seamen's offices or the consuls do not exist.

Great Britain. — The report states that there is no inspection service and that there are no statistics respecting the cases in which indemnities under Article 2 of the Convention have been granted.

Greece. — The report does not refer to this point.

Irish Free State. — See introductory note.

Italy. — The report states that all seamen signed on are protected by the provisions of the Convention in case of loss or foundering of the ship. On 31 December 1931 the number of seamen registered as being eligible for employment on board was 240,136. The number of wrecks suffered by national vessels during 1931 was 21. Information regarding the number of seamen who benefited by the indemnity provided by the Convention is not available, but in view of the fact that no disputes have been reported it is presumed that the rights of the seamen were satisfied.

Latvia. — The report does not refer to this point.

IX. Employment for seamen.

Luxemburg. — See introductory note.

Poland. — No information.

Spain. — The report states that no information relating to this point is available.

Yugoslavia. — See introductory note.

IX. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931—30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	3. 8. 1925	26.11. 1932
Belgium	2. 2. 1925	27.10. 1932
Bulgaria	16. 3. 1923	2.12. 1932
Cuba	6. 8. 1928	
Estonia	3. 3. 1923	24.10. 1932
Finland	7. 10. 1922	8.11. 1932
France	25. 1. 1928	30.12. 1932
Germany	6. 6. 1925	7.11. 1932
Greece	16. 12. 1925	27. 1. 1933
Italy	8. 9. 1924	12.12. 1932
Japan	23. 11. 1922	15. 2. 1933
Latvia	3. 6. 1926	6. 2. 1933
Luxemburg	16. 4. 1928	1.11. 1932
Norway	23. 11. 1921	7.10. 1932
Poland	21. 6. 1924	7.12. 1932
Rumania	10. 11. 1930	
Spain	23. 2. 1931	13.12. 1932
Sweden	27. 9. 1921	14.11. 1932
Yugoslavia	30. 9. 1929	7.11. 1932

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The report of the *Rumanian* Government has not yet been received¹.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

In its report, the *Spanish* Government states that the Convention possesses full legal force in virtue of § 65 of the Spanish Constitution. The Government, taking into account the Resolutions adopted by the National Maritime Conference held at Madrid in 1932, is therefore examining carefully the proposal submitted to the Ministry of Labour and Social Welfare by the Maritime Labour Service of the Ministry, to the effect that maritime transport should be brought under the provisions of the Act of 27 November 1931 concerning national placing of workers, which suppresses commercial employment agencies. This proposal contains all the provisions necessary to secure the complete application of the Convention. The report adds that the Government is making progress with regard to such application. It has already secured, by means of the Act of 27 November 1931, legislation in conformity with the Convention and the Recommendations concerning unemployment of a general and national character and concerning the placing of workers. A great obstacle has thus been overcome and the Government will thus be able to issue the necessary regulations for the application of the Convention concerning employment facilities for seamen.

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 10 September 1929 respecting maritime police (L. S. 1929, Belg. 6).

Bulgaria.

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

IX. Employment for seamen.

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 of 13 December 1926 to issue a Seamen's Code (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).

Greece.

- Legislative Decree of 7 October 1925 for the ratification of the Convention.
- Act No. 4369 of 1929 confirming the above Legislative Decree.
- Decree of 1 June 1927 concerning the administration of the mercantile marine.
- Decree of 22 June 1927 respecting the working of the Seamen's Employment Office in Piraeus, issued in pursuance of the Decree of 1 June 1927 (L. S. 1927, Gr. 2).
- Decree of 1 March 1927 to establish a Seamen's Home for the assistance of unemployed seamen.

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 administering 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).

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".

Greece. — The Decree of 22 June 1927 defines the term "seaman" in § 11 to mean every person (except an officer) who as a member of the crew performs services on board ship during a voyage as his principal occupation. The same § provides that "the conditions for the extension of the application of this Decree to the finding of employment for seamen on board sailing vessels shall be prescribed by an Order of the Minister issued on the recommendation of the Director of the Seamen's Employment Office after consultation of the Advisory Committee".

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

IX. Employment for seamen.

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.

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. The report adds that seamen of all grades can take advantage of the special measures taken in favour of seamen by the public employment service.

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. The penalty for illegally engaging or supplying a seaman is £50 or three months' imprisonment, and the penalty for demanding or receiving remuneration for providing or promising employment is £25.

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 agencies 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.

Greece. — § 12 of the Decree of 22 June 1927 provides that the provisions of the Convention shall come into operation on the date at which the Seamen's Employment Office begins its work in conformity with the Decree; that the business of finding employment for seamen in any manner shall not be carried on for pecuniary profit by any person, company or agency; and that offenders against this provision shall be punishable by imprisonment not exceeding one year.

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. The report states, however, that the question of employment facilities for seamen has no practical application in the Grand Duchy.

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 coming into force 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 the Orders of 30 January 1922, 28 November 1923 and 28 May 1924 concerning application in the Western provinces.

Spain. — See introductory note.

Sweden. — The finding of employment for profit has been abolished as regards maritime navigation.

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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.

Greece. — See under ARTICLE 2 above. The report adds that the carrying on of employment agencies for gain is completely prohibited, and that breaches of this prohibition are punishable under § 2 of the Legislative Decree of 7 October 1925.

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 according to § 1 of the Order of 21 August 1913, the profession of employment finding may not be practised without authorisation by the Government. In view of the development of the national employment offices since 1913, the Government has not granted any authorisation for the establishment of private offices. All the latter have closed down with the exception of one which caters for domestic servants. The question of facilities for employment finding in the case of seamen has however, no practical application in the Grand Duchy.

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: Frederikstad, 1 agency; Toensberg, 3 agencies; Sandefjord, 3 agencies;

Lillesand, 1 agency ; Bergen, 1 agency. Of these agencies, only those at Frederikstad, 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.

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.

In particular, please state the number of public employment offices established and the places at which they have been set up, the number of vacancies notified, and the number of persons placed in employment, by such offices.

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 overseas 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. The Mercantile Marine Offices, to which the Seamen's Inspectors are attached, are conducted by the Government, all employees being 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, an officer having practical experience as shipmaster. No statistics have been kept of the number of men who have obtained employment through the employment agencies at the Mercantile Marine Office. Many enquiries are made by overseas 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. A table appended to the report shows that during the year ended 30 June 1932, 3,209 Australians, 4,869 British, 490 seamen belonging to British Dominions or possessions, and 798 seamen of other nationalities were engaged in Australian ports for service in Australian and other British ships. The number of seamen in employment on 30 June 1932 was 5,381. The average numbers of seamen, excluding officers, unemployed at the principal ports during the year are estimated to be approximately : Sydney, 1,675 ; Melbourne, 714 ; Newcastle, 271 ; Port Adelaide, 160 ; Brisbane, 200 ; Fremantle, 46 ; Hobart, 30.

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. During the year 1 October 1931 and 13 September 1932, recruitment took place for 400 Belgian vessels. This recruitment

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included about 14,000 Belgian seamen and 2,200 foreign seamen.

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 by the public authorities (§ 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). The report gives the following figures with regard to the operations of the employment office of the Seamen's Home for the period 1 July 1931 to 30 June 1932. Deck officers: 84 applications, 42 vacancies filled; engineer officers: 86 applications, 42 vacancies filled; deck crew: 194 applications, 43 vacancies filled. Engine-room crew: 185 applications, 42 vacancies filled. General service staff: 69 applications, 20 vacancies filled. Total number of applications, 618; total number of vacancies filled, 223.

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, in the town's official employment exchange, a special section for the finding of employment for seamen. 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. The activities of the Joint Maritime Employment Offices during the year 1931 may be summarised as follows: Dunkirk, 1,573 applications, 917 vacancies notified and 917 vacancies filled; Le Havre, 2,323 applications, 1,402 vacancies notified, 1,402 vacancies filled; Rouen, 5,976 applications, 2,783 vacancies notified, 2,747 vacancies filled; Brest, 1,330 applications, 979 vacancies notified, 710 vacancies filled; Nantes, 2,492 applications, 1,354 vacancies notified, 1,189 vacancies filled; Bordeaux, 1,832 applications, 1,134 vacancies notified, 1,134 vacancies filled; Sète, 2,217 applications, 1,093 vacancies notified, 1,086 vacancies filled; Marseilles, 6,597 applications, 4,067 vacancies notified, 4,034 vacancies filled. Total number of applications: 24,322; vacancies notified, 13,547; vacancies filled, 13,219. The number of unemployed seamen has shown a substantial increase as a result of economic circumstances. The number of seamen assisted by the Seamen's Unemployment Fund at Marseilles was: deck crew, 260 in October 1931, 432 in August 1932; engine-room crew, 242 in October 1930, 401 in August 1932; general service staff, 408 in October 1931, 620 in August 1932. The figures regarding the number of seamen assisted by assistance organisations in certain ports were as follows: Dunkirk, 159 in January 1932, 201 in August 1932; Le Havre, 160 in February 1932, 167 in August 1932; Rouen, 34 in January 1932, 52 in August 1932; Nantes, 32 in February 1932, 37 in August 1932; St. Nazaire, 101 in January 1932, 120 in July 1932.

Germany. — The Act of 22 July 1922 having laid down in § 47 that "the institu-

tion 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. According to the figures supplied by the Government, in October 1931 the seamen's recruiting offices and the other offices which provide facilities for employment finding in the case of seamen registered 24,184 applications and 3,613 vacancies. The number of persons placed in employment during this period was 3,611. The figures for September 1932 are as follows: applications, 30,358; vacancies 4,738; workers placed, 4,733.

Greece. — The report states that only one type of employment agency exists in Greece, which was set up by the Decrees of 1 June and 22 June 1927. The Seamen's Employment Office at the Piraeus, set up by these two Decrees, finds employment for seamen free of charge. The Director of the Office must be a higher harbour official. Further, under the Decree of 1 March 1927, the "Seamen's Home" was set up, for the purpose of giving some assistance to unemployed seamen. §§ 1, 6 and 13 of the Decree lay down the methods and conditions of this assistance from the point of view of placing.

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. The report supplies the following statistics with regard to the operations of seamen's employment exchanges during 1931 and the first six months of 1932 (figures for 1932 are given in brackets): Seamen seeking employment on 1 January 1931: 29,381, including 634 officers (on 1 January 1932: 31,349, including 642 officers); registered in 1931: 36,023, including 3,339 officers (first six months of 1932: 18,971, including 1,431 officers); total number registered in 1931: 65,404, including 3,973 officers (first six months of 1932: 50,320, including 2,073 officers); number of eliminations (a) by cancelling: 11,490, including 326 officers (5,857 including 127 officers), (b) by reason of embarkation: 22,565, including 3,005 officers (12,031, including 1,313 officers); total number eliminated: 34,055, including 3,331 officers (17,888, including 1,440 officers); number of seamen still seeking employment on 1 July 1932: 32,432, including 633 officers.

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

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the following cities: Tokyo, Yokohama, Osaka, Kobe, Moji, Shimonoseki, Tobata, Nagasaki, Otaru, Hakodate, Muroran, Miike, Fushiki, Wakamatsu, Nagoya and Tsuruga. Branches of the employment exchange agencies are situated in Osaka-Kawaguchi and Hyogo-Omuda. 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. The report states that the number of employment exchange agencies is 32, including 21 free agencies with 3 branches and 11 agencies charging fees. The record of the seamen's employment exchange service for the period from October 1931 to September 1932 is as follows: Vacancies notified: free agencies, 19,109; fee-charging agencies, 1,045; Applications for work: free agencies, 27,823; fee-charging agencies, 1,088; Applications satisfied: free agencies, 18,832; fee-charging agencies, 1,038.

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. There are 3 seamen's employment offices in Latvia: (1) in Riga, attached to the Seamen's Society of Latvia (*Latvijas jūrn arodbiedriba*), under the control of the committee mentioned above; (2) in Liepaja and (3) in Ventspile, attached to the offices of "Watershouts." On 1 January these 3 offices had registered 1,118 seamen (including 87 masters and 103 engineer officers). The offices effected 818 placings last year. At present there are still 300 seamen unemployed, including 60 masters and officers.

Luxemburg. — The report does not refer to this Article. The Act of 5 March 1928 reproduces the terms of the Convention. The report states, however, that the question of employment facilities for seamen has no practical application in the Grand Duchy.

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, Trondjhem 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 communal 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, effected about 700 placings. The co-ordination under the Ministry of 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.

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 nineteen 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 six 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. The report states that the special commissioners have employment offices in the following ports: Örnsköldsvik, Härnösand, Sundsvall, Söderhamm, Gävle, Stockholm, Södertälje, Oxelösund, Norrköping, Oskarshamn, Kalmar,

Visby, Karlsjamm, Sölvesborg, Åhus, Ystad, Malmö, Landskrona, Helsingborg, Halmstad, Göteborg, Lysekil, Uddevalla. For the year 1931 there were 74,488 applications, 20,533 vacancies and 20,165 vacancies filled.

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 summary 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.*

Please state the number of Committees that have been constituted and the places at which they have been set up, with particulars as to their membership.

Australia. — The report states that no committees have been appointed under this Article, and that the reasons were fully explained in other annual reports.

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 refers to that for 1931, which stated 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,

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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 Mercantile Marine Department 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.

Greece. — Under §§ 3 and 4 of the Decree of 22 June 1927, there is attached to the Seamen's Employment Office an advisory

committee, appointed by the Minister of Marine for a year at a time, and consisting of three shipowners and three seamen, under the chairmanship of the Director of the Office. The members are appointed from a list containing three times the required number of names, to be submitted every year by the shipowner's and seamen's organisations. If the organisations fail to submit nominations in due time, the Minister is to select representatives from the special occupations concerned irrespective of their membership of the organisations. The Committee must as a rule meet once a week. It is to draw up rules for the working of the Office, subject to the approval of the Mercantile Marine Directorate, and to supervise the working of the Office.

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. It states, however, that the question of employment-finding facilities for seamen has no practical application in the Grand Duchy. The Act of 5 March 1928 reproduces the provisions 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.

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Poland. — In virtue of the Decree of 27 January 1919 relating to the organisation of public 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.

Spain. — See introductory note.

Sweden. — Representatives of shipowners and seaman have been appointed in 23 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, an administrative council and an executive committee, which are joint bodies, are attached to the exchanges. 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.

Greece. — § 6 of the Decree of 22 June 1927 contains equivalent provisions.

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; it states, however, that the question of employment-finding facilities for seamen has no practical application in the Grand Duchy. 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.

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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.

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 10 September 1929 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 author-

ity 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.

Greece. — The report states that facilities for examining articles of agreement are afforded by recourse to the "Seamen's Home" set up by the Decree of 1 March 1927.

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; it states, however, that the question of employment—finding facilities for seamen has no practical application in the Grand Duchy. 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 crew's 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 prescribed in 1930 a model form of pay-book which is delivered to every seaman.

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 "check" 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.

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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.

If statistics are available, please state the number and nationality of foreign seamen who have taken advantage of the facilities provided for finding employment for seamen.

Australia. — The facilities are available to seamen of all nationalities and in respect of all ships in Commonwealth ports. No statistics are available as to the number and nationality of foreign seamen who have secured employment through the Mercantile Marine Office. For a summary of certain particulars in this connection see under ARTICLE 4.

Belgium. — Seamen of all countries benefit by all the employment facilities provided for national seamen. During the period covered by the report, approximately 2,200 foreign seamen were embarked on Belgian vessels through the intermediary of the recruitment office of the Belgian Ship-owners' Union.

Bulgaria. — The report states that the service for the finding of employment for foreign seamen has not yet been organised.

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.

Greece. — The report states that the Decree of 22 June 1927 makes no distinction between the placing of Greek and foreign seamen.

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; it states, however, that the question of employment—finding facilities for seamen has no practical application in the Grand Duchy. 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.

Spain. — See introductory note.

Sweden. — Free employment facilities are open to foreign seamen without exception. The report contains the following information: 595 foreign seamen applied to the Employment Service, and 126 were placed in employment.

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

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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.

Greece. — The report states that no provisions similar to those in the Convention exist as regards deck-officers and engineer-officers.

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; it states, however, that the

question of employment—finding facilities for seamen has no practical application in the Grand Duchy. 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. — The System of public employment offices applies to deck and engineer officers, in accordance with the Decree of 27 January 1919.

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. — As in previous years, the report contains a table showing the nationalities of the seamen of all grades and ratings engaged in British vessels in Australia and an estimate of the number of seamen in employment and those unemployed in the principal ports of Australia. The figures supplied in the report refer to the year 1 July 1931 to 30 June 1932. For these figures, see above under ARTICLE 4.

Belgium. — The report does not allude to the question of communicating information to the Office. (See however under ARTICLE 4 for particulars contained in the report). 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.

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Bulgaria. — Statistical information dealing specially with the unemployment of seamen does not exist.

Estonia. — The report does not allude to the question of supplying information concerning unemployment. (See however under ARTICLE 4 for particulars contained in the report). The report adds 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 1931, as well as information concerning the steps taken to give assistance to seamen who have become unemployed as a result of the economic crisis. For a summary of the statistical information, see above under ARTICLE 4. 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 assumed that this demand and supply had a certain importance and extended over a certain period and was not merely temporary.

Greece. — The report does not refer to the first paragraph of this Article. As regards the co-ordination of the various national systems for finding employment

for seamen, the report states that the Government would prefer, before replying, to know the opinion and the proposals of the International Labour Office.

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 refers to the information given under ARTICLE 4.

Luxemburg. — The report does not refer to this Article; it states, however, that the question of employment—finding facilities for seamen has no practical application in the Grand Duchy. 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*.

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

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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, after re-examining the possibility of applying the Convention to the *Belgian Congo*, is of opinion that in the present state of development of the Colony the Convention cannot be applied. The matter is of no practical importance for the Mandated Territory of *Ruanda-Urundi* which is an inland territory.

France. — In *Algeria* the Maritime Labour Code is made applicable by Decree of 25 September 1927, and the Convention is accordingly applied. In *Tunisia* the port authorities before whom engagements of seamen are effected inform masters and seamen of the existing demand for and offers of employment. The local maritime registration authority endeavours to facilitate the engagement of French and Tunisian members of crews. The report states that by reason of local conditions the Convention cannot be applied in the other French overseas possessions, the evolution of which has not been such as to make it possible to apply the maritime legislation of the metropolitan country. The Department of the Colonies proposes, however, to have the question of adapting the Convention examined by the various colonies.

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. — The report states that the Convention is applied to all territories under

Spanish sovereignty. See also introductory note.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

Australia. — The Marine Branch of the Department of Commerce is entrusted with the administration of the Navigation Act. For information as to the organisation and working of inspection, see under ARTICLE 4. Conditions at ports in Australia do not call for any more detailed inspection than is provided.

Belgium. — The Minister of the Marine supervises the application of the Acts and Decrees mentioned under I through the agency of the maritime administrative services and, in particular, of the maritime commissioners and, abroad, of the consuls.

Bulgaria. — The supervision of the application of the laws and regulations is entrusted to the labour inspectors.

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. The latter acts as adviser to the Administrative Commission of the Joint Maritime Employment Offices. Members of the Commission selected from the list of occupational organisations of shipowners and seamen are appointed on the proposal of the Prefect or Mayor as the case may be. The joint offices are carried on by means

IX. Employment for seamen.

of subventions from the State, the Departments or the Communes. Since they are placed under the supervision of representatives of the Ministry of Labour and of the Mercantile Marine, it is very difficult for them to evade application of the laws and regulations. They are further subject, like the ordinary employment agencies, to periodic inspection by officials of the Ministry of Labour as heads of the regional employment offices.

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.

Greece. — The report does not refer to this point § 12 of the Decree of 22 June 1927 respecting the working of the Seamen's Employment Office in Piraeus gives the Director of the Office, the port authorities and, in case of legal action, the solicitor, authority to supervise the operations of employment-finding.

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 relevant legislation is entrusted to the Labour Protection Department of the Ministry of Social Welfare.

Luxemburg. — The report does not refer to this question. It states, however, that the question of employment—finding facilities for seamen has no practical application in the Grand Duchy.

Norway. — See the summary of the report on the *Convention concerning unemployment*.

Poland. — Control is exercised by the voivods and by the Minister of Social Welfare.

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.

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.

VI.

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. Where possible, please supply information derived from the reports of the inspection services.

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 oversea. 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.

Belgium. — The report states that the recruiting office of the Belgian Shipowners' Union which is under the permanent supervision of the Joint Committee for Maritime Recruitment, centralises employment finding for seamen on board Belgian vessels.

Bulgaria. — The report does not refer to this question.

Estonia. — No information.

IX. Employment for seamen.

Finland. — No information.

France. — See the information summarised under ARTICLE 4.

Germany. — The Government states that it is applying the Convention both in the spirit and in the letter.

Greece. — No information.

Italy. — See the information supplied under ARTICLE 4.

Japan. — The report states that 4 contraventions were reported during the period covered by the report. For information on the working of the employment exchanges, see under ARTICLE 4.

Latvia. — See the information supplied under ARTICLE 4.

Luxemburg. — The report states that the question of employment-finding facilities for seamen has no practical application in the Grand Duchy.

Norway. — No information.

Poland. — No information.

Sweden.— In the covering letter forwarding the annual reports, the Swedish Government states that it is possible to say as a general observation, that the conventions ratified by Sweden are being applied strictly. This observation is confirmed by the fact that, so far as the Government is aware, the occupational organisations concerned have not made any complaints with regard to the application of the conventions.

Spain. — See introductory note.

Yugoslavia. — No information.

THIRD SESSION (GENEVA, 1921).

X. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or a part of that period:

COUNTRIES	Date of registration of ratification.	Reports received.
Austria	12. 6. 1924	7.11. 1932
Belgium	13. 6. 1928	27.10. 1932
Bulgaria	6. 3. 1925	2.12. 1932
Czechoslovakia . .	31. 8. 1923	27. 1. 1933
Estonia	8. 9. 1922	24.10. 1932
Hungary	2. 2. 1927	5. 1. 1933
Irish Free State .	26. 5. 1925	23.11. 1932
Italy	8. 9. 1924	12.12. 1932
Japan.	19. 12. 1923	15. 2. 1933
Luxemburg . . .	16. 4. 1928	1.11. 1932
Poland	21. 6. 1924	7.12. 1932
Rumania	10. 11. 1930	
Sweden	27. 11. 1923	14.11. 1932

The report of the *Rumanian* Government has not yet been received¹.

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.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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 provinces.

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 of 21 August 1900).
 - Imperial Ordinance of 7 February 1899 concerning technical schools.
 - Regulations concerning the establishment and abolition of technical schools (Ordinance of the Department of Education of 3 March 1899).
 - Regulations concerning agricultural schools (Ordinance of the Department of Education of 15 January 1921).
 - Regulations for encouraging the attendance at school of children of school age (Order of the Department of Education of 4 October 1928; amended by Order of the Department of Education of 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).
- Order of the Minister of Public Worship and Public Instruction of 6 December 1923 concerning days of exemption from compulsory school attendance.
- Education laws in force in the Southern and Western Provinces and in Upper Silesia.

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 em-

ployment 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 (§ 57). Moreover, under the Order No. 85800 of 1929 the Minister 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 I 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.

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.

Please state by what means the observance of the minimum annual period of eight months' school attendance is ensured where advantage is taken of this Article.

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 Voralberg, in Carinthia and in Burgenland. Under the legislative provisions quoted above the scholastic year is fixed uniformly for the whole of Austria at at least ten months for the first six school years. In the seventh and eighth years the provincial and district school authorities may grant leave of absence under § 21 (3 and 4) of the Federal Act of 14 May 1869 concerning elementary education (text of 2 May 1883), taking into account the special economic or family conditions. These permits also allow for the necessity, among rural populations, of employing children of a certain school age on light agricultural and domestic work. The duration of these individual exemptions from

X. Minimum age (agriculture).

school attendance averages from three to four months, so that school attendance does cover at least eight months in the year. The observance of school hours and compulsory school attendance is strictly supervised. Breaches by the parents may be punished by legal proceedings when previous warnings have been ineffectual.

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 instruc-

tion 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. The report states that the administration of the Department of Education and the implementing of the provisions of the School Attendance Act by the enforcing authorities ensure the observance of the minimum annual period of school attendance required by this Article.

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 holidays 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 ar-

ranged 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. Under the Order of the Minister of Public Worship and Public Instruction of 6 December 1923 concerning days of exemption from compulsory school attendance, the school year is fixed at ten months for the whole of Poland, viz. from 1 September to 28 June. The days of exemption cited in the Order must not exceed one month. The periods of absence allowed under § 23 of the Decree of 7 February 1919 must not exceed 28 days. Thus the school year in Poland is at least eight months.

Sweden. — 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. The report states that the observance of the eight months' period is ensured by a clause which makes this observance a condition for receiving the State subsidy.

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. — The relevant legislation does not contain equivalent provisions.

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.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has decided that local conditions do not lend themselves to any such application.

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 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. In particular, please supply information on the organisation and working of inspection.

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 § 15 of the Child Labour Act, the administrative 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 administrative 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. § 15 (1) of the School Attendance Act, 1926 provides that the principal teacher of every national and other suitable school shall communicate at the prescribed times and in the prescribed manner to the respective enforcing authorities the prescribed particulars of every child who is absent from

such school and the prescribed particulars of such absences. The enforcing authorities are empowered under § 19 of the Act to inspect the register books kept in accordance with the Births and Deaths Registration Acts and to obtain from the Registrars of Births and Deaths particulars with regard to births and deaths of children; they are also empowered under 20 to obtain particulars from parents with regard to their children. The powers under these sections are implemented by officers of the enforcing authorities. These officers may also examine the roll book and register of any national school and make such extracts therefrom regarding the names, residences and attendances of the pupils as they may require for the performance of their duties under the School Attendance Act. The Government is satisfied that the organisation and work of inspection are effective.

Italy. — Enforcement is entrusted to the Ministry of Public Instruction, which acts through the officials dependent on it (inspectors of education).

Japan. — The report states that the educational matters of the State are conducted by the mayors of cities, towns or villages in their capacity as State authorities, with the assistance of a school board which supervises the elementary schools. 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 Social Welfare; (4) the Ministry of Public Worship and Public Instruction. Each school is required to keep a register of the children whose age subjects them to compulsory school attendance.

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

X. Minimum age (agriculture).

with the subject. The Ministry of Public Education and Public Worship is the ultimate authority.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services 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.

Austria. — The Bills mentioned in the report for 1928 controlling the work of children in agriculture and forestry and the Regulations controlling the conditions of work of agricultural and forestry workers have not yet been adopted by the legislative authorities. No statistical information exists on the employment of children in agricultural work. It should be noted, however, that information concerning the number of pupils, school attendance, facilities for this attendance and penalties inflicted in cases of non-attendance may be found in the statistical information on the school year 1932-1933 which will appear in the 1932 volume of the *Vierteljahrshefte für Erziehung und Unterricht*. This volume will shortly be published by the Official Publishers for Education, Science and Arts in Austria.

Belgium. — No information.

Bulgaria. — No information.

Czechoslovakia. — The letter of transmission sent with the report states that the information required by this heading is contained in the report of the factory inspection service for 1931, which will be forwarded to the International Labour Office as soon as possible.

Estonia. — The inspection services reported 19 contraventions. In every case proceedings were taken and the cases referred to the ordinary law courts.

Hungary. — The report states that the competent public inspection authorities are required to report only in cases of omission in applying the relevant legislation. During the period under review, no reports or complaints have been brought to the notice of the Government; the Convention is consequently perfectly applied. The Government possesses no statistics giving the number of children employed subject to the conditions provided for in the Convention.

Irish Free State. — From the records kept by the enforcing authorities, the Minister is satisfied that the contraventions are few and that the offenders are suitably dealt with. Taking this in conjunction with the power which the Minister has to make Regulations forbidding the employment of children under 14, if he has reason to think that such employment is in any way detrimental to their education, the Government is of opinion that the provisions of the Convention are adequately implemented in the existing legislation. About 43 % of the total number of children between the ages of 12 and 14 on the School rolls made use of the exception permitted by Article 2. Convictions were obtained in the case of contraventions which represented approximately 5 % for children between 6 and 12 years of age and 1.2 % for children between 12 and 14.

Italy. — The report states that there is nothing to add with regard to the application of the Convention.

Japan. — The report states that the application of the principles of the Convention is most satisfactory. Statistics giving the number of children of school age employed in accordance with the provisions of the Convention are not available. However, in view of the fact that 99.46 % of the children attend schools, the supervision of contraventions 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. In addition, measures were taken under Instruction No. 18 of the Ministry of Education, dated 7 September 1932, to provide meals at school. The expense incurred by such measure was to be defrayed by the National Treasury (513,333 yen for 1932 and 880,000 yen for 1933 and 1934.).

Luxemburg. — No information.

Poland. — No information.

Sweden. — The Government states that, in a general way, the Convention may be considered to be strictly enforced. This opinion is confirmed by the fact that, as far as the Government is aware, no complaint with regard to the application of the Convention has been made by the occupational associations concerned.

XI. 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 1932 and from which annual reports under Article 408 were due in respect of the period 1 October 1931—30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification.	Reports received.
Austria.	12. 6. 1924	7. 11. 1932
Belgium	19. 7. 1926	27. 10. 1932
Bulgaria	6. 3. 1925	2. 12. 1932
Chile	15. 9. 1925	20. 12. 1932
Czechoslovakia . .	31. 8. 1923	27. 1. 1933
Denmark	20. 6. 1930	4. 11. 1932
Estonia	8. 9. 1922	24. 10. 1932
Finland	19. 6. 1923	8. 11. 1932
France	23. 3. 1929	16. 12. 1932
Germany	6. 6. 1925	7. 11. 1932
Great Britain . . .	6. 8. 1923	24. 11. 1932
India	11. 5. 1923	22. 12. 1932
Irish Free State . .	17. 6. 1924	23. 11. 1932
Italy	8. 9. 1924	12. 12. 1932
Latvia	9. 9. 1924	6. 2. 1933
Luxemburg	16. 4. 1928	1. 11. 1932
Netherlands	20. 8. 1926	27. 10. 1932
Norway	11. 6. 1929	7. 10. 1932
Poland	21. 6. 1924	7. 12. 1932
Rumania	10. 11. 1930	
Sweden	27. 11. 1923	14. 11. 1932
Yugoslavia	30. 9. 1929	7. 11. 1932

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.

The report of the Rumanian Government has not yet been received².

¹ Vol. III, pp. 303-321. The volume in question was published by the Office in 1928 in its collection of "Studies and Reports".

² The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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.

Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

Czechoslovakia.

Constitutional Act of 29 February 1920.

Denmark.

§ 85 of the Danish Constitution of 5 June 1915.

Estonia.

Constitution of 15 June 1920.

Act of 1 June 1922 on the right of public meeting.

Act of 26 March 1926 respecting associations and federations thereof (L. S. 1926, Est. 1 A).

Act of 26 March 1926 respecting the registration of associations, societies, and federations thereof (L. S. 1926, Est. 1 B).

XI. Rights of association (agriculture).

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.
Act of 25 May 1925 bringing the Convention into force.

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

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, amended by the Presidential Decree of 25 September 1932.
Presidential Decree of 22 March 1928 concerning Labour Courts (L. S. 1928, Pol. 5).
Various laws and decrees in force in the Provinces of Poland.

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 unemployment*, 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 com-

pulsory and unalterable legislative requirement which cannot be annulled or restricted by any agreement whatever.

Belgium. — The Constitution and the Act of 24 May 1921 guarantee to all Belgians the right of association whatever may be their occupation.

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. — Book III of the Labour Code, which deals with trade unions, etc. and Book IV, Part II, which deals with disputes, conciliation and arbitration, lay down the conditions under which Chilean workers may combine. The report states that the legislation in question applies equally to agricultural workers.

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. Further, the Acts of 26 March 1926 make no distinction between industrial and agricultural 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 connected 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.

XI. Rights of association (agriculture).

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.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has decided that local conditions do not lend themselves to any such application.

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 (*Staatsblad*, 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 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 relevant legislation is entrusted to the General Labour Inspectorate, the labour courts, the permanent conciliation boards and the arbitration courts. 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 application of the relevant legislation is entrusted to the Ministry of Justice and of the Interior, which possesses a special register of societies and associations. Registration is compulsory only in the case of associations wishing to acquire the rights of bodies corporate.

Finland. — Legislation concerning the rights of association and combination is part of the civil and penal legislation and the supervision of its enforcement is there-

fore the duty of the public police authorities and of the courts. An Order of 22 September 1922 dealing chiefly with the application 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 report, states that the application of the legislation concerned is entrusted to the Courts.

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. — The report states that the Trade Union Acts—in so far as their administration is left with any Government Department—are administered by the Registrar of Friendly Societies (Trade Union Act, 1871, § 17, and Trade Union Act, 1913, § 7).

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 and administrative authorities.

Luxemburg. — The report states that, under § 2 of the Act of 5 March 1928, fines of from 51 to 3,000 francs may be inflicted for contraventions.

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. — See introductory note.

Poland. — The supervision of the application of the relevant legal provisions is entrusted to the factory inspectors and the Ministry of Social Welfare. Disputes are brought before the Committees of Conciliation and Arbitration.

Sweden. — See under ARTICLE 1.

XI. Rights of association (agriculture).

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.

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.

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.

VI.

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

Austria. — No information.

Belgium. — No information.

Bulgaria. — No information.

Chile. — The report states that, although agricultural workers in Chile enjoy the same rights of association and combination as industrial workers, they do not, in practice, exercise these rights.

Czechoslovakia. — The report states that there is no reason to make any observations.

Denmark. — The report states that, during the period with which the report deals, no question has arisen as regards the dissolution of an association of agricultural workers.

Estonia. — No information.

Finland. — No information.

France. — The report states that the number of agricultural trade unions rose from 11,623 with 1,583,247 members on 1 January 1926 to 14,968 with 1,910,538 members on 1 January 1930. Women members of these agricultural trade unions number 45,032. On 1 January 1930 there

were 280 federations of agricultural unions, representing 21,346 individual unions and 1,932,331 members.

Germany. — The Government states that it applies the Convention in letter and in spirit. The report adds that the application of the Convention has not given rise to any difficulties.

Great Britain. — No information.

India. — The report states that trade unionism is practically non-existent among agricultural workers in India.

Irish Free State. — No information.

Italy. — The report states that there is nothing to add with regard to the application of the Convention.

Latvia. — The Government is not aware of any difficulty arising out of the application of the Convention.

Luxemburg. — The report states that freedom of association has become a national custom, and that no contraventions of the Convention have been reported.

Netherlands. — No information.

Norway. — See introductory note.

Poland. — The report states that agricultural wage-earners are organised in Poland as follows: (1) Agricultural and Forestry Workers' Union, affiliated to the Polish Trade Union Federation, with 38,951 paying members in 1,035 branches; (2) Agricultural Workers' Union, affiliated to the Trade Union Federation of the Republic of Poland, with 16,909 paying members in 48 branches; (3) Agricultural and Forestry Workers' Union, affiliated to the Federation of Trade Unions at Poznan, with about 8,973 paying members in 53 branches; (4) Christian Agricultural Workers' Unions of the Republic of Poland, with 4,231 paying members in 15 branches; (5) Agricultural Workers' Union of the Eastern Marches at Wilno, with about 1,837 paying members in 4 branches. These statistics refer to 1 January 1932.

Sweden. — The Government states that, in general, the Convention may be deemed to be strictly enforced in Sweden. This opinion is confirmed by the fact that no complaint as to the enforcement has been received from the occupational organisations.

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. This union has 123 sections and 8,670 members.

XII. Convention concerning workmen's compensation in agriculture.

1.

This Convention came into force on 26 February 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Bulgaria	6. 3. 1925	2. 12. 1932
Chile	15. 9. 1925	20. 12. 1932
Denmark	26. 2. 1923	4. 11. 1932
Estonia	8. 9. 1922	24. 10. 1932
France	4. 4. 1928	1. 2. 1933
Germany.	6. 6. 1925	7. 11. 1932
Great Britain. . .	6. 8. 1923	24. 11. 1932
Irish Free State .	17. 6. 1924	23. 11. 1932
Italy	1. 9. 1930	12. 12. 1932
Latvia	29. 11. 1929	6. 2. 1933
Luxemburg . . .	16. 4. 1928	1. 11. 1932
Netherlands . . .	20. 8. 1926	28. 10. 1932
Poland	21. 6. 1924	7. 12. 1932
Spain	1. 10. 1931	13. 12. 1932
Sweden	27. 11. 1923	14. 11. 1932

The *Polish* Government states in its report that a social insurance Bill was laid before the Diet on 2 March 1932. This Bill deals, among other matters, with the extension of insurance in case of incapacity for work or death resulting from an industrial accident or occupational disease to agricultural undertakings not exceeding 30 hectares in the Central, Eastern and Southern Provinces. This extension will be carried out by means of Orders, issued by the Council of Ministers at the instigation of the Minister of Social Welfare. These Orders will be published in the *Polish Monitor*. For details, see under ARTICLE 1.

The *Spanish* Government states in its report that the Act of 4 July 1932 amending the Labour Code announced that a revised text of the legislation concerning industrial accidents would shortly be published. This text was published by the Decree of 8 October 1932, but, in view of its recent date, the report indicates that information concerning it will be included in the next annual report.

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 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

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 4 August 1927 determining the methods to be adopted by managers covered by § 4 of the Act of 15 December 1922 as amended by the Act of 30 April 1926.

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.

Spain.

Royal Legislative Decree of 23 August 1926 approving the Labour Code (L. S. 1926, Sp. 5).

Decree of 12 June 1931 approving the principles of the application to agriculture of the system of compensation for industrial accidents, converted into an Act on 9 September 1931.

Decree of 25 August 1931 issuing Regulations for applying the Decree of 12 June 1931, converted into an Act on 9 September 1931.

Act of 4 July 1932 to amend § 168 of the Labour Code.

See also introductory note.

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.

If agricultural workers are covered by a special system of workmen's compensation or accident insurance, please state what differences exist between the general system and that special system especially as regards:

- (a) *The manner in which the persons and undertakings covered are respectively determined;*
- (b) *The conditions under which benefits in cash and in kind are granted and the amount of such benefits.*

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. — Part II of the Legislative Decree of 13 May 1931 contains provisions with regard to industrial accidents. Under § 261 "all industries or employments, irrespective of their nature, in which wage-earning or salaried employees or apprentices are employed, shall involve the liability of the employer in the manner laid down in this Part. Employment or work which, on account of its nature, is of short duration, and in which not more than three persons are employed, shall alone be excepted." No distinction is made between industrial and agricultural workers.

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 insurance².

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. These special provisions, however, neither materially nor legally constitute a limitation of the principle of equality of treatment for agricultural and industrial workers. In addition, the report gives the following information: (a) Under §§ 915-916, 922, 539 (b) and 542 of the Federal Insurance Code, the protection given by accident insurance in agriculture applies to workers in agricultural undertakings and subsidiary agricultural undertakings. Under § 1034, by virtue of the legislation adopted by the provinces or in agreement with the statutes of the insurance institutions (§§ 922, 548, 549 and 551), this protection also applies in most of Germany to the head of the undertaking and to his wife employed in the undertaking. All these persons are compulsory insured. The head of the undertaking and his wife employed in the undertaking may insure themselves voluntarily in so far as they are not compulsorily insured (Federal Insurance Code §§ 922, 550 and 551). Further, the statutes of the insurance institutions lay down that certain classes of persons may be admitted to voluntary insurance; for example, persons who visit undertakings without being occupied in them, organising members of insurance institutions, and employees of these institutions, etc. (§§ 922 and 552 of the Code). Finally, the statutes of the insurance institutions may extend the insurance of the heads of the undertakings and their wives employed in the undertakings—on condition that these persons are chiefly employed in agriculture—to domestic work connected with agriculture (§ 923 of the Code). (b) See under the *Convention concerning workmen's compensation for occupational diseases*, Article 1, Germany, the information supplied with regard to conditions for receipt of benefits and amounts thereof in cases of industrial accidents.

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

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.

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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 compensation 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 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. Meanwhile, provisions for compensation for accidents occurring on agricultural undertakings of less than 30 hectares have been included in collective agreements regulating conditions of labour and wages. In addition, for the year 1931-1932 the question was settled in the central and eastern provinces by decisions of the Extraordinary Arbitration Board published respectively in the "*Monitor Polski*", 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 Social Welfare, 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." The report states that "the Government is pursuing continuously its efforts so to amend its legislation concerning industrial accidents as to extend accident insurance to all paid workers employed in all agricultural undertakings. On 2 March 1932, a social insurance Bill was laid before the Diet, which constitutes a forward step in accident insurance legislation as far as the definite suppression of all measures which exclude agricultural workers from compulsory accident insurance is concerned".

The report gives in addition the following information :

"The Social Insurance Bill lays down in particular in § 309, that the insurance in cases of invalidity or death caused by an industrial accident or occupational disease may be extended to include agricultural undertakings not exceeding 30 hectares in the Central, Southern and Eastern Provinces, by means of Orders issued by the Council of Ministers at the suggestion of the Minister for Social Welfare and published in the Polish Monitor. The Bill thus represents a definite progressive step in comparison with the legislation at present in force : (1) contrary to the provisions of the Act of 30 January 1924, the Bill does not require the promulgation of an Act in order to extend accident insurance to the smallest agricultural undertakings, which requirement might involve certain difficulties. On the contrary, the Bill permits the extension merely by means of Orders issued by the Council of Ministers ; (2) the Bill does not demand that, when the insurance in question is extended to small agricultural undertakings, it shall be adapted to the special economic and technical conditions of work in

these undertakings, by imposing on the communes the duty of collecting the contributions, as provided for by the Act of 24 January 1924. Nor does it lay down for this class of workers a different procedure for registering workers and for fixing and collecting contributions, nor for the fixing and use of the contributions, which is also provided for under the original Bill. Thanks to the facility which this Bill gives for the extension of insurance in a simple form to workers in small agricultural undertakings, and thanks to the suppression of the difficult conditions of a special procedure for collecting contributions, and finally, to the creation of legal bases for the insurance of small agriculturists and their families—the exclusion of whom from the scope of accident insurance would prevent its extension to paid workers in small undertakings unless a strict line were drawn between the two categories of workers, owing to the similarity of their conditions of work—this Bill is bringing appreciably nearer the moment at which it will be possible to do away with the deficiencies existing up till now in the system of accident insurance. The coming into force of the Act will thus smooth over the difficulties which have so far hindered the application of accident insurance to the workers in question who are employed in those territories of the Polish State which are subject to the legislation of 1887 and 1924. Owing to the very grave economic crisis through which agricultural production is passing, it seems impossible at the present moment to suppress directly, by means of the projected Bill, the exception of which it treats. Such a suppression would involve an increase in social expenditure which could only be faced, at the present moment, with the greatest difficulty, since the small agricultural undertakings are in a particularly unfavourable position. The attempt to extend accident insurance to this class of workers by the Bill in question would risk preventing the passing of the Bill as a whole, a measure to which the Polish Government attaches very great importance, in view of the fact that the Bill establishes a general system of invalidity, old-age and widows' and orphans' insurance. The Government considers that in the present economic situation it seems impossible to bring agricultural workers employed in undertakings of less than 30 hectares under a scheme of accident insurance in two successive stages, the first of which would apply to workers employed in undertakings of a larger area, and the second to those in undertakings of a smaller area. It would be better to extend the insurance in question simultaneously to all the workers in these undertakings, seeing that the conditions of work are similar in all small agricultural undertakings without regard to their area."

Spain. — The Decrees of 12 June and 25 August 1931 extend to all paid agricultural workers the right to accident compensation which, under Book III of the Labour Code of 23 August 1926, was already granted to workers in undertakings in agriculture, forestry and stock keeping employing regularly more than six workers or using agricultural machines actuated by mechanical power. The Decrees in question and the Labour Code fix the compensation at a sum equal to $\frac{3}{4}$ of the daily wage of the victim of the accident, to be paid as from the day on which the accident occurs until such time as he is able to return to work. In cases of permanent and complete incapacity for work, the employer shall pay the victim an indemnity equal to two years' wages. In cases where the victim suffers from complete permanent incapacity for his usual occupation, but is not unable to do work of some other kind, the indemnity shall be equal to eighteen

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months' wages. In cases of permanent partial incapacity, the indemnity shall be equal to one year's wages. The report adds that the Act of 4 July 1932 amended the provisions of the Labour Code by stipulating that compensation would in future be granted in the form of a pension in the case of accidents resulting in death or permanent invalidity. See also introductory note.

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". The report states that agricultural workers benefit by the same system of workmen's compensation as industrial workers.

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*. Its application to the French colonies of *Martinique*, *Guadeloupe*, *Reunion* and *Guiana* is provided for by two public administrative regulations dated 23 May 1927 issued under the Decrees of 19 July 1925, but it is not yet actually in operation in *Guiana*.

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. Legislation has been enacted, but is not yet in operation, in the *Straits Settlements* (Ordinance 9 of 1932) and *Federated Malay States* (Enactment 17 of 1932), the effect of which will be to apply the Convention in the case of agricultural labourers on estates employing not less than 50 labourers. 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.

Spain. — The Convention is applied to all parts of *Morocco* under Spanish sovereignty and to Spanish possessions in *Africa*.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 relevant legislation is entrusted to the General Labour Inspectorate and to the labour courts. 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.

Denmark. — The administration of the Act respecting insurance against accidents is entrusted to the Workers' Accident Insurance Council, which comprises three sections, one for industry, commerce and trades, one for navigation and fishing, and one for agriculture. The chairman of the Workers' Insurance Council acts as chairman for all three sections, and the sections also include two members nominated by the King, one of whom is a doctor, and two representatives respectively of the employers and workers concerned. Each section collects all necessary information for the treatment of cases, and gives decisions on all questions within its competence, including the fixing of the nature and amount of compensation. Appeal may be made against the decisions of the Council, in certain cases, to the Ministry of Social Affairs. Every case of accident which may lead to compensation under the Act must be referred to the Council. 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. In the colonies, the Governor of the colony exercises control over the insurance institutions.

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). The question of inspection therefore does not arise except in relation to the provisions in Section 15 of the Act of 1925 (in Northern Ireland the Act of 1927) requiring posters and accident books to be kept at mines, quarries, factories and workshops. These provisions are to be enforced by the factory and Mines Inspectors in the course of their ordinary duties.

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. The report states that the Workmen's Compensation Code does not provide for systematic inspection.

Italy. — The enforcement of accident insurance in agriculture is supervised

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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 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.

Spain. — The application of the relevant legislation is entrusted to the labour inspectors and to joint labour Committees.

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 work-

ers, the latter are automatically insured by the State Insurance Office.

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 do not supply details concerning any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of accidents reported, etc.

Bulgaria. — No information.

Chile. — The report states that statistical and other information with regard to the application of the Convention will be forwarded to the International Labour Office as soon as it is available.

Denmark. — The report states that the Danish Act respecting insurance against accidents applies to agricultural as well as to industrial workers. The insurance is so organised that compensation due to the victim under the Act is assured to him in every case, since, in cases where the employer has neglected to insure himself against risk, the compensation may be paid by the Workers' Insurance Council. There is therefore no question of contravention.

France. — The report does not refer to this question.

Germany. — The Government states that it applies the Convention in the letter and in the spirit. The report states that the information required may be found in the *Geschäftsbericht des Reichsoversicherungsamts* for 1931 (published in *Amtliche Nachrichten für Reichsversicherung*, 1932, p. IV 135) and in the *Statistik der Sozialversicherung* for 1930, published as appendix No. 12 to *Amtliche Nachrichten für Reichsversicherung*, 1931. From these publications it appears that in 1931 there were 40 agricultural and forestry corporations for the purpose of applying compulsory accident insurance. 4,605,300 under-

takings, comprising 14,054,000 insured employees, were insured with these corporations. Indemnities paid for accidents in agriculture amounted to 70,300,000 Reichsmark for a total of 263,342 accidents. Statistics for 1932 are not yet available.

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. There are no statistics available as to the number of agricultural workers covered or as to the number of accidents to such workers.

Irish Free State. — The report states that agricultural wage earners have been treated in the Irish Free State in respect of compensation for accidents in precisely the same manner as workers in industry.

Italy. — The report states that compulsory insurance against accidents in agriculture in Italy is automatic and a question of right. Contraventions of the legal obligation are therefore impossible. As regards the working of insurance, the report refers to the latest information available, which may be found in Vol. LVI, No. 6 of the *Bollettino del Lavoro e della Previdenza sociale*, on pp. 875 *et seq.*, and which refers to the years 1928-1930.

Latvia. — The report does not refer to this point.

Luxemburg. — The report of the accident insurance association for 1931, in the section relating to agriculture and forestry, states that 2,396 accidents were reported and that compensation was paid for 2,226 of these.

Netherlands. — Information concerning the number of accidents and the amount of compensation paid may be found in the report of the State Insurance Bank for the year 1930.

Poland. — The report does not refer to this question.

Spain. — The report states that no information is supplied by the reports of the inspection services with regard to the application of the provisions in question.

Sweden. — The Government states that, in general, the Convention may be said to be strictly applied in Sweden. This opinion is confirmed by the fact that no complaints have been received from the occupational organisations with regard to the application of the Convention.

XIII. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6. 1924	7. 11. 1932
Belgium	19. 7. 1926	27. 10. 1932
Bulgaria	6. 3. 1925	2. 12. 1932
Chile	15. 9. 1925	20. 12. 1932
Cuba	7. 7. 1928	
Czechoslovakia	31. 8. 1923	27. 1. 1933
Estonia	8. 9. 1922	24. 10. 1932
Finland	5. 4. 1929	8. 11. 1932
France	19. 2. 1926	10. 2. 1933
Greece	22. 12. 1926	27. 1. 1933
Latvia	9. 9. 1924	6. 2. 1933
Luxemburg	16. 4. 1928	1. 11. 1932
Norway	11. 6. 1929	7. 10. 1932
Poland	21. 6. 1924	7. 12. 1932
Rumania	4. 12. 1925	
Spain	20. 6. 1924	13. 12. 1932
Sweden	27. 11. 1923	14. 11. 1932
Yugoslavia	30. 9. 1929	7. 11. 1932

The *Bulgarian* Government states in its report that the provisions of the Convention are applied by the Orders No. 13,600 of 29 September 1932 prohibiting the use of white lead and of sulphate of lead in certain painting operations (L. S. 1932, Bulg. 2) and No. 13,599 of 30 September 1932 concerning the measures to be taken for the handling and use of lead and its compounds and alloys in trades and manufacturers and in industrial establishments and undertakings (L. S. 1932, Bulg. 2). These two Orders came into force one month after their publication in the Official Journal, i.e., on 29 and 30 October 1932. Order No. 13,600 prohibits the use of white lead and sulphate of lead and other products containing these pigments unless authorised by the Directorate of Labour and Social Insurance, who may permit its use in the painting of railway stations, bridges and in other special cases. The use of white pigments containing a maximum of 2 per cent. of lead is allowed. The exceptions for artistic painting and fine lining are not provided for by the

XIII. Use of white lead in painting.

Order. The Order prohibits the employment of young persons under 18 years of age and of all women in painting work involving the use of white lead, sulphate of lead or of other products containing these pigments. The Directorate of Labour and Social Insurance may, however, authorise the employment of young persons under 18 years of age with a view to their education in their trade, but only after a medical examination. According to the report the prohibitions prescribed by Articles 1 and 3 of the Convention have been in force since 1932. Further, Order No. 13,600 stipulates that white lead, sulphate of lead and other products containing these pigments may only be supplied to the workers in the form of paste ready for use. Order No. 13,599 lays down that spray-painting shall be carried out in special workrooms provided with a hygienic system of ventilation. If the paint used in this work cannot be damped the workers shall be provided with masks. Dry rubbing-down and scraping shall only be carried out after sufficient damping, and means must be taken to reduce to a minimum the production of dangerous dust (ventilation, use of vacuum pump for removal of dust, etc.). As regards measures of cleanliness and working clothes, the two Orders provide that all establishments and undertakings using white lead, etc. shall be provided with washing places with running water. The workers shall be given soap and towels in sufficient quantity. Special cloakrooms shall be provided where the workmen may put their clothes away to keep them from being soiled. The employer shall provide working clothes for his workmen and shall see that these clothes are worn during the whole of the working period. All cases of suspected lead poisoning shall be notified by the employer to the Labour Inspection Service, which shall take the necessary steps for sending the sick persons to hospital. All workers shall submit to a compulsory medical examination at the time of their engagement and, once engaged, they shall be examined every six months. Contraventions of the Orders are punished by sanctions (payment of medical treatment and a pension by the employer; fines of from 1,000 to 10,000 levas, etc.; a worker guilty of contravention loses his right to medical assistance, etc.). The report adds that no special statistics as provided for by Article 7 of the Convention are as yet available.

Note: In its annual report for the period 1 January to 30 September 1931, the Bulgarian Government indicated that the provisions of the Convention were applied by the Act of 1917 respecting the health and safety of workers, and the Social Insurance Act of 6 March 1924. For the details of this legislation see: *Summary of annual reports under Article 408, Sixteenth Session of the International Labour Conference, Geneva, 1932, pp. 183 et seq.*

The Government of Chile states in its report that § 246 of the Legislative Decree

of 13 May 1931 to ratify the Labour Code contains the legal basis for regulations not yet enacted, in which the provisions of the Convention will be incorporated. The § reads as follows: "The industries and processes specified in the regulations, which may be revised periodically by the President of the Republic, shall be deemed to be dangerous or unhealthy. The regulations shall specify the substances the use of which is prohibited, such as white lead, sulphate of lead, etc., the proportionate amounts thereof which may be permitted ... and other rules respecting dangerous or unhealthy industries." Other relevant provisions are contained in § 12 of Decree No. 217 of 30 April 1926 to approve the appended regulations respecting industrial hygiene and safety, which contains a list of 56 dangerous or unhealthy processes, of which No. 17 is the manufacture and use of white lead and oxide of lead, and § 8 of Decree No. 581 of 21 April 1927 to approve regulations concerning occupational diseases, which includes lead poisoning among the diseases for which compensation is payable.

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The Greek Government states in its report that, as stated in the report for last year, a draft Decree to ensure the application of the Convention has been drawn up and submitted to the Council of State. This Decree, however, while fully satisfying the provisions of the Convention, is not in harmony with the provisions of the Act of 6 August 1921, which preceded the Convention and which contains much stricter provisions than the Convention itself. Since the provisions of the Act are inapplicable, the Government is proposing to repeal it as soon as possible so that only the provisions of the Act of 3 August 1922 for the ratification of the Convention shall remain in force. In this way the Government will be enabled to proceed to the promulgation of the Decree in question which ensures the application of the Convention.

The report of the Rumanian Government has not yet been received¹.

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.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

XIII. Use of white lead in painting.

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).

The report states that by the publication of the ratification of the Convention in the Official Journal of 19 July 1924, the provisions of the Convention received force of law in Austria under § 49 (1) of the Federal Act on the Constitution of 1 October 1920. The Convention is applied, by virtue of the Orders mentioned above, within the limits of the Convention.

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.

See introductory note.

Chile.

Decree of 30 April 1926 to approve the appended regulations respecting industrial hygiene and safety (L. S. 1926, Chile 2).

Regulations of 21 April 1927 respecting occupational diseases (L. S. 1927, Chile 2).

Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

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), amended 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).

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Greece.

Act of 6 August 1921 respecting the prohibition of the use of white lead, red lead and litharge in the building industry and in other work (L. S. 1921, Part II, Gr. 2 A).

Royal Decree of 17 December 1921 respecting the prohibition of the use of white lead, red lead and litharge, and of all other compounds of these oxides, in the painting of buildings, ships, etc. (L. S. 1921, Part II, Gr. 2 B).

Order of 28 January 1922 of the Commission appointed in pursuance of § 3 of the Royal Decree of 17 December 1921 (L. S. 1922, Gr. 1).

Act No. 2944 of 3 August 1922 for the ratification of the Convention.

Circular No. 12609 of 1921.

See also introductory note.

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).

Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 1).

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 paints and pastes containing white lead, etc., and in painting work involving the use of such paints and pastes (L. S. 1930, Pol. 6).

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 com-

¹ B. B. Vol. III, 1908, p. 31.

XIII. Use of white lead in painting.

petent industrial authority, this body being entitled to reverse the decision of the inspectorate, 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 use of white lead, etc., remains forbidden both for the external and internal painting of buildings.

Greece. — The use of white lead, red lead, litharge, and other special products which contain lead in any form whatever is prohibited in the painting of buildings or ships by § 1 of the Act of 6 August 1921. By the Order of 28 January 1922, lead colours may be used (1) for the painting of objects exposed to the weather, (2) for the painting of enclosed places where much steam is evolved, (3) for the painting and maintenance of the rolling stock of railways and tramways. See also introductory note.

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. — § 27 of the Order of 30 March 1932 states that the use of white lead and sulphate of lead and of all products containing these pigments shall be prohibited in the internal painting of buildings, except in railway stations or industrial establishments in which the use of these pigments is authorised by Ministerial Order. The use of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead is however allowed. The report states that no authorisation by Ministerial Order has been made.

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, who 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.

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 pig-

ments 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 of 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.

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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.

Greece. — The Order of 28 January 1922 provides that the prohibition of the use of white lead, red lead and litharge, and of all other compounds of these oxides is not to apply to painting by artists and the production of oil lacquers and varnishes for vehicles, driers, and enamels. See also introductory note.

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, as regards the limits of the different kinds of painting, the Ministry of Social Welfare has drawn up draft instructions for regulating the use of white lead, etc. in accordance with the provisions of the Convention.

Luxemburg. — § 27 (3) of the Order of 30 March 1932 lays down that the

prohibition of the use of white lead, etc. shall not apply to artistic painting or fine lining. The report does not refer to the question of the limits of the different kinds of painting.

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.

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. — See introductory note.

Chile. — See 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.

Greece. — The Act of 6 August 1921, the Decree of 17 December 1921 and the Order of 28 January 1922 do not appear to contain any exact provision with regard to the prohibition of the employment of young persons and women. See also introductory note.

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. — § 28 of the Order of 30 March 1932 prohibits the employment of males under eighteen years and of all females in painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments. The General Director of Labour may, however, after consulting the Chamber of Labour and the competent

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chamber of employers, permit the employment of painters' apprentices in the work prohibited by the preceding clause, with a view to their education in their trade, provided that a regular contract of apprenticeship containing an express stipulation to this effect has been concluded; special conditions on this point may be laid down in each individual case. Permission when granted may be suspended or withdrawn at any time, and its suspension or withdrawal shall be deemed to be a sufficient reason for terminating the contract of apprenticeship.

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.

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.

Greece. — The report states that the prohibition prescribed in Article 1 came into force on 1 March 1922, except as regards sulphate of lead, the use of which was prohibited from 19 November 1927.

Latvia. — The Act of 13 June 1930 came into force on 27 June 1930.

Luxemburg. — The report states that the coming into force of the Act of 5 March 1928 and the Order of 30 March 1932 was not subject to any conditions of postponement.

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.

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. — See introductory note.

Chile. — The report states 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. The Decree of 30 April 1926 prescribes that in dangerous or unhealthy industries the employer or master is under a special obligation to adopt all the measures of hygiene and safety indicated by the labour or health department. See also introductory note.

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". I (b). 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 report states that 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 white lead, sulphate of lead and products containing these pigments, especially as a total lack of practical experience makes it impossible to decide on the most appropriate steps. I (c). It is laid down in § 6 of the Order of 12 April 1930 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 faces, mouths 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 ma-

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terial. III (a) and (b). 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 be-

comes 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.

Greece. — I (a). § 5 of the Decree of 17 December 1921 provides that in industrial operations in which the use of white lead, red lead, litharge, or compounds thereof, cannot be dispensed with entirely, grinding in linseed oil or other substances with the bare hand is prohibited. The Order of 28 January 1922 provides that raw materials containing lead may not be directly sold for the manufacture of putty, and that putty may not be dealt in except in a state completely ready for use. I (b). § 7 of the Decree of 17 December 1921 prescribes that workers engaged in the preparation of paste or colours of a dusty nature shall wear respirators, and also gloves, if the preparation is in the form of paste or contains water. I (c). § 2 of the Decree forbids the dry rubbing down of surfaces painted with white lead, etc., except in so far as suitable precautions are taken for the protection of workers against the inhalation of dust. The Order of 28 January 1922 further prescribes that old lead colours may not be rubbed down before they have been damped in such a way as to prevent the generation of dust. II (a). § 9 of the Decree provides that any worker who uses compounds of

lead oxides shall wash his hands, face, nose and mouth with soap. II (b). § 8 of the Decree makes it compulsory for workers employed in places where lead oxides are being used to wear special overalls. II (c). § 8 further provides that the overalls must be left at the workplace and that they may not be washed with household linen. III (a) and (b). See introductory note. IV. The Circular No. 12609 of 1921 contains the necessary instructions for the strict application of this provision. See also introductory note.

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. — § 29 of the Grand-ducal Order of 30 March 1932 lays down that, in operations for which their use is not prohibited, the use of white lead, sulphate of lead and of all products containing these pigments shall be subject to the following provisions: I (a) § 30 stipulates that white lead, sulphate of lead or products containing these pigments shall not be used in painting operations except in the form of paste or paint ready for use. I (b) § 31 lays down that employers shall provide workers who are engaged in the application of paint in the form of spray or in operations involving the raising of dust with efficient respirators, and shall keep these in good condition and see that they are regularly used. Every worker shall also be provided with a spare sponge or other filtering substance. § 33 provides that efficient exhausts shall be used whenever work

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involving the raising of dust or the application of paint in the form of spray is done in the workshop. I (c) § 32 stipulates that, wherever possible, rubbing down and scraping of paint or putty containing lead shall only be effected after damping, and the scrapings and waste shall be removed in a damp state. II (a), (b) and (c). §§ 34, 35 and 36 lay down that the employer shall provide his workers with a cloakroom separate from the workshop. Each worker shall be given two clothes-pegs, one for his outdoor clothes and the other for his working clothes. In the same room, or in an adjacent room, wash-basins shall be provided with clean water laid on. The workers shall be provided with soap, clean nail-brushes and clean towels. The washing accommodation shall include at least a numbered towel and tumbler for each worker and a wash-basin for every two workers. In workplaces where five or more workers are employed, a shower-bath shall be provided with all necessary accessories for every five workers. Workers shall not be allowed to bring food or drink into the or workshops or workplaces. They shall be allowed to eat and drink only in a separate room and only after carefully washing their hands and faces. §§ 40 and 41 stipulate that the workers shall strictly obey these instructions. III. (a) and (b). § 38 lays down that an employer shall not employ any worker whom he knows to be suffering from lead poisoning on work which involves the use of white lead or sulphate of lead. § 42 lays down that workers shall be bound to undergo the medical examinations ordered by the industrial inspectors or the Accident Insurance Association. IV. § 37 lays down that the employer shall be bound to display and distribute promptly to his workers any health regulations sent him by the industrial inspectorate or the Accident Insurance Association. § 39 lays down that workers shall be warned of the poisonous nature of the material whenever they are employed on work with white lead, sulphate of lead or any product containing these pigments.

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 ascertaining 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 sickness 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.

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 pur-

poses 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 (a) and (b) 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

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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 (e) 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 num-

ber 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 § 9 (1). § 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). IV. § 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 Estania, 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.

Greece. — § 4 of the Royal Decree of 17 December 1921 provides that industrial undertakings where the use of compounds of lead oxides in colours, paste, or any other form is allowed in specific cases and under specified conditions shall on application be granted a permit by the labour inspection service or, in default of a labour inspection official or overseer, by the competent police authority. By § 11, colour dealers may supply white lead, red lead, litharge and their compounds only to persons in possession of such a permit, and § 12 provides that employers and all persons carrying out painting work, either by way of trade or occasionally, may use the compounds in question only in virtue of such a permit. The report adds that these measures were taken after consultation with the organisations concerned. See also introductory note.

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

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Handicrafts and the Chamber of Commerce were asked to state their opinions on the Order of 30 March 1932, in accordance with §§ 32, 35 and 41 of the Act of 4 April 1924 concerning the creation of Occupational Chambers on an elective basis.

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.

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 in-

dicates 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 Statistical Service for Health and Hygiene of the Ministry of Social Affairs. For statistics concerning cases of lead-poisoning, see below, under VI.

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. For statistics concerning cases of lead-poisoning, see below, under VI.

Bulgaria. — 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

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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. This § is, however, already partly applied, since the Ministry of Social Welfare prepares statistics of morbidity and mortality from the reports submitted to it by the administrative authorities of second instance. The report adds further that, with regard to the progress of the Order to be promulgated, the Minister of Social Welfare has stated that, as the Office has already been informed, a special Committee for the technical and hygienic protection of workers has been created in the Ministry as a consultative body attached to it. 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 results obtained.

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. For statistics concerning cases of lead poisoning, see below, under VI.

Greece. — See introductory note.

Latvia. — The report states that lead poisoning is included among the diseases which must be notified. For statistics concerning cases of lead-poisoning, see below, under VI.

Luxemburg. — § 43 of the Order of 30 March 1932 lays down that statistics with regard to lead poisoning among painters shall be obtained: (a) as to morbidity by notification and certification of all cases of lead poisoning; (b) as to mortality by the method approved by the Statistical Office.

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 as follows: (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 Social Welfare. For the information given by these statistics, see below, under VI.

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 communicate 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.

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

XIII. Use of white lead in painting.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has decided that local conditions do not lend themselves to any such application.

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 parts of *Morocco* subject to the sovereignty of Spain and to Spanish possessions in Africa.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 Labour inspectors, who visit industrial undertakings for the purpose. Labour inspection is in force throughout the whole Austrian Republic, and is divided into 16 regional inspection services, the scope of which is determined by the number of industries and undertakings in the different parts of Austrian territory. The various labour inspection

services are independent of the general administrative authorities and are under the immediate control of the Federal Minister of Social Affairs, assisted by the central inspection service attached to the Ministry of Social Affairs.

Belgium. — The application of the Act and the supervision of its enforcement are entrusted to the officers of the Industrial Medical Service.

Bulgaria. — See introductory note.

Chile. — The authorities responsible for the application of the relevant laws and regulations are the General Labour Inspectorate, set up by the Act of 29 September 1924 and regulated by the Decrees of 5 August 1930, 13 May 1931 and 2 April 1932, and the labour courts, regulated by Chapter I, Book IV of the Decree of 13 May 1931. 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.

Greece. — The factory inspection service and the police and port authorities are responsible for the administration of the above-mentioned Acts and Administrative Regulations.

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 elected Chambers of Labour, Handicrafts and Commerce, and, in addition, to the officers and agents of the judiciary police. The workers' 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 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 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.

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.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc.

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 then number of offences reported, but the information given on p. 74 of the factory inspection report for 1931 should be consulted. The statistics of lead poisoning for the period 1 January-30 September 1932 show 19 cases, none of which were fatal. One of the sick persons, whose ages ran from 21 to 59 years, was a woman. In 5 cases the attack reported was the second, and in one case the third. It was not always possible to discover exactly the time during which the infected persons were employed in work involving the use of lead pigments, but, according to the information given in certain cases, the time was as follows: 2 months (1); 3 months (1); 4 months (1); one year (1); 2 years (2); 3 years (1); 4 years (1); 5 years (1); 6 years (1); 7 years (5); 10 years (1); 11 years (1); 29 years (1). In one case it was not possible to fix the length of time the worker had been employed. In the majority of cases the lead colours used were red lead and white lead. In a few cases the pigments used were white zinc and "Titan" white. The symptoms recorded were: colic, lead pallor, anaemia, modification of the blood current, arthralgia, nephritis, bronchitis, loss of feeling in the hands, lassitude, nausea, vomiting and palsy of the hands.

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. The Welfare Fund for victims of occupational diseases, in its report for 1931, records 131 declared cases of lead poisoning, 75 of which gave rise to compensation. 58 of these cases resulted in temporary invalidity, 9 in permanent invalidity, and 5 ended fatally. During 1931, 2,795 permits were issued for the use, and 108 for the sale, of white lead.

Bulgaria. — See introductory note.

Chile. — The report states that it is impossible to supply the information required under this heading, as the legislation necessary for applying the Convention in detail has not yet been enacted.

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 1931. This report will be transmitted to the International Labour Office as soon as possible.

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Estonia. — The report does not refer to this point.

Finland. — The report does not refer to this point.

France. — The report states that the total number of declared cases of lead poisoning in 1931 was 1,114 (against 1,682 in 1930), 33 of which (36 in 1930) concerned working painters (building painters, 18 cases; painters of rolling stock, 4 cases; painting by means of spraying gun, 3 cases; varnishing basket-work, one case; painting on metal, 5 cases; painting of vessels, etc., 2 cases). For the first half of 1932 the number of declared cases amongst working painters was 5. The report emphasises the fact that, given the total number of working painters, (about 47,000 according to the census of 1926), cases of lead poisoning in this profession have reached a minimum. In 1931, proceedings were taken in two cases and fines inflicted in two cases for infringement of the prohibition of the use of lead compounds in the painting of buildings. Infringements of the regulations with regard to the use of lead compounds in painting work gave rise to 34 warnings; no proceedings were taken and no fines inflicted. The report states that, in view of the special difficulties inherent in the control of the enforcement of the legislation prohibiting the use of white lead pigments, the Labour Inspection Service has devoted particular attention to this control. With the collaboration of the employers' and workers' associations concerned, white lead "weeks" and white lead "months" were organised at first, during which periods the service concentrated its efforts on a study of the question. Apart from these enquiries, a permanent enquiry is always being carried on by means of the information required from the labour inspectors in their annual reports. The last general enquiry covered the first six months of 1931 and consisted of systematic visits, during this period, to painters' workshops, including those of small artisans working on their own. More than 3,500 such visits were made, and in many cases they were supplemented by visits to the offices of the undertaking, in order to discover whether a supply of the prohibited products existed in the workshops of the undertaking. Most of the visits to the workshops gave rise to superficial tests (testing with monosulphide of sodium), tests which are able to show in the large majority of cases sufficient indication of the presence of white lead; in addition to this, in 32 cases the products were removed for analysis. The result of these tests was positive in 24 cases only. The majority of cases of infringement recorded concerned small artisans who had not realised that the prohibition concerned them personally. The report states, finally, that in any case

the employers themselves declare that from an economic point of view it is to their interest to use substitutes in place of white lead. If they still infringe the prohibition it is because of the demands of their clients or the architects, or because they are afraid that a less scrupulous employer will execute the work with white lead if they refuse to do it. This is especially the case with small employers who work themselves, in some cases with the members of their families, and who therefore do not have to compensate cases of lead poisoning attacking a workman. The Labour Inspection Service has therefore been advised to direct its efforts for the present in particular to this class of persons.

Greece. — The report does not refer to this point.

Latvia. — The report states that the enforcement of the relevant legislation has not given rise to any difficulties. The Public Health Department of the Ministry of Social Welfare recorded 48 cases of lead poisoning in 1931 and 41 cases in 1932.

Luxemburg. — The report does not refer to this point.

Norway. — The report does not refer to this point.

Poland. — The statistics of occupational diseases prepared by the Ministry of Social Welfare for the year 1931 do not show any cases of lead poisoning among painters, nor has the medical examination of workers in this profession led to the discovery of any such cases.

Spain. — The report states that the enforcement of the relevant legislation has not given rise to any complaints or to any legal proceedings, facts which show that the enforcement in question is not meeting with any difficulty. The report adds that, in view of the short period which has elapsed since the coming into force of the Decree of 13 May 1931, the information required under this heading is not yet available.

Sweden. — The Government states that, in general, the Convention may be said to be strictly applied. This is confirmed by the fact that no complaints have been received from the occupational organisations with regard to its application.

Yugoslavia. — During 1931, five cases of lead poisoning were recorded, but in no case was a pension granted.

XIV. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or a part of that period :

COUNTRIES	Date of registration of ratification	Reports received.
Belgium	19. 7. 1926	27. 10. 1932
Bulgaria	6. 3. 1925	2. 12. 1932
Chile	15. 9. 1925	20. 12. 1932
Czechoslovakia	31. 8. 1923	27. 1. 1933
Estonia	29. 11. 1923	24. 10. 1932
Finland	19. 6. 1923	8. 11. 1932
France.	3. 9. 1926	1. 2. 1933
Greece.	11. 5. 1929	27. 1. 1933
India	11. 5. 1923	22. 12. 1932
Irish Free State.	22. 7. 1930	29. 10. 1932
Italy	8. 9. 1924	12. 12. 1932
Latvia.	9. 9. 1924	6. 2. 1933
Lithuania	19. 6. 1931	12. 11. 1932
Luxemburg	16. 4. 1928	1. 11. 1932
Poland	21. 6. 1924	7. 12. 1932
Portugal	3. 7. 1928	10. 1. 1933
Rumania.	18. 8. 1923	
Spain	20. 6. 1924	13. 12. 1932
Sweden	22. 12. 1931	14. 11. 1932
Yugoslavia	1. 4. 1927	7. 11. 1932

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.

The report of the *Rumanian* Government has not yet been received¹.

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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.

Legislative Decree of 13 May 1931 (promulgated 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 1).

Regulations of 16 January 1918.

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 public holidays in virtue of § 4 of the Act of 17 December 1925 (L.S. 1926, Est. 2).

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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 21 December 1931, concerning certain exceptions to the provisions of the Act of 27 November 1917 respecting the eight-hour working day (L. S. 1931, Fin. 2 A).

Decision of the Council of State of 21 December 1931 respecting hours of work in continuous undertakings (L. S. 1931, Fin. 2 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, amended by Decrees of 10 September 1908, 30 April 1909 and 19 June 1930, 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).

Greece.

Decree of 8 March 1930 codifying legislation respecting the Sunday rest (L. S. 1930, Gre. 3).

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) as amended by the Act of 15 May 1929 (L. S. 1929, Lat. 3).

Lithuania.

Act of 30 November 1919 respecting hours of work (L. S. 1920, Lith. 2), amended by Acts of 24 November 1925 (L. S. 1925, Lith. 1) and 2 April 1931 (L. S. 1931, Lith. 2).

Act of 14 May 1930 concerning public holidays and days of rest (L. S. 1930, Lith. 1).

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), text as in Act of 7 November 1931 amending and supplementing certain of its provisions (L. S. 1931, 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 13 August 1930 respecting the hours of work of tramway workers (L. S. 1930, Pol. 1) replacing the Decree of 16 March 1925.

Decree of the Minister of Labour and Social Welfare of 10 August 1932 concerning night work and work on Sundays and public holidays in printing works and allied undertakings (L. S. 1932, Pol. 1 B).

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 Minister of Labour and Social Welfare of 3 March 1932 concerning hours of work in transport undertakings (L. S. 1932, Pol. 1 A).

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).

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 (L. S. 1926, Sp. 7).

Sweden.

Act of 29 June 1912 respecting the protection of workers, amended by the Act of 12 June 1931 (L. S. 1931, Swe. 5).

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 undertak-

ings, 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 Legislative Decree of 13 May 1931 lays down, in § 322, that the provisions of the Decree relating to Sunday rest apply to industrial or commercial undertakings such as factories, manufacturing 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

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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.

Greece. — The report states that, under § 1 of the Decree of 8 March 1930, Sunday rest applies to all industrial and commercial undertakings, except certain undertakings enumerated by the Decree. The report adds that, although § 7 excludes

transport undertakings, the Regulations made by the Ministers of Ways and Communications and of Mercantile Marine ensure the application of the provisions of the Convention to such 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 were extended to the Great Indian Peninsula Railway and Eastern Bengal Railway with effect from 1 April 1932, thus bringing more than half the total number of railway workers in India to which the statutory provisions are applicable within the scope of the Regulations. 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.

¹ See above under *Hours Convention*, ARTICLE 10

Irish Free State. — § 149 of the Factory and Workshop Act 1901 defines the 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 those departments of transport undertakings in which workers are sent out to work (railways, steamers, boats, etc.) (§ 2). The Act of 14 May 1930 concerning public holidays and rest days applies, under the

terms of §§ 2, 4 and 5, to State, municipal and private undertakings and, in general, to all work done by paid workers in industrial, handicraft, agricultural and forestry undertakings or workshops. 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.

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

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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.

Sweden. — The Act of 29 June 1912 lays down in § 1 that it shall apply to every undertaking, industrial or otherwise, in which workers are employed on account of an employer, and likewise to the building of houses, road construction, hydraulic engineering, drainage or other similar special undertaking in which workers are employed. Work performed in the worker's home or in such other circumstances that the employer cannot be held to be responsible for supervision of the working conditions is, however, exempt from the operation of the Act.

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 of 1911 concerning holidays and Sunday rest. § 4 of this Act provides that on public holidays all work and all business must cease in public and private undertakings and establishments.

Chile. — § 322 of the Legislative Decree of 13 May 1931 provides that the owners, managers or directors of commercial and industrial establishments shall allow one day's rest in every week to the wage-earning or salaried employees in their service, and that the rest day shall be Sunday. In addition, a holiday shall be granted on all statutory holidays. § 323 provides that industrial and commercial establishments shall remain closed on the days specified in the Decree and shall suspend all work. § 325 lays down that the rest period provided for in § 322 shall be granted from 9 p.m. on the day preceding the Sunday or public holiday till 6 a.m. on the day following such Sunday or public holiday.

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 Act 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.

Greece. — § 1 of the Decree of 8 March 1930 lays down that all work in industry, handicrafts and commerce is prohibited in Greece for persons of all religions on Sundays and the public holidays specified in the Decree.

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 uninterrupted rest period of nine hours granted between two spells 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 as amended 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 in which work is carried on continuously in shifts, a Sunday rest of not less than forty hours shall be granted. In tramway and motor omnibus undertakings which work in two shifts the Sunday rest may amount to not less than forty hours on an average for two consecutive weeks, provided that the shorter rest period shall not be less than thirty-two hours." *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". The Act of 14 May 1930 enumerates, in §§ 1 to 4, these days of rest and public holidays which shall be considered as non-working days in the undertakings covered by the Act.

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).

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.

Spain. — § 1 of the Legislative 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. § 8 of the same Legislative Decree provides that no exceptions to the Sunday rest may apply to women or to young persons under eighteen years of age.

Sweden. — § 5 (l) of the Act of 29 June 1912 as amended provides that for every period of seven days the workers shall be allowed as a rule a rest period of

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not less than 24 consecutive hours. This weekly rest shall wherever possible be given on Sunday, and at the same time for all persons employed at each workplace.

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. — Bulgarian legislation contains no reference to the exception relating to members of a family.

Chile. — § 329 of the Legislative Decree of 13 May 1931 lays down that the provisions of the Decree which relate to weekly rest shall also apply to owners of undertakings or other persons working independently.

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.

Greece. — The Decree of 8 March 1930 contains no provision of this kind.

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. — Lithuanian legislation contains no provisions for excepting persons employed in undertakings in which only the members of one single family are employed.

Luxembourg. — 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.

Spain. — The Royal Legislative Decree of 8 June 1925 makes no provision for this exception.

Sweden. — § 1 (b) of the Act of 29 June 1912 as amended lays down that the Act shall not apply to work performed by a member of the employer's family.

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.

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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. — Under § 20 of the Act of 1917 respecting the health and safety of workers the Minister for Commerce, Industry and Labour may allow Sunday work in the establishments and undertakings covered by the Act when important needs of the State so require. In addition, certain exceptions are provided for in the Act of 1911 respecting holidays and Sunday rest for the handling of perishable goods at ports on the Danube and sea-ports, and at railway stations, and for undertakings in which work may not be interrupted for technical reasons or to prevent deterioration of the materials.

Chile. — Under § 326 of the Legislative Decree of 13 May 1931 persons employed in the following occupations shall be excepted from the general provisions concerning weekly rest: (1) work necessary for the repair of damage caused by *force majeure* or accident, provided that such repairs cannot be postponed; (2) industries or trades which cannot be interrupted on account of the nature of the needs which they satisfy, for technical reasons or in order to avoid serious injury to the public interest or to the industry concerned; (3) work which on account of its nature cannot be performed except at special seasons and which depends on the irregular action of nature forces; (4) work which is indispensable to the normal working of an undertaking and which cannot be postponed. § 327 lays down that exceptions shall be deemed to apply exclusively as follows: (a) in every undertaking to the services of the branches of the undertaking in which the work for which the exception is granted is carried on; (b) to the persons absolutely necessary for the performance of the aforesaid work.

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.

Greece. — The Decree of 8 March 1930 lays down special exceptions for small undertakings which are partly commercial in character (bakeries, pastrycooks' establishments, butcheries, hairdressers' establishments, etc.). § 10 lays down that in case of public necessity the Minister of National Economy may, after decision of the Council of Ministers, propose a Decree authorising certain classes of industries and trades to work full time or part time on Sundays. In addition, the Minister of National Economy may, at the request of the employers' and workers' organisations concerned, with the agreement of the Advisory Labour Council and after decision of the Council of Ministers, authorise full-time or part-time work on not more than four Sundays in undertakings in towns with a population of less than 40,000.

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. The report states that the provisions which

relate to these exceptions were adopted after consultation of the employers' and workers' organisations concerned, and were based on the results of detailed researches made by the corporative inspection service.

Latvia. — The report states that there has been no necessity to permit the exceptions provided by Article 4 of the Convention.

Lithuania. — § 5 of the Act of 14 May 1930 lays down that the prohibition of work on public holidays and days of rest does not apply to work in lighting and water supply undertakings, nor to those processes which are indispensable in industrial undertakings and which, owing to the technical nature of the work, cannot be postponed or interrupted. Under § 6 of the Act, work in bakeries is permitted, on Sundays and on certain public holidays, till 10 a.m. Further, the report states that Sunday work and work on public holidays is allowed in communications undertakings.

Luxemburg. — § 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 means 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: . . .

(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.

Spain. — § 2 of the Legislative Decree of 8 June 1925, which prescribes a Sunday rest of 24 hours from Saturday midnight

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till Sunday midnight, lays down that 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. § 5 lays down the following exceptions to the prohibition of Sunday work: (1) work which cannot be interrupted, either for reasons of a technical character or because the interruption would cause serious prejudice to the public interest or to the industry itself; (2) repairing and cleaning work in industrial undertakings which is necessary in order that the week's work may not be interrupted thereby; (3) any urgent work necessary on account of impending disaster or an accident or other temporary circumstances which must be dealt with. With regard to these different cases, § 6 lays down that the number of workers employed on continuous or other work authorised on Sunday by way of exception shall not be greater than is absolutely necessary; such workers shall not be employed except during the hours specified on the occasion of the granting of the exemption as essential for the purpose thereof; the same workers shall not be employed for the whole day on two consecutive Sundays. § 7 provides, in addition, that the rest period granted as compensation for Sunday work may be reduced to the number of hours which were worked on Sunday, and may even be suspended in very special cases, in view of the relevant economic and humanitarian considerations; nevertheless, such measures shall not be taken except as authorised by the Government for certain kinds of work and industries after consultation with the Labour Council and the competent associations of employers and workers where such exist; at the same time provision shall be made for other rest periods by way of compensation for such reduction or suspension. Finally, § 47 of the Regulations of 17 December 1926 applying the Decree stipulates that the definition of the workers whose employment is absolutely necessary and of the hours during which the exception to the rule of Sunday rest is essential and the fixing of the order of rotation of the weekly rest for the workers who are employed on Sunday, shall be carried out within the limits laid down by these Regulations, by means of agreements between the employers and workers concerned for each association or industry.

Sweden. — § 5 (l) of the Act of 29 June 1912 as amended provides that the chief industrial inspection authority, after hearing the employers' and workers' organisations concerned, may

authorise exceptions to the provisions concerning weekly rest for certain kinds of employment or for certain workplaces.

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

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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. — Under § 6 of the Act of 1911 concerning holidays and Sunday rest, workers in undertakings covered by a special system shall have the right to at least 52 days' rest in the year, which must be provided in such manner that one day's rest falls every week.

Chile. — § 327 of the Legislative Decree of 13 May 1931 provides that persons working on Sundays shall be granted at least one day's rest every fortnight. The rest day may be granted to all such persons simultaneously or in rotation in order not to interfere with the carrying on of the work.

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 21 December 1931 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.

Greece. — The Decree of 8 March 1930 lays down in § 12 that workers and salaried employees employed on Sunday for more than three hours on work authorised by the Decree are to be free on the following Sunday, or, if this is not possible in view of the nature of the undertakings, on some other day of the week or during six consecutive working hours in the course of two different days of the week. In all cases in which, in towns where the Sunday rest is observed, persons employed in any undertaking work for the whole or part of Sunday, they are to be entitled to a rest period on some other day of the week selected by themselves, or other consecutive hours of rest. Under para-

graph 4 of the same section, a Decree issued on the proposal of the Minister of National Economy, after consultation of the Superior Labour Council, may provide that workers or salaried employees who are employed on the work mentioned in § 8 of the Decree (see below under ARTICLE 6) and any other workers or salaried employees who do not enjoy the Sunday rest established by law are to be given as a day of rest one of the working days of the week or a part of the day consisting of consecutive working hours to a minimum of 12 and a maximum of 24 hours.

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." § 12 of the Act of 14 May 1930 lays down that workers engaged in indispensable work on public holidays shall only be employed on one out of every two such holidays.

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

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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)).

Spain. — § 6 of the Legislative Decree of 8 June 1925 provides that workers who have been employed on Sunday shall be entitled to a rest period of 24 consecutive hours within seven days of the Sunday on which they have been employed. This rest period shall be granted at the same time to all workers of the same establishment who were employed on Sunday; and if this is impossible owing to the nature of the work, the rest period shall be given in as few turns as possible. § 7 allows certain exceptions to this rule,

provided that other rest periods are granted by way of compensation for such reduction or suspension. In addition, § 49 of the Regulations of 17 December 1926 provides that in cases where the Sunday work was for not more than four hours, the workers in question are entitled to an uninterrupted rest period of four hours as compensation on another working day in the week, even when the time which they worked on Sunday was less than four hours.

Sweden. — § 5 (1) of the Act of 29 June 1912 as amended lays down that, if a reduction is made in the rest period provided for in the Act, an equivalent period of freedom from work shall be granted wherever possible.

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. — See above under ARTICLE 4.

Chile. — The list of exceptions allowed by the Act 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 for glazing and enamelling. 5. In brick works, tile works and potteries : the feeding and working of the ovens for baking and calcination. 6. In cement, lime and plaster works : feeding and working of the calcining furnaces. 7. In manufactories of gunpowder and explosives : desiccation of the substances. 8. In metal foundries : the feeding and working of the furnaces and processes connected with the preparation of material ; operations of casting and rolling. 9. In chemical works generally : working of the furnaces for roasting and oxidising and the apparatus for condensation, concentration, crystallization, refrigeration, precipitation, desiccation and compression ; filling and transport to warehouses where the nature of the product so requires. 10. In manufactories of oxygen and compressed gases : working of producing apparatus and compression pumps. 11. In soap works : feeding of the fires in the melting rooms. 12. In paper and paste-board mills : operations of desiccation and heating. 13. In tanneries : operations for the termination of rapid and mechanical tanning. 14. In starch factories : elimination of gluten and the termination of operations commenced. 15. In cigar factories : watching and regulation of the stoves. 16. In ice factories and refrigerators : the necessary operations for the manufacture of ice and the production of cold. 17. In industrial and agricultural distilleries : germination of the grain ; fermentation of the must ; distillation of alcohol. 18. In refineries of suet and alimentary fats and the manufacture of margarine : reception and fusion of the fatty material. 19. In maltings and breweries : germination of the barley, fermentation of the must and the production of cold. 20. In sugar refineries : the processes of refining. 21. In flour mills : grinding operations. 22. In condensed milk factories : the reception of the milk and the manufacture of the product.

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Class 3. — Work, undertakings or processes which by their nature can only be carried out in certain seasons of the year, or which depend upon the irregular action of natural forces.

Class 4. — 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.

Class 5. — Work which does not admit of delay for the repair of damages caused by *force majeure* or accident, and particularly damages produced by fire, railway accidents, shipwreck, landslides, floods, hurricanes, earthquakes, and other similar unforeseen causes.

Czechoslovakia. — The report states that the question does not arise.

Estonia. — The Government has communicated to the Office the two following lists of exceptions permitted by law :

1. *List of kinds of work permitted on Sundays and public holidays in the public interest, to meet the daily needs of the population.*

(List promulgated on 19 August 1926 (L. S. 1926, Est. 2. A.) and amended on 31 October 1931 (L. S. 1931, Est. 3 B) in virtue of § 6 of the Act concerning the application of the weekly rest in industrial undertakings.)

The following kinds of work shall be permitted on Sundays and public holidays in the public interest, to meet the daily needs of the population :

- (1) Water supply ;
- (2) Work in gas and electricity works ;
- (3) In the baking and confectionery industry : the making of goods prepared with leaven or yeast with the addition of sugar ;
- (4) Work in connection with the issue of daily newspapers ;
- (5) In dairies : the preparation of milk products, the bringing of milk to the dairy and the distribution thereof to customers ;
- (6) Maintenance of communications, by means of railways, ships, omnibuses, taxicabs and other vehicles plying for hire ;
- (7) Transportation of goods in ports, at railway stations and in railway and port warehouses ;
- (8) Street repairs involving the use of asphalt, and asphalt products, which are unfinished ;
- (9) Drainage repairs ;
- (10) Work in city streets which necessitates blocking the street ;
- (11) Road repairs in towns ;
- (12) Transport of cold drinks during the period 1 May to 1 September.

2. *List of kinds of work in undertakings with continuous processes which are permitted on Sundays and public holidays.*

(List promulgated on 31 October 1931 (L. S. 1932, Est. 3 C) and completed on 18 August 1932 (L. S. 1932, Est. 2) in virtue of § 6 of the Act concerning the application of the weekly rest in industrial undertakings.)

In Industrial undertakings with continuous processes the following work shall be deemed to be work which, by reason of its technical nature, cannot be interrupted or postponed, and is therefore permitted on Sundays and public holidays :

(1) In glass works : (a) in glass works where the Fourcault system of drawing is used : work at the power station, work with water pipes and motors and installation for water supply ; work on gas generators, heating upkeep and provision of fuel and preparatory work ; washing, drying, brushing, sorting, cleaning and transport of the raw material ; preparation and transport of the mixture in

melting basins ; superintending the melting ; removal of the glass and transport of it to the place where it is cut ; glass drawing and superintendence of the glass drawing machinery. (b) in other glass works : glass melting ; heating of melting ovens and ovens for reheating ;

(2) In paper pulp and wood pulp factories : work in connection with installations for the production of steam, water and electric power, work with water pipes and with steam, water and electric motors, and work with installations for water supply ; treatment of the raw materials and of the wood, preparation and regeneration of the pulp ; processes connected with the barking, cleaning, reduction, grinding and heating of wood ; sorting, cleaning, washing, bleaching and final manufacture of the ground and heated pulp ; preparation of paper pulp, and manufacture of dried paper in the form of sheets or rolls ; polishing, cutting, sorting, packing and expediting of the manufactured goods ;

(3) In the bituminous shale industry : work of distillation of the shale oil in connection with the processes of stoking and of filling of retorts working on a continuous system ; distillation of the petroleum ;

(4) In cement and lime kilns and brick works ; work at the power station, work with pumps and in the furnace room, work in connection with rotating ovens, work in mills and laboratories ; transport of fuel and raw materials and of semi-manufactured and fully-manufactured products ; work in connection with the baking of the lime and bricks ;

(5) In woodworking : in the manufacture of veneering sheets : steam heating of the wood, preparation and drying of veneering sheets and work executed at the power stations, with pumps and in the furnace room in connection with these operations ;

(6) In alcohol distilleries : all processes connected with the distillation of alcohol ; rectification of alcohol ;

(7) In breweries : manufacture of malt ; supervision of fermentation ;

(8) In leather works : tanning of the hides ;

(9) In refrigerators : work in connection with the machines and with the supervision of refrigerating chambers ;

(10) In glue factories : heating work and work at the power station ; skimming processes and processes connected with emptying and drying apparatus ;

(11) In mills where the washing and conditioning of corn is carried on : work in connection with steam, water and electrical installations, work with water pipes and motors and work with installations for water supply ; washing, conditioning and first grinding.

Finland. — The following is a summary of the information supplied by the Finnish Government in pursuance of this Article :

The Decision of the Council of State of 21 December 1931 respecting special exceptions to the Act of 27 November 1917, issued under § 12 of the Act, provided that during the year 1930 the Act was not to apply to the following works and undertakings : construction, repair and maintenance of private dwelling houses and outhouses in the country ; clearing, cleaning and drainage work directly connected with forestry ; tree felling and wood cutting ; the hauling of timber and the floating thereof on waterways otherwise than at the special sorting places ; the postal services, telegraph services with the exception of the workers employed by them ; the customs services with the exception of the supervisory staff at approach watercourses and at the eastern frontiers of the country, and inland custom houses ; hospitals, prisons, canals and

swing bridges. Railways as regards the staff paid by the year or month, with the exception of the locomotive staff, locomotive cleaners, pointsmen and women employees.

By the Decision of the Council of State of 21 December 1931 respecting hours of work in continuous undertakings, the weekly rest provisions of the Act were not to apply to workers over 18 years of age employed in the following undertakings or parts of undertakings in processes which, for technical reasons, must be carried on continuously day and night on every day of the week, and in which the work is organised in three regular shifts changing over every week: furnace rooms and power plant departments of factories; gas, electricity and water works; iron and steel works, e.g. blast furnaces, Siemens-Martin furnaces and electro-metallurgical smelting furnaces; chemical and electro-chemical works, e.g. soap, cement, chlorate, and chloride of lime works; paper, wood, pulp and cellulose factories, as far as regards the departments for bleaching, boiling, preparation of the acid bath and lye, the digesting process, clearing the draining troughs, and the utilisation of bye-products.

France. — In application of Article 6 the Government has supplied information of which the following is a summary:

Article 3: For the purposes of French legislation, the members of the same family are the wife; the minor children, i.e. under 21 years of age; the wards. The report adds that all relatives are exempt from the application of the law, not as members of the family, but as partners, in the civil or commercial meaning of the term, who participate in the management of the undertaking.

Article 4: Permanent exceptions: § 34 of the Labour Code provides that where it is recognised that the granting of the weekly rest to all the staff simultaneously, and on Sunday, would be contrary to the public interest, or would hinder the normal working of the undertaking, the prefect may authorise the granting of the weekly rest, either permanently or at certain seasons of the year, in one or other of the following ways: (a) to all the staff of the undertaking on a day other than Sunday; (b) from midday on Sunday to midday on Monday; (c) on Sunday afternoon with a compensatory rest of one full day a fortnight in rotation; (d) to the whole or part of the staff in rotation. § 38 allows the weekly rest to be granted in rotation to the undertakings enumerated in the section and in the Decree of 14 August 1907; these exceptions are not, however, derogations from the principle of the weekly rest but only from the principle of simultaneity. Under § 39 a Decree was issued on 31 August 1910 determining the classes of special workers in continuous undertakings in respect of whom exceptions to the normal weekly rest are permitted. The undertakings concerned are enumerated in the Decree as follows: (1) blast furnaces and appliances connected therewith, (2) pig-iron mixers, (3) continuous steel furnaces, (4) shafts and furnaces for re-heating steel ingots, (5) sundry blister or cement steel and continuous furnaces for the manufacture of crucible steel, (6) coke ovens, (7) gas producers and recovery furnaces other than coke ovens, (8) gas works, (9) zinc furnaces, (10) shaft furnaces for lead and copper metallurgical operations, (11) furnaces for refining of copper and matte-concentrates, (12) continuous revolving furnaces for sintering minerals or making cement, (13) various other furnaces for the calcination or roasting of minerals, (14) glass works, (15) continuous furnaces for pottery work, (16) chemical works, (17) cardboard factories having less than three machines, (18) electro-metallurgical works. For the classes of workers concerned, see the text of the Decree. As regards the extent of the exceptions, it is provided in § 2 of the Decree that where the two-shift system is worked, the workers concerned must be given a twenty-four hours' rest once a

fortnight or an eighteen hours' rest once a week at the change of shift, and a compensatory rest of twenty-six days per year; where the shift system is not worked the weekly rest of specialist workers may, under certain conditions, be reduced to twenty-six days per year; where the three-shift system is worked, the weekly rest of the workers concerned may be reduced to twenty hours for two weeks, on condition that it is twenty-four hours the third week. Another exception is permitted by § 41, in the case of undertakings where the weekly rest is granted the same day to all the staff, as regards persons employed in connection with generators and motors, greasing and inspection of shafting, cleaning, and watching.

Article 4: Temporary exceptions: § 40 provides for exceptions in cases of urgent work, the immediate execution of which is necessary for the organisation of life-saving measures, or for the prevention of imminent accidents or the repair of accidents to material, machinery or buildings; these exceptions do not apply to young persons under 18 years of age or to women under 21 years of age. In those classes of undertakings in which work has to be suspended owing to weather conditions, § 45 allows the time lost to be deducted each month from the days of weekly rest. § 49 provides that industries which only work at certain seasons of the year, in the open air, may suspend the weekly rest fifteen times a year. § 47 also allows the weekly rest to be suspended fifteen times a year, but on condition that the workers concerned are granted two days' rest a month, in industries which use perishable materials, which have at certain periods to meet exceptional pressure of work and which grant the weekly rest to all the staff on the same day. These exceptions do not apply to young persons under 18 years of age or to women of any age, except in the undertakings specified in the Decree of 29 April 1913.

Greece. — The Decree of 8 March 1930 allows the following exceptions:

Under § 7 the following are excluded from the Decree: public services and State industries and monopolies, all undertakings for the transport of persons or goods by land or by water, as well as the work of despatch, loading and unloading in connection with transport, all work connected with the repair of railways and tramways and all building work, if the Minister of National Economy so decides, § 8 lays down that the compulsory rest period laid down by the Decree does not apply to seasonal industries and trades making use of materials which are likely to deteriorate rapidly, nor to industries and trades the nature of which does not allow the work to be interrupted or which are carried on in the open air and are consequently affected by the weather, undertakings for the supply of light, water and motor power, undertakings for the hire of means of transport of all kinds, photographic studios, workshops for the manufacture or preparation of foodstuffs of all kinds which are intended for immediate consumption, fish shops, blacksmiths' undertakings, shoe blacks, newspaper staff and all work in connection with the printing of daily newspapers. Under § 9, the following kinds of work are authorised as an exceptional measure in cases where the Decree is applicable: (1) work connected with the upkeep, cleaning and inspection of workshops in so far as it cannot be carried out on working days without impeding the regular working of the industry or trade or without danger to the life and health of the workers; (2) work in connection with the repair of machinery, mechanical installations and plant for the transmission of motor power; (3) the work of keeping watch over workshops coming under the Decree; (4) all work which is required owing to *force majeure*, and particularly with a view to the safety of persons and property, with the authorisation of the police authorities, who will, if possible, assure themselves that a case of *force majeure* exists.

XIV. Weekly rest (industry).

India. — For exemptions in the case of factories authorised under §§ 30 and 32A of the Factories Act, in respect of mines, under §§ 24 and 25 of the Mines Act, and, in respect of railways, under § 71 D of the Indian Railways Act as amended, see under ARTICLE 4.

Irish Free State. — The report states that exceptions are allowed for male workers in the following industries:— manufacture of beet sugar (seasonal), manufacture of chemical manures (certain workers), electricity generating stations, gas works, manufacture of glass, water supply, cold storage, newspapers (certain workers), brewing, creameries, railways, shipping, tram and bus transport.

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. 245-246.)

§ 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 ad-

journed. 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. — See above, under ARTICLES 3 and 4.

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 twelve 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. 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 in any case work more than ten and a half hours a day. The Decree of 3 March 1932 concerning the hours of work of transport workers permits Sunday work and work on public holidays for the drivers, drivers' assistants and conductors of motor buses which guarantee a regular service etc. The Decree of 10 August 1932 lays down that Sunday work and work on public holidays is permitted in printing works and allied undertakings for those workers who are necessary for publishing and issuing daily newspapers and Government publications, the issue of which within a fixed period is to the public interest.

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.

Spain. — The report states that a list of authorised exceptions is given in the Regulations of 17 December 1926. The list has not been modified since that date.

§§ 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 Legislative Decree of 8 June 1925 : 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 Legislative Decree, where it is absolutely necessary to employ on Sunday more than half the workers employed during the rest of the week, the provision that the same workers may not be employed the whole day on two consecutive Sundays shall not apply. 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.

Sweden. — The report does not include a list of the exceptions granted under the Act.

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.

XIV. Weekly rest (industry).

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. — § 328 of the Legislative Decree of 13 May 1931 provides that if the rest day is granted by agreements or in rotation it should be announced by notices affixed in the offices, workshops or other prominent places in the establishment and shall not be changed otherwise than with a month's notice in advance. In order that such agreements or rotation may take legal effect they shall be communicated to the competent labour inspector or the municipal authorities with a statement respecting the nature of the work, the number of wage-earning or salaried employees, the exact reason for the exemption and the manner in which the rest day will be granted. For this purpose the labour inspector and the municipal authorities 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.

Greece. — The report states that provisions have been laid down to ensure the posting up in workplaces of a table containing (a) the surnames and Christian names of the staff employed in the establishment and their hours of work and (b) the day of the week on which 24 hours' rest is given to each worker and employee.

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 24 December 1931, which supersedes § 4 of the Order of 14 December 1924 relating to registers and lists of 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 and also a shift time-table in the case of continuous undertakings. 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.

Spain. — § 11 of the Legislative Decree of 8 June 1925 provides that it shall be the duty of the employer: (a) to affix in a conspicuous place in each of his establishments a notice stating the days and times of the rest period of the workers in conformity with the provision laid down in this Legislative Decree if the rest period is given collectively, or to make known such days and hours to the whole of the staff in any other suitable manner approved by the labour inspectorate if work is not normally performed in a fixed place; (b) where the rest period is not granted collectively, to make known to the whole of the staff, by means of a roster drawn up in the manner specified by the labour inspectorate, the system fixed for the rest period and the names of the wage-earning or salaried employees for whom a special system is in force.

Sweden. — § 37 of the Act of 29 June 1912 as amended provides that at a workplace in respect of which an exception to the provisions concerning weekly rest is not in force for all the workers, a notice shall be affixed in a suitable place, stating the time of the weekly rest for the workers, or, if the time is not the same for all workers or groups of workers, the time for each group or worker. If the timetable provided for in the Act of 16 May 1930 respecting hours of work contains the aforesaid particulars, a special notice shall not be necessary.

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.

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 has re-examined the possibility of applying the Convention to the *Belgian Congo* and territories under Belgian mandate, and has come to the conclusion that local conditions do not lend themselves to application.

France. — The Government states that, owing to local conditions, the Convention 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. — In previous years the report has stated that the Convention was ratified by Portugal subject to the reservation of subsequent decision as regards its application to the Portuguese colonies. The present report refers to the declarations made by the Portuguese Government delegates to the Committee on Article 408, which are deemed to be reproduced in the report.

Spain. — The legislation in force applies to all the places under Spanish sovereignty in *Morocco (Melilla, Ceuta)*.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 and municipal authorities.

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 present administration of the General Inspectorate of Labour is regulated by the Legislative Decree of 5 August 1930, by Book IV, Part III of the Legislative Decree of 30 May 1931 and by the Decree of 2 April 1932. The enforcement of the legislation in question, from a juridical point of view, is the business of the labour courts which are defined by Book IV, Part I of the Legislative Decree of 13 May 1931. 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. — 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*.

Greece. — The report states that the application of the laws and administrative regulations relating to Sunday rest is entrusted to the factory inspectorate and the police.

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

XIV. Weekly rest (industry).

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) 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.

Spain. — The enforcement of the Royal Legislative Decree of 8 June 1925 devolves as a general rule upon the labour inspectors, or, secondarily, upon the local delegations of the Labour Council through their commissions of inspection, which act as auxiliary bodies of the Labour Inspection Service.

Sweden. — The Act of 29 June 1912 as amended lays down in § 23 that supervision of the observance of the Act shall be exercised by the industrial inspection officials and the communal inspection authorities under the supreme supervision and direction of the chief industrial inspection authority. § 24 provides that the communal inspection authorities mentioned in § 23 shall be the public health committees.

Yugoslavia. — The application of the Act of 28 February 1922 is entrusted to

the regional labour inspectors. On the question of the organisation of labour inspection, the report refers to the Act of 20 December 1921.

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.

Chile. — The local police magistrates have given numerous decisions inflicting fines for infringements. These magistrates adopt a summary procedure.

Luxemburg. — The report mentions the following decisions:

By an Order of 23 June 1932, the Court of Appeal decided that, whereas the Legislature proposed to prohibit work, in general, for longer than six days a week, if the law forbade an employer to employ his wage-earning and salaried employees on Sunday under pain of a fine, that being the day fixed in principle for the weekly rest, this prohibition must necessarily extend to the working day which is fixed as a compensatory rest period for a workman who has worked on Sunday. The Court therefore inflicted the penalties provided by the Act on heads of undertakings who had employed workers, with their own consent, during the day of rest given as compensation under the terms of § 6 of the Act.

The Correctional Court decided, in a judgment given on 22 July 1932, that the exception laid down in § 2 (2) of the Act does not apply to the work of replacing fittings which are completely worn out by new ones, but only to the normal work of repairs and upkeep.

The other reports do not mention any such decisions.

VI

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc.

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. The number of infringements recorded during the period under review was 88. The report adds that the

observations made by the labour inspection service in the course of visits of inspection encourage the conclusion that the provisions of the Act concerning Sunday rest are observed in a most satisfactory manner.

Bulgaria. — The report does not refer to this question.

Chile. — The report states that statistical information will be supplied to the Office as soon as available.

Czechoslovakia. — The report states that more detailed information concerning the application of the Convention cannot be supplied until the labour inspection report for 1931 is published.

Estonia. — In 1931 the number of workers protected by the Act of 17 December 1925 was 45,530. During the year the factory inspectors received 20 complaints of non-observance of the Act. In their reports they noted 57 cases of infringement of the legal provisions, of which 44 were the subject of a warning and 13 were followed by legal proceedings.

Finland. — The annual reports of labour inspection are transmitted regularly to the Office.

France. — The report gives the following statistics of contraventions of the weekly rest provisions of the Labour Code: 1930, 2,572 contraventions; 1931, 3,074 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 1931: normal system: collective rest on Sunday, 321,941 undertakings. Exceptions: collective rest on a day other than Sunday, 2,788 undertakings; collective rest from Sunday noon to Monday noon, 528 undertakings; collective rest from Sunday afternoon with compensatory rest, 1,004 undertakings; rest by rotation, 9,024 undertakings; special rest in continuous process undertakings (Decree of 31 August 1910), 696 undertakings. Total 14,040 undertakings.

Greece. — The report does not refer to this question.

India. — See the summary of the report on the *Hours Convention*.

Irish Free State. — No information.

Italy. — The report states that fines were inflicted in 706 cases during 1931 by the corporative inspection service.

Latvia. — The report does not refer to this question.

Lithuania. — The report states that the number of workers employed in industrial establishments employing 3 or more workers, is 13,744.

Luxemburg. — The report states that, during the period under review, the labour inspection service instituted legal proceedings in one case of a breach of the Act of 21 August 1932.

Poland. — The report does not refer to this question.

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.

Spain. — The Government refers to the most recent labour inspection reports, which have been transmitted to the Office. It adds that no complaint of any importance has been recorded with reference to the application of the provisions concerning weekly rest.

Sweden. — The report states that the provisions concerning weekly rest only came into force on 1 January 1932 and that a certain liberty has been allowed as to their application to undertakings and workplaces in which, at that date, the principle of the weekly rest was not yet observed. The report adds that, since the provisions regulating the weekly rest have not yet been enforced with all the rigour of the law, it seemed useless to attempt to supply statistics with regard to the application of these provisions.

Yugoslavia. — No information.

XIV. Weekly rest (industry).

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.
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(Ministerial Decree of 30 October 1908.)

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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XIV. Weekly rest (industry).

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 for 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.
<i>(Ministerial Decree of 16 December 1931.)</i>			
14.	Printing and bookbinding industry	In respect of the necessary work for the publication, the binding and despatch of school books	During the months of October and November.

XV. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification.	Reports received.
Belgium	19. 7. 1926	27.10. 1932
Bulgaria	6. 3. 1925	2.12. 1932
Canada	31. 3. 1926	29.11. 1932
Cuba	7. 7. 1928	
Denmark	12. 5. 1924	4.11. 1932
Estonia	8. 9. 1922	24.10. 1932
Finland	10. 10. 1925	8.11. 1932
France	16. 1. 1928	30.12. 1932
Germany	11. 6. 1929	7.11. 1932
Great Britain . .	8. 3. 1926	9.11. 1932
Greece	14. 6. 1930	27. 1. 1933
Hungary	1. 3. 1928	5. 1. 1933
India	20. 11. 1922	22.12. 1932
Irish Free State .	5. 7. 1930	1. 3. 1933
Italy	8. 9. 1924	12.12. 1932
Japan	4. 12. 1930	15. 2. 1933
Latvia	9. 9. 1924	6. 2. 1933
Luxemburg . . .	16. 4. 1928	1.11. 1932
Netherlands . . .	17. 6. 1931	27.10. 1932
Norway	7. 10. 1927	7.10. 1932
Poland	21. 6. 1924	7.12. 1932
Rumania	18. 8. 1923	
Spain	20. 6. 1924	18.12. 1932
Sweden	14. 7. 1925	11.11. 1932
Yugoslavia . . .	1. 4. 1927	7.11. 1932

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

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, and that a draft Decree in pursuance of the Act has been drawn up by the Minister of Commerce. The Act is, however, already in force, and the competent authorities are endeavouring to enforce it. Since, however, Hungary possesses neither ports nor seaboard, and only possesses seven vessels, the application of the Convention is very limited.

The report presented by the Government of the *Irish Free State* states that "it is not the practice to engage seamen under the age of 18 as trimmers or stokers on board Saorstat ships. No contraventions of the requirements of the Convention have come to the notice of the Government. The Government has decided to promote the necessary implementing legislation but, owing to pressure of urgent Parliamentary business, the introduction of this legislation in the Dail has been unavoidably delayed."

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The report of the *Rumanian* Government has not yet been received¹.

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).

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

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 of 27 April 1931 issued 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).

Greece.

Act No. 4505 of 7 April 1930 ratifying the Convention. Circular No. 12,005 of 2 May 1930, of the Ministry of Marine, drawing attention to the provisions of Act No. 4505.
Decree of 26 February 1924 codifying the legislation relating to the administration of the mercantile marine.

Hungary.

Act No. XVII of 1928, ratifying the Convention
See also introductory note.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, India 1).
Notification of the Government of India (Department of Commerce) of 5 December 1931 concerning the conditions of employment of young persons as trimmers or stokers in coasting ships.

Irish Free State.

See introductory note.

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), amended and completed by the Act of 7 November 1931.
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 and women may not be employed (L. S. 1925, Pol. 2).
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.
Instruction of the Ministry of Industry and Commerce of 11 April 1932, to the Maritime Office at Gdynia.

XV. Minimum age (trimmers and stokers).

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 the Ministry of Commerce of 15 October 1858 and 19 October 1883.

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.

Greece. — Act No. 4505 of 7 April 1930 reproduces the text of the Convention.

Hungary. — See introductory note.

India. — Under § 37 C of the Indian Merchant Shipping Act, 1923, with the insertion of § 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.

Irish Free State. — See introductory note.

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 "vesel" 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.

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.

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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.

Greece. — Act No. 4505 of 7 April 1930 reproduces the text of the Convention.

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. See also under ARTICLE 3.

Irish Free State. — See introductory note.

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 "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 Ministers 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.

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 report states that in practice, however, the Act is not applied to school-ships belonging to the State. The Act applies to motor-ships.

Estonia. — §§ 10 (3) and 10 (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 prohibition 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.

Greece. — Act No. 4505 of 7 April 1930 reproduces the text of the Convention.

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 were published with the Notification of the Government of India (Department of Commerce) of 5 December 1931. According to last year's report, these rules were drawn up in consultation with the most representative organisations of employers of seamen and of seamen. The rules lay down that no young person employed as a trimmer or stoker shall be required to perform duty at sea for a total period exceeding six hours per day of twenty-four hours. Further, no young person shall be engaged as a stoker in a ship where the stokehold temperature is or exceeds 110 degrees Fahrenheit. There is no reference to the prescribing of conditions for employment on school-ships or training-ships.

Irish Free State. — See introductory note.

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

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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 (*Kaiiu Kyokwai*) and the Seaman's Union (*Nippon Kaiiu 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.

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 only 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.

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 exceptions 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.

Greece. — Act No. 4505 of 7 April 1930 reproduces the text of the Convention.

Hungary. — See introductory note.

India. — Effect is given to this Article by § 37 C (3) of the Act.

Irish Free State. — See introductory note.

Italy. — The Regulations for seamen's employment exchanges stipulate 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 of 1923, as amended.

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.

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 their dates of 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 their dates of birth and of the dates on which they become or cease to be members of the crew.

Denmark. — § 11 of the Act of 1 May 1923 lays down that the master shall keep an account book and a muster roll, the accuracy of which, under the terms of § 13 of the Act of 26 February 1872, shall be confirmed by the superintendent of mercantile marine before the crew is allowed to embark.

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.

Greece. — Act No. 4505 of 7 April 1930 reproduces the text of the Convention. Further, the report states that all Greek vessels must by law carry a list of crew mentioning the age of all members of the crew and the services for which they are engaged.

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 births 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.

Irish Free State. — See introductory note.

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. In addition, the master must keep a list of the crew, giving the date of birth of each person employed 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 births.

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.

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, and § 37 lays down that the dates of birth shall be included in the list of the crew.

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 on board 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. The report indicates that this method, which was adopted at the request of the seamen themselves, fulfils the object of the Convention in this respect.

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.

Greece. — Act No. 4505 of 5 April 1930 reproduces the text of the Convention. The report does not expressly state that articles of agreement contain a summary of the Convention's provisions.

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.

Irish Free State. — See introductory note.

Italy. — The report states that the provisions of the Convention relating to the minimum age of the workers in question are applied as rules of public law both when the seaman registers with an employment exchange, and also at the time of the drawing up of the articles of agreement; in the latter case, the maritime authority, before whom the articles must be drawn up, ensures the application. The report

adds that these guarantees are sufficient to ensure the enforcement of the obligations laid down by the Convention.

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. The report states that a summary of the provisions of the Convention is included in the articles of agreement of crews.

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. An instruction of the Ministry of Industry and Commerce of 11 April 1932 enjoins the Maritime Office at Gdynia strictly to observe the principle of inserting a summary of the provisions of the Convention in articles of agreement.

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, after re-examining the question, is of opinion that in the existing state of development of the colony the Convention cannot be applied to the *Belgian Congo*. The Convention is of no practical importance for the Mandated Territory, which is an inland territory.

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. The Department of Colonies intends, however, to have the possibility of adopting the Convention examined by the colonies. 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; but as the Tunisian marine includes only a small and diminishing number of steam vessels and employs hardly any trimmers or stokers, there is no practical need for the application of the Convention.

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*, by Gazette Notification No. 90/1931 to *North Borneo*, and by Decree 2 of 1932 to *Zanzibar*. 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.

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.

Netherlands. — The Convention is applied in the *Netherlands Indies* by § 3 of Ordinance No. 87 of 1926, with the modification that the age-limit is lowered to 16 years. Supervision is exercised by the harbour masters. The Governor of *Surinam* reports that local conditions do not allow of the application of the Convention, and the Governor of *Curaçao* states that the Convention is not applied, application being unnecessary.

Spain. — The report states that the Convention is applied to all territories under Spanish sovereignty.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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. — The application of the Regulations of 8 August 1923 is entrusted to the labour inspectors.

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. — Under the terms of § 11 of the Act of 1 May 1923, every seaman who is engaged shall be furnished with a seaman's certificate or a registration certificate. These documents are issued by the registration officer and are based on the information given in the seaman's birth certificate. Further, the articles of agreement must be submitted to the same authority, under § 5 of the Act of 26 February 1872. Thus all possibility of evading the provisions relating to age of admission is excluded, unless the information contained in the birth certificate or the seaman's certificate is false.

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 and seamen's work, 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. It is the duty of the maritime authority, who enters on the list of crew every seaman taken on board, to verify the date of birth of any minor who is being taken on board and, if necessary, to refuse to sanction the engagement of a young male person of under 18 years of age as a trimmer or stoker. In addition, when the maritime inspectors visit a ship before she sails, or at a port of call, they must examine the records of the work done by every seaman taken on board, and they are therefore enabled to ensure that the ship's boys (*mousses*) and ordinary seamen (*novices*) are not employed on work in the engine room.

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 latter may enforce application by a temporary order, against which

XV. Minimum age (trimmers and stokers).

the parties concerned may appeal to the ordinary courts. The order is binding for both the parties concerned. Infringement by a master involves penalties which are laid down in § 114 (3) of the Seamen's Code, and which consist of a fine up to 150 Reichsmark or a term of imprisonment. The seamen's offices and the consuls have to ascertain, when a seaman is being discharged, that the shipowner has fulfilled his obligations to the seaman. Non-observance of the decision of the seamen's office involves penalties which are laid down in § 114 (15) of the Seamen's Code.

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.

Greece. — The report states that, under the terms of the Decree of 28 February 1924 codifying the legislation relating to the administration of the mercantile marine, the enforcement of the provisions concerning maritime work is the business of Seamen's Department and of the harbour masters; both the Department and the harbour masters are attached to the Directorate of Mercantile Marine.

Hungary. — See introductory note.

India. — The enforcing authorities are the Shipping Masters, who exercise supervision at the ports of recruitment at the time of signing agreements. The report adds that this system is working satisfactorily.

Irish Free State. — See introductory note.

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 as authorities of first instance, and by the Maritime Office at Gdynia and the Merchant Marine Office at Danzig as authorities of second instance, all of which are subject to the Minister for Industry and Commerce. Penalties are prescribed by § 17 of the Act of 2 July 1924 as amended by the Act of 7 November 1931. 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.

Spain. — The supervision of the provisions of the Labour Code is entrusted to the authorities of the mercantile marine and the Labour Inspection Service.

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.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection and registration services, and information concerning the number and nature of the contraventions reported, etc.

Belgium. — The report states that no infringements have been recorded.

Bulgaria. — The report does not refer to this point.

Canada. — The Government states that the provisions of the Convention, which are embodied in the Canada Shipping Act, are strictly observed by owners, masters and seamen of Canadian vessels to which they apply, and that no difficulty in their operation has been experienced during the period covered by the report.

Denmark. — The report states that the superintendents of mercantile marine draw up reports only in cases of infringement; up till now no infringements have been reported.

Estonia. — The report states that no infringements have been recorded.

Finland. — The report states that no statistics showing the number of persons covered by the Convention are available.

France. — The report states that no infringement has been recorded with regard to the enforcement of the above-mentioned provisions of the Seamen's Code. It should be noted, further, that these regulations are of 25 years' standing and have now become a question of maritime custom; moreover, owners and seamen are agreed as to the prohibition of trimmers' and stokers' work for minors. The report supplies statistics of the number of ship's boys (*mousses*) and ordinary seamen (*novices*) on 1 July 1932, as follows: ordinary seamen, 7,648; ship's boys, 6,102.

Germany. — The Government states that the Convention is applied in letter and in spirit, and the report indicates that the application has not given rise to any difficulties. No contravention has been reported, nor have any reports of contraventions been received either from the seamen's offices or from the German consuls.

Great Britain. — The report states that no relevant statistics are compiled, and no reports of inspection or registration services are available. The Government is satisfied that the measures taken to enforce the Convention are effective.

Greece. — The report does not refer to this point.

Hungary. — See introductory note.

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 recruitment in India.

Irish Free State. — See introductory note.

Italy. — The report states that no special information is available.

Japan. — The report states that no case of contravention was reported. 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 154.

Latvia. — The report states that no contravention has been reported during the period under review.

Luxemburg. — See introductory note.

Netherlands. — The Government is not aware of any case of infringement.

Norway. — The report states that no statistics are available concerning the number of persons covered by the relevant legislation. No cases of infraction or of attempted infraction of the legislation were reported to the authorities.

Poland. — The administrative maritime authorities of second instance are unaware of any cases of the employment of young persons as trimmers or stokers.

Spain. — The report states that the Convention produces its full legal effect, both by the terms of the Labour Code and by the fact that the Spanish constitution gives force of law to all Conventions ratified by her. Moreover, the Spanish Government is of opinion that the fact that neither the legal nor any other authorities have had to take action with regard to the application of ratified Conventions, and the further fact that they have not considered it necessary to establish statistics of the number or nature of the few and rare cases of infringement, both go to prove that the enforcement of the Conventions in question is not giving rise to any difficulties.

Sweden. — The Government states that, in a general way, the Convention may be considered to be strictly enforced. This opinion is confirmed by the fact that no complaints with regard to its enforcement have been received from the occupational organisations.

Yugoslavia. — The report does not refer to this point.

XVI. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	19. 7. 1926	27. 10. 1932
Bulgaria	6. 3. 1925	2. 12. 1932
Canada	31. 3. 1926	29. 11. 1932
Cuba	7. 7. 1928	
Estonia	8. 9. 1922	24. 10. 1932
Finland	10. 10. 1925	8. 11. 1932
France	22. 3. 1928	30. 12. 1932
Germany	11. 6. 1929	7. 11. 1932
Great Britain . . .	8. 3. 1926	9. 11. 1932
Greece	28. 6. 1930	27. 1. 1933
Hungary	1. 3. 1928	5. 1. 1933
India	20. 11. 1922	22. 12. 1932
Irish Free State .	5. 7. 1930	1. 3. 1933
Italy	8. 9. 1924	12. 12. 1932
Japan	7. 6. 1924	15. 2. 1933
Latvia	9. 9. 1924	6. 2. 1933
Luxemburg . . .	16. 4. 1928	28. 10. 1932
Netherlands . . .	9. 3. 1928	27. 10. 1932
Poland	21. 6. 1924	7. 12. 1932
Rumania	18. 8. 1923	
Spain	20. 6. 1924	13. 12. 1932
Sweden	14. 7. 1925	14. 11. 1932
Yugoslavia . . .	1. 4. 1927	7. 11. 1932

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the Convention concerning the employment of women before and after childbirth.

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, and that a draft Decree in pursuance of the Act has

been drawn up by the Minister of Commerce. The Act is, however, already in force, and the competent authorities are endeavouring to carry it into effect. Since, however, Hungary possesses neither ports nor seaboard, and the number of her ships is only 7, the Convention can only be applied in a restricted sense.

The report of the *Irish Free State* Government states that the experience of Superintendents of Mercantile Marine Offices at the various ports in Saorstad Eireann is that the employment on Saorstad ships of persons under 18 is almost unknown. No necessity for the application of the provisions of the Convention has arisen subsequent to ratification. To ensure, however, strict compliance, the Government of Saorstad Eireann has decided to promote the necessary implementing legislation. This legislation is being drafted, but owing to pressure of Parliamentary business, its introduction in the Dail has been unavoidably delayed.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The report of the *Rumanian* Government has not yet been received.¹

1.

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).

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).

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

XVI. Medical examination, young persons (sea).

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).

Greece.

Act No. 4674 of 12 May 1930 to ratify the Convention.

Circular of the Ministry of Marine of 23 May 1930 drawing attention to the provisions of Act No. 4674.

Hungary.

Act No. XVIII of 1928, ratifying the Convention.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, India 1).

Irish Free State.

See introductory note.

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), text of the Act of 7 November 1931 (L. S. 1931, Pol. 5).

Order of the Minister of Labour and Social Welfare of 24 December 1931 respecting registers and lists of young persons (L. S. 1931, Pol. 5).

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.

Spain.

Labour Code of 23 August 1926 (L. S. 1926, Sp. 5).

Royal Order of 15 January 1930 promulgating rules for the medical examination of seamen of the mercantile marine.

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.

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 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.

Greece. — Act No. 4674 of 12 May 1930 reproduces the text of the Convention.

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.

Irish Free State. — See introductory note.

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.

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 employment 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.

Greece. — Act No. 4674 of 12 May 1930 reproduces the text of the Convention.

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.

Irish Free State. — See introductory note.

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 seaman 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.

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. § 4 of the Royal Order of 15 January 1930, promulgating rules for the medical examination of seamen of the mercantile marine, stipulates that the certificates shall be endorsed by the medical authorities each time a fresh examination takes place, and that they shall be renewed every six months.

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.

Greece. — Act No. 4674 of 12 May 1930 reproduces the text of the Convention.

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.

Irish Free State. — See introductory note.

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.

XVI. Medical examination, young persons (sea).

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 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.

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. § 4 of the Royal Order of 15 January 1930, promulgating rules for the medical examination of seamen of the mercantile marine, lays down that the certificates shall be renewed every six months.

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. — § 14 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.

Greece. — Act No. 4674 of 12 May 1930 reproduces the text of the Convention.

Hungary. — See introductory note.

India. — § 37 D (2) (b) of the Act makes provision in accordance with this Article.

Irish Free States. — See introductory note.

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 certificates 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.

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, after re-examining

the possibility of applying the Convention to the *Belgian Congo*, is of opinion that in the present state of development of the colony the Convention cannot be applied. The question is of no practical importance for the Mandated Territory, which is an inland territory.

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. The Department of Colonies intends, however, to have the question of adapting the Convention examined by the various colonies. 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.

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. Supervision is carried out by the harbour masters. 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 Spanish possessions and places under Spanish sovereignty.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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. Enforcement is facilitated by the fact that no seaman may be taken on board until he has been registered on the ship's muster roll by the maritime authorities, who must satisfy themselves that the seamen in question is in possession of a satisfactory medical certificate. A master who tries to elude the official formalities of embarkation is liable to be fined. The inspectors of maritime navigation must also pay a visit to the vessel before she sails, and at her ports of call, and must satisfy themselves that the rules relating to the seamen's work are being observed, by an examination of the time-tables of work which are issued by the master. It would therefore appear to be impossible, in theory, to take a seaman on board without fulfilling the requisite official formalities. It is, moreover, to the seaman's interest that his embarkation should be placed on record, in order to confirm his service, so as to qualify for a pension under the Marine Invalidity Fund and also to be insured against navigation risks with the Welfare Fund.

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 consuls may enforce application by means of a temporary Order, which may be appealed against by the parties concerned in the ordinary

courts. This temporary order is binding on both parties. In cases of infringement, a master is liable, under the terms of § 114 (3) of the Seamen's Code, either to a fine up to 150 Reichsmark or to a term of imprisonment. The seamen's offices and the consuls must ascertain, when a seaman is being dismissed, that the shipowner has fulfilled his obligations towards the seaman concerned. Non-observance of the decision of the seamen's office gives rise to penalties laid down by § 114 (15) of the Seamen's Code.

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.

Greece.— The authorities responsible for the application of the Convention are the harbour masters, in whose presence crews must be constituted. Persons guilty of breaches of the Convention are liable to the penalties laid down in § 2 of Act No. 4674 of 12 May 1930.

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. The report adds that this system is working satisfactorily.

Irish Free State. — See introductory note.

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.

XVI. Medical examination, young persons (sea).

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.*

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.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection and registration services, and, if such statistics are available, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, etc.

Belgium. — The report states that it is the rule to submit all seamen to a medical examination before the conclusion of their articles of agreement. This examination is extremely severe in the case of young persons.

Bulgaria. — The report supplies no information.

Canada. — The report states that the provisions of the Convention, which are embodied in the Canada Shipping Act, are strictly observed by owners, masters and seamen of Canadian vessels to which they

apply, and that no difficulty in their operation has been experienced during the period under review.

Estonia. — The report does not refer to this point.

Finland. — The report states that it seems unnecessary to give any general information as to application.

France. — The report states that the Minister for the Mercantile Marine is unaware of any recorded breaches of the relevant provisions of the Seamen's Code. It should, moreover, be observed that the principle of a compulsory medical examination of seamen and ordinary seamen (*novices*) has been in force for 26 years, and has become a maritime custom which does not meet with any protests either from owners or seamen. On 1 July 1932, the total number of ordinary seamen was 7,648 and the total number of ship's boys (*mousses*) was 6,102.

Germany. — The Government states that the Convention is applied in letter and in spirit.

Great Britain. — The report states that no relevant statistics are compiled, and no reports of inspection or registration services are available. The Government is satisfied that the measures taken to enforce the Convention are effective.

Greece. — The report does not refer to this point.

Hungary. — See introductory note.

India. — The report states that no contraventions have occurred or have been reported at any of the ports. At the port of Bombay, 57 young persons were medically examined, of whom 6 were rejected as unfit for employment at sea. At the port of Calcutta, one young person, who was engaged in the saloon department, was medically examined and found fit for sea service. At the port of Aden, 4 young persons were engaged as deck boys. They were medically examined and found fit for such employment.

Irish Free State. — See introductory note.

Italy. — The report states that the application of the legislation in question does not give rise to any special observations.

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 23, and the cities, towns and villages handling the business of coastal offices number 154.

Latvia. — The report states that no cases of infringement have been reported to the Ministry of Social Welfare.

Luxemburg. — See introductory note.

Netherlands. — During 1931, 1432 young persons of 16 to 18 years of age who had been engaged for employment at sea were medically examined by the 30 doctors charged with this duty. Of this number, 43 were rejected as unfit for employment at sea, but some of these were later certified as fit. Legal proceedings were taken in 3 cases of absence of a medical certificate, and in 2 of these cases fines were inflicted. The report adds that the district heads of the labour inspection service have been requested to publish the information required under this heading in their reports, as far as possible.

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.

Spain. — The report states that no difficulty has arisen in the application of the relevant legislation, and it is therefore unnecessary to give any further information with regard to the application.

Sweden. — The Government states that, in general, the Convention is strictly applied in Sweden. This opinion is confirmed by the fact that no complaints with regard to the application have been received from the occupational organisations.

Yugoslavia. — The report does not refer to this point.

SEVENTH SESSION (GENEVA, 1925).

XVII. 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 1932 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	27.10.1932
Bulgaria	5. 9.1929	2.12.1932
Chile.	8.10.1931	20.12.1932
Cuba	6. 8.1928	
Hungary	19. 4.1928	5. 1.1933
Latvia	29. 5.1928	6. 2.1933
Luxemburg	16. 4.1928	1.11.1932
Netherlands . . .	13. 9.1927	27.10.1932
Portugal	27. 3.1929	10. 1.1933
Spain	22. 2.1929	13.12.1932
Sweden	8. 9.1926	14.11.1932
Yugoslavia	1. 4.1927	7.11.1932

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The report of the *Spanish* Government states that "the Convention having been ratified, the Labour Council was requested, as stated in last year's report, to adapt Spanish legislation to the provisions of the Convention. After careful consideration the Council prepared a report on the

technical questions connected with such adaptation and transmitted it to the National Welfare Institute. The basic Decree of 4 July 1932 (amended on 13 August following) was adopted as a result of the findings of the Labour Council. This Decree provides for the amendment of § 168 of the Labour Code and replaces, in respect of specified classes of compensation, payment in a lump sum by a system of periodical payments." The text of the new Decree was published on 8 October 1932¹ and its provisions will come into force on 1 April 1933. The following is a brief summary of the main provisions of this Decree: § 7 enumerates the industries and occupations giving rise to the liability of the employer for the accidents 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. § 2 (3) lays down that for the purposes of the Decree the State, the municipal assemblies, the municipal councils, etc., shall be placed on the same footing as employers as defined in the section, even in respect of public works carried out by a public body by means of direct labour. The Decree applies to undertakings in agriculture, forestry and stock-keeping subject to certain conditions specified in § 7 (5). § 21 provides that the compensation due in case of an accident followed by the death or permanent incapacity of the victim shall be paid to the victim or his dependents in the form of a pension, in conformity with §§ 9 and 25 of the Decree. By way of exception to this rule, all or part of the compensation may be paid in the form of a capital sum if sufficient guarantee is given for its proper use. § 24 provides that a supplement on the compensation fixed by the Decree shall be granted to the victim of an accident if, on account of the resulting incapacity,

¹ Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents (L.S. 1932, Sp. 6.)

he requires the constant attendance of another person. §§ 36 and 37 contain provisions relating to measures of supervision and methods of review. §§ 25 and 26 give to the victims of industrial accidents not only the right to medical and pharmaceutical assistance, as provided for in the former legislation, but also to surgical assistance. Under § 27, the victim of an industrial accident has the right to receive from the insurance institution or the employer the artificial limbs or orthopaedic appliances which are deemed to be necessary, and to the regular renewal thereof as required. § 38 provides that every employer covered by the Decree shall be bound to insure himself against the risk of accident to his employees which may cause the death or permanent incapacity of the said employees. Every employee covered by the Decree is deemed to be insured against the said risk even if his employer is not so insured. If the employer fails to pay compensation to the employee or his dependents within the time limit fixed in the regulations, the compensation is paid from a Guarantee Fund. §§ 51, 52 and 53 of the Decree contain provisions relating to the constitution of the Guarantee Fund. The report adds that "in view of the fact that it refers to the period ended 30 September 1932, detailed information with regard to the application of the new Spanish Decree which gives legal effect to the Convention will be given in the report for next year."

Note: The Spanish Government in its report submitted last year mentioned Book III of the Labour Code of 28 August 1926 and the Royal Decree of 31 August 1929 embracing certain provisions as regards the study of accident prevention, etc., as the legislation in force giving effect to the Convention. A summary of this legislation was given in the *Summary of Annual Reports under Article 408* for 1932 (pp. 258-274).

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).

Chile.

Decree No. 178 of 13 May 1931 to ratify the Labour Code (promulgated on 28 May 1931) (L. S. 1931, Chil. 1.)

Decree No. 238 of 31 March 1925 issuing regulations under the Workmen's Compensation Act.

Decree No. 217 of 30 April 1926 to approve the amended regulations respecting industrial hygiene and safety (L. S. 1926 Chil. 2.)

Decree No. 581 of 21 April 1927 concerning occupational diseases (L. S. 1927, Chil. 2.)

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).

Luxembourg.

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 8 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.

XVII. Workmen's compensation (accidents).

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.

See the introductory note.

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, Swe. 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.

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.

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 workmen's compensation for accidents or accident insurance applying to workmen, employees and apprentices covered by Article 2 of the Convention.

If advantage has been taken of the exceptions provided for in the second paragraph of this Article, please indicate:

(a) the definition of employment which is of a casual nature and is for the purpose of the employer's trade or business;

(b) the definition of out-workers;

(c) the persons who are considered as members of the employer's family;

(d) the limit of remuneration fixed by national legislation in order to determine the sphere of the application to 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). Belgian legislation concerning workmen's compensation for accidents was amended by the Acts of 15 May 1929 (which came into force on 1 January 1930) and 18 June 1930 (came into force on 1 January 1932). The latter Act applies the provisions of the Act of 24 December 1903 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

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.

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 purposes of the Act. 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". The report states however that, for the financial year 1932-1933, a credit of 150,000 leva was provided in the budgets of the various State Funds for the purpose of insuring compulsorily, in case of illness or maternity, all officials attached to the Directorate of Labour and Social Insurance whose salaries do not exceed 3,000 leva per month.

Chile. — § 261 of the Decree of 13 May 1931 provides that all industries or employment irrespective of their nature in which wage-earning or salaried employees, or apprentices are employed shall involve the liability of the employer in accordance with the provisions concerning workmen's compensation for accidents contained in Part II of Book II of the Decree. § 254 of the Decree defines "accident" as any injury suffered by a wage-earning or salaried employee which arises out of or in the course of his employment and incapacitates him for work. § 255 provides that the employer shall be liable in respect of industrial accidents occurring to his wage-earning or salaried employees. Accidents due to *force majeure*, external to and unconnected with the employment and those caused intentionally by the victim are excepted. Employment or work which on account of its nature is of a short duration and in which not more than three persons are employed is also excepted (§ 261 (2)).

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,

XVII. Workmen's compensation (accidents).

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. Paragraph 3 of § 85 provides, however, that owners of commercial establishments or establishments exempt from insurance may insure their workers against industrial accidents by means of registration in writing with the president of the Accident Insurance Association. It is provided that the registration shall cover the whole and as provided in § 87 every branch of the works. Under § 87 in the case of establishments with two or more departments the liability to insure shall cover the whole staff employed in the insured departments and all work performed by each individual worker at the order of the employer or his representative even outside the scope of his trade, so soon as any part of the establishment becomes liable to insurance either under the Act of 1925 or by voluntary declaration. § 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 *guilder* 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. — See the introductory note.

Sweden. — The report states that all workers, including public employees, non-manual workers and apprentices, engaged upon work of any nature whatsoever, must be statutorily insured, in accordance with the Accident Insurance Act, against accidents arising from their employment. For the purpose of this Act a worker is held to be any person who is employed for wages on work on account of another in such a manner that in his relations with the latter he cannot be regarded as an independent contractor. 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 children, and his relations if they live under his roof. (d) The report states that no salaries limit for insurance is laid down.

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. Appren-

tices, 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.

If advantage has been taken of the exception provided for in paragraph 2 of this Article, please indicate the categories of persons exempted because they are covered by some special scheme the terms of which are not less favourable than those of the Convention, and give a list of the laws, regulations and statutes relating to the protection of such persons in case of accident, forwarding the texts of the said laws, regulations or statutes with this report where this has not already been done.

Belgium. — (1) Neither the Act of 24 December 1903 nor the Amending Acts of 15 May 1929 and 18 June 1930 apply to seamen or to fishermen — Provisions respecting compensation for accidents sustained by seamen are contained in the Act of 30 December 1929 (L. S. 1929, Bel. 10). (2) The report does not refer to the question of persons covered by some special scheme.

Bulgaria. — (1) The Act of 6 March 1924 does not contain any special provisions regarding seamen. (2) § 1 of the Act 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 if the benefits for workers provided therein are more advantageous to them.

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Chile. — The report does not indicate whether the provisions of the national legislation concerning workmen's compensation for accidents are applicable to seamen and fishermen but it states that no use has been made of the exception provided for in paragraph 2 of this Article.

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 (*Zeeongeval-wet*, 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. — See the introductory note.

Sweden. — (1) The report states that seamen and fishermen are not excluded from the scope of the Accident Insurance Act. (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 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 under ARTICLE 2. 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.

Chile. — Chile 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. — 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.

Please state whether the compensation payable in the case of an accident resulting in permanent incapacity or death is paid to the injured person or his dependants in the form of a pension.

If the compensation may be wholly or partially paid in a lump sum, please state what authority is competent to decide that the payment shall be made in a lump sum and what guarantees for the proper utilisation of the compensation are usually required.

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 of the Act as amended by the Act of 18 June 1930 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 300 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 Act does not provide for the payment of such pensions in the form of a lump sum.

Chile. — The report states that in case of death or permanent and total incapacity the compensation is paid under a system of pensions to the dependants of the victim. § 22 of the Legislative Decree of 18 March 1925 concerning accident insurance fixes the guarantees which must be furnished by the employer who has not insured his workers in case of an accident causing the death or permanent incapacity of the victim. § 279 of the Decree of 13 May 1931 provides that compensation in excess of 500 pesos shall be paid in instalments in the manner prescribed by the regulations, and subject to the deposit of security by the employer, in an amount sufficient to guarantee the regular payment of the pensions in full. Nevertheless, in certain cases and on the report of the inspector concerned the labour judge may order the total amount of the compensation to be paid at once.

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.

Luxemburg. — 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. — See the introductory note.

Sweden. — The report states that the benefits in question are paid in the form of a pension except in the following cases: (1) § 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. (2) 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.

Please state:

- (a) as from what day after the accident compensation is paid in the case of incapacity;
- (b) by whom the compensation is payable: the employer, an accident insurance institution or a sickness insurance institution.

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. The report states that the accident pensions are payable by the Social Insurance Funds.

Chile. — Under § 273 of the Decree of 13 May 1931 the victim of an accident has the right to be paid, from the date on which the accident occurred, half the wage for the duration of the illness until the victim is completely cured and without deduction for holidays. The compensation must be paid by the Insurance Institute or directly by the employer according as the employer has or has not taken out an insurance policy.

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 four 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. From the fifth 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

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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. — See the introductory note.

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. The payment is made by an insurance institution.

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. The benefits specified in § 45 of the Act are payable to insured members through the local representative of the Central Workers Insurance Institution at the rate and in the manner prescribed in the rules of the Central Institution.

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.

Please state under what conditions additional compensation is paid to workmen injured in such a way as to require the constant help of another person, and the amount of such additional compensation.

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 victims of accidents involving total incapacity whose condition necessitates the constant help of another person.

Chile. — With regard to the provisions of this Article the report states that it is for the judge to decide what additional compensation shall be paid and to regulate the procedure for such payment according to circumstances. It is provided, however, that such additional compensation may not exceed 20 per cent. of the pension granted to the victim of an accident.

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. — See the 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.

Please indicate the legislative provisions dealing with measures of supervision and methods of review of compensation.

In particular, please state whether review may take place at any time or at specified intervals, and the time limit, if any, after which compensation is no longer subject to review.

Belgium. — The Act of 24 December 1903 contains provisions relating to measures of supervision and methods of reviewing compensation.

Bulgaria. — § 16 of the Act of 6 March 1924 provides that the class, nature and amount of a pension which has been granted may be varied if the conditions under which the pension was granted have changed. Pensioners and the communal authorities concerned are bound under penalty of a fine or criminal prosecution to notify the local workers' insurance authority of any change in the personal or family circumstances of every pensioner. It is also provided that the state of health of the pensioner shall be duly investigated every three years, reckoned from the date on which the pension was granted. If a pensioner, without sufficient reason, has failed to present himself for investigation of his state of health his pension will be suspended until he appears for investigation. Any alteration of the pension dates from the day on which the reason for it came into existence. According to § 47 of the Act, pensions are granted, revised or withheld by a Pension Board.

Chile. — §§ 305 and 306 of the Decree of 13 May 1931 contain provisions regarding supervision and penalties. § 299 provides that within a period of two years reckoned from the date of occurrence of the accident the employer, the victim or any other person entitled to compensation may make application for the revision of the compensation provided that the application is based on the increase, decrease or disappearance of the incapacity or the death of the victim as a result of the injury suffered.

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 the 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. The report states that a life annuity is very often fixed for a short period only, for example for a year (provisional pension) and that the definite annuity is granted only when there is reason to believe that the invalidity will remain unchanged. The report adds however that the amount of an annuity may be revised at any time.

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 state :

- (a) *the nature and duration of the medical, surgical and pharmaceutical aid to which injured workmen are entitled;*
- (b) *from whom such aid is due.*

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.

Chile. — Under § 266 of the Decree of 13 May 1931 the employer, even in the case specified in the second paragraph of § 261 (i.e., employment of short duration in which not more than three persons are employed), must defray without right to reimbursement the cost of medical attendance and medicaments for the victim of an industrial accident and shall maintain him in hospital if this is necessary. The employer must at his own expense cause the employee to be transported to the nearest town, hospital or place where it is possible to complete the treatment if any of the above-mentioned services cannot be adequately provided at the place of employment. The attendance due to the victim must include medical and surgical attendance, the provision of orthopaedical instruments and all therapeutical requisites or accessories for the treatment prescribed, and shall be granted until the victim of the accident is in a condition to resume work as certified by a medical certificate, or is covered by one of the cases of permanent incapacity provided in Part II of Book II of the Decree.

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 four 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. From the fifth 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.

Luxemburg. — 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. — See the introductory note.

Sweden. — Under the Accident Insurance Act injured persons suffering loss or diminution of working capacity are entitled for the duration of the injury 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.

Please state:

- (a) the conditions applying to the supply and renewal of such artificial limbs and surgical appliances as are recognised to be necessary for injured workers;
- (b) the conditions under which the supply and renewal of such artificial limbs and appliances is replaced by the award of additional compensation in cash;
- (c) the supervisory measures to prevent abuses and to ensure that the additional compensation is utilised for the proper 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 lays down that if the victim needs medical attendance he shall be attended until his recovery at the expense of the accident account of the Social Insurance Fund. Medical attendance includes hospital treatment, medical treatment, the provision of medicines and dressings, surgical treatment and also orthopaedic appliances if necessary. During the period of medical attendance, the victim is also entitled to pecuniary benefit for each working day lost according to a prescribed rate. An additional bonus of 1 leva is granted for each child of the injured person. A person who has insured himself under the Social Insurance Fund and who is in need of orthopaedic appliances, or who wishes to have such appliances renewed, must apply to the competent factory inspector who will appoint an *ad hoc* committee of which the medical inspector is an *ex-officio* member. The applicant must submit himself to a medical examination before this committee, and it is on the result of this examination that the committee decides to supply or renew the orthopaedic appliances. These committees are administrative bodies.

Chile. — The report states that the obligation to renew orthopaedic appliances is not expressly provided for in the legislation but that the obligation for such renewal is implied in the provisions of § 266 of the Decree of 13 May 1931 (see under ARTICLE 9).

Hungary. — Act No. XXI of 1927 gives injured workers the right to the supply and normal renewal of the prostheses and orthopaedic appliances declared necessary. For the first four 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. From the fifth 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 orthopaedic 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 § 18 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. — See the introductory note.

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 appli-

ances, such as crutches, simple artificial limbs, spectacles, etc. When the life 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.

Please state what provisions of national laws or regulations ensure the payment of compensation to injured workmen or their dependants in the event of insolvency of the employer or insurer.

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".

Chile. — The report states that provisions corresponding to those of this Article of the Convention are contained in §§ 22, 30 and 31 of Chapter III of Decree No. 379 of 18 March 1925.

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. — See the introductory note.

Sweden. — The report states that in the case of the Social insurance institutions the relevant national legislation does not contain any special provisions for guarantees since these institutions either belong to the State or are supervised by the State. Guarantees may be exacted only in cases where an employer assumes full or partial responsibility for paying compensation for injury caused by accidents.

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 Government has decided to apply the Convention to the *Belgian Congo* and territories under Belgian mandate in the very near future.

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 have been further considered in the light of consultations which have taken place. Preparations have been made by the Director of the Labour Office for putting the regulations into effect, but the matter has been somewhat delayed by the crises. 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. — In previous years the report has stated that the Convention was ratified by Portugal subject to the reservation of subsequent decision as regards its application to the Portuguese colonies. The present report refers to the declarations made by the Portuguese Government delegates to the Committee of the International Labour Conference on Article 408, which are deemed to be reproduced in the report.

Spain. — The report states that the legislation in question applies to places under Spanish sovereignty in Morocco and to the Spanish colonies and protectorates.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 states that the supervision of application and the enforcement of the relevant legislation is entrusted to the factory inspectors.

Chile. — The report states that the application of the provisions concerning this Convention is entrusted to the General Labour Inspectorate as organised by the Legislative Decree No. 1331 of 5 August 1930, § 1 of Part III (Book IV) of the Decree of 13 May 1931 and by Decree No. 369 of 2 April 1932 approving the service regulations. The application of the above provisions falls also, in so far as their juridical aspect is concerned, within the jurisdiction of the labour courts as regulated by Part I of Book IV of the Decree of 13 May 1931. The procedure for supervision is laid down in § 2 of Part III (Book IV) of the Decree and is stated to be in accordance with the general principles for the organisation of factory inspection services contained in the Recommendation on the subject adopted by the International Labour Conference in 1923.

Hungary. — The Minister of Social Welfare and Labour supervises the National Social Insurance Institute, which is responsible for compulsory accident insurance. The report gives a detailed account of the manner in which this supervision is carried out.

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. — See the introductory note.

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.

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.

Chile. — The report states that the labour courts frequently give decisions concerning the application of the legislative provisions in question.

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.

During the period 1 January to 31 December 1931, 361 appeals were lodged before the arbitration tribunals against the decisions of the Pensions Commission. 32 appeals were lodged before the Superior Court of Justice.

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.

VI

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 accident insurance for workers (where such a system exists) and also such statistical information as is available on the following points:

1. Scope of application:

the total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments, excluding seamen, fishermen and agricultural workers;

the number of such workmen, employees and apprentices covered by the general provisions regarding workmen's compensation;

the number of persons covered by some special scheme in accordance with Article 3 (2) of the Convention.

2. Benefits in cash:

(a) total cost of benefits in cash;

(b) average cost of benefits in cash per person covered by the legislation.

3. Benefits in kind:

(a) total cost of benefits in kind;

(b) average cost of benefits in kind per person covered by the legislation.

4. The number and nature of the accidents reported.

5. Cost of application:

total cost of application of legislation on workmen's compensation for accidents or accident insurance with details as to the manner in which this cost is covered.

Belgium. — The Government has communicated to the International Labour Office a copy of the triennial report published by the Ministry of Industry, Labour and Social Welfare on the application of

XVII. Workmen's compensation (accidents).

the Acts of 24 December 1908, 27 August 1919, 7 August 1921, 3 August 1926 and 15 May 1929; the report covers the years 1927, 1928, 1929. This report contains detailed statistical information with regard to the number of persons covered by the relevant legislation, the number of persons insured, the number of accidents reported the amount of compensation paid, etc.

Bulgaria. — The report contains the following information with regard to the year 1930-1931: 1 (a). — The total number of insured workers: 159,566. (b). The total number of workers covered by the Social Insurance Act (accident insurance): 159,566. 2 (a). The total amount of benefits in cash: 19,678,984 leva. (b). Average benefit in cash per insured worker: 123 leva. 3 (a). Benefits in kind: 181,290 leva, (b). Average cost of benefits in kind per worker: 82 leva. 4. Number of accidents: 3,045.

Chile. — The report states that the labour inspectors in the course of their daily work see to the strict application of the relevant legislation and that statistical and other information concerning the application of the Convention will be communicated to the International Labour Office when such information is available.

Hungary. — The report states that no particulars are available with regard to the number of wage-earning employees, salaried employees or apprentices employed in undertakings or in different industries. In 1931 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 725,679 of which 178,246 were domestic servants. In 1930 the average daily number of workers was 600,945. No information is available with regard to persons covered by any special system under paragraph 2 of Article 3 of the Convention. The report contains the following information on insurance benefits for 1931: *benefits in cash*: (a) total cost: 7,950,066 pengö; (b) average cost per employee covered by the legislation: 10.96 pengö; *benefits in kind*: (a) total cost: 663,043 pengö; (b) average cost per employee covered by the legislation: 0.91 pengö. The number of accidents notified to the National Insurance Institute was 23,433 of which 184 were fatal; 820 involved permanent diminution in earning capacity; 19,930 involved temporary consequences. The consequences of 2,549 accidents are not yet known. Of the 820 accidents involving permanent diminution in earning capacity, 77 were granted full invalidity pensions and 743 were treated as involving a partial diminution in earning capacity. The cost of application was as follows. In 1931 the expenses involved in instituting proceedings and other similar expenses amounted

to 65,463 pengö; administrative charges: 1,391,039 pengö, making a total of 1,456,502 pengö. Of this amount, 350,175 pengö, was borne by the State as a contribution to the administrative charges and 1,106,327 pengö was met by the employers concerned.

Latvia. — During the year 1931, 15,136 accidents were reported to the General Insurance Society. The payments effected during this period were as follows: compensation: 626,507 lats; pensions: 543,401 lats; cost of medical treatment 573,307 lats; assistance (compensation paid in a lump sum): 54,544 lats.

Luxemburg. — According to the report of the Accident Insurance Association for 1931 the total number of accidents notified during the year was 16,396. The Pensions Committee took the following decisions: life annuity granted: 411, temporary pensions granted to insured persons: 603, applications rejected: 173, life annuities suppressed: 18, temporary pensions suppressed: 10, widows pensions: 35, orphans pensions: 33; pensions for parents: 12.

Netherlands. — The report of the State Insurance Bank contains particulars regarding the number of accidents, the amount of compensation paid etc. A copy of the Bank's report for 1930 has been supplied to the International Labour Office.

Portugal. — The report contains the following general observation: "Neither the Committee of Experts of the International Office nor the Committee on Article 408 of the Conference raised any doubts or requests for explanations in respect of the two previous reports for 1931 and 1932. This implies that both Committees consider that Portugal has given—as it, in fact, gives—exact and complete application to the principles laid down in this Convention, since the national legislation conforms in full therewith and is observed with complete strictness".

Spain. — See the introductory note.

Sweden. — The Government states that as a general observation it is possible to state that the Conventions ratified by Sweden are being applied strictly. This opinion is confirmed by the fact that so far as the Government is aware no complaints regarding the application of the Conventions have been made by the occupational associations concerned.

Yugoslavia. — The report states that for the year 1931 the total number of insured persons was 609,190. The total number of accidents during the same period was 15,327. The number of per-

sonal payments (pension) was as follows : (a) 1178 males, the annual total amounting to 4,302,789 dinars ; 97 females the total amounting to 261,168 dinars. The number of family pensions was as follows : 161 widows, the annual total being 445,524 dinars ; 352 children, the annual total being 668,449 dinars ; 7 parents and grandparents, the annual total being 19,809 dinars.

XVIII. 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 1932 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	29. 9. 1928	7. 11. 1932
Belgium	3. 10. 1927	27. 10. 1932
Bulgaria	5. 9. 1929	2. 12. 1932
Cuba	6. 8. 1928	
Finland	17. 9. 1927	8. 11. 1932
France	13. 8. 1931	14. 3. 1933
Germany	18. 9. 1928	7. 11. 1932
Great Britain . . .	6. 10. 1926	24. 11. 1932
Hungary	19. 4. 1928	5. 1. 1933
India	30. 9. 1927	22. 12. 1932
Irish Free State . .	15. 11. 1927	31. 10. 1932
Japan	8. 10. 1928	15. 2. 1933
Latvia	29. 11. 1929	6. 2. 1933
Luxemburg	16. 4. 1928	1. 11. 1932
Netherlands	1. 11. 1928	27. 10. 1932
Norway	11. 6. 1929	7. 10. 1932
Portugal	27. 3. 1929	10. 1. 1933
Sweden	15. 10. 1929	14. 11. 1932
Switzerland	16. 11. 1927	1. 11. 1932
Yugoslavia	1. 4. 1927	7. 11. 1932

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual

reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The Portuguese Government states in its report that Portugal gives exact and complete application to the principles laid down in the Convention, since the national legislation conforms in full therewith and is observed in all its details. The Government decided however, for the stricter application of the principles prescribed by the Convention, to issue Decree No. 21,978 of 10 December 1932 which is based, as is expressly declared in its explanatory memorandum, on the provisions of the Convention. (See under ARTICLE 2).

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), 31 October 1928, 9 December 1929 and on 17 July 1930.

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) and on 20 January 1930.

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.

XVIII. Workmen's compensation (diseases).

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.

France.

Act of 1 January 1931 to amend and supplement the Act of 25 October 1919 (L. S. 1920, Fr. 7) to extend to industrial diseases the Act of 9 April 1898 respecting industrial accidents (L. S. 1931, Fr. 1).

Act of 15 July 1926 to extend the time limit fixed in the second paragraph of § 7 of the Act of 25 October 1919 (L. S. 1926, Fr. 7).

Decree of 31 December 1920 issuing public administrative regulations for the application of the Act of 25 October 1919.

Decree of 16 November 1929 respecting the compulsory notification of occupational diseases under § 12 of the Act of 25 October 1919 (L. S. 1929, Fr. 9).

Decree of 19 March 1925 extending to *Algeria* the provisions of the Decree of 31 December 1920.

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).

Order No. 4 of 8 December 1931 issued by the President of the Reich to safeguard public economy and finance and to ensure internal peace (L. S. 1931, Ger. 9).

Order of 14 June 1932 issued by the President of the Reich concerning the measures designed to maintain assistance to the unemployed as well as social insurance and to reduce the financial charges arising out of public assistance and falling upon the communes (L. S. 1932, Ger. 4).

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).

XVIII. Workmen's compensation (diseases).

Act of 1 April 1931 concerning the relief of workers in case of accidents (L. S. 1931, Jap. 1 A).

Imperial Decree of 27 November 1931 respecting the administration of the Act of 1 April 1931 concerning the relief of workers in case of accidents (L. S. 1931, Jap. 2 A).

Imperial Decree of 7 January 1932 concerning the relief of workers supplied by contract (L. S. 1932, Jap. 1).

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.

Decree No. 21,978 of 10 December 1932 concerning compensation for occupational diseases (L. S. 1932, P or. 2).

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 connection 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 of *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 report states that as a result of the amendment of the Workmen's Compensation Act in respect of the amounts of compensation the necessary preparatory work is being done with a view to amending the Act concerning occupational diseases in the same sense.] 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 undertaking 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. A victim of this kind receives a personal accident pension on the following scale. (a) when the incapacity is total, the personal pension is equal to the average wage received during one year before the date of the accident, multiplied by 300. This applies exclusively to personal pensions. If the victim is in need of permanent attendance by another person the pension is increased by 800 leva per month. If the victim was remunerated on a monthly basis his personal pension is equal to the average wage or salary received during one year before the date of the incapacity, multiplied by 10; (b) when the incapacity is less than total, the pension is fixed in proportion to the incapacity, the degree of which is indicated in the special index contained in the regulations issued under this Act. The basis of calculation is the average annual wage received during the year before the accident, multiplied by 240. If the victim of the accident was remunerated on a monthly basis the personal pension is equal to the average wage or salary received during the year before the date of the accident, multiplied by 10. No pension may be less than 1,200 leva or more than 42,000 leva per year; (c) when the incapacity is from 10 to 20 per cent, the victim of the accident has the right to a lump sum equal to the rate of the pension fixed under (b), for a period of five years. 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.

France. — (i) According to § 1 of the Act of 9 April 1898 respecting industrial accidents "accidents due directly or indirectly to their work occurring to workmen and employees occupied in the building trades, in mills, factories and work-yards, in the business of transportation by land and water, in that of loading and unloading, in public store-houses, mines, surface mines, quarries, and furthermore, in every enterprise or branch thereof in which explosive materials are manufactured or used, or in which a machine operated by a power other than that of man or animals is employed, shall give the right to a compensation at the expense of the head of the establishment and for the benefit of the injured person, or his representatives, provided that the interruption of work by reason of the said accident shall exceed four days. Workmen who are usually employed alone cannot be included under the present Act on account of the fact of the accidental co-operation with them of one or more of their fellow workmen". The report states that French legislation concerning workmen's compensation for accidents is based upon the following principles: 1. The theory of occupational risk inherent in the undertaking which is substituted for the principle of civil responsibility. 2. The principle of compensation in a lump sum calculated on the basis of the daily wage, instead of daily benefits due in case of temporary incapacity, and on the basis of the annual wage, instead of pensions due in case of death or permanent incapacity. 3. Guarantees for compensation—Since the relevant legislation does not place upon the head of the undertaking an obligation to take out an insurance against industrial accidents, provision has had to be made for a system of guarantees for the payment of benefits, as follows: (a) The claim of a person injured in the accident, or of his legal representatives, for medicine, pharmaceutical and funeral expenses, as well as for compensation allowed, is guaranteed by preference of § 2101 of the Civil Code, and is entered under No. 6 thereof. (This preference covers both real and personal property.) (b) Whenever employers who are liable or insurance companies fail to pay

the pensions, such payment is secured to the interested parties through the National Old-Age Pension Fund by means of a special guarantee fund to which contributions are made by the employers. 4. Although no special jurisdiction has been established for the purpose of settling questions relating to industrial accidents, provision is made for a simplification of the relevant procedure. (ii) § 3 of the Act of 9 April 1898 provides for the following rates of compensation: 1. For total and permanent disability, a pension equal to two-thirds of the annual earnings. 2. For partial and permanent disability, a pension equal to half of the reduction in earnings which the accident has caused. These earnings, in the case of a worker who was employed in the undertaking for twelve months before the accident, mean the actual remuneration which was granted to him during this period either is cash or in kind. In the case of workers employed for less than twelve months before the accident, they must be the actual remuneration which they received since their employment in the undertaking, increased by the amount which they would have received during the period of employment necessary to make up the twelve months, calculated on the basis of the average remuneration of the workers of the same category during the said period. If the employment is not continuous, the annual earnings are calculated partly on the basis of the remuneration received during the period of employment, and partly on the basis of the worker's income for the rest of the year. If, during the periods mentioned above, the worker becomes unemployed exceptionally and involuntarily, he is entitled to average earnings corresponding to these periods of unemployment. 3. For temporary disability for a period exceeding four days, the injured person is entitled to a daily compensation equal to half of the wages received at the time of the accident, unless the wages are variable. In such cases, the daily compensation is equal to half of the average wages for the working days during the month preceding the accident. The compensation begins with the fifth day after that of the accident, yet it may accrue from the first day in case the incapacity for work continues for over ten days. In case death follows the accident, a pension is paid to the persons indicated below, beginning at the time of the death: 1. A life pension equal to 20 per cent. of the annual earnings of the deceased to the surviving consort. 2. Children (bereft of father or mother) receive a pension up to the age of 16 years, as follows: 15 per cent. of the earnings in case there is but one child, 25 per cent. in case there are two, 35 per cent. in case there are 3, and 40 per cent. in case there are four or more children. The pension for children whose father and mother are both dead is rated at 20 per cent. of the earnings, subject to a maximum of 60 per cent. 3. In

case the descendant leaves neither consort nor child, each of the ascendant and descendant kinsfolk depending on the deceased for support has the right to a life pension in the case of the ascendants, and a pension payable until the age of 16 years in the case of descendants. This pension is equal to 10 per cent. of the annual earnings of the deceased, except that the total amount of the pension must not exceed 30 per cent. (iii) The report states that for occupational diseases the conditions of payment of compensation and the rates of compensation are the same as for industrial accidents. The adaptations which have seemed necessary for applying to such diseases the legislation concerning accidents relate to the responsibility of the different employers in whose service the victim worked, the time limit for such responsibility, the formality connected with notification, and to the measures taken for the prevention of industrial diseases and the subsequent extension of the scope of the Act. (§§ 3, 4, 5 and 12 of the Act of 25 October 1919).

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. [The report states that the accident insurance benefits granted under the relevant legislation in Germany have been reduced by the emergency Orders issued on 8 December 1931 and 14 June 1932. These Orders provide that the pensions granted to the insured persons in cases where the amount of such pensions is less than 20 per cent. of the full pension shall in future be suppressed, while the pensions amounting to 20 per cent. shall in future be paid only for two years. Certain exceptions are provided for cases in which the dependants receive injury pensions as a result of other accidents or disability pensions under the legislation respecting the protection of disabled persons. Further, the pensions payable as a result of accidents which occurred during the period 1 July 1927 to 31 December 1931 are reduced by 15 per cent.; the pensions in respect of other accidents are reduced by 7½ per cent. This measure is not applicable to cases in which a pension payable under a system of invalidity insurance, insurance of employees or an insurance pension for miners is suspended by reason of the payment of an accident pension. The grants for children or orphans' pensions will be payable in future only until the child has completed 15 years of age. The total amount of pensions payable to the dependants of an insured person dying as a result of an accident may not exceed two-thirds of the annual remuneration.] (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 pay-

ment 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 50 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 pengős. 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 undertakings 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. With regard to accidents and illness in course of work, in the case of workers employed in alluvial mining, quarrying, digging or extracting stone, in civil engineering, or in the construction, transportation, or loading and unloading of vessels, the Imperial Decree respecting the administration of the Act concerning the relief of workers in case of accidents (§§ 4 to 17) contains provisions similar to those contained in the Imperial Decree for the administration of the Factory Act. The Decree concerning the relief of workers supplied by contract provides that "In case an operative or a miner who is in an undertaking where the Factory or the Mining Act applies, or a worker who is in an undertaking where the Act concerning the relief of workers in case of accidents applies, who is employed by the State under a contract for the supply of labour, is injured, falls ill or dies in the course of work, the State shall grant relief applying, *mutatis mutandis*, the provisions of §§ 4 to 12 and 15 to 17, inclusive, respectively, of the Ordinance for the administration of the Act concerning the relief of workers in case of accident". (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 medical 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 ap-

plies 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 connection 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 calcula-

tion 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*. According to § 3 of the Decree of 10 December 1932 "in all cases of incapacity for work, the degree of disablement of victims of industrial accidents shall be computed by the competent courts according to the Lucien Mayet scale". According to § 4, the provisions of the Decree "shall apply to all cases now pending in the industrial accident courts or on appeal in the appeal courts". (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 occupational 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. The rate of compensation for occupational diseases is the same as that for accidents. 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 be-

comes 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 payment 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

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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 of coating substances, cements or colouring substances containing lead pigments.

<i>List of diseases and toxic substances</i>	<i>List of corresponding industries and processes.</i>
Poisoning by mercury, its amalgams and compounds and their sequelae.	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
Anthrax infection.	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.

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 report contains the list of diseases and toxic substances giving rise to compensation in a number of industries and processes. With reference to the diseases and toxic substances covered by the Convention this list gives the following particulars :

<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. Manufacture of zinc and lead. Casting of old zinc and lead in ingots. Rolling of lead sheets.

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List of diseases and toxic substances.

Poisoning by lead, its alloys or compounds and their sequelae (*éontd.*)

Poisoning by mercury, its amalgams and compounds, and their sequelae.

Anthrax infection.

List of correspondin industries and processes.

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
 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 states that all occupational diseases and poisonings mentioned in the table attached to this Article of the Convention are treated by Bulgarian legislation as occupational diseases. Moreover, in the list of occupational diseases attached to the regulations issued under the Social Insurance Act, 102 different kinds of occupational diseases are enumerated.

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.

France. — The Act of 25 October 1919 to extend to industrial diseases the Act of 9 April 1898 respecting industrial accidents as amended and supplemented by the Act of 1 January 1931, contains a list of compensable diseases and the corresponding industrial processes. As regards the diseases and processes mentioned in the Convention this list gives the following particulars:

With regard to anthrax, the report states that it is true that it is not mentioned in the list of occupational diseases, but that under the relevant French legislation in force, as interpreted by the courts of law, anthrax has always been deemed to be an industrial accident for which compensation could be obtained in virtue of the Act respecting industrial accidents.

Diseases due to lead poisoning.	Industrial processes liable to cause lead poisoning among workers.
Lead colic.	Metallurgical treatment and refining of lead.
Rheumatism due to lead poisoning.	Casting and rolling of lead and its alloys.
Paralysis of the extensor muscles and other forms of paralysis due to lead poisoning.	Casting of zinc with a lead content.
Nephritis.	Treatment of ores containing lead, including residues containing lead from zinc works.
Cardio-vascular disorders due to lead poisoning.	Tempering and annealing with lead.
Lead gout.	Typefoundry with alloys of lead.
Lead anaemia.	Manufacture and polishing of so-called tinware from alloys of lead.
Meningo-encephalitis due to lead poisoning.	Soldering with alloys of lead.
Amaurosis due to lead poisoning.	Soldering metal articles made of lead or with a lead content.
	Working composing machines in which an alloy of lead is used.
	Tinning with alloys of lead.
	Manufacture of toys from alloys of lead.
	Manufacture of metallic capsules and covers containing lead.
	Melting of old tins and other objects soldered with alloys of lead.
	Handling type made of alloys of lead.
	Handling or use of printing inks containing lead.
	Manufacture of lead compounds.
	Preparation and handling of compounds containing lead in crystal glass works.
	Manufacture and grinding of colours with a lead basis.
	Painting work of all kinds involving the use of substances containing lead or done on substances containing lead.
	Work with the blowpipe on substances coated with paint containing lead.
	Manufacture and repair of lead accumulators.
	Manufacture of drying oils and varnishes containing lead.
	Manufacture of lead enamels and the application thereof.
	Manufacture of pottery and glazed earthenware with enamels containing lead.
	Decoration of china with enamels containing lead.
	Enamelling of metals with enamel containing lead.
	Varnishing and lacquering with products containing lead.
	Dyeing with colours or substances containing lead.
	Manufacture of artificial flowers involving the use of lead colours.
	Polishing by means of lead filings or putty powder with a lead content.

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Diseases due to mercury poisoning.	Industrial processes liable to cause mercury poisoning among workers
<p>Mercurial stomatitis. Mercurial tremors. Mercurial paralysis. Mercurial anaemia. Mercurial nephritis.</p>	<ol style="list-style-type: none"> 1. Distillation of mercury. 2. Manufacture of incandescent lamps and radiographic tubes with the use of the mercury blowpipe. 3. Manufacture of mercurial barometers, manometers and thermometers. 4. Gilding, silvering and tinning with the use of mercury. 5. Manufacture of mercury compounds (azotate, chlorides, cyanide, etc.). 6. Carrotting of furs with acid nitrate of mercury and felting of the carrotted furs. 7. Treatment of furs and skins with mercury compounds. 8. Bronzing and damascening with mercury compounds. 9. Stuffing animals with the use of mercury compounds. 10. Manufacture of fulminate of mercury primers. 11. Manufacture and repair of mercury accumulators.

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 Orders dated 1 January 1929, 30 April and 3 June 1932. 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.
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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.
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.

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.

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 :

Occupational disease.	Employment.
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.

For anthrax infection, see above, under ARTICLE 1 (iii). [The report states that a

Bill to amend the Workmen's Compensation Act, 1923 was introduced in the Legislative Assembly in February 1932 with a view *inter alia* to making certain additions to the list of occupational diseases contained in Schedule III of the Act].

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 :

Description of disease.	Description of process.
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.

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.

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. — § 1 of the Decree of 10 December 1932 provides that, pending the issue of regulations under § 3 of Legislative Decree No. 5,637 of 10 May 1919, the only diseases considered as occupational diseases for the purposes of no. 3 of the said section shall be those specified in the International Convention adopted at Geneva in 1925 and ratified by the Government of the Republic by means of the Charter of 3 April 1929. The Decree reproduces the list of diseases contained in Article 2 of the Convention, as well as the industries or processes corresponding to those diseases, with the exception however of "polishing by means of putty powder with a lead content" : [For an account of the situation which existed before the issue of the Decree of 10 December 1932, see the *Summary of Annual Reports under Article 408*, Sixteenth Session of the International Labour Conference, 1932, p. 292.]

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 :

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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, hematomporphyrinuria, 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 phosphorus 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 enga-

ges 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 Government has decided to apply the Convention to the *Belgian Congo* and territories under Belgian mandate in the very near future.

France. — The Act of 25 October 1919, extending to occupational diseases the legislation on compensation for accidents, applies to *Algeria*, and Decrees of 8 July 1920 and 19 March 1925 provided special measures for the application of the Act to the trans-Mediterranean Departments. The Convention is not applied to the other colo-

nies by reason of the local conditions, their evolution not yet having reached a stage permitting the introduction of the metropolitan legislation on this subject.

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 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. In the *Straits Settlements* (Ordinance 9 of 1932) and *Federated Malay States* (Enactment 17 of 1932) legislation has been enacted but not yet brought into operation which will apply the Convention. The question of what diseases will be covered is still under consideration and it is possible that the lists of diseases in the laws will be modified before the laws are brought into operation.

Japan. — In *Karafuto*, Regulations on the employment and compensation of miners were promulgated and enforced on 3 November 1929 (Ordinance of the Government Office of *Karafuto*, No. 38). The compensation provisions are substantially identical with those of the Regulations on the employment and compensation of miners (Ordinance of the Department of Agriculture and Commerce). In *Taiwan*, the Mining Regulations of *Taiwan* (Ordinance No. 10), dated 24 July 1906, and the Detailed Rules for the Administration of the Mining Regulations (Ordinance of the Governor-General of *Taiwan* No. 49), dated 31 July 1906, contain provisions with respect to compensation for miners. In this legislation, cases of accidents in general and of sickness are treated alike and no limitation is placed on the scope of sickness. There is no regulation as regards accidents concerning other matters.

Netherlands. — 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. The Governor of *Curaçao* reported that the Convention had not been applied in the Colony, such a step being unnecessary. The report states that it will only be possible to apply the Convention to the *Netherlands East Indies* when further information has been collected relating to the frequency and

extent of occupational diseases. This work has been retarded by the crisis. 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 imperative.

Portugal. — In previous years the report has stated that the Convention was ratified by Portugal subject to the reservation of subsequent decision as regards its application to the Portuguese colonies. The present report refers to the declarations made by the Portuguese Government delegates to the Committee of the International Labour Conference on Article 408, which are deemed to be reproduced in the report.

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

IV.

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 institutions mentioned under (a). The decisions

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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 that 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.

France. — The application and interpretation of the laws and regulations concerning the extension to occupational diseases of the legislation respecting industrial accidents is entrusted to the courts. The accident insurance institutions which practise insurance against occupational diseases under the same conditions are subject to supervision and control by the Chief Inspector of Private Insurance Institutions at the Ministry of Labour, who is also responsible for all questions arising out of the laws and regulations concerning industrial accidents.

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 (in Northern Ireland the Act of 1927) and in Rules of Court made thereunder. The question of inspection therefore does not arise except in relation to the provisions in § 15 of the Act of 1925 (in Northern Ireland, the Act of 1927) requiring posters and accident books to be kept at mines, quarries, factories and workshops. These provisions are enforced by the Factory and

Mines Inspectors in the course of their ordinary duties.

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. For further information regarding the administration of the law reference is made to the Workmen's Compensation Statistics and the Note on the working of the Act published by the Government of India annually.

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 authorities responsible for the application of the factory legislation and the Act concerning the relief of workers in case of accident are the Bureau of Social Affairs (central organ) and the Prefectures (Chief of the Police in Tokio-Fu) (local organs). The Bureau of social Affairs (central organ) and the Mine Inspectorate (local organ) are responsible for the administration of the mining legislation. The Department of Finance, the Bureau of Social Affairs and the respective authorities for each Government enterprise are responsible for the administration of the Decree for the relief of State workers. The report adds that the responsible authorities are endeavouring to apply the legislation by receiving reports from the employers and investigating by means of inspection on the spot.

Latvia. — According to the report for last year 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, the report states that such a supervision is exercised, as it were, automatically by the insured persons themselves. They understand their right to compensation and willingly follow the advice of their doctors who are also interested to see that the National Fund assumes responsibility for the cost of occupational diseases. If the insured persons do not obtain benefits to which they consider themselves entitled, they can appeal to the insurance courts viz., the cantonal insurance courts, which decide as courts of first instance, and then to the federal insurance

court which acts as a court of second and final instance. The Accident Insurance Act contains special regulations for the procedure to be followed by the Cantons and for the Confederation in contested cases. Further, the Administrative Committee of the Governing Board of the National Fund and the Governing Board itself exercise general supervision over the working of the establishment. The National Fund, having been established by the Confederation, and since it discharges a federal function, the Confederation exercises over it a certain measure of control through the Federal Council. With regard to inspection in the strict sense of the term, it is exercised by the Swiss National Accident Insurance Fund itself. The Fund is legally an autonomous body and possesses a special service which supervises the application of the relevant provisions.

Yugoslavia. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

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.

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 decisions of the cantonal insurance courts may, without exception, be carried in appeal to the federal insurance court. Almost all the cantonal decisions relating to questions of principle are brought before the highest court and published in the Collection of Judgments.

The other reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, 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, the number of workers employed in the industries and processes concerned, and the number of cases of such diseases which have been reported, the sums paid by way of compensation as benefits in cash and kind respectively, etc.

Austria. — The report states that extracts from the reports of the inspectors and particulars regarding occupational diseases giving rise to compensation cannot be supplied as such information is not available. This applies also to the number of cases of occupational disease compensated, and the compensation paid classified according to disease and occupation since the statistics for 1931 are not yet available. Neither is it possible to supply information on the amounts paid as compensation either in cash or in kind.

Belgium. — The report of the Welfare Funds in aid of victims of occupational diseases for the year 1931 shows that the number of cases of occupational diseases in 1931 was 162 as against 143 in 1930. 131 cases of lead poisoning and 5 cases of anthrax were reported. Compensation was granted in 75 cases of lead poisoning and 4 cases of anthrax. 5 deaths from lead poisoning and 2 from anthrax were recorded.

Bulgaria. — The report does not contain any information under this heading.

Finland. — The report gives the following information for the year under review: 39 cases of occupational diseases were notified of which 5 were rejected and 2 are still under observation with the result that compensation was paid in 32 cases. Medical attendance was given in respect of 32 accidents at a total cost of 9,218.70 F. Mk. Daily payments were granted to 17 persons, the total cost amounting to 5,820.5 F. Mk. The 32 cases of industrial diseases referred to above were caused by the following substances: aniline: 1; lime: 10; caustic potash: 1; sublimate: 1; phosphorus: 14; hydrochloric acid: 2; tar: 1; anthrax: 2.

France. — The Government states that the relevant French legislation is in harmony with the provisions of the Convention. The report contains detailed statistical information with regard to the distribution according to industries and occupations of cases of occupational lead poisoning, occupational hydrargyrisms (diseases caused by mercury and its compounds) as well as

of anthrax reported during the year 1931. According to this information (summarised) 1,114 cases of lead poisoning were reported. This total included 24 cases in metal foundries, 123 in processes relating to the casting and rolling of lead, 36 in connection with lead roofing, 39 in polygraphic industries, 31 in processes relating to the manufacture of lead compounds, 343 in the making and repair of accumulators, 422 in enamelling of metals, 16 in shipyards (work in connection with blowpipes), 18 in connection with the painting of buildings. 26 cases of hydrargyrisms (including 12 cases in the making of mercury accumulators and 8 in connection with the preparation of raw materials for hat-making) were reported. 29 cases of anthrax were reported during the same period distributed as follows: 11 in tanneries, 6 in leather dressing, 6 in wool washing, 2 in wool shearing, and 1 case each in the threshing of wool, trade in hides and skins, spinning and weaving of hair, and oil works. The report adds that bacteriological examination was conducted in 14 cases. 2 out of the 29 cases of anthrax were fatal; the remaining 27 recovered.

Germany. — The report states that the information requested in the new forms of report is to be found in the Report of the Reich Insurance Office for 1931 and in the insurance statistics for 1930. For reasons of economy the annual reports of the factory inspectors for 1931 and 1932 will be combined and will be published probably only in October 1933. The Government adds however that the Conventions ratified by Germany are being effectively applied in accordance with their letter and spirit.

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 1930 for Great Britain and Northern Ireland were: Lead poisoning or its sequelae, 234; anthrax, 27; mercury poisoning or its sequelae, 0. The report adds that figures as to compensation paid for particular diseases are not available.

Hungary. — The report contains the following information regarding cases of illness notified (and compensated) in 1930 to the National Social Insurance Institute which is responsible for accident insurance.

Disease	Notified	Compensated
(1) Lead poisoning	107	66
(2) Mercury poisoning	1	—
(3) Anthrax infection	—	—

The report adds that for the same year the cost involved in compensating occupational diseases was 124,000 Pengos.

India. — Statistical information is given in the workmen's compensation statistics for the year 1930 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1931 are being compiled and will be forwarded as soon as they are ready. For the available information regarding the number of workers employed in the industries and processes concerned reference is made to the "Statistics of Factories" a copy of which is annually supplied to the International Labour Office. During the year 1931 only one case resulting in permanent disablement on account of lead poisoning, which occurred in Bengal, was reported. A compensation of Rs 2,310 was paid by the Local Government as employer. Figures for 1932 are not yet available.

Irish Free State. — The report gives the following information concerning the number of cases of industrial diseases covered by the Convention reported to the Department of Industry and Commerce during the year 1931. Fatal cases with persons wholly or partially dependent or with no dependants: nil. There were 7 non-fatal cases in six industries in respect of which a total compensation of £626. was paid. The average compensation per case was £89.9. The industrial diseases corresponding to these 7 cases were: lead poisoning or its sequelae: 3; epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin or any compound product or residue of any these substances: 2; dermatitis produced by dust or liquids: 2. The distribution of the above 7 non-fatal cases among six industry groups in respect of which statistics are collected are as follows: shipbuilding, metal manufactures and engineering: 2; other industries carried on in a factory: 1; constructional work and building: 4.

Japan. — The report contains the following statistical information with regard to the application of the Convention: Number of factory workers and miners: factories (1930), 802,186 males, 908,003 females; mines (1931), 176,372 males, 25,983 females. Number of cases of sickness subject to relief: factories, 1,215 males, 156 females; mines, 45 males, 6 females. Cost of relief: factories, 4,502 yens; mines, 12,445 yens. The report states that factory workers and miners who were insured received medical benefit for not less than 180 days, as well as relief during holiday from the Health Insurance. The statistics for sickness in the course of work are as follows: medical benefits: 38,459 males, 22,644 females; number of days when medical benefits were received: 396,776 for males, 160,940 for females; number of days'

allowances paid for sickness and injuries (relief during holidays): 144,177 for males, 52,843 for females. The report adds that no statistical information is available concerning the application of the Act concerning the relief of workers in case of accidents, as it was put into operation only in January 1932.

Latvia. — The report does not refer to this point.

Luxemburg. — The report of the Luxemburg Accident Insurance Association for 1931 to which the annual report of the Government refers contains the following information: total number of notifications relating to diseases presumably of an occupational character: 25. Four of these were admitted as compensable, 18 rejected and 3 held in suspense. The distribution of these 25 cases according to diseases was as follows: lead poisoning: 8; poisoning through oxide of carbon: 1; industrial eczema: 5; intestinal disorders: 4; lung diseases: 3; anthrax: 1; affection of the liver: 1; angina with septic erysipelas: 1; eye-disease: 1. In 2 out of the 4 cases which were admitted as compensable a sickness benefit in cash was granted and in the remaining 2 cases a temporary pension was granted.

Netherlands. — The Government has communicated to the International Labour Office a copy of the Report of the State Insurance Bank (*Ryksverzekeringsbank*) for 1930 which contains particulars regarding the number of accidents, compensation paid, etc.

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.

XIX. Equality of treatment (accidents).

Portugal. — The report contains the following observation: "Neither the Committee of Experts of the International Labour Office nor the Committee on Article 408 of the Conference raised any doubts or requests for explanations in respect of the two previous reports. This implies that both Committees consider that Portugal has given—as it in fact gives—exact and complete application to the principles laid down in this Convention, since the national legislation conforms in full therewith and is observed in all its details." (See the introductory note.)

Sweden. — The Government states that, as a general observation, it is possible to say that the conventions ratified by Sweden are strictly applied. It is stated that this opinion is confirmed by the fact that so far as the Government is aware, no complaints with regard to the application of the conventions have been made by the professional organisations concerned.

Switzerland. — For particulars regarding compensation for occupational diseases, the Government refers to the report of the Federal Council for the year 1931 submitted to Parliament (Chapter concerning the Federal Social Insurance Office) and to the annual report of the Swiss National Insurance Fund. Copies of these reports have been supplied to the International Labour Office. The Government states that 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. Out of a total number 40,743 industrial accidents dealt with in the first nine months of 1932, the number of poisoning cases registered was as follows:

	Number of cases	Incapacity	Death
Lead poisoning	6	—	—
Mercury poisoning	—	—	—
Anthrax poisoning	—	—	—

The Government explains the reasons why it has not been possible to give statistical information for a complete year, but states that steps have been taken to ensure that in future, such information is supplied for the period 1 October to 30 September of the following year. The report adds

that the Convention is strictly applied throughout the whole of Swiss territory.

Yugoslavia. — The report states that during 1931 there were 5 cases of lead poisoning. In one out of these five cases no pension was granted.

XIX. 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 1932, and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
South Africa . . .	30. 3.1926	2.11.1932
Austria	18. 9.1928	7.11.1932
Belgium	30.10.1927	27.10.1932
Bulgaria	5. 9.1929	2.12.1932
Chile	8.10.1931	20.12.1932
Cuba	6. 8.1928	
Czechoslovakia . .	8. 2.1927	27. 1.1933
Denmark	31. 3.1928	4.11.1932
Estonia	14. 4.1930	24.10.1932
Finland	17. 9.1927	8.11.1932
France	4. 4.1928	1. 2.1933
Germany	18. 9.1928	7.11.1932
Great Britain . . .	6.10.1926	24.11.1932
Hungary	19. 4.1928	5. 1.1933
India	30. 9.1927	22.12.1932
Irish Free State . .	5. 7.1930	12.12.1932
Italy	15. 3.1928	12.12.1932
Japan	8.10.1928	15. 2.1933
Latvia	25. 9.1928	6. 2.1933
Luxemburg	16. 4.1928	1.11.1932
Netherlands . . .	13. 9.1927	27.10.1932
Norway	11. 6.1929	7.10.1932
Poland	28. 2.1928	7.12.1932
Portugal	27. 3.1929	10. 1.1933
Spain	22. 2.1929	13.12.1932
Sweden	8. 9.1926	14.11.1932
Switzerland	1. 2.1929	1.11.1932
Yugoslavia	1. 4.1927	7.11.1932

XIX. Equality of treatment (accidents).

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

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 (L. S. 1931, S. A. 4).

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).

Chile.

Decree No. 178 of 13 May 1931 (promulgated on 28 May 1931) to ratify the Labour Code (L. S. 1931, Chile 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-Carpathia.

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-Carpathia.

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.

XIX. Equality of treatment (accidents).

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.
- Order No. 2830/1932 M.E. issued by the Council of Ministers on 10 May 1931 to lay down the conditions as to claims arising out of certain industrial accidents (L. S. 1932, Hung. 5).

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, 1917.
- 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).
- Act No. 54 of 1 April 1931 concerning the relief of workers in case of accidents (L. S. 1931, Jap. 1 A).

- Imperial Ordinance No. 376 of 27 November 1931 respecting the administration of the Act No. 54 concerning the relief of workers in case of accidents (L. S. 1931, Jap. 2 A).
- Act No. 55 of 1 April 1931 concerning insurance against liability for the relief of workers in case of accident (L. S. 1931, Jap. 1 B).
- Imperial Ordinance No. 277 of 27 November 1931 respecting the administration of the Act concerning insurance against liability for the relief of workers in case of accident (L. S. 1931, Jap. 2 B).
- Ordinance of 7 January 1932 concerning the relief of workers supplied by contract (L. S. 1932, Jap. 1).

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, 21 November 1930 and 16 October 1931 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, Iceland and Chile.

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.

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 indicate the legislative or other provisions relating to the payment of compensation to persons injured in industrial accidents or their dependants, if they reside outside the country from which compensation is due ;

(a) *in the case of national workers and their dependants ;*

(b) *in the case of foreign workers and their dependants.*

Please give information regarding any special arrangements which may have been made with other Members concerned, forwarding copies of the texts.

South Africa. — The Workmen's Compensation Act does not apply to Union workmen where the accident happens outside the Union or its territorial waters, except where the workman is a seaman employed in a Union ship, i.e., a ship registered in the Union and not registered elsewhere or an unregistered ship owned or chartered by a person or body of persons whose principal office or place of business is in the Union or by a person who resides therein. The report states that no distinction is drawn as to the nationality of any workman provided the accident happened within the Union or falls within the exception referred to above. No special arrangements have been made with other Members.

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 1908 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".

Chile. — The report states that Chilean legislation concerning industrial accidents does not contain specific provisions on this question. The general principle of law embodied in the Labour Code in an explicit fashion does not, however, make any distinction between Chileans and foreigners in connection with the acquisition and enjoyment of civil rights.

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-Carpathia, § 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 administratively arranged with Germany, Austria and Poland.

Denmark. — The report states that there are no provisions in force in Denmark under which the victim of an industrial accident loses his right to compensation by reason of his nationality or residence. 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 (§ 37 of the Act of 14 July 1927). 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, on the part of 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. The report states that no special measures have been taken concerning the payment of compensation to injured persons abroad. Such payment is made by the insurance institutions either by post or by means of bank transfers.

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. § 16 of the Act provides that if a workman receiving a weekly payment ceases to reside in the United Kingdom, the Channel Islands or the Isle of Man, he shall thereupon cease to be entitled to receive any weekly payment unless the medical referee certifies that the incapacity arising from the injury is likely to be of a permanent nature; but if the medical referee so certifies, the workman is entitled to receive quarterly the amount of weekly payment accruing during the preceding quarter so long as he proves his identity and the continuance of the incapacity. This provision, which does not affect cases in which the right to weekly payments had been commuted to a lump sum, applies to nationals and foreign workmen without distinction on grounds of nationality. As regards dependents, the Acts make no discrimination against dependents residing abroad. 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 § 88 Hungarian nationals who suffer injury through accidents or their dependents are entitled to benefits even during their stay abroad (subject to certain formalities). 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. Under § 1 of the Order No. 2830/1932 issued by the Council of Ministers on 10 May 1932, however, an accident pension under Act XIX of 1907 (B.B. Vol. II, 1907, p. 269) or Act No. XXI of 1927 (L.S. 1927, Hung. 1) will not be due in respect of any industrial accident which occurred before 26 July 1921 in an undertaking or part of an undertaking situated in the territory taken from Hungary in pursuance of the Treaty of Trianon, except in cases where the permanent residence of the beneficiary was on 1 January 1928 situated within the present territory of Hungary. The right to an accident pension in such cases will nevertheless be suspended during any periods for which the beneficiary is absent from Hungary. Under § 2 of the Order no accident pension is payable under Acts No. XIX of 1907 and XXI of 1927 to the nationals of foreign States residing permanently out of Hungary in respect of accidents which occurred before 26 July 1921 in an undertaking or part of such undertaking situated on the present territory of Hungary, unless the foreign country in question observes reciprocity towards Hungarian nationals. 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.

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. Equality of treatment for the nationals of other States in respect of accident insurance is ensured also by the social clauses of certain commercial treaties concluded by the Polish Government with other States, in particular with, Austria on 25 September 1922; Netherlands, 30 May 1924; Finland, 10 November 1923; Estonia, 19 February 1927; Latvia, 12 February 1929; Greece, 10 April 1930; Rumania, 23 June 1930; United States of America, 15 June 1931.

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. — § 1 (6) of the Act of 10 January 1922 (§ 144 of the Labour Code) provides that "foreign workers and likewise their dependents resident in Spanish territory shall have the benefit of this Act; and their dependents resident abroad at the time of the accident shall also have the benefit of the Act provided that the legislation of their country grants such benefit under analogous conditions to Spanish subjects, or that this has been stipulated in special treaties." Further, under Article 65 of the Spanish Constitution, all Conventions ratified by Spain become incorporated in the national legislation, which must be amended in accordance with the provisions of the Convention. The report states, however, that it has not been necessary to amend Spanish legislation since the provisions of that legislation are in conformity with those of the Convention. In accordance with the spirit of the Convention, Spain had concluded an agreement of this kind with the Republic of Argentina (Gazette of 30 December 1922). Negotiations are now taking place with other countries with regard to the conclusion of similar agreements. Provision for the payment of benefits to victims of industrial accidents, irrespective of nationality, is made by the Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents which will come into force on 1 April 1933¹. 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. — According to Swedish legislation the foreign worker who suffers injury through an accident enjoys the same rights in respect of workmen's compensation as the Swedish worker, so long as the foreign worker resides in Sweden. If the foreign worker leaves Sweden the insurance institution is authorised by § 27 of the Accident Insurance Act to grant him once for all, instead of a sickness benefit grant or a life pension to which he is entitled, a sum of money equal to a certain proportion of the capitalised value of the sickness benefit or the pension. If the accident involves the death of the foreign worker residing out of Sweden funeral expenses are paid only when death takes place within three months after the accident; the foreign dependant of such victim of an accident can claim a life pension or its capitalised equivalent only if he was resident in Sweden at the time of the accident. Under § 27, last paragraph, of the

¹ See above p. 278.

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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, Iceland and Chile. 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 Yugoslav 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.

Chile. — The report states that there are no observations to make under this Article since Chilean legislation concerning industrial accidents applies to Chileans and foreigners without distinction.

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.

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). The report adds that the Labour Treaty between the Grand Ducal Government and the Italian Minister, initialled on 11 November 1920, has not yet been ratified.

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,

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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.

Chile. — 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 report states that no legislative amendments have been effected since 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.

Chile. — The report does not refer to this question. See under ARTICLE 2.

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.

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Estonia. — The report states that the legislation was not amended during the period covered by the report.

Finland. — No Act or Order was promulgated during the period covered by the report to amend the Acts and Orders in force in Finland.

France. — The report states that the laws and regulations in force on 1 October 1931 have not been amended since that date.

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 during the period covered by the report.

Great Britain. — The report does not mention any amendment of the relevant legislation as having been made during the period covered by it.

Hungary. — The Government has forwarded to the International Labour Office the text of the Order No. 2830/1932 M. E. laying down the conditions as to claims arising out of certain industrial accidents.

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 period.

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 mentions the following Acts and Ordinances as having come into force on 1 January 1932: (1) Act No. 54 concerning the relief of workers in case of accidents; (2) Imperial Ordinance No. 276 respecting the administration of the Act No. 54 concerning the relief of workers in case of accident; (3) Act No. 55 concerning insurance against liabilities for the relief of workers in case of accident; (4) Imperial Ordinance No. 277 respecting the administration of the Act concerning insurance against liability for the relief of workers in case of accident. The Ordinance of 7 January 1932 concerning the relief of workers supplied by contract came into force on 7 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 does not mention any modifications in the legislation in force as having been made during the period covered.

Poland. — The report states that the Ministry of Social Assistance on 2 March 1932 submitted to the Officers of the Diet a Bill concerning social insurance which covers also accident insurance. With regard to the rights of foreign nationals, this Bill is based on the principle of complete equality of treatment between foreign workers and national workers with regard to their rights to benefits.

Portugal. — No modification in the relevant legislation is mentioned as having been made during the period covered by the report.

Spain. — No alteration in the relevant legislation is mentioned as having been made during the period 1 October 1931 to 30 September 1932.

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 in the relevant legislation is mentioned as having been made during the period covered by the report.

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

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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 Government has decided to apply the Convention to the *Belgian Congo* and territories under Belgian mandate in the very near future.

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 a 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*, there is a condition as to residence in the case of periodical payments which however applies equally to national workers. In the legislation of the *Straits Settlements* and the *Federated Malay States* (see the report on the *Convention concerning workmen's compensation for occupational diseases*) there is a condition as to residence in the case of compensation payable to dependants, but this applies equally to national and to foreign 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. — In the legislation on compensation for mines in *Karafuto* and *Taiwan* no discrimination is made between national and foreign workers. The question does not arise in other territories where there is as yet no legislation on the subject.

Netherlands. — In the *Netherlands East Indies*, account has been taken of the Convention in the draft Accident Regulations referred to in the report on the *Convention concerning workmen's compensation for accidents*. 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. — In previous years the report has stated that the Convention was ratified by Portugal subject to the reservation of subsequent decision as regards its application to the Portuguese colonies. The present report refers to the declarations made by the Portuguese Government delegates to the Committee of the International Labour Conference on Article 408, which are deemed to be reproduced in the report.

Spain. — The Convention is applied to places under Spanish sovereignty in Morocco.

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

IV.

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. In particular, please supply information on the organisation and working of inspection.

South Africa. — The Workmen's Compensation Act is administered by the courts of law and the workman proceeds by civil action in the ordinary way. Assistance is, however, rendered by the Department of Labour in the preparation of all claims which come to its notice. No inspection is provided for in the Act.

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 and the medical inspectors.

Chile. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*.

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 Accident Insurance Act is entrusted to the Industrial Accidents Insurance Council which consists of three sections — one for industry, commerce and handicrafts, another for navigation and fishing, and a third for agriculture. The Council itself collects all the necessary information in this connection and takes decisions on all questions relating to the Accident Insurance Act, including the fixing of compensation. Appeals from the decisions of the Council might in certain cases be made to the Ministry of Social Affairs. All cases of industrial accident which may give rise to compensation under the Act must be notified to the Council by the employer concerned.

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 a prescribed procedure. The question of inspection, therefore, does not arise except in relation to the provisions in § 16 of the Act of 1925 (in Northern Ireland the Act of 1927) requiring posters and accident books to be kept at mines, quarries, factories and workshops. These provisions are enforced by the factory and mines inspectors in the course of their ordinary duties.

Hungary. — See the summary of the report on the *Convention concerning workmen's compensation for accidents*. The report 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. For information regarding the administration of the law reference is made to the Workmen's Compensation Statistics and the Note on the working of the Act published annually by the Government of India.

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 labour inspectors and the mixed juries are the authorities responsible for the supervision of the application of the principles laid down in the Convention and the legislation concerning industrial accidents. Where difficulties of interpretation arise, the International Labour Service takes the necessary measures on behalf of the Spanish authorities and settles the case with the foreign authorities.

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*.

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.

Chile. — The report states that there exist numerous judicial decisions recognising for foreigners the rights provided for in the relevant legislation.

France. — The report states that "although the Ministry of Labour (Chief Inspector of Private Accident Institutions) has maintained that reciprocity results automatically from the mere fact of ratification of the Convention by the countries concerned without it being necessary to conclude special agreements, judicial practice on the point is still somewhat uncertain, and a certain number of persons or bodies liable to pay pensions, in particular accident insurance associations, refuse to apply the Convention when the country of origin of the victim of the accident has ratified the Convention but has not concluded with France a special Treaty of reciprocity. This interpretation, which is at variance with that adopted by the administrative authorities, has been accepted by the Civil Courts of Briey, Moulins, Lourdes and Muret. The decision of the Court of Briey delivered on 16 June 1930, not having been the subject of further proceedings, stands; those of the Courts of Moulins and Lourdes have been invalidated, the former by a decision of the Appeal Court of Riom on 24 December 1930, the latter by a decision of the Appeal Court of Pau on 9 December 1931. The judgment of the Court of Muret, delivered on 23 June 1932, is at present pending on appeal before the Court of Toulouse. Finally, by a new decision given on 6 January 1931, the Court of Briey has delivered a judgment in a sense contrary to its earlier decision."

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 treat-

ment 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*).

Spain. — The report states that the competent authorities have given decisions only in individual cases which do not amount to difficulties of substance, and therefore do not affect the application of the Convention.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the approximate number of foreign workers in the national territory, their nationality, their occupational distribution, the number and nature of the accidents reported in the case of foreign workers, etc.

South Africa. — See under IV.

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.

Belgium. — No information.

Bulgaria. — No information.

Chile. — The report states that exact and complete statistical and other information concerning the results of application will be communicated to the International Labour Office when such information is available.

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. In certain cases compensation was granted to the survivors of German, Norwegian, Swedish, British and Polish nationality. Compensation was refused in one case where the survivors were citizens of the Free City of Danzig. The report adds that statistical information concerning the number of foreign workers in Denmark, or the cases in which compensation was granted to such workers, does not exist.

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. — There were thirteen cases notified in which compensation was granted. The nationality of the victims was as follows: Russian, 10; German, 1; Polish, 1; unknown, 1. Thirteen persons received medical attendance at a total cost of 4,235.70 Finnish marks. Thirteen persons were granted daily benefits at a total cost of 9,487.85 Finnish marks. Life pensions and funeral expenses were not granted in any case.

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 1932, owing to

immigration and emigration, the number could be estimated as 937,000.

Germany. — The Government states that the Conventions ratified by Germany are being applied in accordance with their letter and their spirit. The report gives the following statistics concerning foreign workers employed in Germany, their nationality, and their territorial distribution. In agriculture 49,176 foreign workers were employed in Germany in virtue of a special permit granted in 1931. In addition, there were 33,727 foreign workers who possessed permits for permanent work (exemption certificates). The workers belonging to the former group were distributed among the districts of the several federated labour offices as follows: East Prussia, 1,373; Silesia 1,461; Brandenburg, 4,752; Pomerania, 8,695; Northern Marches, 6,555; Lower Saxony, 4,219; Westphalia, 559; Rhineland, 1,818; Hesse, 998; Central Germany, 15,051; Saxony, 2,479; Bavaria, 600; South West Germany, 616. The nationality of those who possessed exemption certificates was as follows: Polish, 20,040; other countries of Eastern Europe, 2,376; Czechoslovak, 3,621; Yugoslav, 207; Hungarian, 44; Austrian, 541; Swiss, 2,569; Italian, 89; Dutch, 2,868; Belgian, 50; Danish, 6; Swedish, 12; French, 38; other countries, 5,266. 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: Poles, 10,495; nationals of Eastern States, 1,584; Czechoslovaks, 46,412; Yugoslavs, 4,817; Hungarians, 1,183; Austrians, 8,792; Swiss, 2,297; Italians, 3,543; Dutch, 17,348; Belgians, 777; Danes, 462; Swedes, 208; Norwegians, 22; French, 292; nationals of other States, 5,435; total, 103,667. The total number of non-agricultural workers for whose employment a special authorisation was granted in 1930 was 15,244. These workers are classified as follows: Belgian, 234; Bulgarian, 19; Danish, 114; citizens of Danzig, 517; Estonian, 48; Finnish, 15; French, 348; Greek, 11; British and Irish, 131; Italian, 530; Yugoslav, 306; Latvian, 91; Lithuanian, 131; Luxemburg, 19; Memel Territory, 27; Dutch, 255; Norwegian, 15; Austrian, 2,780; Polish, 2,119; Portuguese, 0; Rumanian, 10; Swedish, 50; Swiss, 1,322; Russian, 254; Spanish, 31; Czechoslovak, 4,564; Turkish, 20; Ukrainian, 17; Hungarian, 227; without nation-

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nality, 825 ; U.S.A. citizens, 35 ; nationals of other countries, 73. 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 1931 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 1931, only one judicial decision was given, in the case of a Danish citizen.

Hungary. — The report states that since no distinction is made between nationals and foreigners, it is impossible to supply the statistical 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.

Irish Free State. — The Government states that it is impossible to supply useful particulars under this heading.

Italy. — The report does not refer to this point.

Japan. — The report states that no statistics are available as regards foreign workers employed in undertakings to which the legislation concerning compensation for accidents applies.

Latvia. — The report does not refer to this point.

Luxemburg. — The report contains the following statistical information concerning pensions paid abroad in 1931 by the Invalidity and Old-age Insurance Department (this information does not include claimants resident in territories adjoining the frontier and receiving their pensions at a Luxemburg post office) :

Country in which payment is made	Number of cases			Old-age pensions	Invalidity pensions	Survivors' pensions
	Old-age	Invalidity	Survivors ¹			
				(Francs)	(Francs)	(Francs)
France	4	9	4	6,409.85 2,676.05	9,448.05 6,078.55	3,768.60 989.50
Germany . . .		17	5	—	30,454.55 12,462.10	7,006.45 2,034.85
Italy		7	1	—	8,233.00 4,014.70	1,180.30 366.85
Belgium . . .	7	7	7	12,079.40 5,035.40	18,732.15 4,746.80	8,714.95 2,177.40
Saar Territory .		2		—	1,817.90 1,600.80	—
Poland		1		—	2,629.00 508.50	—
Netherlands . .			1	—	—	182.00 50.00

¹ The amounts indicated against each country represent respectively the payments made by the Office and the State.

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.

Norway. — In consequence of the fact that national and foreign workers residing with their dependants in Norway are equally treated as regards workmen's

compensation for accidents, there are no statistics available as to the number and nationality etc. of foreign workers or of the number and nature of accidents reported in the case of such workers.

Poland. — The report states that the application of this Convention to Polish nationals by the other States has given rise in practice to certain doubts with

XX. Night work in bakeries.

regard to the scope of application of the provisions relating to benefits payable under the Convention. In particular, differences of opinion have been noted on the following point: Whether the Convention lays down an obligation to allow to the nationals of States which have ratified it and who reside beyond the frontiers of the country granting the benefits not only the basic benefits but also supplementary benefits which by their nature correspond to the benefits granted on account of industrial insurance, but which are not regarded as workmen's compensation for accidents but as public assistance benefits. The Government therefore wishes to reserve to itself the possibility of submitting at a future date the above-mentioned doubt to the competent authorities of the International Labour Organisation.

Portugal. — The report contains the following observation: "Neither the Committee of Experts of the International Labour Office nor the Committee on Article 408 of the Conference raised any doubts or requests for explanations in respect of the report for the past year. This implies that both Committees consider that Portugal has given — as it in fact gives — exact and complete application to the principles laid down in this Convention, since the national legislation conforms in full therewith and is observed with complete strictness".

Spain. — The unemployment services and the employment offices recently set up under the Ministry of Labour prepare the statistics requested under this heading. These services have already collected information concerning foreign workers in Spanish territory, as well as particulars regarding their nationality and occupation.

Sweden. — The report states that in the absence of the necessary particulars the information requested under this heading cannot be supplied. It is however stated as a general observation that the Conventions ratified by Sweden are strictly applied. This opinion is stated to be confirmed by the fact that so far the Government is aware no complaints regarding the application of the Conventions have been made by the industrial organisations.

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 oc-

curred in the case of Swiss citizens and those in the case of foreigners. Out of a total of 318 survivors' pensions granted from 1 October 1931 to 30 September 1932 on account of industrial accidents, 259 related to accidents in the case of Swiss citizens, and 59 in the case of foreigners. The nationality of these 59 pensioners was as follows: Italian, 37; German, 11; Austrian, 3; Czech, 1; Polish, 5; French, 1; and British, 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. The only information that it is possible to give is that the workers' central insurance institute pays pensions to 62 insured foreign workers.

XX. 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 1932 and from which annual reports under Article 408 were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	5. 9. 1929	2.12. 1932
Cuba	6. 8. 1928	
Estonia	23. 12. 1929	24.10. 1932
Finland	26. 5. 1928	18.11. 1932
Luxemburg	16. 4. 1928	1.11. 1932

The information supplied by the Cuban Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

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.

Ukase No. 32, Decree of 22 October 1931 concerning conditions of work in bakeries. (L. S. 1931, Bulg. 3).

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).

Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten Sessions (L. S. 1932, Lux. 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.

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. — Under § 1 of the Decree of 22 October 1931 night-work in bakeries is prohibited without exception both for the proprietors as well as for the workers. This prohibition applies not only to the preparation and making of bread but also to the making of rolls and pastry. According to § 9, the Decree does not apply to the making of such products by members of the same household for their own consumption nor to the wholesale manufacture of biscuits.

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.

Luxemburg. — § 24 of the Order of 30 March 1932 provides that the making of bread, pastry and similar products is prohibited from 10 p.m. to 5 a.m. This prohibition applies to the work of all persons, including proprietors as well as workers engaged in the making of such products. It does not apply to the making of such products by the members of the same household for their own consumption. The prohibition does not apply to the wholesale manufacture of biscuits. The products to be classed as biscuits will be determined by Ministerial Order.

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 § 1 of the Decree of 22 October 1931 the term "night" includes the period 9 p.m. to 4 a.m. The report states that this period was fixed in agreement with the employers' and workers' organisations concerned.

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. — § 24 of the Order of 30 March 1932 provides that the making of bread, pastry and similar products is prohibited from 10 p.m. to 5 a.m. When it is agreed with the industrial associations concerned, the beginning and the end of the night rest period indicated above may be

advanced by one hour by Ministerial Order. The report states that the period of night rest as laid down in § 24 of the Order of 30 March 1932 was fixed after consultation with the occupational chambers established under the Act of 4 April 1924.

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.

In particular, please indicate what work is regarded as "preparatory or complementary" for the purposes of the application of paragraph (a).

Bulgaria. — The Decree of 22 October 1931 provides for the following exceptions to the nightwork prohibition. (a) Preparatory work in connection with the mixing of the leaven may be carried out during the night by one worker in turn. If the number of workers is less than three the employer or his representative must take part in the rotation. The employer's representative may not however be selected as one of the workers called upon to do night work. Under § 4 young persons under 18 years of age may not be employed in this work. The exception provided for in paragraph (b) of this Article presumably does not apply to Bulgaria. With regard to (c), § 3 of the Decree provides that a weekly rest of 36 hours is compulsory. Work may begin at 3 a.m. on the day following a public holiday and at midnight on Friday-Saturday. It is provided that the same system shall be observed on the day preceding a public holiday. (d) Under § 10 the Minister of Commerce, Industry and Labour has the power in exceptional cases to authorise night work in bakeries in the public interest and in the interest of the State.

Estonia. — After consultation with the employers' and workers' organisations con-

cerned 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 day's 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.

Luxembourg. — The report does not contain any information under 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 exception provided for in this Article of the Convention is not contained in the Decree of the 22 October 1931.

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.

Luxembourg. — § 25 of the Order of 30 March 1932 provides that the prohibition contained in § 24 does not apply in case of accidents actual or threatened or in case of urgent repairs to machinery or plant or in case of *force majeure*, but only

to the extent necessary to prevent a serious interruption in the normal working of the establishment. The employers who desire to advantage of the exception provided in this article are required to inform the labour inspector during the day itself and to indicate the names of the persons thus employed, the nature and duration of the work carried out. The report states that it is the function of the courts to decide finally the question of the validity of the exceptions claimed by the employer.

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.

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. In particular, please supply information on the organisation and working of inspection.

Bulgaria. — The report states that the application of the Decree of 22 October 1931 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 report states that the prohibition contained in Article 1 of the Convention and in § 24 of the Order of 30 March 1932 is enforceable by the penal provisions contained in § 2 of the Act of 5 March 1928. The labour inspectors have free access to the premises where the work covered by this Convention is carried on. They supervise the application of the Convention and take note of cases of infraction by drawing up a report which remains valid unless the contrary is proved, such supervision being exercised in collaboration with the judicial police. The chambers of labour and of handicrafts are also called upon to supervise the application of the provisions. The correctional courts are competent in respect of criminal proceedings based upon the provisions of the Convention.

V.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services and, if such statistics are available, information regarding the number of workers covered by the relevant legislation, the exceptions allowed under Articles 3 and 4 of the Convention and the number of workers affected by such exceptions, the number and nature of the contraventions reported, etc.

Bulgaria. — The report does such refer to this point.

Estonia. — The number of undertakings in which night work in bakeries was carried on at the end of 1931 stood at 465. These undertakings employed 869 workers. During that year 162 breaches of the Act of 25 March 1929 were reported by the labour inspectors. In 143 cases the inspectors instituted proceedings and in 19 cases a warning was issued to the heads of the undertakings concerned.

Finland. — The Government states that in the report for the year 1931 statistical information for the year 1928 was given. That information having become out of date, and no new enquiry having been undertaken, there does not exist any new statistical information in this connection.

Luxemburg. — The report states that no breaches were reported during the period covered.

EIGHTH SESSION (GENEVA, 1926)

XXI. Convention concerning the simplification of the inspection of emigrants on boardship.

This Convention came into force on 29 December 1927. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1932 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	
Australia	18. 4.1931	21.10.1932
Austria	29.12.1927	7.11.1932
Belgium	15. 2.1928	27.10.1932
Bulgaria	29.11.1929	2.12.1932
Czechoslovakia . .	25. 5.1928	27. 1.1933
Finland	5. 4.1929	8.11.1932
Hungary	3. 2.1931	5. 1.1933
India	14. 1.1928	22.12.1932
Irish Free State . .	5. 7.1930	8.11.1932
Japan	8.10.1928	15. 2.1933
Luxemburg	16. 4.1928	1.11.1932
Netherlands	13. 9.1927	27.10.1932

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

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 there is in existence no legislation or administrative regulations for the application of the provisions of the Convention.

The report of the Government of *Bulgaria* states that no special legislative measures have as yet been adopted for the application of the Convention. By letter of 16 March 1933 the Government completed its report by stating that the Convention is fully applied by the Emigration Act of 1908. Under the terms of this Act an "emigrant" is defined as any Bulgarian subject who leaves his country in order to settle in a foreign country. Overseas emigration is however, prohibited in the following cases: (a) persons under 18 years of age; (b) persons over 50 years of age; (c) persons incapable of working on account of physical or moral defects; (d) persons convicted of misdemeanours; (e) persons against whom legal proceedings are being taken; (f) parents who have not provided for the upbringing of their children under age. The Act contains no definition of the term "emigrant vessels". All infringements of the Act which may be committed in the course of a voyage are recorded by the Bulgarian diplomatic or Consular representatives or, in cases where there are no such representatives, by the local authorities (§ 47).

The report of the Government of *Finland* states that up to the present it has not been necessary to draft 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.

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."

The report of the *Irish Free State* Government states that there are no regulations

in force regarding inspectors on board emigrant ships. The existing regulations governing emigrant ships are those laid down in the Merchant Shipping Act, 1894, amended by the Merchant Shipping Act of 1906. They provide for an effective inspection of emigrants before the departure of the ship. Consolidated merchant shipping legislation is in course of preparation and, by the ratification of the Convention, the Government has undertaken that the provisions regarding emigrant ships in this new legislation will not be out of harmony with the Convention.

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.

The report states that the provisions of the Convention itself came into force in Austria on 29 December 1927, the date of registration of the ratification of the Convention by Austria.

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.

India.

Indian Emigration Act, 1922 (L. S. 1922, Ind. 2), as amended by Act XXVII of 1927 (L. S. 1927, Ind. 1).

Irish Free State.

See introductory note.

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.

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."

Irish Free State. — The report states that the expression "emigrant ship" means in effect every sea-going ship carrying more than fifty steerage passengers on any voyage from Saorstát Éireann to any port out of Europe and not within the Mediterranean sea, whether or not such passengers have all been embarked at a port in Saorstát Éireann. The expression "steerage passengers" means all passengers except cabin passengers.

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.

Irish Free State. — The report states that no steps have been taken by the Government to place observers on board emigrant ships.

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.

XXI. Inspection of emigrants on board ship.

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 there is no reason for that country to appoint official inspectors. The report adds that up to the present no agreements have been concluded with other Governments on the question of appointing official inspectors.

India. — See under ARTICLE 2.

Irish Free State. — The report states that no system has been established for official emigrant inspection after the departure of the ship and no arrangements have been made with other Government as to inspectors.

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, under § 1 (3) of the above Order, 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.

Irish Free State. — See under ARTICLE 3.

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. — The report does not refer to this Article.

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.

Irish Free State. — The report states that no observations are necessary with regard to this Article.

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. — The report does not refer to this Article.

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

Irish Free State. — The report states that no observations are necessary with regard 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. — The report does not refer to this Article.

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

Irish Free State. — The report states that no observations are necessary with regard to this Article.

XXI. Inspection of emigrants on board ship.

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

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

stances. The Governor of *Curaçao* states 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.

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 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 has now been re-examined by the competent authorities and the conclusion reached is that local conditions do not lend themselves to application.

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. — The report states that in view of the condition imposed by Article 3 it is considered that the Convention cannot be applied to the *Netherlands East Indies*. As emigrants, especially to *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 *Netherlands East Indies*. A modification of the emigration regulations is in preparation. The Governor of *Surinam* states 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 circum-

IV.

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. In particular, please supply information on the organisation and working of inspection.

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 introductory note.

Hungary. — The question does not arise. The report states that, since Hungary possesses neither national seaports nor emigrant ships, the organisation and working of inspection does not concern her.

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.

Irish Free State. — The administration of the law relating to emigrant ships is exer-

cised by the Department of Industry and Commerce through its emigration officers at the ports.

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.

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.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information 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.

Australia. — See introductory note.

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 1932 will be communicated later.

Belgium. — The report states that it is impossible at present to give statistics for 1932 and that this information will be communicated later.

Bulgaria. — See introductory note.

Czechoslovakia. — The report states that summary tables relating to Czechoslovak overseas emigration for 1931 are included in the Reports of the State Statistical Office, XIIIth year, 1932, Nos. 84 and 85. Similar information for the first quarter of 1932 is given in the Reports of the State Statistical Office, XIIIth year, 1932, No. 113.

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 1931, 1,207 Hungarian nationals were carried overseas as emigrants. During the first nine months of 1932 the number was 548.

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 1932 is: Ceylon, 68,337 and Malaya, 111. During the year 1932 their number up to 1 July is: Ceylon, 33,640 and Malaya, 14. The large reduction in the number of Indian emigrants to Ceylon and Malaya is due, as in 1931, to general economic depression, particularly in rubber and tea industries.

Irish Free State. — There are no regulations in force regarding inspectors on board emigrant ships. The emigrant trade from Saorstát Eireann is all in the hands of non-Saorstát shipping companies. During the nine months 1 October 1931-30 June 1932 the number of emigrants of Saorstát Eireann nationality was 593. The number in the year 1931 was 1,462 and in the year 1930 the number was 15,966.

Japan. — The report states that no information on this question is available.

Luxemburg. — See introductory note.

Netherlands. — See introductory note.

NINTH SESSION (GENEVA, 1926)

XXII. 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 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931-30 September 1932 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3. 10. 1927	27. 10. 1932
Bulgaria	29. 11. 1929	2. 12. 1932
Cuba.	7. 7. 1928	
Estonia	10. 5. 1929	24. 10. 1932
France	4. 4. 1928	30. 12. 1932
Germany	20. 9. 1930	7. 11. 1932
Great Britain . . .	14. 6. 1929	9. 11. 1932
Irish Free State . .	5. 7. 1930	15. 11. 1932
Italy.	10. 10. 1929	10. 12. 1932
Luxemburg	16. 4. 1928	1. 11. 1932
Poland	8. 8. 1931	7. 12. 1932
Spain	23. 2. 1931	13. 12. 1932
Yugoslavia	30. 9. 1929	7. 11. 1932

The *Bulgarian* Government states, in its report, that the legislative provisions necessary for applying the Convention have not been adopted. By letter of 16 March 1933, the Government completed this information by stating that the provisions of the Convention are effectively applied by legislation of a date earlier than that of ratification, viz: the Act of 1908 concerning maritime trade and the Regulations of 8 April 1923 concerning the crews of commercial vessels of the Bulgarian Navigation Company. § 1 of the Regulations lays down that

crews of vessels consist of all persons employed on board. § 8 defines the term "master" as the person who is in charge of and commands the vessel. § 43 of the Act concerning maritime trade stipulates that articles of agreement must be signed by the master and the seaman and entered in the muster roll. §§ 44 and 46 of the same Act lay down that articles of agreement must be concluded for the fixed period of the voyage. In cases where this period is not stated in the articles of agreement, the seaman has the right to denounce the agreement two years after beginning his service.

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The *Italian* Government states, in its report, that new model articles of agreement for the crews of passenger ships with a displacement of more than 50 tons came into force in Italy on 2 November 1932.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The *Spanish* Government states, in its report, that the provisions of the Convention may be deemed to be virtually in agreement with those of the Labour Code of 23 August 1926 in so far as these refer to seamen, viz. signature of the agreement by the parties concerned, intervention of the authorities, discharge, guarantees for ensuring that the seaman understands the terms of the agreement, etc. Ratification of the Convention has not so far involved any amendment or change in the legislation at present in force, on other points which might require measures of this kind. As a result of the National Maritime Conference held in

1932, however, the Government is carefully considering how to apply the provisions of this legislation, in agreement with the Convention, to the maritime transport industry.

By letter of 2 November 1932 accompanying its annual reports the Yugoslav Government states that the Bill concerning regulations for work on board maritime vessels, of which mention has been made in preceding reports, is at present before the Committee for Codifying Private Maritime Law attached to the Ministry of Justice. This Committee has given its opinion to the Ministry of Transport and Communications, which is the competent body for legislating on this subject, to the effect that the Bill should not be presented to Parliament until the drafting of the Bill for codifying private maritime law is completed.

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).

Bulgaria.

See introductory note.

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)).

Irish Free State.

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 No. 417 of 14 January 1929 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).

Poland.

Seamen's Code of 2 June 1902 (B.B. 1902, Vol. I, p. 357 (French ed.)).

Act of 28 May 1920 concerning Polish merchant shipping, amended by Decree of the President of the Republic of 6 March 1928.

Spain.

Labour Code of 23 August 1926, Book I, Title III, (§§28-56), seamen's articles of agreement (L. S. 1926, Sp. 5).

Royal Decree of 31 May 1922 approving regulations for work on board cargo and passenger ships (L. S. 1922, Sp. 4).

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).

Regulations of 25 April 1774 concerning navigation, kept in force by Order of 25 February 1919 (No. 15268) of the Ministry of Transport.

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.

Bulgaria. — See introductory note.

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 department, 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.

Irish Free State. — The report states that the existing law more than covers the terms of this Article, as the provisions relating to articles of agreement (which are mainly contained in Part II of the Act of 1894) generally apply to all sea-going ships except coasting vessels not exceeding fifteen tons net tonnage.

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.

Poland. — The report states that under §§ 1 and 2 of the Seamen's Code of 2 June 1902 the Code applies to all merchant vessels flying the Polish flag and to all persons engaged at the owner's expense to serve on board during the voyage. It applies therefore to both officers and seamen (members of the crew) ; it does not, however, apply to the masters, who conclude agreements with the shipowners on the basis of general civil and commercial law. The limit of tonnage in respect of vessels engaged in "home trade" is not fixed in Poland.

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.

Bulgaria. — See introductory note.

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 defines "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.

Irish Free State. — The terms "vessel", "seaman", "home trade", etc. are defined in § 742 of the Act of 1894 (see the summary given above under *Great Britain*).

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.

Poland. — The report states that Polish legislation is in agreement with Article 2 of the Convention as regards the definition required. It must be remarked, however, that the idea of "home trade" is not known in Polish legislation and that there are no limits fixed for coasting trade which may affect the conditions and methods of engaging seamen. (For the definitions given by the Seamen's Code see the summary given above under *Germany*.)

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 (*dotacion*), which shall consist of officers and ordinary members of the crew (*tripulantes*). The following persons shall be deemed to be officers, viz. mates, ship's engineers, doctors, chaplains, super-cargoes, 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 (*tripulacion*), 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. The report adds that at the Maritime Conference held at Madrid in 1932 the officers were in favour of maintaining the present legislation, which permits them either to be included in agreements for crews or to conclude other agreements possibly

more favourable than those in force for other members of the crews. (c) The Code contains no definition of the term "master". (d) The report states that there is no tonnage limit for vessels engaged in the coasting trade. Coasting trade is defined as navigation between Spanish ports of the peninsula, possessions in North and North-West Africa and the Balearic and Canary Islands, and also navigation between these ports and the port of Gibraltar and Portuguese and Moroccan ports possessing Spanish consulates.

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.

Bulgaria. — See introductory note.

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 88) 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.

Irish Free State. — The provisions as to the signing of agreements are contained in Part II of the Act of 1894 (see the summary of these provisions given above under *Great Britain*).

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.

Luxemburg. — See introductory note.

Poland. — The report states that under § 27 (1) of the Seamen's Code articles of agreement may be concluded in writing or orally, and in the latter case the articles are equally valid and protected by law, which has been found to be to the advantage of the seaman. After articles of agreement have been entered in the list of the crew, which is done officially at the shipping office, the agreement is signed by the master, as representing the shipowner, and also by the seaman. For the last few years collective agreements have been concluded in Poland with seamen's trade unions, and this gives the seaman facilities for examining the articles of agreement. Under § 1 (1) of the Seamen's Code articles of agreement may not contain anything which is contrary to the provisions of the national law. Further, in order to ensure the interests both of the shipowner and of the seaman the law requires that a seaman who is a minor shall only be engaged with the consent of his legal representative and, finally, the law provides that a copy of the Seamen's Code shall be given to every seaman with his discharge book at the time when he is engaged.

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 adds that the provisions with regard to the application of paragraph 1 (signing of the agreement both by the shipowner or his representative and by the seaman, and facilities to examine the articles of agreement before they are signed to be given to the seaman and also to his adviser), and of paragraph 4 (provision to ensure that the seaman has understood the agreement) are also included in the Bill for amending the Labour Code, which is at present being drafted.

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. § VII (15) lays down that articles of agreement shall be drawn up in writing and entered in the ship's papers. In cases where this is not done, declarations by officers or seamen made on oath may be taken as evidence. § 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.

Bulgaria. — See introductory note.

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.

Irish Free State. — The report states that § 114 of Part II of the Act of 1894 generally covers this Article (for the provisions of § 114 see the summary given above under *Great Britain*).

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.

Poland. — The report states that "any such agreements are considered null and void under the Polish Constitution. The shipping office would not enter in the list of the crew any agreement which departed from the ordinary rules as to jurisdiction over the agreement".

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.

Bulgaria. — See introductory note.

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 it is reprinted. This will take place shortly. The discharge book contains the text of the Seamen's Code. A specimen of it 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 affords 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.

Irish Free State. — Certificates of discharge which contain a record of the seaman's employment are provided for by § 128 of the Act of 1894 (for the text of § 128 see the summary given above under *Great Britain*). The report adds "as regards the second paragraph of the Article, the law in force is not quite in harmony with the Convention, but the merchant shipping legislation which is at present in course of preparation will take the point into account. The certificate of discharge given to seamen discharged before the superintendent of a Mercantile Marine Office does contain columns for report of character (a) for ability and (b) for general conduct". The report further states that "by § 129 of the Merchant Shipping Act, 1894 the seaman may have a report of his character inserted on his discharge certificate or he may have the report on a separate sheet or he may refuse to have a report on his character in any form". Specimen forms of discharge certificates have been sent to the International Labour Office.

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.

Luxemburg. — See introductory note.

Poland. — Under § 7 of the Seamen's Code the seaman is given a discharge book containing the necessary details as to his service on board. The report adds "this book may not contain any appreciation of the quality of the seaman's work. The heading in the book for the mention of salary will be suppressed when the book is reprinted; meanwhile an Order of the Ministry of Industry and Commerce of 18 October 1932 lays down that in the books at present in use this heading shall not be filled in". A specimen of the discharge book has been forwarded to the International Labour Office.

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 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. The report does not indicate what these entries are. The Labour Code contains no provision conforming to paragraph 2 of this Article.

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.

Bulgaria. — See introductory note.

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 concern 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.

Irish Free State. — Provisions corresponding to those of the Convention are given in § 114 and § 115 of the Act of 1894. (For a summary of these provisions see above under *Great Britain*.) The report adds that the law does not provide for agreements for an indefinite period. In addition, a list of young persons has to be included in agreements in accordance with the Employment of Women, Young Persons and Children Act, 1920.

Italy. — In accordance with the model agreements for passenger ships which were in force up to 2 November 1932, articles of agreement were concluded in Italy by the month or for a specified number of months, and were valid without regard to the voyage or destination of the ship. (The new national agreement for passenger ships of more than 50 tons tonnage, which came into force on 2 November 1932, lays down that articles of agreement shall be concluded for an indefinite period.) In the case of cargo ships, the new national model articles of agreement 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 ship-owner 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 of more than 50 tons tonnage, and in the new agreement for passenger ships with a tonnage of more than 50 tons.

Luxembourg. — See introductory note.

Poland. — The report states that under § 28 of the Seamen's Code articles of agreement may be concluded either for a voyage or for a definite period or for an indefinite period. The predominant type of agreement is that for a definite period. In the case of a contract for an indefinite period, the amount of notice to be given, which is fixed in Poland by law at 24 hours, has been extended by a Ministerial Order of 23 November 1929 to 48 hours. The conditions of such agreements, viz: amount of salary, pay for supplementary and special work, extra pay for sea voyages, holidays, scale of provisions and rations, insurance of seamen's possessions on board and the terms of promotion and increase of salary in the case of promotion are settled by collective agreements. The list of the crew includes all the essential details of these agreements. It comprises, among other details, the surname and christian names of the seaman, the date and place of his birth and his place of residence, and the place and date of the conclusion of the agreement, the name of the ship, type of service (or position) to which the seaman is appointed, scale of provisions, amount of salary and date of expiry of the agreement (also whether the agreement has been concluded for the voyage or for a period) and, if they are granted, the amount of holidays.

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. 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. 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. § 31 adds that if the vessel sails on a voyage which is expected to last one month or more longer than the period for which the agreement was concluded, the person engaged may give notice not less than four days before the sailing of the vessel of his intention to cancel the agreement and on the expiry of these four days the agreement shall be rescinded. If the agreement expires when the vessel is at sea, it shall be considered as prolonged up to the moment of the arrival of the vessel in the port to which the person engaged is to be returned; but if, before that date, the vessel calls at a Spanish port and if it would take more than a fortnight longer to reach the aforesaid port (port of discharge) either party may denounce the agreement. § 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. The above provisions of § 35 No. 3 are completed by § 32 which lays down that the shipowner possessing several vessels may engage persons for fixed periods for work on one or more specified vessels or on all of such vessels; in the first case the name of the vessel or vessels shall be specified in the corresponding agreement; in the second case it shall not be necessary to mention the vessels by name. An agreement for a fixed period may be concluded for particular shipping lines instead of referring to particular vessels. With regard to paid holidays, the Decree of 31 May 1922 lays down in § 4 that every master or officer of the bridge or engineering officer who has served for twelve consecutive months on the same vessel or on different vessels belonging to the same company shall have the right to one month's holiday with full pay. No similar provisions exist for other members of the crew.

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 Order does not distinguish between the three kinds of agreement mentioned in (10) (a), (b) and (c) of this Article, but the report states that Yugoslav legislation does not provide for the conclusion of agreements for an indefinite period.

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.

Bulgaria. — See introductory note.

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.

Irish Free State. — The provisions relating to lists of crew are contained in § 253 of the Act of 1894 (see above under *Great Britain*). The report adds that this § does not require the list to be carried on board the vessel. The agreement serves as the list of crew during the voyage after which it is retained by the proper Department.

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).

Luxembourg. — See introductory note.

Poland. — Under § 14 (2) of the Seamen's Code the list of enrolment or list of crew is kept on board and agreements are copied on to this list.

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.

Bulgaria. — See introductory note.

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. In addition, the chief legislative provisions relating to the seaman's rights and obligations are entered in the seaman's book, which is held at the disposal of the seaman by the maritime authority.

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.

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Irish Free State. — § 120 of the Act of 1894 requires a copy of the agreement to be exhibited in some part of the ship which is accessible to the crew.

Italy. — It is stated in the collective articles of enrolment 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.

Poland. — § 113 of the Seamen's Code lays down that a copy of the Code, a copy of the regulations as regards food and accommodation for seamen on board and an extract from the list of crew containing the conditions of the agreement shall be kept on board and shall be accessible at any time to members of the crew.

Spain. — The report states that provisions equivalent to those of the present Article are included in the Bill to amend the Labour Code, which is in process of being drafted.

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.

Bulgaria. — See introductory note.

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 for the first nine months of 1931 stated 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. At its meeting in 1932, the Committee of Experts noted that "as a result of the discrepancy between the Convention and Estonian law, an Estonian seaman may in some cases be deprived of a right which, under Article 9 of the Convention, he should enjoy". In reply to this observation, the report for 1931-1932 states that theoretical considerations with regard to this discrepancy should yield to considerations of the actual risks run by an Estonian seaman dismissed in a foreign port.) 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.

Irish Free State. — The law does not provide for agreements for an indefinite period.

Italy. — Articles of agreement for passenger ships were concluded, up to

2 November 1932, by the month or for a specified number of months. (The new collective agreements, which came into force on that date, only allow for agreements for an indefinite period). 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.

Poland. — § 28 of the Seamen's Code provides that in the case of an agreement for an indefinite period the agreement shall stipulate the amount of notice to be given or shall define, by a special clause, the method of concluding the agreement. In the absence of such provisions either party may cancel the agreement by giving notice in any port where the vessel is loading or unloading. The report adds that in Poland 48 hours' notice is given. The law does not stipulate that this notice shall be given in writing, but an amending Bill to this effect is being drafted. Meanwhile the obligation of cancelling the agreement in writing is enforced by an Instruction of the Ministry of Industry and Commerce of 18 October 1932. Under § 77 (1) a seaman asking for his discharge in a foreign country may only obtain it contrary to the master's consent if a provisional decision is given by the shipping office, unless the vessel changes its flag. A Bill is being drafted for putting into force the provisions of paragraph 3 of this Article of the Convention.

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.

Bulgaria. — See introductory note.

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).

Irish Free State. — The report states: "Though specific provisions on the points are not included in the Merchant Shipping Acts the termination of the agreement by mutual consent and by the death of the seaman are recognised in law. The law implies the termination of the agreement on the wreck or loss of the ship (§ 158 of the Act of 1894). The same is applied in the case of total unseaworthiness by § 458".

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) and in the new agreement for passenger ships with a tonnage of more than 50 tons.

Luxemburg. — See introductory note.

Poland. — The report states that by virtue of the general principle of jurisdiction in Poland the agreement may always be terminated by mutual consent. Under § 64 of the Seamen's Code, the death of the seaman also terminates the agreement. Under § 69 of the Code, the agreement terminates in case of shipwreck, unseaworthiness, loss or capture of the vessel.

Spain. — The report states that provisions equivalent to those of the present Article are included in the Bill to amend the Labour Code, which is in process of being drafted.

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". According to its text, § VI (3) applies only to Yugoslav seamen.

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 (§ 98).

Bulgaria. — See introductory note.

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 inca-

pable 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, or for any other reason affecting the vessel or its cargo. 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.

Irish Free State. — See reply given under ARTICLE 10.

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.

Poland. — The report states that § 70 of the Seamen's Code applies this Article of the Convention. For the text of § 70 see the summary given above under *Germany*.

Spain. — The report states that provisions equivalent to those of the present Article are included in the Bill to amend the Labour Code, which is in process of being drafted.

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 authorise 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.

Irish Free State. — See reply given under ARTICLE 10.

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.

Poland. — Provisions corresponding to those of this Article of the Convention are included in § 74 of the Seamen's Code. For the text of these provisions see the summary given above under *Germany*.

Spain. — The report states that provisions equivalent to those of the present Article are included in the Bill to amend the Labour Code, which is in process of being drafted. § 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.

Bulgaria. — See introductory note.

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 substi-

tute 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.

Irish Free State. — The report states that discharge by mutual consent is generally arranged to meet cases of the kind referred to in this Article.

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.

Poland. — Under § 74 (5) of the Seamen's Code, the seaman may claim his discharge if he wishes to qualify as an engineering officer, second in command, or master, or to accept a post as master which has already been offered him; in this case he is required to provide a substitute capable of doing his work in order that the voyage may not be delayed. In such case, the seaman is entitled to his wages up to the time when he leaves his employment (§ 75 (2) of the Seamen's Code).

Spain. — The report states that provisions equivalent to those of the present

Article are included in the Bill to amend the Labour Code, which is in process of being drafted.

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.

Bulgaria. — See introductory note.

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: "It is true 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. The Act of 2 July 1890, however, which applies to seamen, only confers on the worker the absolute right to demand a certificate of employment and, according to French practice, 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. The Committee of Experts recognised this fact in its last report."

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.

Irish Free State. — The report states that "particulars of discharges are inserted in the agreement and the discharge certificate. Certificates as to conduct and ability are included in discharge certificates in certain cases. A record of his service is obtainable by a seaman from the

official records". § 129 of the Act of 1894 provides that a copy of the master's certificate of the seaman's ability shall be given to the seaman if he wishes it.

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.

Poland. — § 19 of the Seamen's Code lays down that, before discharge, the master shall enter in the discharge book the rank, conditions of service and period of service of the seaman to be discharged. If the seaman asks for it, the master shall give him a certificate, but this certificate shall not be included in the discharge book. Under § 22 of the Code, the shipping office confirms the entries in the discharge book and in the list of the ship's crew.

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, after re-examining the possibility of applying the Convention to the *Belgian Congo*, has come to the conclusion that in the present state of development of the Colony the Convention cannot be applied. The matter is of no practical importance for the Mandated Territory, which is an inland territory. § 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. Nevertheless, the Department of Colonies proposes to have the possibility of adopting the Convention examined by the various Colonies.

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, Bermuda, Leeward Islands, Hong Kong, Federated Malay States and Tonga.* 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 application of the Convention extends to all territories under Spanish sovereignty.

The question does not arise for the other reporting countries.

IV.

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. In particular, please supply information on the organisation and working of inspection.

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.

Bulgaria. — See introductory note.

Estonia. — The application of the Acts of 31 January and 22 March 1928 falls within the competence of the Ministry of Communications (Department of Waterways). The agents of application are the harbour masters, the senior officer of the Seamen's Institute, the other agents of that Institute, and the Estonian consuls abroad.

France. — The application of the Seamen's Code, and especially of those of its provisions which refer to seamen's articles of agreement, falls within the competence of the Ministry of Mercantile Marine (Department of Maritime Labour). The responsible agents for its application in ports are the shipping registration authorities aided, in so far as visits on board ship and questions of complement on board are concerned, by the inspectors of maritime navigation. The shipping registration authorities, who are required to supervise embarkation and disembarkation of seamen and the conditions of their engagement at the moment when the list of crew is passed, possess every facility for seeing if the application of maritime regulations is satisfactory. Further, they may refuse their visa in cases where the agreement contains a clause contrary to the provisions of public order as prescribed by law. The duty of the inspectors of maritime navigation when they go on board ship, before the departure of the vessel or at any time when they consider it desirable, is to ensure that the master is following the regulations as regards the crew and the legal provisions concerning the food to be given to crews. As far as French legislation is concerned therefore, the enforcement of the application of the provisions of the Convention on articles of agreement is very strict, since the sailing permit may be refused, by not passing the list of crew, to any vessel where the seamen have not been engaged under the necessary conditions. The sanctions for this provision are included in §§ 71 and 72 of the Disciplinary and Penal Code of the mercantile marine, which inflicts fines in the case of vessels which do not possess lists of crew and in cases of embarkation and disembarkation of seamen without the visa of the maritime authority.

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. Under § 129 of the Seamen's Code, orders given by the Shipping Board or the consul shall be observed by both parties concerned. Under § 114 (3), infringement by the master involves a fine up to Mk. 150 or imprisonment. The Shipping Boards and the consuls must make sure, when a seaman is discharged, that the shipowner has fulfilled all his obligations with regard to the seaman. Non-observance of the decisions of the Shipping Board involves penalties which are laid down in § 114 (15) of the Seamen's Code.

Great Britain. — Under § 714 of the Act of 1894, the Board of Trade is the

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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.

Irish Free State. — The law and regulations regarding articles of agreement are administered by the Department of Industry and Commerce through their superintendents of mercantile marine offices at the various ports. The customs officers at the various ports have power to detain a ship if the master does not possess a certificate from the superintendent of the mercantile marine office that an agreement with the crew has been executed.

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.

Poland. — The application of the relevant legislative provisions is entrusted to the Ministries of Industry and Commerce and of Social Welfare. The executive bodies are the Navigation Offices (Maritime Office at Gdynia, Mercantile Marine Office at Gdansk), and the consulates. §§ 84 to 131 of the Seamen's Code of 2 June 1902 prescribes penal and disciplinary sanctions ensuring the application of these provisions.

Spain. — The report states that the application of the relevant legislation is entrusted to the maritime authorities and the labour inspection service.

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.

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.

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. On 31 May 1932, however, the maritime probiviral court gave a judgment with regard to the irregular discharge of six seamen belonging to the crew of the steamship "Mona". The steamship was sold at Rotterdam on 13 April 1932, and the six seamen concerned, whose articles of agreement had been concluded for a period of six months, had been paid off up to April 15 inclusive on being repatriated at Antwerp on 14 April. The court awarded them a sum equivalent to one month's pay as compensation.

The other reports do not refer to any decisions of this kind.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection and registration services, and, if such statistics are available, information concerning the number of seamen signed on during the year under review, the number and nature of the contraventions reported, etc.

Belgium. — The report states that the conditions of the agreement are fixed by the Act of 5 June 1928 concerning seamen's articles of agreement. The maritime authorities (maritime commissaries) to whom the agreement must be submitted in order to acquire force of law, see that the agreement does not contain any provision contrary to the law. Disputes between shipowners and crew arising out of the articles of agreement are settled by conciliation before the Consul or the Maritime Commissioner, or, in cases of non settlement, by the probiviral court.

Bulgaria. — See introductory note.

Estonia. — No information.

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. The principles of this legislation are moreover of long standing; it is part of maritime custom and does not give rise to any objection on the part either of seamen or shipowners. The statistics of seamen drawn up on 1 July 1932 and attached to the present report give detailed statistics of seamen grouped according to the nature of their work on board ship. These statistics show that the number of French seamen at this date was 189,225, of which 50,365 were not on board ship. The number of French seamen

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on board ship was therefore 138,860 divided as follows: officers of the bridge, 93,839; engineering officers, 18,063; catering staff, 15,093; sailing under foreign flags, 96; members of crews of the fleet or in other units, 11,769. In addition, the number of seamen on board ship included 8,552 colonials and 2,912 foreigners.

Germany. — In a letter dated 3 November 1932, accompanying its annual reports, the German Government states that the Convention is applied in Germany both in the letter and in the spirit. The report adds that the application of the provisions of the Convention have not given rise to any difficulty. The Government is not aware of any case of infringement nor has it received any reports of infringement from the Shipping Boards or the consuls.

Great Britain. — Statistics respecting the number of seamen engaged on British ships during the year are not available.

Irish Free State. — The report states that the provisions of the Merchant Shipping Act, which are generally in harmony with the Convention, are, as stated, applied at ports in Saorstát Éireann through the mercantile marine offices. No difficulties in the application of the law are experienced and evasions are practically unknown. During the period covered by this report there were no contraventions of the law. Statistics of the number of seamen signed on during the same period are not yet available.

Italy. — The report states that no special information is available with regard to the application of the Convention.

Luxemburg. — See introductory note.

Poland. — The report does not refer to this heading.

Spain. — The report states that no information of the kind required is available.

Yugoslavia. — The report does not refer to this heading.

XXIII. 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 1932, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1931 - 30 September 1932 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	27.10. 1932
Bulgaria	29.11.1929	2.12. 1932
Cuba	7. 7.1928	
Estonia	9. 7.1928	24.10. 1932
France	4. 3.1929	30.12. 1932
Germany	14. 3.1930	7.11. 1932
Irish Free State	5. 7.1930	23.11. 1932
Italy	10.10.1929	20. 2. 1933
Luxemburg	16. 4.1928	28.10. 1932
Spain	23. 2.1931	13.12. 1932
Yugoslavia	30. 9.1929	7.11. 1932

The Government of *Bulgaria* states in its report that the special legislative provisions for the application of the Convention have not been adopted. By letter of 16 March 1933, the Government completed this information by stating that the provisions of the Convention are effectively applied by legislation of a date earlier than that of the Convention, viz: the Act of 1908 concerning maritime trade and the Regulations of 8 April 1923 concerning the crews of commercial vessels of the Bulgarian Navigation Company. § 1 of the Regulations lays down that crews of vessels consist of all persons employed on board. § 8 of the Regulations defines as "master" the person who has charge and command of the vessel. § 63 of the Act concerning maritime trade stipulates that the master of the vessel shall pay, at the shipowner's expense, the cost of repatriation of every seaman discharged by him, if the discharge has been made with the consent of the shipowner, or shall have the seaman taken on board a vessel which is returning to his home country. §§ 58 and 59 of the Act lay down that the master of the vessel shall provide for the expenses of repatriation of any seaman who has been left behind for the reasons enumerated in Article 4 of the Convention.

The information supplied by the *Cuban* Government with reference to the application of the Conventions which have been ratified by Cuba is reproduced in the introductory note to the summary of the annual reports on the application of the *Convention concerning the employment of women before and after childbirth*.

The Government of the *Irish Free State* states in its report that the regulations relating to the repatriation of seamen are contained in the Merchant Shipping Acts of 1894 to 1906, principally in the Act of 1906. In the consolidated

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Merchant Shipping Code under preparation the repatriation provisions will be kept in harmony with the Convention.

The report of the *Italian* Government mentions the new national articles of agreement for the crews of passenger ships with a displacement of more than 50 tons, which came into force on 2 November 1932.

The Government of *Luxemburg* states that the Convention has no practical application in the Grand Duchy.

The *Spanish* Government states in its report that, in accordance with the resolutions of the National Maritime Conference held at Madrid in 1932, it is examining the amendments to the Spanish Labour Code which are necessary in order to bring those provisions of the Code which concern the repatriation of seamen into harmony with 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.

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 18 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.

Order of 16 June 1903 concerning the non-application of certain provisions of the Seamen's Code to vessels of small tonnage.

Irish Free State.

Merchant Shipping Acts of 1894 and 1906 (International Labour Office, *Studies and Reports*, Series P, No. 1, pp. 2 and 56 (extracts)).

See also introductory note.

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).

Poland.

Seamen's Code of 2 June 1902 (B.B. Vol. I, 1902, p. 379 (French ed.)).

Act of 2 June 1902 concerning the obligation for merchant vessels to take on board seamen to be repatriated (B.B. Vol. I, 1902, p. 379 (French ed.)).

Act of 28 May 1920 concerning Polish merchant vessels, amended by Decree of the President of the Republic of 6 March 1928.

Spain.

Labour Code of 23 August 1926, Book I, Title III (§§ 28-56) concerning seamen's articles of agreement (L. S. 1926, Sp. 5).

See also introductory note.

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 1924 (No. 2346).

Regulations of 25 April 1774 concerning navigation, kept in force by 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 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. — 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*.

Irish Free State. — The report states that the existing law covers this Article, except that there is no provision excluding vessels below a specified tonnage. For the provisions of this legislation 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.

Poland. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

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*.

Irish Free State. — (a), (b) and (c). The report states that in the existing law the definitions of the various terms mentioned correspond to those given in the Article. For the text of these definitions see the summary of the report of the *Convention concerning seamen's articles of agreement*. (d) The present geographical limits for a "home trade vessel" are :— Ireland, Great Britain and Northern Ireland, the Channel Islands, the Isle of Man and the continent of Europe between Brest and the River Elbe inclusive.

XXIII. Repatriation of seamen.

Italy. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

Luxemburg. — See introductory note.

Poland. — See summary of the report on the *Convention concerning seamen's articles of agreement*.

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. The report adds that it follows that the legislative provisions in force in Germany at the moment of ratifying the Convention offered to seamen all the necessary guarantees for repatriation in agreement with the provisions of the Convention. It was therefore unnecessary to supplement the provisions of the Seamen's Code which were already in force.

Irish Free State. — The report states that "the provision of the Merchant Shipping Act, 1906, and the regulations regarding repatriation are consistent with the principles of Articles 3, 4 and 5 of the Convention. In the case of a foreign seaman discharged or left behind during the term of the agreement and found in distress, the Superintendent of a Mercantile Marine Office or other proper officer may provide for his return home. In the case of a foreign seaman discharged at the termination of the agreement, the agreement usually contains a stipulation for repatriation mutually arranged between the master and the seaman; otherwise, the seaman is responsible for his own repatriation". As regards the Act of 1906, § 32 lays down that when the service of a seaman belonging to a British ship terminates at a port out of His Majesty's dominions otherwise than by the consent of the seaman to be discharged during the currency of the agreement, the master of the ship shall, besides paying the wages to which the seaman is entitled, make adequate provision in accordance with the Act for his maintenance and for his return, either to the port at which he was shipped, or to a port in the country to which he belongs, or to some other port agreed to by the seaman. Under § 32 (3), these provisions shall not apply in the case of a foreign seaman who has been shipped at a port out of the United Kingdom and discharged at a port out of the United Kingdom. Under § 33, where a British ship is transferred or disposed of at any port out of His Majesty's dominions, and a seaman belonging to that ship is discharged as a result of the

transfer, the provisions of the Act which refer to repatriation shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in the United Kingdom or not. §§ 46-48 of the Act of 1906 lay down the methods of repatriation. See also introductory note.

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, if possible of his own nation, 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 (§§ 50 and 52 of the new national articles of agreement for the crews of passenger ships with a displacement of more than 50 tons, which came into force on 2 November 1932), 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.

Poland. — The report states that §§ 72, 70 and 79 of the Seamen's Code apply this Article of the Convention (for the provisions of § 72, 70 and 79 of the Code see the summary given above under *Germany*). The report adds that, under the Code, foreign and national seamen have the same right to repatriation in case of need.

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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. See also introductory note.

Yugoslavia. — § VI (3) of the Regulations of 25 April 1774 concerning navigation provides that "seamen, our subjects, engaged in the ports of our seaboard, may neither leave their service nor be discharged in foreign ports, even if there is a mutual agreement between the master and the seaman that the agreement shall be cancelled or that the voyage shall be terminated. A seaman may not therefore leave his service under any pretext before the return of the vessel to a national port, except in the case of legal obstruction". § VII (4) of the same Regulations lays down that the shipowner shall pay the seaman maintenance and travelling expenses up to his return to a port on the national seaboard, where the commercial courts are called upon to give judgment as regards the expenses in case of dispute. The Regulations of 20 February 1824 provide that the consulates shall undertake the repatriation of their national seamen left in a foreign country as the result of an accident or for any other cause, and shall arrange for their return voyage free of charge on board a vessel bound for an Austro-Hungarian port, and shall arrange with the master of the said vessel for the

rations to be given to the seaman who is being repatriated. The report adds that a seaman must be repatriated to a port in his own country. Repatriation is carried out 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).

Irish Free State. — See under ARTICLE 3 above.

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.

Poland. — §§ 59, 69 and 72 of the Seamen's Code apply this Article (for the provisions of these sections of the Code see the summary given above under *Germany*).

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. See also introductory note.

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.

Irish Free State. — See under ARTICLE 3 above.

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.

Poland. — §§ 78 and 79 of the Seamen's Code apply this Article (for the provisions of these sections of the Code see the summary given above under *Germany*).

XXIII. Repatriation of seamen.

The report adds that officers must be repatriated as cabin passengers.

Spain. — See introductory note.

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, after re-examining the possibility of applying the Convention to the *Belgian Congo*, has come to the conclusion that in the present state of development of the Colony the Convention cannot be applied. § 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. The matter is of no practical importance for the Mandated Territory, which is an inland territory.

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". It is added that Tunisian vessels are mostly small, so that a case of repatriation from a foreign port rarely arises. 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 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. The Department of Colonies intends, however, to have the possibility of adapting the Convention examined by the various Colonies.

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 states that the Convention is applicable to all territories and places under Spanish sovereignty.

The question does not arise in the case of the other countries which have supplied reports.

IV.

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. In particular, please supply information on the organisation and working of inspection.

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. — In accordance with the Decree of 22 September 1891, which was substituted for that of 7 April 1850, a seaman who is a member of a vessel's crew and finds himself discharged or left behind, under any circumstances whatever, in a foreign country, or in one of the French oversea possessions, shall be repatriated as soon as possible by the French consul or the colonial authorities. These authorities shall, moreover, see that no member of the crew of a trading vessel shall be discharged during a voyage without legitimate cause, and it is for the authorities to define what is legitimate cause. It follows therefore that when a mercantile seaman is discharged in a foreign country the colonial authorities or consulate must ensure his repatriation, and masters of French ships returning to France are usually required to repatriate the seaman in question in accordance with certain fixed rules. The seaman's passage is paid by the maritime authority of the port of discharge. Further, the French authorities abroad or in the colonies must ensure the maintenance of seamen from shipwrecked vessels and must see that sick and wounded seamen who have been discharged are sent to hospital. In the latter case, the authorities pay the expenses themselves and cover themselves for the money advanced by drafts. It follows, therefore, that expenses of maintenance, treatment and repatriation are advanced by the maritime authorities and consulates in cases where they have not already been paid by the master of the vessel or the shipowner's representatives. The enforcement of these statutory provisions and the application of the relevant legislation are entrusted to the Minister of Mercantile Marine. This control of application is simplified by the fact that every discharge of a member of a crew must be entered in the list of crew which is compulsory for all vessels (Legislative Decree of 19 March 1852). Further, § 72 of the Disciplinary and Penal Code of the Mercantile Marine provides that every master who discharges a seaman without entering his discharge in the list of crew shall be fined by the maritime authority (fines of 50 to 300 francs are inflicted for vessels with a tonnage greater than 25 tons and of 16 to 50 francs in other cases). In addition, a master is liable to a fine of from 50 to 100 francs and imprisonment of from six days to two months, or to one or other of these penalties only, if he leaves an officer, boatswain or member of his crew ill or wounded in a port where there is no French authority without providing him with the means for securing treatment and repatriation (§ 67 of the Disciplinary and Penal Code of the Mercantile Marine).

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. Under § 129 of the Seamen's Code, the master must carry out the decisions of the consulate. Non-observance of these decisions involves penalties laid down by § 114 (15) of the Seamen's Code. Further, § 113 (4) of the Seamen's Code lays down that the master may be fined up to 300 marks, arrested, or sentenced to imprisonment up to three months for having left a seaman behind in a foreign country.

Irish Free State. — The Department of Industry and Commerce is the authority in the Irish Free State which deals with repatriation cases. Superintendents of Mercantile Marine Offices in the ports take the necessary steps.

Italy. — The supervision of the observance of the provisions relating to articles of agreement is entrusted, in the Kingdom, to the port authorities and, abroad, to the consular authorities.

Luxemburg. — See introductory note.

Poland. — The application of the relevant laws and regulations is entrusted in Poland to the Ministries of Industry and Commerce and of Social Welfare. The competent executive bodies are the following: the Shipping Offices (the Maritime Office at Gdynia and the Mercantile Marine Office at Gdansk) and the consulates abroad. In virtue of the Act of 2 June 1902 concerning the obligation for merchant vessels to take on board seamen to be repatriated, the above-mentioned authorities are charged with the duty of negotiating with masters of Polish vessels in order to ensure that they shall repatriate seamen who are entitled to repatriation if the necessity arises.

Spain. — The report states that the application of the relevant legislation is entrusted to the maritime authorities and the labour inspection service.

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.

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.

Belgium. — The report states that unimportant disputes have been settled by the Maritime Commissioner, acting as intermediary either directly or by conciliation (under § 109 of the Act of 5 June 1928), without the conciliatory decision being recorded. One case was laid before the Seamen's Probiviral Court, set up under the above-mentioned Act. The case concerned a Belgian seaman whose illness (hernia) had become more serious during the voyage and who, when his vessel put in at Salonika, had not been allowed, owing to his state of health, to return to Antwerp on board the same vessel. Having made the return journey by railway, he appealed to the Probiviral Court for a grant of 819 Belgian francs, representing 21 days' pay, and 1448 Belgian francs as repayment of travelling expenses, making a total of 2267 Belgian francs. Since the Court ascertained that, according to the opinion of the doctor at Salonika who was consulted with regard to the seaman's state of health, no immediate medical or surgical treatment had been necessary, and that the master of the ship had only required the seaman, on the return voyage from Salonika to Antwerp, to do work which was possible in his state of health, the Court rejected the seaman's appeal and granted him 600 Belgian francs as compensation.

The other reports supplied do not mention any such decisions.

VI.

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.

Belgium. — The report states that there is in general no difficulty in applying the Convention. During the period covered by the report there were 21 cases of repatriation.

Bulgaria. — See introductory note.

Estonia. — No information.

France. — The report states that it has been impossible to draw up statistics of the number of seamen repatriated, since some have been discharged by mutual consent, some as a result of illness or accident and some for disciplinary reasons or because they were due to come up for trial.

Germany. — In a letter dated 3 November 1932, accompanying its annual reports, the German Government states that the Convention is applied in Germany both in the letter and in the spirit. The report states in addition that the application of the provisions of the relevant legislation have not given rise to any difficulty. The Government is not aware of any cases of infringement nor has it received any reports of infringements from the shipping offices or the consulates.

Irish Free State. — The report states that repatriation cases occur but rarely in the Irish Free State. No difficulties have been experienced in carrying out the regulations and no contraventions have occurred.

Italy. — The report does not refer to this heading.

Luxemburg. — See introductory note.

Poland. — The report does not refer to this heading.

Spain. — See introductory note.

Yugoslavia. — The report does not refer to this heading.

TENTH SESSION (GENEVA, 1927).

XXIV. 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 1932 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1931-30 September 1932 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2.1929	7.11.1932
Bulgaria	1.11.1930	2.12.1932
Chile	8.10.1931	20.12.1932
Czechoslovakia . .	17. 1.1929	27. 1.1933
Germany	23. 1.1928	7.11.1932
Great Britain . . .	20. 2.1931	24.11.1932
Hungary	19. 4.1928	5. 1.1933
Latvia	29.11.1929	6. 2.1933
Lithuania	19. 6.1931	12.11.1932
Luxemburg	16. 4.1928	1.11.1932
Rumania	28. 6.1929	
Yugoslavia	30. 9.1929	7.11.1932

The Government of *Luxemburg* states in its report that the Act of 17 December 1925 concerning the Insurance Code only provides for optional insurance for domestic servants and that a Bill to pro-

vide for compulsory insurance for domestic servants has been laid before the Chamber of Deputies. Under § 1(2) of the Act, however, domestic servants engaged in partial but regular employment in the industrial or commercial undertaking of their employers are already subject to compulsory insurance.

The report of the *Rumanian* Government has not yet been received¹.

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).

¹ The report was received by the Office on 31 March 1933. For the summary of it, see APPENDIX A below.

XXIV. Sickness Insurance (Industry, etc.).

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity (L.S. 1926, Chile 1).

Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.

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).

Fourth Presidential Order, of 8 December 1931, to ensure financial and economic equilibrium and to safeguard internal peace (L.S. 1931, Ger. 9).

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).

National Health Insurance and Contributory Pensions Act of 13 July 1932 (L.S. 1932, G. B. 8).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1932.

Hungary.

Act No. XXI of 1927 concerning compulsory insurance against sickness and accidents (L.S. 1927, Hung. 1).

Act No. XXXII 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).

Lithuania.

Sick Funds Act of 9 December 1925 (L.S. 1925, Lith. 3), as amended by Acts of 14 May 1928 (L.S. 1928, Lith. 1), 6 May 1929 (L.S. 1929, Lith. 1) and 2 August 1931 (L.S. 1931, Lith. 1).

Act of 23 March 1926 respecting the Central Insurance Board (L.S. 1926, Lith. 1).

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).

See also introductory note.

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 homeworkers 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*, and who 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 is excluded under certain conditions (see 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. The husband or wife, children under age, and parents and grandparents of an employer are also exempt from compulsory insurance.

Chile. — § 1 of Act No. 4054 states that sickness insurance shall be compulsory for all persons under the age of sixty-five 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. Persons employed on probation or apprentices shall also be liable to insurance, even if they do not receive a wage or salary, and also workers, artisans or craftsmen who work independently, persons who perform work or services directly for the public in streets, public gardens, galleries or shops, small manufacturers and small tradesmen, whether itinerant or not, provided that their average annual income does not exceed 8,000 pesos. The persons mentioned above who belong to a mutual benefit society which grants its members benefits equivalent to those of the insurance system shall be exempted from insurance, provided that the society in question has been approved by the Fund. The report adds that Chilean legislation does not allow for any exception other than salaried persons whose annual income exceeds 8,000 pesos.

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 (§ (1) 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, 1932); (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 only 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.

Lithuania. — § 12 of the Sick Funds Act of 9 December 1925 provides that "every person, irrespective of sex or age, who

is in the paid employment or service of the State, local authorities or private persons, shall be compulsorily insured against sickness under this Act". (a) Under § 13 as amended by the Act of 14 May 1928, compulsory insurance does not apply to "persons who are engaged for temporary or occasional work lasting not more than one month." (b) Insurance is compulsory for every person, irrespective of his earnings or income. § 15 (1) of the same amending Act lays down, however, that "the value of the insurance shall not exceed a maximum of 400 litas a month", which amount is taken into account in the calculation of contributions and benefits. (c) The Act does not envisage exceptions for workers who are not paid or who are not paid a money wage. The report states that these workers are insured in the same way as other workers, but their contributions are paid by the employer. (d) and (e) Lithuanian legislation does not provide for these exceptions. (f) The report states that the legislation in force does not define the term "employer's family", and members of the employer's family must therefore be insured if they are wage-earners. As regards paragraph 3 of this Article of the Convention, the report states that the following classes of workers are exempt from compulsory insurance: employees and workers in the Ministry of Communications and the Bank of Lithuania, workers in the depôts of the State alcohol monopoly, employees and workers in the electric stations at Kaunas and members of the association of Saint-Zita. The persons mentioned above receive, in case of sickness, assistance which must not be less than the assistance provided for under the Sick Funds Act.

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. The Act provides for the optional insurance of domestic servants. The report states that a Bill to provide for compulsory insurance for domestic servants has been laid before the Chamber of Deputies. Domestic servants engaged in partial but regular employment in the industrial or commercial undertakings of their employers are already subject to compulsory insurance. (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.

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). The Act does not provide for cases of withholding benefit in accordance with (a) and (b) of this Article of the Convention, nor does the report refer to these paragraphs. (c) § 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, if he has incurred the sickness intentionally, if he has caused loss to the Fund by the commission of a crime entailing loss of civil and political rights, or if he is proved to be malingering.

Chile. — Under § (b) of Act No. 4054, pecuniary sick benefit shall be paid by the sickness fund to persons insured with it from the fifth day of the sickness for the duration of the incapacity. If the sickness continues for more than a week, the insured person may claim the pecuniary benefit for the first five days also. If the insured person has a family living with him at his expense, the pecuniary sick benefit for the first week shall be equal to the whole amount of the wage, salary or income received by the insured person in the preceding week. For the second week, the benefit shall be equal to half of the said amount, and after that period to one-quarter thereof. If the insured person has no family living with him at his expense, he shall be entitled only to half of the benefit referred to above. State employees who receive their salary from

the State during their sickness shall be entitled only to benefit equal to 25 per cent. of their salary, payable from the date when payment of the salary is discontinued by the State. § 15 (e) lays down that insured persons who suffer from a chronic disease causing total and permanent incapacity for work shall receive an invalidity pension, provided that the disease was not caused intentionally or by a criminal act or serious default on the part of the insured person. The report states that Chilean legislation does not expressly provide for withholding cash benefits for reasons equivalent to those covered by the present 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). Part V, Chapter I, Section 2, §§ 1, 2 and 7 of the Fourth Presidential Order of 8 December 1931 lays down that, as from 1 January 1932 and until further new Regulations are promulgated, the benefits granted under sickness insurance shall be reduced to the normal benefits granted by the sick funds as laid down in § 179 of the Insurance Code (sickness, confinement, funeral and family benefit). Supplementary grants may only be given with the consent of the Superior Insurance Office or, in the case of miners' insurance, with the consent of the supervisory authority. The same restrictions are laid down by the Order for approved sick funds. These restrictions came into force on 1 February 1932.

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. In cases of permanent budgetary deficits which can only be removed by a reduction of benefits, the National Institute of Social Insurance is empowered to reduce the period during which benefit is payable to 26 weeks. 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.

Lithuania. — Under § 44 of the Sick Funds Act of 9 December 1925 pecuniary sick benefit is paid by the sick fund to its members, except as otherwise decided by the council of the sick fund, from the fourth day of sickness for not more than 26 weeks. The report adds that the council of the sick fund may decide to pay benefit for every day of the sickness if it lasts less than seven days. Under § 45 of the Act, if a member of a sick fund has in the course of one year drawn pecuniary sick benefit from the fund for the maximum period fixed by the Act and is again attacked by the same disease, the council of the sick fund shall have the right to decide that he may continue to draw pecuniary sick benefit from the fund in the course of a further year but for not more than 13 weeks. The report states that in practice the sick funds make use of this right. § 46 of the Act provides that, except where the council of the sick fund decides otherwise, pecuniary sick benefit shall be granted for the days on which the sick person has not worked. Under the terms of § 47, the sick fund may by its rules extend the period of benefit up to one year. (a) Lithuania legislation does not appear to contain equivalent provisions. The report states that sick benefit is not granted to workers in industrial undertakings who are victims of industrial accidents, since under the special legislation compensation must be paid them by the employers. (b) The report adds that sick benefit is not granted to a member of the sick fund who is not incapacitated and is in receipt of his normal wages. § 48 of the Act provides that pecuniary sick benefit shall not be granted if the sick fund grants its member free maintenance and attendance in hospital. Under § 63, however, if such a member before his illness maintained dependants or contributed to their maintenance out of his earnings, an allowance equal to half the pecuniary sick benefit prescribed in the rules of the sick fund shall be paid to these dependants. (c) § 39 of the Act provides that if the governing body of the sick fund has ordered the removal of the sick person to a hospital and the sick person refuses to comply with the

order, although warned of the consequences of such refusal, the fund may refuse to pay him the pecuniary sick benefit mentioned in § 42. With regard to the last paragraph of this Article of the Convention, § 50 of the Act lays down that members of the sick fund shall have no claim to pecuniary sick benefit if they have intentionally injured themselves or if they have incurred their sickness through criminal acts or brawling for which they are to blame.

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.

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, for district institutions with a credit balance only, by a decision of the Central Institution of Workers' Insurance, approved by the Ministry of Social Affairs on 6 August 1932. 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 benefits, but in this case, 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, in-

cluding 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.

Chile. — Under § 15 (a) of Act No. 4054, the fund shall grant to persons insured with it medical attendance and the provision of therapeutic requisites from the first day of the sickness. If the medical practitioner orders the sick person to be placed in hospital on account of the impossibility of providing proper care in his own home, particularly in the case of infectious diseases or those which require special trained attendance, his instructions shall be complied with unless the patient protests against his decision and is supported by the governing body of the fund. The insured person shall have the right to select his medical practitioner, and also to be reimbursed for the expenses incurred for attendance by specialists who have been called in with the authorisation of the governing body. The duration of the medical attendance shall not exceed twenty-six weeks, but the local funds may extend it to not more than a year in special cases, such as cases of prolonged convalescence. The report states that no legislative provision exists requiring the insured person to pay part of the cost of the benefit. Nor does Chilean legislation contain any provisions for withholding medical benefit under conditions equivalent to those indicated in the last paragraph of the present Article of the Convention.

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 Committees 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 period of a year may, however, be reduced to 26 weeks by the National Institute of Social Insurance, in cases of permanent budgetary deficits which can only be removed by a reduction of benefits. 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 con-

tribution 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.

Lithuania. — § 23 of the Sick Funds Act lays down that the sick fund shall grant sick benefit in the following terms to those of its members who are sick: (1) first aid in case of sudden illness or sudden accident; (2) medical attendance at dispensaries, etc.; (3) medical attendance on sick persons confined to bed; (4) hospital treatment with full attendance and maintenance while in hospital; (5) medicaments, dressings and curative appliances. — The sick fund shall not grant more than 50 litas to any one person for curative appliances. In this connection, the report states that members of the fund are required to share the expenses of medical assistance in cases where the cost of the curative appliances exceeds 50 litas. § 34 of the Act lays down that as regards dental treatment the sick fund shall grant free of charge only ordinary treatment and the less costly fillings. The report does not refer to the last paragraph of this Article of the Convention. The Sick Funds Act makes no provision for withholding medical benefit under conditions such as those referred to in the Convention, but only provides for the possibility of withholding the payment of sick benefit in certain cases (see under ARTICLE 3).

Luxembourg. — 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.

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, but in 1932 this extension was limited to those institutions having a credit balance. 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. — § 38 of the Act concerning social insurance provides that medical attendance and the provision of medical requisites may be granted to the families of insured persons, according to the resources of the sickness account of the Fund.

Chile. — § 13 of Act No. 4054 lays down that insured persons who desire to extend to their families the benefits of medical attendance and medicaments shall pay every week to the competent fund a supplementary contribution amounting to 5 per cent. of their weekly income, wage or salary. In this case, the employers and the State shall not be liable to pay any contribution. The following persons shall be deemed to be members of the family of the insured person: his or her wife or husband, legitimate children, illegitimate children legally recognised, parents and, in general, all persons whom the insured person is legally bound to maintain. Nevertheless, with the exception of parents, the persons mentioned above shall not be entitled to the rights conferred by this section unless they live with the insured person at his expense.

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. This period may be reduced to 26 weeks by the National Institute of Social Insurance in cases of permanent budgetary deficits which can only be removed by a reduction of benefits. § 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.

Lithuania. — Under § 64 of the Sick Funds Act of 9 December 1925 as amended in 1931, the sick benefit provided by § 23 (see under ARTICLE 4) is granted to the dependants of a member of the fund for a period not exceeding thirteen weeks. Not more than one-third of the contributions of the members of the sick funds and of the employers shall be used for this benefit (§ 65).

Luxembourg. — 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.

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. The Directorate of Labour and Social Insurance is a State institution, but it is nevertheless in fact self-governing in the sense of the present Article of the Convention, since the Social Insurance Fund has a separate budget. Further, the committee which fixes the pensions to be granted, and the auditing committee, include employers' and workers' representatives. The administrative side of the insurance work is managed directly by the State, owing to the insufficient development of the employers' and workers' organisations.

Chile. — The management of the insurance institution is entrusted to a single self-governing body, the direction and supreme management of which is the business of a council or committee exercising functions which are laid down in § 7 of the Act and § 58 of the Regulations.

applying it. A department for social welfare, which is at present part of the Ministry of Health, exists in the form of a technical and administrative State organisation, and its duty is to supervise the social welfare institutions, including the compulsory sickness, invalidity and widows' and orphans' insurance fund. Employers and insured persons are represented on the Supreme Council by members appointed by the President of the Republic.

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 the Interior, 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.

Lithuania. — § 102 of the Sick Funds Act lays down that the business of the sick fund shall be conducted by the following self-governing bodies: (1) the council of the sick fund; (2) the governing body of the sick fund; (3) the auditing committee of the sick fund; (4) the arbitration committee of the sick fund. The council and the governing body consist as to two-thirds of representatives of the members of the sick fund and as to one-third of representatives of employers (§§ 103 and 109). The members of the council are elected by ballot for three years. The members of the governing body are elected for one year (§ 126). The council directs the affairs of the fund and takes decisions on all important questions. The governing body carries out these decisions and manages the business and finances of the fund. The powers of the council and governing body are defined by the Sick Funds Act. The report states that the Supreme Office of Social Insurance, set up by the Act of 23 March 1926, has the duty of controlling the self-governing bodies of the sickness funds. The governing body of this Office consists of two Government representatives, two representatives of sick fund members and one employers' representative. The Supreme Office of Social Insurance, in its character of supreme advisory body, gives decisions on questions of appeal against the decisions of the council, the governing body or the committee of arbitration and conciliation; approves the sick funds budget and, if necessary, modifies it; approves the annual balance sheets of the sick funds; inflicts fines on employers in cases of infringement of the Sick Funds Act and gives decisions in all other cases of divergence from the application of the Act. Appeal may be made against the decisions of the Supreme Office of Social Insurance on questions concerning insurance legislation to the Minister of the Interior and to the Supreme Court.

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.

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.

Chile. — The financial resources of the sickness insurance system are provided by contributions from the insured persons, the employers and the State. The insured person pays 2 per cent. of his weekly wage or salary, the employer 3 per cent. thereof and the State 1 per cent. thereof. Contributions for insured persons in the Provinces of Tarapacá and Antofagasta and the Territory of Magallanes, and for persons employed in mining undertakings are assessed at 1 per cent. of the weekly wage, salary or income (§ 12 of Act No. 4054).

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.

Lithuania. — Under the terms of § 66 of Act of 9 December 1925 the resources of the sick funds are made up of contributions by its members, by employers and by the State. The members contribute 3 per cent. of their salaries and the employers a sum equal to 2 per cent. of such salaries. The report indicates that the State repays to the sick funds the expenses incurred by them on account of the payment of maternity and nursing benefit.

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.

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, Great Britain* and *Lithuania* 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. In cases of dispute concerning pension rights, the insured person may appeal to the Superior Administrative Court.

Chile. — The report states that, under Chilean law, final appeals from insured

persons may be laid before the Superior Administrative Council of the Fund.

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. IV of 1932 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.

Lithuania. — The report states that in cases of dispute between the insured person and the governing body of the sick fund concerning medical assistance or sickness benefit, the insured person has a right of appeal against the decision of the governing body of the fund to the arbitration committee. Appeal against the decisions of the arbitration committee may be made to the Supreme Office of Social Insurance, the decisions of which are final.

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.

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

XXIV. Sickness insurance (industry, etc.).

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 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.

V.

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 :

total number of employed persons, subdivided according to their employment in industry, commerce, and domestic service ;

total number of such persons covered by compulsory sickness insurance ;

total number of such persons not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness.

(2) Benefits in cash :

(a) total cost of benefits in cash ;

(b) average cost of benefits in cash per insured person.

(8) 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 gives the following statistical information for the year 1930, the figures for 1931 being not yet available :

Total number of wage-earners : about 1,500,000. This number may be divided as follows :

(a) industry and handicrafts : about 1,100,000 ;

(b) commerce : about 250,000 ;

(c) domestic service : about 150,000.

All the persons mentioned above are compulsorily insured, unless they are exempted under the provisions of the laws concerning sickness insurance of workers and employees. No statistics exist showing the number of persons exempted from compulsory insurance. No one in Austria is exempted from compulsory insurance and, at the same time, subject to some other form of protection against the risk of sickness.

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured	1,014,081	64,833
(2) Sickness benefit :		
(a) Total amount of payments for sickness benefit	Schillings 48,970,212	6,153,508
(b) Average amount of payments for sick benefit per insured	48.29	23.24
(3) Benefits in kind :		
(a) Total amount of outgoings for benefits in kind ..	55,442,797	28,821,644
(b) Average amount of outgoings for benefits in kind per insured	54.68	108.83
(4) Furnishing of resources :		
Total amount of contributions .	113,521,447	36,820,415
Share of employers	86,868,274	17,986,104
Share of insured	76,653,173	18,834,311

Bulgaria. — The report does not refer to this point.

Chile. — The report states that the enforcement of the application of the relevant legislation is entrusted to the fund itself, acting through inspectors specially chosen for this work, without prejudice to the powers of the General Labour Inspection Service. The labour courts carry out the decisions of the governing body of the fund connected with penalties inflicted in case of infringement of the provisions in force. These decisions and actions follow the usual procedure. The report adds that exact and detailed information on the questions raised in the present part of the report form will be sent to the Office as soon as it is available.

Czechoslovakia. — The report states that statistics concerning sickness insurance in 1929-1930 have not yet been drawn up. Statistics for 1928 have just been published by the Central Social Insurance Institute, and will be forwarded to the International Labour Office.

Germany. — The report states that the number of insured persons in the sickness insurance funds constituted by the laws of the Reich, excluding sickness insurance funds for seamen, amounted, in 1931, to 18,942,000, of whom 16,161,000 were subject to compulsory insurance. The expenditure of these insurance funds for the same year was as follows:

	Total expenditure	Average expenditure per insured person
Benefits in cash	391,270,000 Rm.	20.66 Rm.
Benefits in kind	829,595,000 Rm.	43.80 Rm.

Benefits paid in case of death amounted, in 1931, to 17,455,000 Rm. representing an average of 0.92 Rm. per insured person. The receipts of the sickness insurance funds amounted to 1,421,210,000 Rm. made up as follows: contributions, 1,351,968,000 Rm., interest on invested capital, 44,579,000 Rm., profits from the sale of property owned by the funds, 1,505,000 Rm., other receipts, 7,591,000 Rm., fees for treatment certificates, 15,567,000 Rm. representing an average of 75.03 Rm. per insured person, 71.37 Rm. of which were contributions. These figures do not include those of sickness insurance for seamen. The following are the figures for the free approved insurance funds:

Numbers of members	1929	1,462,337
	1930	1,571,885
	1931	1,618,000

	Total expenditure	Average expenditure per insured person
Benefits in cash:	1929 : 38,265,300 Rm.	26.17 Rm.
	1930 : 32,483,300 Rm.	20.66 Rm.
	1931 : 21,044,000 Rm.	
Benefits in kind:	1929 : 116,070,000 Rm.	79.37 Rm.
	1930 : 124,077,400 Rm.	78.94 Rm.
	1931 : 115,912,000 Rm.	

In 1929, the receipts amounted to 186,100,000 Rm. (182,700,000 of which were contributions), in 1930 to 196,900,000 Rm. (192,700,000 of which were contributions) and in 1931 to 178,500,000 Rm. (172,700,000 Rm. of which were contributions) representing, for 1929, an average of 127.26 Rm. per insured person, (124.93 Rm. of which were contributions), for 1930, 125.28 Rm. (122.58 Rm. of which were contributions) and for 1931, 110.32 Rm. (106.74 Rm. of which were contributions).

The German Government adds that it is applying the Conventions which it has ratified, both in the letter and in the spirit.

Great Britain. — The report states 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 in addition to medical and sickness 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 1931	17,232,000	(358,000)
(b) Estimated number of workers insured on 30th September 1932	—	(359,000)

2. Benefits in Cash:

	During year ended 31st December 1931	Estimate for period 1st Jan. 1932 to 30th Sept. 1932.
(a) Total cost of Sickness Benefit	£ 11,087,000 (247,000)	£ — (175,000)
(b) Average cost of Sickness Benefit per insured person	12s. 11.5d. (13s. 9.6d.)	— (9s. 9d.)
(c) Total cost of Disablement benefit	£ 6,072,000 (229,000)	£ 4,600,000 (160,000)
(d) Average cost of Disablement Benefit per insured person	7s. 1.1d. (12s. 9.5d.)	5s. 4.6d. (8s. 11d.)

3. Benefits in kind:

	£	£
(a) Total cost of Medical Benefit	10,684,000	—
(b) Average cost of Medical Benefit per person	(210,000) 12s. 5.7d. (11s. 8.8d.)	(178,000) — (8s. 9.6d.)
(c) Total cost of Additional Treatment Benefits provided under the scheme	£ 3,310,000 (49,000)	— (35,000)
(d) Average cost of Additional Treatment Benefits per insured person	3s. 10.4d. (2s. 8.8d.)	— (1s. 11.4d.)

4. Financial resources:

	£	£
(a) Contribution from employers	13,099,000 (236,000)	— (178,000)
(b) Contributions from employees	12,670,000 (228,000)	— (171,000)
(c) Contribution by Exchequer (including cost of central administration)	7,074,000 (178,000)	— (129,000)
(d) Interest on accumulated funds and sundry receipts	6,202,000 (70,000)	— (52,000)

XXV. Sickness insurance (agriculture).

Total Financial Resources.

On 31 December 1931, the total accumulated funds amounted to £127,936,000 (£1,383,000) of which £125,404,000 (£1,339,000) was invested and the remainder was in hand or at the Bank.

Hungary. — The report states that no information is available with regard either to the total number of employed persons or to the total number of such persons not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness. The average number of wage-earners subject to compulsory sickness insurance in 1931 amounted to 931,035, of whom 600,765 were men and 330,270 women. (In 1930 the average number of insured persons was 983,710 of whom 644,599 were men and 339,111 women). For 1930 the benefits in cash amounted to 29,143,000 *pengös* (average per insured person : 31.20 *pengös*); the benefits in kind amounted to 35,440,000 *pengös* (average per insured person : 37.90 *pengös*). The receipts of the sickness insurance institutions in 1930 amounted to 76,002,000 *pengös*. Of this figure, the State contribution amounted to 1,837,000 *pengös*. More detailed information concerning the progress of the social insurance funds in 1931 and the financial results for 1930 will be found in the *Bulletin statistique mensuel hongrois* for 1932, Nos. 4-6, pp. 217 *et seq.* and 270 *et seq.*

Latvia. — No information.

Lithuania. — No information.

Luxemburg. — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1931 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given : number of workers insured in 1931, 57,366 (19.12 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 11,567,498.47 francs (representing an average of 201.64 francs per insured person); expenditure for medical treatment 8,138,554.82 francs (141.87 francs per insured person); expenditure on pharmaceutical products, etc. 6,056,792.29 francs (105.58 francs per insured person); expenditure for treatment in hospitals 3,283,649.77 francs (57.24 francs per insured person); total receipts 69,373,248.43 francs; receipts from contributions 28,361,500.37 francs (494.39 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 1,417,522.23 francs (45.60 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 160,143.91 francs (6.09 francs per insured person) for the industrial funds (not including the

salary of the accountant which is paid by the employer).

Yugoslavia. — The report gives the following figures concerning the application of sickness insurance for the year 1931 : average number of insured persons : 609,190, of whom 456,056 were men and 153,134 women; cash benefits : 124,044,119 *dinars* (203.62 per insured person); benefits in kind : 142,931,242 *dinars* 234.65 per insured person); total resources : 301,568,453 *dinars*; employers' contributions : 151,641,000 *dinars*; contributions from insured persons : 141,976,000 *dinars*.

XXV. 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 1932 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1931-30 September 1932 or for a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2. 1929	7.11.1932
Bulgaria	1.11.1930	2.12.1932
Chile	8.10.1931	20.12.1932
Czechoslovakia	17. 1. 1929	27. 1. 1933
Germany	23. 1. 1928	7.11.1932
Great Britain	20. 2. 1931	24.11.1932
Luxemburg	16. 4. 1928	1.11.1932

The Government of *Luxemburg* stated, in its reports for 1930 and 1931, 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 the period October 1931-September 1932 indicates that the Bill in question is still before the Chamber of Deputies.

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).

Chile.

Decree No. 34 of 22 January 1926 promulgating the text of Act No. 4054 respecting insurance against sickness and invalidity (L.S. 1926, Chile 1).

Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054.

Special Regulations, approved by the old Council of Welfare on 9 April 1930, to apply Act. No. 4054 to agricultural occupations.

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).

Circular of 17 November 1928 of the Minister of Social Welfare.

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).

Fourth Presidential Order, of 8 December 1931, to ensure financial and economic equilibrium and to safeguard internal peace (L.S. 1931, Ger. 9).

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).

National Health Insurance and Contributory Pensions Act of 13 July 1932 (L.S. 1932, G. B. 8).

Various Orders and Regulations concerning National Health Insurance dating from 1924-1932.

Luxembourg.

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)

See also introductory note.

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). The report states that the only exception made is in the case of temporary workers engaged by agriculturalists for certain processes for short periods, the maximum being a fortnight.

Chile. — The report states that special Regulations exist for the purpose of applying Act No. 4054 to agricultural occupations, and that these Regulations were approved by the old Council of Welfare on 9 April 1930. Decree No. 205 of 8 April 1925 issuing Regulations under Act No. 4054 respecting insurance against sickness and invalidity lays down that the Act shall apply to agricultural undertakings. For the provisions of Act No. 4054, see under ARTICLE 2 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants*.

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 agricultural 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*.

Chile. — 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 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. — 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*.

Chile. — 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*.

Chile. — 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*.

Chile. — 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

aspect 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 under ARTICLE 6 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants.* See also introductory note.

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.*

Chile. — 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 under ARTICLE 7 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants.* See also introductory note.

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.*

Chile. — 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 under ARTICLE 9 of the *Convention concerning sickness insurance for workers in industry and commerce and domestic servants.* See also introductory note.

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 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.

V.

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 :*

total number of persons employed in agricultural undertakings ;

total number of the above persons covered by compulsory sickness insurance ;

total number not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness.

(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 gives the following statistics for the year 1930 on the application of the said legislation. These statistics cover the whole country except Upper Austria and Salzburg.

(1) *Scope of application :*

The total number of persons employed in agricultural undertakings (workers and apprentices) is about 482,000. To this number should be added 610,000 persons working as members of families, who are in principle subject to compulsory insurance, but in practice most of them are exempt, under the terms of § 3 of the Agricultural Workers' Insurance Act. The total number of agricultural workers compulsorily insured is therefore about 500,000, but in actual fact the number only averages about 302,000. There are no workers in Austria who are not covered by compulsory sickness insurance but by some other form of protection against the risk of sickness.

XXV. Sickness insurance (agriculture).

(2) <i>Benefits in cash:</i>	Schillings.	to which this heading refers will be sent to the Office as soon as available.
(a) Total cost of benefits in cash . . .	4,535,173	
(b) Average cost of benefits in cash per insured person . .	15.02	<i>Czechoslovakia.</i> — See summary of report on the <i>Convention concerning sickness insurance for workers in industry and commerce and domestic servants.</i>
(3) <i>Benefits in kind:</i>		
(a) Total cost of benefits in kind . . .	8,758,417	<i>Germany.</i> — The Government states that the Convention is applied both in the letter and in the spirit. For statistics on the situation of sickness insurance in 1931, see summary of report on the <i>Convention concerning sickness insurance for workers in industry and commerce and domestic servants.</i>
(b) Average cost of benefits in kind per insured person . .	29	
(4) <i>Financial resources:</i>		
Total amount of contributions	17,198,199	
(a) Contributions from the employers . .	8,563,228	<i>Great Britain.</i> — See summary of report on the <i>Convention concerning sickness insurance for workers in industry and commerce and domestic servants.</i> The information supplied there applies equally to agricultural workers.
(b) Contributions from the insured persons	8,634,971	

Bulgaria. — No information.

Chile. — The report states that exact and detailed information on the points

Luxemburg. — See introductory note.

ELEVENTH SESSION (GENEVA, 1928).

XXVI. 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 for which the Convention was in force before 1 July 1932 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 October 1931-30 September 1932 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3. 1931	16.12. 1932
China	3. 5. 1930	
France	18. 9. 1930	6. 3. 1933
Germany	30. 5. 1929	7.11. 1932
Great Britain	14. 6. 1929	24.11. 1932
Irish Free State . . .	3. 6. 1930	31.10. 1932
Italy	9. 9. 1930	10.12. 1932
Spain	8. 4. 1930	13.12. 1932

By letter of 10 November 1932 forwarding the annual report, the Government of the Commonwealth of *Australia* states that "the power of the Commonwealth Parliament is limited to a power of making laws with respect to conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State. Under this power the Commonwealth Parliament has passed the Commonwealth Conciliation and Arbitration Act, which provides for the establishment of the Commonwealth Arbitra-

tion Court and for the appointment of conciliation commissioners to deal with such disputes. The Court makes awards for this purpose and provision is also made for the registration of agreements in the Court.

"The various States have differing methods for dealing with industrial matters. State Parliaments differ from the Commonwealth Parliament in that they have direct powers of legislating upon this subject¹...."

"As regards the *Northern Territory of Australia*, the Commonwealth Conciliation and Arbitration Act applies as if the words "extending beyond the limits of any one State" were omitted from the definition of "industrial dispute" in § 4 of the Act. The wages of aborigines and half-castes in the Northern Territory are fixed in pursuance of the Aborigines Ordinance 1918-1928 and Regulations made thereunder. These are now being amended and consolidated, and copies will be forwarded to the International Labour Office as soon as they are available.

"In the case of the *Territory for the Seat of the Government*, wages are fixed by an industrial board constituted under the Industrial Board Ordinance 1922-1928, and the Regulations made thereunder, copies of which are enclosed."

The Delegation of the Republic of *China* to the Assembly of the League of Nations, by letter dated 2 February 1933, informed the Office that the Chinese Government "has decided to postpone temporarily the application of the provisions of the Convention. The postponement has been deemed necessary in view of the general depression and instability of industrial conditions in the country, which during the past two years have been rendered more acute by a series of national calamities and the Japanese invasion of Manchuria and Shanghai. The Chinese Govern-

¹ At the time of going to press information has been received with regard to the States of *New South Wales, Tasmania, Victoria and Western Australia*. This information is summarised under the various Articles of the Convention.

ment, however, sincerely hopes that an early economic recovery will enable it to introduce measures for the application of minimum wage laws in accordance with 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.

Australia.

Commonwealth Conciliation and Arbitration Act. Text as amended up to 22 June 1928 (L. S. 1928, Austral. 2) and amendment of 18 August 1930 (L. S. 1930, Austral. 11).

New South Wales.

The Industrial Arbitration Act, 1912 as amended (L. S. 1926, Austral. 7; 1927, Austral. 7; 1929, Austral. 5; 1931, Austral. 13).

Tasmania.

The Wages Boards Act, 1920, as amended in 1924 and 1928.

Regulations under the above Act.

Western Australia.

Industrial Arbitration Act, 1912-1925 as amended (L. S. 1925, Austral. 12; 1930, Austral. 7).

Factories and Workshops Act No. 44 of 1920.

Various Industrial Agreements registered at the Court of Arbitration.

Victoria.

Act authorising the Wages Board System.

France.

Code of Labour and Social Welfare, Book I, §§ 33 to 33m (L. S. 1928, Fr. 11).

Act of 14 December 1928, supplementing the above (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.

Act of 27 November 1931 concerning joint labour committees (L. S. 1931, Sp. 15).

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.

Australia. — For information concerning the powers of the Commonwealth in respect of the creation of minimum wage-fixing machinery see the introductory note above. The information communicated by the Government with regard to the States of the Commonwealth is as follows :

New South Wales. — The Industrial Arbitration Act, 1912, as amended, creates and provides for the maintenance of machinery (e.g., the Industrial Commission of New South Wales, which is a superior court of record, industrial bodies and committees) whereby minimum wages may be fixed for employees in any industry, craft or calling which will include any home working trade.

Tasmania. — The wage-fixing machinery provides for the appointment of Boards for any particular trade, or group of trades, by Parliament or the Governor in Council. Collective agreements may be entered into by employers who employ a specified number of employees and such agreements have the same force of law as a Determination by a Board. The report does not refer specifically to home working trades.

Victoria. — Up to the present the Act which authorises the Wages Board System specially exempts agriculture, horticulture, viticulture and pastoral pursuits. Wages and conditions in these primary industries therefore are still unregulated by State law. The Wages Boards in existence at the present time regulate wages and conditions in almost every class of manufacturing and commercial undertaking.

Western Australia. — Under the Industrial Arbitration Act it is possible for any number of workers, not less than fifteen, to form an industrial union and thus come under the provisions of the minimum wage-fixing machinery. In addition to the fixing of minimum wages in occupations connected with trade and commerce, § 121 of the Act as amended by Act No. 41 of 1930 provides that the Court of Arbitration shall annually determine the basic wage (defined) which is subject to quarterly revision. Declarations of the Court in this regard operate automatically in relation to all workers covered by awards issued by the Arbitration Court or industrial agreements, registered at the Court. Home work is not carried on extensively in Western Australia, but special provision for the prevention of "sweating" of such workers is contained in §§ 49, 50 and 51 of the Shops and Factories Act, No. 44 of 1920. Further restrictions are contained in the various industrial agreements registered at the Court of Arbitration.

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. — Joint labour committees set up under the Act of 27 November 1931

are required, in addition to other functions, to fix minimum wages for each trade in each district.

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.

Australia. — For information concerning the powers of the Commonwealth in connection with the creation of minimum wage-fixing machinery see the introductory note above. The information supplied by the Government with regard to the States of the Commonwealth is as follows :

New South Wales. — Under the Industrial Arbitration Act the minimum wage-fixing machinery operates in respect of any industry, craft or calling which will include any home working trade. By Act no. 41 of 1929 employees other than craftsmen who are employed in rural industries were removed from those classes for whom State industrial tribunals may prescribe minimum wages.

Tasmania. — See under ARTICLE 1.

Victoria. — The Wage Boards deal with almost every class of manufacturing and commercial undertaking, but up to the present the Wages Boards system specially exempts agriculture, horticulture, viticulture and pastoral pursuits. Wages and conditions in these primary industries therefore are still unregulated by State law. The report contains no information regarding home working trades.

Western Australia. — See under ARTICLE 1.

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 work-people 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 work-people 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. — The system of fixing minimum wages by joint labour committees applies to the whole of industry, commerce, transport and home work.

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 to 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 concerned 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).

Australia. — For information concerning the powers of the Commonwealth with regard to the creation of wage-fixing machinery see the introductory note above. The information supplied by the Government with regard to the States of the Commonwealth is as follows :

New South Wales. — Under the existing minimum wage fixing machinery in New South Wales, State Industrial Councils (Conciliation Committees in the first instance) may be set up under the Industrial Arbitration Act with power to prescribe minimum wages in any craft, occupation or calling. The Act provides in the first place for considera-

tion of claims for the fixing of wages by a tribunal (Conciliation Committee) consisting of an equal number of representatives of employers and of employees, presided over by an independent Chairman who has no power to take part in the decision except by the unanimous consent of the representatives of the parties. Should the tribunal fail to arrive at a decision, application can be made to a second tribunal (Industrial Commission) consisting of three Judges. An appeal also lies from the Conciliation Committee to the Industrial Commission. The Chairmen are allocated to the various Conciliation Committees by a judicial officer from a panel of persons appointed by Ministerial action. Such tribunals may be approached by the Minister, by industrial unions of employers and employees, or by an employer or employers of not less than twenty employees in the trade, industry or calling. To obtain registration as an industrial union of employees, the organisation of employees must be a trade union registered under the Trade Union Act of 1881, to secure which the trade union may consist of a minimum of seven persons. To secure registration as an industrial union of employers, the members of the applicant organisation must in the aggregate throughout the six months next preceding the date of application have employed, on an average taken per month, not less than fifty employees. The report states that minimum wage fixing machinery has already been set up for all industries, crafts and callings. In matters before industrial boards and conciliation committees, employers and employees have equal representation and equal power. Under § 49 of the Industrial Arbitration Act, the full amount of the minimum wage may be recovered notwithstanding any smaller payment or any express or implied agreement to the contrary.

Tasmania. — In the appointment of representative members of Boards, organisations of both employers and employees are consulted. The rates determined by a Board or registered agreement are binding on employers and employees by statute, and the parties cannot contract out of such rates.

Victoria. — The basic principle of the Victorian Wages Board System is the fixation of wages and conditions in each trade by a legally constituted body consisting of an equal number of employers and employees in the trade, presided over by an independent Chairman who may be chosen by the body itself and who exercises a casting vote. The legal and formal atmosphere of Court proceedings is entirely absent from the system. In order to ensure uniformity of the findings and freedom from costly legal arguments the powers of Wage Boards have been clearly defined within what has been considered reasonable limits.

Western Australia. — See under ARTICLE 1.

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 processes required 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. — The joint labour committees consist of equal numbers of employers and workers, elected by the most representative associations in the industry, under the chairmanship of a representative of the Government. Decisions are taken by a majority vote and in case of equality of votes the chairman has a casting vote. The minimum wages fixed by the committees must be approved by the Ministry of Labour. Employers may not pay and workers may not accept a wage lower than the minimum fixed, and any agreement to the contrary is null and void. The penalty for any infraction is proposed by the joint labour committee.

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.

Australia. — For information concerning the powers of the Commonwealth in respect of the creation of minimum wage-fixing machinery, see the introductory note above. The information supplied by the Government regarding the States of the Commonwealth is as follows :

New South Wales. — Under § 7 of the Industrial Arbitration (Amendment) Act 1926 the Industrial Commission is not more frequently than once in every six months to determine after public inquiry a standard of living and to declare what shall, for the purpose of the Act, be the living wages based upon such standard for adult male and adult female employees. No award or industrial agreement may be made for wages less than the living wage. The report states that § 7 of Act No. 14 of 1926 was amended by § 2 of Act No. 40 of 1929 to provide that the living wage for adult male employees is to be based upon the requirements of a man and wife and one child under the age of 14 years. With regard to home-working trades, there is none in this State carried on exclusively as such, but there are a few trades, e.g., tailoring, dressmaking, white working, knitting and boot-making, which, in addition to being carried on in factories and in workrooms, are to a limited extent undertaken by workers at home.

Tasmania. — The information desired by this Article appears in the annual report of the Industrial Department for the year ended 30 June 1930, a copy of which has been supplied to the Office. The list of trades and other statistical matter are not now published. The wage fixing machinery contains all the necessary powers for the enforcement of payment of wages and the recovery of any amount short paid.

Victoria. — At the present time, there are 179 Wage Boards, regulating the wages and conditions of 162,500 workers. These Boards deal with almost every class of manufacturing and commercial undertaking, but up to the present the Act which authorises the Wages Board System specially exempts agriculture, horticulture, viticulture and pastoral pursuits. Wages and conditions in these primary industries, therefore, are still unregulated by State law. The wage-fixing legislation, in the 36 years of its operation, has been amended and extended to provide for difficulties and altered conditions as they have occurred. In order to ensure uniformity of the findings and freedom from costly legal argument as to interpretation of them, the powers of Wages Boards have been clearly defined and confined within what has been considered reasonable limits. In recent years, however, difficulties have arisen as a result of the activities of the Commonwealth Arbitration Court, which has exclusive power to fix wages and conditions of members of the employees' union who are employed by respondent employers. Within these limits, the Arbitration Court has unrestricted

right to deal with wages and conditions, and trouble has been caused by the application of two separate sets of conditions, one applicable to unionists and one to non-unionists. In order that confusion should be avoided, greater powers have been conferred on the State Wages Boards in order that they may be enabled to fix wages and conditions corresponding to those set out in an Arbitration Award. It may be mentioned that the overlapping of Federal and State industrial laws has for some years been the subject of considerable discussion. Attempts to amend, by referendum, the Commonwealth Constitution to enable the Commonwealth to take complete control of industrial matters have been unsuccessful.

Western Australia. — The expression "basic wage" is defined in the Industrial Arbitration Act as follows : "A sum sufficient to enable the average worker to whom it applies to live in reasonable comfort having regard to any domestic obligations to which such average worker would be ordinarily subject". The basic wage so determined is, under Act 41 of 1930, subject to quarterly revision. Home work (specially mentioned in the Convention) is not carried on extensively in Western Australia, but special provision for the prevention of "sweating" of such workers is contained in the Shops and Factories Act, No. 44 of 1920, §§ 49, 50 and 51. Further restrictions are contained in various industrial agreements registered at the Court of Arbitration, and the following extract from Agreement No. 46 of 1920 relating to the clothing industry is quoted as an example of the conditions applied to outdoor workers : "*Out-door work* — All work shall be done in the workshop provided and controlled by the employer except as hereinafter provided : (i) Should an employer desire to employ, or a worker desire to be employed, outside the factory, he or she may make application to the Chief Inspector of Factories for a permit. (ii) On receipt of any such application the Chief Inspector of Factories shall send a copy of the application to the Secretary of the Union by registered letter. (iii) If the Chief Inspector of Factories is satisfied that : (a) the person to whom it is proposed to give such work cannot work on the employer's premises owing to old age or infirmity or domestic ties, or (b) the accommodation in the employer's factory is fully occupied, he may grant such permit. Provided that no employer shall be allowed to employ more than one such worker to every ten or fraction of ten indoor workers, and except for the reasons set forth in Subclauses (a) and (b) no permit shall be issued. (iv) Persons doing outdoor work shall not employ labour except members of their family resident with them. (v) Such outdoor work shall be paid for at the piecework rates provided by this Agreement. (vi) Outdoor workers shall be provided free of charge with cotton, silk, thread, and all other sewing and trimmings used in the manufacturing of garments."

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, 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, 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 1931:

Industries	Less than 10 workers		From 10 to 100 workers		100 or more workers	
	No. of undertakings	No. of workers	No. of undertakings	No. of workers	No. of undertakings	No. of workers
Clothing	2,859	10,094	1,194	26,265	81	13,508
Hats	243	1,278	89	2,078	1	150
Footwear	501	2,174	316	7,695	10	1,330
Underclothing of all kinds	988	4,116	786	23,116	50	6,758
Embroidery	369	2,100	789	26,099	51	7,441
Lace	170	1,141	192	4,717	15	1,915
Feathers	25	119	15	258	—	—
Artificial flowers	79	347	43	922	2	299
Work subsidiary to the clothing industry	52	241	59	1,679	5	1,334
Dressmaking	5	13	5	184	—	—
Knitting	113	601	117	2,194	4	800
Machine knitting	—	—	1	50	—	—
Rosaries	3	14	11	164	3	618
Jewellery	1	2	4	108	—	—
Umbrellas	19	96	16	580	—	—
Wigs	6	21	5	139	—	—
Tapestry	12	41	3	36	—	—
Bead work	53	268	27	591	1	120
Paper and cardboard goods	94	467	75	1,728	5	812
Wrapping of food products and confectionery	—	—	1	15	—	—
Assembling of boxes made of thin wood	2	10	7	281	—	—
Basket making, straw and rush work	37	200	63	1,465	4	419
Case making and fancy leather goods	65	203	20	346	—	—
Bristle work and brushmaking	38	163	39	690	—	—
Sorting, finishing and carding of buttons	3	22	17	242	—	—
Burnishing of precious metals	1	5	—	—	—	—
Totals	5,738	23,746	3,894	101,642	232	35,504

Germany. — Although the regular and uniform reports by the home work trade committees, the introduction of which was mentioned last year, have given more detailed information as to the working of the committees in 1931, it is difficult to give the statistical data called for by Article 5. The economic crisis has been felt with special severity in home work. The lack of capital prevents undertakings from working for stock. Orders arrive at irregular intervals and call for delivery within a very short period. In order to execute these orders, home workers have therefore to work excessively long hours for periods which alternate with equally long periods of unemployment. The home work trade committees in Prussia and Saxony have endeavoured in their reports for 1931 to give information as to the number of home

workers for whom minimum wages are fixed, but the reports stress the fact that the figures change continually as a result of violent fluctuations in the market. The following figures are given subject to this reservation. In Prussia 57,089 home workers are covered by the wages fixed by the trade committees. Separate figures according to sex are given only in the reports of the trade committees of Berlin and the Province of Brandenburg (men, 3,364; women, 22,892) and of Pomerania (men 1,962; women, 1,376). The majority of the women home workers mentioned by the five trade committees of Berlin and the Province of Brandenburg are engaged in the various branches of the readymade clothing trade, including the making of underwear, and all sorts of women's hand-work, and the sewing of umbrellas. A relatively high number

of home workers come under the jurisdiction of the trade committees of Erfurt (7,637), Dusseldorf (6,003) and Breslau (4,713). These trade committees have also fixed wages in all branches of dressmaking and readymade clothing and in certain branches of the textile industry. So far as can be ascertained from the figures furnished by the trade committees of Saxony, the fixing of wages covers about 30,000 home workers. The fixing of wages by the general trade committee for the carnival and holiday articles industry for the whole of Germany extended at one time to 12,000 home workers; at present, owing to the crisis, it covers only 4,000 at the most. On 1 January 1932 there was a general trade committee for the carnival and holiday articles industry covering the whole of Germany. In addition, there were 58 trade committees for various industries, the area of which was restricted to certain regions or districts. A list of these committees was published in the *Reichsarbeitsblatt* 1932, No. 1, p. I, 5. The trade committees have endeavoured during 1931, in spite of the economic crisis, to maintain the minimum wages at the rates indicated in the report for the year 1930. Very detailed determinations both of the hourly rates and the hours of work have been made for the carnival and holiday articles industry (*Reichsarbeitsblatt* 1929, No. 18, p. 141 and subsequent issues down to 1932, No. 23, p. I, 171), and for various branches of the readymade clothing trade, for the cutting out of aprons, for paper work, the manufacture of toys, etc. The lowest hourly rate was 15 pfennigs. This was an exceptionally low wage, due to particularly difficult circumstances. It related to work which had gone out of fashion and which otherwise would have been carried out abroad where wages are lower still (the manufacture of trimmings and network). For simple sewing work (cheap underclothing, simple aprons, etc.) rates have been fixed at from 20 to 40 pfennigs per hour, according to district (that is,

country districts, small towns, where the cost of living is low, and large towns, where the cost of living is high). The average rate for the different kinds of readymade clothing varied from 50 to 55 pfennigs per hour, and for made-to-measure work from 70 to 102 pfennigs per hour. The rates fixed or authorised are published regularly in Part VI of the *Reichsarbeitsblatt*. On 8 December 1931 the President of the Reich issued the fourth Order for the safeguarding of the economic and financial situation and the preservation of internal security (*Reichsgesetzblatt* I, p. 700). Part VI of this Order provided that the wages of workers and employees fixed by collective agreement should be reduced in general to the rates in force on 10 January 1927. To the extent to which the wages of home workers were fixed by collective agreements, they were affected by these provisions of the Order. The minimum wages fixed by trade committees for home work were not expressly required by the Order to be changed, but it appeared necessary to effect a corresponding revision of minimum wages. Otherwise home workers would have run the risk of being unable to secure work, since the reduction of the wages of workers in factories and workshops might have enabled production to be carried on more cheaply than would be possible for home workers. Nevertheless, at the request of the Minister of Labour, no further reduction was effected in the wages of home workers in those districts and branches of industries where wages were already exceptionally low.

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 30 September 1932 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)			
(1) Orkney and Shetlands		5 $\frac{1}{2}$	— 11 $\frac{1}{2}$
(2) Rest of Scotland		6 $\frac{1}{2}$	1. 0 $\frac{1}{2}$
Boot and Floor Polish	5,000	7 $\frac{1}{2}$	1. 1 $\frac{1}{2}$
Boot and Shoe Repairing	40,000	10 $\frac{1}{4}$ (a)	1. 2 $\frac{1}{4}$
* Brush and Broom	12,500	6 (a)	— 10
* Button Manufacturing	5,000	6 $\frac{1}{2}$	1. 1 $\frac{1}{2}$
* Chain Making (1)	5,000	5 $\frac{3}{10}$	1. 1
Coffin Furniture and	1,000	6 $\frac{3}{4}$ $\frac{47}{100}$ (a)	1. 1 $\frac{42}{100}$
Cerement Making		7 $\frac{1}{4}$ (b)(m)	— —
Corset	15,000	7	1. 1 (d)
Cotton Waste Reclamation	5,000		
(1) England and Wales		6 $\frac{1}{2}$	— 11
(2) Scotland		6 $\frac{1}{4}$	— 11

* See note at foot of table on following page.

XXVI. Minimum wage-fixing machinery.

Trade	Estimated total number of workers under the Board	Female workers	Male workers
		per hour	per hour
		d.	s. d.
* Dressmaking and Women's Light Clothing (E. and W.)			
(1) Retail Bespoke Section		6¼, 7, 7½ (c)	1. — (d)
(2) Other Sections		7	1. — (d)
* Dressmaking and Women's Light Clothing (Scotland)	150,000		
(1) Retail Branch		7, 7½ (c)	1. 2 (d)
(2) Other Branches		6½ (e)	1. 2 (d)
Drift Nets Mending	2,000	6 (e)	— —
Flax and Hemp	15,000	6	— 10 ³ / ₈
Fur	12,000	7½ (k)	1. 1
General Waste Materials Reclamation	20,000	6	— 10½
Hair, Bass and Fibre	2,500	6½	— 10¾
Hat, Cap and Millinery (England and Wales)		7	1. — (d)
Hat, Cap and Millinery (Scotland)	60,000		
(1) Wholesale Cloth Hat and Cap Branch		7½ (c)	1. 2 (d)
(2) Other Branches		7, 7½ (c)	1. 2 (d)
Hollow-ware	10,000	6½	— 10½
Jute	25,000	6	— 9½
Keg and Drum	2,500	6⅝	— 11¼
* Lace Finishing (1)	5,000	6½	— —
Laundry	120,000		
(1) Cornwall and North Scotland		6½	1. 1½
(2) Rest of Great Britain		7	1. 1½
Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods	10,000	6½	— 11½
Made-up Textiles	5,000	5¾	— 9¾
Milk Distributive :		6⅝, 7½, 8⅝	10½
England and Wales	120,000	(a) and (c)	1.1, 1.2 (c)
Scotland		6⅝ (a)	11⅝
Ostrich and Fancy Feather and Artificial Flower	7,000	7	1. — (d)
Paper Bag	12,000	7½	1. 1½
* Paper Box	40,000	7¾	1. —¼
Perambulator and Invalid Carriage	7,000	6¾ (a)	— 11½
Pin, Hook and Eye and Snap Fastener	2,000	6½ (a)	— 10¾
* Readymade and Wholesale Bespoke Tailoring		7	— 11¾ (d)
* Retail Bespoke Tailoring (E. and W. and Scotland)	65,000		
England and Wales :			
London Area		8 to 9½ (f) (i)	1.0½ to 1.3 (f) (j)
Eastern Area		8 to 9 (f) (i)	1.0½ to 1.2 (f) (j)
South Eastern Area		8 to 9 (f) (i)	1.0 to 1.2 (f) (j)
Central Southern Area		8 to 9 (f) (i)	1.1 to 1.3 (f) (j)
South Western Area		8 to 9 (f) (i)	0.11½ to 1.2 (f) (j)
North Midland Area		7¾ to 8¾ (f) (i)	1.0 to 1.2¾ (f) (j)
Central Midland Area		7½ to 9½ (f) (i)	0.11¼ to 1.3 (f) (j)
South Midland Area		8 to 9½ (f) (i)	1.1 to 1.4 (f) (j)
Northern Area		7¾ to 8¾ (f) (i)	0.11 to 1.1¾ (f) (j)
Yorkshire Area		8 to 9 (f) (i)	1.0 to 1.3 (f) (j)
East Lancashire Area		8½ to 9½ (f) (i)	1.1½ to 1.3¾ (f) (j)
West Lancashire Area		8 to 8¾ (f) (i)	1.0½ to 1.2 (f) (j)
North Wales Area		9 (f) (i)	1.1 to 1.2¼ (f) (j)
South Wales Area		8 to 9 (f) (i)	0.11½ to 1.2 (f) (j)
Scotland :		7, 7½ (f) and (g)	11, 1/- (f) and (h)
Rope, Twine and Net	15,000	6½	10½
Sack and Bag	5,000	6½	11½
* Shirtmaking	60,000	7	1. 2 (d)
Stamped or Pressed Metal Wares	15,000	6½	— 11
Sugar Confectionery and Food Preserving	90,000	6¾	1. — (b)
Tin Box	17,000	7½	1. 1
Tobacco	45,000	9⅝ (a)	1. 3⅝
* Toy Manufacturing	10,000	6¾ (a)	1. —¼
Wholesale Mantle and Costume	200,000	7	11½ (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 generally performed by women and generally performed by men.

(m) In respect of the period 1 April 1932 to 30 September 1932, inclusive.

* 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	450	6	1. 0 (e)
Boot and Shoe Repairing	750		
(1) Belfast and Londonderry		9 ⁷ / ₈ (c)	1. 2 ¹ / ₄
(2) Other Areas		9 ¹ / ₄ (c)	1. 1 ¹ / ₄
Brush and Broom	100	7 (c)	— 11 ¹ / ₂
* Dressmaking etc.			
Factory Branch	4,500	6	— 11 (d)
Retail Branch	900		
Belfast and Londonderry		7	—
Other areas		5, 5 ¹ / ₂ A	—
General Waste Materials	300	5 ⁵ / ₄₇ (b)	— 10 ³⁴ / ₄₇ (d)
Hat, Cap and Millinery	300		
Factory Branch		7	
Retail Branch :			
Belfast and Londonderry		6 ³ / ₄ }	1. 0 ¹ / ₂ (d)
Other areas		6 ¹ / ₄ }	
Laundry	1,100	6 ¹ / ₂ (b) B	—
* Linen and Cotton Embroidery	2,000	2 ¹ / ₂ to 4 ¹ / ₂ D	—
Linen and Cotton Handkerchief, etc.			
Belfast and districts not more than 30 miles by rail from Belfast	20,000	6	9 ³ / ₄ E 7 ³ / ₄
Other Areas		6	9 E 7 ¹ / ₄
Milk Distributive	500	6 ⁵ / ₁₆ , 7 ³ / ₄ , 8 ⁹ / ₁₆ A (a)	9 ² / ₁₆ , 11 ¹¹ / ₁₆ , 12 ³ / ₄ A (a)
Paper Box	900	6 ¹ / ₂	8 C, 9 ³ / ₄
Readymade & Wholesale Bespoke Tailoring	3,300	5 ³ / ₄	— 10 ¹ / ₄ (d)
* Retail Bespoke Tailoring :	1,800		
Belfast and Londonderry		5 ⁷ / ₈	— 11 ³ / ₈ (d)
Other Areas		5 ¹ / ₈	— 10 ⁹ / ₁₀ (d)
Rope, Twine and Net :	2,000		
Belfast		4 ³ / ₄	— 8 ¹ / ₂
Other Areas		4 ¹ / ₄	— 8
* Shirtmaking	8,500	6	— 11 ³ / ₄ (d)
Sugar Confectionery and Food Preserving	400	6 ¹ / ₄	— 11 (d)
Tobacco	1,800	8 ¹⁷ / ₄₇ (c)	1. 1 ⁷ / ₄₇ (c)
Wholesale Mantle and Costume	200	6	— 10 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 em-

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ployed, 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 condi-

tions 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 1932 the number of holders of permits of exemption in Great Britain was 2,817.

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 2,802 males and 9,583 females. Arrears of wages recovered as a result of inspection totalled £776. 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		—
			5 ½ (e)		—
Milk Distributive trade	per week		(f)		(f)
		25s. 3d., 26s. 9d., 32s. 6d., 32s. 6d., 39s. 6d., 43s. 6d.	31s., 34s. 3d., 35s. 6d., 43s. 6d.	34s. 6d., 36s., 43s. 9d., 43s. 9d., 53s. 9d., 58s. 6d.	42s. 3d., 44s. 3d., 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 number of joint labour committees, which was already considerable under the Act previously in force, has been greatly increased by the operation of the new Act of 1931, under which the expenses of the committees are borne by the State. It is not at present possible to give statistics, but it may be stated that all Spanish workers are protected by the fixing of minimum wages in accordance with the law.

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.

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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 has engaged the attention of the British Government in consultation with the local Governments. The British Government has come to the conclusion that in the majority of the dependencies the native workers have not yet reached the stage of social development which renders it possible to operate minimum wage fixing machinery in the manner contemplated in the Convention, especially in regard to the association of representatives of the workers in the operation of the machinery. Nevertheless, legislation of a simple character, suited to the local conditions, has now been enacted in *Kenya* (Ordinance 22 of 1932), *Nigeria* including *Cameroons* under British Mandate (Ordinance 17 of 1932), *Hong Kong* (Ordinance 28 of 1932) and *St. Helena* (Ordinance 11 of 1932). 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*, *Gilbert and Ellice Islands Colony*, and *Sarawak*.

Italy. — Consideration is being given to the possibility of adapting the Convention to colonial labour conditions.

Spain. — The legislation applies without modification to all places under Spanish sovereignty in *Morocco* (*Ceuta* and *Melilla*).

The question does not arise in the case of the other Governments.

IV.

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. In particular, please supply information on the organisation and working of inspection.

Australia. — For information concerning the powers of the Commonwealth in connection with the creation of minimum wage-fixing machinery, see the introductory note above. The information supplied by the Government with regard to the States of the Commonwealth is as follows :

New South Wales. — Awards fixing minimum wages are published in the New South Wales Industrial Gazette and the employer is required under penalty to exhibit a copy so as to be legible to his employees (§ 68 (2) of the Industrial Arbitration Act). The Act provides for the appointment of Inspectors with power to enter premises where employees in an industry to which an award applies are engaged (§ 67). A penalty not exceeding £50 may be imposed for a breach of an award (§ 50). An employee may recover balance of wages due under an award for a period not exceeding six months prior to the date of institution of proceedings (§ 49).

Tasmania. — The enforcement of the wage fixing machinery is entrusted to a Department of the Public Service of this State, namely, the Department of Public Health. Departmental inspectors, who are responsible to the Head of the Department (the Chief Inspector of Factories) generally enforce the requirements of the Statute. Arrears of wages may be claimed by an employee for a period of three months, but arrears over a longer period are not recoverable by law.

Victoria. — The report states that the law in the State of Victoria (which fully covers the provisions of the Convention) is administered and enforced by the Department of Labour. The findings and determinations of Wage Boards have the full force of law. Enforcement of the Wages Boards' findings is provided for by periodical visits of inspectors, of which there are 30 male and 8 female on the staff. About 250 police officers assist in country districts. As a further aid to enforcement, the law requires that every employer must post up a copy of the Determination where employees may see it. Employers failing to comply with the Determinations may be proceeded against in the Court of Petty Sessions at which a police magistrate (a permanent paid official) presides. The Court, if the employer is convicted, has power to order the payment, in addition to a fine as provided in the law, of arrears of wages for a period not exceeding twelve months, to the employee. The law provides, however, that action must be taken within two months of the commission of the offence.

Western Australia. — No information.

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 by repetition work 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 trade associations and 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, and of § 33 n (added by the Act of 14 December 1928) which requires employers to pay the minimum wage.

Germany. — Supervision of the application of the Home Work Act is carried out by the factory inspection authorities. In Prussia several women inspectors and some men inspectors have been relieved, wholly or partly, of other duties and, after having undergone a special course of instruction, are employed solely in the supervision of wages. In 1931 the districts of Berlin, Breslau, Ratisbon, Erfurt, Frankfort-on-the-Main and Dusseldorf employed special officials for the supervision of wages fixed by the trade committees. Valuable assistance is given to the factory inspection authorities by the trade unions, which inform the inspectors of violations of the minimum wage rates that come to their knowledge. In addition, several trade committees, such as the general trade committee for carnival and holiday articles, have set up small sub-committees, composed of representatives of employers and workers, which look into cases of violation and make representations to the employers concerned with a view to securing voluntary compliance before the trade committee institutes prosecutions.

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 year ended 30 September 1932 the number of inspections made in Great Britain was 20,992. The number of workers whose wages were examined was 220,971 and the number of prosecutions undertaken was 36. The

amount of arrears of wages collected by the Ministry of Labour for the same period was £26,293. In Northern Ireland during the same period the number of workers whose wages were examined was 10,618, and the number of prosecutions undertaken was 10. The amount of arrears of wages collected was £569.14.5.

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. Court proceedings against two 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. — The authorities entrusted with the supervision of the system are the joint labour committees, which discharge this function by means of inspecting committees composed of an employers' representative and a workers' representative. Any infraction of the law forms the subject of a report which, after having been approved by the joint committee, is transmitted, together with a proposal as to the appropriate punishment, to the delegate of the provincial tribunal, by whom the penalty is imposed. The difference between the wages actually received and the fixed minimum wage may be sued for before the tribunal of the joint committee if the amount does not exceed 2,500 pesetas, and before the industrial tribunals if the amount exceeds that sum. The right to sue lapses after a delay of three years.

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.

Germany. — The Home Work Act is designed to give the home worker a double protection for his wages. In the first place, he is protected by the prosecution which can be instituted by a trade committee immediately upon receipt of information that a wage below the fixed limit is being paid. Secondly, the worker who receives a wage below the fixed limit can institute a civil suit before the Labour Tribunal. Experience shows that in a time of economic crisis the home worker rarely exercises his right to institute a civil suit, since he does not wish to run the risk of losing his work. On the other hand, employers have recently made frequent use of their right to make application to the Labour Tribunal to have rates of wages fixed so as to protect themselves against prosecutions which are impending or already instituted. The question of the relation between § 37 (1) of the Home Work Act dealing with prosecutions and § 37 (2) dealing with civil proceedings has given rise to many difficulties of administration and has been discussed in numerous articles published in the various reviews devoted to social policy. Basing themselves on the spirit of the Home Work Act, the authorities responsible for the application of the law have for the most part taken up the standpoint that the prosecution procedure must take precedence over the decisions of the Labour Tribunals in civil proceedings, and that consequently the protection of the wages of home workers is in every case guaranteed. It is probable

that the question will be settled beyond any possibility of doubt by an appropriate amendment to § 37 of the Home Work Act.

19

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. A further appeal to the House of Lords was pending on 30 September 1931, but was withdrawn later. The Minister, however, came to the conclusion on the facts before him that he would not be justified in making the Order.

No decisions are reported by the other Governments.

VI.

Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services and any other relevant inspection services and any other relevant so far as such information has not already been given under other headings, and in particular under II (Article 5).

Australia. — For information concerning the powers of the Commonwealth in connection with the creation of minimum wage-fixing machinery see the introductory note above. The information supplied by the Government regarding the States of the Commonwealth is as follow :

New South Wales. — The report states that the provisions made by the Industrial Arbitration Act 1901 and the succeeding Industrial Arbitration Acts have resulted in an efficient organising of employers and workers in various industrial unions of both employers and employees with the result that the trades in which either employers or workers are not organised may be regarded as negligible. It is considered that no further provision needs to be made so far as this State is concerned to meet those cases of unorganised or defectively organised groups of works.

Tasmania. — No information.

Victoria. — The principles of the Convention have been in operation in this country for many years. Details of the application of the wage-fixing legislation in Victoria will be found in the Summary of Wages Board Determinations and in the latest annual report of the Chief Inspector of Factories.

Western Australia. — No information.

France. — The report states that the labour inspection service instituted proceedings, during 1931, in 24 cases arising out of

XXVI. Minimum wage-fixing machinery.

46 contraventions of the provisions of §§ 33 a, 33 b, 33 c and 33 n of Book I of the Labour Code (see under IV 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 a	13	21
§ 33 b	5	6
§ 33 c	4	14
§ 33 n	2	5
	<hr/> 24	<hr/> 46

Germany. — The Government states that in Germany the Convention is applied in the letter and in the spirit. The report furnished last year indicated that the annual reports of the factory inspectors for the year 1930 contained detailed information as to the activities of the trade committees for home work. For reasons of economy the annual reports for the year 1931 will not be published until the autumn of 1933 together with the reports for the year 1932. Mention may be made, however, of a number of articles published in the *Reichsarbeitsblatt* showing how the Act has been applied, and in particular of the following articles :

(1) *The Protection of the wages of the home worker* : by Mrs. Trapp, Ministerial Counsellor, *Reichsarbeitsblatt*, 1931, No. 10, p. II, 164 ; (2) *The posi-*

tion of home workers and the activities of trade committees during a period of economic crisis (on the basis of reports of factory inspectors for the year 1930) : by Mr. Rohde, Regierungs- und Gewerberat, *Reichsarbeitsblatt* 1931, No. 30, p. III, 186 ; (3) *The activities of the home work trade committees for Prussia in the year 1931* : summary based on the reports of the chairmen of the trade committees : by Mrs. Margarete Trapp, Ministerial Counsellor in the Prussian Ministry of Commerce and Industry, *Reichsarbeitsblatt* 1932, No. 22, p. II, 314.

Great Britain. — The report states that useful information with regard to the working of the Convention is given in the annual report of the Ministry of Labour.

Irish Free State. — The report states that there is no special information to be added under this heading.

Italy. — The report states that information on this point is contained in the *Bollettino del Lavoro*.

Spain. — The law of 1931 being so recent, no official reports are available bearing on this point. An assurance can, however, be given that the fixing of minimum wages, which is one of the principal activities of the joint labour committees, has not encountered any difficulty of principle and may be considered as having become incorporated in the Spanish legal system.

TWELFTH SESSION (GENEVA, 1929).

XXVII. Convention concerning the marking of the weight on heavy packages transported by vessels.

Article 3 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 9 March 1932. The following table shows the countries for which the Convention was in force before 1 July 1932 and which, in accordance with Article 408 of the Treaty of Versailles and Article 3 of the Convention, were called upon to submit reports for the period 1 October 1931-30 September 1932 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3. 1931	18. 11. 1932
China	24. 6. 1931	
Irish Free State . .	5. 7. 1930	
Japan	16. 3. 1931	15. 2. 1933
Luxemburg . . .	1. 4. 1931	1. 11. 1932

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

The *Irish Free State* Government states, in its report, that as the national law did not, on examination, prove to be fully in harmony with the provisions of this Convention, the necessary implementing legislation is being drafted. Notwithstanding the heavy pressure of other Parliamentary business, the Government hopes to be in a position to introduce the new Bill at an early date. The provisions of this Convention are observed by certain

of the larger exporting firms in the Saorstat. The new Bill will make provision for the observance by all firms transporting by vessels packages of one metric ton or more.

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.

The Navigation (Loading and Unloading) Regulations, issued under the Navigation Act, 1912-1926, and amended by Statutory Rules 1930, No. 126, and 1932, No. 20.

Irish Free State.

See introductory note.

Japan.

Ordinance No. 16 of 6 May 1930, of the Department of the Interior, respecting the marking of the weight on heavy packages (L. S. 1930, Jap. 1).

Luxemburg.

Act of 24 February 1931 to ratify the Conventions adopted by the International Labour Conference during its Twelfth Session (L. S. 1931, Lux. 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.

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

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

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

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

Australia. — § 3 of the Navigation (Loading and Unloading) Regulations, as amended, provides that every package or article of cargo of a gross weight of one metric ton (2,205 lb.) or over, before being loaded on any ship at a Commonwealth port, shall have prominently marked upon it, or upon a label attached to it, a statement of its approximate gross weight set out in tons and hundredweights: provided that in the case of articles, such as logs, baulks of timber, or other articles which, by reason of their nature or place of shipment it is not practical to weigh, but which are of a weight of over 2,205 lb., the gross weight may be stated approximately, within a limit of one ton as "Over one but under two tons", or as the case may be. The preceding provision does not apply to articles which, by reason of their nature or place of shipment, it is neither practicable to weigh nor legibly to mark or label, but in respect of such articles and also in respect of articles which have been loaded outside Australia and which are not marked as specified in the regulations, the master of the ship must arrange for some competent person to give, to the workers actually employed in the loading or unloading of the articles, verbal advice as to the approximate weight of each such article about to be loaded or unloaded. § 34 (3) of the Regulations provides that the master, owner and agent of the ship, and the shipper of the package or article of cargo shall be jointly and severally liable to a penalty in respect of any breach of the requirements of the Regulations. The Regulations further lay down that, except where otherwise provided, the penalty for the breach of the Regu-

lations shall be a fine of not more than fifty pounds. The report adds that it is considered that the Regulations made are fully in harmony with the provisions of the Convention.

Irish Free State. — See introductory note.

Japan. — § 1 of Ordinance No. 16 of 6 May 1930 lays down that any person consigning a package weighing more than 1,000 kilograms (not being lumber, stone, iron bars, iron sheets, etc., or other similar materials which are not packed) shall mark the weight of the package upon it before despatching it, in such a way that the said mark can easily be seen and is not liable to disappear. Nevertheless, when it is difficult to weigh a package which is considered to exceed 1,000 kilograms, the estimated weight may be marked upon it. § 2 provides that a consignor who contravenes the provisions of the preceding section shall be liable to a fine.

Luxemburg. — § 2 of the Act of 24 February 1931 to ratify the Convention lays down that the obligation for having the weight plainly and durably marked on the outside of the packages or objects mentioned in Article 1 of the Convention shall fall on the consignor. § 3 lays down that persons guilty of contraventions shall be liable to a fine of not less than 51 nor more than 3,000 francs.

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.

XXVII. Weight of packages transported by vessels.

Australia. — The Convention has been applied to the Territory of *Norfolk Island* by Ordinance No. 5 of 1932 and to the *Mandated Territory of New Guinea* by Ordinance No. 17 of 1932.

Japan. — The Convention has been applied as follows :— *Karafuto (Sakhalin)*, by Order of the Government Office, No. 30, of 16 July 1930 ; *Chosen (Korea)*, by Order of the Government General, No. 8, of 19 September 1930 ; *Kwantung Leased Territory*, by Order of the Government Office, No. 69, of 1 November 1930 ; *Taiwan (Formosa)*, by Order of the Government General, No. 40, of 12 November 1930 ; *Mandated Territory of the South Sea Islands*, by Order of the Government Office, No. 2, of 30 June 1930.

The question does not arise in the case of the *Irish Free State* and *Luxemburg*.

IV.

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. In particular, please supply information on the organisation and working of inspection.

Australia. — The administration of the Regulations is entrusted to the Navigation Service, functioning under the Director of Navigation as a section of the Marine Branch of the Department of Commerce. In each State of the Commonwealth there is a Deputy Director of Navigation, with a staff of surveyors. The surveyors exercise general supervision over the loading and unloading of ships, and their seaworthiness. The obligation of seeing that the package is marked with the weight has been placed jointly and severally on the shipowner and consignor of the goods in the Commonwealth. In the Territories of New Guinea and Norfolk Island, the obligation is placed on the consignor, with a further penalty on the master if he permits unmarked heavy packages to be loaded.

Irish Free State. — See introductory note.

Japan. — The central organ which is responsible for the application of the Ordinance concerning the marking of the weight on heavy packages is the Bureau of Social Affairs (the Department of Communications with regard to vessels). Locally, the local administrative authorities and the Bureau of Communications under the jurisdiction of the Department of Communications are entrusted with the

task of administrating and supervising the above-mentioned legislation.

Luxemburg. — The enforcement of the application of the Convention is ensured by the labour inspection service and by police officers and constables.

V.

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

The reports supplied do not mention any such decisions.

VI.

Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from inspectors' reports, information concerning the number and nature of the contraventions reported, etc.

Australia. — Reports received from Deputy Directors of Navigation indicate that the Regulations are being effectively carried out. The provisions as to giving verbal advice of the weight in cases where marking is impracticable, and of marking approximate weight in other cases, has been of much assistance in rendering the provisions workable. There has, however, been some objection from shipowners to any responsibility as to the marking being placed on them. They state that they have no reasonable means of checking the weight marked, and that trade would be disrupted if they declined to accept for shipment goods not accompanied by reliable evidence of weight. It has been felt, however, that the Convention can only be effectively applied by placing the obligation on the shipowner, his master or agent. To meet the objections raised, in some degree, the consignor of the goods has been joined in the liability.

Irish Free State. — See introductory note.

Japan. — The report states that there are no particulars to be mentioned with regard to the application of the Convention.

Luxemburg. — The report does not refer to this point.

XXVIII. Convention concerning the protection against accidents of workers employed in loading or unloading ships.

Article 19 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 1 April 1932. The following table shows the countries for which the Convention was in force before 1 July 1932 and which, in accordance with Article 408 of the Treaty of Versailles and Article 19 of the Convention, were called upon to submit reports for the period 1 October 1931-30 September 1932 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Irish Free State .	5.7.1930	7.11.1932
Luxemburg . . .	1.4.1931	1.11.1932

The Convention was subjected to a partial revision by the International Labour Conference at its sixteenth Session, and the revised draft Convention was adopted by the Conference on 27 April 1932.

* * *

The *Irish Free State* Government, by letter dated 28 October 1932, states that "... the Docks Regulations 1928 contain the protective measures prescribed in

Saorstát Éireann for the safety of such workers [sc. workers employed in loading or unloading ships]. These Regulations, which were made in pursuance of Section 79 of the Factory and Workshop Act 1901, are enforced by inspectors of factories and workshops of the Department of Industry and Commerce. The Regulations indicate the extensive protective measures taken to safeguard the life and limb of workers engaged in occupations certified as dangerous. The Minister notes that by Article 23 of the International Labour Convention adopted in 1929 "the ratification by a Member of the new revising Convention shall, *ipso jure*, involve denunciation of this Convention." As the Minister has under consideration, with a view to ratification, the draft Convention adopted in this matter in April at the Sixteenth Session of the International Labour Conference, ... no useful purpose would be served by furnishing replies under the various headings detailed in the annual report form."

The report of the *Luxemburg* Government states that, in general, the provisions of Article 15 of the Convention are applicable to processes carried on in the territory of the Grand Duchy. (Article 15 of the Convention provides as follows: "It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out".)

FOURTEENTH SESSION (GENEVA, 1930).

XXIX. Convention concerning forced or compulsory labour.

Article 28 of the Convention provides that "it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered".

The Convention came into force on 1 May 1932. The following table shows the States for which the Convention was in force before 1 July 1932 and which, in accordance with Article 408 of the Treaty of Versailles and Article 28 of the Convention, were called upon to submit reports for the period 1 October 1931-30 September 1932 or for part of that period.

In addition, the Government of the Sudan has submitted a voluntary report.

COUNTRIES	Date of registration of ratification	Reports received
Great Britain . . .	3.6.1931	16. 2.1933 11. 3.1933 15. 3.1933 18. 3.1933 25. 3.1933
Irish Free State .	2.3.1931	14.10.1932
Liberia	1.5.1931	

Appended to the *British* instrument of ratification is the following list of *British non-self-governing Colonies and Protectorates* and of *Mandated Territories* administered under the authority of His Majesty's Government of the United Kingdom of Great Britain and Northern Ireland to which the provisions of the Convention are to apply without modification:

Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands and Dependencies, Fiji, Gambia, (Colony and Protectorate), Gibraltar, Gold Coast (Colony, Ashanti, Northern Territories and Togoland under British Mandate), Hong Kong, Jamaica (including Turks and Caicos Islands and the Cayman Islands),

Kenya (Colony and Protectorate), Leeward Islands (Antigua, Dominica, Montserrat, St. Christopher and Nevis and Virgin Islands), Malay States (Federated Malay States: Negri Sembilan, Pahang, Perak and Selangor; Unfederated Malay States: Johore, Kedah, Kelantan, Perlis, Trengganu and Brunei), Malta, Mauritius, Nigeria (Colony, Protectorate and Cameroons under British Mandate), State of North Borneo, Northern Rhodesia, Nyasaland Protectorate, Palestine, St. Helena and Ascension, Sarawak, Seychelles, Sierra Leone (Colony and Protectorate), Somaliland Protectorate, Territories of the South Africa High Commission (Basutoland, Bechuanaland Protectorate and Swaziland), Straits Settlements, Tanganyika Territory, Trans-Jordan, Trinidad and Tobago, Uganda Protectorate, Islands of Western Pacific (British Solomon Islands Protectorate, Gilbert and Ellice Islands Colony and Tonga), Windward Islands (Grenada, St. Lucia and St. Vincent) and Zanzibar Protectorate.

On 13 November 1931 the Secretary-General of the League of Nations registered a communication from the British Government, informing him that, with the consent of His Majesty's Government in *Newfoundland*, His Majesty's Government in the United Kingdom desired to accept the obligations of the Convention on behalf of *Newfoundland*.

In submitting interim memoranda on the *Gambia* and the *Gold Coast*, the British Government made the following statement:

"It is regretted that it is not yet possible to render complete reports in respect of these territories in the form prescribed by the Governing Body. In both territories the greater part of the compulsory labour employed is customary labour of the kind covered by the term "minor communal services", but in both territories certain difficulties have been encountered in determining precisely the extent to which certain forms of compulsory labour fall within that category or should be regarded as "labour for chiefs", which would be subject to the stipulation of the Convention in accordance with Article 10. This question has been under consideration by the Officers Administering the Governments, but their investigations had not been completed in time to enable detailed reports to be prepared. These reports are now in course of preparation and will be communicated to the International Labour Office as soon as they are available. In the meantime, in order that the International Labour Office may not be without information in regard to these two dependencies, the annexed interim memoranda have been prepared. Apart from penal labour, minor communal services, and labour which can be called upon in times of emergency, the only form of compulsory labour which may

XXIX. Forced or compulsory labour.

be employed in the Gold Coast or the Gambia is that called out for the execution of public works (principally on the roads) by chiefs who exercise administrative functions. Such labour is never employed in the circumstances envisaged in Articles 16, 17, 20 or 21 of the Convention. In both the Gold Coast and the Gambia it is proposed to replace the legislation referred to in these memoranda by Forced Labour Ordinances in which provision will be made for the regulation, in accordance with the provisions of the Convention, of such forms of compulsory labour as it may be found necessary to continue to employ."

The Government of the *Irish Free State* reports that it "has not under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority any territories to which the provisions of the Convention concerning Forced or Compulsory Labour is applicable. The Government is in favour of the suppression and abolition of forced or compulsory labour on the lines laid down in the International Labour Convention. The Convention was accordingly ratified and the Government will be prepared to act in accordance with the provisions thereof should any occasion arise."

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

The Government of the *Anglo-Egyptian Sudan* in a letter dated 14 January 1932 addressed to the Secretary-General of the League of Nations states: ".... 2. While there can be no question of the Sudan participating as a contracting party in this Convention, owing to the fact that there does not appear to be any provision in this convention under which the Sudan could accede, it may be of interest to the members of the International Labour Organisation to receive for their information the following information regarding the matters with which the convention deals. 3. I am to inform you that the law and administrative measures in force in the Sudan is in conformity with all the provisions of the convention except the following: (a) Article 12 (2) concerning certificates; (b) Article 14 (3) concerning individual payments; (c) Article 22. Since the Sudan is not a member of the International Labour Organisation no report is made by the Government under Article 408 of the Treaty of Versailles." Following this communication and in reply to a suggestion of the International Labour Office, the Sudan Government agreed to render an annual voluntary report upon the measures taken in the Sudan to give effect to the provisions of the Convention.

I.

Article 26 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under

its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, it shall append to its ratification a declaration stating:

(1) the territories to which it intends to apply the provisions of this Convention without modification;

(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;

(3) the territories in respect of which it reserves its decision.

The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of sub-paragraphs (2) and (3) of this Article, in the original declaration.

Please give for each territory concerned 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.

Great Britain.

The Government states that there is no law or custom permitting the exaction of forced or compulsory labour as defined for the purpose of the Convention in the *United Kingdom*.

The position in the self-governing Colony of *Newfoundland* is the same as in the *United Kingdom*.

In the following British dependencies which are not fully self-governing there is stated to be no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention:

Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Ceylon, Cyprus, Falkland Islands and Dependencies, Fiji, Gibraltar, Hong Kong, Jamaica (including Turks and Caicos Islands and the Cayman Islands), Leeward Islands (Antigua, Dominica, Montserrat, St. Christopher and Nevis, and the Virgin Islands), Malay States (Federated Malay States: Negri Sembilan, Pahang, Perak and Selangor; Unfederated Malay States: Johore, Kedah, Kelantan, Perlis, Trengganu and Brunei), Malta, Mauritius, Northern Rhodesia, Palestine, St. Helena and Ascension, Sarawak, Seychelles, Somaliland Protectorate, South Africa High Commission Territories (Basutoland, Bechuanaland Protectorate, Swaziland), Straits Settlements, Trinidad and Tobago, Western Pacific Islands (British Solomon Islands Protectorate, Gilbert and Ellice

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Islands Colony, Tonga), Windward Islands (Grenada, St. Lucia, St. Vincent), Zanzibar Protectorate.

Forced labour, as defined by the Convention, is allowed by law in the following dependencies:—

Gambia (Colony and Protectorate), Gold Coast (Colony, Ashanti, Northern Territories, Togoland under British Mandate), Kenya (Colony and Protectorate), Nigeria (Colony, Protectorate, Cameroons under British Mandate), North Borneo, Nyasaland Protectorate, Sierra Leone (Colony and Protectorate), Tanganyika Territory, Trans-Jordan, Uganda Protectorate.

Below is given a list of the relevant laws in these territories.

Gambia.

Protectorate Administration Rules, 1915, §§ 36, 37.
Slave Trade (Abolition) Ordinance, 1906, § 3.

Gold Coast.

Criminal Code, § 449 (7).
Roads Ordinance, Cap. 149.
Roads Maintenance Rules of Ashanti.
Roads Maintenance Rules of the Northern Territories.
Native Authority Ordinance of the Northern Territories which applies also in the Northern Section of Togoland under British Mandate, § 9.
Towns Ordinance, Cap. 170, § 38 (1).
Sanitary bye-laws made under the Native Jurisdiction Ordinance.

Kenya.

Penal Code, § 243.
Native Authority Ordinance (Cap. 129), as amended by The Revised Edition of the Laws (Operation) Ordinance, 1926.
Native Authority (Amendment) Ordinance, 1928.
Native Authority (Amendment) Ordinance, 1930.
Native Authority (Amendment) Ordinance, 1931.
Native Affairs Department Circulars, Nos. 33/24, 9/25, 21/28, 30/28, 44/29, 1/31, 9/31, 28/31, 16/32.
Government Notices, Nos. 406 of 1926, 595 of 1928.

The report states that during the period under review the exaction of forced or compulsory labour was regulated by the above, but that it is now governed by the Compulsory Labour (Regulation) Ordinance, 1932.

Nigeria.

The report states that there has not hitherto been any specific legislation regulating the exaction of forced or compulsory labour. Up to 1931 it was the deliberate policy of the Government to avoid the enactment of precise laws and regulations, as it was considered that the employment of compulsory labour was adequately controlled by Native law and custom, that the employment of such labour was steadily decreasing, and that, by stereotyping the conditions under which it was employed, the issue of precise regulations might retard its discontinuance. Some doubts are now felt as to the validity of those views. In any case however in view of Article 23 of the Convention, it has become necessary to take legislative action. For this purpose an Ordinance entitled the Forced Labour Ordinance 1933, has been enacted. If it is found that the Ordinance is insufficient to meet the requirements of the Convention its provisions will be supplemented by the necessary revised administrative instructions. The Ordinance and any administrative instructions which may be issued will apply to the Cameroons under British Mandate as well as to Nigeria. The provisions of the Ordinance permitting forced or compulsory labour apply generally to the Protectorate and the Cameroons under British mandate.¹ In the Colony a person may be lawfully compelled to work only (i) as the result of a conviction in a court of law, and (ii) by order of the Governor in the event of certain calamities (see under ARTICLE 2). The Nigerian Criminal Code, § 366, covers the illegal exaction of forced labour.

¹ Unless otherwise stated, information given in the summary of the Nigerian report in respect of the Protectorate applies also to the Cameroons under British mandate.

North Borneo.

Indian Penal Code (adopted as law in North Borneo under the Procedure Ordinance, 1926), § 374.
Village Administration Ordinance, 1913 § 9 (ii), as amended by Notification 95 of 1931.
Land Ordinance, 1930, § 66.
Notification 505 of 1930, (issued under the Land Ordinance, 1930) § 5.
Notification 159 of 1931 (issued under the Agricultural Pests Ordinance, 1917).
Administrative Circular 285 dated 23 January, 1931.

The report states that work on the preparation of a draft bill entitled "The Prohibition of Forced Labour Ordinance", which has been framed to comply with the Articles of the Convention, has nearly been completed with a view to introduction in the Legislative Council at the next meeting. Meanwhile the essential conditions of the Convention are already in force in North Borneo.

Nyasaland.

Penal Code, § 223.
District Administration (Native) Ordinance, 1924, as amended by the District Administration (Native) Amendment Ordinance, 1926.

The report states that a Forced Labour Bill has been prepared and will be enacted at the next convenient session of the Legislative Council. In so far as any of the stipulations of the Convention are not included in the Bill, they will be embodied in Regulations to be issued when the Ordinance has been passed.

Sierra Leone.

Headmen Ordinance (Cap. 91).
Public Health (Protectorate) Ordinance (Cap. 172) § 9.
Protectorate Native Law Ordinance (Cap. 170) §§ 10-18.
Destruction of Locusts Ordinance 1931.
Protectorate Ordinance (Cap. 167) § 8 (8).
Sierra Leone General Orders 461-477.

The report states that as the provisions of certain of these Ordinances did not comply fully with stipulations of the Convention, Administrative Regulations were issued to all Political Officers on 4 June 1932, to the effect that the spirit of the Convention was to be strictly observed pending, as well as after, the passage of legislation to give full effect to the Convention. This legislation has now been passed, viz. the Forced Labour Ordinance (No. 50 of 1932).

Tanganyika Territory.

Penal Code, §§ 243 and 34.
Native Authority Ordinance (Cap. 47).
Hut and Poll Tax Ordinance (Cap. 63), as amended by Ordinance No. 23 of 1930.
Employment of Porters (Restriction) Ordinance (Cap. 27).
Instructions concerning the recruitment, employment and care of Government labour (hereinafter referred to as the "Labour Memorandum").
Native Administration Memorandum No. I.
Native Administration Memorandum No. VIII.

Trans-Jordan.

The Government reports that § 8 of the Organic Law provides that: "Compulsory or forced labour may be exacted for public purposes only. This labour shall invariably be of an exceptional character, shall always require adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence." Nevertheless no recourse is in fact had in Trans-Jordan to any forms of compulsory labour which are not exempted from the provisions of the Convention by the terms of Article 2. It is now proposed to introduce a Law into the Legislature definitely prohibiting the employment of all forms of forced or compulsory labour other than those exempted from the provisions of the Convention by the terms of Article 2.

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Uganda.

Penal Code 1930, § 223.
Native Authority Ordinance 1919, (Cap. 60) Amendment 1923 (Ordinance No. 14 of 1923).
Native Authority Rules 1920.
Native Authority Rules 1929.
Poll Tax Ordinance 1920 (Cap. 63).
Luwalo Law 1930 and 1931 (Kingdom of Buganda).
Regulations and General Instructions for the control of compulsory labour 1932.

The ratification of the Convention and its application to the Uganda Protectorate is not considered as having modified existing legislation. Legislation, where it has contained provisions at variance with the terms of the Convention, has been amended and the legislation as it now stands provides the means of enforcing the provisions of the Convention.

Irish Free State.

See introductory note.

Sudan (Voluntary Report).

Sudan Penal Code, §§ 311, 312, 313.
Locusts Destruction Ordinance 1907, § 3.
Plants Diseases Ordinance 1911, § 8 (4).
Agricultural Pests Prevention Ordinance 1919, § 3.
Public Order Ordinance 1921, § 9 (A).
Sleeping Sickness Regulations 1928, § 17.
Central Forest Ordinance 1932, § 11.

Copies of the Convention have been sent to the Governors of all Provinces with instructions to apply its provisions, except those mentioned under Articles 12 and 14.

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, and furnish in particular information for each of the territories concerned on the matters indicated below under various Articles.

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees herein-after provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the Agenda of the Conference.

See below under ARTICLE 2.

ARTICLE 2.

For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include :

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character ;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country ;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations ;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population ;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Great Britain. — The position in the territories where certain forms of forced or compulsory labour as defined by the Convention are allowed is summarised below. In regard to the exceptions to the definition of forced or compulsory labour contained in Article 2, the reports state that (a) there is no compulsory military service, (b) this paragraph has no relevance to local circumstances, and (c) this paragraph requires no comment. (See, however, under *Kenya*.)

Gambia. — See introductory note, and under ARTICLE 10.

Gold Coast. — See introductory note. — The Native Authority Ordinance of the Northern Territories contains provisions in regard to the enforcement of labour in cases of emergency. § 8 authorises the Native authority to issue orders for the prevention of the spread of infectious disease. § 9 empowers the authority in the event of famine to issue orders requiring any able-bodied Native to work on any public works, irrigation works, relief works or in any other employment approved by the Commissioner, or requiring any Native to cultivate land. Among the services which would appear to fall under the category of minor communal services are the prevention of water pollution or obstruction (§ 8(f) of the Northern Territories Native Authority Ordinance), the construction and maintenance of latrines and open spaces round towns and the destruction of refuse (The Towns Ordinance, § 38(1)) and various sanitary duties (Sanitary bye-laws under the Native Jurisdiction Ordinance).

Kenya. — The employment of forced or compulsory labour is prohibited by § 243 of the Penal Code except in so far as it may be lawfully employed at the instance of public authorities

under the Kenya Ordinances and Administrative Instructions. Under the Compulsory Labour (Regulation) Ordinance, 1932, which now governs the matter, the employment of forced or compulsory labour is prohibited except as provided in the Ordinance. In regard to the exceptions to the definition of forced or compulsory labour contained in Article 2, the report states: (a) There is no compulsory military service law applicable to Non-Europeans in Kenya; (b) Is not applicable to Kenya; (c) A few detainees used to be permitted to do daily work for private individuals, under official supervision, but this practice has now ceased. As regards paragraph (d), the Compulsory Labour (Regulation) Ordinance repeats the provisions of the Convention; while during the period under review compulsory labour in case of emergency was permissible under § 8 (m) of the Native Authority Ordinance. The report states that compulsory labour for communal services during the period under review was of such a nature as to fall within paragraph (d) or (e) of Article 2 of the Convention, being limited to work under § 8 (h) and (r) of the Native Authority Ordinance, which permit orders to be issued "requiring the able-bodied men to work in the making or maintaining of any water-course or other work... for the benefit of the community" for six days in the quarter, and "for any other purpose approved by the Governor in writing". The Compulsory Labour (Regulation) Ordinance now exempts minor communal services in the terms of the Convention. (See also under ARTICLE 10.)

Nigeria. — See under Article 26 above. — During the period under review the illegal exaction of forced labour was punishable under § 366 of the Criminal Code. The exaction of forced labour, as defined in Article 2 of the Convention, is now prohibited, under § 4 of the Forced Labour Ordinance, 1933, except in so far as it may be authorised by the Governor by regulations under § 7 in order to provide carriers and under § 10 for chiefs who have hitherto enjoyed personal services. In regard to the exceptions to the definition of forced or compulsory labour, § 14 of the Forced Labour Ordinance empowers the Governor to exact labour in the event of the emergencies enumerated in Article 2 (d) of the Convention both in the Colony and in the Protectorate. § 16 (b) provides that regulations may be issued with regard to the exaction and employment of such labour. § 13 of the Forced Labour Ordinance permits the exaction in the Protectorate of labour for: (i) the maintenance of Native buildings used for communal purposes including markets but excluding juju houses and places of worship; (ii) sanitary measures; (iii) the maintenance and cleaning of roads and paths; (iv) repairing town or village fences; (v) digging and construction of wells; (vi) such other minor communal services in the direct interest of the inhabitants of the town or village as may be prescribed by regulation made by the Governor in Council. It is provided that (i) the inhabitants or their direct representatives are consulted in regard to the need for such services; (ii) any person may be excused from the labour on payment of such sum as represents the current wage; (iii) before exacting labour for the communal service mentioned in paragraph (iii) above, the prior sanction of the Governor is obtained.

North Borneo. — The only way in which a person can be lawfully compelled to engage in "forced or compulsory labour" within the meaning of the Convention is by virtue of an order under § 9 (ii) of the Village Administration Ordinance, 1913 (as amended by Notification 95 of 1931) for furnishing transport for Government purposes. The illegal exaction of compulsory labour is a punishable offence under § 374 of the Penal Code. As regards the exception to the definition of forced or compulsory labour contained in Article 2 (d), the report states that in case of emergency, work may be imposed on Native landholders under paragraph (h) of § 5,

of Notification 505 of 1930, quoted below. Specific provision is also made by Notification 159 of 1931, which reads as follows: "When any pest assumes proportions which threaten the agricultural prosperity of any district, the Governor may... call upon all inhabitants of the area... to assist... to exterminate the pest". As regards Article 2 (e), § 66 of the Land Ordinance, 1930, reads: "Customary tenure shall confer upon the holder thereof... use and occupancy... subject... (b) to the liability to give his labour free... for the performance of such works and duties for the common benefit of himself and neighbouring landholders as may be prescribed." The following works of "common benefit" have been prescribed under § 5 of Notification 505 of 1930: (a) The repair of dams and water-courses; (b) The clearing of rivers, streams and water-courses; (c) The upkeep and repair of paths crossing padi lands; (d) The maintenance of burying grounds; (e) The upkeep of Mosques and places of worship; (f) The fencing in of grazing grounds; (g) The maintenance of Tamu grounds; (h) Any other work which the Native Chief or Headman may, with the approval of the District Officer, impose as being of common benefit."

Nyasaland. — During the period under review compulsory labour could not be employed except under and in accordance with the provisions of the District Administration (Native) Ordinance. The illegal exaction of compulsory labour is a punishable offence under § 223 of the Penal Code. In regard to the exceptions to the definition of forced or compulsory labour, cases of emergency are provided for by § 19 (3) of the District Administration (Native) Ordinance, 1924, which makes it the duty of every able-bodied Native to obey orders requiring him to labour for payment in assisting Government Officers in any administrative emergency. § 18 (b) of the Ordinance requires every able-bodied Native to obey orders to labour without payment for not more than 24 days in the year in the construction or maintenance of any work of a public nature for the benefit of the village area or section to which he belongs.

Sierra Leone. — During the period under review forced or compulsory labour could not be employed except under the Ordinances enumerated above. Under the Forced Labour Ordinance, 1932, which is now in operation, the employment of forced or compulsory labour is prohibited except as provided in the Ordinance. In regard to the exceptions to the definition of forced or compulsory labour permitted by Article 2, paragraph (d) of the Convention, the Forced Labour Ordinance repeats the provisions of the Convention, while under the Destruction of Locusts Ordinance, 1931, rules have been issued requiring owners and occupiers of land to report the presence of locusts, to take measures to destroy them, and to assist locust officers. In other cases of emergency, authority to employ compulsory labour is derived from Part II of the Protectorate Native Law Ordinance, which deals with the rights to labour of paramount chiefs, chiefs and headmen. As regards paragraph (e), the Forced Labour Ordinance repeats the provisions of the Convention, while § 5 of the Headmen Ordinance provides that a headman may, after consultation with the elected committee and with the approval of the Governor, make rules requiring residents to perform certain work on not more than eighteen days in any one year, for the cleaning of cemeteries, the cleaning, maintenance and repairing of streets and bridges, and on any other work of a like character for the benefit of the town. Under § 9 of the Public Health (Protectorate) Ordinance, 1926, the chief of any town or place which has been declared a sanitary district may require Native male residents between 18 and 45 to perform certain services for the maintenance of health in the district.

Tanganyika Territory. — The employment of forced labour is prohibited by § 243 of the Penal

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Code except in so far as it may be lawfully employed at the instance of public authorities under the Tanganyika Ordinances. In regard to the exceptions to the definition of forced or compulsory labour permitted by Article 2, paragraph (d) of the Convention, the Labour Memorandum instances as forced labour which may be imposed without the prior consent of the Chief Secretary to Government emergency work such as the saving or repair of a bridge or embankment when there is no time to apply for approval, the repair of telegraph lines, when unforeseen damage has been done which must be repaired without delay, forest fires, and other grave emergencies, in which "rare and exceptional cases District Officers are authorised to use their discretion, but they must interpret this permission very strictly, and report immediately" on any action taken. The Labour Memorandum also permits compulsory labour on the request of Native authorities, "for example, (a) in connection with the destruction of wild pigs or baboons, the prevention of the spread of infectious diseases whether of human beings or animals...". The Native Administration Memorandum No. 1 states in § 69 that "cases will arise where the health and well-being, or even the continued existence, of a community are threatened by the spread of tsetse fly and human or animal trypanosomiasis," in which cases compulsion is authorised. The Native Authority Ordinance under § 8 permits orders to be issued for (g) preventing the spread of disease and for the care of the sick, and (o) exterminating or preventing the spread of tsetse fly. As regards paragraph (e), § 8 (q) of the Native Authority Ordinance enables Native authorities to require to be done "any matter or thing which the native authority, by virtue of any native law or custom for the time being in force and not repugnant to morality or justice, has power to prohibit, restrict, regulate, or require to be done". The Labour Memorandum states in § 12 that "where it is an established custom for services to the community such as the annual cleaning and light repairs of roads in the native areas (other than roads in villages which as a municipal duty should be kept clean without payment) to be performed by communal labour, that practice may continue... but District Officers should be careful to see that the practice is not abused, and that only such work is done as is reasonably necessary for the comfort and economic development of the community concerned. Before the use of such labour is permitted the people concerned or the Native Authorities, as their direct representatives, must be consulted, and their views may only be overruled with the express consent, in each case, of the Provincial Commissioner, and then only when important questions of health and well-being are involved", as for example clearing grass and reeds to prevent sleeping sickness. § 14 permits compulsory labour for the normal communal activities of a village, "such as keeping compounds, villages and towns in a sanitary condition, keeping clean town and village roads and approaches, and the annual clearing of grass from village roads." § 68 of the Native Administration Memorandum No. 1 states that "where it is an established custom for services to the community such as the sanitary care of the villages and the annual cleaning and repair of tribal roads to be performed by communal unpaid labour", Native Authorities may issue orders under the Native Authority Ordinance.

Uganda. — The employment of forced labour is prohibited by § 223 of the Penal Code except in so far as it may be lawfully employed for public purposes at the instance of public authorities under the Uganda Ordinances and Laws. In regard to the exceptions to the definition of forced or compulsory labour permitted by Article 2, paragraph (d) of the Convention, the Native Authority Ordinance permits the issue of orders for preventing the spread of infectious disease, whether of human beings or animals, and for the care of the sick (§ 7B (e)). The Native Authority Rules, 1929, make lawful the issue of orders for

the prevention, controlling and suppression of plant diseases and insect pests. As regards paragraph (e), minor communal services such as the upkeep of village wells and paths, the carrying of the sick, etc., are not classified as compulsory labour and are permitted as required from time to time. They are obligatory upon communities rather than upon individuals.

Trans-Jordan. — See under I.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — Forced labour is forbidden by law (under the Penal Code) except in certain specified cases, excluded from the definition of forced or compulsory labour by Article 2 (d) of the Convention. The Locusts Destruction Ordinance 1907 permits officers to call upon every person capable of labour to assist in the destruction of locusts and locusts' eggs. Under the Plants Diseases Ordinance 1911 inspectors may call upon all such persons to assist in the eradication of certain cotton pests. Under the Agricultural Pests Prevention Ordinance 1919, where insufficient labour is available for urgent operations against pests, boys between nine and eighteen years of age or unmarried girls may be instructed to assist in carrying out such operations in return for wages. The Public Order Ordinance 1921 provides that "in case of danger to life, health or property arising directly or indirectly from fire, flood, excessive rain or other sudden emergency" officers may call upon persons capable of labour to assist in meeting the danger. The Sleeping Sickness Regulations 1928 empower a Senior Medical Officer to order chiefs to clear vegetation and trees from fly infected water courses and village drinking places. Lastly, the Central Forest Ordinance 1932 requires all persons to assist "in case of fire, accident or other emergency involving danger to an area declared a reserve or to property in or near the reserve.

ARTICLE 3.

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Great Britain. — In the territories covered by the British reports the competent authority is the Governor or the Governor in Council, being the highest central authority in the territory. The prior consent of the Secretary of State for the Colonies is required in the event of the enforcement of labour for certain general public purposes in *Kenya* and *Uganda*.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — In accordance with Article III of the Anglo-Egyptian Condominium Agreement 1899, the Governor-General is the highest central authority in the Sudan.

ARTICLE 4.

The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Secretary-General of the League of Nations, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

If forced or compulsory labour for the benefit of private individuals, companies or associations existed at the date of ratification of this Convention, please indicate the measures taken for its suppression.

Great Britain. — In the territories covered by the British reports forced or compulsory labour for the benefit of private individuals, companies or associations is illegal. The *Kenya* report states that "no forced labour for private employers has been permitted otherwise than as referred to in the note on ARTICLE 2 (c). As stated in that note, this practice has now ceased."

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that there are no concessions involving any form of forced or compulsory labour. Concessionnaires enforcing labour would be prosecuted under existing legislation.

ARTICLE 5.

No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

If concessions granted to private individuals, companies or associations exist which contain provisions involving forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade, please indicate the character and extent of the labour involved and state what measures have been taken to rescind such provisions and the date on which the rescission takes effect.

Great Britain. — In the territories covered by the British reports there are

no concessions involving forced or compulsory labour.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that there are no concessions involving any form of forced or compulsory labour. Concessionnaires enforcing labour would be prosecuted under existing legislation.

ARTICLE 6.

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

Great Britain. — The reports in respect of *Kenya, North Borneo, Tanganyika Territory* and *Uganda* state that officers putting constraint on persons to work for private individuals would be liable to disciplinary penalties and to penalties under the Penal Codes.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — § 3 (3) of the Compulsory Labour (Regulation) Ordinance provides that "no official of Government shall put any constraint upon any other person to work for any private person."

Sierra Leone. — § 10 of the Forced Labour Ordinance states that no Government officer, recognised chief or other person in authority shall, directly or indirectly, put any constraint upon the population or individual members to work for any private person.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — This Article would be covered by the instructions sent to the Governors of all provinces. In addition the Government reports that it relies with confidence on its local officials.

ARTICLE 7.

Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Great Britain. — In the territories covered by the British reports chiefs who

do not exercise administrative functions are not Native authorities and are not allowed to have recourse to forced or compulsory labour. The position as regards the second part of this Article is summarised under ARTICLE 10. Below is given a summary of the situation as regards the enjoyment of personal services by recognised chiefs who do not receive adequate remuneration.

Gambia. — See introductory note.

Gold Coast. — Except in the Northern Territories and in the Northern Section of Togoland under British Mandate, chiefs, being remunerated in other ways, no longer have the enjoyment of personal services. In the Territories mentioned, the personal services are restricted to the cultivation of farms and to certain ceremonial duties. Adequate precaution is taken against abuses.

Kenya. — The report states that no Chief is entitled to receive any personal services or to exact compulsory labour for his own benefit.

Nigeria. — See under ARTICLE 26 above. § 10 of the Forced Labour Ordinance permits a duly recognised chief, who does not enjoy adequate remuneration in other forms, on or after the coming into operation of regulations to be issued under § 16 (a) and subject to such regulations, to have the enjoyment of such personal services as are reserved to him by Native law and custom.

North Borneo. — The rendering of tribute and personal service to Native Authorities is prohibited.

Nyasaland. — Duly appointed chiefs have the enjoyment of certain personal services, but these are rapidly becoming increasingly rare. To prevent abuse of such labour is part of the normal duty of a District Commissioner and abuse is readily complained of by the people themselves.

Sierra Leone. — During the period under review chiefs were authorised to have the enjoyment of certain personal services by Part II of the Protectorate Native Law Ordinance. The report states that to prevent abuse of such labour is part of the normal duty of a District Commissioner, and abuse would be readily complained of by the people themselves. Recognised chiefs may, under § 4 of the Forced Labour Ordinance, continue to obtain personal services for the clearing, planting, and maintenance of their farms and the reaping and storing of the crops grown thereon, for the building and repair of their houses, offices and compounds, and for the transport of themselves and their stores. No person may be compelled to render such services for more than 30 days in one year, or on more than six days in any one week. No such work or service may entail the removal of any person from his habitual residence. No person may be prevented from having sufficient time to cultivate his own land by any such work or service.

Tanganyika Territory. — The rendering of tribute and service to Native Authorities is prohibited, having been commuted for a regular salary payable by the Native Treasury.

Trans-Jordan. — See under I.

Uganda. — The report states that it is still the custom in some districts for Chiefs who exercise administrative functions to exact personal services, but punishment for failure to perform these services is not permitted.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that the law and administrative measures in force in the Sudan are in conformity with these provisions and that the only form of labour that can in any sense be regarded as compulsory is that mentioned under ARTICLE 10.

ARTICLE 8.

The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of Government stores.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — The Government reports that the responsibility for every decision to have recourse to compulsory labour other than that authorised under § 8(m), (n) and (r) of the Native Authority Ordinance rests with the Secretary of State, and that no request for recourse to compulsory labour has been made to the Secretary of State since 1926. The Compulsory Labour (Regulation) Ordinance now provides that no compulsory labour shall be imposed without the consent of the Governor, who may, however, delegate certain powers to any Provincial Commissioner, District Officer, or Headman.

Nigeria. — The general power of delegation conferred on the Governor by § 22 of the Interpretation Ordinance is in the case of forced labour limited by § 6 (3) of the Forced Labour Ordinance and Regulation 2 which authorises the Governor to delegate the power of exacting forced portage labour to the Lieutenant-Governors and to any Resident.

North Borneo. — Apart from minor communal services, or labour exacted in cases of emergency, the only form of compulsory labour employed in North Borneo is for the transport of Government officials or Government stores. The officers who are authorised to employ such labour are specified in Administrative Circular 285, § 1.

Nyasaland. — The general responsibility for the employment of compulsory labour is preserved to the Governor under the District Administration (Native) Ordinance. The village and principal headman have the power under § 18 (b) and (c) to exact labour not involving the removal of the worker from his place of habitual residence, and the District Commissioner under § 19 (1) and (2) can exact labour for the transport of the baggage of Government officials travelling on duty and of Government stores.

Sierra Leone. — During the period under review the Governor was empowered under § 10 of the Protectorate Native Law Ordinance to make

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orders regulating the rights of chiefs etc. to labour. § 13 of the Forced Labour Ordinance retains the general responsibility of the Governor in Council. Under §§ 8 and 9 of the Ordinance, responsibility for authorising the actual employment of forced labour is delegated to the Provincial Commissioner, or, in certain cases, to the District Commissioner or some person acting on the written authority of one of these officers.

Tanganyika Territory. — § 11 of the Labour Memorandum states that the prior sanction of the Chief Secretary to Government must be obtained for the use of forced or compulsory labour, except in certain cases where the authority of the Provincial Commissioner or District Officer is sufficient.

Trans-Jordan. — See under I.

Uganda. — The Regulations and General Instructions for the control of compulsory labour state that the Acting Governor has delegated to Provincial Commissioners (as the highest local authorities) powers to exact forced or compulsory labour in certain circumstances in accordance with the terms of the Convention.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that the law and administrative measures in force in the Sudan are in conformity with these provisions.

ARTICLE 9.

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or service is of present or imminent necessity;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — The Government reports that during the period under review the stipulations of this Article had not been embodied in any legal enactment. They have since been embodied in § 4 of the Compulsory Labour (Regulation) Ordinance.

Nigeria. — Apart from customary services to be rendered to chiefs under § 10 the Forced Labour Ordinance permits only the exaction of forced or compulsory labour for purposes of transport, which is dealt with in the note under ARTICLE 18.

North Borneo. — This is covered by Administrative Circular 285, § 1. The Forced Labour Bill reproduces the four criterion of Article 9 as conditions under which forced labour may be exacted.

Nyasaland. — No compulsory labour was employed during the period under review, except as indicated under ARTICLE 10 and ARTICLE 18.

Sierra Leone. — The four conditions contained in this Article are reproduced in § 8 of the Forced Labour Ordinance. The Government reports that during the period under review there was no employment of compulsory labour other than that employed by the chiefs or that employed on portage labour.

Tanganyika Territory. — The four conditions contained in this Article are provided for as follows: (a) an amendment to the Labour Memorandum provides that "the work to be done or service to be rendered must be of important direct interest for the community called upon to do the work or render the service"; (b) § 8 (i) of the Native Authority Ordinance enables orders to be issued for the engagement of paid labour for "essential" public works and services; (c) the Labour Memorandum insists that voluntary labour shall if possible be obtained by such measures as the offer of market rates of wages; (d) the Labour Memorandum instructs District Officers to take account of various social factors resulting from employment both in sanctioning compulsory labour and in permitting recruiting for voluntary employment.

Trans-Jordan. — See under I.

Uganda. — With the exception of the form of labour known as Luwalo labour (see Article 10), the only purpose for which forced or compulsory labour is normally employed is for the transport of officers or goods, Regulation 9 for the control of compulsory labour requires the use of voluntary paid labour where possible. The employment of paid compulsory labour is also authorised by the Native Authority Ordinance 1919, as amended by the Native Authority (Amendment) Ordinance 1923, on the building of railways, the making or repairing of roads, bridges, telegraphs and public buildings and on services for the maintenance of public health. The Government reports, however, that labour of this kind has only been employed on rare occasions in the past (the last being in 1927). It may only be employed with the approval of the Secretary of State for the Colonies, and in the unlikely event of its being desired to employ such labour in the future, the approval of the Secretary of State would not be given except in the circumstances stipulated in this Article of the Convention.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that the law and administrative measures in force in the Sudan are in conformity with these provisions.

ARTICLE 10.

Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative

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functions, the authority concerned shall first satisfy itself:

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;

(b) that the work or the service is of present or imminent necessity;

(c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence;

(e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Please state what measures, if any, are being taken taken to abolish forced or compulsory labour exacted as a tax, or such labour for the execution of public works which is levied by chiefs who exercise administrative functions.

Great Britain. — The situation is summarised below.

Gambia. — Under § 36 of the Protectorate Administration Rules it is the duty of chiefs: to cause such roads and bridges to be constructed as the Governor may direct, and to keep the same in good order and repair; to cause such wells to be constructed as the Commissioner may direct and to maintain the same in a sanitary condition; to take all necessary precautions for the preservation of boundary pillars; to prevent the accumulation of rubbish or any nuisance in the neighbourhood of dwelling houses, etc.; to cause a space of fifty yards to be cleared round every town or village. To carry out these services, some of which would appear to fall under the category of minor communal services, chiefs are authorised to "call upon able-bodied male persons resident within the areas committed to their charge to attend and assist in such manner as they may direct in the performance of any work."

Gold Coast. — § 4 of the Roads Ordinance provides that it is lawful for any chief to require all able-bodied men under his rule and residing within his jurisdiction to labour on roads for a period not exceeding twenty-four days in the year. The Roads Maintenance Rules of Ashanti requires chiefs to keep roads within their division in good repair. The Northern Territories Roads Maintenance Rules empower chiefs to require all able-bodied men to labour as in the Roads Ordinance for a maximum period of six days in each quarter.

Kenya. — No forced or compulsory labour is exacted as a tax. The report states that no forced or compulsory labour, other than that covered by the exemptions in Article 2 (d) and (e), has been employed by chiefs for the execution of public works. Under § 8 (h) of the Native Authority Ordinance, however, unpaid labour may be called out by chiefs, and is employed for the following purposes: (A) to meet some threatened or actual emergency such as famine or an invasion of locusts (this labour is exempted from the stipulations of the Convention under Article 2 (d)) or (B) work for minor communal services (which is exempted under Article 2 (e)). These minor communal services consist of:— (a) maintenance of local tracks and in some cases construction of local roads; (b) maintenance and construction of small local bridges; and (c) maintenance and construction of local irrigation systems. The report points out that the line of demarcation between a local track and a district road is not always clear and in some cases the local authorities may have called out some of

their people to clear a road which, with the development of the district, has become a road the utility of which is no longer confined exclusively to the members of the local community concerned. The report also mentions minor communal work for the establishment and maintenance of camps for administrative purposes in Native reserves and for the construction and maintenance of such buildings of local material as may be necessary at such camps. Labour for this purpose was approved as a purpose for which chiefs or headmen might order out labour by the Chief Native Commissioner in 1928. The buildings contemplated are of the nature of temporary shelters, used for meetings of the people with their district officers and on other occasions. They are of great benefit not only to the local authorities and to Administrative Officers on tour, but also to the people themselves. In addition, there has been a certain amount of paid compulsory labour employed on urgent repairs to roads and bridges. No statistics of the extent to which recourse has been had to this form of labour are available, but it has not been considerable. Moreover it is not possible to know how far such labour was in fact compulsory. In most cases it is more than probable that the great majority of the labourers so employed are only too pleased at being given an opportunity to work at the current rate of pay. A certain number of labourers may also have been employed in the work of supplying fuel and water to Government Officers on tour. To supply wood and water is normally recognised as being one of the duties of common hospitality, but it may be that on occasions chiefs have had to have recourse to compulsion.

Nigeria. — The Forced Labour Ordinance prohibits the employment of forced or compulsory labour as contemplated by this Article. There are no provisions for the rendering of labour in lieu of tax.

North Borneo. — No forced or compulsory labour may be exacted as, or in lieu of, a tax. No compulsory labour (other than minor communal services, or in cases of emergency) may be exacted by chiefs who exercise administrative functions.

Nyasaland. — There is no system of "tax-labour" in operation in Nyasaland. During the period under review a certain amount of unpaid compulsory labour has been employed by chiefs in the maintenance of inter-village paths under the powers conferred by § 18 (b) of the District Administration (Native) Ordinance. The report states that this labour would be for a few hours only for a few days and would be in accordance with the conditions set forth in this Article.

Sierra Leone. — There is no system of tax-labour in operation. During the period under review, unpaid labour was employed by the chiefs on the maintenance of roads, and in one case on the construction of a small length of road. Exact figures of the number employed on road maintenance under the supervision of the Public Works Department are not available, but, as near as can be calculated, 114 men-days' labour was performed per thousand of the population per annum. Compliance with the conditions (a) to (e) was secured by the Administrative Regulation of 4 June 1932. Regulations for the progressive abolition of compulsory labour by chiefs have not yet been formulated.

Tanganyika Territory. — Under § 9 of the Hut and Poll Tax Ordinance forced labour may be exacted from persons who have not paid their hut or poll tax and who have not, in the opinion of the collector, taken reasonable steps to procure the means of payment. Native Administration Memorandum No. VIII insists that the circumstances which justify the employment of tax

labour should be of infrequent occurrence, and provides that if nevertheless tax defaulters are employed their conditions of service should be the same as Government paid labour, the amount of the tax being recovered from the amount of the wages due to them. The report states that any measures which may be practicable from time to time, will be taken in order progressively to abolish this form of compulsory labour. Instructions regarding forced or compulsory labour exacted by chiefs who exercise administrative functions are contained in §§ 16 to 18 of the Labour Memorandum.

Trans-Jordan. — See under I.

Uganda. — § 7 of the Poll Tax Ordinance provides that any person liable to pay poll tax who proves that he has not the means to pay in cash may be required to work in lieu of payment. The Government reports that the employment of this form of labour has been however steadily decreasing as increased development of the country provides greater opportunity for the earning of money. By § IV of the Regulations of June 1932 the use of this form of labour was prohibited on the ground that it was "considered contrary to the terms of the Convention". This opinion was based on the view that this labour was in the nature of penal labour, and it was held that the imposition of compulsory labour as a *penalty* for the non-payment of tax was contrary to the spirit of the Convention. Since that Regulation was issued however the matter has been further considered and it is now held that such labour in reality merely affords an alternative to the payment of the tax in cash, and may properly be regarded as "tax-labour" under Article 10 of the Convention. Nevertheless it has been decided experimentally to retain the prohibition of the employment of tax-labour. In the event however of representations being received to the effect that temporary or local conditions make the earning of money for the payment of tax difficult, the question of the re-introduction of "tax-labour" as an alternative means of discharging tax obligations will be reconsidered. As regards labour exacted by chiefs who exercise administrative functions, there exists in Uganda a form of labour known as Luwalo labour, which consists of one month's free labour a year given to the Native administration by all able-bodied men between 18 and 45. In the Province of Buganda "The Luwalo Law 1931" permits any person to commute the service by a cash payment of 10/- per annum to the Native Government. In all other Districts local regulations permit certain classes of persons to commute, e.g., those in permanent employment, etc., and these classes are being gradually extended. By Regulation 4 of the Regulations and General Instructions for the control of compulsory labour Government Officers have been directed to consider the possibility of converting the present labour obligation into a cash obligation, to be commutable by labour at the will of the individual. By Regulation 6, Luwalo labour is limited to work on Native administration public works, the essential transport of chiefs when travelling on duty, of Native administration goods, of the sick in cases of special necessity and petty duties of Native administration.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — Natives are occasionally employed on road-making in parts of the Southern Sudan, where certain tribes, being averse to selling their cattle and unfamiliar with cash, prefer to do this work in lieu of taxation, especially as while working they are issued with free rations.

ARTICLE 11.

Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention the following limitations and conditions shall apply :

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out ;

(b) exemption of school teachers and pupils and of officials of the administration in general ;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life ;

(d) respect for conjugal and family ties.

For the purpose of sub-paragraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Please state in particular what proportion has been fixed for the resident adult able-bodied male population which may be taken at any one time for forced or compulsory labour.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note, and under ARTICLE 10. The report states that the labour called out under the provisions mentioned is employed generally in accordance the stipulations of this Article. Only able-bodied men are employed.

Gold Coast. — See introductory note and under ARTICLE 10. The report states that for the most part the compulsory labour employed in the Gold Coast works within the immediate vicinity of its habitual residence. The work, whether road maintenance or sanitation, is apportioned by the Native Authorities among the companies into which the adult male population is divided. It is then left to the company leaders to decide, after consultation with the men under them, on what days they will work. Because of this arrangement, which was originated by the people themselves, it was not considered necessary in the past to fix a proportion for the resident adult able-bodied male population which may be taken at any one time for forced or compulsory labour. During the period under review, 1,250 men, each working on an average six days, were engaged in the reconstruction of banks on important roads, etc. in the Northern Territories of the Gold Coast, and in the Northern Section of Togoland under British Mandate.

Kenya. — The report states that under the Native Authority (Amendment) Ordinance, 1928, only adult able-bodied males may be called upon for compulsory labour. Care has also always been exercised with regard to the matters referred to in paragraphs (a), (b), (c) and (d) of this Article though there have not hitherto been any legal stipulations in regard to them. No definite proportion has been fixed for the resident adult male population which may be taken at any one time for compulsory labour but those called out have never even approached the neighbourhood of

25 per cent. The provisions are now covered by the Compulsory Labour (Regulation) Ordinance of 1932. § 6 (1) provides that only adult able-bodied males of an apparent age of not less than 18 and not more than 45 may be called upon. § 6 (2) provides for medical examination where possible, the exemption of teachers, children attending registered schools, exempted Natives, persons employed by the Government or a Native Council and persons employed under the Employment of Natives Ordinance, the limitation of persons called upon to a prescribed percentage and respect for conjugal and family ties. § 16 (b) empowers the Governor in Council to fix the proportion mentioned in § 6, provided that the percentage of 25 is not exceeded.

Nigeria. — Effect is given to the stipulations of this Article by the provisions of the Forced Labour Ordinance and Regulations. In regard to the percentage it is laid down in Regulation No. 4 that the proportion of resident adult able-bodied males who may be taken from any village or town at any one time for carrier labour shall in no case exceed 25 per cent. The report states that the employment of carriers, which (apart from minor communal services and personal services) is the only form of compulsory labour authorised by the Ordinance, does not involve the prolonged absence of the carriers from their homes.

North Borneo. — The report refers to Administrative Circular 285, § 2 (f), (g), (h) and (i). In regard to Article 11 (c), the report states that provision is being made under § 5 (c) of the "Forced Labour" Bill which reads: "The proportion of the resident adult able-bodied males who may be taken from any village at any one time for forced or compulsory labour shall in no case exceed 25 per cent." The employment of porters does not interfere with conjugal or family ties.

Nyasaland. — Compulsory labour is restricted to "adult male natives" in the case of those who can be called upon by a chief and to natives "being able bodied" in the case of others. Detailed provision to give effect to the stipulations of this Article in the Forced Labour Ordinance and in the Regulations to be issued thereunder.

Sierra Leone. — Compliance with the stipulations of this Article is secured by the Administrative Regulation of 4 June 1932. The provisions are now covered by the Forced Labour Ordinance. § 7 (2) provides that only adult able-bodied males of an apparent age of not less than 18 and not more than 45 years may be called upon for forced labour. § 9 (5) provides for medical examination whenever possible. § 9 (6) exempts from forced labour school teachers, pupils, public officers or other persons exempted by the Governor in Council. § 9 (4) provides that not more than 25 per cent. of the adult able-bodied men shall be taken from any town or village, and that the authority enforcing the labour shall, as far as possible, avoid exacting such labour from married men or men with family responsibilities.

Tanganyika Territory. — Paragraph 11 (i) of the Labour Memorandum limits forced or compulsory labour to able-bodied male Natives apparently not below the age of 18 and under 45. By paragraph 11 (iv) where the labour necessitates the workers sleeping away from their homes inspection as to physical fitness must be undertaken if possible by a medical officer. § 8 (i), (ii) of the Native Authority Ordinance provides for the exemption from forced or compulsory labour of any person fully employed in any other work or who has been so employed during the year for a period of three months. An amendment to the Labour Memorandum provides that in no case may the proportion of men conscripted from each village or similar unit exceed 25 per cent. of the able-bodied male population.

Trans-Jordan. — See under I.

Uganda. — Regulation 8 of the Regulations and General Instructions for the control of compulsory labour limits Luwalo labour to adult able-bodied men between the apparent age of 18 and 45. Regulation 11 (5) provides that porters shall if possible be medically examined. In the Luwalo Law 1931 and the local regulations regarding Luwalo labour provision is made for the exemption among others of registered school teachers and of officers of the administration, and Regulation 8, mentioned above, states that school teachers and pupils are exempt. Regulation 14 fixes the proportion of resident able-bodied males who may be taken on other than Luwalo forced labour at 5 per cent.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government reports that the law and administrative measures in force in the Sudan are in conformity with these provisions. The proportion of resident adult able-bodied males employed on the road work mentioned under Article 10, it is stated, is never likely to exceed 7 per cent.

ARTICLE 12.

The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note. Road work is limited under the Roads Ordinance and the Northern Territories Roads Maintenance Rules to twenty-four days in the year and six days in the quarter respectively.

Kenya. — Under § 8 (h) of the Native Authority Ordinance no Native may be required to work on making or maintaining water courses for more than six days in any quarter. Except for cases of emergency all other compulsory labour is limited by the Ordinance to a maximum of sixty days in any one year which would include time spent on going to or from the place of work. For the period under review Administrative Officers have been responsible for ensuring that the maximum number of days is in no case exceeded. The Compulsory Labour (Regulation) Ordinance fixes sixty days as the maximum period of compulsory labour, and provides for the grant of certificates (§ 7).

Nigeria. — Regulation No. 6 limits compulsory carrier labour to sixty days in twelve months, including the time taken in going to and from the place of work, and provides that every person shall be furnished by the person in charge of the carrier labour with a certificate indicating the periods of such labour which he has completed.

North Borneo. — The report refers to Administrative Circular 285, § 2 (b). As regards certificates, provision is being made under § 6 (2) of the Forced Labour Bill, which reads: "Every worker shall be furnished with a certificate indicating the periods of work which he has completed."

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Nyasaland. — 24 days in a year is fixed as the maximum in the case of unpaid compulsory labour which can be called upon by a chief under § 18 and 60 days in the case of paid labour employed under § 19 of the District Administration (Native) Ordinance. No provision has yet been made for the granting of certificates indicating the periods of labour completed, but provision will be made in the Forced Labour Ordinance.

Sierra Leone. — During the period under review compliance with the stipulations of this Article was secured by the Administrative Regulation of 4 June 1932. The maximum period during which any person may be required to render personal services to chiefs is fixed under the Forced Labour Ordinance at thirty days in any one period of twelve months, and a similar period is fixed as the maximum for the performance of forced labour for the construction and maintenance of public highways, buildings, etc., and the transport of Government officers and stores. §§ 7 (4) and 9 (10) provide for the supply of certificates to workers who have performed forced labour. The report states, however, that the machinery to fulfil this condition will require consideration.

Tanganyika Territory. — § 8 (i) of the Native Authority Ordinance fixes sixty days as the maximum period of forced or compulsory labour which may be imposed on any individual. By § 23 of the Labour Memorandum in the case of forced portage the maximum is fixed at thirty days a year. An amendment to the Labour Memorandum provides that "on completion of the work for which he has been called out every conscript labourer shall be given a certificate stating the number of days' compulsory labour which he has completed."

Trans-Jordan. — See under I.

Uganda. — Labour called out under § 7 B (i) of the Native Authority Ordinance may be employed for sixty days in the year. As stated, however, no labour has so been called out since 1927. Otherwise, the maximum period of service is fixed at thirty days in the year. Regulation 8 of the Regulations and General Instructions for the control of compulsory labour provides that tickets or stamps shall be issued in every case of obligation fulfilled.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Governors of all provinces have been instructed to apply these provisions, except that relating to the issue of certificates. This question was reserved in the Sudan Government's letter of 14 January 1932, and the Government reports that the issue of such certificates is impracticable among the primitive illiterates of the southern Sudan.

ARTICLE 13.

The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — The report states that in no case are the hours normally worked by voluntary labour exceeded, and Sunday is a day of rest in accordance with the custom of the country. Under § 8 of the Compulsory Labour (Regulation) Ordinance normal hours of labour are fixed as the same as for voluntary labour, with the same rates for overtime, while provision is made for the weekly day of rest customarily observed in the community concerned.

Nigeria. — Regulation No. 7 provides that the normal daily journey of persons engaged in carrier labour shall not exceed a distance which can be walked with the load carried at a reasonable pace in eight hours, inclusive of two hours for meals and rest, and any time in excess of eight hours shall be remunerated at the rates prevailing in the case of overtime for voluntary carrier labour. Regulation No. 10 provides for a weekly day of rest coinciding as far as possible with the day fixed by tradition or custom in the district to which the persons belong.

North Borneo. — It has been laid down by Administrative Circular 285, § 2 (d) that the normal daily journey shall not ordinarily exceed a distance corresponding to an average working day of 8 hours. The normal daily working hours of a carrier engaged on Government transport are about six. There are no instances on record of any overtime having been required during the period under review. Provision for overtime pay will be made under § 10 (g) (ii) of the Forced Labour Bill which reads: "Whenever the normal daily journey exceeds a distance corresponding to an average working day of 8 hours, overtime shall be paid at the rate of 8 cents an hour."

Nyasaland. — Normal working hours and rates of pay are not fixed, but Natives working under compulsion are deemed to be working under a contract of service under the law for the time being in force relating to the employment of Natives.

Sierra Leone. — During the period under review compliance with the stipulations of this Article was secured by the Administrative Regulation of 4 June 1932. Under § 8 (5) of the Forced Labour Ordinance, the normal working day is fixed at eight hours, and under § 7 (5) a six-day week is established.

Tanganyika Territory. — § 38 of the Labour Memorandum fixes normal working hours for men not engaged on piece work at eight and provides for a weekly day of rest which shall normally be Sunday. Whenever practicable piece work is to be arranged. When camps are more than a mile from the place of employment allowance is made for the time occupied in walking to and fro. Overtime is paid at double rates.

Trans-Jordan. — See under I.

Uganda. — Regulation 8 of the Regulations and General Instructions for the control of compulsory labour confirms existing regulations regarding weekly rest and hours of work and states that "if necessary these should be repeated in the terms of Article 13".

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Governors of all Provinces have been instructed to apply these provisions.

XXIX. Forced or compulsory labour.

ARTICLE 14.

With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

Nothing in this Article shall prevent ordinary rations being given as part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Please state in particular what steps have been taken towards the introduction of payment of wages in accordance with the second paragraph of this Article.

Great Britain. — The situation is summarised below.

Gambia. — The report states that the labour called out under the provisions mentioned in ARTICLE 10 is employed generally in accordance with the stipulations of this Article. Wages are paid at agreed rates, or a food ration given in lieu at the request of the workers.

Gold Coast. — § 9 (3) of the Northern Territories Native Authority Ordinance provides that for the labour called out in the event of famine such rations and wages shall be paid as the Native authority with the approval of the Commissioner may prescribe, and that at the request of any Native such wages may be paid wholly or partly in food. The Northern Territories Roads Maintenance Rules provide for payments to chiefs for the satisfactory maintenance of roads.

Kenya. — All compulsory labour of whatever kind, including the labour referred to in the note on ARTICLE 10 (other than that falling within the exemptions under Article 2 (d) and (e)) is paid for at current rates. Wages are paid to each worker individually and not to his tribal chief or to any other authority. It has not hitherto been the invariable custom to pay workers for the days spent in travelling to and from the place of work, but the distances are usually not great and it has been the common practice to give them rations for these days. No deduction on account of tax has been made from the wages of compulsorily employed workmen. § 9 of the Compulsory Labour (Regulation) Ordinance provides for remuneration as stipulated in this Article of the Convention, including payment for days spent in travelling.

Nigeria. — Regulation No. 11 provides that carrier labour shall be remunerated in cash at rates not less than those prevailing for voluntary carrier labour either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher; that wages shall be paid to each carrier individually; that the days spent in travelling to and from the place at which the carrier labour is to begin shall be counted as working days; and that ordinary rations may be given as a part of

wages, if at least equivalent in value to the money payment they are taken to represent.

North Borneo. — The report refers to Administrative Circular 285, § 2 (m) and (n). Rates of wages vary from 40 cents a day in the more developed coastal areas to 30 cents a day in the Interior and outlying places. Wages are paid by Government Officers in cash. The rates of wages paid are not less than those paid for similar non-compulsory work. In the Interior in accordance with custom, which also applies to non-compulsory work, a reduced rate of 15 cents a day is paid to carriers returning empty. There is no distinction between compulsory and voluntary labour. Once engaged, all labour is treated alike and payment is made to the individual. Rations are not given in lieu of cash. The Natives of North Borneo prefer to make their own arrangements for food. No deductions are made from the money earned by workers.

Nyasaland. — See under ARTICLE 13. The wages paid to Natives employed on portage are at the prevailing rate.

No steps have yet been taken towards the introduction of payment of wages to Natives employed under § 18 of the District Administration (Native) Ordinance (village services exacted by chiefs).

Sierra Leone. — The market rate for ordinary labour is about 8d. a day, and labourers could be obtained at 6d. For carriers the market rate is 1/- a day. Labourers are paid 6d. a day by the Government, carriers 1d. a mile. Wages are paid individually. Government General Orders provide certain varying rates for the payment of carriers with loads, resting and returning without loads (6d. to 1/- a day). Carriers engaged to act as boatmen as well as to carry loads may be paid 1/6d. a day. It has not yet been found possible to take any steps towards the introduction of payment of wages by chiefs. § 9 (7) of the Forced Labour Ordinance provides that men performing forced labour (except for chiefs) shall be paid in coin at not less than prevailing rates, days reasonably spent in travelling being counted as working days. If a man desires, ordinary rations may be supplied as part wages if at least equivalent in value to the amount deducted.

Tanganyika Territory. — The Labour Memorandum contains instructions for the payment of full market rates of wages to conscripted workers. Wages are due for the full period during which the labour is under compulsion, i.e. from the day the labourer leaves his village until the day he returns or takes his discharge at his own request. In order to ensure that workers do not underfeed rations may be given as part wages, the net cost of which is fixed at the time of engagement. Payment is to the individual Native.

Trans-Jordan. — See under I.

Uganda. — The report states that compulsory labour employed on transport is paid wages at the usual rate of the District in which it is employed. Payments are made direct to the men performing the work. Instead of introducing payment for Luwalo labour the object of the Government is to abolish this form of labour by substituting for it a money tax from which will be paid voluntary labour.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government states that these provisions, with the exception of paragraph 3, are covered by the law and administrative measures in force. The question of individual payment was reserved in the Sudan Government's letter of 14 January 1932, and the Government reports that the

payment of wages to each worker individually is impracticable. The chiefs are given lump sums for allocation amongst their peoples. Any Native who is not satisfied with the sum paid him has ready access to a Government official.

ARTICLE 15.

Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — The report states that there is not nor will there be in any future legislation, any differentiation between voluntary and compulsory labour. Measures have always been taken to ensure the subsistence of all incapacitated labour in its employment whether voluntary or compulsory and to ensure the maintenance of their dependents. § 10 of the Compulsory Labour (Regulation) Ordinance gives legislative sanction to these two statements.

Nigeria. — No discrimination is made, so far as workmen's compensation is concerned, between free and conscript labour.

North Borneo. — Provision is being made under § 9 of the Forced Labour Bill which reads: "Any worker on 'forced or compulsory labour' who by accident or sickness arising out of his employment is rendered wholly or partially incapable of providing for himself and any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment shall be entitled to subsistence and maintenance at such rate as the Governor may determine after due enquiry into the circumstances of each case".

Nyasaland. — There were in the period under review no laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker, but employers of labour were required to provide proper medicine and also medical attendance, if procurable, for sick employees which include forced workers. Nevertheless in the event of any Native employed either by the Government or by the local authorities being injured or killed, compensation would be paid. A Workmen's Compensation Ordinance has now been adopted by the Legislative Council, and when it is brought into operation will apply to compulsory as well as to voluntary workers.

Sierra Leone. — § 7 (6) of the Forced Labour Ordinance provides that the Government shall ensure the subsistence of any man who, by accident

or sickness arising out of his employment on forced labour, is rendered wholly or partially incapable of providing for himself, and shall take measures to ensure the maintenance of his dependents in the event of his incapacity or death. The report states that during the period under review Native custom would have ensured the provision for any incapacitated persons. No deaths were reported.

Tanganyika Territory. — The provisions of the Master and Native Servants Ordinance regarding care of servants, and compensation, apply to all types of labour. An amendment to the Labour Memorandum provides that "A conscript labourer must receive subsistence when incapacitated by accident or illness, no distinction being made as to whether the accident was caused by his work or not".

Trans-Jordan. — See under I.

Uganda. — A Workmen's Compensation Ordinance is under consideration and when it becomes law it will apply to compulsory labour as well as to other forms of labour. In the meantime, compensation is being paid, both in the case of Government porters and in the case of Luwalo labourers, in accordance with the second paragraph of this Article.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 16.

Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

Great Britain. — The situation is summarised below.

Gambia. — Compulsory labour is never employed in the circumstances envisaged in this Article.

Gold Coast. — Compulsory labour is never employed in the circumstances envisaged in this Article.

Kenya. — The report states that during the period under review no compulsory labour was employed under the conditions contemplated in this Article. When in the past labour has been so employed, the measures indicated in the Article

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have as far as possible been observed. The provisions of the Article are now contained in §11 of the Compulsory Labour (Regulation) Ordinance.

Nigeria. — No forced labour is permitted under the conditions contemplated in this Article. Regulation No. 8 provides that no person shall be required to render carrier labour beyond 100 miles from his home.

North Borneo. — The report states that forced labour is not employed in the circumstances contemplated by this Article.

Nyasaland. — Compulsory labour is not employed in the circumstances envisaged in this Article.

Sierra Leone. — Compulsory labour is not employed in Sierra Leone in the circumstances envisaged by this Article.

Tanganyika Territory. — §10 of the Labour Memorandum instructs Government officers as far as possible to avoid the transfer of labourers to districts where the climate differs from the climate in the home district. An amendment provides that "When transfers of this kind cannot be avoided such measures for the gradual habituation of the labourers to the new conditions of diet and climate must be adopted as circumstances may require, the advice of the nearest medical officer being sought". §88 of the Labour Memorandum instructs officers to take account of the fact that a raw gang on first employment cannot be expected to complete a task that they will be able to perform readily a month later.

Trans-Jordan. — See under I.

Uganda. — The report states that compulsory labour is only employed for short periods and generally speaking its employment is confined to the countries in which that labour resides; it is therefore employed under conditions (as regards climate and food) to which it is accustomed.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

family, at the request or with the consent of the workers;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;

(4) that in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Great Britain. — The reports in respect of *Gambia, Gold Coast, Nigeria, North Borneo, Nyasaland, Sierra Leone, Tanganyika Territory* and *Uganda* state that labour is not employed in the circumstances envisaged in this Article. For *Trans-Jordan*, see under I. As regards *Kenya*, the remarks under ARTICLE 16 apply, §12 of the Compulsory Labour (Regulation) Ordinance now containing the relevant provisions of the Convention. The report in respect of *Tanganyika Territory* adds that in order to make the regulations complete the following addition has been made to the Labour Memorandum: "Permission will not be given for the use of forced or compulsory labour to be employed for works of construction or maintenance which entail the workers being absent from their homes for considerable periods".

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 18.

Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to

ARTICLE 17.

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the work places for considerable periods, the competent authority shall satisfy itself:

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the

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demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

The competent authority shall further provide that the normal daily journey of such worker shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Please state what steps have been taken towards the abolition of forced or compulsory labour for the transport of persons or goods.

Please summarise the provisions of the regulations made in accordance with the Article.

Great Britain. — The situation is summarised below.

Gambia. — The report states that when an Administrative Officer in the Protectorate requires labour for the transport of himself or his effects when moving on duty through his district, there is no question of conscription, such labour is invariably paid for out of sums provided for such purpose by the Government, and a refusal to undertake such labour is never treated as an offence.

Gold Coast. — The report states that the use of compulsory labour for the transport of persons or goods has ceased in the Gold Coast. Where motorable roads do not exist, such transport is carried out by voluntary labour which is paid at the full current rates.

Kenya. — The report states that compulsory porter labour has always been discouraged by the Kenya Government since wheeled transport became possible. It is employed in some places where wheeled transport is impossible or unobtainable for facilitating the movements of officials on duty and for the transport of Government stores but not for the transport of persons other than officials. The number of places which do not permit of wheeled transport has gradually decreased and portage has become correspondingly less. Porters are paid the ordinary rate of wage ruling in the District and are given rations which vary with Tribal Custom. The general provisions of the Article are embodied in § 13 of the Compulsory Labour (Regulation) Ordinance. The stipulations under (c), (d), (e) and (f), however, have not yet been embodied in detailed regulations, but these regulations are now being prepared. In the majority of cases medical examination is impracticable but it is the duty of the officer employing the porters to satisfy himself that they are physically fit. The average day's march is in the neighbourhood of 15 miles and the average load does not exceed 50 lbs.

Nigeria. — The stipulations of this Article are covered by the Regulations with regard to the Forced Labour of Persons as Carriers, forming the Schedule to the Forced Labour Ordinance. Regulation 1 provides that the Governor may authorise the exaction from persons who under Native law and custom may be required to render forced labour as carriers of such labour for the purposes of facilitating the movement of Government Officers when on, or proceeding to or from, duty, or for the transport of Government stores, and, in cases of very urgent necessity, the transport

of persons other than Government Officers, but for no other purpose. Regulation 5 requires prior medical examination, provided that where such examination is not possible every practicable step is taken to ensure that the workers are physically fit and that they are not suffering from any infectious or contagious disease. By Regulation 9 the maximum load including food is fixed at 65 lbs. Regulation 8 fixes the maximum distance at 100 miles from home. Employment is limited to 60 days in the year (see under ARTICLE 12), and daily hours to 8 (see under ARTICLE 13). In addition, Government General Orders for the employment of voluntary carriers apply also to the employment of compulsory transport labour in the Benin, Kumba and Mamfe Divisions. Order 185 provides that the engagement by force of carriers or any other hired transport is absolutely prohibited, except in serious military emergency on active service, when a report of the circumstances will at once be made by the Lieutenant-Governor to the Governor. Any officer, civil or military, who knowingly accepts and employs any transport so engaged, incurs an equal responsibility with the supplying officer, and is equally bound to report the circumstances. Other Orders provide for the care of carrier labour (174, 178, 184, 186, 187).

North Borneo. — Only Administrative Officers are entitled to demand compulsory labour for transport of Government Officers or for transport of Government stores. The transport of other persons is only permitted in cases of very urgent necessity. The procedure for obtaining such labour is for the Administrative Officer to issue an order to the chief for the required number of porters. It is the duty of the chief who has received such a requisition to collect the required number of porters and to send them to the appointed place. A medical examination is required where possible. The maximum load is 53 $\frac{1}{2}$ pounds. The maximum distance is 100 miles. The maximum number of days per month is 14. The normal daily journey must not exceed a distance corresponding to an average working day of 8 hours.

Nyasaland. — § 19 of the District Administration (Native) Ordinance requires able-bodied Natives to obey orders of the District Resident to labour for payment on the (1) transport of Government Officers and their baggage when travelling on duty, (2) transport of urgent Government stores, equipment and materials. Such labour is limited to a maximum period of 60 days in any one year. The report states that no regulations to give effect to conditions (b), (c), (d) and (e) have yet been made, but these stipulations are in fact observed. The element of "compulsion" in securing the services of porters is slight, if not non-existent. (See also the reply to Question III).

Sierra Leone. — The report states that it has not yet been possible to take any steps towards the abolition of compulsory labour for the transport of persons and goods other than the provision of a small motor road system. This has however greatly lightened the demand on this form of labour. Moreover, carriers may not be engaged in Freetown or its vicinity for transport duty in the Protectorate without the sanction of the Colonial Secretary (General Order 465). It is pointed out that the element of "compulsion" in securing the services of porters is very slight and voluntary porters are frequently obtained. Hitherto there has been no formal statutory authority for the "compulsory" employment of porters, and in so far as there has been any element of compulsion in the system of engagement it has rested solely on the traditional authority of the Native chiefs and headmen over their people. While however, in accordance with traditional practice, porters are still engaged through the chief, or town headman, it is found in practice that the rates of pay and other conditions of service are sufficiently attractive to ensure the engagement of the men required without any difficulty. It is not anticipated that any greater difficulty will be encountered in the future, but

it has been considered expedient to make suitable statutory provision (by §§ 6 and 9 of the Forced Labour Ordinance) for the exercise of compulsion if required, in accordance with the stipulations of the Convention, in connection with the engagement of porters required for facilitating the movement of Government Officers when travelling on duty, or the transport of Government stores, or in cases of very urgent necessity, the transport of private persons. § 9 (8) of the Forced Labour Ordinance limits loads to 65 lbs. for each porter (including rations) and the normal march to 20 miles a day. § 9 (9) provides that no man may be compelled to perform forced portage labour for more than 15 days in any one month, or to proceed more than 5 normal days' march from his habitual residence.

Tanganyika Territory. — The Labour Memorandum states that it is the policy of the Government to substitute mechanical transport for head carriage. Such labour is only used for the transport of public stores or for Government employees travelling on duty or in cases of urgency or of removal of injured or sick persons to the nearest hospital. Where the labour necessitates the workers sleeping away from their homes inspection as to physical fitness has to be undertaken, if possible by a medical officer. By § 23 and 24 of the Labour Memorandum individual loads are fixed at 50 lbs. and distributed loads at 40 lbs. maximum per worker, while the normal day's march is fixed at eight hours or sixteen miles over normal country. Instructions for the conscription of labour are given by the District Officers through the Native authorities. The report states that very large numbers of porters were previously required for the transport of Government officials and stores to all stations not situated on the coast or the railway. Practically all transport to these places is now performed by motor lorries or by the new railways connecting the central line with Mwanza and Singida. In 1924, portage for Government loads from Kilosa alone amounted to 400,000 man-days; all transport from this station is now conveyed in motor lorries, except in rare emergencies occasioned by floods.

Trans-Jordan. — See under I.

Uganda. — Regulation 9 of the Regulations and General Instructions for the control of compulsory labour expressly enjoins the careful consideration of the abolition of compulsory portage and the possibility of employing other methods of transport. The report adds that the fact that the employment of porters is a most expensive and slow method of effecting transport would, apart from the Convention, ensure the abolition of this form of transport as the development of the country and the construction of roads or railways renders other methods practicable. § 7 B (i) of the Native Authority Ordinance in the meantime permits compulsory portage for the transport of Government Officers on tour and for the Transport Department. The Regulations and General Instructions provide for medical examination of porters if such examination is possible; limits individual loads to 50 lbs and divided loads to 40 lbs for each porter, limits the normal march to 16 miles a day (12 on long safaris) and the normal distance to which forced porters may be taken from their homes to the next camp or centre of population, and fixes the normal maximum period of employment at one month in any one year, days spent in travelling to or from their homes being included in this period.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 19.

The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note and under Article 2.

Kenya. — Under § 15 of the Native Authority Ordinance Officers may, with the consent of the Governor-in-Council, call for compulsory cultivation as a precaution against famine, in which case any crops accruing from cultivation shall be the property of the Natives producing it.

Nigeria. — There is no power to order compulsory cultivation.

North Borneo. — The report states that there is no compulsory cultivation in North Borneo.

Nyasaland. — Compulsory cultivation is not authorised.

Sierra Leone. — The compulsory labour dealt with in this Article is not authorised in Sierra Leone.

Tanganyika Territory. — §§ 9 and 10 of the Native Authority Ordinance permit the imposition of compulsory labour either on public works or for the cultivation of land whenever there is or is likely to be such shortage of food that in the opinion of the Native authority a famine exists or is likely to ensue. Otherwise compulsory cultivation is not permitted.

Trans-Jordan. — See under I.

Uganda. — The report states that compulsory cultivation is in no case enforced except in accordance with § (V) of the Native Authority Rules 1929 for the "the cultivation of adequate supplies of food both for normal times and for provision against famine." By an oversight Rule 2 (ii) of the Native Authority Rules 1920 has not yet been repealed though it is never operated. This provides for compulsory cultivation of communal plots of land in order to repay to Government money expended on the supply of food during famine, and will be repealed.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 20.

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Great Britain. — The labour dealt with in this Article is not authorised in *Gambia, Gold Coast, Kenya, Nigeria, North Borneo, Nyasaland, Sierra Leone, Tanganyika Territory* and *Uganda*. For *Trans-Jordan*, see under I.

Uganda. — The Collective Punishment Ordinance has been amended by the Collective Punishment (Amendment) Ordinance 1931 (1931 Laws) which repeals those Sections of the principal Ordinance which empower the Governor to order a village and or community to perform work of a public nature in lieu of imposing a fine. A Native Authority Rule 1929, requiring able-bodied natives to assist in repairing any Government building that has been wilfully destroyed by fire, has been repealed. The Buganda Incendiarism Prevention Law 1927 has been similarly amended by the "Incendiarism Prevention Ordinance 1932".

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, all of which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

Great Britain. — The reports in respect of the following territories state that such labour is not authorised, or point out that, as there are no Government mines, mining labour is exclusively employed by private companies or individuals so that compulsion would be an offence under the Penal Codes: *Gambia, Gold Coast, Kenya, Nigeria, North Borneo, Nyasaland, Sierra Leone, Tanganyika Territory* and *Uganda*. For *Trans-Jordan*, see under I.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The policy of the Government is stated to be in conformity with these provisions, which are covered by the instructions issued to the Governors of Provinces.

ARTICLE 22.

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 408 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Please supply the information mentioned in this Article, in so far as such information has not already been furnished in connection with other Articles.

Great Britain. — For *Gambia, Gold Coast, Kenya, Sierra Leone and Tanganyika Territory* see information furnished in connection with other Articles and under III. For *Trans-Jordan*, see under I.

Nigeria. — The report states that during the period under review it had not been possible to make any arrangements for the recording of accurate statistics. The period in question coincided with the farming season of the persons who might be required to perform compulsory labour. At this season compulsory labour is not employed except in cases of extreme urgency. In the Northern Provinces, including that part of the Cameroons under British Mandate administered as part of this group, little if any use was made of compulsory carrier labour during the period under review. Unemployment, the prevailing low prices of farm produce, and the increased use of mechanical transport made recourse to compulsory labour unnecessary. No compulsory carrier labour was employed by Government in the Southern Provinces, including the Cameroons Province. In the Benin Division of the Benin Province and the Kumba and Mamfe Divisions of the Cameroons Province a total of sixty seven men were employed by the Native Administrations in the first Division for the purpose of transporting Native Court books to headquarters for audit and in the others to transport drugs and dressings to the Native Administration dispensaries. Eleven persons were prosecuted in Kumba and seven in Mamfe for refusal to render this class of labour. No sickness or deaths have been reported among the carriers employed, whose hours of work did not exceed six per diem.

North Borneo. — The report states that recourse to forced or compulsory labour in North Borneo during the year under review was had for the transport of Government Officers and Government stores only, on journeys where cattle transport is either insufficient or not possible and where voluntary coolies cannot be obtained. With regard to transport service no sick or death rates are available, but no case of death in the course of forced or compulsory labour has occurred so far as is known. The hours of work for transport have rarely exceeded 8 hours and payments in cash have been made through the Government Officers at rates of pay equivalent to the rates payable in the district for other purposes such as agriculture.

Nyasaland. — The report refers to information given under ARTICLE 10, 14 and 18 and explains that it is not possible to state the extent to which recourse has been had to compulsory labour particularly in view of the fact (see Question III) that the element of "compulsion" is slight in all cases.

Uganda. — The following statistical information has been supplied:

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	Buganda Province	Eastern Province	Northern Province	Western Province
1. Labour called out under Article 10. Exacted by chiefs who perform administrative functions.	19,686	83,513	72,144	35,440
2. Labour called out under Article 18 for transport.	1,818	2,412	4,924 of which most worked for one day only each.	1,838
3. Labour called out for any other form of compulsory labour.	Nil.	Nil.	162	Nil.
4. Nature of work performed.	<p>1. Above, employed on erection and maintenance of Native Government buildings and making and maintenance of administrative roads and bridges, cultivation of nurseries, transport of chiefs on duty, as official messengers, etc.</p> <p>2. Above, employed on transport of public officers on tour, in the Districts.</p> <p>3. In Northern Province (1 district) employed on pier work loading and unloading Government steamers.</p>			
5. Health.	Reported good. 35 cases of minor sickness reported. Death 1 by an accident.	Reported good. Deaths : Nil.	Reported good. Deaths : Nil.	Generally good. No accidents during work. Deaths 2 (Bathing accident).
6. Hours of work.	<p>1. 7 a.m. to 12 noon and 1 p.m. to 4 p.m. These hours are seldom rigidly enforced. Much of the work is done as "task work" which usually is completed by 1 p.m.</p> <p>2. Usually camp to camp portorage. Average distance of journeys 6-10 miles = 2-4 hours.</p>	<p>1. 6 or 7 a.m. to 2 or 3 p.m. or 7 a.m. to 12 noon and 1 p.m. to 4 p.m.</p> <p>2. Camp to camp portorage.</p>	<p>1. Average 7 a.m. to 12 noon and 1 p.m. to 4 p.m. Task work given when practicable which in all cases results in earlier cessation of work.</p> <p>2. Average 4 hours.</p>	<p>1. Task work where practicable otherwise 7 a.m. to 12 noon and 1 p.m. to 4.30 p.m.</p> <p>2. Porters' average journey approximately 4 hours. No travelling between 11 a.m. and 3 p.m.</p>
7. Payment.	<p>1. Unpaid.</p> <p>2. Payment made on arrival in camp at rate of 4 cents a mile. When paid daily wage the rate is 40 cents a day.</p>	<p>1. Unpaid.</p> <p>2. Camp to camp porters at 4 cents a mile. Through porters (in one District) at 58 cents a day.</p>	<p>1. Unpaid.</p> <p>2. 3 or 4 cents a mile with maximum of 30 cents a day.</p>	<p>1. Unpaid.</p> <p>2. Camp to camp porters 10 cents per hour up to 4 hours march.</p>

The report adds the following notes :

(a) The considerable variations in figures as between Provinces are due largely in the case of heading 1 to the differences in local regulations regarding commutation of the obligation by cash payments and to the varied ability of individuals in the different districts to pay the commutation fee ; and in the case of heading 2 to the extent to which the nature of the country and number and condition of roads permits the use of motor-transport for the transport of the effects of officers on tour.

(b) It cannot be assumed that the numbers shown in the heads 1 and 2 above as called out are employed for any stipulated length of time common to all Provinces and Districts. Procedure in this respect varies. Under head 1, in no case is a man liable to more than 1 month's labour in a year but whereas in one District the calling up of a man may imply a full month's work from him, in other Districts the custom is for able-bodied men to be called for a period of 9-10 or 12 days for example, and, if the exigencies of the District demand it, they may be called out later in the year for a second period. Under head 2, the majority of those shown as employed will have performed no more than 1 day's portorage, from his own area to the next camp, from which he returns home.

(c) Head 5. Sick men are not called out for employment and those becoming sick during their employment are usually either discharged or in cases in which the place of employment is within reach of a

hospital or dispensary, sent to one of the latter for treatment.

(d) Payments in all cases are made direct to the men performing the work.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government refers to the information furnished in connection with the other Articles.

ARTICLE 23.

To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

These regulations shall contain, *inter alia*, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints

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relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Please summarise the provisions of the regulations made in pursuance of this Article, in so far as this has not already been done in connection with other Articles.

Great Britain. — The information with regard to the first paragraph of the above Article is given under other Articles. The following are the comments given on the second paragraph in certain of the reports:

Kenya. — Regulations in accordance with this Article are being drafted. As no compulsory labour is exacted except under the eye of the authorities any complaints may be made verbally and are invariably examined and taken into consideration.

Nigeria. — Regulation No. 12 provides that any person from whom carrier labour is exacted may address any complaint to any Administrative Officer, who on receipt thereof shall cause it to be forwarded to the Governor.

Nyasaland. — The report states that the Natives of Nyasaland have always been fully alive to the extent and limits of their obligations to render compulsory services to their chiefs and it has always been part of the normal duties of Administrative Officers to investigate complaints and generally to satisfy themselves that the powers of chiefs and headmen are not abused.

Sierra Leone. — The report states that the Natives of Sierra Leone have always been fully alive to the extent and limits of their obligations to render compulsory services to their chiefs and it has always been part of the normal duties of Administrative Officers to investigate complaints and generally to satisfy themselves that the powers of chiefs and headmen are not abused. Statutory provision for the investigation of such complaints has now been made in § 7(7) of the Forced Labour Ordinance.

Tanganyika Territory. — The following paragraphs of the Labour Memorandum relate to the submission and investigation of complaints: § 3. Administrative Officers are enjoined to draw attention to any circumstances which may operate to deter labour from engaging voluntarily for Government, e.g., insufficiency of rations or water at the place of employment, ill-treatment, over-loading in case of porters, etc. § 4. "Moreover, when the labourer has gone to work much depends on the extent of the supervision which officers give to their clerks and headmen, and the personal attention which is accorded to difficulties and complaints". § 18. "In any case where an officer is not satisfied that the welfare of the labour is being properly looked after, he should order the work to cease and the people to return home, and should take such steps as the circumstances may indicate to punish those responsible for any abuses." § 28. "No officer is fit to be trusted with porters who does not know that he should personally see each porter daily so that sore feet or shoulders, or other incapacity for work, may come to his personal notice and receive attention". § 34. "In all labour camps maintained under the direct supervision of a European official, an inspection book will be kept in which visiting officers should record the fact and date of inspection, and any comments favourable or unfavourable, that they may wish to make, as a result of their inspection". § 36 (ii). "Officers in charge of labour must also so arrange that they are personally available for the reception of complaints direct from the labourers, and this is best achieved by fixing an hour as the regular 'shauri time'".

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government refers to the information furnished in connection with the other Articles.

ARTICLE 24.

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Please state what arrangements have been made for inspection, and what measures are taken to bring the regulations to the knowledge of the persons affected.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Gold Coast. — See introductory note.

Kenya. — The report states that the existing Labour Section of the Native Affairs Department is equally concerned with compulsory as with voluntary labour.

Nigeria. — The report states that the officers employing carrier labour are responsible for ensuring that the regulations relating to its employment are strictly observed. Every possible means will be taken by Administrative Officers to ensure that any persons who may be liable to be called upon to work as carriers, or to render minor communal services, are acquainted with the regulations.

North Borneo. — It is the duty of the Senior Administrative Officers to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied. The persons from whom the labour is exacted are informed of the regulations through the medium of their chiefs, to whom the requisition for labour must be sent.

Nyasaland. — See under ARTICLE 23.

Sierra Leone. — The report states that compelled labourers, in the case of repairs to buildings and transport, are under the general supervision of the District Officers, and the labourers on repair and maintenance of public highways are supervised by officers of the Public Works Department. The conditions under which compulsory labour could be employed in Sierra Leone under the laws and regulations hitherto in operation were widely known. As however the Forced Labour Ordinance has been so recently passed, and as certain of the detailed regulations to be issued under this Ordinance are still under consideration it has not yet been possible to take steps to bring the revised regulations to the knowledge of the persons affected.

Tanganyika Territory. — See under ARTICLE 23. In addition § 42 of the Labour Memorandum states that it is the duty of administrative and medical officers to visit Government labour camps in their districts as frequently as possible.

Trans-Jordan. — See under I.

XXIX. Forced or compulsory labour.

Uganda. — The report states that it is one of the duties of Administrative Officers of all grades to give constant attention to the circumstances in which compulsory labour is employed and the constant touring of Administrative Officers in all areas and the existing practice of the holding by them, when on tour, of "Barazas" or meetings at which chiefs and people alike attend, and at which it is the common practice to register any complaint and express any grievance or enquire as to any obligations, renders further precautions unnecessary.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — The Government states that it relies with confidence on its local officials. The Governors of all Provinces have been instructed to apply the provisions.

ARTICLE 25.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Great Britain. — In the *United Kingdom* the liberty of the subject is safeguarded by the Writ of Habeas Corpus (or in Scotland at Common Law) and attempts to exact forced labour by detention or physical compulsion would form the subject of proceedings before Courts of Criminal Jurisdiction and would therefore give rise to civil action for damages. The position in the self-governing Colony of *Newfoundland* is the same as in the *United Kingdom*. In certain of the territories, where, the British Government states, there is no law or custom permitting the exaction of forced or compulsory labour as defined by the Convention, the illegal exaction of forced labour is specifically prohibited by law with appropriate penalties. (e.g. *Northern Rhodesia*, Penal Code, § 234; *Somaliland*, Indian Penal Code, applied by Order-in-Council, § 374; *Zanzibar*, Decree No. 8 of 1932; *Straits Settlements*, *Federated Malay States* and *Unfederated Malay States*, Penal Code, § 374.) The Penal Codes of *Kenya*, *Nyasaland*, *Tanganyika Territory* and *Uganda* provide that any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, the maximum penalty for which is two years' imprisonment and fine. In *North Borneo*, § 374 of the Penal Code provides that "whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both". The Forced Labour Bill also contains provisions for the punishment, as a penal offence, of the

illegal exaction of forced or compulsory labour. In *Sierra Leone*, § 3 (2) of the Forced Labour Ordinance makes the employment, supply or exaction of forced labour an offence, punishable before the Supreme or Circuit Court by a fine not exceeding one thousand pounds and a maximum of ten years' imprisonment; or by summary process by a fine not exceeding one hundred pounds and a maximum of six month's imprisonment. The situation in the other dependencies is as follows:

Gambia. — The illegal exaction of compulsory labour would be a punishable offence under § 3 of the Slave Trade (Abolition) Ordinance, 1906, which reads as follows: "Whosoever by any species of coercion or restraint unlawfully compels or attempts to compel the service of any person; shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding seven years."

Gold Coast. — Under § 44 (7) of the Criminal Code it is a penal offence by any species of coercion and restraint to compel or attempt to compel the service of any person.

Nigeria. — The illegal exaction of forced labour would be punishable under § 366 of the Criminal Code, which reads as follows: "Any person who, with intent to prevent or hinder any person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing or to abstain from doing any act which he is lawfully entitled to do: (a) threatens that person with injury to his person, reputation or property, or to the person, reputation, or property of any one in whom he is interested; (b) induces or attempts to induce that person to believe that he, or any person in whom he is interested, will become an object of displeasure to the Government of Nigeria or to any person employed in the public service of Nigeria; is guilty of a felony and is liable to imprisonment for five years with or without whipping or flogging."

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — Under the Penal Code the unlawful compulsion of any person to labour is punishable by a maximum imprisonment of one year or fine or both. Kidnapping or abducting in order to subject to unlawful compulsory labour is punishable by a maximum imprisonment of seven years and fine, as is also the transferring of control of a person with intent to subject such person to unlawful compulsory labour.

III.

Please give a general appreciation of the manner in which the Convention is applied in the several territories, and of the progress made towards the suppression of forced or compulsory labour in all its forms.

Great Britain. — The following comments are taken from certain of the

reports submitted by the British Government:

Kenya. — The extent to which recourse has been had to compulsory labour during the period under review, other than labour for portage and labour specifically exempted from the definition of compulsory labour under Article 2 (d) and (e), has been negligible. Portage is at present a necessity in some areas of the Colony but it is the avowed policy of the Government that recourse should be had to this method of transport only when no other method is available. This policy was re-affirmed in the following unanimous resolution of Provincial Commissioners at their Meeting in March 1931: "That in no circumstances should head portage be used except where no other transport is possible. Provincial Commissioners will scrutinise carefully the returns sent in showing the labour used for head portage." The progressive reduction of the number of labourers performing compulsory portage is shown below.

Year	Number of Men Ordered Out	Number of Men-days
1925	15,240	76,264
1926	13,228	56,781
1927	12,809	95,975
1928	12,897	86,587
1929	9,663	64,657
1930	9,098	37,465
1931	5,682	12,265

It is unlikely, however, that any further considerable decrease will be apparent in the immediate future as financial conditions preclude the possibility of allocating large sums for the construction of new roads. The amount of compulsory porter labour employed during the period under review was as follows:—

	Number of men	Men-days
June	532	1,031
July	749	1,259
August	757	1,333
September	803	1,143

In addition to portage there has been some compulsory labour for the urgent repair of roads and possibly an insignificant amount for the supply of fuel and water to officers on tour. The Colonial Government has impressed upon the local Administration the importance of exercising every possible care in arriving at decisions such as whether a road is of purely communal or general utility, and whether the urgency of road repairs is such as to justify the use of paid compulsory labour. The decisions ultimately arrived at necessarily depend for their validity on the judgment of the officer or Native authorities concerned, but the Colonial Government is satisfied that the spirit of the Convention has been and is being observed to an increasing degree. Just as it is the policy to abolish gradually the use of head portage so it is also the policy of the Colonial Government to abolish gradually recourse to unpaid communal labour even for purposes which are exempted under Article 2 (e) of the Convention. It is, however, worthy of note that two Local Native Councils have passed resolutions expressing a desire for the continuance of such labour in preference to voting money to pay the labourers employed.

Nigeria. — Conditions are peculiar in each of the three regions of the Northern Provinces, the Southern Provinces and the Cameroons under British Mandate. From the outset the necessity for recourse to compulsory carrier labour has been less in the Northern Provinces. The Hausa youths of the North provided a ready supply of professional carriers. The opening of bridlepaths along the main Native tracks enabled the use of animal transport to be encouraged. With motorable roads mechanical transport began to compete with voluntary carrier and animal transport rather than with compulsory carrier labour. Compulsory labour might be made use of in the Northern

Provinces by an Administrative Officer on tour among primitive tribes or by a Police or a Military Patrol to carry loads from one village to the next (when no voluntary carrier labour was procurable). Compulsory carrier labour is not made use of on motorable roads, and on exceedingly rare occasions would the persons employed be taken more than one day's march from their homes or be compelled to work for more than one day in a year. Compulsory carrier labour is invariably paid at the rates current for voluntary carrier labour in the area in which it is employed. These remarks are applicable to the northern section of the Cameroons under British Mandate. In the Southern Provinces road communications have developed so rapidly that it is comparatively rare for officials other than Administrative and Forestry Officers to be obliged to travel where there are no motorable roads and where carrier transport is therefore necessary. In certain parts of this group of Provinces there is a shortage of professional carriers. In two, the Cameroons and Ondo Provinces, permanent gangs of labourers are maintained at headquarters so that it may not be necessary to call on the villagers to provide portage. Owing to the foregoing considerations it is seldom that resort must be had to the employment of compulsory carrier labour. Where, however, it is necessary to make use of it—there is no animal transport in the Southern Provinces—the carriers so enlisted are not generally taken more than one or two day's journey from their homes. It is always open to each individual to find a substitute. Carriers are engaged through the Native authority and the village headmen. In no circumstances are they paid at a rate lower than the locally current rates. Schedules of wage-rates are prepared for each Province. In the Western parts the normal rate is a shilling for a day's march with a load and sixpence a day for the return home unloaded. If the day's march is over 17 miles the wage is increased by one-half. It is the declared intention of the Government of Nigeria to organise transport so that if possible carrier transport by forced labour shall cease in 5 years time. In the Northern Provinces during the period under review other forms of compulsory labour were not used for work on Government undertakings carried out at Government expense and under the supervision of Government staff. The use of labour called out by Native Chiefs for work on railway construction ceased during the construction of the Zaria-Cusau-Kaura Namoda line in 1929 and such labour was not employed at all on the Kano-Nguru line completed in January 1930. No compulsory labour was in the employ of private individuals or firms. In the more highly organised Native Administrations compulsory labour for constructive works was no longer used. In some of the less highly organised Native Administrations such work as the maintenance of public buildings, sanitation, road clearing in the vicinity of the villages after the rains, and the local construction of roads has been carried out by paid labour called out by the Chiefs. The enforcement of labour for the last named purpose will no longer be possible under the Forced Labour Ordinance. Labour for the other services enumerated did not differ in principle from the communal labour recognised under the Convention. The foregoing remarks relating to the Northern Provinces apply also to that portion of the Cameroons under British Mandate which is administered as part of the Northern Provinces. In the Mandated Territory administered with the Southern Provinces, forced labour was formerly employed for the purpose of cleaning motor roads in the Bamenda Division of the Cameroons Province. The labour was paid, but unpaid forced labour was also used for the purpose of cleaning other roads and repairing hammock bridges. In the same Province the Government used paid forced labour for the collection of building material for the construction and repair of certain Government temporary buildings. Paid forced labour was also employed by the Native Administrations for the material and construction of Rest Houses, Native Court Houses, Native Schools, etc. The importance of organising voluntary labour for these services is

XXIX. Forced or compulsory labour.

clearly understood and instructions accordingly were issued in 1931.

For the rest of the Southern Provinces such compulsory or forced labour as existed was either of a kind to be described as utilised on minor communal services or labour on personal services rendered to a chief by Native law and custom.

North Borneo. — As regards "progress towards the suppression of compulsory labour in all its forms", apart from work for the common benefit, such as destruction of rice-leaf hoppers, rats or locusts, which is to protect their own crops and is with rare exceptions willingly and readily performed under Government supervision, the Natives of North Borneo are not subject to any forced or compulsory labour except for Government transport, which is essential for the good government of the territory and unavoidable until the interior and outlying areas have reached a more advanced stage of development such as cannot at present be foreseen. The construction of roads will, however, in course of time render Government Officers less dependent on compulsory labour for transport purposes and the work of developing road communications is being energetically pushed forward.

Nyasaland. — There are only two forms in which compulsory labour can be said to be used at the present time; (a) As carriers for the transport of the baggage of Government officials travelling on duty; but compulsion in this respect is unusual. Natives are nearly always ready to volunteer for this work as soon as it is known that men are required. In regard to the transport of other Government stores, this is wherever possible done by means of motor transport; in places where this is not available it means that other work is not readily available for Natives and they are only too glad to seize the opportunity afforded them to earn money and to undertake the portage. At one time some difficulty was experienced in procuring carriers for the transport of the mail when this happened to be beyond the capacity of the permanent staff of carriers, and compulsion in the enlisting of extra men was not uncommon. The difficulty has, however, been satisfactorily overcome by the institution of a system of retaining fees paid in addition to remuneration for the work actually performed. (b) The second form of compulsion to which recourse has at times to be made is on the maintenance of inter-village roads. Compulsory labour is not employed on the construction or maintenance of main roads, but Natives regard the upkeep of their inter-village paths as essentially a normal method of furthering their own interests, and as a rule readily obey their chief's order to turn out for this work. It is rarely that a chief has to appeal to the District Commissioner for the punishment of one of his people who has refused to obey his order.

Sierra Leone. — Compulsory labour is employed in Sierra Leone solely for Government purposes and for personal services for recognised chiefs. Government employs men for portage, maintenance of roads, and for construction and maintenance of public buildings. There is now practically no "compulsion" necessary to obtain carriers and all carriers are paid at full market rates. Labour employed on public buildings is remunerated at the rate of 6d. *per diem* and this work is not unpopular. While the Forced Labour Ordinance provides for the employment of compulsory labour for the construction of roads the construction of roads by Government has now ceased. The roads are however maintained by unpaid compulsory labour. There is an undoubted demand for roads by chiefs and people, but any applications under this Section will receive the most careful scrutiny before any work of construction is allowed to be undertaken. Personal services to recognised chiefs are controlled by § 4 of the Forced Labour Ordinance. Of the three forms of compelled labour described portage and work on buildings are not unpopular, but the same cannot be said in regard to road maintenance.

Labour requirements for roads is reckoned at 2½ men per mile and it has been found that the men much prefer to turn out in larger numbers twice a year rather than remain continuously on the roads in the proportions named. Under the provisions of the Forced Labour Ordinance the written authority of a Provincial or District Commissioner is necessary before compulsory labour can be called out by the chiefs. As regards the calling up of labour and the work done the enactment of the Forced Labour Ordinance has not involved any substantial change in the practice previously followed.

Tanganyika Territory. — Forced or compulsory labour is only employed for portage and on rare occasions for work on important communications. The total numbers recruited in eight Provinces for such work during the period 3 June to 30 September 1932, were:—

	Number Employed	Total number at Man-Days
Porters	1,930	9,919
Others	1,188	14,065

In addition to the above, 2,580 men were employed on various essential works and services for periods equivalent at current rates of wages to the amount of the taxes due from them, in terms of § 9 of the Hut and Poll Tax Ordinance, in lieu of payment of tax in cash. The element of compulsion is stated to be very small, consisting generally of a mere verbal instruction from the Headman, which is obeyed cheerfully and without question. No restraint is put on porters and labourers and their opportunities for desertion are, by the nature of their employment, unlimited, but in fact desertions are extremely rare. As regards the small numbers required for work on roads, bridges, etc., compulsion amounts to no more than an order to report for work which there is no reason to suppose to be unpopular. Where compulsion is employed it is used to rectify seasonal fluctuations in the supply of labour. Most of the labour employed offers itself for engagement but in the state of communications in Tanganyika Territory it is not always possible to equate voluntary recruitment with requirements, and it is sometimes necessary to conscribe a small number of men to make up temporary deficiencies which would otherwise cause unnecessary expense and delay the completion of the work. Numbers requisitioned are so small that it is impossible to speak of the general attitude of the people towards compulsion, since it is an experience strange to all but a numerically insignificant number. There is however no reason to suppose that they consider compulsion unjust provided proper care is taken of the interests of the labourer and he is well fed, well cared for, and well paid.

Trans-Jordan. — See under I.

Uganda. — The application of the Convention to Uganda has not necessitated any considerable alteration in existing practice. The amendments to existing laws required have been few. The Regulations issued in the main merely summarise pre-existing practice and contain little that is new. Compulsory labour in Uganda has for many years past been in the process of progressive abolition. The various ordinances, rules, instructions and regulations on the subject which have been passed or promulgated from time to time have been framed for the purpose of regulating, modifying or codifying existing Native practice and have had the effect of clarifying the position and substituting definite limited obligations for the vague unlimited employment of forced labour by chiefs, for their own or for "public" purposes. Kasenvu Labour (regular paid compulsory labour on Protectorate Public Works) was abolished in 1923. Forced labour on important public works is never likely to be employed again. Luwalo labour has had its commutation privileges gradually widened until, before the application of the Convention, universal commutation was

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permitted in certain areas of the Eastern Province in 1930 and throughout the Province of Buganda as from the beginning of 1932. The fixed intention of the Protectorate Government with regard to this form of labour has always been the ultimate conversion of an obligation of labour, commutable in certain instances by a cash payment, into a cash payment or tax or rate, commutable at will by labour. The vague obligations of a tenant to his landlord in Buganda were codified into a native law known as "The Busulu and Nvujo Law" in 1927. Tax Labour, that is labour in lieu of the Protectorate Government's Poll Tax, has progressively disappeared without the intervention or amendment of law, as the tribes became more productive and wealthy. Labour under the "Collective Punishment Ordinance" was rapidly dying out as the spirit of individual responsibility, as opposed to communal responsibility, gained ground. The report states that these instances, though they are examples of the disappearance of compulsory labour *before* the application of the Convention, are quoted as showing the tendency towards the "suppression of forced or compulsory labour in all its forms" in the past, and the growth of this tendency in the past may, it is considered, be regarded as the surest measure of probable progressive suppression in the future. The report refers to the peculiar position of the Province and Kingdom of Buganda in relation to the Convention. The power of the Kabaka of Buganda, subject to certain requirements of "co-operation", "to exercise direct rule over the natives of Buganda... in the manner approved by Her Majesty's Government" was conferred by the Uganda Agreement of 1900. Although no difficulty is anticipated in obtaining the Kabaka's agreement to any legislation or other action found to be necessary in order to conform with the provisions of the Convention, it should be borne in mind that action regarding legislation and administration must be taken by the Kabaka at the instance of the Protectorate Government rather than by that Government direct.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — In the Northern Sudan there is no forced or compulsory labour. In the Southern Sudan where the people are illiterate and where is from time to time compulsory labour of the type described under Article 10, the Government relies with confidence on its local officials. It considers that as money comes into more common use the present form of forced labour will tend to disappear.

IV.

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.

Great Britain. — No decisions have been given, except in the following case:

Nyasaland. — The report states that in November 1927 it was held by the High Court that work which can be ordered under § 18 of the District Administration (Native) Ordinance, 1924, must be such that it is fair to order it without payment.

Irish Free State. — See introductory note.

Sudan (Voluntary Report). — No decisions are reported.

Geneva, April 1933.

HAROLD BUTLER,

APPENDIX A.

Summary of annual reports supplied by the Government of Rumania¹.

Convention I. Hours of work (industry).

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations issued under the above Act, published on 30 January 1929 (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

II.

ARTICLE 1.

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.

Rumania. — § 34 of the Act of 9 April 1928 as amended lays down that in industrial undertakings of every kind and in the branches, sections, departments or dependencies thereof the hours of work shall not exceed eight hours in the day and forty-eight hours in the week. The report states that the Act does not prevent the adoption of a normal working day of shorter duration by agreement entered into between the employers and workers either individually or through their respective organisations. 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 nine hours. § 38 of the Act 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.

ARTICLE 3.

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.

¹ Reports received on 31 March 1933.

ARTICLE 4.

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.

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.

Rumania. — § 42 of the Act of 9 April 1928 as amended lays down that the limitation of hours of work prescribed by the Act does not affect preparatory or complementary work which must necessarily be carried out outside the normal working hours; those classes of workers whose work is essentially intermittent; the temporary exceptions that may be allowed so that establishments may deal with exceptional cases of pressure of work. For such work a request for special permission 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. The permission may be granted only for a maximum period of three months during the same year and the daily limit may not exceed nine hours (§ 51 of the Regulations). Additional hours worked in virtue of the exceptions for preparatory and complementary work and for dealing with exceptional cases of pressure of work must be paid at at least 25 per cent more than the normal rate.

ARTICLE 8.

Rumania. — § 57 of the Regulations of 30 January 1929 as amended 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. Further, the heads of undertakings are bound to keep a register in accordance with the model prescribed by the Ministry of Labour, in which must be entered all overtime worked in pursuance of §§ 50 and 51 of the Regulations.

ARTICLE 13.

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.

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.

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

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

§ 54 of the Regulations of 30 January 1929 provides that the Ministry of Labour acting on the application of the parties concerned or *ex officio*, after consultation with the Superior Labour Council, shall draw up the schedule of the classes of undertakings or employments in which the work by reason of its nature must be carried on continuously by a succession of shifts. The report states that 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 in exceptional cases of pressure of work 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.

Nil.

V.

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. The report states that there exists a central inspection service in the Ministry of Labour and that regional services exist in 19 towns. The regional inspection services consist as a rule of two or three persons each. The total strength of the inspection service is 47 (inspectors and assistant inspectors).

VI.

Nil.

VII.

Rumania. — The report states that the relevant legislation is enforced both in large and in small undertakings. In fact, all industrial undertakings of any importance work less than is permitted by the legislation, the economic depression having compelled them to reduce the daily hours of work by three, four or even five hours. A large number of these undertakings are working only two or three days per week. In the small undertakings and especially in the workshops of handicraftsmen abuses are sometimes met with, in particular in small towns where continuity of supervision by the labour inspectors cannot be ensured. It has been observed that it is especially the apprentices who in small workshops are compelled by their employers to work beyond the statutory hours of work.

Convention II. Unemployment.

I.

Rumania.

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

II.

ARTICLE 1.

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

ARTICLE 2.

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 1932, there were 36 departmental and also two communal exchanges. There are also in certain parts of the country 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. 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 1932, employment was found for 96,336 persons; the numbers of applications for and offers of employment were respectively 164,265 and 112,315.

(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.

ARTICLE 3.

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

III.

Nil.

IV.

Rumania. — The supervision of the application of the Act of 22 September 1921 devolves upon the Directorate of the Employment Exchange Service and is carried out by the factory inspectors.

V.

Nil.

VI.

Rumania. — The report contains statistical information concerning the operations carried out by the employment exchanges since 1922.

Convention III. Childbirth.

The *Rumanian* Government states in its report that a number of Bills had been drafted for the purpose of unifying the systems of social insurance throughout the country (such a step being necessary to give effect to certain provisions of Article 3 of the Convention). Two of these Bills were even submitted to the General Committee of Parliament without, however, it being possible to place them on the agenda of Parliament. A last Bill, a copy of which has been communicated to the Office, was prepared and submitted recently to the Senate which, after holding a general discussion on it, is likely to adopt it in the near future. The Government hopes that the Bill will be adopted by the Chamber of Deputies also before the end of the present session of Parliament¹.

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

¹ By letter dated 21 April 1933, the *Rumanian* Government stated that the Bill concerning the unification of the social insurance system had been adopted by Parliament and that the Act had been published in the *Monitorul oficial*, No. 83, of 8 April 1933.

II.

ARTICLE 1.

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.

ARTICLE 2.

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.

ARTICLE 3.

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).

ARTICLE 4.

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.

III.

Nil.

IV.

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.

V.

Nil.

VI.

Rumania. — The report states that the right to leave of absence before and after childbirth is maintained, but that pregnant women take advantage of it as a rule only two weeks at most before confinement. The rest periods for nursing the child are also observed.

Convention IV. Night work, women.

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

II.

ARTICLE 1.

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.

ARTICLE 2.

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.

ARTICLE 3.

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.

ARTICLE 4.

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.

ARTICLE 6.

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 (reduced night period of 10 hours) for a maximum of seven days; when use has been made of this exception the factory inspectorate must be notified within three days.

ARTICLE 7.

Rumania. — The provision of § 15 of the Act of 9 April 1928 which provided for this exception has been repealed.

III.

Nil.

IV.

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.

V.

Nil.

VI.

Rumania. — The report states that the Government is unable to supply particulars regarding the number of women covered by the relevant legislation, and that the abuses detected by the labour inspectors are severely dealt with.

Convention V. Minimum age (industry).

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

II.

ARTICLE 1.

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.

ARTICLE 2.

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 as amended 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.

ARTICLE 3.

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.

ARTICLE 4.

Rumania. — § 5 of the Act of 5 April 1928 as amended provides that the heads of undertakings covered by the Act shall be bound to keep a register drawn up in accordance with the model prescribed by the Ministry of Labour, in which shall be entered all persons under the age of sixteen years employed by them with particulars of the dates and places of their births.

III.

Nil.

IV.

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.

V.

Nil.

VI.

Rumania. — The report states that generally speaking the law is well observed. The labour inspectors have however reported that in certain glass-works and textile industries they noticed children below the statutory age working by the side of their parents. The parents explained that they brought their children with them in order to prevent the latter from loafing and in order to train them in the trade. The children helped their parents but received no remuneration from the employer. The necessary measures have been taken to put a stop to this abuse.

Convention VI. Night work, young persons (industry).

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

II.

ARTICLE 1.

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 it is not considered 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.

ARTICLE 2.

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.

ARTICLE 3.

Rumania. — According to § 9 of the Act of 9 April 1928 as amended 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 10 p. m. to 6 a.m. and for young persons of more than 16 years the interval will be from 10 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.

ARTICLE 4.

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.

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. According to § 16 of the Regulations issued under the Act the following cases are deemed to be covered by this provision: 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.

III.

Nil.

IV.

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).

V.

Nil.

VI.

Rumania. — The reports of the labour inspectors are unanimous in declaring that the relevant legislation is satisfactorily applied. Breaches of the law, which have been detected especially in small handicraft undertakings or in certain seasonal industries, have been severely punished.

Convention VII. Minimum age (sea).

I.

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) amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued in application of the above Act (L. S. 1929, Rum. 1) and amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

II.

ARTICLE 1.

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".

ARTICLE 2.

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.

ARTICLE 3.

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.

ARTICLE 4.

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 dates of birth of all persons employed on board can be easily verified. Also, § 5 of the Act of 9 April 1928 as amended provides that the heads of undertakings shall be bound to keep a register drawn up in accordance with the model presented by the Ministry of Labour, in which shall be entered all persons under the age of 16 years employed by them with particulars of the dates and places of their births. The report states that this provision applies also to children employed at sea.

III.

Nil.

IV.

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.

V.

Nil.

VI.

Rumania. — The report states that according to the information supplied by the competent service, Rumanian vessels do not engage children under 14 years of age, as their services cannot be utilised on board ship.

Convention VIII. Unemployment indemnity (shipwreck).

The *Rumanian* Government states in its report that in order to give effect to the provisions of the Convention a Bill has been submitted to the Senate. The provisions of this Bill follow closely those of the Convention. The Bill provides for an indemnity not only in case of shipwreck, but also in case of capture or stranding, irrespective of whether the vessel was engaged in maritime navigation or river navigation. The Government states also that the Bill will be adopted during the present Parliamentary session, and adds that no shipwreck occurred during the period under review¹.

Convention IX. Employment for seamen.

I.

Rumania.

Employment Exchanges Act of 22 September 1921 (L. S. 1921. Rum. 2).
Ministerial Decision No. 79024/931.

II.

ARTICLE 1.

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".

ARTICLE 2.

Rumania. — See the summary of the report on the *Convention concerning unemployment*, ARTICLE 2.

ARTICLE 3.

Rumania. — See the summary of the report on the *Convention concerning unemployment*, ARTICLE 2.

ARTICLE 4.

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

¹ By letter dated 21 April 1933, the Rumanian Government informed the Office that the Bill had been adopted by Parliament and that the Act would be published in the near future in the *Monitorul oficial*.

the services of this section shall be free of charge.

ARTICLE 5.

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.

ARTICLE 6.

Rumania. — § 2 of Ministerial Decision No. 79024/931 contains a provision to this effect.

ARTICLE 7.

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).

ARTICLE 8.

Rumania. — See under ARTICLE 1 above.

ARTICLE 9.

Rumania. — The report does not allude to this Article of the Convention.

ARTICLE 10.

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.

III.

Nil.

IV.

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*).

V.

Nil.

VI.

Rumania. — The report states that in addition to the special department for the placing of seamen set up under the Public Employment Office at Constanza a similar department has been set up by a Ministerial Decision No. 244,358 of 28 February 1933 in the Employment Office at Braila and that if necessary the Ministry of Labour will set up a further department for placing seamen in the Office at Galatz. During 1932 the department for placing seamen at Constanza registered 546 applications for employment and 81 offers of employment; 81 seamen were placed in employment.

Convention X. Minimum age (agriculture).

I.

Rumania.

Act of 26 July 1924 relating to primary education.

II.

ARTICLE 1.

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.

ARTICLE 2.

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.

ARTICLE 3.

Rumania. — The Act of 26 July 1924 contains no provisions relating to work in technical schools.

III.

Nil.

IV.

Rumania. — The supervision of application of the Act of 26 July 1924 is entrusted to the Ministry of Public Instruction, which carries it out through its local (teachers) and regional (supervisors, inspectors) agents.

V.

Nil.

VI.

Rumania. — The report states that the provisions of the relevant legislation are everywhere observed and that on the rare occasions when breaches are detected the fines provided for by law are imposed.

Convention XI. Rights of association (agriculture).

I.

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).

II.

ARTICLE 1.

Rumania. — § § 1 and 2 of the Act of 26 May 1921 provide that all persons and

bodies corporate exercising the same occupation or similar or allied occupations have the right to form themselves freely into industrial associations without being obliged to obtain preliminary authorisation for the purpose. Industrial associations must have as their purpose the study, defence and development of industrial interests, i.e., interests of an industrial, commercial, agricultural, technical, economic and educational nature.

III.

Nil.

IV.

Rumania. — The supervision of application is entrusted to the Ministry of Labour, which exercises it through the labour inspectors. The ordinary courts or the courts of appeal are competent to grant rights of incorporation to trade unions, associations, unions, federations, etc.

V.

Nil.

VI.

Rumania. — The report states that the spirit of trade union organisation is not highly developed among agricultural workers in Rumania.

Convention XIII. Use of white lead in painting.

The *Rumanian* Government states in its report that the Convention was applied by the Ministerial Order of 23 March 1930, which reproduced its provisions *in extenso*. This Order was to remain in force only until the Regulations amplifying the principles of the Convention had been published. On 13 February 1933 a measure entitled "Health Regulations for undertakings using lead and its compounds" was promulgated. Besides laying down general rules for giving effect to the provisions of Articles 1, 2, 3 and 7, these Regulations contain detailed provisions corresponding to the principles laid down in Articles 5 and 6 of the Convention.

As regards the period covered by the report, mention should also be made of § 349 of the Health Act of 14 July 1930, which lays down that any doctor who finds that a worker employed in an undertaking shows symptoms of lead or other poisoning must report the case to the local administration and must inform the head of the undertaking.

Convention XIV. Weekly rest (industry).**I.***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.

II.**ARTICLE 1.**

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.

ARTICLE 2.

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.

ARTICLE 3.

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.

ARTICLE 4.

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. Under § 7 the following classes of undertakings may remain open in Sundays . . . either all day or during specified hours : " . . . (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; following the same procedure, the Ministry may also suppress or limit, generally or for specified regions or localities, some of the exceptions provided for in these sections. § 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.

ARTICLE 5.

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). § 9 provides that in cases of exceptions permitted in conformity with § 7 of the Act the employees shall be granted another rest day in the course of the week. Under § 13 the rest day must fall on Sunday at least once a month.

ARTICLE 6.

Rumania. — See under ARTICLE 4.

ARTICLE 7.

Rumania. — When the weekly rest is given collectively, the hours of rest are fixed by § 1 of the Act of 1925, which provides that the rest period shall be granted from 6 a.m. at latest and shall last till the same hour on the next day. 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.

III.

Nil.

IV.

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, 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.

V.

Nil.

VI.

Rumania. — The report states that industrial undertakings without exception observe the provisions relating to the weekly rest and that the breaches detected by the labour inspectors relate for the most part to commercial undertakings. In 1931, 4,538 prosecutions were instituted for breaches of the law; during the first-six months of 1932 the number was 1,380.

Convention XV. Minimum age (trimmers and stokers).

I.

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), as amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1), amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

Act of 1907 respecting the organisation of the mercantile marine.

II.

ARTICLE 1.

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.

ARTICLE 2.

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.

ARTICLE 3.

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.

ARTICLE 4.

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.

ARTICLE 5.

Rumania. — § 28 of the Regulations of 30 January 1929 as amended provides that the master or skipper of every vessel covered by the Regulations shall be bound to keep a register or list of the crew in which shall be entered all persons under the age of 18 years employed on board his vessel, with the dates of their births.

ARTICLE 6.

Rumania. — The report states that the seamen's articles of agreement contain provisions corresponding to those of § 25 of the Act of 9 April 1928 and § 28 of the Regulations issued under the Act.

III.

Nil.

IV.

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.

V.

Nil.

VI.

Rumanian. — The report states that Rumanian vessels do not as a rule employ young persons under the age of 18 years as trimmers or stokers.

Convention XVI. Medical examination, young persons (sea).

I.

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), as amended by the Act of 10 October 1932 (L. S. 1932, Rum. 6 A).

Regulations of 30 January 1929 issued under the above Act (L. S. 1929, Rum. 1), amended on 19 December 1932 (L. S. 1932, Rum. 6 B).

Act of 1907 respecting the organisation of the mercantile marine.

II.

ARTICLE 1.

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.

ARTICLE 2.

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.

ARTICLE 3.

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.

ARTICLE 4.

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.

III.

Nil.

IV.

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.*

V.

Nil.

VI.

Rumania. — The report states that statistical information concerning the number of persons below 18 years of age employed on board ship is not available. As a rule young persons of that age are not engaged by the masters of vessels, since on account of their age they do not inspire confidence.

Convention XXIV. Sickness insurance (industry, etc.).

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 apportion-

ment 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 insur-

ance institutions have been made analogous to the institutions set up in the *Old Kingdom*. In its latest report the Government states that during recent years the question of the unification of the different systems of social insurance in Rumania was considered at length, and that a number of Bills were prepared, of which two were even submitted to the general Committee of Parliament. Various difficulties arising out of the present economic crisis have however prevented the Government from finding a solution of this problem. After prolonged discussion, a new Bill was drafted which has already been voted by the Senate, and the Government hopes that it will also be adopted by the Chamber of Deputies before the end of the present Parliamentary session. The Government states that this Bill, a copy of which has been communicated to the Office, contains the necessary provisions for securing the effective application of the principles of the Convention¹. For an account of the legislation concerning sickness insurance at present in force, see *Summary of Annual Reports under Article 408*, 1932, pp. 358-380.

¹ By letter dated 21 April 1933, the Rumanian Government stated that the Bill concerning the unification of the social insurance system had been adopted by Parliament and that the Act had been published in the *Monitorul oficial*, No. 83, of 8 April 1933.

APPENDIX B.

Report of the Committee of Experts appointed to examine the annual reports made under Article 408 of the Treaty of Versailles.

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 27 March to 1 April.

The following members were present :

Mr. ERICH.
Sir Selwyn FREMANTLE.
Mr. Jules GAUTIER.
Mr. DE KOSCHEMBAHR-LYSKOWSKI.
Mr. MCNAIR.
Mr. VON NOSTITZ.
Mr. QUADRAT.
Mr. RAPPARD.

Mr. GINI and Mr. TSCHOFFEN were unable to be present at the meetings of the Committee, the former owing to illness and the latter owing to his ministerial duties.

The Committee appointed Mr. Jules Gautier as Chairman and Mr. McNair as Reporter.

The number of reports to be furnished by States under Article 408 is 447. On 27 March the Office had received 406 reports, and there were thus 41 reports outstanding. In 1932, 378 reports out of a total of 417 which were due had been received by the date of the opening meeting of the Committee.

On the day preceding the close of the Committee's Session the Office received 16 reports from the Government of *Rumania*. The Committee greatly regrets that it has consequently not had time to examine these reports in detail. It has, however, been able to satisfy itself that the Rumanian Government has taken full account of the observations made by the Committee last year, as will be seen from the observations on the subject included in Appendix I.

The period covered by the reports to be examined is from 1 October 1931 to 30 September 1932. A list of the reports

which were still missing on 1 April, the date on which the Committee finished its work, will be found in an appendix to this report (Appendix II).

The Committee regrets to state that in spite of the efforts made by the Office, no reports have been received from the following countries : Albania, China, Cuba and Liberia.

The Government of *Albania*, from which annual reports were due for the first time this year, has not informed the Office of its reasons for failing to supply the reports in question. The Committee ventures to request the Governing Body to remind the Albanian Government of the explicit nature of the obligations under Article 408. It hopes that in future the Government will take steps to secure the strict fulfilment of these obligations.

The Government of *Liberia*, from which an annual report was due this year for the first time on the application of the Convention concerning forced or compulsory labour, has not informed the Office whether the report will be sent eventually, or what are the reasons which have prevented its despatch. The question of compulsory labour in Liberia formed one of the terms of reference of the International Commission of Enquiry appointed by the Government in 1930, with the co-operation of the League of Nations and the United States Government. On 24 January 1931 the Council of the League at its Sixty-second Session adopted a report which included the following passage : " The Liberian Government's intention to give effect to the recommendations of the Commission of Enquiry might take the form, *inter alia*, of the ratification of the draft Convention on forced labour, adopted in June 1930 at the International Labour Conference, to which Liberia has acceded, as mentioned by its representative in his letter to the Secretary-General, dated December 15th, 1930. The ratification of that Convention would afford the Liberian Government an oppor-

tunity of drawing up each year a report on the measures which it would take to give effect to the provisions of the Convention." There are thus special circumstances which make it essential for Liberia to furnish her report, and it is most unsatisfactory that no report has been received, and that no explanation of the failure to send it has been supplied.

The Cuban Government states that in order to ensure the strict application of the sixteen Conventions ratified by the Republic of *Cuba*, legislation was necessary to provide penal sanctions in cases of infringement of the provisions of the Conventions. It was also necessary to set up a special body of inspectors; up to the present such a body had not been set up, owing to the serious economic difficulties with which the Republic had been faced during the last few years, and which were tending to increase. The Secretary of State had nevertheless recently appointed a special Committee for the purpose of drafting Bills to be submitted to Congress by the executive authorities, so that these social questions might be treated urgently, both from the point of view of the country as a whole and, more particularly, of the working classes who, owing to the world economic crisis, were in urgent need of such legislation. The Committee in question had drafted legislation for the purpose of applying the Conventions and creating a body of inspectors (copies of the Bills have been transmitted to the International Labour Office). Three Messages from the President of the Republic were published on 21 January 1933, the purpose of which was to lay before Congress Bills for carrying into effect the Conventions concerning the night work of young persons employed in industry, the employment of women before and after childbirth and employment of women during the night. Congress has not yet approved these Bills, however, owing to certain difficulties in obtaining the necessary quorum by reason of the present electoral period.

The information quoted above shows that marked progress has been made by Cuba in regard to the application of the Conventions ratified by her; the Committee feels sure that the Cuban Government will continue its efforts until the detailed application of the Conventions ratified in 1928 is assured. In this connection, the Committee wishes to give its strong support to the opinion expressed by the Government with regard to the absolute necessity for setting up an adequate inspection service.

Annual reports were due from the Government of *China* on the Conventions concerning the creation of minimum wage fixing machinery and the marking of the weight on heavy packages transported by vessels. With regard to the first of these

reports (which the Government also failed to supply last year), the Delegation of the Republic of China to the Assembly of the League of Nations informed the Office that the Government had decided to postpone temporarily the application of the provisions of the Convention. This postponement had been deemed necessary "in view of the general depression and instability of industrial conditions in the country, which during the past two years have been rendered more acute by a series of natural calamities and the Japanese invasion of Manchuria and Shanghai." The Chinese Government, however, sincerely hopes that an early economic recovery will enable it to introduce measures for the application of minimum-wage laws in accordance with the provisions of the Convention.

With regard to the report on the Convention concerning the marking of the weight on heavy packages transported by vessels (which is due for the first time this year), the Chinese Delegation informed the Office that it had referred to its Government the Office's letter of reminder concerning the annual report on this Convention. The Delegation added that it was afraid that, owing to the distance, the report could not be received by the Office in time for submission to the Committee of Experts.

The Committee, while understanding the grave difficulties which continue to prevent the Chinese Government from applying the first of these two Conventions, nevertheless feels itself bound to express great regret that no report has been presented on the application of the second Convention, the effective application of which does not appear necessarily to present the same difficulties.

Annual reports were due from the Government of *Portugal* this year for the first time on the application of the Conventions concerning employment of women during the night and the night work of young persons employed in industry. The Portuguese Government has informed the Office that since the two Conventions in question had been ratified only very shortly before the date by which annual reports on their application should have been supplied, the competent services had not been able to prepare the reports in question in time. The Portuguese Government had not indeed realised that it would be required to furnish reports at such short notice. The Government wished, however, to assure the Office that it would not fail next year to fulfil its obligations under Article 408 of the Treaty of Versailles.

* * *

There are certain matters relating to the future work of the Committee of Experts which require mention here.

In the first place the Committee is glad to note that, in pursuance of a suggestion made by it last year and developed by the Conference Committee on Article 408, the Governing Body, at its Sixtieth Session, decided to insert in the report forms the following question :

"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. 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."

The Committee anticipates that if the employers' and workers' organisations take full advantage of the opportunity thus afforded to them this innovation will be productive of further information, which will not only help it to appreciate the degree of intensity in which the Conventions are being applied, but which will also throw light on any difficulties experienced in the practical application of Conventions.

Secondly, the Committee notes with satisfaction that the Governing Body considers that, in view of the growth in the number of annual reports submitted by the Governments, it would be advisable to appoint an additional member of the Committee.

Thirdly, the Committee wishes to record its indebtedness to the States Members of the Organisation for the increasingly careful manner in which for the most part the annual report forms addressed to them are answered. It ventures, however, to draw particular attention to the point relating to decisions given by courts of law and other tribunals and to the point asking for extracts from the reports of the inspection and registration services, etc. The information asked for by these two points affords the best evidence of the practical application of the Conventions. In the case of some countries, the replies to these points have produced valuable material. In the case of other countries, these questions appear to have escaped the notice of the Government departments concerned with the matter, and the Committee wishes to underline their importance. Some Governments, for instance, content themselves with declaring that they have nothing to add to their previous reports. Such a declaration may be perfectly justified as regards the legislative situation ; on the other hand the Committee feels that Governments might reasonably be expected to supply fresh information each year on the practical application of the relevant legislation, etc., covering such points as judicial decisions, the number of conventions reported, and the other details covered by these two points in the report

forms. Other Governments, again, limit themselves to a general reference to the reports of their factory inspection services, without either supplying extracts from these reports or indicating the passages relevant to the execution of each particular Convention. Here too the Committee feels that it can reasonably ask the Governments to assist it by giving either quotations, or at any rate precise references.

The more detailed information supplied by certain Governments this year upon the practical application of Conventions confirms the Committee in its opinion, already expressed in previous reports, as to the particular importance of factory inspection as a means of securing the actual enforcement of the law. In fact, it would not be too much to say that the whole system of social legislation, international as well as national, hinges to a large extent upon the personnel of the inspection services. From both these points of view the Committee attaches great importance to any measures which can bring about closer mutual contact between the inspection services of the different countries and between each of them and the Office. Accordingly, the Committee ventures to enquire whether it might not be possible for the Office to arrange that each year a meeting should take place of representatives of the inspection services of those Members of the International Labour Organisation who were willing to send a representative. In this way, a valuable exchange of views upon the more technical aspects of the application of the Conventions could take place, and sometimes it might happen that difficulties experienced in their application could be removed, and mutual confidence in their application might be increased. If this idea should find acceptance with the Governing Body, the Committee ventures to go further and to say that in its opinion the best results of this new procedure could be obtained if these meetings of inspectors could take place *sur place* in a different country each year. The inspection services of the different countries would thus have an opportunity of pooling their experience in the application of the Conventions, and those coming from certain countries which are at present less industrially developed than others would derive particularly valuable benefits from the meetings. In this way, and perhaps in this way alone, the Recommendation adopted by the Conference in 1923 upon the general principles of factory inspection could secure an adequate measure of realisation.

The reports sent by certain countries present a difficulty of a constitutional character. They appear to indicate that the fact of the due ratification of a Convention or of the passing of an Act of Parliament approving ratification and reproducing the text of the Convention

concerned does in some way secure the putting into force of the Convention, even in the absence of other legislative or administrative measures. Thus, certain of the reports of the Lithuanian Government declare that one or other of the Conventions has "force of law" in Lithuania. The Greek Government in some of its reports refers to different Acts of Parliament approving ratifications and reproducing the text of Conventions, while the Spanish Government appears to refer to Article 65 of the new Constitution, according to which :

"All International Conventions ratified by Spain and registered with the League of Nations which have the character of international law shall be considered as a constituent part of Spanish legislation, which shall adapt itself to their provisions.

"When an International Convention which affects the legal administration of the State has been ratified the Government shall lay before the Chamber of Deputies as soon as possible the Bills necessary for executing the provisions of the Convention concerned.

"No Act shall be passed which infringes the Conventions concerned unless the Conventions have already been denounced in accordance with the procedure established by them".

The Committee ventures to request the Governing Body to remind the Governments concerned that in order to elicit full information on the legal and material position in cases of this kind a question is contained in the report form to the following effect :

"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."

The Committee would be grateful if the Governing Body would request the Governments concerned to bear this point of the report form in mind when drawing up future reports and to describe precisely any practical effects ensuing from the ratification of Conventions, either by Act of Parliament or otherwise, and also the measures by which previous legislation has been brought into harmony with the Conventions.

* * *

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 colonial possessions and protectorates (in-

cluding territories under mandate). The Committee, as last year, has thought it advisable to append this report, which is more detailed than heretofore, to its own report (Appendix III).

Last year the Committee dealt at some length with the colonial aspect of the application of the Conventions and it begs to refer to its observations made on that occasion. It has two remarks of a general character to add :

(1) the Committee has formed the opinion that steady progress is shewn both in the application of the Conventions to colonies and similar territories and in the care with which the States have considered how far it is possible to apply them in these territories. The reports made upon this subject this year have been more than usually detailed and full of interest.

(2) certain Members of the Organisation who, in replying to the question raised by Article 421 of the Treaty of Versailles, have referred simply to local conditions, appear to be under the impression that the unsuitability of these local conditions affords a conclusive reason for entire non-application of a Convention. The Committee therefore thinks it useful to draw attention to the provisions of Article 421 of the Treaty, which are as follows :

"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."

The Committee expresses the hope that where the local conditions make it difficult to apply a Convention in its entirety the Members of the Organisation will examine the question how far it can be applied in part in virtue of the provisions of paragraph (2) quoted above.

The foregoing are the general observations which the Committee feels it necessary to submit to the Governing Body. The detailed comments upon the reports made in relation to each Convention will be found in Appendix I to this report.

(Signed) A. D. McNAIR,
Reporter.

Geneva, 1 April 1933.

APPENDIX I.

LIST OF POINTS ON WHICH THE COMMITTEE CONSIDERED THAT THE REPORTS EXAMINED CALLED FOR OBSERVATIONS OR UPON WHICH SUPPLEMENTARY INFORMATION SEEMED DESIRABLE.

1. Hours of work (industry).

Bulgaria. — The report is much more complete than in previous years. The Committee considers, however, that further explanations might be requested concerning the exact methods by which the provisions of Article 8 of the Convention are applied.

Chile. — 1. The Chilean legislation applies to "industrial establishments", but does not contain any definition of them. The Government might be asked to supply supplementary information as to the interpretation of this term in practice.

2. With regard to overtime, § 28 of the Chilean Decree authorises two hours' overtime simply by permission of the Labour Inspection Service, on condition that the health of the workers is not affected by it, but makes no mention of consulting employers' and workers' organisations. Since this latitude does not appear to be allowed by the Convention, it would be advisable to ask for further explanation concerning the application of this article of the Decree.

Spain. — The Government might be asked to supply in its next report the detailed information required by Article 7 of the Convention.

Greece. — The Committee notes that the promulgation of the Decree of 27 June 1932 has made the position as regards the regulation of hours of work in Greece clearer. It feels obliged, however, to make the following observations:

1. The Decree of 27 June 1932 applies to a limited number of industries, while the scope of the Convention includes *all* industrial undertakings. The period of postponement of application allowed to Greece under Article 12 of the Convention having long since expired, the Government might be asked to contemplate the possibility of eliminating, in the near future, all divergences between its legislation and the Convention as regards scope.

2. The Decree of 27 June 1932 applies the 48-hour day to factories or parts of factories working continuously, viz., those in which the daily hours of actual work exceed ten. The Government might be asked to indicate the methods by which the 48-hour week is applied in these factories or parts of factories.

3. The Decree of 27 June 1932 lays down that time lost owing to interruptions of work for the following causes may be made up: (a) local or official festivals, and (b) a change in the weather, in the case of those industries or occupations which, owing to their nature, are subject to the influence of atmospheric changes. The Government might be asked to give information on the methods of applying the Convention in these cases, and its attention might be drawn to the fact that these exceptions are only permitted by the Convention on the basis of agreements between the employers' and workers' organisations concerned.

4. The report does not contain the list of continuous processes required by Article 7 of the Convention. The Government might be asked to supply this list.

Lithuania. — The report states that Lithuanian legislation is not in complete agreement with the provisions of the Convention, but adds that the Convention nevertheless has force of law in Lithuania. The Government might be requested to take into account, in its future reports, the second paragraph of Point I of the report form, which provides for cases of this kind.

Luxembourg. — 1. The Government might be asked to give supplementary information concern-

ing the coming into force of the Decree which it states will regulate the question of handicraft undertakings.

2. It is noted that the Orders relating to continuous processes and exceptions permitted under Article 6 of the Convention have not yet been published.

Portugal. — The report states that national legislation with regard to industries working continuously is being amended with a view to decreasing this kind of work as much as possible. The Government might be asked to keep the Office informed of the progress of this legislation, especially in so far as the transport industry is concerned.

Rumania. — The Committee notes with satisfaction the amendments to the existing legislation on hours of work made by the amending Act of 11 October 1932 and the Regulations of 23 December 1932 applying it. The provisions of the amending legislation have remedied the omissions which had previously been noted.

The following Governments do not supply information on the practical working of the Convention (Point VII of the annual report form):

Bulgaria, Greece, Portugal, Spain.

2. Unemployment.

Bulgaria. — It is to be regretted that, as was the case last year, the report does not contain any information with regard to the periodical communication to the Office of statistical and other information, as required by Article 1 of the Convention.

Greece. — The report does not contain any information with regard to the periodical communication to the Office of statistical and other information, as required by Article 1 of the Convention.

India. — Article 2 of the Convention lays down that "each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of the central authority". This provision has never been actually applied to industrial workers by Indian legislation. Further, the Royal Commission on Labour, the conclusions of which were awaited by the Indian Government as stated in its report for last year, has expressly declared that it does not consider the creation of such employment agencies necessary. In view of the fact that the establishment of these agencies in other countries has had satisfactory results, not only in the struggle against unemployment but also as a means of combating certain abuses in the recruitment of industrial workers, the Committee feels obliged to suggest that the Governing Body should ask the Government to be good enough to supply some supplementary information as to the nature of the circumstances which make the adoption of such a system impossible in India.

Sweden. — In reply to an observation made by the Committee of Experts in 1929, the Swedish Government informed the Committee that the question of co-ordinating the operation of public and private free employment agencies would be regulated by a total revision of the legislation concerning employment-finding. The present report refers to this statement without, however, definitely stating whether the question is approaching a solution. The Government might be asked to supply information on the present position of this reform.

South Africa. — As regards the first paragraph of Article 2 of the Convention, the report states that joint local committees will be set up wherever necessary. It would be useful to have some supplementary information regarding the constitution and working of these committees.

Report of the Committee of Experts on Article 408, Appendix I.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Greece, Norway.

3. Childbirth.

Bulgaria. — The Committee notes the additional information supplied by the Government in reply to the observation which it made last year.

Chile. — The Committee notes that, whereas Article 3 (c) of the Convention lays down that the benefits payable under the Convention shall be "provided either out of public funds or by means of a system of insurance", the Chilean legislation makes the employer partly or wholly responsible for the payment of such benefits.

2. Further, the legislation does not appear to provide for the time off allowed under Article 3 (d) of the Convention for nursing the child.

The Committee, while appreciating the considerable progress represented by the latest Chilean legislation on the subject, nevertheless feels bound to draw attention to these two divergences.

Greece. — The Committee is glad to notice the progress represented by the provisions of the Greek Act No. 5733 of 10 October 1932. It appears, however, that Greek legislation still fails to ensure full application of the Convention on the following points:

1. Under the Act of 24 January 1912 and the Regulations of 14 August 1913, mentioned in the report, women appear to be entitled to a total compulsory rest period of eight weeks, including four weeks after confinement. The Convention, on the other hand, provides for a rest period of six weeks before and six weeks after confinement.

2. No provision appears to be made as regards any mistake of the medical adviser in estimating the date of confinement (Article 3 (c) of the Convention).

3. The legislation does not appear to provide for the breaks allowed under Article 3 (d) of the Convention for nursing a child.

4. The legislation does not appear to comply with the provisions of Article 4 of the Convention concerning the maximum period to be fixed during which a woman may not be dismissed.

The Government might be asked to supply further information on these points.

Hungary. — The Government might be asked to state whether any application has been made of the provision of Act No. XXI of 1927 which allows the reduction of benefits under certain circumstances.

Latvia. — The Committee notes that the divergence concerning the rest periods to be allowed to women in case of childbirth between Latvian legislation and the provisions of Article 3 of the Convention continues, but that the former provision is considered by the medical authorities and the legislature as better adapted to the social and economic conditions of the country.

Luxemburg. — The Luxemburg legislation does not appear to provide for the possibility of a mistake of the medical adviser in estimating the date of confinement (Article 3 (c) of the Convention). The Government might be asked to supply further information on this point.

Rumania. — The Committee noted in previous years that the systems of sickness insurance in force in different parts of Rumania were not such as to give full application to the relevant provisions of the Convention. The report for this year states that the last of several Bills has now been drafted and laid before the Senate, and that the Government hopes that it will be passed before the end of the present parliamentary session. The Committee notes this statement, and hopes that the Government will keep the Office informed as to the result of this attempt to bring Rumanian

legislation into harmony with the provisions of the Convention¹.

Yugoslavia. — The Committee notes the information supplied by the Government in reply to the observation made last year.

1. Since the adoption of the Act of 5 December 1931, amending the Insurance Act of 14 May 1922, the period during which a woman may not be employed and the period during which she is entitled to benefits no longer appear to be identical: that is to say, under § 22 of the Act of 28 February 1922, a woman may not be employed for two months before and two months after confinement, whereas benefits are payable under the 1931 Act for six weeks before and six weeks after confinement. It would thus appear that, during a total period of four weeks, a woman may not be employed, but is not entitled to receive any benefit.

2. The Yugoslav legislation does not appear to provide for the possibility of a mistake of the medical adviser or of the midwife in estimating the date of confinement (Article 3 (c) of the Convention).

The Government might be asked to supply further information on these two points.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Greece.

4. Night work, women.

General observation.

The attention of the Committee has been drawn to an Advisory Opinion delivered by the Permanent Court of International Justice on 15 November 1932, to the effect that the Convention does apply to "women who hold positions of supervision or management and are not ordinarily engaged in manual work." A study of the legislation mentioned in the reports of a number of countries shows that the practice of those countries is not at present in harmony with the interpretation given by the Permanent Court, and that the terms of the Convention are not applied to all women holding positions of supervision or management and not ordinarily engaged in manual work. As, however, the Committee understands that the proposal previously made to revise the Convention so as to exclude the classes of women above-mentioned is to be revived, and appears more likely now than on the previous occasion, in view of the decision given by the Court, to obtain the requisite two-thirds majority of the Conference, the Committee does not feel justified in calling attention in detail to the cases in which the more restrictive interpretation of the Convention has been adopted in national legislation.

Belgium. — The Committee notes the statement contained in the Belgian Government's letter of 30 March 1932 in response to an observation made last year, to the effect that, whilst the negotiations between the employers' and workers' organisations in the district of Verviers with a view to securing strict observation of the provisions of the Convention in respect of the hours within which no night work is to be permitted have yielded no result, work after 10 p. m. has, in fact, owing to the industrial crisis, been discontinued, so that the provisions of the Convention are now strictly observed. It ventures to suggest that the Government might be asked to consider the advisability of taking the necessary steps to ensure that when the crisis is surmounted the provisions of the Convention will continue to be observed with the same strictness.

¹ By letter dated 21 April 1933, the Rumanian Government stated that the Bill concerning the unification of the social insurance system had been adopted by Parliament and that the Act had been published in the *Monitorul Oficial*, No. 83, of 8 April 1933.

Chile. — With regard to the interpretation of the term "industrial undertakings" as used in Chilean legislation, see under Convention 1 above.

Greece. — In 1930 the Conference Committee on Article 408 took note of the statement made by the representative of the Greek Government that, while the law was in harmony with the Convention, the Convention's provisions were not in practice fully carried out, though substantial progress had been made since the previous year in this respect. In 1931, the Committee of Experts took note of this statement and expressed the hope that it would soon be possible for the Government to bring its practice into harmony with the Convention. The report submitted this year throws no fresh light on the situation in practice.

India. — The Committee notes the statement in the report to the effect that revision of the Indian Factories Act has been taken in hand and that Clause 32 (2) of the draft Factories Bill will, if it is passed into law, bring the legislation into conformity with the Convention. The Committee hopes that the Government will keep the Office informed of the progress made with regard to this projected legislation.

Lithuania. — The report mentions an Order issued on 25 October 1931 by the Chief Inspector of Labour for the purpose of extending the scope of the Industrial Code so as to make it coincide with that of the Convention. The Committee suggests that the Government might be asked to transmit the text of this and any similar Orders to the International Labour Office.

Rumania. — The Committee notes with satisfaction that the provision of the Act of 9 March 1928 which gave rise to an observation by the Committee has been superseded by an amending Act of 11 October 1932 which brings Rumanian legislation into agreement with the Convention.

South Africa. — The Committee notes with great interest the detailed explanations given by the Government on the combined effects of the Wage Act and the Industrial Conciliation Act, supplied by the Government in response to the request previously expressed by the Committee.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Greece, Luxembourg.

5. Minimum age (industry).

Chile. — 1. With regard to the interpretation of the term "industrial undertakings" as used in Chilean legislation, see under Convention 1 above.

2. The report refers to the Decree of 30 April 1926 to approve regulations respecting industrial hygiene and safety. It is not clear, however, what part is played by this Decree in securing application of the Convention. The Government might be asked to supply further information on this point.

Greece. — It is not clear from the report whether the Act No. 2271 of 24 June 1920 by which the Convention was ratified is in itself sufficient to secure full application of the Convention notwithstanding the less severe measures embodied in previous legislation. The Government might be asked to supply an explanation on this point.

Latvia. — Last year the Committee made the following observation: "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." There is no change in the wording of this year's report under Article 3 of the Convention. The Committee is therefore obliged to repeat its observation.

Rumania. — The Committee notes with satisfaction the statement in the report to the effect that the discrepancies noted by the Committee in previous years have been remedied by an Act of 11 October 1932.

Yugoslavia. — There is nothing in the Government's report to make the Committee doubt that the provisions of the Convention are fully observed. It notes, however, that according to the report of the Committee on Article 408 set up by the Sixteenth Session of the International Labour Conference "a representative of the Workers' Group informed the Committee on behalf of the 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 Conference Committee ventured to draw the attention of the Yugoslav Government to this statement and expressed the hope that it would be dealt with in the next annual report. This year's report is, however, silent on the point. The attention of the Government might be drawn once more to the matter.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Greece, Latvia, Luxembourg.

6. Night work, young persons (industry).

Belgium. — Last year and the year before the Committee noted that according to the report of the Belgian Government exceptions 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. The Committee notes the reply of the Belgian Government, contained in its letter of 30 March 1932, to the effect that "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 Committee is grateful for the Government's explanation. It feels bound to note, however, that a strict interpretation of the provisions of the Convention would not appear to permit the exceptions referred to above.

Greece. — The observation made under Convention 5 applies *mutatis mutandis*.

Hungary. — The Committee notes the continued existence of the slight discrepancy to which it has previously drawn attention (concerning the employment of young persons in brick works in which bricks are made by hand).

India. — See under Convention 4.

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 11 hours' rest prescribed by the Convention. The Government might again be asked for information on the manner in which the application of this provision of the Convention is in fact secured.

Lithuania. — The Committee notes that, whilst various discrepancies still exist between Lithuanian legislation and the provisions of the Convention, these discrepancies are to be removed by an Act on labour agreements to be adopted in the near future. The Committee expresses the hope that the Government will find it possible to secure the

passage of the projected legislation at an early date.

Rumania. — The same observation as for Convention 4.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Greece, Luxemburg, Yugoslavia.

7. Minimum age (sea).

Hungary. — The Hungarian Government states in its report that the Minister of Commerce has drawn up a draft Decree to apply the provisions of the Act XVI of 1928, and adds that this Decree will probably be published during the year 1933. The Government might be asked to keep the Office informed of the progress of this draft legislation and to transmit the text of the Decree.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Estonia, Finland, Greece, Latvia, Norway, Poland, Spain, Yugoslavia.

8. Unemployment indemnity (shipwreck).

General observation.

The French Government raises the following question in its report: "whether the various maritime countries which have ratified the Convention concerning unemployment indemnity consider that the indemnity should include an allowance for food in addition to the wage proper, or whether the indemnity should be calculated only on the basis of the wage mentioned in the muster-roll."

Since the point seems to be of some importance, the Committee, while wishing to avoid any definite pronouncement on the interpretation of the term "wages", suggests that the report form might be amended in such a way as to allow the States which have ratified the Convention to supply information on this point.

Belgium. — The report of the Government states, in regard to Articles 1 and 2, that in case of loss by shipwreck the seaman received a uniform indemnity equal to two months' wages, even in cases where the period between the loss of the vessel and the end of the contract is less than two months. The Committee notes this statement.

Spain. — The report states that, as a result of a proposal made by the National Maritime Conference held at Madrid in 1932, the Government is examining the measures necessary for a complete application of the Convention. The Government might be asked to keep the Office informed of its progress in this respect, and, in particular, to inform the Office whether the measures contemplated will secure the application of the provisions of the Convention to officers and masters, who, up to the present, do not appear to be covered by the legislative measures in force in Spain.

Irish Free State. — The Government states in its report that legislation for the purpose of implementing this Convention in full is being drafted. Owing to the pressure of Parliamentary business, however, the promotion of the legislation has unfortunately been delayed. The Government might be requested to keep the Office informed of the progress of this draft legislation, and the hope might be expressed that it will be possible to bring it into force shortly.

Latvia. — 1. § 69 of the Seamen's Order of 30 October 1928 defines "ship's crew" as all persons employed in the service of a vessel, with the exception of the master, deck officers and en-

gineer officers, wireless operators and medical officers. Under the terms of Article 1, however, the Convention applies to "all persons employed on any vessel engaged in maritime navigation". The attention of the Government might be drawn to this divergence and it might be asked to consider the possibility of remedying it.

2. In reply to an observation made by the Committee of Experts in 1932, to the effect that the Latvian legislation quoted in the report did not appear to contain any provision for the granting of an indemnity in respect of unemployment due to shipwreck, the report for this year states that in this case the seamen receive an indemnity equal to the amount of two months' wages. The report does not indicate whether this indemnity is provided by legislation, or by administrative regulation, and the Government might therefore be asked to give supplementary information on this point.

3. The Government states in its report that the Seamen's Order of 30 October 1928 has been amended and that the text of the amendment has been published in "*Valdības Vestnesis*" No. 140 for the year 1930. Since the Office has not received this amending text, the Government might be asked to forward a copy.

Poland. — The Committee notes the statement of the Government to the effect that the Act for bringing Polish legislation into agreement with the provisions of the Convention has passed its third reading in the Labour Protection Committee of the Diet.

Rumania. — The Committee notes that a Bill to give effect to the provisions of the Convention has been laid before the Senate and that according to a statement contained in the report, this Bill will be voted on during the present Parliamentary session. The Committee expresses the hope that the Government will keep the Office informed of the result of this legislative project¹.

Yugoslavia. — The Committee has noted the explanations supplied by the Government of Yugoslavia in its letter of 2 November 1932. The letter stated that the Bill regulating conditions of work on board maritime vessels, which had already been referred to in earlier reports, and the special object of which was to give effect to this Convention, was at present before the Committee for the Codification of Private Maritime Law attached to the Ministry of Justice. This Committee had advised the Ministry of Transport and Communications not to submit the Bill to Parliament until the Committee had finished drafting its Bill for the Codification of Private Maritime Law. The Government might be asked to do its utmost to hasten the putting into force of the legislation to give effect to the provisions of the Convention.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Estonia, Greece, Latvia.

9. Employment for seamen.

Belgium. — From the information supplied it appears that the provisions of Articles 4 and 5 of the Convention, which relate to the creation of free employment offices either by joint associations or, in the absence of such joint associations, by the State itself, are not fully applied in Belgium. On the other hand, the report states that "the free employment exchange opened at Antwerp by the Belgian Shipowners' Union has been working since 1912 in an entirely satisfactory manner." During the last International Labour Conference, the fact that the Belgian Government

¹ By letter dated 21 April 1933, the Rumanian Government states that the Bill has been adopted by Parliament and that the Act will be published in the near future in the *Monitorul Oficial*.

was not strictly applying the provisions of the Convention quoted above gave rise to an interchange of views and, in the course of the discussion, a Belgian workers' delegate expressed his agreement with the observation already made on this point by the Committee of Experts in its report for 1931. The Committee hopes that the Government will examine once more the possibility of securing full conformity with the provisions of the Convention.

Spain. — The Committee hopes to find in future reports complete information with regard to the legislation announced by the Spanish Government, the object of which is to remedy the discrepancies and secure effective application of those points of the Convention which are not yet satisfactorily applied.

Finland. — The observations made by the Committee of Experts after its last Session gave rise to a communication from the Government to the effect that "there must apparently be a misunderstanding . . . in the report of the Committee of Experts" on the question of associations for finding employment for seamen. The Government added that, since no such associations did, in fact, exist, any comment on the non-observance of those provisions of the Convention which prohibit their charging fees seemed uncalled-for. Nevertheless, in 1930, in reply to a request for supplementary information, the Government representative informed the Conference Committee on Article 408 (F.R. 1930, Fourteenth Session, Vol. I, p. 657) that the exemption allowed by Article 3 of the Convention was only provisionally permitted by the Government of Finland as a temporary measure. He added that a certain number of seamen's organisations existed which carried out employment-finding exclusively for their own members, and that the charge made for placings in no case exceeded the actual expenses incurred by these associations in the operations of employment-finding. The observation of the Committee of Experts in 1932 was based on this statement.

Greece. — 1. In regard to Article 7, the report states that every facility for examining articles of agreement is allowed by recourse to the "Seamen's Home". The report does not clearly indicate, however, what guarantees the seaman possesses, either by law or by regulation, to enable him to examine his articles of agreement before and after signing them.

2. In spite of the assurances given by the Government delegate for Greece at the Fifteenth Session of the International Labour Conference (F.R. Vol. I, p. 634), the Office does not appear to have received the information required by the first paragraph of Article 10.

Latvia. — In view of the difficulties experienced by the Latvian Government in the application of Articles 4 and 5 of the Convention, the Government might be asked whether the joint committees prescribed by these Articles have been set up, and whether they are working satisfactorily.

Rumania. — In reply to a previous observation, the Government states that, in addition to the special section for the placing of seamen set up in connection with the public employment office at Constanza, a similar section has been set up, by a Ministerial Decision of 28 February 1933, in connection with the employment office at Braila, and that, if necessary, the Ministry of Labour will set up a further section for the placing of seamen in connection with the office at Galatz. The Committee notes this statement with satisfaction.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland, Greece, Norway, Yugoslavia.

10. Minimum age (agriculture).

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form): *Belgium, Bulgaria, Czechoslovakia, Italy, Poland.*

12. Workmen's compensation (agriculture).

Spain. — The report states that, as from 1 April 1933, special treatment in regard to workmen's compensation in agriculture will be accorded to agricultural workers employed under conditions similar to those of industrial workers, to the exclusion of other agricultural workers. The attention of the Spanish Government might be drawn to the fact that, under the terms of Article 1 of the Convention, each State which ratifies the Convention undertakes to extend to *all* agricultural wage-earners its laws and regulations on the subject of workmen's compensation.

Italy. — It is clear from the report that the conditions as regards workmen's compensation for workers employed in agriculture are inferior to those for industrial workers. The Committee understands, however, that the Italian Government is examining the situation and is considering remedies.

Poland. — The observations made in 1932 in regard to agricultural accidents in undertakings not exceeding 30 hectares still apply; but it must be admitted that the observations made by the Government as to the difficulty of amending the legislation at present in force, in view of the economic crisis, are worthy of every consideration, and it can only be hoped that it will be feasible to overcome these obstacles as quickly as possible. The report adds that provisions relating to workmen's compensation in agricultural undertakings of less than 30 hectares have been included in collective agreements. In addition, the Committee understands that the Social Insurance Bill, under the terms of which it will be possible to extend accident insurance to small agricultural undertakings by means of an Order of the Council of Ministers, has been definitely adopted.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Estonia, Latvia, Spain.

13. Use of white lead in painting.

Belgium. — With regard to the application of Article 5 (IV) of the Convention, the report repeats the statement made last year to the effect that the Government is intending to renew the practice of issuing special instructions relating to health measures for painting occupations.

Bulgaria. — 1. The Committee notes with satisfaction that the Order of 29 September 1932 and the Regulations of 30 September 1932 applying it have given effect to the provisions of the Convention. The report does not indicate, however, whether the premission to employ apprentices for the purpose of education in their trade in occupations prohibited by Article 3 of the Convention may only be granted after consultation with the employers' and workers' organisations concerned.

2. The report does not indicate whether the measures taken to enforce Article 6 of the Convention have also been made the subject of consultation of the employers' and workers' organisations concerned.

3. The report contains no information with regard to Article 5 (IV) of the Convention.

The Government might be asked for supplementary information on these points.

Chile. — The Committee notes that the report submitted by the Chilean Government reproduces

the statement contained in its last year's report to the effect that the provisions of the Convention will be included in Regulations to be issued in execution of § 246 of the Legislative Decree of 28 May 1931. The Government might be asked to expedite the coming into force of these Regulations in order to give effect to the provisions of the Convention.

Estonia. — In reply to an observation made by the Committee of Experts in 1932 in regard to Article 5 (1) (b) of the Convention, the Government states in its report that spray-painting is not practised in Estonia, and that it therefore appeared unnecessary 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 Orders regulating the use of white lead; moreover, a total lack of practical experience made it impossible to decide on the most appropriate steps. The Committee notes this statement and ventures to suggest that the Office should supply the Estonian Government with the text of the regulations or legislative provisions issued by other countries on this question, in order that the Estonian Government may examine the appropriate steps to be taken in case this kind of painting should in the future be practised in Estonia.

Greece. — The Government states in its report that, as stated in the report for last year, a draft Decree to ensure the application of the Convention has been drawn up and submitted to the Council of State. It adds, however, that "this Decree, while fully satisfying the provisions of the Convention, is not in harmony with the provisions of Act No. 2654 of 6 August 1921 concerning the prohibition of the use of white lead, red lead and litharge in the building industry and other occupations. This Act preceded the Convention and contains much stricter provisions than the Convention itself. . . . Since the provisions of the Act are inapplicable, the Government is proposing to repeal it as soon as possible, so that only the provisions of Act No. 2994 for the ratification of the Convention shall remain in force. In this way the Government will be enabled to proceed to the promulgation of the Decree in question, which will ensure the application of the Convention." The Committee notes this statement and expresses the hope that the Greek Government will shortly be in a position to put into force the legislation necessary to secure the application of the Convention.

Latvia. — 1. In reply to an observation made in 1932, the Government states that, with regard to the definition of the different forms of painting mentioned in Article 2 of the Convention, the Ministry of Social Welfare has drawn up draft instructions regulating the use of white lead, etc., which are in agreement with the provisions of the Convention.

2. With regard to the observation on Article 5 of the Convention, made last year by the Committee, the report gives no further information as to the measures which the Ministry of Social Welfare proposes to promulgate in order to give effect to certain provisions of the Article.

The Latvian Government might be asked to hasten the promulgation of the measures for carrying into effect Articles 2 and 5 of the Convention.

Rumania. — The Committee notes the publication, on 13 February 1933, of "health regulations for undertakings making use of white lead and its compounds" intended to give effect to the provisions of the Convention.

Czechoslovakia. — 1. The Committee noted in 1932 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 simply by the repainting of previous coats of white lead paint,

are maintained, and it suggested that the Government should be asked for further information on the measures of supervision adopted to prevent these exceptions from being abused.

In reply to this observation, the report states that no irregularity of the kind indicated by the observations of the Committee has so far been noted, and that the factory inspectors are paying careful attention to this problem.

2. With regard to the observation made last year on Article 7 of the Convention, the report states that 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. This committee will consider the draft Decree containing provisions concerning the drawing-up of statistics of lead-poisoning when all the competent offices have arrived at an agreement on the subject.

The Committee notes these two statements.

Yugoslavia. — The Committee considers it desirable, as last year, that the attention of the Government should be drawn to the fact that Article 5 (1) (b) of the Convention refers to the application of *paint in the form of spray*, while the report, in regard to the application of this provision, only refers to § 7 (7) of the Regulations of 7 May 1931 concerning the use of white lead in painting, which provides that for processes which involve the *production of a large quantity of dust* the head of the undertaking is obliged to supply workers with appropriate masks. There seems to be a confusion here due to an error of translation. The Government might be asked to examine the possibility of supplementing its legislation in order to protect working painters employed in spray-painting.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Estonia, Greece, Luxemburg, Norway, Spain.

14. Weekly rest (industry).

Greece. — It would be desirable to have a copy of the Regulations promulgated by the Minister of Ways and Communications concerning weekly rest in transport undertakings, and also fuller information on the provisions to secure the posting-up of notices as prescribed by Article 7 of the Convention.

Sweden. — The Act concerning weekly rest having only recently been enforced, the list of exceptions has not yet been supplied. The Government might be asked to include this list in its report for next year.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Finland, Greece, Latvia, Luxemburg, Poland, Portugal, Yugoslavia.

15. Minimum age (trimmers and stokers).

Estonia. — With regard to the observations made in 1932, the report states that § 74 of the Seamen's Act of 22 March 1928 provides that masters must see that a copy of the Act is available for reference on board ship. The report adds that "this method, which was adopted at the request of the seamen themselves, fulfils the object of the Convention in this respect." The Committee notes this explanation.

Greece. — The report contains no information to show whether articles of agreement include a summary of the provisions of the Convention, as

is prescribed by Article 6. The Government might be asked to supply information on this point.

Hungary. — See under Convention 7 (minimum age—sea).

India. — With reference to an observation made by the Committee of Experts in 1932, the Office received on 30 May 1932 the text of the Notification of 5 March 1931 concerning maritime navigation, which gives effect to the provisions of the Convention. The Committee takes note of this communication.

Irish Free State. — The report states that, although it is not the practice in the Irish Free State to engage seamen under the age of 18 as trimmers or stokers, the Government has decided to promote the necessary implementing legislation. The Government might be asked to keep the Office informed as to the progress of this projected legislation.

Rumania. — The Office notes with satisfaction the amendments to the Regulations of 5 February 1929 which remedy the omissions noted by the Committee last year.

Yugoslavia. — As in previous years, the report contains no information as to the methods by which the provisions of Article 6 of the Convention are applied. The Government might once again be asked to give information on this point.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland, Greece, Hungary, Italy, Norway, Yugoslavia.

16. Medical examination, young persons (sea).

Hungary. — The same observation as for Convention 15.

Irish Free State. — The same observation as for Convention 15.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Estonia, Finland, Germany, Greece, Italy, Yugoslavia.

17. Workmen's compensation (accidents).

Bulgaria. — The Committee notes the supplementary information supplied by the Bulgarian Government in response to the observation made last year.

Spain. — The Committee notes that the legislation recently adopted with reference to this Convention, which represents a considerable step forward, will come into force on 1 April 1933. It also notes the Government's undertaking to supply detailed information on the application of the new legislation in its next report.

Luxemburg. — Last year the Committee noted that the legislation cited in the Government's report did not appear to apply to workers employed in commercial undertakings. In response to this observation the Government, by letter dated 1 April 1932, pointed out that the Act of 17 December 1925 concerning the Social Insurance Code does not exclude commercial undertakings from accident insurance, and that under § 85 (3) of this Code employers in commercial undertakings are permitted to insure their employees against the consequences of industrial accidents. The Government further pointed out that the majority of commercial undertakings included departments in which the work was of an industrial character. In all such cases compulsory

accident insurance takes the place of optional insurance, since § 67 of the Code lays down that undertakings comprising several different departments are subject to compulsory insurance in respect of all persons employed in the various departments and in respect of all work, including occasional work executed by each worker at the order of the employer or of the latter's representative, so long as a single department is subject to either compulsory or optional insurance.

The Committee, whilst it has no doubt, in view of the explanations supplied by the Government, that commercial employees are to a substantial extent provided for by the relevant law and practice in Luxemburg, feels bound to draw the Government's attention to the fact that the provisions of the Convention are universal in scope and do not allow any exception to be made for such employees. It hopes that the Government will consider the advisability of revising the existing legislation on this point.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Chile, Portugal, Spain, Sweden.

18. Workmen's compensation (diseases).

Belgium. — In response to an observation made by the Committee last year, the Government admitted, by letter of 30 March 1932, that "certain discrepancies exist between the benefits allowed respectively in the case of occupational diseases and industrial accidents" and stated that "the competent service is drawing up a Bill for the purpose of putting an end to those discrepancies." This year's report states that the preliminary work for the purpose of amending the law on occupational diseases to bring it into harmony with that on accidents is under way. The Committee hopes that the Government will succeed in securing the passage of the necessary legislation at an early date.

Bulgaria. — The Committee notes the additional information supplied by the Government in response to the observation made last year.

Portugal. — The Committee notes that Decree No. 21,978 of 10 December 1932 has been issued by the Government for the stricter application of the principles prescribed by the Convention. This Decree reproduces the schedule of diseases, toxic substances, industries and processes appended to Article 2 of the Convention, but, no doubt owing to an oversight, omits to mention among the list of industries and processes in the right-hand column of the schedule "Polishing by means of lead files of putty powder with a lead content."

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Austria, Bulgaria, Latvia, Norway, Portugal, Sweden.

19. Equality of treatment (accidents).

Bulgaria. — It is not clear from the report whether the relevant legislation guarantees equality of treatment *without any condition of residence*, in accordance with Article 1 of the Convention. The Government might be asked for supplementary information on this point.

France. — As in previous years, the report draws attention to the fact that, notwithstanding the view maintained by the Government that reciprocity results automatically from the mere fact of the ratification of the Convention by the countries concerned without the conclusion of any particular agreement between different countries being necessary, some courts still do not accept this view and refuse to apply the Convention where

the country of origin of the victim of the accident has ratified the Convention, but has not concluded a special treaty of reciprocity with France. It appears from the Government's report that the appeal courts sustain the point of view supported by the Government and that one of the local courts (that of Briey), which on 16 June 1930 gave a decision in the contrary sense, has since then on 6 January 1931 in another case given a decision in accordance with the views of the Government. It is not clear from the report, however, that the competent Government department itself undertakes responsibility for appealing against the decisions which it disapproves. The Committee feels bound to point out that, in order to guarantee full benefit of the Convention to all the foreign workers concerned, it would be preferable that the initiative in appealing against decisions of the kind described above should not be left to the worker concerned or his dependants but should be taken by the Government itself.

Latvia. — In 1931 the Committee noted that the Latvian Act of 1 June 1927 concerning accident insurance lays down in § 31 that the members of the family of a deceased foreigner who had no fixed domicile in Latvia are not entitled to a pension unless a Convention to the contrary has been concluded with the State of which the deceased was a national. The same article lays down that a foreigner in receipt of a pension who leaves Latvia shall receive in place of the pension a lump sum equivalent to three years' pension, unless a Convention to the contrary has been concluded with the State of which the pension holder was a national. On the other hand, Article 1 of the Convention provides for equality of treatment without any condition as regards residence. The Committee accordingly considered that the Latvian Government should be asked whether the exceptions mentioned in § 31 of the Act are applied to nationals of States which have ratified the Convention. As this year's report does not reply on this point, the Committee feels bound to suggest that the attention of the Government should be drawn to its previous observation.

The Committee recognises that it may be difficult in a number of countries to supply detailed information, particularly of a statistical character, on the practical working of the Convention (Point VI of the annual report form). It notes, however that such information is supplied in the reports of the following Governments:

*Austria, Denmark, Finland,
France, Germany, Great Britain, Luxemburg,
Switzerland, Yugoslavia.*

20. Night work in bakeries.

The Government of *Bulgaria* supplies no information on the practical working of the Convention (Point VI of the annual report form).

21. Inspection of emigrants on board ship.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

*Austria, Belgium, Bulgaria, Finland, Japan,
Netherlands.*

22. Seamen's articles of agreement.

Belgium. — The Committee notes the information supplied by the Government on the discrepancies noted since 1930 between the provisions of Belgian law and those of Articles 9 and 14 of the Convention. The Committee wishes to express its agreement with the following observation, made in 1931 by the Conference Committee on Article 408: "While not desiring in any way to call into question the satisfactory application of this Convention by Belgium, the Committee considers that a decision, even by agreement with

the representative organisations of the workers and employers concerned, not to apply certain provisions of a 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 the 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, the Committee ventures to call attention to the danger of too extensive an application of such a principle from the point of view of the uniform application of the International Labour Conventions."

Bulgaria. — The Committee notes that, with the exception of certain legislative or administrative provisions of an earlier date than the Convention, which refer only to certain of the points dealt with by it, there is no legislation in Bulgaria corresponding to the provisions of the Convention. The Committee expresses the hope that the Government will do its utmost to draw up and put into force such legislation.

Spain. — The Committee notes that the information in the report supplied this year by the Spanish Government is much fuller than in the report supplied last year. It notes, however, that the Spanish legislation at present in force does not entirely conform to the provisions of the Convention, a fact which is recognised by the Spanish Government itself by the statement that amendments to the Labour Code are at present in process of being drafted. The Government might be asked to transmit to the Office the text of the amendments to the Labour Code which are intended to put into effect the different provisions of the Convention, and also to keep the Office informed of the progress of this legislation. Further, the Government might be requested to send the Office models of the articles of agreement prescribed by § 34 of the Labour Code, and also of the seamen's book supplied to each seaman under § 42 of the Code.

Estonia. — In regard to the divergences which obtain between Estonian legislation and the provisions of Article 9 of the Convention, the same observation applies as in the case of Belgium.

France. — In regard to the divergences which obtain between French legislation and Articles 5, 9 and 14 of the Convention, the same observation applies as in the case of Belgium.

Irish Free State. — The Government states in its report that, as regards the second paragraph of Article 5 of the Convention, the provisions of the Merchant Shipping Act of 1894 are not quite in harmony with the Convention, but the merchant shipping legislation which is at present in course of preparation will take the point into account. The Committee ventures to hope that the projected legislation will be enacted in the near future.

Poland. — 1. The Government might be asked to keep the Office informed of the progress of the projected legislation for putting into effect all the provisions of Article 9 of the Convention.

2. Article 13 of the Convention lays down, *inter alia*, that a seaman may be permitted to take his discharge if any circumstances have arisen since his engagement which render such discharge essential to his interests. The Seamen's Code does not contain any equivalent stipulation. The Government might be asked to contemplate the possibility of taking the necessary steps to establish agreement between the provisions of the Convention and those of the Seamen's Code.

Yugoslavia. — The Committee notes that the divergences already noted between the provisions

of Yugoslav legislation and those of the Convention still obtain, especially in regard to Article 6 (10) (termination of the agreement; date fixed for its expiry, etc.), Article 10 (§ IV (3) of the Shipping Regulations of 1774 only applies to national seamen), Article 13 (no similar provision in Yugoslav legislation) and Article 14 (the report gives no information on this point). In reply to an observation made by the Committee last year, the Yugoslav Government stated, in a letter of 2 April 1932, that a Bill had been drafted regulating conditions of work on board sea-going vessels in the Kingdom of Yugoslavia. The object of this Bill is to secure in national legislation the application of the provisions of all the maritime labour Conventions ratified by Yugoslavia. In its letter of 7 November 1932, sent with the annual reports, the Government states that the Committee for the Codification of Private Maritime Law, to which the Bill was submitted, considered that it "should not be laid before Parliament until the Committee had finished drafting the Bill for the codification of private maritime law". The Committee expresses the hope that the Government will do its utmost to hasten the enactment of the legislative measures necessary to secure the detailed application of the Convention.

While recognising the possible difficulty of supplying detailed information on the practical working of the Convention (Point VI of the annual report form), the Committee nevertheless notes that the *French* Government has supplied very detailed and interesting information on this point.

23. Repatriation of seamen.

Bulgaria. — The same observation applies as in the case of Convention 22.

Spain. — The same observation applies as in the case of Convention 22.

Irish Free State. — The same observation applies as in the case of Convention 22.

Yugoslavia. — The Office has no knowledge of the text of paragraphs 5 and 32 of § VII of the Shipping Regulations of 1774 which, according to the report, give effect to the provisions of Articles 4 and 5 of the Convention. The Government might be asked to communicate the text of these legislative provisions.

See also the observation on Convention 22.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Estonia, Italy, Spain, Yugoslavia.

24. Sickness insurance (industry, etc.)

Bulgaria. — The Committee noted last year that under § 18 of the Act of 25 March 1924 the right to medical treatment is subject to a probationary period of eight consecutive weeks, while the Convention does not provide for a probationary period. In reply to this observation, the Bulgarian Government stated that 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. The Government pointed out that, as some compensation for the compulsory probationary period, the Bulgarian Social Insurance Act exempts the insured person from any charge for medical attendance.

The Committee notes these statements of the Government. It feels bound to remark, however, that in its opinion a Government cannot take advantage of the provisions of Article 1 of the

Convention in order to state that it is not applying certain provisions, but that in compensation it is granting its insured persons some other advantage not provided by the Convention. Such an interpretation, the Committee considers, corresponds neither to the spirit nor to the letter of the Convention. In these circumstances, the Committee considers that it would be useful to draw the attention of the Bulgarian Government to the discrepancies which obtain between the provisions of Article 3 of the Convention and the Bulgarian Act on the question of a probationary period, and to ask the Government to contemplate the possibility of remedying this disagreement.

Chile. — The Government states in its report that the council or committee which is responsible for the administration of the Insurance Institute carries out its duties under the terms of certain provisions of the Regulations applying the Act, which were approved by Decree No. 205 of 8 April 1925. The Government might be asked to transmit the text of these Regulations to the Office.

Lithuania. — The Sick Funds Act grants sick benefit, in agreement with the provisions of the Convention, for the first 26 weeks of incapacity. The Act gives the council of each sick fund the right to decide that members who, after having received sick benefit in the course of one year for the maximum period fixed by the Act, suffer a recurrence of the same disease, may be allowed to continue to draw sick benefit for 13 weeks in the following year. According to the report, the sick funds make use of this right. This practice appears to be compatible with the terms of the Convention only in so far as it concerns members who, after having suffered from a disease, are again attacked by the same disease before they have been able to return to regular work in an occupation which involves compulsory insurance.

Luxemburg. — The Government stated in its report last year that compulsory sickness insurance would be extended to domestic servants and agricultural workers by a Bill which had been laid before the Chamber of Deputies. The report supplied this year states that the Bill is still before the Chamber of Deputies. The Government might be asked to expedite the passage of this Bill and to keep the Office informed of any progress in this respect.

Rumania. — In former years the Committee observed that various provisions of the Convention were not fully applied in Rumania, and it expressed the wish that the Government would make every effort to secure the early adoption of the legislation which was then in course of preparation. In its report this year, the Government states that after prolonged discussion a new Bill has been drafted and has already been passed by the Senate, and that it is hoped that it will also be passed by the Chamber of Deputies before the end of the present Parliamentary session. The Government has communicated the text of the Bill in question to the Office, with the observation that it contains the necessary provisions for the effective application of the principles of the Convention. The Committee notes this statement, and can only reiterate its hope that the Bill may be put into force in the near future¹.

The following Governments do not supply information on the practical working of the Convention (Point V of the annual report form):

Bulgaria, Chile, Latvia, Lithuania.

¹ By letter dated 21 April 1933, the Rumanian Government stated that the Bill concerning the unification of the social insurance system had been adopted by Parliament and that the Act had been published in the *Monitorul Oficial*, No. 83, of 8 April 1933.

25. *Sickness insurance (agriculture).*

Bulgaria. — The same observation applies as in the case of Convention 24.

Chile. — The report states that the Convention is applied, *inter alia*, by special Regulations of 9 April 1930, approved by the former Labour Council, concerning the application of Act No. 4054 respecting compulsory insurance of agricultural workers. Since the Office does not possess the text of these Regulations, it is hardly possible to judge the methods by which the Convention is actually applied in Chile. In these circumstances, the Government might be asked to transmit the text of the Regulations to the Office.

Luxembourg. — The report repeats last year's statement that a Government Bill for the establishment of compulsory insurance of agricultural workers is about to be laid before the Chamber of Deputies. The Government might be asked to keep the Office informed of progress made with this Bill.

The following Governments do not supply information on the practical working of the Convention (Point V of the annual report form):

Bulgaria, Chile.

26. *Minimum wage-fixing machinery.*

Australia. — The Committee notes that no information has been supplied for certain States of the Australian Commonwealth.

27. *Weight of packages transported by vessels.*

Irish Free State. — The Government states in its report that, as the national law did not on examination prove to be fully in harmony with the provisions of the Convention, the necessary implementing legislation was being drafted. Notwithstanding the heavy pressure of other Parliamentary business, the Government hopes to be in a position to introduce the new Bill at an early date. The Committee notes this statement. The Government might be asked to keep the Office informed of the progress of this legislation.

29. *Forced or compulsory labour.*

The obligation to apply this Convention to non-self-governing territories arises explicitly out of Article 26 of the Convention. For this reason, the observations made by the Committee are found in this appendix to the report, and not in the appendix which concerns the application of the other Conventions to colonies, protectorates and possessions.

I. (1) The Government of *Great Britain* has submitted a certain number of reports received from different territories and colonies. Interim reports have been received from *Gambia* and the *Gold Coast*, and detailed reports will be sent to the Office as soon as they are available. For the following territories: *Kenya, Nigeria, Nyasaland, North Borneo, Sierra Leone, Tanganyika Territory, Transjordan* and *Uganda* the reports which, almost without exception, go into much detail show that considerable efforts have been made to supply all relevant information on this very complex Convention.

(2) In certain of these territories (*Kenya, Nigeria, and Sierra Leone*) some of the provisions of the Convention are applied by laws which came into force after the period under review, and in

others (*North Borneo, Nyasaland, Transjordan*) similar laws have not yet come into force. In all these territories, however, the provisions of the Convention seem to have been made known to persons concerned through administrative instructions and to have been respected from the date of coming into force of the Convention.

(3) With regard to *Uganda*, the report states that the application of the Convention has not necessitated any considerable alteration in existing practice, but certain native laws which regulated existing practice have been amended in order to conform more closely to the Convention. Paid compulsory labour on public works was abolished in 1923, and the labour tax, which is permissible under Article 10 of the Convention, is being gradually abolished.

(4) In *Tanganyika* no new Ordinance has been considered necessary to give effect to the Convention, but various amendments have been made in the existing labour Regulations to bring them into conformity with the Convention. The only observation to be made is on the following point: It is not clear from the report whether the 60 days for which a native authority can exact paid labour from any person for "essential public works and services", under § 8 (i) of the Native Authority Ordinance, includes time spent in going and coming, as it should do in accordance with Article 12 of the Convention.

(5) Some slight difficulty was experienced in analysing the *North Borneo* report, as an administrative instruction said to be attached was not received. There appears, however, to be no doubt that the Convention is fully applied in *North Borneo*.

(6) The Government has furnished a list of British colonies and protectorates in which it states that there is no law or custom permitting the exaction of forced or compulsory labour as defined in the Convention, and presumably no special reports regarding this Convention are considered necessary. In the list are included certain African territories such as *Northern Rhodesia* and the *Territories under the South African Commission (Bechuanaland, Basutoland, Swaziland)* in which it is probable that some form of compulsion to labour prevails. For instance, in *Bechuanaland* it would appear from the Prison Regulations that prisoners' labour is hired out to private persons, while in *Northern Rhodesia* there is a Native Authority Ordinance which makes much the same provision for compulsory labour for essential public works and services as the *Tanganyika* Ordinance already mentioned. It would be satisfactory if the British Government would, after making such enquiries as may be necessary in doubtful cases, assure itself that there are no colonies or protectorates where forced labour of a kind not exempted by the Convention prevails.

II. The *Sudan* is not a State Member of the Organisation and is therefore unable to ratify the Convention. It has, however, expressed its willingness to apply the terms of the Convention with certain minor reservations, and has submitted a voluntary report on the action it has taken. This report is very welcome as a proof of the possible effect of the Convention even in those countries which are not States Members of the International Labour Organisation. The more the countries which are faced with the problems treated by the present Convention can state their experience and exchange information, the better. For this reason the Committee wishes to lay special emphasis on its appreciation of the voluntary gesture made by the *Sudan* Government in submitting a report on this question.

APPENDIX II.

LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 1 APRIL 1933.

CONVENTION.	COUNTRY.
3. <i>Childbirth</i> :	Cuba.
4. <i>Night work, women</i> :	Albania. Cuba. Portugal.
5. <i>Minimum age (industry)</i> :	Albania. Cuba.
6. <i>Night work, young persons (industry)</i> :	Albania. Cuba. Portugal.
7. <i>Minimum age (sea)</i> :	Cuba.
8. <i>Unemployment indemnity (shipwreck)</i> :	Cuba.
9. <i>Employment for seamen</i> :	Cuba.
13. <i>Use of white lead in painting</i> :	Cuba.
15. <i>Minimum age (trimmers and stokers)</i> :	Cuba.
16. <i>Medical examination, young persons (sea)</i> :	Cuba.
17. <i>Workmen's compensation (accidents)</i> :	Cuba.
18. <i>Workmen's compensation (diseases)</i> :	Cuba.
19. <i>Equality of treatment (accidents)</i> :	Cuba.
20. <i>Night work in bakeries</i> :	Cuba.
21. <i>Inspection of emigrants on board ship</i> :	Albania.
22. <i>Seamen's articles of agreement</i> :	Cuba.
23. <i>Repatriation of seamen</i> :	Cuba.
26. <i>Minimum wage-fixing machinery</i> :	China.
27. <i>Weight of packages transported by vessels</i> :	China.
29. <i>Forced or compulsory labour</i> :	Liberia.

List showing, by countries, the number of reports not received :

Albania	4 reports (out of 4 reports due)
China	2 " (" " 2 ")
Cuba	16 " (" " 16 ")
Liberia	1 report (" " 1 report ")
Portugal	2 reports (" " 7 reports ")

APPENDIX III.

APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES AND POSSESSIONS.

Observations submitted by Sir Skvyn Fremantle.

AUSTRALIA. — Convention 9 (*employment for seamen*). — The Government states that the provisions of the Act relative to the supply and engagement of seamen have not been applied in Papua or the Mandated Territory of New Guinea since the seamen there are aboriginal natives, and adds that the application of these provisions of the Act is impracticable.

Convention 21 (*inspection of emigrants on board ship*). — The report states that there is no necessity to apply the Convention to dependencies, owing to the absence of any emigrant traffic.

Convention 26 (*minimum wage-fixing machinery*). — The report states that the Convention is not applicable, owing to the local conditions, to Papua and Norfolk Island, or to the Mandated Territories of New Guinea and Nauru.

Convention 27 (*weight of packages transported by vessels*). — This Convention is applied to

Norfolk Island by Ordinance 5 of 1932 and to New Guinea by Ordinance 17 of 1932. In both cases the obligation is placed on the consignor, with a further penalty on the master if he permits unmarked heavy packages to be unloaded. The Convention also seems to have been applied, though the report does not mention the fact, to Papua, by the Navigation (Loading and Unloading) Regulations 1931 made on 18th July 1931.

BELGIUM. — *General Conventions*. — The Government states, with regard to Conventions 1 (*hours of work—industry*), 2 (*unemployment*) and 11 (*rights of association—agriculture*), that the question of applying them to the Colonies has been newly examined and the conclusion has been that local conditions do not admit of their adoption.

Women and children. — The Government has decided to apply Convention 4 (*night work, women*) to the Congo and to the Mandated Territory of Ruanda-Urundi in the near future. With regard to Conventions 5 (*minimum age—industry*) and 6 (*night work, young persons—industry*), the report states that the question of applying these Conventions has been newly examined and the conclusion has been that local conditions do not admit of their application. In view of the contemplated restriction on women's work at night it would be interesting to know the difficulties which stand in the way of a similar restriction of young persons' work. It seems possible that the difficulties might be solved by some modification in the age limit subject to which Conventions 5 and 6 have been adopted in many colonies of other Powers. With reference to Conventions 7 (*minimum age—sea*), 15 (*minimum age—trimmers and stokers*) and 16 (*medical examination, young persons—sea*), it is said that in the present stage of development of the Belgian Congo the Conventions cannot be made applicable.

Maritime Conventions. — The report states that, after a new examination of the matter, the conclusion is that Convention 8 (*unemployment indemnity—shipwreck*) cannot be applied to the Congo. The same is the case with Convention 9 (*employment for seamen*). With regard to Convention 21 (*inspection of emigrants on board ship*), it is stated that Belgium only ratified the Convention with reservations regarding its application to the Colonies and that it has been found after an examination of the question that local conditions do not admit of this application. Probably no question of its application really arises. As to Conventions 22 (*seamen's articles of agreement*) and 23 (*repatriation of seamen*), it is said that the Colonial Office has determined, after a new examination of the question, that in the actual state of development of the Belgian Congo the Conventions cannot be applied, but that the law contains special provisions which stipulate that articles of agreement respecting natives of the Congo on board vessels sailing between Belgium and the Congo are valid only if they cover the round voyage Congo-Belgium-Congo or the single voyage Belgium-Congo. The report adds further that the Mandated Territory of Ruanda-Urundi being inland, the maritime Conventions cannot apply.

Workmen's compensation. — The Belgian Government states that it is prepared to apply Conventions 17 (*workmen's compensation—accidents*), 18 (*workmen's compensation—diseases*) and 19 (*equality of treatment—accidents*) to the Belgian Congo and the mandated territories in the near future. This is a step forward.

DENMARK. — The Danish Government's ratifications were accompanied by a reservation that Greenland was excluded, local conditions rendering the Conventions inapplicable. The Danish Government might be asked for information as to the position of natives of Greenland who are employed in the deep sea fishing industry and to whom some of the maritime Conventions might perhaps require to be applied, with or without modification. It

is assumed that the Danish legislation applies to the Faroe Islands.

SPAIN. — There are several additions to the list of applications of Conventions, but the phrases used in specifying the territories to which Conventions are applied vary from report to report and are somewhat obscure, while no details are given as to the machinery by which the application of the Conventions is effected. It would be helpful if the Spanish Government would specify each dependency to which a Convention is applied and also indicate in each case the measures taken to give practical effect to the application.

FRANCE. — *General Conventions.* — The report states that Convention 2 (*unemployment*) is not generally applied to overseas possessions or protectorates on account of local conditions, but the report of 1929 indicates what has been done in Algeria, and in Tunis there is a Labour Office the chief object of which is to co-ordinate the demand and supply of labour and which works in much the same way as the French Regional Labour Offices. For Convention 11 (*rights of association—agriculture*), reference is made to last year's report, which states that it applies in Algeria with the modification that foreign labourers engaged under the name of immigrants cannot join trade unions. As to Convention 13 (*use of white lead in painting*), the report refers to previous reports, from which it appears that the Convention applies only to Algeria and Morocco. Last year the question of its application to Tunis was raised. The French Government might again be asked to state what the position is. For Convention 14 (*weekly rest—industry*), the report states that it is not generally applicable to overseas possessions on account of local conditions, but that it in fact applied to Algeria, since the French law on weekly rest was extended to that colony by the Decree of January 31st 1909. Last year the question was asked whether "in view of the fact that the present French law as well as the Convention admits of certain exceptions and has been supplemented by various Orders and Decrees, the law and practice in Algeria are in accordance with the Convention". The question is an important one, on which it would be useful to have some information. As regards Convention 26 (*minimum wage-fixing machinery*), the Government states that owing to local conditions it is not applicable to French possessions overseas.

Women and children. — The Government declares that Conventions 4 (*night work, women*) and 6 (*night work, young persons—industry*) are not applicable to overseas possessions on account of local conditions, but it might be suggested to the French Government that the question of applying them at least to North Africa should be considered. The report makes the same statement with regard to Conventions 15 (*minimum age—trimmers and stokers*) and 16 (*medical examination, young persons—sea*), but the Colonial Department proposes to study the possibility of adapting both these last two Conventions to the circumstances of the various colonies. With regard to North Africa, Convention 15 is actually applied in Algeria. In Tunis there are very few steam vessels and therefore no necessity for applying the Convention. As to Morocco the Government states that the employment of young persons ("mousses") in the night watches (8 p.m. to 4 a.m.) or in stoking is prohibited in vessels of more than 200 tons gross. Convention 16 is also applied in Algeria. In Tunis it is not applied for the following reasons: First, on account of the poverty of many of the owners the examination would have to be free of cost. Secondly, it could only take place where there is a Government medical officer. Thirdly, an agreement between the different Tunisian administrations would be necessary before it were brought into force.

Maritime Conventions. — With regard to the four maritime conventions, 8 (*unemployment indemnity—shipwreck*), 9 (*employment for seamen*),

22 (*seamen's articles of agreement*) and 23 (*repatriation of seamen*), the report states that they are not applied to the Colonies generally owing to local conditions, their stage of development not being such as to allow of the introduction of French law; but the Colonial Department proposes to consider the possibility of adapting these four Conventions to the conditions of the various colonies. As regards North Africa the position is as follows: Convention 8 (*unemployment indemnity—shipwreck*) is applied in Algeria. In Morocco and Tunis its application is said to be rendered difficult by the poverty of the owners of the small coasting vessels. Last year, it was stated that it would probably be soon possible to apply it to vessels of over 100 tons in Tunis. The Government might be asked to say whether this possibility has been further considered. Convention 9 (*employment for seamen*) is applied in Algeria, since the Maritime Code is in force there, while in Tunis there is no private employment agency, but the port officers inform captains of ships and seamen of the demand and supply of employment at the moment. Nothing is said regarding Morocco, and the Government, which last year was requested to supply the omission, might be asked again to do so. Conventions 22 (*seamen's articles of agreement*) and 23 (*repatriation of seamen*) are also in force in Algeria by means of the Maritime Code. As to Morocco, there are very few ships now under the Moroccan flag. It would not be desirable to impose Convention 22 at the risk of paralysing a nascent industry. Moreover, there are already provisions in force which approach those of the Convention. In Tunis, changes in the crew are subject to certain articles of the Decree of 15th December 1906 as modified by the Decree of 31st March 1925. Moreover, the Convention being applicable only to ships of over 100 tons would apply to very few Tunisian vessels. Also, Moroccan and Tunisian sailors employed in French ships are treated the same as French sailors. As to Convention 23, in Tunis the Bey's Decree mentioned above prescribes that, if in the course of a voyage a man of the crew falls ill, the captain will be bound to have him admitted to hospital, and if the seaman is engaged by the month, expenses will be borne by the ship, but if by the voyage, then expenses will be shared. If the sickness is contracted purposely, expenses will be borne by the seaman. The sum required for treatment and repatriation of a seaman landed on account of sickness will be paid by the captain to the proper authority. In Morocco the question is not of importance as there are very few vessels other than small coasting vessels.

Workmen's compensation. — The position in regard to the application of Convention 12 (*workmen's compensation—agriculture*) to the old colonies of Martinique, Guadeloupe, Reunion and Guiana is obscure. According to last year's report, the Convention was applied in Martinique, Reunion and Guiana, while according to this year's report it is applied to Martinique, Reunion and Guadeloupe. From a study of the information available in the International Labour Office, however, it would appear that the procedure for the application to these colonies of the legislation of France has been completed in the case of Reunion and Guiana, but is not yet complete in the case of Martinique and Guadeloupe. The French Government might be asked to state what is the precise position in each of these colonies. Convention 18 (*workmen's compensation—diseases*). The Act of 25 October 1919, which has extended to occupational diseases the law of compensation for accidents, applies to Algeria. Later Decrees have laid down certain modifications under which this Act is applied to the trans-Mediterranean departments. The Convention is not applied to other colonies owing to local conditions. Convention 19 (*equality of treatment—accidents*) has been applied to Algeria, Tunis and Morocco with the reservations explained in the report of 1930.

GREAT BRITAIN. — *General Conventions.* — The report refers to last year's report, in which is

given a full statement of the reasons why Convention 2 (*unemployment*) is not applicable to the colonies. (This statement was analysed in Appendix III to the Report of the Committee of Experts of 1932). The report also states that Convention 11 (*rights of association—agriculture*) should be regarded as applying to the colonies, since there is no legislation discriminating against agricultural workers. With regard to Convention 26 (*minimum wage-fixing machinery*), it was stated in last year's report that the machinery of the nature contemplated by the Convention existed in the case of the coal trade in Gibraltar and the question of introducing legislation applying the provisions of the Convention to industries generally was engaging the attention of the Colonial Government; and also, that the Convention was partially applied in Ceylon, Straits Settlements and Malay States, where the wages of Indian immigrants are fixed by a Committee after hearing all interested parties. In the case of Indian immigrants to Mauritius, British Guiana, Jamaica, Fiji and the British Solomon Islands Protectorate also a statutory wage is fixed for Indian immigrants, but except in Mauritius no provision is made for revising it. In Sarawak, Solomon Islands, Gilbert and Ellice Islands, British Guiana and Fiji there are similar provisions applying to indigenous labourers. The question of the enactment of legislation to give effect to the provisions of the Convention in the dependencies generally was under consideration. This year's report states that the Government have now come to the conclusion that in the majority of the dependencies the native workers have not yet reached a stage of social development which renders it possible to operate minimum wage-fixing machinery in the manner contemplated by the Convention, especially in regard to the association of representatives of the workers in its operation. Nevertheless, it is stated that legislation of a simple character suited to the local conditions has been enacted during 1932 in Kenya, Nigeria, Hong Kong, the Solomon Islands and St. Helena, and legislation on similar lines is contemplated in a number of other colonies. This legislation empowers the Governor or High Commissioner to fix a minimum wage rate in any trade in which he is satisfied that the present rate is unreasonably low.

Women and children. — Further progress has been made with regard to Convention 4 (*night work, women*). The Convention now applies fully to the three colonies, Nigeria, Gold Coast and Hong Kong, to which, in the table attached to last year's report, it was shown as applying with modifications, and legislation has been passed during the year applying the Convention to six colonies without, and to two with, modifications (*vide list annexed*). In the extension of Convention 5 (*minimum age—industry*) to the colonies there has also been considerable advance. Legislation has been passed in eleven colonies either to tighten up the previous law or to apply the Convention with or without modifications. The net result is shown in the list annexed. A similar policy has been adopted with reference to Convention 6 (*night work, young persons—industry*). In the case of fourteen colonies laws have been passed either to strengthen the previous law or to introduce the Convention with or without modifications. The annexed list shows the result. So also with the extension of Convention 7 (*minimum age—sea*) to the colonies. The Convention, with or without modifications, has been applied to seven colonies in addition to those mentioned last year (*vide list annexed*). Convention 15 (*minimum age—trimmers and stokers*) has been applied to one more dependency, Zanzibar. In the case of Convention 16 (*medical examination, young persons—sea*) there has been no further extension.

Maritime Conventions. — Convention 8 (*unemployment indemnity—shipwreck*) has been extended to one colony in addition to the eleven mentioned last year (see list). As regards Convention 22 (*seamen's articles of agreement*), the report states that legislation relating to the matters dealt with in the Convention exists in five colonies in

addition to the nine mentioned in last year's report. It was however stated in last year's report that the extent to which this legislation conforms to the requirements of the Convention was under consideration, and further information on this point would be welcome.

Workmen's compensation. — This subject (Conventions 12, 18 and 19) was fully dealt with last year and reference may be made to last year's report. Among the colonies to which it was then stated that Convention 12 applies, so giving agricultural workers the same protection as industrial workers, Jamaica was included; but the law of that Colony (No. 55 of 1919) appears to restrict compensation to cases of accidents occurring in factories. This year's report states that the general position is unchanged, but Ordinances have now been enacted (though they are not yet in force) in the Straits Settlements and the Federated Malay States the effect of which will be as follows:—

(a) Convention 12 will apply to agricultural labourers on estates where not less than 50 are employed.

(b) Convention 18 (*workmen's compensation—diseases*) will also be applied, but the question of what diseases will be covered is still under consideration.

(c) Convention 19 will also be applied as regards compensation for accidents, subject to a condition regarding residence of dependants which applies equally to national and foreign workers.

Conventions 24 (*sickness insurance—industry, etc*) and 25 (*sickness insurance—agriculture*) are not being extended to any dependencies for the reasons given in the report for last year.

ITALY. — With reference to Convention 2 (*unemployment*), the report states that the special conditions of the labour market, on account of which one cannot speak of true unemployment either in Libya or in East Africa, in view of their existing stage of development, have not allowed of the extension of the Convention to the Colonies.

As to all other Conventions reference is made to previous reports. In 1931 it was reported as follows: "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." Last year the Government was asked whether the question of extending to the colonies Conventions 15 (*minimum age—trimmers and stokers*) and 9 (*employment for seamen*) had been decided. It would be useful to receive information on this point.

It was also stated in last year's report that Convention 26 (*minimum wage-fixing machinery*) had not yet been applied to the colonies, but that consideration was being given to the possibility of adapting it to colonial labour conditions, and also that a Royal Decree was being drafted extending to the colonies Convention 8 (*unemployment indemnity—shipwreck*). Further information on these matters would be useful.

The report regarding Convention 23 (*repatriation of seamen*) refers to last year's report, which states that the Convention applies to all dependencies.

JAPAN. — Of the general Conventions Japan is only concerned with Convention 2 (*unemployment*). The report refers to last year's report, which was as follows: "As the conditions in our colonies are different from those of Japan proper the present Convention has not been applied to them. However, in conformity with the spirit of the Convention, attention has been drawn to

the increase and improvement, as far as the local conditions permit, of free public employment agencies, and at the same time an effort is being made at the supervision of employment exchanges established for profit". It would be interesting if the Government would state in next year's report what progress has been made in substituting Government exchanges for those established for profit.

Women and children. — As to Convention 5 (*minimum age—industry*), the report refers to that of 1929, which states that conditions in the colonies are so markedly different from those in the home land as to render the Convention inapplicable. As regards Conventions 7 (*minimum age—sea*), 15 (*minimum age—trimmers and stokers*) and 16 (*medical examination, young persons—sea*), reference is made to last year's report, which stated that the Government hoped to apply the provisions of these Conventions to the colonies as far as circumstances permitted, and that preparation was being made for applying the principle of the Conventions in Taiwan (Formosa). The Government might be asked to state what progress has been made. With regard also to Convention 10 (*minimum age—agriculture*), the report refers to last year's report, where it is stated that compulsory education is in force in Karafuto (Sakhalin) but not in other colonies.

Maritime Conventions. — As to Conventions 9 (*employment for seamen*) and 21 (*inspection of emigrants on board ship*), last year's report stated that these Conventions were not yet applied to the colonies because the conditions there made them unsuitable and this year there is nothing new to report. But the new Convention 27 (*weight of packages transported by vessels*) has been applied to the various colonies by Orders promulgated in 1930. Among the colonies named is Chosan (Korea), and it would be interesting to know whether the legislation applying other Conventions to Japan applies generally to that country.

Workmen's compensation. — Convention 18 (*workmen's compensation—diseases*) is applied in Karafuto (Sakhalin) as far as miners are concerned, and in Taiwan (Formosa) regulations have been issued providing for compensation to miners disabled either by sickness or accident, and in these cases Convention 19 (*equality of treatment—accidents*) also applies, since no discrimination is made between national and foreign workers.

NETHERLANDS. — The Minister for the Colonies repeats this year the report made last year by the Governor of Surinam (Dutch Guiana) that local conditions have prevented the application of the Conventions to that colony and that it has been impossible to introduce modifications which would make them applicable. Similarly with regard to Curaçao it is stated again this year that the Governor reports that the application of the Conventions is unnecessary. It is suggested that the Government be requested to invite the attention of the Local Governors to the extent to which many of the Conventions have been found applicable to other similar colonies.

The Governor-General of the Dutch East Indies has again submitted an interesting report, which is summarised as follows:

Convention 4 (*night work, women*) is applied with modifications. Since 1925 women have not been allowed to work at night in salt-packing establishments, and the number who work in sugar factories is gradually being reduced. In tea factories work is only allowed under special authorisation of the Inspector and the number of these authorisations is gradually being reduced. It was intended to include some other enterprises among those where such authorisation is necessary, but owing to the financial crisis the matter has been postponed.

Conventions 5 (*minimum age—industry*) and 6 (*night work, young persons—industry*) are in force with the modifications that the minimum

age is fixed at 12 years and the night is taken as the hours between 8 p.m. and 5 a.m. The question of raising the age limit is under consideration. The report adds that a number of tobacco concerns have voluntarily accepted regulations limiting the hours of non-adults in their packing rooms. The regulations are enforced by the Labour Inspectors.

Conventions 7 (*minimum age—sea*), 15 (*minimum age—trimmers and stokers*) and 16 (*medical examination, young persons—sea*) are applied with the modification that the minimum age is fixed at 12 years.

With regard to Convention 11 (*rights of association—agriculture*), the report states that in view of the prevailing law no special provision is necessary to secure the above rights to agricultural workers.

With reference to Convention 2 (*unemployment*), the report states that the principal provision of the Convention is applied by means of the Labour Offices, of which there were in operation in August 1932 six large and eleven small. These Labour Offices operate free of charge and endeavour to find employment for all classes of the population in search of work. Most of the large offices are under the control of a Committee on which employers and workers are both represented, central control being exercised by the Labour Ministry. The Government gives a monthly subvention of 225 florins to the large and 25 florins to the small offices, besides paying certain expenses. There is at present no legislation regarding employment exchanges and unemployment insurance in the Netherlands Indies.

Workmen's compensation. — A Bill providing for compensation for accidents both in industrial establishments and in agriculture where the labourer is employed under a penal contract was published in August 1930, but has not yet been passed into law owing to the economic crisis. The Bill adheres as nearly as possible to Conventions 12 (*workmen's compensation—agriculture*) and 17 (*workmen's compensation—accidents*). With regard to Convention 18 (*workmen's compensation—diseases*), the report states that its application will only be possible when larger data are available regarding the frequency of these diseases and that the work of collecting these data has been delayed by the economic crisis. The report adds that the poisonings and infections mentioned in Article 2 of the Convention are not so frequent in the Colony as to render imperative their inclusion in the regulation of compensation for accidents in industry. As to Convention 19 (*equality of treatment—accidents*), the report states that the Bill already mentioned makes proper provision.

PORTUGAL. — The Committee noted last year that the Portuguese Government in communicating its ratification of Conventions reserved the question of their application to the colonies for future decision, and the Government was asked to state whether the matter had been considered and a decision arrived at. In this year's report the Government merely refers to the declaration made by its delegate on the Article 408 Committee and to the proceedings of the Sixteenth Session of the International Labour Conference. That declaration was of a general character and made no reference to individual Conventions. The Portuguese Government might be asked to state how far the Native Code of 1928 and the Colonial Act of 1930 mentioned by its representative carry out, in their application to the various Portuguese dependencies, the provisions of the Conventions ratified by Portugal, especially those treating of weekly rest, night work of women and children and workmen's compensation.

SOUTH AFRICA. — The Government has complied with the suggestion made last year, and now gives information concerning the Mandated Territory

of South-West Africa. The following is the information given :

Convention 2 (*unemployment*). — This Convention has not been ratified for the mandated territory, but as a consequence of the present world depression unemployed persons can register their names at the various magistracies and their names are communicated to the Director of Works, Windhoek, whose office constitutes what may be termed a central unemployment bureau, and he places these people on the available relief works as opportunity offers. No system of insurance against unemployment prevails in the territory.

Convention 4 (*night work, women*). — The report states that the Convention is not applicable owing to local conditions.

Convention 19 (*equality of treatment—accidents*). — Reference is made in the report to the Workmen's Compensation (Accident and Industrial Diseases) Proclamation 1924 as amended by Ordinance 14 of 1930 and Proclamation 7 of 1931, and copies of these enactments are sent, which show that the law follows very closely that of the Union and that no distinction is drawn between persons of different nationalities.

TABLE

Showing application of Conventions to colonies, protectorates and possessions.

(This table does not include the Convention concerning forced or compulsory labour.)

October 1931-September 1932.

Dependencies in italics represent applications not reported last year.

CONVENTION		Dependencies to which Conventions are applied :	
States with Dependencies which have ratified the Convention.		(a) without modification ;	
		(b) with modifications.	
1. Hours of work (industry).			
Belgium	(a) None	(b) None	
Portugal	(a) None	(b) None	
Spain	(a) <i>Spanish Morocco (Melilla and Ceuta)</i>		
2. Unemployment.			
South Africa	(a) None	(b) None	
Belgium	(a) None	(b) None	
France	(a) None	(b) Algeria, Tunisia.	
Great Britain	(a) None	(b) None	
Italy	(a) None	(b) None	
Japan	(a) None	(b) None	
Netherlands	(a) None	(b) <i>East Indies</i>	
Spain	(a) None	(b) Details not given	
3. Childbirth.			
Spain	(a) None	(b) None	
4. Night work, women.			
South Africa	(a) None	(b) None	
Belgium	(a) None	(b) None	
France	(a) None	(b) None	
Great Britain	(a) <i>Palestine, Ceylon, Fiji, Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Nigeria, Gold Coast, Hong Kong, Zanzibar, Federated Malay States, Johore, Brunei, North Borneo, Seychelles</i>	(b) <i>Trinidad, Uganda, British Honduras</i>	
Italy	(a) None	(b) None	
Netherlands	(a) None	(b) <i>East Indies</i>	
5. Minimum age (industry).			
Belgium	(a) None	(b) None	
Great Britain	(a) <i>Ceylon, Gilbert and Ellice Islands Colony, North Borneo, Fiji, Cyprus, Zanzibar, Nigeria, Gold Coast, Seychelles, British Solomon Islands Protectorate</i>	(b) <i>Palestine, Uganda, Tanganyika, St. Helena, Hong Kong, Straits Settlements, Federated Malay States, Mauritius, Trinidad Johore, British Honduras</i>	
Japan	(a) None	(b) None	
Netherlands	(a) None	(b) <i>East Indies</i>	
6. Night work, young persons (industry).			
Belgium	(a) None	(b) None	
France	(a) None	(b) None	
Great Britain	(a) <i>Cyprus, Hong Kong, Federated Malay States, Zanzibar, Nigeria, Gold Coast, Johore, Brunei, North Borneo, Seychelles, Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate</i>	(b) <i>Palestine, Uganda, Ceylon, Fiji, Jamaica, British Honduras</i>	
Italy	(a) None	(b) None	
Netherlands	(a) None	(b) <i>East Indies.</i>	

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CONVENTION

States with Dependencies
which have ratified the
Convention.

Dependencies to which Conventions are applied
(a) without modification ;
(b) with modifications.

7. Minimum age (sea).

Belgium	(a) None	(b) None
Great Britain	(a) Barbados (in practice), Ceylon, North Borneo, Fiji, Gilbert and Ellice Islands Colony, Cyprus, Seychelles, British Solomon Islands Protectorate	(b) Gold Coast, Bahamas, Zanzibar, Jamaica, British Honduras, Hong Kong
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies
Spain	(a) All dependencies	

8. Unemployment indemnity (shipwreck).

Belgium	(a) None	(b) None
France	(a) Algeria	(b) None
Great Britain	(a) Malta, Cyprus, Bermuda, Jamai- ca, Trinidad, Straits Settlements, Mauritius, Seychelles, Fiji, Bri- tish Honduras, North Borneo, Federated Malay States	(b) None
Italy	(a) None	(b) None
Spain	(a) All dependencies	

9. Employment for seamen.

Australia	(a) None	(b) None
Belgium	(a) None	(b) None
France	(a) Algeria	(b) None
Italy	(a) None	(b) None
Japan	(a) None	(b) None
Spain	(a) All dependencies	

10. Minimum age (agriculture).

Belgium	(a) None	(b) None
Italy	(a) None	(b) None
Japan	(a) Karafuto (Sakhalin)	(b) None

11. 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

12. Workmen's compensation (agriculture).

France	(a) Algeria, Martinique, Reunion, Guadeloupe	(b) None
Great Britain	(a) Tanganyika Territory, Northern Rhodesia, Somaliland, Nigeria, Gibraltar, Malta, Barbados, Ja- maica, Grenada, St. Vincent, British Guiana, St. Helena, Mau- ritius, North Borneo	(b) Trinidad
Italy	(a) None	(b) None
Netherlands	(a) None	(b) None
Spain	(a) Moroccan dependencies and African possessions	

13. Use of white lead in painting.

Belgium	(b) None	(b) None
France	(a) Algeria, Morocco	(b) None
Spain	(a) Moroccan dependencies and Afri- can possessions	

14. Weekly rest (industry).

Belgium	(a) None	(b) None
France	(a) Algeria	(b) None
Italy	(a) None	(b) (Details not given)
Portugal	(a) None	(b) None
Spain	(a) Morocco (Melilla, Ceuta)	(b) None

15. Minimum age (trimmers and stokers).

Belgium	(a) None	(b) None
France	(a) Algeria	(b) Morocco
Great Britain	(a) Malta, Cyprus, Bermuda, Jamai- ca, Trinidad, Mauritius, Fiji, Bri- tish Honduras, North Borneo, Zanzibar.	(b) Seychelles
Italy	(a) None	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) East Indies
Spain	(a) All dependencies	

CONVENTION

States with Dependencies which have ratified the Convention.

Dependencies to which Conventions are applied :
(a) without modification ;
(b) with modifications.

16. Medical examination, young persons (sea).

Belgium	(a) None	(b) None
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
Spain	(a) All dependencies	

17. Workmen's compensation (accidents).

Belgium	(a) None	(b) None
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None
Spain	(a) Moroccan dependencies and Spanish colonies and protectorates	

18. Workmen's compensation (diseases).

Belgium	(a) None	(b) None
France	(a) Algeria	(b) None
Great Britain	(a) None	(b) Malta, Northern Rhodesia
Japan	(a) None	(b) Karafuto (Sakhalin), Taiwan (Formosa)
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None

19. Equality of treatment (accidents).

South Africa	(a) Mandated Territory of South-West Africa	(b) None
Belgium	(a) None	(b) None
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, Sierra Leone, Cyprus, Seychelles, Fiji	(b) None
Italy	(a) Tripolitania and Cyrenaica ; Eritrea ; Rhodes, Cos and Leros	(b) None
Japan	(a) Karafuto (Sakhalin), Taiwan (Formosa)	(b) None
Netherlands	(a) None	(b) None
Portugal	(a) None	(b) None
Spain	(a) Moroccan dependencies	

21. Inspection of emigrants on board ship.

Australia	(a) None	(b) None
Belgium	(a) None	(b) None
Japan	(a) None	(b) None
Netherlands	(a) None	(b) None

22. Seamen's articles of agreement.

Belgium	(a) None	(b) None
France	(a) Algeria	(b) Morocco
Great Britain		Not stated in report
Italy	(a) All dependencies	
Spain	(b) All dependencies	

23. Repatriation of seamen.

Belgium	(a) None	(b) None
France	(a) Algeria	(b) (The legislation in force in Tunisia makes certain provisions for repatriation in case of sickness)
Italy	(a) All dependencies	
Spain	(a) All dependencies	

24. Sickness insurance (industry, etc.).

Great Britain	(a) None	(b) None
Spain	Report not due	

Report of the Committee of Experts on Article 408, Appendix III.

CONVENTION

*States with Dependencies
which have ratified the Con-
vention.*

Dependencies to which Conventions are applied :
(a) *without modification ;*
(b) *with modifications.*

25. *Sickness insurance (agriculture).*

Great Britain	(a) None	(b) None
Spain	Report not due	

26. *Minimum wage-fixing machinery.*

Australia	(a) None	(b) None
France	(a) None	(b) None
Great Britain	(a) None	(b) Ceylon, Straits Settlements, Federated Malay States, Unfederated Malay States (Johore, Kedah, Kelantan, Perlis), Gibraltar, Kenya, Nigeria, Hong Kong, St. Helena, British Solomon Islands Protectorate
Italy	(a) None	(b) None
Spain	(a) Moroccan dependencies (Ceuta, Melilla)	

27. *Weight of packages transported by vessels.*

Australia	(a) Norfolk Island, Mandated Territory of New Guinea	(b) None
Japan	(a) Karafuto (Sakhalin), Chosen (Korea), Taiwan (Formosa), Kwantung Leased Territory, Mandated Territory of the South Sea Islands	(b) None

Note. — Denmark, which has ratified the Conventions on unemployment ; minimum age (industry) ; night work, young persons (industry) ; minimum age (sea) ; rights of association (agriculture) ; minimum age (trimmers and stokers) ; and equality of treatment (accidents), reports that none of these Conventions is applied in Greenland, the only Danish dependency.

LEAGUE OF NATIONS

INTERNATIONAL LABOUR CONFERENCE

SEVENTEENTH SESSION

GENEVA, 1933

REPORT OF THE DIRECTOR

APPENDIX

TABLES SHOWING THE SITUATION OF THE STATES MEMBERS
IN RESPECT OF THE CONVENTIONS AND RECOMMENDATIONS
ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

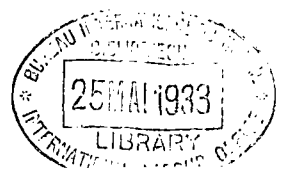


INTERNATIONAL LABOUR OFFICE

GENEVA, 1933

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NOTE

These tables were to have been inserted, as usual, in the Director's Report to the Conference. Since, however, the form of the Report has been altered this year, the Office has found it necessary to publish the tables separately. The tables, and the information given in the Director's Report itself, have been brought up to the date of 15 March 1933.

PRINTED BY "SONOR" S. A., GENEVA.

(A) FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

Conventions.

* = Information received since last Report.

1. Hours of Work (Industry). — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria ⁽¹⁾ . 12- 6- 24. Belgium. 6- 9- 26. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Czechoslo- vakia. 24- 8- 21. * Dominican Republic. 4- 2- 33. France ⁽²⁾ . 2- 6- 27. Greece. 19- 11- 20. India. 14- 7- 21. Italy ⁽³⁾ . 6- 10- 24. Latvia ⁽⁴⁾ . 15- 8- 25. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Portugal. 3- 7- 28. Rumania. 13- 6- 21. Spain ⁽⁵⁾ . 22- 2- 29.	<i>Approval:</i> Colombia. 23- 11- 31. Cuba ⁽⁶⁾ . 16- 5- 28. <i>Rejection:</i> Sweden. 15- 6- 21. Switzerland. 3- 2- 22. <i>Other decisions (adjournment, etc.):</i> Canada ⁽⁷⁾ . 1921. Finland. 1922. Great Britain. 27- 5- 21. Hungary. 4- 3- 25. Japan. 11- 10- 22. Norway. 27- 6- 27. * Siam. 1933. Venezuela. 11- 7- 25.	Argentina. 8- 9- 20. Denmark ⁽⁸⁾ . 1926. Estonia ⁽⁸⁾ . 26- 9- 24. Germany ⁽⁹⁾ . 1- 10- 29. Paraguay. 24- 5- 26. Poland ⁽⁸⁾ . 26- 7- 21. Uruguay. 11- 9- 25.	Albania. 1931. Irish Free State. 30- 4- 25. Nether- lands. 21- 7- 21.		Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. South Africa. 1921. Yugoslavia. 26- 4- 26.	China. Guatemala. Haiti. Mexico. Panama. Salvador. * Turkey.	Bolivia. Ethiopia. Honduras. Liberia. Persia. Peru.

2. Unemployment — (Date of first coming into force : 14 July 1921.)

Austria. 12- 6- 24. Belgium. 25- 8- 30. Bulgaria. 14- 2- 22. Denmark. 13- 10- 21. Estonia. 20- 12- 22. Finland. 19- 10- 21. France. 25- 8- 25. Germany. 6- 6- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 1- 3- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Japan. 23- 11- 22. Luxemburg. 16- 4- 28. * Netherlands. 6- 2- 32. Norway. 23- 11- 21. Poland. 21- 6- 24. Rumania. 13- 6- 21. South Africa. 20- 2- 24. Spain. 4- 7- 23. Sweden. 27- 9- 21. Switzerland. 9- 10- 22. Yugoslavia. 1- 4- 27.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.):</i> Canada ⁽⁷⁾ . 1921. Siam. 1922. Venezuela. 11- 7- 25.	Argentina. 8- 9- 20. Chile. 7- 8- 24. Cuba. 11- 6- 23. Czechoslo- vakia. 22- 12- 20. Latvia. 26- 4- 23. Lithuania ⁽⁸⁾ . Aug. 1922. Paraguay. 24- 5- 26. Uruguay. 11- 9- 25.	Albania. 1931.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26.	Dominican Republic. Guatemala. Haiti. Mexico. Panama. Salvador. * Turkey.	Bolivia. China. Ethiopia. Honduras. Liberia. Persia. Peru.
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⁽¹⁾ Conditionally upon ratification by Belgium, Czechoslovakia, France, Germany, Great Britain, Hungary, Italy, Poland, Switzerland and Yugoslavia.

⁽²⁾ Conditionally upon ratification by Germany and Great Britain.

⁽³⁾ Conditionally upon ratification by Belgium, France, Germany, Great Britain and Switzerland.

⁽⁴⁾ Conditionally upon ratification by three of the eight States "of chief industrial importance" (Art. 393, § 3, of the Treaty of Versailles).

⁽⁵⁾ Came into force unconditionally on 1 October 1931.

⁽⁶⁾ Conditionally upon "application being subordinated to the bringing into conformity of the national legislation in force".

⁽⁷⁾ Canada is shown in this column at the request of the Canadian Government. The Office is not yet fully informed of the decision of the competent authority.

⁽⁸⁾ Proposal lapsed.

⁽⁹⁾ Submitted a second time to the Reichsrat.

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(A) FIRST SESSION (WASHINGTON, 29 October-29 November 1919) (contd.).

Conventions.

* = Information received since last Report.

3. **Childbirth.** — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority", have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Cuba. 6- 8- 28. Germany. 31- 10- 27. Greece. 19- 11- 20. Hungary. 19- 4- 28. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Rumania. 13- 6- 21. Spain. 4- 7- 23. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. Italy. 18- 4- 22. <i>Rejection :</i> Great Britain. 1921. Switzerland. 3- 2- 22. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1921. Estonia. 22- 10- 31. Finland. 1922. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	Argentina. 8- 9- 20. Belgium ⁽²⁾ . 16- 3- 21. Czechoslovakia. 22- 12- 20. Denmark ⁽²⁾ . 1925 France. 4- 11- 30. Lithuania ⁽²⁾ . Aug. 22. Paraguay. 24- 5- 26. Uruguay. 11- 9- 25.	Albania. 1931. Austria ⁽²⁾ . 1927. Irish Free State. 30- 4- 25. Netherlands ⁽³⁾ . 21- 7- 21.	Poland. 25- 8- 31.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32 Portugal. 9- 12- 26. South Africa. 1921.	China. Dominican Republic. Guatemala. Haiti. India. Mexico. Panama. Salvador. * Turkey.	Bolivia. Ethiopia. Honduras. Liberia. Persia. Peru.

4. **Night Work, Women.** — (Date of first coming into force : 13 June 1921.)

* Albania. 17- 3- 32. Austria. 12- 6- 24. Belgium. 12- 7- 24. Bulgaria. 14- 2- 22. Chile. 8- 10- 31. Cuba. 6- 8- 28. Czechoslovakia. 24- 8- 21. Estonia. 20- 12- 22. France. 14- 5- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 19- 4- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Netherlands. 4- 9- 22. * Portugal. 10- 5- 32. Rumania. 13- 6- 21. South Africa. 1- 11- 21. * Spain. 29- 9- 32. Switzerland. 9- 10- 22. * Venezuela. 7- 3- 33. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1921. Finland. 1922. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21.	Argentina. 8- 9- 20. Denmark ⁽²⁾ . 1925. Germany ⁽⁴⁾ . 12- 4- 29. Latvia. 6- 5- 24. Paraguay. 24- 5- 26. Uruguay. 11- 9- 25.	Poland ⁽²⁾ . 26- 7- 21.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32.	China. Dominican Republic. Guatemala. Haiti. Mexico. Panama. Salvador. * Turkey.	Bolivia. Ethiopia. Honduras. Liberia. Persia. Peru.
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⁽¹⁾ See note (7) on page 3.⁽²⁾ Proposal lapsed.⁽³⁾ Proposal withdrawn.⁽⁴⁾ Submitted a second time to the Reichsrat; subsequently withdrawn in view of the revision of the Convention.

(A) FIRST SESSION (WASHINGTON, 29 October-29 November 1919) (contd.).

Conventions.

* = Information received since last Report.

5. Minimum Age (Industry). — (Date of first coming into force : 13 June 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Albania. 17- 3- 32. Belgium. 12- 7- 24. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Cuba. 6- 8- 28. Czechoslo- vakia. 24- 8- 21. Denmark. 4- 1- 23. * Dominican Republic. 4- 2- 33. Estonia. 20- 12- 22. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Irish Free State. 4- 9- 25. Japan. 7- 8- 26. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Netherlands. 21- 7- 28. Poland. 21- 6- 24. Rumania. 13- 6- 21. * Spain. 29- 9- 32. Switzerland. 9- 10- 22. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. Finland. 1922. Italy. 20- 3- 24. <i>Other decisions (adjournment, etc.) :</i> Canada (1). 1921. Hungary. 4- 3- 25. India (2). 1921. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21. Venezuela. 11- 7- 25.	Argentina. 8- 9- 20. Germany (3). 12- 4- 29. Lithuania (4). Aug. 1922. Paraguay. 24- 5- 26. Uruguay. 11- 9- 25.	Austria (4). 1927. France. 10- 1- 29.		Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1921.	China. 29- 9- 21. Guatemala. 4- 3- 32. Haiti. 11- 11- 20. Mexico. 9- 4- 32. Panama. 9- 12- 26. Salvador. 1921. * Turkey.	Bolivia. 29- 9- 21. Ethiopia. 4- 3- 32. Honduras. 11- 11- 20. Liberia. 9- 4- 32. Persia. 9- 12- 26. Peru. 1921.

6. Night Work, Young Persons (Industry). — (Date of first coming into force : 13 June 1921.)

* Albania. 17- 3- 32. Austria. 12- 6- 24. Belgium. 12- 7- 24. Bulgaria. 14- 2- 22. Chile. 15- 9- 25. Cuba. 6- 8- 28. Denmark. 4- 1- 23. Estonia. 20- 12- 22. France. 25- 8- 25. Great Britain. 14- 7- 21. Greece. 19- 11- 20. Hungary. 19- 4- 28. India. 14- 7- 21. Irish Free State. 4- 9- 25. Italy. 10- 4- 23. Latvia. 3- 6- 26. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Nether- lands. 17- 3- 24. Poland. 21- 6- 24. * Portugal. 10- 5- 32. Rumania. 13- 6- 21. * Spain. 29- 9- 32. Switzerland. 9- 10- 22. Venezuela. 7- 3- 33. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. Finland. 1922. <i>Other decisions (adjournment, etc.) :</i> Canada (1). 1921. Germany (5). 5- 10- 22. Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Sweden. 15- 6- 21.	Argentina. 8- 9- 20. Czechoslovakia. 22- 12- 20. Paraguay. 24- 5- 26. Uruguay. 11- 9- 25.		Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. South Africa. 1921.	China. 29- 9- 21. Dominican Republic. 4- 3- 32. Guatemala. 11- 11- 20. Baiti. 9- 4- 32. Mexico. 9- 12- 26. Panama. 1921. Salvador. * Turkey.	Bolivia. 29- 9- 21. Ethiopia. 4- 3- 32. Honduras. 11- 11- 20. Liberia. 9- 4- 32. Persia. 9- 12- 26. Peru. 1921.
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(1) See note (7) on page 3.

(2) Approved with reservations : see Record of 1921 Session of Conference, p. 1043.

(3) Submitted a second time to the Reichsrat.

(4) Proposal lapsed.

(5) Reichsrat.

(B) SECOND SESSION (GENOA, 15 June-10 July 1920).

Conventions.

* = Information received since last Report.

7. Minimum Age (Sea). — (Date of first coming into force : 27 September 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. Cuba. 6- 8- 28. Denmark. 12- 5- 24. * Dominican Republic. 4- 2- 33. Estonia. 3- 3- 23. Finland. 10- 10- 25. Germany. 11- 6- 29. Great Britain. 14- 7- 21. Greece. 16- 12- 25. Hungary. 1- 3- 28. Irish Free State. 4- 9- 25. * Italy. 14- 7- 32. Japan. 7- 6- 24. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Netherlands. 26- 3- 25. Norway. 7- 10- 27. Poland. 21- 6- 24. Rumania. 8- 5- 22. Spain. 20- 6- 24. Sweden. 27- 9- 21. Yugoslavia. 1- 4- 27.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Other decisions</i> (adjournment, etc.): India (1). 27- 9- 21. Siam. 1922. Switzerland (2). 3- 2- 22. Venezuela. 11- 7- 25.	Argentina. 8- 9- 21. Chile. 7- 8- 24. Lithuania (3). Aug. 1922. Uruguay. 11- 9- 25.	Albania. 1931. France. 10- 1- 29.	Austria (3). 1927.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26.	Czecho- slovakia. Haiti. Mexico. Panama. South Africa. * Turkey.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

8. Unemployment Indemnity (Shipwreck). — (Date of first coming into force : 16 March 1923.)

Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Canada. 31- 3- 26. Cuba. 6- 8- 28. Estonia. 3- 3- 23. France. 21- 3- 29. Germany. 4- 3- 30. Great Britain. 12- 3- 26. Greece. 16- 12- 25. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Latvia. 29- 8- 30. Luxemburg. 16- 4- 28. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 20- 6- 24. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Colombia. 23- 11- 31. Netherlands (4). 13- 1- 23. <i>Rejection:</i> Finland. 1921. Hungary. 4- 3- 25. India. 27- 9- 21. Sweden. 1- 6- 29. <i>Other decisions</i> (adjournment, etc.): Japan. 11- 10- 22. Norway. 27- 6- 27. Siam. 1922. Switzerland (2). 3- 2- 22. Venezuela. 11- 7- 25.	Argentina. 8- 9- 21. Chile. 7- 8- 24. Denmark (3). 1926. Lithuania (3). Aug. 1922. Uruguay. 11- 9- 25.	Albania. 1931.	Austria (3). 1927.	Australia. 29- 9- 21. Brazil. 4- 3- 32. New Zealand. 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26.	Czecho- slovakia. Dominican Republic. Haiti. Mexico. Panama. South * Turkey.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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(1) Approved with reservations: see *Official Bulletin of the International Labour Office*, Vol. V, p. 208, and *Final Record of 1922 Session of Conference*, p. 800.

(2) Considered to be without object for Switzerland.

(3) Proposal lapsed.

(4) Act reserving to the Crown the right to ratify the Convention.

(B) SECOND SESSION (GENOA, 15 June-10 July 1920) (contd.).

Conventions.

* = Information received since last Report.

9. Employment for Seamen. — (Date of first coming into force: 23 November 1921.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority", have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 3- 8- 25. Belgium. 4- 2- 25. Bulgaria. 16- 3- 23. Cuba. 6- 8- 28. Estonia. 3- 3- 23. Finland. 7- 10- 22. France. 25- 1- 28. Germany. 6- 6- 25. Greece. 16- 12- 25. Italy. 8- 9- 24. Japan. 23- 11- 22. Latvia. 3- 6- 26. Luxemburg. 16- 4- 28. Norway. 23- 11- 21. Poland. 21- 6- 24. Rumania. 10- 11- 30. Spain. 23- 2- 31. Sweden. 27- 9- 21. Yugoslavia. 30- 9- 29.	Approval: Colombia. 23- 11- 31. Netherlands ⁽¹⁾ . 13- 1- 23. Rejection: Hungary. 4- 3- 25. India. 27- 9- 21. Other decisions <i>(adjournments,</i> <i>etc.)</i> : Canada ⁽²⁾ . 1921 Great Britain. 8- 11- 21. Siam. 1922. Switzerland ⁽³⁾ . 3- 2- 22. Venezuela. 11- 7- 25.	Argentina. 8- 9- 21. Chile. 7- 8- 24. Denmark ⁽⁴⁾ . 1926. Lithuania ⁽⁴⁾ . Aug. 1922. Uruguay. 11- 9- 25.	Albania. 1931. Irish Free State. 30- 4- 25.	Austria ⁽⁴⁾ . 1927.	Brazil. 4- 3- 32. New Zealand. 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26.	Czecho-slovakia. Dominican Republic. Haiti. Mexico. Panama. South Africa. * Turkey.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

(C) THIRD SESSION (GENEVA, 25 October-19 November 1921).

Conventions.

* = Information received since last Report.

10. Minimum Age (Agriculture). — (Date of first coming into force: 31 August 1923.)

Austria. 12- 6- 24. Belgium. 13- 6- 28. Bulgaria. 6- 3- 25. Czecho-slovakia. 31- 8- 23. * Dominican Republic. 4- 2- 33. Estonia. 8- 9- 22. Hungary. 2- 2- 27. Irish Free State. 26- 5- 25. Italy. 8- 9- 24. Japan. 19- 12- 23. Luxemburg. 16- 4- 28. Poland. 21- 6- 24. Rumania. 10- 11- 30. * Spain. 29- 8- 32. Sweden. 27- 11- 23.	Approval: Colombia. 23- 11- 31. Netherlands ⁽¹⁾ . 31- 5- 29. Rejection: Great Britain. 6- 2- 25. India. 1923. Other decisions <i>(adjournment,</i> <i>etc.)</i> : Canada ⁽²⁾ . 1923. Finland. 20- 2- 23. Norway. 27- 6- 27. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Chile. 7- 8- 24. Cuba. 11- 6- 23. Denmark. 1931. Germany ⁽⁵⁾ . 8- 11- 23. Greece ⁽⁴⁾ . 30- 5- 27. Latvia. 18- 5- 24. Uruguay. 11- 9- 25.	Albania. 1931. France. 10- 1- 29.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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⁽¹⁾ Act reserving to the Crown the right to ratify the Convention.⁽²⁾ See note (7) on page 3.⁽³⁾ Considered to be without object for Switzerland.⁽⁴⁾ Proposal lapsed.⁽⁵⁾ Proposal lapsed; will be reconsidered.

(C) THIRD SESSION (GENEVA, 25 October-19 November 1921) (contd.).

Conventions.

* = Information received since last Report.

11. Rights of Association (Agriculture). — (Date of first coming into force : 11 May 1923.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 12- 6- 24. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Czechoslo- vakia. 31- 8- 23. Denmark. 20- 6- 30. Estonia. 8- 9- 22. Finland. 19- 6- 23. France. 23- 3- 29. Germany. 6- 6- 25. Great Britain. 6- 8- 23. India. 11- 5- 23. Irish Free State. 17- 6- 24. Italy. 8- 9- 24. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Nether- lands. 20- 8- 26. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 10- 11- 30. * Spain. 29- 8- 32. Sweden. 27- 11- 23. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1923. Hungary. 4- 3- 25. Japan. 27- 6- 23. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Cuba. 11- 6- 23. Greece ⁽²⁾ . 1- 6- 27. Uruguay. 11- 9- 25.	Albania. 1931.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1923.	Dominican Republic. 1923. Haiti. 1923. Mexico. 1923. Panama. 1923. * Turkey. 1923.	Bolivia. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Liberia. 1923. Paraguay. 1923. Persia. 1923. Peru. 1923. Salvador. 1923.

12. Workmen's Compensation (Agriculture). — (Date of first coming into force : 26 February 1923.)

* Belgium. 26- 10- 32. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Denmark. 26- 2- 23. Estonia. 8- 9- 22. France. 4- 4- 28. Germany. 6- 6- 25. Great Britain. 6- 8- 23. Irish Free State. 17- 6- 24. Italy. 1- 9- 30. Latvia. 29- 11- 29. Luxemburg. 16- 4- 28. Netherlands. 20- 8- 26. Poland. 21- 6- 24. Spain. 1- 10- 31. Sweden. 27- 11- 23.	<i>Approval :</i> Colombia. 23- 11- 31. Hungary. 5- 3- 25. <i>Rejection :</i> Finland. 4- 7- 29. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1923. India. 1923. Japan. 27- 6- 23. Norway. 27- 6- 27. Rumania. 30- 4- 25. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Cuba. 11- 6- 23. Greece ⁽²⁾ . 1- 6- 27. Uruguay. 11- 9- 25.	Albania. 1931. Austria ⁽²⁾ . 1927.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1923. Yugoslavia. 26- 4- 26.	Czechoslo- vakia. 1923. Dominican Republic. 1923. Haiti. 1923. Mexico. 1923. Panama. 1923. * Turkey. 1923.	Bolivia. 1923. Ethiopia. 1923. Guatemala. 1923. Honduras. 1923. Liberia. 1923. Paraguay. 1923. Persia. 1923. Peru. 1923. Salvador. 1923.
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⁽¹⁾ See note (7) on page 3.⁽²⁾ Proposal lapsed.

(C) THIRD SESSION (GENEVA, 25 October-19 November 1921) (contd.).

Conventions.

* = Information received since last Report.

13. Use of White Lead in Painting. — (Date of first coming into force : 31 August 1923.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 12- 6- 24. Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Cuba. 7- 7- 28. Czecho- slovakia. 31- 8- 23. Estonia. 8- 9- 22. Finland. 5- 4- 29. France. 19- 2- 26. Greece. 22- 12- 26. Hungary (1) 4- 1- 28. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Norway. 11- 6- 29. Poland. 21- 6- 24. Rumania. 4- 12- 25. Spain. 20- 6- 24. Sweden. 27- 11- 23. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Colombia. 23- 11- 31. Italy. 20- 3- 24. Netherlands (2). 10- 6- 26. * Venezuela. 1933. <i>Rejection :</i> India. 1924. <i>Other decisions (adjournment, etc.) :</i> Canada (3). 1923. Great Britain. 9- 5- 23. Japan. 27- 6- 23. Siam. 1922. Switzerland. 17- 12- 29.	Argentina. 18- 5- 25. Denmark (4). 3- 12- 24. Germany (5). 8- 11- 23. Uruguay. 11- 9- 25.	Albania. 1931. Irish Free State. 30- 4- 25.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand 1923. * Nicaragua. 9- 4- 32. Portugal 9- 12- 26 South Africa. 1923.	Dominican Republic. Haiti. Mexico. Panama. Persia. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Peru. Salvador.

14. Weekly Rest (Industry). — (Date of first coming into force : 19 June 1923.)

Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Chile. 15- 9- 25. Czechoslo- vakia. 31- 8- 23. Estonia. 29- 11- 23. Finland. 19- 6- 23. France. 3- 9- 26. Greece. 11- 5- 29. India. 11- 5- 23. Irish Free State. 22- 7- 30. Italy. 8- 9- 24. Latvia. 9- 9- 24. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Poland. 21- 6- 24. Portugal. 3- 7- 28. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 22- 12- 31. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. Cuba (6). 16- 5- 28. Hungary. 4- 3- 25. Nether- lands (2). 10- 6- 26. <i>Rejection :</i> Great Britain. 9- 5- 23. <i>Other decisions (adjournment, etc.) :</i> Canada (3). 1923 Japan. 27-6-23. Norway. 27- 6- 27. Siam. 1922. Switzerland. 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Denmark. 1931. Germany (7). 12- 4- 29. Uruguay. 11- 9- 25.	Albania. 1931. Austria (4). 10- 9- 23.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. New Zealand. 1923. * Nicaragua. 9- 4- 32. South Africa. 1923.	Dominican Republic. Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador
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(1) Conditionally upon ratification by France, Germany and Great Britain.

(2) Act reserving to the Crown the right to ratify the Conven-
tion.

(3) See note (7) on page 3.

(4) Proposal lapsed.

(5) Proposal lapsed; national legislation brought into harmony
with the Convention by the Decree of 27 May 1930 as well as
by other legal measures. Exceptions will however be tolerated
until 31 Dec. 1938.(6) Conditionally upon "application being subordinated to
the bringing into conformity of the national legislation in
force".

(7) Submitted a second time to the Reichsrat.

(C) THIRD SESSION (GENEVA, 25 October-19 November 1921) (contd.).

Conventions.

* = Information received since last Report.

15. Minimum Age (Trimmers and Stokers). — (Date of first coming into force : 20 November 1922.)

(a)	(b)	(c)				(d)	(e)
Ratifications communicated and date of registration (para. 7).	Decision of the "competent authority" (para. 7) and date of such decision.	States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				States which without an official intimation that they have submitted the Convention to the "competent authority" have supplied information of other measures taken.	States which have not officially communicated any information.
		(1)	(2)	(3)	(4)		
		Proposing ratification.	Proposing adjournment or reservation of ratification.	Proposing no ratification.	With no proposal.		
Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. Cuba. 7- 7- 28. Denmark. 12- 5- 24. Estonia. 8- 9- 22. Finland. 10- 10- 25. France. 16- 1- 28. Germany. 11- 6- 29. Great Britain. 8- 3- 26. Greece. 14- 6- 30. Hungary. 1- 3- 28. India. 20- 11- 22. Irish Free State 5- 7- 30. Italy. 8- 9- 24. Japan 4- 12- 30. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Netherlands. 17- 6- 31. Norway. 7- 10- 27. Poland. 21- 6- 24. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 14- 7- 25. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.) :</i> Siam. 1922. Switzerland (1). 21- 6- 24. Venezuela. 11- 7- 25.	Argentina. 18- 5- 25. Chile. 7- 8- 24. Uruguay. 11- 9- 25.	Albania. 1931. Austria (2). 10- 9- 23.		Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1923.	Czechoslovakia. Dominican Republic. Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

16. Medical Examination, Young Persons (Sea). — (Date of first coming into force : 20 November 1922.)

Belgium. 19- 7- 26. Bulgaria. 6- 3- 25. Canada. 31- 3- 26. Cuba. 7- 7- 28. Estonia. 8- 9- 22. Finland. 10- 10- 25. France. 22- 3- 28. Germany. 11- 6- 29. Great Britain. 8- 3- 26. Greece. 28- 6- 30. Hungary. 1- 3- 28. India. 20- 11- 22. Irish Free State. 5- 7- 30. Italy. 8- 9- 24. Japan. 7- 6- 24. Latvia. 9- 9- 24. Luxemburg. 16- 4- 28. Netherlands. 9- 3- 28. Poland. 21- 6- 24. Rumania. 18- 8- 23. Spain. 20- 6- 24. Sweden. 14- 7- 25. Yugoslavia. 1- 4- 27.	Approval : Colombia. 23- 11- 31. Other decisions (adjournment, etc.) : Norway. 27- 6- 27. Siam. 1922. Switzerland (1). 21- 6- 24.	Argentina. 18- 5- 25. Chile. 7- 8- 24. Denmark (2). 1926. Uruguay. 11- 9- 25.	Albania. 1931. Austria (2). 10- 9- 23.	Australia. 13- 6- 24. Brazil. 4- 3- 32. China. 1923. Lithuania. 1923. New Zealand. 1923. * Nicaragua. 9- 4- 32. Portugal. 9- 12- 26. South Africa. 1923.	Czechoslovakia. Dominican Republic. Haiti. Mexico. Panama. * Turkey. Venezuela.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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(1) Considered to be without object for Switzerland.

(2) Proposal lapsed.

(D) SEVENTH SESSION (GENEVA, 19 May-10 June 1925).

Conventions.

* = Information received since last Report.

17. **Workmen's Compensation (Accidents).** — (Date of first coming into force: 1 April 1927.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 3- 10- 27. Bulgaria. 5- 9- 29. Chile. 8- 10- 31. Cuba. 6- 8- 28. Hungary. 19- 4- 28. Latvia. 29- 5- 28. Luxemburg. 16- 4- 28. Netherlands. 13- 9- 27. Portugal. 27- 3- 29. Spain. 22- 2- 29. Sweden. 8- 9- 26. Yugoslavia. 1- 4- 27.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Rejection:</i> Finland. 4- 7- 29. Great Britain. 1926. Norway. 27- 6- 27. <i>Other decisions (adjournment, etc.):</i> Canada ⁽¹⁾ . 1927. Estonia. 14- 10- 30. Italy. 12- 12- 27. Japan. 4- 7- 28. Switzerland. 9- 6- 27. Venezuela. 4- 6- 26.	France. 25- 1- 29. Greece ⁽²⁾ . 9- 5- 27. Poland. 12- 12- 26. Uruguay. 23- 3- 28.	Albania. 1931. Austria ⁽²⁾ . 1927.		Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. Germany. Dec. 1926. India. 1926. Irish Free State. 28- 5- 26. Lithuania. 1927. New Zealand. 1927. * Nicaragua. 9- 4- 32. Rumania. 1927. Siam. 1927. South Africa. 1925.	Argentina. China. Czechoslovakia. Dominican Republic. Haiti. Mexico. Panama. Salvador. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru.

18. **Workmen's Compensation (Diseases).** — (Date of first coming into force: 1 April 1927.)

Austria. 29- 9- 28. Belgium. 3- 10- 27. Bulgaria. 5- 9- 29. Cuba. 6- 8- 28. * Czechoslovakia. 19- 9- 32. Finland. 17- 9- 27. France. 13- 8- 31. Germany. 18- 9- 28. Great Britain. 6- 10- 26. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. 25- 11- 27. Japan. 8- 10- 28. Latvia. 29- 11- 29. Luxemburg. 16- 4- 28. Netherlands. 1- 11- 28. Norway. 11- 6- 29. Portugal. 27- 3- 29. * Spain. 29- 9- 32. Sweden. 15- 10- 29. Switzerland. 16- 11- 27. Yugoslavia. 1- 4- 27.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.):</i> Canada ⁽¹⁾ . 1927. Estonia. 14- 10- 30. Italy. 12- 12- 27. Venezuela. 4- 6- 26.	Greece ⁽²⁾ . 9- 5- 27. Poland. 12- 12- 26. Uruguay. 23- 3- 28.	Albania. 1931.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. Lithuania. 1927. New Zealand. 1927. * Nicaragua. 9- 4- 32. Rumania. 1927. Siam. 1927. South Africa. 1925.	Argentina. China. Dominican Republic. Haiti. Mexico. Panama. * Turkey.	Bolivia. Chile. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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⁽¹⁾ See note (7) on page 3.⁽²⁾ Proposal lapsed.

(D) SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (contd.).

Conventions.

* = Information received since last Report.

19. Equality of Treatment (Accidents). — (Date of first coming into force : 8 September 1926.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 29- 9- 28. Belgium. 3- 10- 27. Bulgaria. 5- 9- 29. Chile. 8- 10- 31. Cuba. 6- 8- 28. Czechoslo- vakia. 8- 2- 27. Denmark. 31- 3- 28. Estonia. 14- 4- 30. Finland. 17- 9- 27. France. 4- 4- 28. Germany. 18- 9- 28. Great Britain. 6- 10- 26. Hungary. 19- 4- 28. India. 30- 9- 27. Irish Free State. 5- 7- 30. Italy. 15- 3- 28. Japan. 8- 10- 28. Latvia. 29- 5- 28. Luxemburg. 16- 4- 28. Netherlands. 13- 9- 27. Norway. 11- 6- 29. Poland. 28- 2- 28. Portugal. 27- 3- 29. South Africa. 30- 3- 26. Spain. 22- 2- 29. Sweden. 8- 9- 26. Switzerland. 1- 2- 29. Yugoslavia. 1- 4- 27.	<i>Approval :</i> Colombia. 23- 11- 31. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1927. Venezuela. 4- 6- 26.	Greece ⁽²⁾ . 20- 5- 27. Uruguay. 23- 3- 28.	Albania. 1931.		Australia. 14- 1- 26. Brazil. 4- 3- 32. Lithuania. New Zea- land. 1927. * Nicaragua. 9- 4- 32. Rumania. 1927. Siam. 1927.	Argentina. Dominican Republic. Haiti. Mexico. Panama. * Turkey.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

20. Night Work in Bakeries. — (Date of first coming into force: 26 May 1928.)

Bulgaria. 5- 9- 29. Cuba. 6- 8- 28. Estonia. 23- 12- 29. Finland. 26- 5- 28. Luxemburg. 16- 4- 28. * Spain. 29- 8- 32.	<i>Approval :</i> Colombia. 23- 11- 31. <i>Rejection :</i> Great Britain. 1926. Norway. 27- 6- 27. Sweden. 4- 4- 30. <i>Other decisions (adjournment, etc.) :</i> Canada ⁽¹⁾ . 1927. Italy. 12- 12- 27. Japan. 4- 7- 28. Switzerland. 13- 6- 29. Venezuela. 4- 6- 26.	Austria ⁽²⁾ . 22- 11- 26. Czechoslovakia ⁽³⁾ . 21- 1- 27. France. 29- 11- 27. Germany ⁽⁴⁾ . 12- 4- 29. Greece. 20- 5- 27. Latvia. 26- 5- 27. Poland. 12- 12- 26. Uruguay. 23- 3- 28.	Albania. 1931 Netherlands. 3- 9- 26. Portugal. 1926.	Hungary. 1927.	Australia. 14- 1- 26. Brazil. 4- 3- 32. Denmark. 1925. India. 1926. Irish Free State. 27- 4- 26. Lithuania. New Zealand 1927. * Nicaragua. 9- 4- 32. Rumania. 1927. Siam. 1927. South Africa. 1925. Yugoslavia. 26- 4- 26.	Argentina. Belgium. Chile. Dominican Republic. Mexico. Haiti. Panama. * Turkey.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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⁽¹⁾ See note (7) on page 3.⁽²⁾ Proposal lapsed.⁽³⁾ The procedure of ratification has been begun.⁽⁴⁾ Submitted a second time to the Reichsrat.

(E) EIGHTH SESSION (GENEVA, 26 May-5 June 1926).

Convention.

* = Information received since last Report.

21. Inspection of Emigrants on Board Ship. — (Date of first coming into force : 29 December 1927.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially commu- nicated any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Albania. 17- 3- 32. Australia. 18- 4- 31. Austria. 29- 12- 27. Belgium. 15- 2- 28. Bulgaria. 29- 11- 29. Czechoslovakia. 25- 5- 28. Finland. 5- 4- 29. France (1). 13- 1- 32. Great Britain (2). 16- 9- 27. Hungary. 3- 2- 31. India. 14- 1- 28. Irish Free State. 5- 7- 30. Japan. 8- 10- 28. Luxemburg. 16- 4- 28. Netherlands. 13- 9- 27. Sweden (3). 15- 10- 29.	<i>Approval :</i> Colombia. 23- 11- 31. Cuba (4). 16- 5- 28. Germany (5). 16- 1- 30. <i>Rejection :</i> Yugoslavia. Aug. 1930. <i>Other decisions (adjournment, etc.) :</i> Canada (6). 1928. Estonia. 14- 10- 30. Norway. 27- 6- 27. Rumania. 27- 3- 29. Switzerland. 29- 9- 27.	Latvia. 24- 5- 27. * Spain. 25- 3- 32. Uruguay. 23- 3- 28.		Poland. 21- 2- 31.	Brazil. 4- 3- 32. China. 1927. Denmark. 8- 10- 26. Italy. 1929. Lithuania. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. Dominican Republic. Greece. Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

(F) NINTH SESSION (GENEVA, 7-24 June 1926).

Conventions.

* = Information received since last Report.

22. Seamen's Articles of Agreement. — (Date of first coming into force : 4 April 1928.)

Belgium. 3- 10- 27. Bulgaria. 29- 11- 29. Cuba. 7- 7- 28. Estonia. 10- 5- 29. France. 4- 4- 28. Germany. 20- 9- 30. Great Britain. 14- 6- 29. * India. 31- 10- 32. Irish Free State. 5- 7- 30. Italy. 10- 10- 29. Luxemburg. 16- 4- 28. Poland. 8- 8- 31. Spain. 23- 2- 31. Yugoslavia. 30- 9- 29.	<i>Approval :</i> Colombia. 23- 11- 31. Finland. 20- 4- 28. Netherlands (8). 2- 7- 28. <i>Other decisions (adjournment, etc.) :</i> Canada (6). 1928. Hungary. 16- 11- 28. Japan. 4- 7- 28. Norway. 27- 6- 27. Rumania. 27- 3- 29. Sweden. 7- 5- 27. Switzerland (9). 29- 9- 27.	Denmark (7). 3- 11- 26. Latvia. 24- 5- 27. Uruguay. 23- 3- 28.	Albania. 1931. Austria (7). 1927.	Australia. 2- 3- 27. Brazil. 4- 3- 32. China. 1927. Lithuania. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. Czechoslovakia. Dominican Republic. Greece. Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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(1) Conditionally upon ratification by Italy, Poland and Spain.

(2) Conditionally upon ratification by France, Germany, Italy, Netherlands, Norway and Spain.

(3) Conditionally upon ratification by Denmark, Finland and Norway.

(4) Conditionally upon "application being subordinated to the bringing into conformity of the national legislation in force".

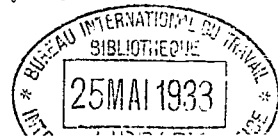
(5) Conditionally upon ratification by Belgium, France, Great Britain, Italy, Portugal and Spain; decision of the Reichsrat.

(6) See note (7) on page 3.

(7) Proposal lapsed.

(8) Act reserving to the Crown the right to ratify this Convention.

(9) Considered to be without object for Switzerland.



(F) NINTH SESSION (GENEVA, 7-24 June 1926) (contd.).

Conventions.

* = Information received since last Report.

23. Repatriation of Seamen. — (Date of first coming into force: 16 April 1928.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Belgium. 3- 10- 27. Bulgaria. 29- 11- 29. Cuba. 7- 7- 28. Estonia. 9- 7- 28. France. 4- 3- 29. Germany 14- 3- 30. Irish Free State. 5- 7- 30. Italy. 10- 10- 29. Luxemburg. 16- 4- 28. Poland. 8- 8- 31. Spain. 23- 2- 31. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Colombia. 23- 11- 31. Netherlands ⁽¹⁾ . 2- 7- 28. <i>Rejection:</i> Finland. 1928. Sweden. 7- 5- 27. <i>Other decisions (adjournment, etc.):</i> Canada ⁽²⁾ . 1928 Great Britain. 1929. Hungary. 16- 11- 28. India. 20- 9- 27. Japan. 4- 7- 28. Norway. 27- 6- 27. Rumania. 27- 3- 29. Switzerland ⁽³⁾ . 29- 9- 27.	Denmark ⁽⁴⁾ . 3- 11- 26. Latvia. 24- 5- 27. Uruguay. 23- 3- 28.	Albania. 1931. Austria ⁽⁴⁾ . 1927.		Australia. 2- 3- 27. Brazil. 4- 3- 32. China. 1927. Lithuania. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. Portugal. 6- 4- 27. Siam. 1927. South Africa. 31- 1- 27. Venezuela. 1927.	Argentina. Chile. Czecho- slovakia. Dominican Republic. Greece. Haiti. Mexico. Panama. * Turkey.	Bolivia. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

(G) TENTH SESSION (GENEVA, 25 May-16 June 1927).

Conventions.

* = Information received since last Report.

24. Sickness Insurance (Industry, etc.) — (Date of first coming into force: 15 July 1928.)

Austria. 18- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. Czechoslovakia. 17- 1- 29. Germany. 23- 1- 28. Great Britain 20- 2- 31. Hungary. 19- 4- 28. Latvia. 29- 11- 29. Lithuania. 19- 6- 31. Luxemburg. 16- 4- 28. Rumania. 28- 6- 29. * Spain. 29- 9- 32. Yugoslavia. 30- 9- 29.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Rejection:</i> India. 27- 3- 28. <i>Other decisions (adjournment, etc.):</i> Estonia. 14- 10- 30. Finland. 7- 2- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Sweden. 4- 5- 28. Switzerland. 18- 6- 29.	Cuba. 19- 12- 27. Uruguay. 23- 3- 28.	Albania. 1931. France. 10- 1- 29.	Poland. 25- 8- 31.	Australia. 5- 12- 27. Brazil. 4- 3- 32. Canada. 20- 2- 28. Denmark. 1927. Irish Free State. 22- 2- 28. Italy. 1- 4- 31. Nether- lands. 29- 6- 28. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. Portugal. 10- 12- 27. Siam. 1928. South Africa. 1927.	Argentina. Belgium. Dominican Republic. Greece. Haiti. Mexico. Panama. Salvador. * Turkey. Venezuela.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru.
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⁽¹⁾ Act reserving to the Crown the right to ratify the Convention.⁽²⁾ See note (7) on page 3.⁽³⁾ Considered to be without object for Switzerland.⁽⁴⁾ Proposal lapsed.

(G) TENTH SESSION (GENEVA, 25 May-16 June 1927) (contd.).

Conventions.

* = Information received since last Report.

25. **Sickness Insurance (Agriculture).** — (Date of first coming into force: 15 July 1928.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Austria. 19- 2- 29. Bulgaria. 1- 11- 30. Chile. 8- 10- 31. Czechoslovakia. 17- 1- 29. Germany. 23- 1- 28. Great Britain. 20- 2- 31. Luxemburg. 16- 4- 28. * Spain. 29- 9- 32.	<i>Approval:</i> Colombia. 23- 11- 31. <i>Rejection:</i> India. 27- 3- 28. Yugoslavia. Aug. 1930. <i>Other decisions (adjournment, etc.):</i> Estonia. 14- 10- 30. Finland. 7- 2- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Rumania. 27- 3- 29. Sweden. 4- 5- 28. Switzerland. 18- 6- 29.	Cuba. 19- 12- 27. Latvia. 27- 19- 27. Uruguay. 23- 3- 28.	Albania. 1931. France. 10- 1- 29. Hungary. 20- 12- 28.	Poland. 25- 8- 31.	Australia. 5- 12- 27. Brazil. 4- 3- 32. Canada. 20- 2- 28. Denmark. 1927. Irish Free State. 22- 2- 28. * Italy. 1- 4- 31. Lithuania. 1928. Netherlands. 29- 6- 28. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. Portugal. 10- 12- 27. Siam. 1928. South Africa. 1927.	Argentina. Belgium. Dominican Republic. Greece. Haiti. Mexico. Panama. Salvador. Spain. * Turkey. Venezuela.	Bolivia. China. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru.

(H) ELEVENTH SESSION (GENEVA, 30 May-16 June 1928).

Convention.

* = Information received since last Report.

26. **Minimum Wage Fixing Machinery.** — (Date of first coming into force: 14 June 1930.)

Australia. 9- 3- 31. China. 5- 5- 30. France. 18- 9- 30. Germany. 30- 5- 29. Great Britain. 14- 6- 29. * Hungary. 30- 7- 32. Irish Free State. 3- 6- 30. Italy. 9- 9- 30. * South Africa. 28- 12- 32. Spain. 8- 4- 30.	<i>Approval:</i> * Bulgaria. 5- 1- 33. Colombia. 23- 11- 31. Uruguay. 22- 5- 30. <i>Rejection:</i> Yugoslavia. Aug. 1930. <i>Other decisions (adjournment, etc.):</i> Canada. (2) 15- 4- 31. Estonia. 14- 10- 30. Finland. 1929. India. 20- 1- 30. Japan. 19- 3- 30. Norway. 11- 5- 29. Rumania. 27- 3- 29. Sweden. 1- 6- 29. Switzerland. 18- 6- 29.	Cuba. 20- 10- 29. Czechoslovakia. 28- 11- 29. Netherlands (3). 9- 12- 29.	Albania. 1931.	Austria (1). June 1929. Poland. 25- 8- 31.	Brazil. 4- 3- 32. Denmark. Nov. 1928. Lithuania. 1928. Luxemburg. 12- 12- 29. New Zealand. 7- 11- 29. * Nicaragua. 9- 4- 32. Portugal. 29- 11- 28. Siam. 1929.	Argentina. Belgium. Dominican Republic. Greece. Haiti. Latvia. Mexico. Panama. * Turkey. Venezuela.	Bolivia. Chile. Ethiopia. Guatemala. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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(1) Proposal lapsed.

(2) See note (7) on page 3.

(3) Bill reserving to the Crown the right to ratify the Convention.

(I) TWELFTH SESSION (GENEVA, 30 May-21 June 1929).

Conventions.

* = Information received since last Report.

27. **Weight of Packages transported by Vessels.** — (Date of first coming into force : 9 March 1932.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 9- 3- 31. China. 24- 6- 31. * Denmark ⁽¹⁾ . 18- 1- 33. Estonia. 18- 1- 32. * Finland. 8- 8- 32. India. 7- 9- 31. Irish Free State. 5- 7- 30. Japan. 16- 3- 31. Luxem- burg. 1- 4- 31. * Netherlands. 4- 1- 33. * Norway. 1- 7- 32. * Poland. 18- 6- 32. * Portugal. 1- 3- 32. * Rumania. 7- 12- 32. * South Africa ⁽²⁾ . 21- 2- 33. * Spain. 29- 8- 32. * Sweden. 11- 4- 32. * Venezuela. 7- 3- 33.	<i>Approval :</i> * Hungary. 18- 5- 32. Uruguay. 22- 5- 30. * Yugoslavia. 20- 12- 32. <i>Other decisions (adjournment. etc.) :</i> * Siam. 1932. * Switzerland 18- 6- 31.	Cuba. 22- 10- 29. Czechoslovakia ⁽³⁾ . 13- 11- 30. * Germany. 31- 12- 32.	Albania. 1931. Austria ⁽⁴⁾ . 1930.		Brazil. 4- 3- 32. Canada. 15- 4- 31. * France. 16- 9- 32. Great Britain. 1930. Italy. 1- 4- 31. Lithuania. 1929. New Zea- land. 16- 7- 30. * Nicaragua. 9- 4- 32.	Argentina. Belgium. Chile. Colombia. Dominican Republic. Greece. Guatemala. Haiti. Latvia. Mexico. Panama. * Turkey.	Bolivia. Bulgaria. Ethiopia. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.

28. **Protection against Accidents (Dockers) (1929).** (Date of first coming into force : 1 April 1932.)

Irish Free State. 5- 7- 30. Luxemburg. 1- 4- 31. * Spain. 29- 8- 32.	<i>Approval :</i> Sweden. 4- 4- 30. Uruguay. 22- 5- 30 <i>Rejection :</i> * Hungary. 1932. <i>Other decisions :</i> (adjournment. etc.) : Canada ⁽⁵⁾ . 15- 4- 31. Estonia. 12- 1- 32. Finland. 1931. India. 14- 7- 30. Japan. 18- 2- 31. * Switzerland. ⁽⁶⁾ . 18- 6- 31.	Cuba. 15. 4- 30. Czechoslovakia ⁽³⁾ . 13- 11- 30. Netherlands. 2- 9- 30.	Albania. 1931. Austria ⁽⁴⁾ . 1930. Rumania. 1931.	Australia. 21- 3- 30. Brazil. 4- 3- 32. Denmark. Feb. 1930. * France. 16- 9- 32. Germany. 28- 6- 30. Great Britain. 1930. Italy. 1- 4- 31. Lithuania. 1929. New Zea- land. 16- 7- 30. * Nicaragua. 9- 4- 32. Norway. 31- 1- 30. Portugal. 2- 6- 30. Siam. 1931. South Africa. 6- 12- 29. Yugoslavia. 3- 1- 31.	Argentina. Belgium. Colombia. Dominican Republic. Greece. Guatemala. Haiti. Latvia. Mexico. Panama. Poland. * Turkey. Venezuela.	Bolivia. Bulgaria. Chile. China. Ethiopia. Honduras. Liberia. Paraguay. Persia. Peru. Salvador.
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⁽¹⁾ Conditionally upon ratification by Belgium, France, Germany, Great Britain, Italy and Netherlands.⁽²⁾ Conditionally upon ratification by France, Germany, Great Britain and Italy.⁽³⁾ The procedure of ratification has been begun.⁽⁴⁾ Proposal lapsed.⁽⁵⁾ See note (7) on page 3.⁽⁶⁾ Considered to be without object for Switzerland.

(J) FOURTEENTH SESSION (GENEVA, 10-28 June 1930).

Conventions.

* = Information received since last Report.

29. **Forced or Compulsory Labour.** — (Date of first coming into force : 1 May 1932.)

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
Australia. 2- 1- 32. * Bulgaria. 22- 9- 32. * Denmark. 11- 2- 32. Great Britain. 3- 6- 31. Irish Free State. 2- 3- 31 * Japan. 21- 11- 32. Liberia. 1- 5- 31. * Norway. 1- 7- 32. * Spain. 29- 8- 32. Sweden. 22- 12- 31. * Yugo- slavia. 4- 3- 33.	Approval : * Netherlands. 26- 1- 33. Rejection : India. 5- 10- 31. Other decisions (adjournments, etc.) : Canada (¹). 15- 4- 31. Estonia. 3- 11- 31. * Switzerland. 18- 6- 31.	Luxemburg. 15- 12- 31.	Albania. 1931. Austria. 1931.		* Brazil. 4- 3- 32. Cuba. 23- 2- 31. * France. 16- 9- 32. Germany. 27- 12- 31. * Hungary. 1932. Italy. 1- 4- 31. Lithuania. 1930. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Portugal. 6- 1- 31. Siam. 1931. South Africa. 14- 4- 31. Uruguay. 1931.	Argentina. Belgium. Colombia. Dominican Republic. Finland. Latvia. Mexico. Rumania. * Turkey.	Bolivia. Chile. China. Czechoslovakia. Ethiopia. Greece. Guatemala. Haiti. Honduras. Panama. Paraguay. Persia. Peru. Poland. Salvador. Venezuela.

30. **Hours of Work (Commerce and Offices).** — (Date of first coming into force : 29 August 1933.)

* Austria (²). 16- 2- 33. * Bulgaria. 22- 6- 32. * Spain. 29- 8- 32.	Rejection : Great Britain. 13- 7- 31. India. 3- 10- 31. * Yugoslavia. 30- 12- 31. Other decisions (adjournments, etc.) : Canada (¹). 15- 4- 31. Estonia. 10- 12- 31. * Japan. 12- 10- 32. Norway. 6- 3- 31. * Siam. 1933. Sweden. 13- 3- 31. * Switzerland. 18- 6- 31.	Luxemburg. 15- 12- 31. Poland. 25- 8- 31.	Albania. 1931.	Australia. 21- 4- 31. * Brazil. 4- 3- 32. Cuba. 23- 2- 31. Denmark. 1931. * France. 16- 9- 32. Germany. 27- 12- 31. * Hungary. 1932. Irish Free State. 17- 12- 30. Italy. 1- 4- 31. Lithuania. 1930. Nether-lands. 23- 10- 31. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Portugal. 6- 1- 31. South Africa. 2- 10- 30. Uruguay. 1931.	Argentina. Belgium. Chile. Colombia. Czechoslovakia. Dominican Republic. Finland. Latvia. Mexico. Rumania. * Turkey.	Bolivia. China. Ethiopia. Greece. Guatemala. Haiti. Honduras. Liberia. Panama. Paraguay. Persia. Peru. Salvador. Venezuela.
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(¹) See note (7) on page 3.

(²) Conditionally upon ratification by Germany.

(K) FIFTEENTH SESSION (GENEVA, 28 May-18 June 1931).

Convention.

* = Information received since last Report.

31. Hours of Work (Coal Mines).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intim- ation that they have submitted the Convention to the "compe- tent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
* Spain. 29- 8- 32.	<i>Rejection:</i> Siam. 1931. <i>Other decisions (adjournment, etc.):</i> * Estonia. 9- 8- 33. * Hungary. 1932. * India. 2- 3- 32. * Norway. 10- 9- 32. Sweden. 12- 2- 32. * Switzerland. 29- 9- 32.	* Albania. March 1933. * France. 16- 9- 32. * Latvia. 12- 12- 32. Luxemburg. 15- 12- 31. * Poland (1). 20- 1- 33.	* Germany. 14- 12- 32. * Nether- lands (1). 16- 12- 32.	* Austria. 1932.	* Australia. 24- 2- 32. Brazil. 4- 3- 32. * Canada. 6- 2- 33. * Cuba. 9- 5- 32. Denmark. 8- 10- 31. Great Britain. Oct. 1931. Irish Free State. Nov. 1931. Italy. 26- 10- 31. * Japan. 9- 12- 32. Lithuania. 10- 11- 31. New Zea- land. 11- 11- 31. Portugal. 1931. * South Africa. 1932. * Yugo- slavia. 10- 5- 32.	Argentina. Colombia. Czechoslo- vakia. Finland. Mexico. Nicaragua. Rumania. * Turkey. Venezuela.	Belgium. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Liberia. Panama. Paraguay. Persia. Peru. Salvador. Uruguay.

(L) SIXTEENTH SESSION (GENEVA, 12-30 April 1932).

Conventions.

* — Information received since last Report.

I. Protection against Accidents (Dockers). (Revised 1932).

<p><i>Approval :</i> * Sweden. 9- 2- 33.</p>	<p>* Albania. 1932. * Australia. 31- 8- 32. * Brazil. 17- 6- 32. * Denmark 8- 10- 32. * Great Britain. June 1932. * Irish Free State. 28- 7- 32. * Lithuania. 1932. * New Zealand. 7- 10- 32. * Siam. 1932. * South Africa. 7- 12- 32.</p>	<p>* Belgium. 1932. * Canada. * Colombia. * Finland. * France. * Germa- ny (?). * Guatemala * Luxem- burg. * Mexico. * Panama. * Spain. * Turkey. * Uruguay. * Venezuela.</p>	<p>All the other States Members</p>
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(¹) Conditionally upon ratification by States mentioned in Article 18 of the Draft Convention.

(2) Preparatory measures for the ratification and application of this Draft Convention are proceeding.

(L) SIXTEENTH SESSION (GENEVA, 12-30 April 1932) (contd.)

Conventions.

* = Information received since last Report.

33. Minimum Age (Non-Industrial Employment).

(a) Ratifications communicated and date of registration (para. 7).	(b) Decision of the "competent authority" (para. 7) and date of such decision.	(c) States which have officially declared that they have submitted the Convention to the "competent authority" (para. 5) and date of such submission.				(d) States which without an official intima- tion that they have submitted the Convention to the "compet- ent authority" have supplied information of other measures taken.	(e) States which have not officially communica- ted any information.
		(1) Proposing ratification.	(2) Proposing adjournment or reservation of ratification.	(3) Proposing no ratification.	(4) With no proposal.		
	<i>Rejection :</i> India ⁽¹⁾ . 8- 12- 32. <i>Other decisions (adjournment, etc.) :</i> * South Africa. 1933. * Sweden. 9- 2- 33.				* Albania. 1932. * Australia. 31- 8- 32. * Brazil. 17- 6- 32. * Denmark. 8- 10- 32. * Great Britain. June 1932. * Irish Free State. 28- 7- 32. * Lithuania. 1932. * New Zealand. 7- 10- 32. * Siam. 1932.	* Belgium. * Canada. * Colombia. * Finland. * France. * Guatemala * Luxem- burg. * Mexico. * Panama. * Spain. * Turkey. * Uruguay. * Venezuela.	All the other States Members

⁽¹⁾ Decision of Council of State.

(A) FIRST SESSION (WASHINGTON, 29 October-29 November 1919).

Recommendations.

1. Unemployment.

* = Information received since last Report.

(a)		(b)		(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.	States which have supplied no official information.
Albania.	13- 1- 32.	Argentina.	8- 9- 20.	Czechoslovakia.	Bolivia.
Australia (¹).		Austria.	1930.	Greece.	China.
Belgium.	16- 6- 21.	Brazil.	4- 3- 32.	Haiti.	Colombia.
Bulgaria.	10- 2- 22.	Canada.	28- 5- 21.	Latvia.	Dominican Republic.
Denmark.	15- 7- 21.	Chile.	7- 8- 24.	Luxemburg.	Ethiopia.
Estonia.	15- 5- 26.	Cuba.	17- 1- 22.	Panama.	Guatemala.
Finland.	22- 3- 21.	Lithuania (²).	Aug. 1922.	* Turkey.	Honduras.
France.	25- 1- 21.	New Zealand.	11- 11- 20.	Uruguay.	Irish Free State.
Germany.	25- 10- 26.	* Nicaragua.	9- 4- 32.		Liberia.
Great Britain.	10- 9- 21.	South Africa.	1921.		Mexico.
* Hungary.	6- 6- 32.	Venezuela.	1920.		Paraguay.
India.	12- 7- 21.				Persia.
Italy.	12- 7- 21.				Peru.
Japan.	4- 8- 26.				Portugal.
Netherlands.	17- 5- 21.				Salvador.
Norway.	31- 5- 21.				
Poland.	26- 7- 21.				
Rumania.	31- 5- 21.				
Siam.	10- 5- 22.				
Spain.	4- 7- 21.				
Sweden.	3- 6- 21 ; 3- 10- 21.				
Switzerland.	3- 8- 23 ; 16- 1- 26.				
* Yugoslavia.	17- 8- 32.				

2. Reciprocity of Treatment.

Albania.	13- 1- 32.	Argentina.	8- 9- 20.	Czechoslovakia.	Bolivia.
Australia (¹).		Austria.	1930.	Greece.	China.
Belgium.	16- 6- 21.	Brazil.	4- 3- 32.	Haiti.	Colombia.
Bulgaria.	10- 2- 22.	Canada.	28- 5- 21.	Latvia.	Dominican Republic.
Chile.	1- 7- 21.	Cuba.	17- 1- 22.	Luxemburg.	Ethiopia.
Denmark.	15- 7- 21.	Lithuania (²).	Aug. 1922.	Panama.	Guatemala.
Estonia.	15- 5- 26 ; 10- 2- 32.	New Zealand.	11- 11- 20.	* Turkey.	Honduras.
Finland.	22- 3- 21.	* Nicaragua.	9- 4- 32.	Uruguay.	Irish Free State.
France.	25- 1- 21.	South Africa.	1921.		Liberia.
Germany.	25- 10- 26.	Venezuela.	1920.		Mexico.
* Great Britain.	3- 1- 33.				Paraguay.
* Hungary.	6- 6- 32.				Persia.
India.	12- 7- 21.				Peru.
Italy.	12- 7- 21.				Portugal.
Japan.	4- 8- 26.				Salvador.
Netherlands.	17- 5- 21.				
Norway.	31- 5- 21.				
Poland.	26- 7- 21.				
Rumania.	31- 5- 21.				
Siam.	10- 5- 22.				
Spain.	4- 7- 21.				
Sweden.	3- 6- 21 ; 3- 10- 21.				
Switzerland.	3- 8- 23 ; 16- 1- 26.				
* Yugoslavia.	17- 8- 32.				

(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— Western Australia, 29. 5. 25; New South Wales, 1. 5. 25; * South Australia, 13. 7. 32; Tasmania, 1925; 10.6.27; Victoria 1. 5. 25; Queensland, 2. 7. 25.

(²) Proposal lapsed.

(A) FIRST SESSION (WASHINGTON, 29 Oct.-29 Nov. 1919) (*contd.*).

Recommendations.

3. **Anthrax.**

* = Information received since last Report.

(a) Communication of action taken to the Secretary General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission	(c) States which have supplied other official information	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Denmark. 15- 7- 21. Estonia. 15- 5- 26. Finland. 22- 3- 21. France. 25- 1- 21. Great Britain. 11- 1- 21. Hungary. 14- 3- 29 ; 12- 8- 29. India. 12- 7- 21. Italy. 12- 7- 21. Japan. 4- 8- 26. Netherlands. 17- 5- 21. Norway. 31- 5- 21. Poland. 26- 7- 21. Rumania. 31- 5- 21. Siam. 10- 5- 22. Spain. 4- 7- 21. Sweden. 3- 6- 21. Switzerland. 3- 8- 23 ; 16- 1- 26.	Argentina. 8- 9- 20. Austria. 1930. Brazil. 4- 3- 32. Canada. 28- 5- 21. Chile. 7- 8- 24. Cuba. 17- 1- 22. Lithuania (²). Aug. 1922. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. South Africa. 1921. Venezuela. 1920.	Czechoslovakia. Germany. Greece. Haiti. Latvia. Luxemburg. Panama. * Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Paraguay. Persia. Peru. Portugal. Salvador.

4. **Lead Poisoning, Women and Children.**

Albania. 13- 1- 32. Australia (¹). Belgium. 16- 6- 21. Bulgaria. 10- 2- 22. Denmark. 15- 7- 21. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 25- 1- 21 ; 8- 10- 26. Great Britain. 11- 1- 21. * Hungary. 6- 6- 32. India. 12- 7- 21. Italy. 12- 7- 21. Japan. 4- 8- 26. Netherlands. 17- 5- 21. Norway. 31- 5- 21. Poland. 26- 7- 21. Rumania. 31- 5- 21. Siam. 10- 5- 22. Spain. 4- 7- 21. Sweden. 3- 6- 21. Switzerland. 3- 8- 23 ; 16- 1- 26. * Yugoslavia. 17- 8- 32.	Argentina. 8- 9- 20. Austria. 1930. Brazil. 4- 3- 32. Canada. 28- 5- 21. Chile. 7- 8- 24. Cuba. 17- 1- 22. Lithuania (²). Aug. 1922. New Zealand. 11- 11- 20. * Nicaragua. 9- 4- 32. South Africa. 1921. Venezuela. 1920.	Czechoslovakia. Germany. Greece. Haiti. Latvia. Luxemburg. Panama. Portugal. * Turkey. Uruguay.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Paraguay. Persia. Peru. Salvador.
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(¹) See note (1) on preceding page.

(²) Proposal lapsed.

(A) FIRST SESSION (WASHINGTON, 29 Oct.-29 Nov. 1919) (contd.).

Recommendations.

5. Government Health Services.

* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Argentina.	8- 9- 20.	Czechoslovakia.		Bolivia.
Australia (1).		Austria.	1930.	Greece.		China.
Belgium.	16- 6- 21.	Brazil.	4- 3- 32.	Haiti.		Colombia.
Bulgaria.	10- 2- 22.	Canada.	28- 5- 21.	Latvia.		Dominican
Chile.	1- 7- 21.	Cuba.	17- 1- 22.	Luxemburg.		Republic.
Denmark.	15- 7- 21.	Lithuania (2).	Aug. 1922.	Panama.		Ethiopia.
Estonia.	15- 5- 26.	New Zealand.	11- 11- 20.	* Turkey.		Guatemala.
Finland.	22- 3- 21.	* Nicaragua.	9- 4- 32.	Uruguay.		Honduras.
France.	25- 1- 21.	South Africa.	1921.			Irish Free State.
Germany.	9- 8- 26.	Venezuela.	1920.			Liberia.
Great Britain.	11- 1- 21.					Mexico.
* Hungary.	6- 6- 32.					Paraguay.
India.	12- 7- 21.					Persia.
Italy.	12- 7- 21.					Peru.
Japan.	4- 8- 26.					Portugal.
Netherlands.	17- 5- 21.					Salvador.
Norway.	31- 5- 21.					
Poland.	26- 7- 21.					
Rumania.	31- 5- 21.					
Siam.	10- 5- 22.					
Spain.	4- 7- 21.					
Sweden.	3- 6- 21 ; 3- 10- 21.					
Switzerland.	3- 8- 23 ; 16- 1- 26.					
* Yugoslavia.	17- 8- 32.					

6. White Phosphorus.

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Adherence to the Berne Convention (1906) communicated before the Washington Conference.	Date of coming into force of the Convention.	Adherence to the Berne Convention communicated in application of the Washington Recommendation.	Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" and date of submission.	States which have supplied other official information.	States which have supplied no official information
Canada.	20- 9- 14.	Australia.	30- 12- 19.	Albania.	Argentina.	Guatemala.
Denmark (4).	1- 1- 12.	Austria.	23- 3- 21.	13- 1- 32.	8- 9- 20.	Bolivia.
France (4).	1- 1- 12.	Belgium.	8- 12- 22.	Chile.	Brazil.	Colombia.
Germany (4).	1- 1- 12.	Bulgaria.	1- 11- 26.	Aug. 1925.	4- 3- 32.	Dominican
Great Britain.	28- 12- 08.	China.	6- 12- 23.	Greece.	Cuba.	Republic.
Italy.	6- 7- 10.	* Egypt.	7- 4- 32.	1- 11- 20.	17- 1- 22.	Ethiopia.
Luxemburg (4).	6- 7- 15.	Czechoslovakia.	30- 3- 21.	Siam.	Lithuania.	Honduras.
Netherlands (4).	1- 1- 12.	Free City of		10- 5- 22.	Aug. 1922.	Liberia.
New Zealand.	27- 11- 16.	Danzig (5).	23- 8- 21.		* Nicaragua,	Mexico.
Norway.	10- 7- 19.	Estonia.	2- 2- 23.		9- 4- 32	Paraguay.
South		Finland.	13- 10- 21.		Venezuela.	Peru.
Africa (3).	3- 5- 14.	Hungary.	19- 11- 25.		1920.	Portugal.
Spain.	29- 10- 09.	India.	30- 12- 19.			Salvador.
Switzerland (4).	1- 1- 12.	Irish Free				Uruguay.
		State.	15- 4- 26.			
		Japan.	14- 10- 21.			
		Morocco (6).	5- 7- 27.			
		Palestine (7).	17- 9- 25.			
		Poland.	14- 1- 21.			
		Rumania.	21- 7- 21.			
		Sweden.	10- 4- 20.			
		* Turkey.	17- 2- 33.			
		Yugoslavia.	24- 12- 29.			

(1) See note (1) on page 20.

(2) Proposal lapsed.

(3) With retrospective effect from 3 May 1909.

(4) These States were signatories of the Convention and were bound by Article 4 to deposit their ratifications of the Con-

vention by 31 December 1908. The Convention was to come into force three years later.

(5) Adherence communicated by Poland.

(6) Adherence communicated by France.

(7) Adherence communicated by Great Britain.

(B) SECOND SESSION (GENOA, 15 June-10 July 1920).

Recommendations.

7. Hours of Work (Fishing).

* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 2- 4- 24. * Great Britain. 3- 1- 33. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. * Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22 ; 16- 1- 26.	Argentina. 8- 9- 21. Austria (¹). 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Hungary. 13- 3- 24. Lithuania (¹). Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Germany. Greece. Haiti. Latvia. * Nicaragua South Africa. Spain. * Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.

8. Hours of Work (Inland Navigation).

Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 2- 4- 24. * Great Britain. 3- 1- 33. * Hungary. 6- 6- 32. India. 17- 11- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. * Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22 ; 16- 1- 26.	Argentina. 8- 9- 21. Austria (¹). 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania (¹). Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Germany. Haiti. Latvia. * Nicaragua South Africa. Spain. * Turkey. Uruguay. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.
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(¹) Proposal lapsed.

(B) SECOND SESSION (GENOA, 15 June-10 July 1920) (contd.).

Recommendations.

9. National Seamen's Codes.

* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia. 28- 8- 24. * Belgium. 29- 2- 32. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26 ; 9- 7- 28. * Finland. 23- 3- 32. France. 2- 4- 24. Germany. 12- 8- 26. * Great Britain. 3- 1- 33. * Hungary. 6- 6- 32. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. * Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22.	Argentina. 8- 9- 21. Austria ⁽¹⁾ . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania ⁽¹⁾ . Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Czechoslovakia. Haiti. Latvia. * Nicaragua. South Africa. Spain. * Turkey. Yugoslavia.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador. Uruguay.

10. Unemployment Insurance (Seamen).

Albania. 13- 1- 32. Australia. 28- 8- 24. Bulgaria. 10- 3- 23. Canada. 4- 6- 21. Chile. 1- 7- 21. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 2- 4- 24. Germany. 12- 8- 26. * Great Britain. 3- 1- 33. * Hungary. 6- 6- 32. India. 7- 3- 22. Italy. 5- 1- 22. Japan. 4- 8- 26. Norway. 1- 12- 26. * Poland. 9- 5- 32. Sweden. 5- 7- 21. Switzerland. 2- 3- 22. * Yugoslavia. 17- 8- 32.	Argentina. 8- 9- 21. Austria ⁽¹⁾ . 1927. Brazil. 4- 3- 32. Cuba. 17- 1- 22. Denmark. 18- 3- 21. Lithuania ⁽¹⁾ . Aug. 1922. Luxemburg. Netherlands. 14- 2- 22. New Zealand. 1923. Rumania. 1922. Siam. 1922. Venezuela. 1922.	Belgium. Czechoslovakia. Haiti. Latvia. * Nicaragua. South Africa. Spain. * Turkey.	Bolivia. China. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador. Uruguay.
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⁽¹⁾ Proposal lapsed.

(C) THIRD SESSION, (GENEVA, 25 October-19 November 1921).

Recommendations.

11. Unemployment (Agriculture).

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32.	Austria (2). 1927.	Czechoslovakia.	Argentina
Australia (1). 2- 3- 27.	Brazil. 4- 3- 32.	Germany.	Bolivia.
Belgium. 23- 3- 23.	Canada. 7- 8- 24.	Haiti.	Colombia.
Bulgaria. 15- 5- 26.	Chile. 31- 8- 22.	Latvia.	Dominican Republic.
Estonia. 2- 4- 24.	China. 6- 6- 22.	Luxemburg.	Ethiopia.
Finland. 15- 4- 24.	Cuba. 22- 6- 23.	Rumania.	Greece.
France. 3- 1- 33.	Denmark. 9- 4- 32.	Spain.	Guatemala.
* Great Britain. 15- 11- 27.	Lithuania. 1923.	* Turkey.	Honduras.
Hungary. 8- 5- 23.	Netherlands. 1923.	Uruguay.	Irish Free State.
India. 16- 1- 26.	New Zealand. 1923.	Yugoslavia.	Liberia.
Italy. 4- 8- 26.	* Nicaragua. 1923.		Mexico.
Japan. 1- 12- 26.	South Africa. 1923.		Panama.
Norway. 7- 6- 23.	Venezuela. 1923.		Paraguay.
Poland. 21- 8- 22.			Persia.
Siam. 13- 11- 23.			Peru.
Sweden. 22- 5- 23; 16- 1- 26.			Portugal.
Switzerland.			Salvador.

12. Childbirth (Agriculture).

Albania. 13- 1- 32.	Austria (2). 1927.	Belgium.	Argentina.
Australia (1). 5- 3- 25.	Brazil. 4- 3- 32.	Czechoslovakia.	Bolivia.
Bulgaria. 15- 5- 26.	Canada. 23- 3- 23.	Germany.	Colombia.
Estonia. 7- 8- 24.	Chile. 31- 8- 22.	Haiti.	Dominican Republic.
* Finland. 23- 3- 32.	China. 6- 6- 22.	Latvia.	Ethiopia.
France. 15- 4- 24.	Cuba. 22- 6- 23.	Luxemburg.	Greece.
* Great Britain. 3- 1- 33.	Denmark. 9- 4- 32.	Rumania.	Guatemala.
* Hungary. 6- 6- 32.	Lithuania. 1923.	Spain.	Honduras.
India. 8- 5- 23.	Netherlands. 1923.	* Turkey.	Irish Free State.
Italy. 16- 1- 26.	New Zealand. 1923.	Uruguay.	Liberia.
Japan. 4- 8- 26.	* Nicaragua. 1923.	Yugoslavia.	Mexico.
Norway. 1- 12- 26.	South Africa. 1923.		Panama.
Poland. 7- 6- 23.	Venezuela. 1923.		Paraguay.
Siam. 21- 8- 22.			Persia.
Sweden. 13- 11- 23.			Peru.
Switzerland. 22- 5- 23; 16- 1- 26.			Portugal.
			Salvador.

(1) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendations, which fall within the competence of the States:— Western Australia, 11. 9. 25; New South Wales, 1. 5. 25; Queensland, 1. 5. 25; * South Australia, 13. 7. 32; Tasmania, 1. 5. 25; Victoria, 1. 5. 25.

(2) Proposal lapsed.

(C) THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

Recommendations.

13. Night Work, Women (Agriculture). * = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 15- 4- 24. Great Britain. 19- 3- 24. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 9- 4- 32. * Nicaragua. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Rumania. Spain. * Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.

14. Night Work, Children and Young Persons (Agriculture).

Albania. 13- 1- 32. Australia (¹). Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 15- 4- 24. * Great Britain. 3- 1- 33. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 9- 4- 32. * Nicaragua. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Rumania. Spain. * Turkey. Uruguay. Yugoslavia.	Argentina. Belgium. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.
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(¹) See note (1) on preceding page.

(²) Proposal lapsed.

(C) THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

Recommendations.

15. Technical Agricultural Education.

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). Belgium. 2- 3- 27. Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26; 10- 2- 32. Finland. 2- 4- 24. France. 15- 4- 24. Germany. 9- 4- 27. * Great Britain. 3- 1- 33. * Hungary. 15- 11- 27; 15- 8- 32. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Rumania. 1- 4- 25. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23; 16- 1- 26.	Austria (2). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. Netherlands. 22- 6- 23. New Zealand. 1923. * Nicaragua. 9- 4- 32. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Spain. * Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.

16. Living-in Conditions (Agriculture).

Albania. 13- 1- 32. Australia (1). Belgium. 2- 3- 27. Bulgaria. 5- 3- 25. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 15- 4- 24. * Great Britain. 3- 1- 33. Hungary. 15- 11- 27. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23; 16- 1- 26.	Austria (2). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. Netherlands. 22- 6- 23. New Zealand. 1923. * Nicaragua. 9- 4- 32. South Africa. 1923. Venezuela. 1923.	Czechoslovakia. Germany. Haiti. Latvia. Luxemburg. Rumania. Spain. * Turkey. Uruguay. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.
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(1) See note (1), on page 25.

(2) Proposal lapsed.

(C) THIRD SESSION (GENEVA, 25 Oct.-19 Nov. 1921) (contd.).

Recommendations.

17. Social Insurance (Agriculture).

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Belgium. 2- 3- 27. Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. * Finland. 23- 3- 32. France. 15- 4- 24. Germany. 9- 8- 26. * Great Britain. 3- 1- 33. * Hungary. 6- 6- 32. India. 8- 5- 23. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 9- 4- 32. * Nicaragua. 1923. South Africa. 1923. Venezuela. 1923.	Haiti. Latvia. Luxemburg. Rumania. Spain. * Turkey. Yugoslavia.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador. Uruguay.

18. Weekly Rest (Commerce).

Albania. 13- 1- 32. Australia (¹). Belgium. 6- 7- 25. Bulgaria. 5- 3- 25. Czechoslovakia. 24- 10- 25. Estonia. 15- 5- 26. Finland. 2- 4- 24. France. 15- 4- 24. * Great Britain. 3- 1- 33. * Hungary. 6- 6- 32. India. 30- 10- 22. Italy. 16- 1- 26. Japan. 4- 8- 26. Norway. 1- 12- 26. Poland. 7- 6- 23. Rumania. 1- 4- 25. Siam. 21- 8- 22. Sweden. 13- 11- 23. Switzerland. 22- 5- 23 ; 16- 1- 26. * Yugoslavia. 17- 8- 32.	Austria (²). 1927. Brazil. 4- 3- 32. Canada. 23- 3- 23. Chile. 7- 8- 24. China. 1923. Cuba. 31- 8- 22. Denmark. 6- 6- 22. Lithuania. 22- 6- 23. Netherlands. 1923. New Zealand. 9- 4- 32. * Nicaragua. 1923. South Africa. 1923. Venezuela. 1923.	Germany. Haiti. Latvia. Luxemburg. Spain. * Turkey. Uruguay.	Argentina. Bolivia. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Irish Free State. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador.
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(¹) See note (1) on page 25.

(²) Proposal lapsed.

(D) FOURTH SESSION (GENEVA, 18 October-3 November 1922).

Recommendation.

19. Migration Statistics.

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	States which have supplied other official information.	States which have supplied no official information.
Albania. 13- 1- 32.	Brazil. 4- 3- 32.	Cuba.	Argentina.
Australia. 2- 6- 25.	Bulgaria. 1924.	Germany.	Bolivia.
Austria. 2- 7- 27.	Chile. 7- 8- 24.	Haiti.	China.
Belgium. 18- 6- 25.	Denmark. 14- 4- 23.	Luxemburg.	Colombia.
Canada. 29- 11- 23.	Latvia. 24- 1- 24.	* Turkey.	Dominican Republic.
Czechoslovakia. 21- 3- 25.	Lithuania.	Uruguay.	Ethiopia.
Estonia. 15- 5- 26.	Netherlands. 24- 10- 23.		Greece.
Finland. 15- 4- 24.	New Zealand. 6- 11- 24.		Guatemala.
France. 26- 4- 24.	* Nicaragua. 9- 4- 32.		Honduras.
* Great Britain. 3- 1- 33.	Venezuela. 30- 6- 24.		Irish Free State
Hungary. 30- 4- 26.			Liberia.
India. 20- 11- 23.			Mexico.
Italy. 14- 8- 25.			Panama.
Japan. 9- 4- 24.			Paraguay.
Norway. 1- 12- 26.			Persia.
Poland. 25- 7- 23.			Peru.
Rumania. 1- 4- 25.			Portugal.
Siam. 2- 4- 23.			Salvador.
South Africa. 27- 4- 23.			
Spain. 15- 4- 25.			
Sweden. 23- 12- 25.			
Switzerland. 22- 5- 23; 16- 1- 26.			
* Yugoslavia. 17- 8- 32.			

(E) FIFTH SESSION (GENEVA, 22-29 October 1923).

Recommendation.

20. Organisation of Systems of Inspection.

Albania. 13- 1- 32.	Brazil. 4- 3- 32.	Haiti.	Argentina.
Australia. 2- 6- 25.	Canada. 3- 3- 24.	Luxemburg.	Bolivia.
Austria. 2- 7- 27.	Chile. 7- 8- 24.	Spain.	Colombia.
Belgium. 6- 11- 24.	China. 1925.	* Turkey.	Dominican Republic.
Bulgaria. 23- 1- 25.	Cuba. 31- 10- 24.	Uruguay.	Ethiopia.
Czechoslovakia. 19- 11- 25.	Denmark. 12- 4- 24.		Greece.
Estonia. 18- 9- 25.	Germany. 1925.		Guatemala.
Finland. 21- 1- 26.	Lithuania.		Honduras.
France. 22- 1- 25.	Netherlands. 4- 11- 24.		Latvia.
Great Britain. 6- 8- 24.	New Zealand. 1925.		Liberia.
* Hungary. 6- 6- 32.	* Nicaragua. 9- 4- 32.		Mexico.
India. 20- 3- 24.	Venezuela. 19- 4- 24.		Panama.
Irish Free State. 29- 10- 25.			Paraguay.
Italy. 16- 1- 26.			Persia.
Japan. 18- 9- 25.			Peru.
Norway. 1- 12- 26.			Portugal.
Poland. 13- 5- 25.			Salvador.
Rumania. 1- 4- 25.			
Siam. 20- 3- 24.			
South Africa. 24- 4- 24.			
Sweden. 23- 12- 25.			
Switzerland. 6- 3- 25.			
* Yugoslavia. 17- 8- 32.			

(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States:— Western Australia, 1. 5. 25; New South Wales, 1. 5. 25; Queensland, 1. 5. 25; * South Australia, 13. 7. 32; Tasmania, 1. 5. 25; Victoria, 1. 5. 25.

(F) SIXTH SESSION (GENEVA, 16 June-5 July 1924).

Recommendation.

21. Utilisation of Workers' Spare Time.

* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Austria.	1930.	Argentina.		Bolivia.
Australia (¹).		Brazil.	4- 3- 32.	Chile.		Colombia.
Belgium.	5- 11- 26.	Bulgaria.	1928.	China.		Dominican
Canada.	17- 3- 26.	Cuba.	3- 11- 25.	Haiti.		Republic.
Czechoslovakia.	6- 3- 30.	Denmark.	23- 2- 25.	Luxemburg.		Ethiopia.
Estonia.	10- 2- 32.	Lithuania.		Rumania.		Greece.
Finland.	5- 8- 26.	Netherlands.	4- 5- 25.	* Turkey.		Guatemala.
France.	5- 1- 27.	New Zealand.	24- 7- 30.	Uruguay.		Honduras.
Germany.	6- 1- 27.	* Nicaragua.	9- 4- 32.	Yugoslavia.		Latvia.
Great Britain.	27- 7- 25.	Venezuela.	1925.			Liberia.
* Hungary.	6- 6- 32.					Mexico.
India.	2- 12- 24.					Panama.
Irish Free State.	20- 11- 25.					Paraguay.
Italy.	16- 1- 26.					Persia.
Japan.	8- 3- 26.					Peru.
Norway.	17- 9- 25.					Portugal.
Poland.	1- 3- 26.					Salvador.
Siam.	4- 3- 25.					
South Africa.	2- 6- 25.					
Spain.	28- 7- 25.					
Sweden.	20- 10- 25.					
Switzerland.	26- 8- 25.					

(G) SEVENTH SESSION (GENEVA, 19 May-10 June 1925).

Recommendations.

22. Workmen's Compensation (Minimum Scale).

Albania.	13- 1- 32.	Austria (²).	1927.	Czechoslovakia.	Argentina.
Australia (³).	Sept 1926.	Brazil.	4- 3- 32.	Germany.	Bolivia.
Belgium.	10- 12- 25.	Canada.	31- 3- 27.	Greece.	Chile.
Bulgaria.	27- 1- 30.	Cuba.	1927.	Haiti.	China.
Estonia.	10- 2- 32.	Denmark.	30- 1- 26.	Latvia.	Colombia.
* Finland.	23- 3- 32.	Hungary.	1927.	Rumania.	Dominican
France.	8- 12- 26.	Italy.	15- 12- 26.	* Turkey.	Republic.
Great Britain.	4- 10- 26.	Lithuania.		Uruguay.	Ethiopia.
India.	9- 9- 26.	New Zealand.	1927.	Venezuela.	Guatemala.
Irish Free State.	25- 6- 26.	* Nicaragua.	9- 4- 32.		Honduras.
Japan.	31- 12- 26.	Portugal.	1926.		Liberia.
Luxemburg.	20- 2- 26.	South Africa.	1925.		Mexico.
Netherlands.	12- 2- 27.	Switzerland.	7- 6- 26.		Panama.
Norway.	1- 12- 26.				Paraguay.
Poland.	15- 2- 27.				Persia.
Siam.	15- 3- 27.				Peru.
Sweden.	8- 9- 26.				Salvador.
* Yugoslavia.	17- 8- 32.				Spain.

(¹) The Prime Minister of Australia has communicated to the Secretary-General of the League of Nations information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competences of the States:— Western Australia, 27. 10. 25; New South Wales, 21. 1. 26; Queensland, 2. 7. 25; South Australia, 3. 5. 26; Tasmania, 10. 6. 27; Victoria, 17. 9. 25.

(²) Proposal lapsed.

(³) All the States except Victoria.

(G) SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (contd.).

Recommendations.

23. Workmen's Compensation (Jurisdiction).

* = Information received since last Report

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (1). Sept. 1926. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany. 31- 8- 28. Great Britain. 4- 10- 26. India. 9- 9- 26. Irish Free State. 25- 6- 26. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. * Yugoslavia. 17- 8- 32.	Austria (2). 1927. Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Hungary. 1927. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. * Nicaragua. 9- 4- 32. Portugal. 1926. South Africa. 1925. Switzerland. 7- 6- 26.	Czechoslovakia. Greece. Haiti. Latvia. Rumania. * Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Salvador. Spain.

24. Workmen's Compensation (Diseases).

Albania. 13- 1- 32. Australia (1). Sept. 1926. Austria. 13- 2- 30. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. * Czechoslovakia. 10- 1- 33. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany. 31- 8- 28. Great Britain. 4- 10- 26. Hungary. 19- 1- 32. India. 9- 9- 26. Irish Free State. 25- 6- 26 ; 24- 11- 27. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. * Yugoslavia. 17- 8- 32.	Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. * Nicaragua. 9- 4- 32. Portugal. 1926. South Africa. 1925. Switzerland. 7- 6- 26.	Greece. Haiti. Latvia. Rumania. * Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Salvador. Spain.
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(1) All the States except Victoria.

(2) Proposal lapsed.

(G) SEVENTH SESSION (GENEVA, 19 May-10 June 1925) (contd.).

Recommendations.

25. Equality of Treatment (Accidents).

* = Information received since last Report.

(a) Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.	(c) States which have supplied other official information.	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia (¹). Sept. 1926. Austria. 13- 2- 30. Belgium. 10- 12- 25. Bulgaria. 27- 1- 30. Czechoslovakia. 2- 6- 28. Estonia. 10- 2- 32. Finland. 12- 9- 27. France. 8- 12- 26. Germany. 31- 8- 28. Great Britain. 4- 10- 26. India. 9- 9- 26. Irish Free State. 25- 6- 26. Japan. 31- 12- 26. Luxemburg. 20- 2- 26. Netherlands. 12- 2- 27. Norway. 1- 12- 26. Poland. 15- 2- 27. Siam. 15- 3- 27. Sweden. 8- 9- 26. * Yugoslavia. 17- 8- 32.	Brazil. 4- 3- 32. Canada. 31- 3- 27. Cuba. 1927. Denmark. 30- 1- 26. Hungary. 1927. Italy. 15- 12- 26. Lithuania. New Zealand. 1927. * Nicaragua. 9- 4- 32. Portugal. 1926. South Africa. 1925. Switzerland. 7- 6- 26.	Greece. Haiti. Latvia. Rumania. * Turkey. Uruguay. Venezuela.	Argentina. Bolivia. Chile. China. Colombia. Dominican Republic. Ethiopia. Guatemala. Honduras. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Salvador. Spain.

(H) EIGHTH SESSION (GENEVA, 26 May-5 June 1926).

Recommendation.

26. Protection of Emigrant Women and Girls on Board Ship.

Albania. 13- 1- 32. Belgium. 11- 2- 28. Czechoslovakia. 24- 5- 28. Estonia. 10- 2- 32. * Finland. 23- 3- 32. Great Britain. 14- 9- 27. Hungary. 15- 4- 31. India. 12- 1- 28. Irish Free State. 8- 8- 27. Japan. 24- 1- 28. Netherlands. 4- 8- 27. Norway. 28- 7- 27. Poland. 4- 1- 30. Rumania. 29- 5- 29. Siam. 15- 3- 27. Sweden. 19- 4- 27.	Australia. 2- 3- 27. Austria (²). 1930. Brazil. 4- 3- 32. Canada. 20- 2- 28. China. 1927. Cuba. 1927. Denmark. 8- 10- 26. France. 1- 2- 29. Germany. 1927. Italy. 1929 Lithuania. Luxemburg. New Zealand. 5- 12- 27. * Nicaragua. 9- 4- 32. South Africa. 31- 1- 27. Switzerland. 1927. Venezuela. 1927. Yugoslavia. Aug. 1930.	Argentina. Haiti. * Turkey.	Bolivia. Bulgaria. Chile. Colombia. Dominican Republic. Ethiopia. Greece. Guatemala. Honduras. Latvia. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Salvador. Spain. Uruguay.
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(¹) All the States except Victoria.

(²) Proposal lapsed.

(I) NINTH SESSION (GENEVA, 7-24 June 1926).

Recommendations.

27. Repatriation of Masters and Apprentices. * = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Bolivia.
* Belgium.	29- 2- 32.	Austria (¹).	1927.	Czechoslovakia.		Chile.
Estonia.	9- 7- 28.	Brazil.	4- 3- 32.	Haiti.		Colombia.
* Finland.	23- 3- 32.	* Bulgaria.	18- 3- 32.	Italy.		Dominican Republic.
France.	5- 12- 27.	Canada.	20- 2- 28.	Rumania.		Ethiopia.
Germany.	23- 4- 30.	China.	1927.	* Turkey.		Greece.
Great Britain.	11- 6- 29.	Cuba.	1927.	Yugoslavia.		Guatemala.
* Hungary.	6- 6- 32.	Denmark.	8- 10- 26.			Honduras.
India.	10- 11- 27.	Lithuania.				Latvia.
Irish Free State.	8- 8- 27.	Luxemburg.				Liberia.
Japan.	24- 1- 28.	New Zealand.	5- 12- 27.			Mexico.
Netherlands.	7- 11- 27.	* Nicaragua.	9- 4- 32.			Panama.
Norway.	28- 7- 27.	South Africa.	31- 1- 27.			Paraguay.
* Poland.	9- 5- 32.	Switzerland.	1927.			Persia.
Siam.	15- 3- 27.	Venezuela.	1927.			Peru.
Sweden.	13- 7- 27.					Portugal.
						Salvador.
						Spain.
						Uruguay.

28. Inspection of Conditions of Work (Sea).

Albania.	13- 1- 32.	Australia.	2- 3- 27.	Argentina.		Bolivia.
Estonia.	10- 2- 32.	Austria (¹).	1927.	Belgium.		Chile.
* Finland.	23- 3- 32.	Brazil.	4- 3- 32.	Czechoslovakia.		Colombia.
France.	5- 12- 27.	* Bulgaria.	18- 3- 32.	Haiti.		Dominican Republic.
Germany.	10- 9- 30.	Canada.	20- 2- 28.	Rumania.		Ethiopia.
Great Britain.	11- 6- 29.	China.	1927.	* Turkey.		Greece.
* Hungary.	6- 6- 32.	Cuba.	1927.			Guatemala.
India.	10- 11- 27; 13- 5- 31.	Denmark.	8- 10- 26.			Honduras.
Irish Free State.	8- 8- 27.	Italy.	1929			Latvia.
Japan.	24- 1- 28.	Lithuania.				Liberia.
Netherlands.	7- 11- 27.	Luxemburg.				Mexico.
Norway.	28- 7- 27.	New Zealand.	5- 12- 27.			Panama.
* Poland.	9- 5- 32.	* Nicaragua.	9- 4- 32.			Paraguay.
Siam.	15- 3- 27.	South Africa.	31- 1- 27.			Persia.
Sweden.	13- 7- 27.	Switzerland.	1927.			Peru.
* Yugoslavia.	17- 8- 32.	Venezuela.	1927.			Portugal.
						Salvador.
						Spain.
						Uruguay.

(¹) Proposal lapsed

(J) TENTH SESSION (GENEVA, 25 May-16 June 1927).

Recommendation.

29. **General Principles of Sickness Insurance.** * = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission.		States which have supplied other official information.		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	5- 12- 27.	Argentina.		Bolivia.
Czechoslovakia.	13- 7- 29.	Austria (¹).	1928.	Belgium.		Bulgaria.
Estonia.	10- 2- 32.	Brazil.	4- 3- 32.	Colombia.		Chile.
* Finland.	23- 3- 32.	Canada.	14- 4- 31.	Haiti.		China.
Great Britain.	18- 2- 31.	Cuba.	19- 12- 27.	Italy.		Dominican Republic.
India.	6- 7- 28.	Denmark.	12- 11- 27.	Salvador.		Ethiopia.
Irish Free State	18- 5- 28.	France.	10- 1- 29.	* Turkey.		Greece.
Japan.	26- 11- 28.	Germany.	1927.	Venezuela.		Guatemala.
Norway.	16- 3- 28.	Hungary.	19- 2- 29.			Honduras.
Poland.	8- 6- 29.	Lithuania.	1928.			Latvia.
Rumania.	29- 5- 29.	Luxemburg.				Liberia.
Siam.	28- 4- 28.	Netherlands.	29- 6- 28.			Mexico.
Sweden.	28- 6- 28.	New Zealand.	5- 12- 27.			Panama.
* Yugoslavia.	17- 8- 32.	* Nicaragua.	9- 4- 32.			Paraguay.
		South Africa.	1927.			Persia.
		Switzerland.	13- 12- 28.			Peru.
						Portugal.
						Spain.
						Uruguay.

(K) ELEVENTH SESSION (GENEVA, 30 May-16 June 1928).

Recommendation.

30. **Minimum Wage-Fixing Machinery.**

Albania.	13- 1- 32.	Austria (¹).	June 1929.	Belgium.		Argentina.
Australia.	15- 11- 29.	Brazil.	4- 3- 32.	Colombia.		Bolivia.
Estonia.	10- 2- 32.	* Bulgaria.	18- 3- 32.	Haiti.		Chile.
* Finland.	23- 3- 32.	Canada.	14- 4- 31.	Latvia.		China.
* France.	19- 10- 32.	Cuba.	20- 10- 29.	Rumania.		Dominican Republic.
Germany.	10- 6- 29.	Czechoslovakia.	28- 11- 29.	* Turkey.		Ethiopia.
Great Britain.	12- 6- 29.	Denmark.	18- 11- 28.	Venezuela.		Greece.
* Hungary.	6- 6- 32.	Italy.	1929.			Guatemala.
India.	26- 11- 29.	Luxemburg.	12- 12- 29.			Honduras.
Irish Free State.	23- 4- 29.	New Zealand.	11- 11- 29.			Liberia.
Japan.	21- 12- 29.	* Nicaragua.	9- 4- 32.			Mexico.
Lithuania.	26- 1- 29.	Norway.	1929.			Panama.
Netherlands.	14- 1- 30.	South Africa.	28- 1- 29.			Paraguay.
Siam.	17- 6- 29.	Switzerland.	13- 12- 28.			Persia.
Sweden.	13- 12- 29.	Yugoslavia.	22- 12- 29.			Peru.
						Poland.
						Portugal.
						Salvador.
						Spain.
						Uruguay.

(¹) Proposal lapsed.

(L) TWELFTH SESSION (GENEVA, 30 May-21 June 1929).

Recommendations.

31. Prevention of Industrial Accidents.

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission	States which have supplied other official information	States which have supplied no official information.
Albania. 13- 1- 32. Belgium. 16- 6- 30. Colombia. 25- 11- 29. Estonia. 10- 2- 32. * Finland. 23- 3- 32. Guatemala. 22- 12- 30. * Hungary. 6- 6- 32. India. 5- 12- 30 ; 11- 11- 31. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. Poland. 24- 12- 30 ; 5- 1- 31. * Sweden. 18- 3- 32. Uruguay. 15- 3- 30.	Australia⁽¹⁾. 21- 3- 30. Austria⁽²⁾. 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. * France. 16- 9- 32. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. * Nicaragua. 9- 4- 32. Norway. 31- 1- 30. Siam. 1931. South Africa. 29- 10- 29. Switzerland. 8- 12- 30. Yugoslavia. 3- 1- 31.	Germany. Haiti. Latvia. Luxemburg. * Turkey. Venezuela.	Argentina. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ethiopia. Greece. Honduras. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Rumania. Salvador. Spain.

32. Protection of Power-driven Machinery.

Albania. 13- 1- 32. Colombia. 25- 11- 29. Estonia. 10- 2- 32. * Finland. 23- 3- 32. Guatemala. 22- 12- 30. * Hungary. 6- 6- 32. India. 5- 12- 30. Irish Free State. 16- 1- 31. Japan. 19- 1- 31. Netherlands. 1- 11- 30. * Poland. 9- 5- 32. * Sweden. 18- 3- 32. Uruguay. 15- 3- 30.	Australia⁽³⁾. 21- 3- 30. Austria⁽²⁾. 1930. Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 15- 4- 30. Czechoslovakia. 13- 11- 30. Denmark. 12- 2- 30. * France. 16- 9- 32. Great Britain. 1929. Italy. 1- 4- 31. Lithuania. 1929. New Zealand. 16- 7- 30. * Nicaragua. 9- 4- 32. Norway. 31- 1- 30. Siam. 1931. South Africa. 29- 10- 29. Switzerland. 8- 12- 30. Yugoslavia. 3- 1- 31.	Germany. Haiti. Latvia. Luxemburg. * Turkey. Venezuela.	Argentina. Belgium. Bolivia. Bulgaria. Chile. China. Dominican Republic. Ethiopia. Greece. Honduras. Liberia. Mexico. Panama. Paraguay. Persia. Peru. Portugal. Rumania. Salvador. Spain.
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⁽¹⁾ The Prime Minister of Australia communicated to the Office on 17 March 1931 information supplied by New South Wales and Western Australia on the subject of measures giving effect to the Recommendation, which falls within the competence of the States.

⁽²⁾ Proposal lapsed.

⁽³⁾ The Prime Minister of Australia communicated to the Office on 17 March 1931 information supplied by New South Wales, Tasmania and Western Australia on the subject of measures giving effect to the Recommendation, which falls within the competence of the States.

(L) TWELFTH SESSION (GENEVA, 30 May-21 June 1929) (contd.).

Recommendations.

33. Reciprocity (Protection against Accidents, dockers) (1929).

* = Information received since last Report.

(a)		(b)		(c)		(d)
Communication of action taken to the Secretary-General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission		States which have supplied other official information		States which have supplied no official information.
Albania.	13- 1- 32.	Australia.	21- 3- 30.	Germany.		Argentina.
Belgium.	16- 6- 30.	Austria ⁽¹⁾ .	1930.	Haiti.		Bolivia.
Colombia.	25- 11- 29.	Brazil.	4- 3- 32.	Latvia.		Bulgaria.
Estonia.	10- 2- 32.	Canada.	14- 4- 31.	* Turkey.		Chile.
* Finland.	23- 3- 32.	Cuba.	15- 4- 30.	Venezuela.		China.
Guatemala.	22- 12- 30.	Czechoslovakia.	13- 11- 30.			Dominican
* Hungary.	6- 6- 32.	Denmark.	12- 2- 30.			Republic
India.	5- 12- 30.	* France.	16- 9- 32.			Ethiopia
Irish Free State.	16- 1- 31.	Great Britain.	1929.			Greece.
Japan.	19- 1- 31.	Italy.	1- 4- 31.			Honduras.
Netherlands.	1- 11- 30.	Lithuania.	1929.			Liberia.
* Sweden.	18- 3- 32.	Luxemburg.				Mexico.
Uruguay.	15- 3- 30.	New Zealand.	16- 7- 30.			Panama.
		* Nicaragua.	9- 4- 32.			Paraguay.
		Norway.	31- 1- 30.			Persia.
		Siam.	1931.			Peru.
		South Africa.	6- 12- 29.			Poland.
		Switzerland.	8- 12- 30.			Portugal.
		Yugoslavia.	3- 1- 31.			Rumania.
						Salvador.
						Spain.

34. Consultation of Workers' and Employers' Organisations (Safety of dockers).

Albania.	13- 1- 32.	Australia ⁽²⁾ .	21- 3- 30.	Germany.		Argentina.
Belgium.	16- 6- 30.	Austria ⁽¹⁾ .	1930.	Haiti.		Bolivia.
Colombia.	25- 11- 29.	Brazil.	4- 3- 32.	Latvia.		Bulgaria.
Estonia.	10- 2- 32.	Canada.	14- 4- 31.	* Turkey.		Chile.
* Finland.	23- 3- 32.	Cuba.	15- 4- 30.	Venezuela.		China.
Guatemala.	22- 12- 30.	Czechoslovakia.	13- 11- 30.			Dominican
* Hungary.	6- 6- 32.	Denmark.	12- 2- 30.			Republic.
India.	5- 12- 30.	* France.	16- 9- 32.			Ethiopia.
Irish Free State.	16- 1- 31.	Great Britain.	1929.			Greece.
Japan.	19- 1- 31.	Italy.	1- 4- 31.			Honduras.
Netherlands.	1- 11- 30.	Lithuania.	1929.			Liberia.
* Sweden.	18- 3- 32.	Luxemburg.				Mexico.
Uruguay.	15- 3- 30.	New Zealand.	16- 7- 30.			Panama.
		* Nicaragua.	9- 4- 32.			Paraguay.
		Norway.	31- 1- 30.			Persia.
		Siam.	1931.			Peru.
		South Africa.	6- 12- 29.			Poland.
		Switzerland.	8- 12- 30.			Portugal.
		Yugoslavia.	3- 1- 31.			Rumania.
						Salvador.
						Spain.

⁽¹⁾ Proposal lapsed⁽²⁾ The Prime Minister of the Commonwealth of Australia communicated to the Office on 17 March 1931 information supplied by New South Wales on the subject of measures giving effect to the Recommendation, which, falls within the competence of the States

(M) FOURTEENTH SESSION (GENEVA, 10-28 June 1930).

Recommendations.

35 Indirect Compulsion to Labour.

* = Information received since last Report.

(a) Communication of action taken to the Secretary General of the League of Nations and date of communication (§ 6).	(b) States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission	(c) States which have supplied other official information	(d) States which have supplied no official information.
Albania. 13- 1- 32. Australia. 27- 11- 31. * Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. * France. 11- 2- 33. * Finland. 23- 3- 32. Great Britain. 1- 6- 31. * India. 15- 2- 32. Irish Free State 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. * Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Uruguay. 11- 3- 31.	Austria. 1931. * Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Germany. 27- 12- 31. Italy. 1- 4- 31. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Norway. 13- 2- 31. South Africa. 14- 4- 31. Switzerland. 31- 3- 31. Yugoslavia. 23- 12- 31.	Latvia. Rumania. * Turkey.	Argentina. Belgium. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Hungary. Liberia. Luxemburg. Mexico. Panama. Paraguay. Persia. Peru. Poland. Portugal. Salvador. Spain. Venezuela.

36. Regulation of Forced or Compulsory Labour.

Albania. 13- 1- 32. Australia. 27- 11- 31. * Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. * Finland. 23- 3- 32. * France. 11- 2- 33. Great Britain. 1- 6- 31. * India. 15- 2- 32. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. * Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Uruguay. 11- 3- 31.	Austria. 1931. * Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Germany. 27- 12- 31. Italy. 1- 4- 31. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Norway. 13- 2- 31. South Africa. 14- 4- 31. Switzerland. 31- 3- 31. Yugoslavia. 23- 12- 31.	Latvia. Rumania. * Turkey.	Argentina. Belgium. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Greece. Guatemala. Haiti. Honduras. Hungary. Liberia. Luxemburg. Mexico. Panama. Paraguay. Persia. Peru. Poland. Portugal. Salvador. Spain. Venezuela.
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(M) FOURTEENTH SESSION (GENEVA, 10-28 June 1930) (contd.).

Recommendations.

37. Hours of Work (Hotels, etc.).

* = Information received since last Report.

(a)	(b)	(c)	(d)
Communication of action taken to the Secretary General of the League of Nations and date of communication (§ 6).	States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission	States which have supplied other official information	States which have supplied no official information.
Albania. 13- 1- 32. * Austria. 26- 3- 32. Belgium. 28- 1- 32. * Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. * France. 19- 10- 32. Great Britain. 13- 7- 31. India. 7- 5- 31 ; 10- 11- 31. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. * Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Uruguay. 11- 3- 31.	Australia ⁽¹⁾. 21- 4- 31. * Brazil. 4- 3- 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Germany. 27- 12- 31. Italy. 1- 4- 31. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Norway. 13- 2- 31. South Africa. 2- 10- 30. Switzerland. 31- 3- 31. Yugoslavia. 23- 12- 31.	Latvia. Rumania. * Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia. Dominican Republic. Ethiopia. Finland. Greece. Guatemala. Haiti. Honduras. Hungary. Liberia. Luxemburg. Mexico. Panama. Paraguay. Persia. Peru. Poland. Portugal. Salvador. Spain. Venezuela.

38. Hours of Work (Theatres, etc.).

Albania. 13- 1- 32. * Austria. 26- 3- 32. * Belgium. 18- 2- 32. * Bulgaria. 20- 9- 32. Estonia. 10- 2- 32. * France. 19- 10- 32. Great Britain. 13- 7- 31. India. 7- 5- 31 ; 10- 11- 31. Irish Free State. 12- 1- 31. Japan. 29- 1- 32. Lithuania. 12- 9- 30. * Netherlands. 14- 3- 32. Siam. 27- 11- 31. Sweden. 9- 6- 31. Uruguay. 11- 3- 31.	Australia ⁽¹⁾. 21- 4- 31. * Brazil. 4- - 32. Canada. 14- 4- 31. Cuba. 23- 2- 31. Denmark. 30- 1- 31. * Germany. 27- 12- 31. Italy. 1- 4- 31. New Zealand. 22- 7- 31. * Nicaragua. 9- 4- 32. Norway. 13- 2- 31. South Africa. 2- 10- 30. Switzerland. 31- 3- 31. Yugoslavia. 23- 12- 31.	Latvia. Rumania. * Turkey.	Argentina. Bolivia. Chile. China. Colombia. Czechoslovakia Dominican Republic. Ethiopia. Finland. France. Greece. Guatemala. Haiti. Honduras. Hungary. Liberia. Luxemburg Mexico. Panama. Paraguay. Persia. Peru. Poland. Portugal. Salvador. Spain. Venezuela.
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⁽¹⁾ The Prime Minister of Australia has communicated to the Office information supplied by the States of the Commonwealth on the subject of measures giving effect to the Recommendation, which falls within the competence of the States : New South Wales, 15-2-33 ; Queensland, 17-3-31 ; South Australia, 31-8-31 ; Tasmania, 17-3-31 ; Victoria, 17-3-31 ; Western Australia, 17-3-31.

(M) FOURTEENTH SESSION (GENEVA, 10-28 June 1930). (contd.).

Recommendations.

39. Hours of Work (Hospitals, etc.).

* = Information received since last Report.

(a)		(b)		(c)	(d)
Communication of action taken to the Secretary General of the League of Nations and date of communication (§ 6).		States which have officially intimated that the Recommendation has been submitted to the "competent authority" (§ 5) and date of submission		States which have supplied other official information	States which have supplied no official information.
Albania.	13- 1- 32.	Australia ⁽¹⁾ .	21- 4- 31.	Latvia.	Argentina.
* Austria.	26- 3- 32.	* Brazil.	4- 3- 32.	Rumania.	Belgium.
* Bulgaria.	20- 9- 32.	Canada.	14- 4- 31.	* Turkey.	Bolivia.
Estonia.	10- 2- 32.	Cuba.	23- 2- 31.		Chile.
* France.	19- 10- 32.	Denmark.	30- 1- 31.		China.
Great Britain.	13- 7- 31.	* Germany.	27- 12- 31.		Colombia.
India.	7- 5- 31; 10- 11- 31.	Italy.	1- 4- 31.		Czechoslovakia.
Irish Free State.	12- 1- 31.	New Zealand.	22- 7- 31.		Dominican Republic.
Japan.	29- 1- 32.	* Nicaragua.	9- 4- 32.		Ethiopia.
Lithuania.	12- 9- 30.	Norway.	13- 2- 31.		Finland.
* Netherlands.	14- 3- 32.	South Africa.	2- 10- 30.		Greece.
Siam.	27- 11- 31.	Switzerland.	31- 3- 31.		Guatemala.
Sweden.	9- 6- 31.	Yugoslavia.	23- 12- 31.		Haiti.
Uruguay.	11- 3- 31.				Honduras.
					Hungary.
					Liberia.
					Luxembourg.
					Mexico.
					Panama.
					Paraguay.
					Persia.
					Peru.
					Poland.
					Portugal.
					Salvador.
					Spain.
					Venezuela

(N) SIXTEENTH SESSION (GENEVA, 12-30 April 1932).

Recommendations.

40. Reciprocity (Protection against Accidents, dockers) (1932).

* = Information received since last Report.

* Belgium.	11- 2- 33.	* Albania.	1932.	* Canada.	All the other States Members.
* Irish Free State.	31- 10- 32.	* Australia.	31- 8- 32.	* Colombia.	
* Lithuania.	9- 11- 32.	* Brazil.	17- 6- 32.	* Guatemala.	
* New Zealand.	31- 10- 32.	* Denmark.	8- 10- 32.	* Luxembourg.	
		* Great Britain.	June 1932.	* Mexico.	
		* Siam.	1933.	* Panama.	
		* Sweden.	3- 1- 33.	* Turkey.	
				* Uruguay.	

41. Minimum Age (Non-Industrial Employment).

* Belgium.	11- 2- 33.	* Albania.	1932.	* Canada.	All the other States Members.
* Irish Free State.	31- 10- 32.	* Australia.	31- 8- 32.	* Colombia.	
* Lithuania.	9- 11- 32.	* Brazil.	17- 6- 32.	* Guatemala.	
* New Zealand.	31- 10- 32.	* Denmark.	8- 10- 32.	* Luxembourg.	
		* Great Britain.	June 1932.	* Mexico.	
		* India.	Dec. 1932.	* Panama.	
		* Siam.	1933.	* Turkey.	
		* South Africa.	23- 11- 32.	* Uruguay.	
		* Sweden.	3- 1- 33.		

⁽¹⁾ See note (1) on preceding page.

SUMMARY OF RATIFICATIONS

Country	Total number of ratifications	Conventions ratified
Spain	30	Hours (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Night Work in Bakeries; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Minimum Wage Fixing Machinery; Marking of the Weight on Heavy Packages transported by Vessels; Protection against Accidents of Workers engaged in loading or unloading Ships (1929); Forced Labour; Hours of Work (Commerce and Offices); Hours of Work (Coal Mines).
Bulgaria	27	Hours (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Night Work in Bakeries; Simplification of Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Hours of Work (Commerce and Industry); Forced Labour.
Luxemburg	27	Hours (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Night Work in Bakeries; Simplification of Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Marking of the Weight on Heavy Packages transported by Vessels; Protection against Accidents of Workers engaged in loading or unloading Ships (1929).
Belgium	21	Hours (Industry); Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen.
Irish Free State ...	21	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage Fixing Machinery; Indication of the Weight on Heavy Packages transported by Vessels; Protection against Accidents of Workers engaged in loading or unloading Ships (1929); Forced Labour.
Yugoslavia	20	Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Rights of Association (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Seamen's Articles of Agreement; Repatriation of Seamen; Sickness Insurance (Industry, etc.); Forced Labour.
Estonia	19	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Equality of Treatment; Night Work in Bakeries; Seamen's Articles of Agreement; Repatriation of Seamen; Marking of the Weight on Heavy Packages transported by Vessels.

Country	Total number of ratifications	Conventions ratified
France	18	Hours (Industry) ¹ ; Unemployment; Night Work (Women); Night Work (Children); Unemployment Indemnity; Employment for Seamen; Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants ¹ ; Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage Fixing Machinery.
Great Britain	18	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants ¹ ; Seamen's Articles of Agreement; Sick Insurance (Industry, etc.); Sick Insurance (Agriculture); Minimum Wage Fixing Machinery; Forced Labour.
Italy	17	Hours (Industry) ¹ ; Unemployment; Night Work (Women); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Weekly Rest; Trimmers or Stokers; Medical Examination; Equality of Treatment; Seamen's Articles of Agreement; Repatriation of Seamen; Minimum Wage Fixing Machinery.
Latvia	17	Hours (Industry) ¹ ; Childbirth; Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Seamen's Articles of Agreement.
Poland.....	17	Unemployment; Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Equality of Treatment; Seamen's Articles of Agreement; Repatriation of Seamen; Marking of the Weight on Heavy Packages transported by Vessels.
Rumania	17	Hours (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Sick Insurance (Industry, etc.); Marking of the Weight on Heavy Packages transported by Vessels.
Cuba	16	Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; White Lead; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Night Work in Bakeries; Seamen's Articles of Agreement; Repatriation of Seamen.
Germany	16	Unemployment; Childbirth; Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Seamen's Articles of Agreement; Repatriation of Seamen; Sick Insurance (Industry, etc.); Sick Insurance (Agriculture); Minimum Wage Fixing Machinery.
Sweden	16	Unemployment; Minimum Age (Sea); Employment for Seamen; Minimum Age (Agriculture); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants ¹ ; Marking of the Weight on Heavy Packages transported by Vessels; Forced Labour.
Hungary	15	Unemployment; Childbirth; Night Work (Women); Night Work (Children); Minimum Age (Sea); Minimum Age (Agriculture); White Lead ¹ ; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Sick Insurance (Industry, etc.); Minimum Wage Fixing Machinery.
Netherlands	14	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Trimmers or Stokers; Medical Examination; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Marking of the Weight on Heavy Packages transported by Vessels.

¹ Conditional ratification.

Country	Total number of ratifications	Conventions ratified
Austria	13	Hours (Industry) ¹ ; Unemployment; Night Work (Women); Night Work (Children); Minimum Age (Agriculture); Rights of Association (Agriculture); White Lead; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture); Hours of Work (Commerce and Offices) ¹ .
Chile	13	Hours (Industry); Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); White Lead; Weekly Rest; Workmen's Compensation for Accidents; Equality of Treatment; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture).
Finland	13	Unemployment; Minimum Age (Sea); Employment for Seamen; Rights of Association (Agriculture); White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Night Work in Bakeries; Simplification of Inspection of Emigrants; Marking of the Weight on Heavy Packages transported by Vessels.
Greece	13	Hours (Industry); Unemployment; Childbirth; Night Work (Women); Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Unemployment Indemnity; Employment for Seamen; White Lead; Weekly Rest; Trimmers or Stokers; Medical Examination.
India	13	Hours (Industry); Unemployment; Night Work (Women); Night Work (Children); Rights of Association (Agriculture); Weekly Rest; Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Seamen's Articles of Agreement; Marking of the Weight on Heavy Packages transported by Vessels.
Czechoslovakia.....	12	Hours (Industry); Night Work (Women); Minimum Age (Industry); Minimum Age (Agriculture); Rights of Association (Agriculture); White Lead; Weekly Rest; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Sickness Insurance (Industry, etc.); Sickness Insurance (Agriculture).
Japan	12	Unemployment; Minimum Age (Industry); Minimum Age (Sea); Employment for Seamen; Minimum Age (Agriculture); Trimmers or Stokers; Medical Examination; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Simplification of Inspection of Emigrants; Marking of the Weight on Heavy Packages transported by Vessels; Forced Labour.
Denmark.....	10	Unemployment; Minimum Age (Industry); Night Work (Children); Minimum Age (Sea); Rights of Association (Agriculture); Workmen's Compensation (Agriculture); Trimmers or Stokers; Equality of Treatment; Marking of the Weight on Heavy Packages transported by Vessels ¹ ; Forced Labour.
Norway	10	Unemployment; Minimum Age (Sea); Employment for Seamen; Rights of Association (Agriculture); White Lead; Trimmers or Stokers; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Marking of the Weight on Heavy Packages transported by Vessels; Forced Labour.
Portugal	8	Hours (Industry); Night Work (Women); Night Work (Children); Weekly Rest; Workmen's Compensation for Accidents; Workmen's Compensation for Occupational Diseases; Equality of Treatment; Marking of the Weight on Heavy Packages transported by Vessels.
Switzerland	6	Unemployment; Night Work (Women); Minimum Age (Industry); Night Work (Children); Workmen's Compensation for Occupational Diseases; Equality of Treatment.
Australia	5	Employment for Seamen; Simplification of Inspection of Emigrants; Minimum Wage Fixing Machinery; Marking of the Weight on Heavy Packages transported by Vessels; Forced Labour.
Lithuania	5	Hours (Industry); Night Work (Women); Night Work (Children); Weekly Rest; Sickness Insurance (Industry, etc.).
South Africa.....	5	Unemployment; Night Work (Women); Equality of Treatment; Minimum Wage Fixing Machinery; Marking of the Weight on Heavy Packages transported by Vessels ¹ .
Albania	4	Night Work (Women); Minimum Age (Industry); Night Work (Children); Simplification of Inspection of Emigrants.
Canada	4	Minimum Age (Sea); Unemployment Indemnity; Trimmers or Stokers; Medical Examination.
Dominican Republic	4	Hours (Industry); Minimum Age (Industry); Minimum Age (Sea); Minimum Age (Agriculture).
Venezuela	3	Night Work (Women); Night Work (Children); Marking of the Weight on Heavy Packages transported by Vessels.
China	2	Minimum Wage Fixing Machinery; Marking of the Weight on Heavy Packages transported by Vessels.
Liberia	1	Forced Labour.

¹ Conditional ratification.

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