

LEAGUE OF NATIONS

INTERNATIONAL LABOUR CONFERENCE

EIGHTEENTH SESSION

GENEVA, 1934

SUMMARY OF ANNUAL REPORTS
UNDER ARTICLE 408.



INTERNATIONAL LABOUR OFFICE

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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-1932 September 1933 is formally laid before the Conference¹.

A few words of explanation are needed

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.

concerning the different form in which the summary of the annual reports is presented to the Conference this year. Hitherto the Director has submitted each year a complete summary of all the annual reports received, whether the information contained in the reports themselves was new or whether it was a mere repetition of information previously given. Consequently, a large proportion of the information submitted to the Conference each year has been identical with that submitted in previous years.

During the early years of the existence of the International Labour Organisation, while the system of mutual information and supervision instituted under Article 408 was still in a more or less experimental stage, and while the number of annual reports received each year, though rapidly increasing, was still comparatively small, it appeared desirable that the summary should be as complete as possible, even at the cost of repeating a considerable amount of information from year to year. It was obvious, however, that a point would eventually be reached where the maintenance of this system would, for material reasons, become impossible — and would moreover, from the point of view of effective mutual supervision, become superfluous. The summary submitted to the Conference last year, including the report of the Committee of Experts on Article 408, covered 505 pages in English and 527 pages in French, the number of reports summarised being 422. This year the number of reports summarised is 449; and had the proportion of the annual reports received in time for inclusion in the summary been as large as last year, this figure would have been considerably higher (last year the proportion was 422 out of 447; this year it is 449 out of 522).

The Director therefore considers that the time has come when he should abandon his practice of supplying, along with the new information, a large mass of information that is not new. On the other hand, a summary which consisted solely of new reports and information supplementary to that supplied in old reports would present a very inadequate picture of the application of the ratified Conventions. Accordingly, the following system

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has been adopted. During the 5 years 1934-8 the summary submitted to the Conference in 1933 will be considered as a basic volume, and in each of these years a summary will be submitted to the Conference which, in conjunction with the 1933 summary, will constitute a full summary of all the reports received. Further, it appears desirable to continue to supply for each Convention (a) a full list of the legislation, etc. by which the Convention is applied in each ratifying country (Point I of the report forms), even where the legislation has remained unaltered since the previous year, and (b) a full summary of the Governments' statements (under the final Point of the report forms) on the manner in which the Convention is being applied in practice. For the remaining Points of the report forms only new information is summarised ¹.

¹ The new information supplied may be entirely new, in the sense that it annuls the information given in the previous report and is to be read in place of it. Or it may be additional information completing the statement furnished on the previous occasion. In this latter case, the information given is distinguished by the use of a row of dots, thus . . . Such dots at the beginning of a passage only, imply that the passage is simply to be added to the end of the corresponding passage in the 1933 summary; dots at the beginning and end of a passage imply that the passage is to be inserted in the middle of the corresponding passage in the 1933 volume, in substitution for a passage opening with the same words as the new text.

Care has been taken so far as possible to draft the summaries this year so that each one represents a separate item of information, intelligible without reference to the 1933 volume.

* * *

At the end of the summary will be found two appendices. The first of these consists of the summary of annual reports and supplementary information 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 ^{1, 2}.

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

² The following abbreviations are used throughout the summary :

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

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

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

FIRST SESSION (WASHINGTON, 1919).

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

This Convention came into force on 13 June 1921. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	6. 9. 1926	25. 10. 1933
Bulgaria	14. 2. 1922	14. 12. 1933
Chile	15. 9. 1925	29. 12. 1933
Colombia	20. 6. 1933	
Czechoslovakia . .	24. 8. 1921	22. 1. 1934
Dominican Republic	4. 2. 1933	
Greece	19. 11. 1920	
India	14. 7. 1921	4. 1. 1934
Lithuania	19. 6. 1931	13. 11. 1933
Luxemburg	16. 4. 1928	3. 1. 1934
Portugal	3. 7. 1928	19. 2. 1934
Rumania	13. 6. 1921	6. 3. 1934
Spain	22. 2. 1929 ¹	24. 11. 1933
Uruguay	6. 6. 1933	

The Government of *Bulgaria* refers in its report to the statement made by the representative of the Government to the Committee on Article 408 appointed by the International Labour Conference at its Seventeenth Session, to the effect that, in order to remove certain divergences existing between provisions of some of the Conventions ratified and those of Bulgarian legislation, a Bill had been introduced by the Minister of Commerce, Industry and Labour to the effect that

all International Labour Conventions should, when ratified, acquire force of law.

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

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

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

The report of the Government of *India* states that a Bill intended to replace the present Factories Act was introduced in the Indian Legislature in September 1933. It provides, *inter alia*, for a 54 hours' week (§ 35) and a 10 hours' day (§ 37) with certain special provisions for seasonal factories, and fixes the rates of extra pay for overtime and for work on Sundays (§ 47).

The Government of *Luxemburg* states in its report that decrees are being drafted to classify the processes covered by Article 4 of the Convention and to fix the exceptions provided for in Article 6.

The Government of *Portugal* states in its report that § 24 of Decree No. 23048 of 23 September 1933 to issue a National Labour Code lays down certain principles with regard to hours of work. The clause in question provides that the wage or salary shall, as a general rule, be subject to a minimum limit, corresponding to the necessities of subsistence, but shall nevertheless not be subject to any absolute rule, being governed by the contract of employment or the corporative regulations, in accordance with the normal requirements of production of the undertakings and of the workers, and also with the actual output. It proceeds to lay down that hours of work shall be subject to the same principle, but that a maximum limit may be fixed by law or by corporative decision in specific branches of economic activity, in accordance with the interests of the nation, the undertakings and the workers. The acceptance of any international Convention respecting hours of work shall be subordinate to the same

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

1. Hours of work (industry).

principles. The report also refers to Decree No. 23,053 of 23 September 1933 concerning the National Institute of Labour and Welfare, which came into force on 1 October 1933. §§27-44, 48, 49 and 52 of this Decree concern the organisation of labour courts, their competence and jurisdiction.

The report of the Government of Uruguay has not yet been received.

I.

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

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

Belgium.

Act of 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.

See also introductory note.

Chile.

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

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.

Luxemburg.

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).

Order of 6 January 1933 to amend Order of 30 March 1932 (L. S. 1933, 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.

Decree No. 22500 of 10 May 1933 regulating conditions of work in the transport industry (L. S. 1933, Por. 2).

Decree No. 23048 of 23 September 1933 to issue a National Labour Code (L. S. 1933, Por. 5).

See also introductory note.

Rumania.

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

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.

Chile. — . . . The report states that the absence, in Chilean legislation, of a definition of the term "industrial undertaking" does not in any way prejudice the detailed application of the provisions of the Convention. In practice, the judicial and administrative authorities in Chile have interpreted the term in its widest sense, in accordance with its natural and obvious meaning and with the meaning implied by the provisions of the Labour Code; though the Code also applies to agriculture. The term "industrial undertaking" does therefore in fact include all manufactures, industries, occupations or processes by which, or in the course of which, raw materials, manufactured articles or natural forces are extracted, altered, or industrially exploited. On the other hand, however, the Code is not in fact based, for the purpose of the definition of its scope, on the notion of the industrial undertaking, but on the existence of the legal relationship created by the labour contract and on the capacity of employer on the one hand, and of worker or salaried

employee on the other, which, under §§ 1 and 2 of the Code, is respectively assumed by the contracting parties. Any definition of the term "industrial undertaking", therefore, would be liable to restrict the scope of the Code.

Luxemburg. — § 1 of the Order of 30 March 1932, as amended by the Order of 6 January 1933, defines the expression "industrial undertakings" as in paragraphs (a), (b), (c) and (d) of Article 1 of the Convention. The section also determines the undertakings and establishments which must be considered as being of a commercial character, viz.: any place where articles are sold or where commerce is carried on, including banks and insurance establishments, hotels, inns, public-houses, restaurants and other refreshment houses, baths, markets, places of public amusement and, in general, all undertakings not specified as agricultural, which are carried on exclusively in direct contact with the customer or client, provided nevertheless that they do not use industrial equipment. Any equipment with mechanical power of more than 1 h. p. is deemed to be industrial equipment. Finally, the undertakings covered by § 159 of the Act of 17 December 1925 concerning the Social Insurance Code are considered as agricultural. The section in question provides that the provisions applicable to agricultural and forestal establishments shall apply likewise to undertakings carried on by the owner of an agricultural or forestal establishment in addition to his agricultural or forestal establishment but in economic dependence thereon (subsidiary establishments). These subsidiary establishments shall include in particular establishments intended either wholly or mainly for the following purposes: (1) the working up or preparation of the products of the agriculture and forestry carried on by the owner; (2) supplying the requirements of his agricultural and forestal undertaking; (3) the extraction or working up of the mineral resources of his land. Agricultural establishments within the meaning of the Act shall include gardening for profit, landscape and market gardening, arboriculture and seed raising, and the professional laying out and upkeep of kitchen and ornamental gardens. The following shall be deemed to be an integral part of an agricultural or forestal undertaking, viz. current repairs to the buildings used for the undertaking, land improvement and other work appertaining to agriculture, especially the construction and repair of roads, dams, watercourses and drains for agricultural purposes, in so far as they are carried out by the owners of agricultural and forestal establishments on their own land by means of workers who are either entirely or preponderantly agricultural and forestal workers, and not entrusted to other owners of undertakings.

ARTICLE 12 (*Greece only*).

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

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

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

- (1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;
- (2) Constructional industries: Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;
- (3) Textile industries: Spinning and weaving mills of all kinds except dye works;
- (4) Food industries: Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;
- (5) Chemical industries: Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, 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.

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.

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.

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 does not indicate any change either with regard to (a) *Necessarily continuous processes (Article 4)*, or with regard to (b) *Agreements provided for in Article 5*. With regard to (c) *Regulations made under Article 6*, no changes are indicated in the list of permanent exception, but the list of temporary exceptions is amended as follows:

(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 (the exceptions granted for building and public works have been suspended until 1 November 1933 on account of the crisis); clothing and subsidiary industries; food industries; confectionery, ice-making and the manufacture of chocolate; manufacture of biscuits, gingerbread and marzipan;

1. Hours of work (industry).

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 sawmills, manufacture of straw hats (the exception granted for undertakings where stripped flax is stored has been suspended from 22 February 1933 till the end of the year); 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 colloid 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, electrotypes). 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 1932 TO 30 SEPTEMBER 1933 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	5	50	3,271	6	78	10,172	11	128	13,443
Wood work and furnishing	4	115	2,728	23	403	31,104.50	27	518	33,832.50
Food and Drink	—	—	—	7	428	26,909	7	428	26,909
Textiles	28	1,401	113,205	57	1,576	164,665	85	2,977	277,870
Metals	9	113	7,013	31	850	36,174.50	40	963	43,187.50
Clothing	8	168	6,771	20	649	32,168	28	817	38,939
Artistic and fine work.	1	4	40	1	34	1,734	2	38	1,774
Book printing, binding, etc.	2	161	8,652	2	40	2,704	4	201	11,356
Hides and skins	1	141	10,640	8	243	15,802.50	9	384	26,442.50
Tobacco	2	79	3,700	1	214	1,605	3	293	5,305
Chemicals	1	6	204	5	95	5,336	6	101	5,540
Paper	—	—	—	3	58	4,876	3	58	4,876
Special	4	126	8,484	16	1,267	69,204	20	1,393	77,688
Ceramics	—	—	—	—	—	—	—	—	—
Quarries	1	7	350	—	—	—	1	7	350
Glass	—	—	—	5	166	10,337	5	166	10,337
Transport	1	7	168	1	3	456	2	10	624
	67	2,378	165,226	186	6,104	413,247.50	253	8,482	578,473.50

N. B. — No authorisations have been given at the request of the General Directorate of Mines.

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

(c) Regulations made 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 periods 1 October to 31 December 1932 and 1 January to 30 September 1933. The figures which refer to the latter period are given in brackets. Permits were granted to 329 (466) undertakings (0.014 (0.02) per cent. of the total number of undertakings covered by accident insurance, or 0.046 (0.065) per cent. after deduction of agricultural undertakings); the total number of workers employed in these 329 (466) undertakings was 85,765 (72,202) (1.93 (1.62) per cent. of the total number of wage-earners); the number of workers who worked overtime was 16,022 (15,752) (0.36 (0.35) per cent. of the total

number of wage-earners); the total number of hours of overtime expressed in working days of eight hours was 93,731 (76,210) or 15,621.8 (12,701.7) working weeks.

Spain. — The report gives the following information:

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

The report gives a concise list of the principal industries, as follows: chemical works (in particular, the manufacture of pure acids, hydrogen peroxide, carbon bisulphate, sodium sulphide and carbon sulphide, chloride of lime); manufacture of raw sugar; manufacture of oxygen and hydrogen by a process of electrolysis of solutions of potassium; manufacture of oxygen and hydrogen by a process of liquefaction of air; artificial ice works (processes for maintaining the necessary

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degree of cold and other accessory processes); roasting of refractory products; tar distilleries (processes necessary for the working of the distilling furnaces and apparatus, and for the manufacture of by-products); wood distilleries (carbonisation and distilling; manufacture of by-products); alcohol works (malting and processes connected with the manufacture of alcohol from molasses); chemical extraction of fats; manufacture of soda; manufacture of explosives; manufacture of paper and cardboard; skins, hides and products derived from them; coke works and coal by-products works (processes necessary for the working of the furnaces and for the continuous working of the distilling apparatus); amalgam factories; blast furnaces (processes connected with the working of the furnaces and the recovery of the gas products); cement works, lime works and works for similar products (furnaces working continuously); calcination of ores (continuous processes); gas works (production and distribution); refractory products (roasting of the products); glass works (melting furnaces and accessory work); mechanical brick and tile works (baking and drying), enamel, porcelain, etc. (baking of the products); cement and magnesia furnaces; iron and steel manufacture (furnaces, converters, rolling); steel tube factories; manufacture of galvanised iron and cast-iron (processes necessary for the maintenance of the annealing furnaces and zinc baths); lead and silver, pewter, copper, nickel and other metal works (processes necessary for the working of furnaces and for refining the metals; for the working of the roll trains for copper and zinc; and for the working of the recasting furnaces); artificial silk works (work in connection with the chemical preparation of the pulp and in the spinning-mill; and with the furnaces for the concentration and distilling of acids used for the recovery of alcohol and ether); manufacture of gelatine (treatment of the bones by acids; boiling and drying processes); work in mines and underground quarries (repair of galleries and pits; safety appliances, pumps and ventilators, etc.); work in surface quarries (continuous processes); electric power works (production and distribution); waterworks; jam factories (when there is danger of deterioration of raw materials); superphosphates and chemical products; fermenting and treatment of milk in cheese and butter factories; furnaces for the preparation of food pastes; manufacture of electrodes and articles of plastic carbon; manufacture of accumulators; cork products; distilleries in general. The report adds that there are also the following accessory processes for the whole of this list of industries: supervision of workplaces, equipment and machinery, health services, production of the necessary power for continuous processes, supervision of furnaces working continuously.

This does not mean that all the industries given above permanently enjoy the privileges granted by Article 4 of the Convention; these privileges vary from one district to another and from one part of the year to another, and also vary according to the particular situation of each industry.

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

The report states that these agreements take the form of a written statement from the mixed jury informing the labour office which comes under its jurisdiction that the exception in question has been granted; it is not possible to obtain a complete list, especially at present, since the labour offices are in process of being reorganised.

(c) *Regulations made under Article 6.*

The report states that the only regulations are the relevant sections of the Hours of Work Act.

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.

Portugal. — . . . The report refers to the statement made by the representative of the Government of Portugal to the Committee on Article 408 appointed by the International Labour Conference at its Seventeenth Session, to the effect that § 110 of the Native Labour Code limited hours of work to nine per day, and provided for a compulsory weekly rest period. Further, under § 270 of the Code, employers were made responsible for accident compensation. § 156 provided for equality of treatment for all native workers of whatever origin. Moreover, the night work of women and children was prohibited. Again, the Convention concluded

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with the South African Government with regard to the employment of native workers from the Portuguese colonies on the Rand mines laid down that such workers should, in case of accident or occupational diseases, be compensated by their employers, and the emigration of women and young persons for work in the mines was prohibited. The local Committees for the assistance of native workers were constantly introducing improvements in the respective regulations. The Curators supervised the application of the law, and proposed modifications and improvements wherever they thought necessary.

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.

Rumania. — . . . There is a central labour inspectorate attached to the Ministry of Labour, and provincial inspectorates in the following districts: Anina, Arad, Bacau, Braila, Brasov, Bucarest, Cernauti, Chisinau, Cluj, Constanta, Craiova, Iasi, Oradia, Petrosani, Ploesci, Satul-Mare, Sibiu, Targoviste, Timisoara, Tg.-Mures. Each inspectorate province includes three to six departments; the inspectorate staff is usually composed of two or three persons. There are in all 46 persons engaged in labour inspection (inspectors and sub-inspectors). Infringements are judged in the first place by the labour courts, in accordance with the Act of 15 February 1933, or, if there is no labour jurisdiction in the district, by the justices of the peace. In either case appeal may be made to a court of law. Under the Act of 11 October 1932, the chambers of labour also exercise supervision and inspection with regard to the application of labour legislation.

VI.

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

Chile. — The report states that legal decisions have been and are given constantly with regard to the enforcement of the legislation in question. In particular, the report quotes the decision given in a case arising out of a charge laid by the Provincial Labour Inspectorate of Temuco before the Labour Court against the

General Electrical Company. This charge stated that the company employed two workers normally working from 9 a.m. to mid-day and from 2 to 7 p.m. on working days, on overtime from 7 to 9.30 p.m. in the week and from 4.30 to 9.30 p.m. on Sundays, thus giving them an average working day of 10½ hours and a working week of 68 hours. The manager of the company stated that the charge was correct, but that as the men in question were specialists it was very difficult to find anyone to replace them. The judge stated that, in the light of the provisions of the Labour Code, which set up an 8-hour day and prohibited overtime except in exceptional cases authorised by the General Labour Inspectorate, and in view of the fact that such authorisation had not been asked for, and that the company had not brought any proof that the undertaking was entitled to be excepted in the terms of § 1 of the Labour Code, the company must pay a fine of 200 pesos in respect of each of the workmen referred to in the charge.

The remaining 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report refers to the information supplied last year, and adds that no observations have been received from employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — The report refers to the statement made by the representative of the Bulgarian Government to the Committee on Article 408 appointed by the International Labour Conference at its Seventeenth Session (1933). The statement reads as follows: "the failure to supply information in the annual reports with

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regard to the practical application of certain Conventions was due partly to the fact that such information as was available was not considered to be of sufficient interest, and partly to the fact that the Government's Statistical Service, which was being reorganised, had not hitherto been in a position to supply adequate information. The Department of Labour had, however, now begun to publish its own weekly bulletin, *Robotnitcheski Brannitel*, which the International Labour Office would in future receive regularly and which would supply the information at present lacking." The report adds that the employers' and workers' organisations have made no observations with regard to the practical application of the Conventions ratified by Bulgaria.

Chile. — The information supplied by the inspection service shows that the 8-hour day and 48-hour week are applied satisfactorily throughout the country. The number of workers protected by the provisions which implement the Convention is 899,170.

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 1932, which will be transmitted to the International Labour Office.

India. — The report refers to the information supplied last year, and adds that the annual report on the working of the Hours of Employment Regulations of 1931 during the year 1932-1933 contains detailed information with regard to the number of employees covered by the Regulations, the extent of inspection, the adjustment of hours of employment and periods of rest, the classification of staff, temporary exceptions, continual night duty, payment of overtime, etc. The report states that out of the total of 374,000 railway employees belonging to the four large railway companies to which the Regulations apply, 313,000 are covered by the Regulations; the remaining 61,000 are covered by the Factories Act. Inspection shows that the Regulations are being enforced with less and less difficulty, and that the progress made in this respect may be considered satisfactory. The report adds that the Government of India has not 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.

Lithuania. — The report refers to the information given last year.

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 refers to the information supplied in previous years, and adds that the application of the regulations concerning hours of work in all branches of national industry, as prescribed by the Convention and by the national legislation, is being pursued with the utmost energy, and that the Government is strictly fulfilling its obligations in this respect. Overtime work can be undertaken only after an application has been addressed previously to the competent authorities, who have the power to grant it or reject it. During 1932 permission for overtime was granted to 267 industrial establishments in the different arrondissements of Portugal and in the adjacent islands of Madeira and the Azores, according to the provisions of Article 6 of the Convention. Infractions to the relevant legislation are not frequent and supervision by the competent authorities is carried out under Legislative Decree No. 20207 of 13 August 1931.

Rumania. — During the year 1933, the labour inspectors gave permits in 25 cases for exemptions from the terms of the Act of 9 April 1928. 448 cases of infringement were recorded by the labour inspectors during the same period.

Spain. — The report states that the details requested under this heading will be found in the factory inspection reports, which are not yet printed. With regard to the number of workers covered by the legislation it may be stated that, in practice, all the provisions of the Decree of 1 July 1931 fixing the maximum statutory daily hours of work are applied without exception in all workplaces. The inspection committees of the joint boards exercise a strict control over the enforcement of the Decree, and the workers themselves also supervise the enforcement of the legislation in every case. At the slightest suspicion of an infringement of the law by an employer or an undertaking they at once inform the labour inspection office and the joint boards. The factory inspection reports give the cases where proceedings have been taken for infringements of the law. In those districts and in those industries where no workers' organisations exist, or where they exist only to an insufficient degree, the provisions of the Hours of Work Act are constantly and persistently broken, owing to complicity between workers and employers, a complicity which prevents the workers (who are the persons mainly interested in the enforcement of the legal provisions) from co-operating with the inspection service by reporting infringements and by keeping a watch on the management of the undertaking. Infringements of provisions of the Hours of Work Act

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are equally difficult to control in small workshops and in small agricultural undertakings, since in most cases the workers in these undertakings are members of the employers' family, and consequently common family interests lead to complicity between employers and workers in the matter of infringements.

2. 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 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6. 1924	10. 11. 1933
Belgium	25. 8. 1930	25. 10. 1933
Bulgaria	14. 2. 1922	14. 12. 1933
Chile	31. 5. 1933	29. 12. 1933
Colombia	26. 6. 1933	
Denmark	13. 10. 1921	8. 11. 1933
Estonia	20. 12. 1922	29. 9. 1933
Finland	19. 10. 1921	10. 11. 1933
France	25. 8. 1925	29. 12. 1933
Germany	6. 6. 1925	3. 1. 1934
Great Britain	14. 7. 1921	6. 12. 1933
Greece	19. 11. 1920	
Hungary	1. 3. 1928	14. 12. 1933
India	14. 7. 1921	4. 1. 1934
Irish Free State	4. 9. 1925	29. 12. 1933
Italy	10. 4. 1923	14. 12. 1933
Japan	23. 11. 1922	25. 1. 1934
Luxemburg	16. 4. 1928	3. 1. 1934
Netherlands	6. 2. 1932	31. 10. 1933
Norway	23. 11. 1921	7. 10. 1933
Poland	21. 6. 1924	9. 12. 1933
Rumania	13. 6. 1921	6. 3. 1934
Spain	4. 7. 1923	19. 12. 1933
Sweden	27. 9. 1921	6. 11. 1933
Switzerland	9. 10. 1922	1. 11. 1933
Union of South Africa	20. 2. 1924	
Uruguay	6. 6. 1933	
Yugoslavia	1. 4. 1927	13. 11. 1933

The report of the Government of Colombia has not yet been received.

The report of the Government of Greece has not yet been received¹.

The report of the Government of the Union of South Africa has not yet been received.

The report of the Government of Uruguay has not yet been received.

I.

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

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

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 XXIIrd and XXIIIrd amendments in L. S. 1928, Aus. 9, and 1929, Aus. 4).

Belgium.

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

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

Royal Decree of 25 October 1930 concerning insurance against involuntary unemployment. (L. S. 1930, Bel. 10), amended subsequently on 31 May 1933 and finally on 15 July 1933.

Circular of the Minister of Industry and Labour, No. 90/8003, of 7 April 1933.

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).

Chile.

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

Decree No. 113 of 12 May 1926 concerning labour contracts.

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

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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, 1932 and 1933 concerning the granting of State subsidies to unemployment funds and relief works for different categories of workers.

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 Act and Orders, particularly by Act of 12 May 1933 to exempt women domestics from compulsory unemployment insurance, Act of 26 May 1933 to amend certain penal provisions and Act of 22 September 1933 to amend assistance for unemployment.

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.

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.

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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.

Royal Decree of 27 October 1932 to extend the provisions of Royal Decree of 30 December 1923 and the Regulations on compulsory unemployment insurance approved by Royal Decree of 7 December 1924 to Tripolitania and Cyrenaica, for citizens of the home country living in these colonies.

Ministerial Decree of 10 July 1933 concerning the obligation of employers to engage industrial labour through the employment exchanges even for periods of less than a week.

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 (Order 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 (Order 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).

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.

Decree of 21 August 1913 concerning employment exchanges.

Decree of 5 January 1931 concerning the scale of unemployment benefits.

Decree of 20 April 1933 concerning the organisation of assistance for the unemployed in the form of productive work.

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. 205).

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 Posnanian, Pomeranian and Upper Silesian.

Rumania.

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

Spain.

Act of 27 November 1931 to organise, on a national scale, the free public placing of the workers.

Regulations 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.

Regulations 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.

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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 employments 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 an 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 13 April 1933, 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.

Union of 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."

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.

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.

Bulgaria. — The report states that measures have been taken for the regular supply of statistical information every three months to the International Labour Office as from December 1933.

Chile. — The report states that, owing to the fact that Chile only ratified the Convention in 1933, it has been impossible to take the necessary measures for supplying the International Labour Office at regular intervals with the information required by this Article. Measures will be taken without delay to give effect to this requirement.

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

Spain. — The report states that, as the responsible service is now organised, it will be possible to supply the required statistical and other information with regard to involuntary unemployment regularly every three months. The report indicates how the statistics are drawn up from monthly reports supplied by the employment and registration agencies in the 9284 Spanish communes, these reports being supplemented by statistics drawn up by the trade unions. Finally, the report enumerates the measures which have been taken to combat unemployment.

Yugoslavia. — Monthly, quarterly, half-yearly and annual 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.*

Austria. — (a) . . . During the year 1932, the number of applications for employment was 4,536,218, the number of vacancies notified, 187,738, and the number of vacancies filled, 180,512.

Chile. — (a) § 86 of the Labour Code lays down that employment exchange services for workers shall be provided free of charge by the State through the General Inspectorate of Labour and in conformity with the provisions of the special Regulations to be issued by the President of the Republic. A contract of engagement may not be concluded except in conformity with the said provisions; any person guilty of a contravention is liable to the penalty specified in the Regulations. Joint committees of employers and workers must be appointed to advise the General Inspectorate of Labour in all matters relating to the working of the employment exchanges. The Regulations must lay down rules for the election of the said committees and their duties. Under § 87 contracts of engagement and, in general, the individual or collective placing of workers through private employment agencies or offices, are prohibited. An exception is allowed in the case of trade unions and other institutions authorised by the General Inspectorate of Labour which are not carried on for purposes of gain. § 88 adds that the engagement of workers abroad for undertakings or work in Chile must be carried out in conformity with

the provisions of the relevant regulations. The report gives the following supplementary information: each provincial and departmental labour inspection service has a section which acts as a free employment agency. All these provincial and district services work under the supervision and co-ordination of a national employment service attached to the General Inspectorate of Labour. The methods of appointing and electing the employers' and workers' representatives to the committees which are to advise on the working of these employment agencies will not be definitely settled until the regulations on the subject have been approved. With regard to dockers and seamen, however, the question is already settled by the fact that special employment agencies have already been set up in all important ports in conformity with Decrees Nos. 1057, 377 and 620 of 15 May, 29 July and 17 August 1933 respectively. The members of these committees are appointed by lot from lists submitted annually to the Governor of the appropriate department by the employers' and workers' organisations within his jurisdiction. The statistical information required showing the applications for employment, vacancies notified and vacancies filled, will be sent at the same time as the information required under Article 1; statistics of this kind for July, August and September 1933 with regard to workers, salaried employees and domestic servants are attached to the report.

(b) Apart from the State, the only bodies permitted to manage employment exchanges are the employers' and workers' associations which have been duly authorised by the General Labour Inspectorate. These exchanges may not charge fees, and trade union employment exchanges must further obtain a special official permit in every case in which workers are engaged in one locality for work in quite a different locality. This precaution makes it possible to co-ordinate and regulate the distribution of labour on the basis of a national plan in accordance with the supply and demand in different industries and different districts.

(c) One of the first measures which it would appear desirable for the International Labour Office to take in its task of co-ordinating the operations of the various national systems is to lay down standards which would enable uniform statistics to be compiled on the subject, so that these statistics would be reliable and capable of comparison. It would also be extremely useful if the Governing Body would consider immediately the possibility of placing on the agenda of an early general or technical session of the Conference the question of a draft Recommendation concerning the general principles for the organisation and working of employment exchanges, similar to that

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adopted on the subject of labour inspection services at the Session of 1923. The preparation of forms for submitting the information required by Article 1 of this Convention would greatly simplify the work and lead to uniformity in the statistics.

Denmark. — (a) . . . On 1 April 1932, the number of free employment exchanges was 30. During the period from 1 April 1931 to 31 March 1932, these exchanges received 519,014 applications for employment and 66,982 notices of vacancies. The number of vacancies filled during the same period was 64,651.

Estonia. — (a) A system of free public employment exchanges has been in existence since 1919, these exchanges numbering 27. 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 1932, the number of applications for employment received by the public employment exchanges was 47,567, and the number of vacancies notified was 35,925; 32,972 vacancies were filled during the same year, mainly vacancies for employment on public works organised for the relief of unemployment.

France. — (a) . . . The number of municipal employment exchanges increased from 688 at the end of September 1932 to 874 at the end of September 1933. The number of placings effected by public employment offices in 1932 was 1,229,115.

Great Britain. — (a) . . . The report states that the number of free employment agencies is 1216 (Great Britain, 1185, Northern Ireland, 31); the number of applications for employment, 2,712,992 (Great Britain, 2,642,887, Northern Ireland, 70,105); the number of vacancies notified, 2,394,491 (Great Britain, 2,370,038, Northern Ireland, 24,453) and the number of vacancies filled, 2,184,552 (Great Britain, 2,160,860, Northern Ireland, 23,692).

Hungary. — (a) . . . During the period 1 October 1932 to 31 August 1933, the free public employment exchanges received 717,315 applications for employment and 158,268 notices of vacancies, and effected 131,861 placings. During 1932 the free agricultural employment exchanges received 102,694 applications for employment and 88,111 notices of vacancies, and effected 82,434 placings.

India. — (a) and (b) 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 question of setting up urban agencies to cater specially for the industrial worker has been considered on more than one occasion, and the conclusion of the Royal Commission on Labour in India, based on reasons which appear to the Government to be cogent, was adverse to the institution of any general system of such agencies. The Government of India is therefore of opinion that the setting up of a general system of agencies on the western model to deal solely with industrial workers is not warranted by the conditions in India. An examination is, however, being made, in consultation with the authorities concerned, into the possibility of setting up exchanges to cater for dock workers in certain ports. Of the two port trust authorities consulted on the subject, the Karachi Port Trust have agreed to investigate the system of regulation of dock labour at their port and have appointed a sub-committee to carry out the investigation and report to them in due course. The Government shipping officers at the principal ports already assist in placing seamen.

(c) 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.

Irish Free State. — (a) . . . According to a statement showing the number of unemployed registered with employment exchanges on the last Monday of each month, the number fell from 88,533 on 31 October 1932 to 58,937 on 25 September 1933. During the twelve months under review, 103,549 vacancies were notified and 97,025 filled.

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. They law also requires that persons effecting placings, i.e., the managers of employment exchanges, shall be chosen from amongst the leaders of the trade unions proposed by the workers' organisations concerned. 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. . . . In accordance with § XXIII of the Italian Labour

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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. The Decree of 10 July 1933 requires employers to engage labour for industry by means of employment exchanges even when the engagement is for less than a week. On the other hand, employers are allowed to engage workers direct in urgent cases, in order to avoid damage to persons or raw materials, or to plant or production, or to prevent work from being interrupted. When such an engagement is for longer than two days, the employer must inform the competent labour exchange, giving the reasons. 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, commerce, theatrical undertakings and internal communications, 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.

Japan. — (a) . . . 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 491 in September 1933 . . . The report states that, during the period under review, the number of vacancies notified was 1,396,817, the number of applications for employment was 1,528,549 and the number of vacancies filled was 608,869.

Poland. — (a) . . . The system of free public employment exchanges included, on 30 September 1933, 23 offices in the principal towns, 22 branch offices in places of lesser economic importance, and 10 communal exchanges, and 51 branch offices in Upper Silesia. During the period under review, these offices found employment for 374,321 workers. Employment abroad was

found for approximately 3,000 workers. The number of unemployed on 1 October 1933 was 202,067 . . .

(b) . . . The number of employment agencies carried on by social organisations was 284. These agencies received 65,678 applications for employment and 38,383 notices of vacancies, and effected 30,944 placings. The number of fee-charging agencies during the period under review was 25, as against 30 in 1932. These agencies, three of which were for theatrical artists, three for educational staff, three for agricultural employees and farm hands, and 16 for all professions except domestic service, received 12,967 applications for employment and 7,666 offers of employment, and effected 5,625 placings . . .

Rumania. — (a) In application of the Employment Exchanges Act of 22 September 1921 public departmental employment exchanges have been established in the towns of chief commercial and industrial importance. On 30 September 1933, there were 33 departmental and also two communal exchanges. . . During the year 1933, employment was found for 115,782 persons; the numbers of applications for and offers of employment were respectively 161,434 and 134,497.

Sweden. — (a) . . . At the end of September 1933 there were working 37 public employment exchanges controlling 37 employment offices and 100 branch offices, 4 of which were engaged in finding employment for seamen. About 675 employment agents, 19 of whom are concerned with finding employment for seamen, are also established in various localities . . . Since the year 1928-1929, measures have been taken to facilitate the placing of young people and their choice of a profession. The Labour and Social Welfare Administration publishes every week a list of vacancies (*Riksvakanslistan*), which is also sent to the other Northern countries. During the year 1 October 1932 to 30 September 1933, the number of applications for employment was 1,712,679, the number of vacancies notified, 323,902, and the number of vacancies filled, 238,466.

(b) 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; the Government is at present examining the methods of this revision, with particular reference to the possibility of ratifying the Convention concerning fee-charging employment agencies adopted by the International Labour

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Conference at its Seventeenth Session (June 1933).

Switzerland. — (a) . . . The public offices in Switzerland dealing chiefly with employment-finding number 40 at the present moment . . . The report gives the following supplementary information : "The public employment exchanges have made further progress in the course of the past year (1932-1933). Placing is now assured by a system of 40 main offices, supplemented by secondary offices set up in the more important communes. The public employment exchange system now covers the whole territory of the Confederation, and may be considered, on the whole, to be working satisfactorily. Every year regional conferences and a general assembly are held, in which the directors of the labour exchanges and their principal colleagues may exchange experiences and thus improve the technique of placing. Further, placing is tending to lose its mechanical character and is being brought more closely into touch with industrial and commercial conditions." The report supplies the following details with regard to the work of employment exchanges during the period from 1 October 1932 to 30 September 1933 : applications for employment, 395,783 ; vacancies notified, 152,454 ; vacancies filled, 116,346.

(b) The report states that private employment exchanges come within the competence of the cantonal authorities. Apart from fee-charging agencies, which play a very small part in the business of placing and which are controlled in a general way by the cantonal police authorities, there are, in addition to the public exchanges, about 70 private exchanges supported by employers' organisations, which are not carried on for profit. Most of these latter exchanges help, directly or indirectly, to regulate the labour market, with the support of the public employment exchanges. In addition, two joint employment offices, "The Swiss Technical Employment Service" and "The Swiss Employment Service for Commercial Employees", work in close contact with the public employment exchanges. These two services, which are the only ones, apart from the public exchanges, which can receive a subsidy from the Confederation, are under the supreme control of the Federal Office of Industry, Arts and Crafts, and Labour. 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 con-

tains information likely to interest them, to all the employers' or workers' organisations . . .

Yugoslavia. — (a) . . . At the end of September 1933 the number of employment exchanges was 30, including 6 central provincial offices. During the period from 1 October 1932 to 30 September 1933, these offices registered 294,557 unemployed workers, of whom 240,030 were men and 54,527 were women ; 42,55 vacancies were notified and 36,321 filled . . .

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 worker¹ 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.

Belgium. — § 11 of the Royal Decree of 31 May 1933, amending the administrative measures for involuntary unemployment, provides that, in order to become a member of an unemployment fund, an unemployed worker must, except under certain conditions, be of Belgian nationality, except in cases where international agreements exist. In application of this provision, the Minister of Industry and Labour informed the unemployment funds, in a circular of 7 April 1933, that only those foreign workers whose countries of origin have concluded a reciprocal agreement as regards unemployment with Belgium may register themselves with an unemployment fund. The Minister will keep the funds informed as to the foreign workers in whose favour such agreements have been made. In view, however, of the labour treaties concluded with France, Luxemburg and the Netherlands, the unemployment funds may continue to accept French, Luxemburg and Netherlands workers as members of the funds, and these workers will continue to receive both the statutory benefits, and also the benefits granted after the end of the statutory period. The right to unemployment benefits of those foreign workers who are registered with an unem-

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ployment fund but who belong to countries which have not concluded reciprocal agreements with Belgium, is strictly limited to the statutory benefits. They do not receive the supplementary daily benefits and family benefits granted by the National Emergency Fund.

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

France. — . . . In addition to the reciprocal agreements mentioned in preceding reports, mention may be made of the agreement between France and Switzerland signed on 9 June 1933. As in the case of the treaties signed with Rumania, Austria, Yugoslavia and Spain, the ratification of the treaty with Switzerland 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. As regards emergency relief, the terms of § 101 (3) of the Act respecting employment exchanges and unemployment insurance have been so extended by Order of 19 October 1932 that foreigners also enjoy the benefits of such relief provided that their countries of origin subscribe an appropriate contribution towards the expenses of the relief granted to their nationals by Germany. In addition to unemployed persons of Austrian, Polish, Danzig and British nationality, Czechoslovak and Swiss unemployed persons may in future be granted emergency relief to the same extent as German unemployed workers (Orders of 31 October 1932 and 10 January 1933).

Switzerland. — In accordance with the constitutional principles in force, it is the cantons who assist unemployed workers in the first place. The Confederation, however, takes its share in a general way by means of subsidies. This is particularly the case as regards unemployment insurance and emergency relief to the unemployed, which have been introduced into a large number of cantons since the year 1932. The legal sanction for unemployment insurance, as far as the Confederation is concerned, depends on the Act of 17 October 1924, which is an Act for granting subsidies. Under this Act the Confederation grants a subsidy to recognised funds under certain conditions, the subsidy being calculated in relation to the amount of compensation paid out by the funds in question. The cantons, who are competent to legislate in matters of relief to the unemployed in the first place, have also contributed to a great extent to the development of unemployment insurance in Switzerland. At the end of September 1933 the 25 cantons, with the exception of Oberwalden, which

has as a rule very few unemployed, had passed legislative provisions concerning unemployment insurance. 13 of these cantons have introduced measures for compulsory insurance, and grant subsidies to unemployment insurance funds recognised by the Confederation; the remaining 11 cantons merely grant subsidies to the 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 in 1926 the Swiss Government approached the States which had ratified the Convention, and which had established systems of insurance against unemployment, in order to ascertain whether they were willing to grant to Swiss citizens established in their territories absolute equality of treatment as regards insurance against unemployment, or whether they intended 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. These negotiations were brought to a conclusion in June 1933 by the signature of an agreement, which, however, has not yet been ratified by the French authorities. As soon as the instruments of ratification have been exchanged, the text of this agreement will be forwarded to the International Labour Office. The Swiss Government is at present studying the question of concluding similar agreements with the States which have ratified the Convention since 1926. 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 seasonal 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

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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 equality of treatment for national and foreign workers in respect of relief the report states that § 76, paragraphs II and III, of the Order to apply the Regulations concerning the organisation of employment exchanges lays down that equality of treatment is in principle prescribed for national and foreign workers as regards unemployment insurance. For nationals of countries which possess a system of unemployment relief organised by the State but in which Yugoslav workers do not enjoy equality of treatment as regards unemployment insurance, the Minister of Social Politics and Public Health is empowered to prescribe a special procedure. The Minister has not yet made use of this power.

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.

France. — In each of the three Departments of *Algeria* (Algiers, Oran, Constantine), there is a municipal and departmental employment exchange, operating in each of the three departmental capitals,

and also municipal offices in the principal towns. All these offices, whether departmental or municipal, are under the supervision of a central labour service, which also acts as the central employment exchange. During the year 1932, the public employment exchanges of *Algeria* received 25,321 applications for employment and effected 11,522 placings. *Tunisia* possesses a free employment exchange organisation called the "French Free Employment Exchange Office", set up in *Tunis* in 1919 and possessing a branch at *Sfax*, which was set up in 1931. The activities of this office are supervised by a joint administrative supervisory committee attached to the organisation. The International Convention on unemployment has not been applied to French possessions under the control of the French Ministry for the Colonies, since local conditions make its provisions inapplicable.

Italy. — The report states that unemployment in the real sense of the word cannot be said to exist in the Italian colonies, owing to the special conditions of the labour market and the social development of the colonies in question. The Royal Decree of 27 October 1932 should however be mentioned; it has extended the provisions which are at present in force with regard to compulsory insurance against involuntary unemployment to *Tripolitania* and *Cyrenaica*, as from 1 January 1933, for citizens of the home country living in these colonies. Further, the Commissariat for Internal Migration and Colonisation has the power, in agreement with the Minister for the Colonies, to encourage migration to the Italian colonies with a view to their colonisation, and the Royal Decree of 11 June 1932 set up an organisation for the colonisation of *Cyrenaica*. The report adds that 150 families of colonists have emigrated from Southern Italy to *Djebel* in *Cyrenaica*, and also 250 heads of families who form an advance guard of a body of workers who will emigrate there next spring.

Japan. — . . . IV. *Kwantung Leased Territory:* A monthly enquiry on unemployment has been made since August 1932. Although legislation concerning the establishment of free public employment agencies has not yet been enacted, there is one municipal free employment agency in *Dairen*. Five private organisations exist, which deal, *inter alia*, with free employment finding. Regulations for the supervision of employment exchanges carried on for profit have been enacted. These employment exchanges are under the strict supervision of the chief of police. V. . . .

Netherlands. — While there is no legislation in the *Netherlands Indies* on employment finding or unemployment insurance,

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effect is given to the main provision of the Convention by labour exchanges, of which there were in August 1933 seven large and eleven small . . .

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 Royal Decrees concerning unemployment and employment is entrusted to the Minister of Industry and Labour (Office of Labour) to the National Emergency Fund, to the joint committees for appeals, to the provincial joint committees for appeals and to the cantonal supervisory committees. 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).

Chile. — The application of the relevant legislation is supervised by the General Labour Inspectorate, as organised by Legislative Decrees No. 1331 of 5 August 1930 and No. 178 of 13 May 1931, and also by the labour courts.

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 Social Welfare as the final 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.

Chile. — The report states that legal decisions have been and are given constantly with regard to the enforcement of the legislation in question.

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, 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.)

Please state whether you have received from the organisations of employers of workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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

Belgium. — The report refers to the information supplied in the last report. No observations have been made by organisations of employers or workers concerning the practical application of the Convention.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

Chile. — See under ARTICLE 2.

Denmark. — The report repeats the information supplied last year, and adds that no special observations have been made by employers' or workers' organisations concerning the application either of the Convention or of the national legislation which gives effect to it.

Estonia. — The application of the Convention has not given rise to any difficulties during the period under review. 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 very much restricted, owing to the relatively small number of workers concerned.

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

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organisations of employers and workers have made no observations on the application of the Convention and of the relevant national legislation.

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. 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. The organisations of employers and workers have not put forward any observations concerning the practical application of the provisions of the Convention or the application of the national law implementing the Convention.

Germany. — The employers' and workers' organisations concerned have not made any observations concerning the practical application of the provisions of the Convention or the application of the national law implementing those provisions.

Great Britain. — The report refers to the information supplied last year. 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 1932. The report states that representations have been received from the General Council of the Trades Union Congress regarding the effect of the provision in the Northern Ireland Unemployment Insurance Acts which requires three years' residence in the United Kingdom as a condition for the receipt of benefits under those Acts. The view of the British Government is that the provision of the Northern Ireland Unemployment Insurance Acts in question is not a breach of the Convention, and that it is within the competence of the Government of Northern Ireland.

Hungary. — The report repeats the information supplied last year, and adds that no observations have been made by employers' or workers' organisations concerning the application of the provisions of the Convention or of the national legislation giving effect to the Convention.

India. — The report states that the Government of India has not 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.

Irish Free State. — No observations have been made by employers' or workers' organisations.

Italy. — The report states that there is nothing particular to indicate with regard to the application of the Convention, and adds that the trade unions concerned have made no observations regarding the practical application of the Convention or of the national legislation which implements it.

Japan. — The report repeats the information supplied last year. The following table shows the number of employment exchange agencies classified according to their specialised functions:

	Specialised agencies	Agencies maintaining specialised branches
Casual workers	47 ¹	145
Women	9 ²	20
Intellectual workers	1	10
Korean workers	4	—
Liaison employment exchanges	1	—
Ex-soldiers and discharged soldiers	—	2
Seasonal workers	32	—
Skilled workers	—	1
Total	94	178

In view of the present acute unemployment crisis, serious efforts are being made by the local employment exchange offices, which now number seven, to facilitate prompt action by employment exchange agencies and also to place workers in relief work for unemployment. Efforts have been made to make the employment exchanges and employment agencies more effective, to improve the supply of statistical information and the different means of co-ordination. The staffs of the Bureau of Social Affairs and of the central and local employment exchanges have been increased in order to facilitate the work for which these offices are responsible,

¹ Including 20 temporary agencies.

² Including 1 for women and young persons.

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especially as regards the registration of workers to be employed in relief work undertaken for the purpose of giving work to the unemployed, a form of relief which is being gradually extended. A day called "Employment Exchange Day", organised every year, was held on 10 November 1933 throughout Japan. This was intended as propaganda for the population as regards the employment exchange organisations and was also intended to create employment. In July 1933, an association of employment exchange work, set up by employment exchange organisations in Japan, was created, with the Director General of the Bureau of Social Affairs as its president. The activities of this organisation include, among other things, the propagation of knowledge with regard to employment exchange work, training of staff with a view to the development of the work, lectures, meetings, collection of information, study, etc. With regard to the practical fulfilment of the conditions prescribed by the Convention and the application of the national law implementing the Convention, no observations have been received from the organisations of employers or workers concerned.

Luxemburg. — The report states that the statistical information required may be found in the *Annuaire officiel* for 1934, which has been sent to the Office.

Netherlands. — The report refers to the information supplied last year, and adds that no observations from employers' or workers' organisations regarding the practical application of the Convention have been brought to the notice of the Ministry of Social Affairs.

Norway. — The report states that no observations have been received by the Government from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

Poland. — With regard to the question of placing workers employed in theatrical undertakings, there are twelve employment agencies for this purpose, apart from the three fee-charging employment agencies mentioned under Article 2. These agencies are supported by the occupational organisations of the workers in question, viz. the Trade Union of Theatrical Artists at Warsaw, the Union of Polish Dramatic Artists, the Trade Union of Musicians of the Polish Republic, the Trade Union of Stage Artists, etc. These agencies have branches in most of the more important Polish towns. Under the provisions at present in force concerning employment agencies supported by associations and fee-charging employment agencies, these

agencies are subject to the supervision of the public employment exchanges, and are required to furnish them with reports on their activities. The work of the above-mentioned agencies during the period 1 October 1932 to 1 July 1933 may be shown by the following statistics: 4,406 applications for employment, 2,384 offers of employment, and 2,215 vacancies filled. During the same period, the fee-charging employment agencies registered more than 7,000 applications for employment and placed 4,000 workers. In order to expedite and render more effective the inter-local placing activities of the public exchanges, the Minister of Social Assistance issued, in July and August 1933, a series of Circulars concerning the broadcasting of special communiqués for public employment exchanges. These communiqués are broadcast three times a week by the broadcasting station "*Radio-Poland*". They contain the most recent information concerning vacancies, this information being communicated to the central office for inter-local placing by the public employment exchange offices immediately they receive it.

Rumania. — The report contains statistical information concerning the operations carried out by the employment exchanges during the period 1922-1923 and statistics with regard to unemployment for each month of the year 1933, grouped by industry and class of work.

Spain. — The report refers to the information supplied last year.

Sweden. — The report refers to the information supplied last year, and adds as a general observation that the Conventions ratified by Sweden may be said to be strictly enforced, and that this opinion may be considered to be 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 industrial organisations.

Switzerland. — The report states that the Convention is observed in detail throughout Switzerland. After giving an account, similar to that given last year, of the method by which employment finding for workers in theatrical undertakings is carried on, the report states that 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, but they are being actively pursued. The present state of the negotiations gives

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ground for hoping that a joint employment agency for musicians and theatrical artists, etc., will be set up in the near future. During the period under review, the Federal authorities have not received any suggestions, complaints or observations from employers' or workers' organisations with regard to the application of the Convention and the legislative provisions implementing it.

Yugoslavia. — The report states that between 1 October 1932 and 30 September 1933, 530 national and 1,191 foreign artists applied for and were placed in employment through this office.

3. 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 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	14. 2.1922	11.12.1933
Chile	15. 9.1925	29.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Germany	31.10.1927	3. 1.1934
Greece	19.11.1920	
Hungary	19. 4.1928	14.12.1933
Latvia	3. 6.1926	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Rumania	13. 6.1921	6. 3.1934
Spain	4. 7.1923	24.11.1933
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	13.11.1933

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

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

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

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

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

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

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

Hungary.

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

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

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

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

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Orders No. 9090 of 29 December 1931 (L. S. 1931 Hung. 5), No. 9600 of 1932 (L. S. 1932, Hung. 4) and No. 6000 of 1933 (L. S. 1933, Hung. 4), amending and completing certain provisions of Act No. XXI of 1927.

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).

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 at its first ten Sessions (L. S. 1932, Lux. 1).

Order of 6 January 1933 amending Order of 30 March 1932 (L. S. 1933, Lux. 1).

Act of 6 September 1933 to amend in certain respects Act of 17 December 1925 respecting the Social Insurance Code (L. S. 1933, Lux. 3).

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).

Act of 8 April 1933 concerning the unification of the social insurance system (L. S. 1933, Rum. 3) and Regulations of 14 October 1933 applying the Act.

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 1933 amending § 9 of the Act of 13 March 1900 (L. S. 1923, Sp. 4) and Royal Order of 18 June 1925 relating to § 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.

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 No. 2 (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.

Luxemburg. — See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

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.

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

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

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

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

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

Chile. — . . . (c) § 310 of the Labour Code 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. The report adds that if an effort were to be made to bring the legislation word for word into agreement with the Convention, under the terms of which the allowance mentioned above must be provided either out of the public funds or by means of a system of insurance, the only way would be to eliminate that fraction of the allowance which is paid by the employer, without the possibility of compensating this by increasing the amount paid by the insurance fund. Such a course would lessen the security at present guaranteed to women workers. (d) . . .

Hungary. — . . . (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. Further, the report states 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. In accordance with the powers conferred upon him by § 31 (6) of Act No. XXI of 1927 (text as issued in § 9 of Order No. 9090 of 1931), the Minister of the Interior, by his Order No. 185,660 of 1932, has fixed at 60 per cent. the amount of benefit granted in cases of pregnancy or confinement to women employed in industry and in private undertakings, who come under the two lowest wages scales established by the National Insurance Institution. For all other women employed in industry, and for domestic servants, the amount has been fixed at 50 per cent. of the average daily wage. In addition to these benefits, the women are allowed milk up to a maximum of a litre a day. Within certain limits, the Insurance Institution may, in accordance with its statutes, raise the grant for milk to the level of the relief benefit (that is, 50 per cent. of the average daily wage), or may give the insured woman a benefit for the period during which, owing to proved sickness of the infant, she is absent from her work under medical orders in order to tend the infant. 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. Only women who prove that they were insured against sickness for at least ten months out of the two years preceding their confinement may be given maternity and nursing benefit. (d) . . .

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) as amended by the Act of 6 September 1933. The following persons are compulsory 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 or forestry 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

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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. Women who have been insured for at least six months during the year which precedes their pregnancy are entitled: (a) at the moment when they are confined, to the attendance of a midwife, or, if necessary, a doctor; (b) to a pecuniary benefit equal to half their wages for a period of six weeks before and six weeks after the confinement. No mistake on the part of the doctor or midwife in estimating the date of the confinement may prevent the insured woman from receiving the benefit to which she is entitled from the date given on the medical certificate up to the date when confinement begins. In addition, a nursing benefit, equal to one quarter of the maternity benefit, is paid for twelve weeks. If the woman consents, the pecuniary benefit may be replaced by treatment and upkeep in a maternity hospital, and in this case any family which the woman may have supported, either entirely or mainly, is paid pecuniary benefit equal to half the maternity benefit. Further, if the woman agrees, the Insurance Fund may allow her to be looked after by a nurse in her own home; in this case the maternity benefit is reduced by one third. Finally, under the rules of the Insurance Fund, women who are not themselves insured, but whose husbands are insured, may receive maternity benefit (§ 13 of the Act of 17 December 1925).

Rumania. — . . . The Act of 8 April 1933 concerning the unification of the social insurance system and the Regulations which apply it have superseded the systems of sickness insurance which were in force up till that date in the different parts of the Kingdom, in so far as concerns benefits. § 14 of the Act of 8 July 1933 lays down that an insured woman who has paid her contributions for at least 26 weeks during the last twelve months preceding her confinement is entitled: (a) to medical attendance, including the services of a doctor or midwife, and the necessary pharmaceutical products and dressings; (b) to cash benefit for 12 weeks, of which six at least shall follow the confinement, according to the average basic wage during the past year, and at the rate prescribed by § 11 (full wages for the first seven days and then 50 per cent. of the wages). In order to obtain cash benefit before confinement, the insured woman must present a certificate from the doctor of the insurance fund attesting that the confinement will probably take place within the next six weeks, and in this case the insured woman must not continue to work. Cash benefit after the confine-

ment is granted on presentation of the child's birth certificate; (c) an insured woman who nurses her child herself shall further be entitled, when no longer in receipt of maternity benefit, to a cash nursing benefit for a period of six weeks, if she follows the instructions of the doctor of the insurance fund; (d) if the insured woman wishes, the insurance fund may place her in a maternity hospital, but in this case the cash benefit will be reduced by 50 % while she is in hospital, if her family is supported by her. § 15 provides that if an insured woman who is pregnant or confined falls ill, from whatever cause, she shall receive all the benefits provided by sickness insurance.

Spain. — (a), (b) and (c) . . . The persons covered by insurance are all workers and employees in industrial and commercial establishments whose yearly wages do not exceed 4,000 pesetas, together with the following classes of workers subject to the same wage-limit: workers in hospitals etc., workers employed by associations and organisations of all kinds, even if they are not carried on for profit, but in order to render public, social or charitable services; workers employed by municipal, provincial or regional bodies or by official and autonomous associations; intellectual workers, out-workers and contract workers. For the period of their insurance, the insured women receive benefits at each confinement, at the rate of 15 pesetas multiplied by the number of quarterly premiums paid during the three years preceding the first week off work. During the first three years of their insurance membership, they receive a minimum benefit of 90 pesetas, regardless of the number of premiums paid.

Yugoslavia. — . . . (c) During the two months before and the two months after confinement, a woman covered by § 22 of the Act of 28 February 1922 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 be entitled 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

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of the said nursing benefit. Any person who is gainfully employed 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 is so employed. The report states that the importance of the discrepancy existing between the Acts of 28 February 1922 and 14 May 1922, by which a pregnant woman is without maternity benefit for one month (two weeks before and two weeks after confinement), is in actual practice reduced by the provisions of the Factories Act of 5 November 1931, § 236 of which provides that during the six weeks before and the six weeks after childbirth during which period the woman may not be employed, the contract of employment remains in force; consequently the woman has the right to her wage, in addition to three-fourths of the basic salary representing the maternity benefit. With regard to the question of a mistake on the part of the doctor or the mid-wife in estimating the date of childbirth, the practice is that if the doctor or the mid-wife makes a mistake in his estimate the maternity benefit is granted, and for a longer period than estimated, but subject to the condition that this benefit may not be granted for a period exceeding twelve weeks. (d) . . .

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.

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 legislation concerning maternity insurance is applicable, without any special modifications, to the zones under Spanish protection.

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.

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.

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 and nature of the contraventions reported, etc., the cost of granting the benefits laid down in Article 3 (c) of the Convention, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — In a report of the Department of Public Welfare of the General Labour Inspectorate it is stated that, according to the reports of the inspection services, those Articles of the Labour Code giving effect to the Convention concerning the employment of women before and after childbirth are, as a general rule, being satisfactorily applied. One difficulty met with is that on many occasions a woman worker objects to giving up work at the date fixed by the legislation, because during her absence from work she receives only 50 per cent. of her wages, which is not enough to maintain her family, especially at a time when the family is about to be increased. Any infringements which have been noted have been due to ignorance of the law on the part of the employer, and have been dealt with immediately.

Germany. — Those parts of the annual reports of the labour inspectors for 1931 and 1932 which concern the protection of workers and employees give information with regard to the application of the Act concerning the employment of women before and after childbirth. In general, this application does not give rise to any difficulty. The *Statistik des Deutschen Reiches*, Vol. 431: *Die Krankenversicherung im Jahre 1931 nebst vorläufigen Ereignissen für das Jahr 1932* contains information with regard to the pecuniary assistance granted by the sickness insurance funds to pregnant women during their confinement or while they are nursing the infant. The chief figures are as follows: the number of births (including stillborn children) in Germany fell from 1,162,658 in 1930 to 1,063,538 in 1931, i.e. from 18.1 to 16.5 per thousand inhabitants. The number of cases in which the sickness insurance funds gave maternity benefit was 718,293 against 820,805 during the previous year. 68 per cent. of the births (71 in the preceding year) gave rise to maternity benefit, which was given by the sickness insurance funds. The total number of cases of maternity benefit granted by the sickness insurance funds was 34.8 per thousand insured persons (37.5 in the previous year). The proportion of these to the number of women members of the sickness insurance funds was 35.7 per thousand members (38.40 in the previous year). During the period covered by the report, the cost of maternity relief to the sickness insurance funds recognised by German law was 93,900,000 RM. The Government is not aware of any observations made by the employers' or workers' organisations.

Hungary. — The reports of the labour inspectors do not mention any contraven-

tion by employers of the provisions of Hungarian legislation which implement the Convention. It may be concluded, therefore, that the above-mentioned provisions have in general been observed by employers, and that contraventions are rare. No statistics exist of reported contraventions. In 1932, the average number of women subject to compulsory sickness insurance was 317,036. No observations have been made by employers' or workers' organisations with regard to the application of the Convention or of the national legislation implementing it.

Latvia. — The provisions of the Convention apply to about 100,000 persons. The Minister of Social Affairs has not received any observations from the employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

Luxemburg. — During the period covered by the report, the labour inspection service has not reported any contravention of the provisions of the Convention. The report of the Central Committee of Sickness Insurance Funds for 1932 indicates very satisfactory progress in regard to maternity relief, due to the increasing extension of this relief, on a voluntary basis, to wives of insured persons. Maternity relief, which amounted to 65,761.83 francs in 1927, amounted to more than half a million francs in 1931, and fell to 439,929.69 francs in 1932, this fall being proportionate to the decrease in the number of insured persons and their average normal wages. The number of women who received such relief in 1931 was 163, whilst in 1932 the number was 139.

Rumania. — The report gives the following information for the year 1932:

Arrangement of confinement cases by contribution classes in the Old Kingdom and Bessarabia during the year 1932:

Contribution class	Number of confinement cases	Number of days for which benefit was given	Maternity benefit (Lei)
I	2	140	4,172
II	84	5,015	81,287
III	177	13,864	326,520
IV	175	14,338	449,996
V	941	78,437	3,107,978
Total	1,379	111,794	3,969,953

Average: 81 days for each woman confined¹.
" 2,879 lei for each woman confined.

¹ The old Act provided maternity benefit for 84 days including nursing benefit.

3. Childbirth.

Arrangement of confinement cases by contribution classes in Transylvania during the year 1932 :

Contribution class	Categories of confined women	Number of confined women	Number of days during which maternity and nursing benefit were given	Maternity benefit (Lei)	Nursing benefit (Lei)
I.	Insured women . .	39	4,584	22,542	28,976
	Member of family of insured men . .	156	6,130	79,381	420
II.	Insured women . .	92	10,992	118,005	99,034
	Member of family of insured men . .	1,090	45,365	576,134	—
III.	Insured women . .	590	72,880	1,171,250	776,087
	Member of family of insured men . .	1,943	84,595	983,869	—
IV.	Insured women . .	422	54,135	1,262,474	582,187
	Member of family of insured men . .	1,066	44,459	536,562	—
V.	Insured women . .	313	40,296	1,206,159	445,312
	Member of family of insured men . .	2,596	107,578	1,300,261	—
Class unknown	Insured women . .	22	2,835	61,706	28,858
	Member of family of insured men . .	1,155	47,673	658,126	—
Subdivided total	Insured women . .	1,478	185,722	3,842,136	1,960,454
	Member of family of insured men . .	8,006	335,800	4,134,333	420
General total		9,484	521,522	7,976,469	1,960,874
Average per confinement case.	Insured women . .	—	125 ¹	2,600	1,327
	Member of family of insured men . .	—	42	516	—

¹ The old Act provided maternity and nursing benefit for 140 days.

Spain. — The Government has sent, together with its annual report, reports on the application of maternity insurance and its operation during the first year following the coming into force of the Act (October 1931-September 1932). These reports contain statements with regard to the number of women insured who received relief, the amount of benefits and compensation given, and the number of contraventions reported. Statistics taken from the official report on maternity insurance during the first year of application of the Act (1 October 1931-30 September 1932) are as follows :

1. Number of women workers insured	390,520
2. Number of women workers who received benefits in kind (medical attendance) and nursing benefit	15,428

3. Number of women workers who received cash benefit (maternity benefit)	9,652
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<i>Cost of benefits.</i>	Pesetas
Expenses of medical treatment	633,305
Nursing benefit	707,837
Confinement benefit	851,045
	2,192,187

Average amount in round figures for confinement benefit . . . 90 pesetas,

Yugoslavia. — During 1932 the benefits granted under § 45 of the Workers' Insurance Act amounted to 8,950,901 dinars for cash benefits and 3,067,447 dinars for attendance by midwives. The expenses of medical attendance, pharmaceutical benefits and hospital treatment are included in the cost of sickness benefit,

4. Night work, women.

which amounted to 6,432,025 dinars for insured persons and 5,586,323 dinard for members of the families of insured persons.

4. 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 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	15. 1.1934 9. 3.1934
Austria	12. 6.1924	10.11.1933
Belgium	12. 7.1924	25.10.1933
Bulgaria	14. 2.1922	11.12.1933
Chile	6.10.1921	29.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Czechoslovakia . .	24. 8.1921	22. 1.1934
Estonia	20.12.1922	29. 9.1933
France	14. 5.1925	3. 2.1934
Great Britain . . .	14. 7.1921	6.12.1933
Greece	19.11.1920	
Hungary	19. 4.1928	14.12.1933
India	14. 7.1921	4. 1.1934
Irish Free State . .	4. 9.1925	13.12.1933
Italy	10. 4.1923	14.12.1933
Lithuania	19. 6.1931	13.11.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	4. 9.1922	31.10.1933
Portugal	10. 5.1932	
Rumania	13. 6.1921	6. 3.1934
Spain	29. 9.1932	19.12.1933
Switzerland	9.10.1922	1.11.1933
Union of South Africa	1.11.1921	
Uruguay	6. 6.1933	
Venezuela	7. 3.1933	
Yugoslavia	1. 4.1927	13.11.1933

By letter dated 8 January 1934 and received by the Office on 15 January, the Minister of Foreign Affairs of *Albania* stated that a Bill drafted by the Council

of State in the sense of the four Conventions ratified by *Albania* in March 1932 had been laid before Parliament for examination, with a view to passing it as an Act, and that he hoped to be in a position shortly to forward this Act to the International Labour Office. The Minister added that, according to information received by the Ministry of Foreign Affairs, no infringements of the provisions of the four Conventions had been noted during the year 1933. This was partly due to the fact that industry is very little developed in *Albania*, and also to the fact that, according to *Albanian* custom, women and children are never or very rarely employed in industrial undertakings. By a second letter dated 6 March 1934 and received by the Office on 9 March, the Minister stated that, owing to the large amount of legislative work which was being undertaken by the *Albanian* Chamber, the Bill had not yet been examined and discussed with a view to framing an Act. The Minister concludes as follows: "I must once more assure you that I am most anxious to see these measures realised and that I shall therefore not fail to send you the definitive text of the Act as soon as it has been passed, and I hope that this will be possible before the close of the present Parliamentary year."

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

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

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

The Government of *India* states in its report that it is proposed that the lack of harmony between the Convention and existing *Indian* legislation, to which the attention of the Government has been drawn, should be removed by the Factories Bill, 1933 (§ 45), which was laid before the Parliament of *India* in September 1933. A copy of this Bill has been sent to the International Labour Office. See also under ARTICLE 2.

The report of the Government of *Lithuania* states that an Act concerning industrial employment has just been passed, the provisions of which, so far as the night work of women is concerned, are in complete agreement with those of the Convention. The text of this Act will be communicated to the International Labour Office as soon as it has been published in the Official Journal.

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

4. Night work, women.

The report of the Government of the *Union of South Africa* has not yet been received ¹.

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

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

I.

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

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

Albania.

See introductory note.

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 of 28 February 1919 relating to 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. 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.

¹The report was received by the Office on 21 March 1934. For the summary of it see Appendix A below.

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).

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.

Order No. 33,469 of 1933 of the Minister of Commerce concerning a night's rest of 11 hours for women and young persons employed in brick works.

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).
 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).
 Order of 6 January 1933 to amend Order of 30 March 1932 (L.S. 1933, 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).

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).

Spain.

- Legislative Decrees of 15 August 1927 respecting nightly rest for women workers (L.S. 1927, Sp. 5).
 Royal Decree of 6 September 1927 to approve the Regulations for the administration of the Legislative Decree of 15 August 1927 (L.S. 1927, Sp. 5 B).
 Legislative Decree of 2 March 1928 to amend § 9 of the Legislative Decree of 15 August 1927 (L.S. 1928, Sp. 1).

Switzerland.

- Federal Act of 18 June 1914/27 June 1919 relating to work in factories (B.B. Vol. IX, 1914, p. 269, and L.S. 1919, Switz. 3).
 Federal Act of 31 March 1922 relating to the employment of young persons and women in industry (L.S. 1922, Switz. 2).
 Administrative Order of 3 October 1919/7 September 1923 under the 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 No. 2 (Unemployment)*, point 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, quarriers, 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.

Albania. — See introductory note.

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 industries and occupations to which the Act applies also include commerce, transport undertakings and hired service, so that the scope of the Austrian Act is wider than that of the Convention.

Chile. — ... With regard to the definition of the term "industrial undertaking", the report gives detailed information. See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

Luxemburg. — See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

Spain. — The Legislative Decree of 15 August 1927 does not contain any specific definition of the term "industrial undertakings". The Decree applies in a general way to all women employed in factories, workshops and other industrial and commercial undertakings and establishments.

4. Night work, women.

ARTICLE 2.

For the purpose of the 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.

Albania. — See introductory note.

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."

India. — ... 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 eleven consecutive hours. It is proposed that the lack of harmony between the Convention and existing Indian legislation should be removed by the Factories Bill, 1933 (§ 45), which was laid before the Parliament of India in September 1933.

Spain. — § 1 of the Legislative Decree of 15 August 1927 defines "night" or "night period" as the period from 9 p.m. to 5 a.m. § 2 prescribes a continuous rest period of not less than twelve consecutive hours between every two consecutive working days for all women employed in factories, workshops and other industrial and commercial undertakings and establishments. This rest period must cover the hours of the night as defined in § 1, except in the exceptional cases specified by the Decree.

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.

Albania. — See introductory note.

Spain. — The Legislative Decree of 15 August 1927 prescribes a continuous rest period of not less than twelve consecutive hours between every two consecutive working days for all women employed in factories, workshops and other industrial and commercial undertakings and establishments (§ 2). This rest period must always include the period between

9 p.m. and 5 a.m. (§ 4). Among the exceptions allowed is the case of women employed in family workshops, i.e., workshops in which all the persons employed belong to the family, are related to the head of the family or his wife within the third degree, and in addition live in the same house with him.

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.

Albania. — See introductory note.

Spain. — (a) § 5 of the Legislative Decree of 15 August 1927 provides that in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, the women workers in the factory in which the accident has occurred may be employed during the night as a special measure, provided that the requirements laid down in the Regulations respecting the establishment of the grounds for such a measure are satisfied. § 5 of the Decree of 6 September 1927 prescribes that in such cases the employer or his representative shall report the facts of the case to the president of the local office of the Labour Council within a time limit of not more than 24 hours reckoned from the time at which the employment of women at night began in virtue of the said exception, and shall state the grounds justifying the same. The president of the local office of the Labour Council shall take the necessary steps to verify the facts alleged, and if he considers the exception justified shall confirm it for the time strictly necessary and shall communicate his decision to the labour inspector and to the local office for the necessary action. If the president of the local office considers that *force majeure* justifying the employment of women at night was not present, he shall convene the local office in order that the latter, after hearing the labour inspectorate, may decide and may take the necessary measures for the enforcement of the legislative

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provisions. (b) Under § 6 of the Legislative Decree of 15 August 1927, the employment of women at night may be permitted, to the extent and for the time strictly necessary, in agricultural industries and in processes in which materials liable to rapid deterioration are ordinarily used, provided that there is no other way of preventing the loss of the said materials. Permits for this shall be granted in every locality in a uniform manner for all factories and workshops in the same industry, by the joint board concerned, or in default of such board by the local office of the Labour Council. § 6 of the Decree of 5 September 1927 lays down that such a permit shall be subject to the recommendation of the employers' representatives on the joint board for the industry in question, and the said body shall decide respecting the application. In default of a board the lawfully constituted employers' associations for the branch of industry concerned, or in default of such the owners of the undertakings, workshops or factories concerned, shall apply for such permit to the president of the local office of the Labour Council. Both the recommendations of the employers' members of the joint board and the applications made to the presidents of the local offices shall state the reasons justifying the employment of women at night, and shall further state whether the employment is to be of a recurring character or only occasional and at certain seasons or on certain days. The report states further that there are at present no laws or regulations to determine in a general way those industries or occupations which are excepted from the general provisions of the Act. Such exceptions are granted by the joint boards at the request of the employers concerned to the extent permitted by the Articles of the Convention to which the provisions of Spanish law correspond. Nevertheless, § 9 (1) of the Legislative Decree of 15 August 1927 as amended by the Legislative Decree of 2 March 1928 stipulates that in factories, workshops or undertakings in which the two-shift system has been established or is hereafter established for day work, if women are employed in the said shifts, the night period as defined in section 1 may be reduced to the period from 10 p.m. to 5 a.m., provided that each shift shall have during its statutory hours of work an uninterrupted break of not less than half an hour. § 9 (2) provides that in factories in the textile industry which habitually use mechanical power generated by an exclusively hydraulic or electric motor, if the said motor is operated by water-power and if in addition the circumstances and conditions specified in the preceding paragraph are present, the night period as defined in section 1 may be reduced to the period from 10 p.m. to 4 a.m. in order that it may be possible to extend the daily hours of work of each day shift

under the conditions and subject to the limits specified in the special exemption granted to the said factories under the statutory system in force respecting the maximum daily hours of work. Finally, under § 9 (3), if, in conformity with the legislative provisions in force, it is decided in the factories and workshops covered by this section to suspend work on holidays other than Sundays, and if the hours thus lost are made up by an extension of the hours of work of each shift on the working days, the night may be reduced by the period necessary to make up the time thus lost, provided that the reduction shall not exceed the reduction already authorised in the two preceding paragraphs by more than half an hour.

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. In one case, however, in which the Federal Office had given permission to a preserved foods factory to employ two shifts a day consisting of 20 men and 50 women, the Office also allowed the women working in the first shift, as an exceptional measure, to begin their work (preparation of green peas) at 4 a.m. instead of 5 a.m. for two days. 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. The Federal Office has no knowledge at present of any such permit being granted by the competent authorities during the period covered by the report. Information on this point will be given in the next annual report. It may be presumed, however, that the cantons very rarely make use of these provisions for suspension of the prohibition.

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.

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.

Albania. — See introductory note.

Spain. — Spanish legislation contains no equivalent provisions. See also under ARTICLE 4.

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). In certain cantons where the services are centralised, permits for short periods are also given

by the cantonal authority. 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 1932-1933 permission to reduce the night rest period to ten hours has not been granted.

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.

Albania. — See introductory note.

Spain. — Spanish legislation contains no equivalent provisions. See also under ARTICLE 4.

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. Further, the situation provided for by Article 7 of the Convention does not usually arise in Switzerland, nor does the Factories Act contain any provision corresponding to that cited above.

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 modification 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.

4. Night work, women:

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.

France. — The provisions of the Convention are applicable to *Martinique*, *Guadeloupe* and *Reunion* by the Decree of 1 July 1933, and the provisions of Book II of the Labour Code, which brought French legislation into agreement with the Convention, have been introduced into *Algeria* by the Decree of 23 October 1933. With reference to paragraphs (a) and (b) of Article 9 of the Convention, the Government states that, owing to the local conditions, the Convention is not applied in the other 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 156/1932; *Seychelles*, by Ordinance 12 of 1932; *Kenya* (Ordinance 14 of 1933); *Gambia* (Ordinance 14 of 1933); *Northern Rhodesia* (Ordinance 10 of 1933); *Kedah* (Enactment 19 of 1951); *Perlis* (Enactment 10 of 1951); *Sarawak* (Order L-6 of 1933, with the modification that "night" is defined as the interval between 10 p.m. and 5 a.m.); *Gibraltar* (Ordinance 16 of 1932); *British Guiana* (Ordinance 14 of 1933. The Ordinance has, however, not yet been brought into force); *British Honduras* (Ordinance 12 of 1933). It has also been applied in *Trinidad*, with an exemption for undertakings employing not more than ten men or women; 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 Ordinance 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.

Netherlands.—...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, 10 and 11 from 1926 to 1932, and to 2 during the first eight months of 1933. 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, for 1932 the figures were 31,376 and 7,431, and for the period January-August 1933 the figures were 3,292 and 518. 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 1932, thirty-six breaches of the provisions in force were reported. During the first eight months of 1933, the number of breaches was 26...

Spain. — The Legislative Decree of 15 August 1927 and the Regulations applying it are in force throughout all territories under the protection of Spain.

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.

Albania. — See introductory note.

Rumania. — ... The report adds that, since the creation of the labour courts, infringements of the Act of 9 April 1928 are reported in the first place to these courts, in those districts where they have been set up; a right of appeal to a court of law exists.

Spain. — The authorities entrusted with the supervision of the application of the provisions which give effect to the Convention are the labour inspectors, the delegates of the labour councils, the joint boards and the mining engineers, each group acting in the particular sphere of labour which comes under its occupational or territorial jurisdiction.

4. Night work, women.

The work of the inspection services is regulated by the Act of 13 May 1932 and by the Regulations of 23 June 1932 applying it; the work of the joint boards is regulated by the provisions of the Act of 27 November 1931.

Switzerland. — . . . From 1932 onwards, the reports of the labour inspectors, which were previously drawn up and published every two years, will be published regularly every year.

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.

Spain. — No decisions have so far been given by courts of law, or other courts, with regard to the application of the Convention.

The remaining reports supplied do not mention any such decisions.

VI.

Please add a general application 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Albania. — See introductory note.

Austria. — The application of the provisions 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) of the Convention. At the end of 1932, mining undertakings in Austria employed 18,466 workers of whom 399 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 1932. The Federal Government has not received any special suggestions with regard to the practical application of the Convention, either from employers' or from workers' organisations.

Belgium. — The report refers to the information supplied last year, and adds that no observations have been made by the employers' or workers' organisations with regard to the application of this Convention.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

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 1932, containing full information upon the manner in which the Convention is applied in Czechoslovakia, will be supplied to the International Labour Office. The Czechoslovak Government is not aware of any observations from employers' or workers' organisations with regard to the practical application of the

4. Night work, women.

Convention and of the national legislation implementing it.

Estonia. — During the year 1932, 14,031 women were covered by the legislation concerned. During this period the labour inspectors did not receive any complaints with regard to breaches of the provisions concerning night work of women. Thirteen cases of contravention were however recorded, seven of which gave rise to a simple warning and six of which were followed by prosecution.

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 and 1932. In the case of Article 4 (b) of the Convention, exceptions were granted in 1932 to 51 undertakings, with a total of 19,776 nights to which the exception applied. (Of these 51 undertakings, 47 were engaged in fish-preserving, and accounted for 18,293 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 1932 there were 12 prosecutions and 144 offences; whilst as regards the period of rest at night there was one prosecution and 33 offences. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements those provisions.

Great Britain. — 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. The provisions of the employment Conventions appear generally to have been well observed. The number of firms prosecuted in 1932 for offences involving breaches of these Conventions has been as follows: minimum age, 0; night work of young persons, 21; night work of women 9. In every case the number of persons illegally employed was quite small. Ten of the prosecutions were in respect of the night employment of male young persons in bakehouses; the others were in a variety of trades. There was one case in which four women and a boy, although not employed between 10 p.m. and 5 a.m., were not allowed a

rest period of eleven consecutive hours; in all the other cases there was employment between 10 p.m. and 5 a.m. In four of the cases the prosecutions were dismissed under the Probation of Offenders Act; in all the other cases convictions were obtained. There were no prosecutions for breaches of this Convention in mines or quarries or in Northern Ireland. 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 1932, 52,545 women were employed in factories in Northern Ireland and 13 in quarries. In December, 1932, the number of women employed as wage-earners above ground at mines and quarries more than twenty feet deep in Great Britain was 2,190. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Hungary. — In 1932, the number of women employed in undertakings subject to factory inspection was 60,034. The Government has no statistical information available yet for 1933. According to the reports of the factory inspectors for the year 1932, employers as a whole comply with the prohibition of night work for women. Breaches have been comparatively rare and have been immediately punished by the authorities. Only three cases of contravention have been reported by the factory inspectors. Employers have seldom taken advantage of the exception allowed by the Act to reduce the nightly rest period of 11 hours or to employ during the night. The employers' and workers' organisations have not made any observations concerning the practical application of the Convention and of the national legislation which implements it.

India. — Statistics of factories and a Note on the working of the Factories Act are supplied regularly to the International Labour Office. The Government of India has not 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.

Irish Free State. — The report refers to the information supplied last year, and adds that four convictions under the Factory and Workshop Act, 1901, were obtained, including three convictions in respect of employment before 10 p.m. and one in respect of employment after that hour. A complaint was received from a trade union to the effect that women were

5. Minimum age (industry).

employed throughout the night in a certain factory. The inspector who investigated the complaint was unable to obtain corroborating evidence.

Italy. — The report states that, according to the information published in the number of the monthly review *Sindacato e Corporazione* for July-August 1933 concerning the work of the corporative inspection service during 1932, 11,778 ordinary visits of inspection and 12,420 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, 1,250 were carried out during the night, with a view to checking certain breaches of the law, and 939 cases of infringement gave rise to proceedings during 1932.

Lithuania. — The report refers to the information supplied last year.

Luxemburg. — The report states that no cases of contravention have been reported during the period covered by the report.

Netherlands. — During 1932, the Labour Inspection Service was informed of two cases in which women had worked between 10 p.m. and 5 a.m. The information available does not show whether the State and municipal police have reported any similar breaches. Complaints which have been received show that in undertakings with employees living-in the prohibition of night work is not always respected, but, in such cases, it is very difficult to prove infringement. During 1932, the option of employing women during certain hours of the night for spitting herrings was only exercised to a small extent; 24 women in all did such night work for a total of 202 hours. No breaches of the Regulations concerned were reported. The number of women not less than 18 years of age employed during 1932 in factories and workshops as defined by the Labour Act was about 84,000.

Rumania. — The report states that the Government is unable to supply particulars regarding the number of women covered by the relevant legislation. The labour inspectors report on the application of this legislation, and the abuses detected by them have been severely dealt with.

Spain. — No statistics exist for the supply of exact information under this heading, but it may be stated that the Convention is fully applied, and that the women workers do their best to collaborate

with the Labour Inspection Service by reporting any breaches which they may notice, with a view to having an immediate stop put to them.

Switzerland. — Information concerning the enforcement of the Convention is 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 1932 the number of workers subject to the federal factory inspection was 322,269, 111,191 of whom were women. As regards the Act concerning the employment of young persons and women in industry, the cantons submit reports every two years only, and information will therefore be given in next year's annual report. During the period covered by the report, 30 judgments were given in respect of infractions of the Act relating to work in factories and 12 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 13 cases and by the administrative authorities in 29 cases. The report adds that the Convention continues to be fully observed in Switzerland. The Federal authorities have not received, during the period under review, any suggestions, complaints, or observations from organisations of employers or workers with regard to the application of the Convention and the legal provisions which implement it.

Yugoslavia. — According to the report of the Central Labour Inspection Service, the number of undertakings visited during 1932 was 5,804, the number of workers employed in these undertakings was 130,152, and the number of breaches of the provisions concerning the night work of women was 95.

5. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

5. Minimum age (industry).

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3. 1932	15. 1. 1934 9. 3. 1934
Belgium	12. 7. 1924	25. 10. 1933
Bulgaria	14. 2. 1922	11. 12. 1933
Chile	15. 9. 1925	29. 12. 1933
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	
Czechoslovakia . .	24. 8. 1921	22. 1. 1934
Denmark	4. 1. 1923	18. 11. 1933
Dominican Republic	4. 2. 1933	
Estonia	20. 12. 1922	29. 9. 1933
Great Britain . . .	14. 7. 1921	6. 12. 1933
Greece	19. 11. 1920	
Irish Free State . .	4. 9. 1925	25. 11. 1933
Japan	7. 8. 1926	25. 1. 1934
Latvia	3. 6. 1926	21. 12. 1933
Luxemburg	16. 4. 1928	3. 1. 1934
Netherlands	21. 7. 1928	31. 10. 1933
Poland	21. 6. 1924	9. 12. 1933
Rumania	13. 6. 1921	6. 3. 1934
Spain	29. 9. 1932	19. 12. 1933
Switzerland	9. 10. 1922	1. 11. 1933
Uruguay	6. 6. 1933	
Yugoslavia	1. 4. 1927	13. 11. 1933

The information supplied by the *Albanian* Government with reference to the application of the Conventions which have been ratified by Albania is reproduced in the introductory note to the summary of the annual reports on the application of *Convention No. 4 (Night work, women)*.

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

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

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

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

The Government of *Latvia* states in its report that in order to ensure the practical application of Article 3 of the Convention

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

the Committee of Social Affairs of the Saeima has drafted a Bill concerning apprenticeship, which has not yet been approved by the Saeima.

The *Spanish* Government states in its report that the legislative provisions necessary to adapt Spanish legislation to the terms of the Convention have not yet been enacted. The Act of 21 November 1931 concerning labour contracts, however, prescribes specifically that such contracts may be concluded by persons over 14 years of age who are authorised to conclude them by the fact that they are living independently of their parents. In the case of young persons over 14 and under 18 years of age, the Act lays down that the contract is conditional upon the permission of their parents or guardians. In certain professions the joint labour boards have already fixed the minimum age for admission at 14 years. Instead of the register required by Article 4 of the Convention, certificates called "minors' certificates" are used, in which are entered the official information concerning the health of the young person concerned and the parents' permission. These certificates are drawn up by the public health and judicial authorities and are kept by the employer so that he can submit them to the labour inspection service. All young persons under 18 years of age are required to possess certificates of this kind. The application of the provisions regulating the work of minors is entrusted to the Provincial labour officials and Provincial labour inspectors under the new Regulations of 23 June 1932.

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

The Government of *Yugoslavia* states in its report that the Ministry of Industry and Commerce is proposing to take advantage of the revision of the Act on industrial and commercial undertakings and handicrafts, which is to be undertaken in the near future, in order to examine the provisions of § 453 (2) of the Act and bring them into full agreement with the provisions of the Convention. In the meantime, the Minister has issued a Circular explaining that these provisions do not in any way relate to industrial undertakings. See also 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.

5. Minimum age (industry).

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.

Albania.

See introductory note.

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.

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).

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).

Luxemburg.

Act of 6 December 1876 concerning the work of children and women.

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).

Order of 6 January 1933 amending the Order of 30 March 1932 (L. S. 1933, 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).

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).

Spain.

See introductory note.

5. Minimum age (industry).

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).

Act of 5 November 1931 concerning industrial and commercial undertakings and handicrafts (L.S. 1931, Yug. 4).

See also, under *Convention No. 2 (Unemployment)*, point 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.

Albania. — See introductory note.

Chile. — . . . The report gives specific information with regard to the definition

of "industrial undertaking". See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

Luxemburg. — See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

Spain. — See introductory note.

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.

Albania. — See introductory note.

Latvia. — . . . The Instructions of 9 January 1931 prohibit the employment of children under the age of fourteen years.

Spain. — See introductory note.

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. § 453 (2) of the Act of 5 November 1931 concerning industrial and commercial undertakings and handicrafts provides that, until higher elementary schools in the sense of the Act of 5 December 1929 concerning elementary schools have been set up, young persons of 12 full years of age may be employed as apprentices, on condition that they are first medically examined and declared physically fit to work as apprentices. The Minister of Industry and Commerce states that this provision applies only to apprentices in handicrafts and commerce, and not to workers in industry or seamen. See also introductory note.

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.

Albania. — See introductory note.

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. See also introductory note.

Poland. — The report states that the Act of 2 July 1924, which does not expressly mention this exception, does not relate to work in technical schools for the purpose of vocational education. It applies to undertakings worked industrially, and

5. Minimum age (industry).

consequently the definition does not include vocational schools, whose object is educational and whose pupils are only employed with a view to completing their knowledge by practical work. On the other hand, the Act does cover workers bound by a labour contract, and therefore applies to apprentices and probationary workers employed in the industrial and handicraft undertakings, etc. which are covered by the Act, since they work under an apprenticeship contract which is merely a variant of a labour contract. Further, in addition to supervision by the school authorities, workshops attached to vocational schools are subject to inspection under § 2 of the Decree of the President of the Republic of 14 July 1927 concerning labour inspection.

Spain. — See introductory note.

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.

Albania. — See introductory note.

Spain. — See introductory note.

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.

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.

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 under British Mandate*) : by Ordinance 17 of 1932, with the modification that the Ordinance does not apply to an industry of a kind which is customarily carried on by natives of Nigeria in their own homes, provided that any machinery used is set and kept in motion by hand or foot power only. *Gold Coast* . . . *Trinidad* : The Convention is now applied without modification by Ordinance 8 of 1933. *St. Helena* . . . *British Honduras* : The Convention is applied from now onwards by Ordinance 12 of 1933. In *Malta* an Act (No. 21 of 1926) has been passed but has not yet been brought into force. *Kenya* : Ordinance 14 of 1933 (with the modification that, except in the case of children employed in attendance on machinery or in a mine, the age limit is 12 instead of 14). *Gambia* : Ordinance 14 of 1933. *Northern Rhodesia* : Ordinance 10 of 1933 (with the modification that the minimum age is 12 instead of 14. It is, however, provided by § 8 that no one between the ages of 12 and 14 shall be employed in an industrial undertaking unless the employment has been authorised by a licence issued by the Governor, and the issue of such licence may be made subject to conditions prescribed by regulations). *Jamaica* : Ordinance 12 of 1933 (with the modification that the minimum age is 12 instead of 14). *British Guiana* : Ordinance 14 of 1933 (with the modification that the minimum age is 12 instead of 14). The Ordinance has not yet been brought into force. *Gibraltar* : Ordinance 16 of 1932. *Sarawak* : Order L-6 of 1933.

Netherlands. — . . . In East Java, 38 undertakings have accepted 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 . . . In 1932, 50 cases of infraction of the provisions relating to the employment of children were reported. From January to August 1933, the number of breaches of the provisions was 17.

5. Minimum age (Industry).

Spain. — See introductory note.

Albania. — See introductory note.

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.

Albania. — See introductory note.

Latvia. — The application of the relevant legislation is entrusted to the Labour Inspection Service of the Ministry of Social Welfare.

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. Under the terms of the Act of 15 February 1933, infringements are judged in the first place by the labour courts, or, if there is no labour court in the district in question, by the justices of the peace. In either case, a right of appeal to a court of law exists.

Spain. — See introductory note.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report refers to the information supplied last year, and adds that no observations have been made by the employers' and workers' organisations concerning the practical application of the convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — The report states that no special information is available as regards the application of the Convention. The reports of the labour inspection service do not record any infringements of the provisions applying the Convention. The carrying out of these is subject to strict supervision, particularly in mining districts.

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 1932, which has been transmitted to the International Labour Office.

Denmark. — The report states that during 1932 only one infringement was recorded in the undertakings under the control of factory inspection. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention and of the national legislation which implements it.

Estonia. — The number of children covered by the Act in 1932 was 610. The reports of the labour inspectors for the year 1932 record only one complaint of non-observance of the provisions of the Act concerning the age for admission of children to industrial employment. The reports do not mention any cases of infringement.

Great Britain. — See the summary of the report on *Convention No. 4 (Night work, women)*. In 1932 there were no cases in which it was necessary to prosecute an employer for an offence involving a breach of this Convention. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Irish Free State. — The report repeats the information supplied last year, and adds that no observations have been received from the employers' and workers' organisations.

5. Minimum age (Industry).

Japan. — During 1932, 9 convictions took place in respect of breaches of Article 2 of the Convention, and 20 in respect of breaches of Article 3. 4,752, 149 workers are employed in the undertakings to which the Minimum Age for Industrial Employment Act applies. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the Convention or of the national legislation which implements it.

Latvia. — There are no available statistics giving the number of persons protected by the legislation concerned. No observations have been made by the employers' and workers' organisations on the practical application of the provisions of the Convention.

Luxemburg. — The report states that no infringements have been reported during the period under review.

Netherlands. — The report states that in 1932, 381 actions were brought for the illegal employment of children protected by the Act. These actions may be classified as follows: 90 cases of employment in a factory or workshop; 135 cases of employment in distributing bread, milk and newspapers; 88 cases of employment on distributive work of other kinds; 68 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. 29 of the above-mentioned actions were brought by the labour inspection service; 191 by the provincial police authorities; 72 by the State police and 79 by the rural police.

Poland. — The report of the Labour Inspection Service for 1932 states that, according to the information supplied by the inspectors, the number of breaches of the legal provisions concerning the age of admission of children to paid work has decreased considerably during the year. In most cases these infringements related to agricultural undertakings, domestic service and small unregistered undertakings, and, as the relevant statistics give only the total figures, the number of infringements in industrial undertakings is not specified. This improvement may be considered to be partly due to the vigorous action of the labour inspectors, assisted by the authority given to these inspectors under the amending Act of 7 November 1931; this action has been particularly effective in industry. The struggle against the illegal employment of children has also been assisted by the collaboration of the inspectors with the sickness insurance funds, by the fact that when children are medically examined they are not given a permit to work if they are under the prescribed age, and also by the fact that

the sickness insurance funds refuse to admit children under 15 years of age as members and at once report any such cases to the labour inspector.

Rumania. — The report states that the law is observed and its application has given satisfactory results. The general economic crisis has put a large amount of labour at the disposal of the employers, and consequently they have no need to engage children under the age fixed by the Convention. Moreover, a sense of their own interest, and of the duty which everyone owes to protect young children, induces them to respect the provisions of the law. The inspectors reported that some difficulty was met with at first by certain employers in small handicraft undertakings in applying the law, but to-day the situation has completely changed; the putting into force of the Act concerning labour contracts, which provides for compulsory registration of all contracts of apprenticeship, has contributed considerably to this change, and another contributing factor is the constant visits of the labour inspectors. The infringements which are noted—very rare, and mainly in the small towns and villages—are severely punished. With a view to ensuring that the Act is observed even in small undertakings such as those mentioned above, the Ministry of Labour is awaiting the results of a special meeting of the Chambers of Labour which have been recently established.

Spain. — See introductory note.

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 1932, out of a total of 322,269 workers subject to Federal inspection, 22,221 (6.8 per cent.) persons were between 14 and 18 years of age, of whom 11,248 were of the male sex (5.3 per cent. of the total number of male workers), and 10,973 were of the female sex (9.8 per cent. of the total number of female workers). During the period covered by the report, two 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. To this number must be added five warnings. 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.

Yugoslavia. — The Government states that, according to the report of the central labour inspection service, the number of workers employed in the 5,084 undertakings inspected was 130,152. The number of infringements of the provisions of § 20 of the Labour Protection Act was 12.

6. Night work, young persons (industry).

6. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	15. 1.1934 9. 3.1934
Austria	12. 6.1924	10.11.1933
Belgium	12. 7.1924	25.10.1933
Bulgaria	14. 2.1922	14.12.1933
Chile	15. 9.1925	29.12.1933
Cuba	6. 8.1928	
Denmark	4. 1.1923	8.11.1933
Estonia	20.12.1922	29. 9.1933
France	25. 8.1925	3. 2.1934
Great Britain . . .	14. 7.1921	6.12.1933
Greece	19.11.1920	
Hungary	19. 4.1928	14.12.1933
India	14. 7.1921	4. 1.1934
Irish Free State . .	4. 9.1925	2.11.1933
Italy	10. 4.1923	14.12.1933
Latvia	3. 6.1926	21.12.1933
Lithuania	19. 6.1931	13.11.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	17. 3.1924	31.10.1933
Poland	21. 6.1924	9.12.1933
Portugal	10. 5.1932	
Rumania	13. 6.1921	6. 3.1934
Spain	29. 9.1932	19.12.1933
Switzerland	9.10.1922	1.11.1933
Uruguay	6. 6.1933	
Venezuela	7. 3.1933	
Yugoslavia	1. 4.1927	13.11.1933

The information supplied by the *Albanian* Government with reference to the application of the Conventions which have been ratified by Albania is reproduced in the introductory note to the summary of the annual reports on the application of *Convention No. 4 (Night work, women)*.

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

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

The Government of *India* states in its report that it is proposed that the lack of harmony between the Convention and existing Indian legislation, to which the attention of the Government has been drawn, should be removed by the Factories Bill, 1933 (§ 54), which was laid before the Parliament of India in September 1933. The text of this Bill has been communicated to the International Labour Office. See also under ARTICLE 2.

The Government of *Lithuania* states in its report that an Act concerning employment in industry has just been passed. This Act includes, *inter alia*, provisions relating to night work for children which are in accordance with the terms of the Convention. The text of the Act will be communicated to the International Labour Office as soon as it is published in the Official Journal.

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

The *Spanish* Government states in its report that it has not yet been found possible to take the necessary measures in order to adapt Spanish legislation to the terms of the Convention.

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

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

I.

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

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

Albania.

See introductory note.

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

6. Night work, young persons (industry).

Austria.

Act of 14 May 1919 relating to the prohibition of night work for women and young persons in industrial undertakings (L.S. 1919, Aus. 7).
Mining Act of 28 July 1919 (L.S. 1919, Aus. 11).
Text of the Convention promulgated in the *Bundesgesetzblatt* of 19 July 1924.

Order of the Minister of Social Affairs of 15 June 1928 concerning the employment of young persons during the night in glass works (L.S. 1928, Aus. 5).

The report states that, by the promulgation of the ratification of the Convention in the *Bundesgesetzblatt* of 19 July 1924, the actual terms of the Convention received force of law in Austria. The provisions of the above-mentioned Acts therefore became automatically amended in accordance with the provisions of the Convention, on the principle of "*lex posterior derogat priori*". The application of the Convention is accordingly effected by the above-mentioned Acts within the limits of the Convention and in accordance with Article 350, paragraph 11, of the Treaty of St. Germain.

Belgium.

Act of 28 February 1919 concerning the employment of women and children (L.S. 1919, Bel. 2).

Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week (L.S., 1921, Bel. 1).

Royal Order of 22 January 1924 in pursuance of § 10 of the Act concerning the employment of women and children, authorising heads of enamelling and paper works to employ boys over 16 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted (L.S. 1924, Bel. 7).

Royal Order of 2 December 1924 authorising the employment of young persons between 16 and 18 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the nature of the process, cannot be interrupted, in the iron and steel industries, in zinc, lead and silver smelting works, in zinc rolling mills and in works in which iron or steel tubes are manufactured (L.S. 1924, Bel. 7).

Royal Order of 18 February 1926 in pursuance of § 10 of the Act concerning the employment of women and children authorising heads of glass and plate-glass works to employ boys over 16 years of age after 10 p.m. and before 5 a.m. on work which, by reason of the process, cannot be interrupted (L.S. 1926, Bel. 6).

Royal Order of 23 April 1926 to authorise the employment of young male persons during the night in copper works (L.S. 1926, Bel. 6 B).

Bulgaria.

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

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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, Chile 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).

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).

Order No. 33,469 of 1933 of the Minister of Commerce concerning a nightly rest period of 11 hours for women and young persons employed in brick works.

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.

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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.

Luxembourg.

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).

Order of 6 January 1933 to amend the Order of 30 March 1932 (L. S. 1933, 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).

Order of the President of the Republic of 14 July 1927 relating to factory inspection (L.S. 1927, Pol. 8).

Decree of 16 March 1928 concerning workers' labour contracts.

Decree of 16 March 1928 concerning the contracts of intellectual workers. (L.S. 1928, Pol. 2).

Decree of 22 March 1928 concerning labour courts.

Rumania.

Act of 9 April 1928 relating to the employment of young persons and women and the regulation of hours 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).

Spain.

See introductory note.

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 No. 2 (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.

Albania. — See introductory note.

Austria. — . . . The report further adds that a regulation in conformity with

6. Night work, young persons (industry).

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, industries and occupations, and personal services, so that the scope of the Austrian Act is wider than that of the Convention.

Luxemburg. — See under *Convention No. 1 (Hours of work, industry)*, ARTICLE 1.

Spain. — See introductory note.

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.

Albania. — See introductory note.

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 introductory note.

Spain. — See introductory note.

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.

Albania. — See introductory note.

Hungary. — . . . The provisions of § 33 of Order No. 150,443 have been repealed by Order No. 33,469 of 1933, which came into force on 1 September 1933. This latter Order provides that children and women employed in brickworks are entitled to a nightly rest period of eleven consecutive hours, including the interval between 10 p.m. and 5 a.m.

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 introductory note and under ARTICLE 2.) Advantage has not been taken of the provision regarding tropical countries. The other points raised by Article 3 do not arise.

Spain. — See introductory note.

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.

Albania. — See introductory note.

Spain. — See introductory note.

6. Night work, young persons (industry).

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 Act. § 2 (1) of the Act defines child as "a person who is under the age of fifteen years". See also introductory note.

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.

Albania. — See introductory note.

Luxemburg. — The report states that the Order of 30 March 1932 does not permit the suspension of the prohibition cited in this Article.

Spain. — See introductory note.

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.

France. — The provisions of the Convention are applicable to *Martinique*, *Guadeloupe* and *Reunion* by the Decree

of 1 July 1933, and the provisions of Book II of the Labour Code, which brought French legislation into agreement with the Convention, have been introduced into *Algeria* by the Decree of 23 October 1933. With reference to paragraphs (a) and (b) of Article 9 of the Convention, the Government states that, owing to the local conditions, the Convention is not applied in the other French overseas possessions.

Great Britain. — . . . In *Jamaica* the Convention is applied by Act 5 of 1932 with the modification that the age limit is 16 years instead of 18, and that the prohibition extends to a period of 10 hours instead of 11. . . . In addition to the dependencies mentioned in previous reports, legislation applying the Convention has been enacted in the following dependencies : *Kenya* : Ordinance 14 of 1933 (with the modification that in the case of boys the age limits are the same as in the case of employment during the day) ; *Gambia* : Ordinance 14 of 1933 ; *Northern Rhodesia* : Ordinance 10 of 1933 ; *Gibraltar* : Ordinance 16 of 1932 ; *Kedah* : Enactment 19 of 1851 ; *Perlis* : Enactment 10 of 1851 ; *Sarawak* : Order L-6 of 1933 (with the modification that "night" is defined as the interval between 10 p.m. and 5 a.m.) ; *British Guiana* : Ordinance 14 of 1933 (with the modification that the age limit is 16 instead of 18) ; this Ordinance has, however, not yet been brought into force ; *Trinidad* : Ordinance 8 of 1933. The Ordinance has however not yet been brought into force ; *British Honduras* : Ordinance 12 of 1933.

Spain. — See introductory note.

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.

Albania. — See introductory note.

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 ; they are judged in the first instance by the labour tribunals, under the Act of 15 February 1933, or, if there is no such tribunal in the district, by the justices of the peace with a right of appeal to the courts in either case.

Spain. — See introductory note.

6. Night work, young persons (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 text of such decisions.

Switzerland. — Among the judgments pronounced by the courts with regard to the application of the legislation which implements the Convention should be mentioned a case in which the Court recognised that the fact that the young persons in question had done night work voluntarily with a view to increasing their wages constituted extenuating circumstances for the employer, but did not entirely exonerate him, since, from the legal point of view, it made no difference whether the work done in violation of the Act was voluntary or not.

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 and nature of the contraventions reported, the application of the exceptions allowed under Articles 2, 3 and 4 of the Convention, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Albania. — See introductory note.

Austria. — There are no statistics showing either the number of persons protected by the Convention or the infringement of its provisions. With regard to the latter point, however, the report on the work of the labour inspectors for the year 1932 states that, during 1932, 508 cases of illegal employment of women or children were reported. In small scale industries and handicraft undertakings 168 children were employed during the prohibited hours of the night period. In factories 7 children were thus illegally employed. The number of workers em-

ployed in mines at the end of 1932 was 13,466, including 75 young persons of male sex. Out of these 75, 19 were employed exclusively on surface work. No infringement was reported in the mines. Neither employers' nor workers' organisations have made any suggestions to the Government with regard to the practical application of the Convention.

Belgium. — The report refers to the information supplied last year, and adds that no observations have been made by employers' and workers' organisations with regard to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — Statistical and other information concerning the application of the Convention will be sent to the Office as soon as it is available. The reports of the labour inspection services do not record any infringement of the provisions which implement the Convention. The enforcement of these provisions is subject to strict supervision.

Denmark. During 1932, 28 cases of infringement of the prohibition of night work were recorded, all of which took place in bakeries. The employers' and workers' organisations have not made any special observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements the Convention.

Estonia. — In 1932 the number of children protected by the Act was 610. The reports of the labour inspection services for 1932 do not record any cases of infringement of the legal provisions or any complaints of non-observance of the Act.

France. — The Government reports that in 1932 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 1932 :

Industry	No. of establishments.	Staff on night-duty	
		Boys. 16-18 yrs.	Adult males.
Paper factories .	324	578	14,193
Sugar (factories and refineries)	117	113	14,425
Metal works . .	134	846	44,007
Glass works . .	133	313	6,688
<i>Total . .</i>	708	1,850	79,313

6. Night work, young persons (industry).

The report states that, as regards breaches of the provisions of the Convention, during the year 1932 the Factory Inspection Service prosecuted in 8 cases out of 22 breaches of the prohibition of night work of children. No breaches of the regulations concerning nightly rest were reported. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements those provisions.

Great Britain. — There were no prosecutions for breaches of this Convention in mines or quarries or in Northern Ireland. No complete figures are available for the number of workers concerned, but in 1930, 812,603 young persons were employed in factories in Great Britain and in 1932, 16,949 young persons were employed in factories in Northern Ireland and 52 in quarries. In December 1932, the number of young persons employed as wage earners above ground at mines and quarries more than 20 feet deep in Great Britain was 73,548. See also the summary of the report on the *Convention concerning employment of women during the night*.

Hungary. — The report states that in 1932 the number of children employed in undertakings subject to labour inspection was 13,406. According to the reports of the labour inspectors the provisions concerning night work of children are in general satisfactorily observed. The inspectors recorded only 12 cases of infringement during 1932. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention and of the national legislation which implements it.

India. — The report refers to the information supplied last year, and adds that the Government has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the legislation which implements it.

Irish Free State. — The report repeats the information supplied last year, and adds that no observations have been received from employers' or workers' organisations.

Italy. — During 1932, the inspection services made 11,778 ordinary inspections and 12,420 exceptional inspections, 1,250 of which were made by night, owing to certain infringements of the Act. The number of cases in which proceedings were taken in 1932 for breaches of the Act reached a total of 939. During the

period under review, no observations or complaints have been made by the trade union organisations concerned with regard to the practical application of the national legislation which implements the provisions of the Convention.

Latvia. — The report states that young persons may not be employed in industry in Latvia. The inspectors have not received any complaints of non-observance of the Act nor have they recorded any breaches giving rise to legal proceedings.

Lithuania. — The report refers to the information supplied last year.

Luxemburg. — No infringements have been reported during the period under review.

Netherlands. — During 1932, 33 cases were reported in which young persons had worked between the hours of 10 p.m. and 5 a.m. Most of these contraventions took place in bakeries. No information is available to show whether the State or local police have reported cases of infringement. It may be remarked, however, that, according to complaints received, in undertakings with staff living-in the prohibition of night work is not always respected, but it is extremely difficult to prove infringement in such cases. During 1932, about 123,000 young persons were employed in the factories and workshops covered by the Labour Act. The Government is not aware of any observations from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

Poland. — The report refers to the information supplied last year. The "Survey of Labour Inspection in Poland in 1932" records a considerable decrease in the number of children illegally employed. This is partly due to the energetic action of the labour inspectorate which is greatly assisted by the authority given to the inspectors, at the end of 1931, to inflict fines on employers for breaches of the provisions concerning the protection of women and young persons. This action has had an effect in the first place in industry. The "Survey" mentions in particular, the suppression of the employment of children in glass works.

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.

6. Night work, young persons (industry).

Spain. — See introductory note.

Switzerland. — The reports of the federal factory inspectors give for the year 1932 the following figures : the number of workers subject to federal factory legislation was 322,269, distributed as follows : 14 to 18 years of age : men 11,248 (5.3 per cent. of the total number of men workers), women 10,973 (9.8 per cent. of the total number of women workers), total 22,221 (6.8 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 yearly reports of the federal factory inspectors and the half-yearly reports of 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 28 convictions were pronounced for violation of the night work prohibition. Of these, 10 were in respect of the Factories Act and 18 in respect of the Act relating to the employment of young persons and women in arts and crafts. During the period under review, the federal authorities have not received any suggestions, complaints, or observations from employers' and workers' organisations with regard to the application of the Convention and of the legislation which implements it.

Yugoslavia. — According to information supplied by the report of the central labour inspection service, the number of undertakings visited in 1932 was 5,804, the number of workers employed in these undertakings was 130,152, and the number of breaches of the provisions concerning night work was 94.

SECOND SESSION (GENOA, 1920).

7. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932—30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	2. 2.1925	25.10.1933
Bulgaria	16. 3.1923	14.12.1933
Canada	31. 3.1926	17.10.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Denmark	12. 5.1924	8.11.1933
Dominican Republic	4. 2.1933	
Estonia	3. 3.1923	29. 9.1933
Finland	10.10.1925	10.11.1933
Germany	11. 6.1929	3. 1.1934
Great Britain . . .	14. 7.1921	6.11.1933
Greece	16.12.1925	
Hungary	1. 3.1928	14.12.1933
Irish Free State . .	4. 9.1925	25.10.1933
Italy	14. 7.1932	14.12.1933
Japan	7. 6.1924	25. 1.1934
Latvia	3. 6.1926	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	26. 3.1925	31.10.1933
Norway	7.10.1927	7.10.1933
Poland	21. 6.1924	9.12.1933
Rumania	8. 5.1922	6. 3.1934
Spain	20. 6.1924	24.11.1933
Sweden	27. 9.1921	6.11.1933
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	13.11.1933

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

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

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

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

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

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 Convention, by the National Maritime Conference held at Madrid in 1932.

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

I.

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

7. Minimum age (sea).

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.

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Denmark.

Seamen's Act of 1 May 1923 (L. S. 1923, Den. 2).

Act of 26 February 1872 relating to the engagement and discharge of crews.

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

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

Finland.

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).

Order of 23 December 1924 respecting the signing on and off of the crews of vessels (L. S. 1924, Fin. 4).

Act of 26 May 1925 to amend the Seamen's Act (L. S. 1925, Fin. 2).

Order of 19 September 1925 respecting the coming into force of the international Convention concerning the minimum age for admission of children to employment at sea.

Germany.

Act of 30 May 1929 concerning the international Conventions regarding the minimum age for admission of children to employment at sea, the minimum age for admission of young persons to employment as trimmers or stokers and the compulsory medical examination of children and young persons employed at sea. (L. S. 1929, Ger. 8 A).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Great Britain.

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

Hungary.

Act No. XVI of 1928 ratifying the Convention. Order No. 32043 of 1933 issued by the Minister of Commerce concerning, *inter alia*, the application of the above Act.

Irish Free State.

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

Italy.

Royal Legislative Decree No. 744 of 19 May 1930 to issue rules for the registration of seamen (L. S., 1930, It. 6).

Royal Decree of 9 March 1932 bringing the provisions of 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).

Imperial Ordinance of 19 November 1923 providing for exceptions to the Act of 29 March 1923 (L. S. 1923, Jap. 4), revised by Imperial Ordinance No. 13 issued in February 1928.

Regulations for the enforcement of the Act concerning the minimum age and health certificate for seamen (Ordinance of the Department of Communications No. 96 issued on 19 November 1923), revised by Ordinance No. 6 issued in February 1928 (L. S. 1928, Jap. 2).

Latvia.

Seamen's Order of 30 October 1928 (L. S. 1928, Lat. 4).

Luxemburg.

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

Netherlands.

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

Decree No. 369 of 1 December 1927, issued under §§ 71 and 92 of the Labour Act, 1919 (L. S. 1927, Neth. 4 B).

Norway.

Seamen's Act of 16 February 1923 (L. S. 1923, Nor. 1).

Act of 29 June 1888 concerning the registration and supervision of the engagement of seamen, and supplementary Acts of 28 May 1892 and 16 June 1927.

Poland.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Act of 28 May 1920 concerning Polish merchant vessels.

Act of 2 July 1924 relating to the employment of women and young persons (L. S. 1924, Pol. 2).

Order of the President of the Republic of 24 November 1930 relating to the safety of ships.

Rumania.

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

7. Minimum age (sea).

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 No. 2 (Unemployment)*, point 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.

Hungary. — Under § 7 of the Order No. 32043 of 1933, by the term "vessel" is meant any boat, vessel or ship, whether publicly or privately owned and engaged in maritime communication; it excludes ships of war.

Italy. — The Legislative Decree of 19 May 1930 does not contain a definition of the term "vessel" in view of the fact that it applies in general to all kinds of seamen and that the Convention has executive force in Italy. It follows therefore that the scope of this term corresponds in Italian maritime law to that given to it by Article 1 of the Convention.

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.

Hungary. — § 1 of the Order No. 32043 of 1933 provides that according to Article 2 of the Convention, which is reproduced

in § 2 of Act No. XVI of 1928, it is illegal to employ children under 14 years of age on board ship. This prohibition does not apply to vessels in which only members of the same family are employed. For the purposes of the above Decree only parents, children and their husbands or wives are regarded as members of the same family.

Italy. — The Legislative Decree of 19 May 1930 provides in § 1 (b) that every person who desires to be enrolled in the first-class seamen's register must have attained the age of fourteen years. The Decree contains no reference to vessels in which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Hungary. — Under § 2 of the Order No. 32043 of 1933 the Minister of Commerce may permit the employment of children under 14 years of age on school ships, provided that their work is supervised by public authority.

Italy. — § 2 of the Legislative Decree of 19 May 1930 provides that pupils of the schools instituted for the moral and technical training of seamen which are recognised by the law may, upon attaining the age of ten years, be entered, on the application of the headmaster of the school to which they belong, in the first-class seamen's register at the office of the harbourmaster in whose area the school is situated; nevertheless, until they have completed their fourteenth year they shall not be employed in any vessels other than training ships.

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 or 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.

Hungary. — Under § 5 of the Order No. 32043 of 1933 the captain (master) of a vessel must keep a register mentioning the persons under 18 years of age employed on board ship, or give their names in the muster-roll of the crew, indicating their names in full, the dates and places of their births, their nationality and domicile, the date and termination of their engagement, the date of the medical

7. Minimum age (sea).

examination, the nature of their work as well as the names in full of their parents. The report adds that the masters of vessels flying the Hungarian flag register the young persons mentioned above in the muster-roll of the crew.

Italy. — Under the provisions of the Mercantile Marine Code (§ 323), the master of a vessel is under obligation to keep a register in which is entered also the year of birth of each member of the crew. The master also keeps in his possession the service books of the crew in which is entered the date of birth of each member of the crew.

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 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. — . . . Legislation applying the provisions of the Convention has been enacted in the following additional dependencies : *Kenya* (Ordinance 14 of 1933, with the modification that a child under 14 may be employed in a native vessel or under the care of a relative who is a member of the crew of the vessel, if such relative is, in the opinion of an officer appointed by the Governors for the purpose, a fit and proper person to have charge of such child) ; *Gambia* (Ordinance 14 of 1933) ; *Nigeria* (Ordinance 12 of 1933) ; *Trinidad* (Ordinance 8 of 1933, not yet in force) ; *British Guiana* (Ordinance 14 of 1933, not yet in force, with the modification that the age limit is 12 instead of 14) ; *British Honduras* (Ordinance 12 of 1933) ; *Gibraltar* (Ordinance 16 of 1932) ; *Straits Settlements* (Ordinance 8 of 1933) ; *Federated Malay States* (Gazette Notifica-

tion No. 7010 of 23 September 1932) ; *Sarawak* (Order L-6 of 1933).

Italy. — The report states that the Convention is not yet applied to the colonies. A legislative measure for the purpose of extending the provisions of the Convention to the colonies is at present being studied.

Japan. — The Government hopes to apply the provisions of the Convention to the colonies as far as circumstances permit. In *Taiwan* (Formosa) the minimum age law for seamen provides for the substance of the principles of the Convention. The report mentions the following measures in this connection : Imperial Ordinance No. 273 concerning the administration of the maritime laws and regulations in Taiwan ; Order of the Governor General of Taiwan, No. 17, dated 5 February 1933.

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.

Hungary. — The supervision of the application of the above-mentioned legislation is entrusted to the Hungarian Maritime Office. Supervision is carried out directly by means of visits and examination by the Maritime Office or by the intermediary of the Hungarian diplomatic or consular agents.

Italy. — The supervision of the application of the provisions of the Convention is entrusted to the competent maritime authority under the supervision of the Director-General of the Mercantile Marine in the Ministry of Communications.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — No infringements have been reported. No observations were received from the organisations of employers or workers concerned regarding the application of the Convention.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

Canada. — 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 no difficulty in their operation has been experienced during the period from 1 October 1932 to 30 September 1933. No observations or representations were received by the Department of Marine from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law implementing it.

Denmark. — 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. The organisations of employers or workers have not made any observations regarding the fulfilment of the conditions of the Convention or the application of the national law implementing it.

Estonia. — The report states that the age of persons employed in the Estonian mercantile marine is higher than that laid down in the Convention, since, in view of the plentiful supply of adult labour, the shipowners do not employ children.

Finland. — The report states that the organisations of employers or workers concerned have not made any observations regarding the application of the Convention or of the relevant national legislation.

Germany. — The Convention is applied 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. The Government adds that so far as it is aware no observations regarding the application of the Convention have been made by the employers' or workers' organisations concerned.

Great Britain. — The Government states that no observations have been received from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

Hungary. — The report states that, in view of the short time which has elapsed since Order No. 32043 for the application of Act XVI of 1928 came into force in July 1933, the information requested under this heading is not yet available.

Irish Free State. — The number of cases in which young persons are engaged on Saorstát ships is very small. No contraventions of the Act have been reported. No observations have been received from organisations of employers or workers.

Italy. — The report states that there are no particulars to communicate under this heading with regard to the application of the Convention. The occupational organisations concerned have not made any observations or submitted any complaints with regard to the application of the Convention.

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 in Japan proper and 2 in Taiwan. The cities, towns or villages handling the business of coastal offices number 154 in Japan proper and 14 in Taiwan. No cases of contravention were reported in October-December 1932 but 5 cases were reported during the period January-September 1933.

The report adds that with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it, no observations have been received from the organisations of employers or workers concerned.

Latvia. — Reports from the maritime offices do not exist. The Government adds

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that the Ministry of Social Welfare has not received any observations from the employers' or workers' organisations regarding the application of the provisions of the Convention.

Luxemburg. — See introductory note.

Netherlands. — The report states that infractions of the prohibition to employ children in fishing boats have probably taken place fairly frequently. In one fishing port 19 prosecutions were instituted in 1932. The report adds that no observations from the organisations of employers or workers regarding the application of the Convention were brought to the notice of the Government.

Norway. — Statistical information with regard to the number of children covered by the relevant legislation does not exist. No breaches have been reported. The Government has not received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

Poland. — The report states that the maritime inspection authorities have not noted any cases of failure to observe the provisions regarding the age of admission. It adds that, as the adult labour supply is in considerable excess of the number of posts available, young persons are not engaged on board ship.

Rumania. — The report states that the relevant legislation is everywhere enforced and adds that Rumanian vessels do not engage children under 14 years of age as their services cannot be utilised on board ship.

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 states that the Directorate of Maritime Affairs of Split has given precise instructions to all the competent maritime authorities (Circular No. 6602 of 27 May 1930) that the Seamen's Book may be delivered only to persons over 14 years of age. Without this book employment on board a vessel is impossible.

8. Convention concerning unemployment indemnity in case of loss or foundering of the ship.

This Convention came into force on 16 March 1933. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932—30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	2. 2.1925	25.10.1933
Bulgaria	16. 3.1923	14.12.1933
Canada	31. 3.1926	17.10.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Estonia	3. 3.1923	29. 9.1933
France	2. 3.1929	3. 2.1934
Germany	4. 3.1930	3. 1.1934
Great Britain . . .	12. 3.1926	6.11.1933
Greece	16.12.1925	
Irish Free State . .	5. 7.1930	17.11.1933
Italy	8. 9.1924	14.12.1933
Latvia	29. 8.1930	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Poland	21. 6.1924	9.12.1933
Rumania	10.11.1930	6. 3.1934
Spain	20. 6.1924	24.11.1933
Uruguay	6. 6.1933	
Yugoslavia	30. 9.1929	13.11.1933

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

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

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

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 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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

8. Unemployment indemnity (shipwreck).

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. The report adds that a proposal submitted by the competent service to the Director General of Labour, with a view to amending the regulations concerning the enrolment of the crews of vessels in accordance with the provisions of the Convention, provides for the application of these provisions also to officers and masters by extending the regulations to cover all members of the crew.

The report of the Government of Uruguay has not yet been received.

The Government of Yugoslavia declares that the Ministry of Communications has stated that it would do its best to have inserted in the new Finance Act a provision by which the Minister of Communications would be authorised to issue regulations for the full application of the requirements of the international maritime Conventions ratified by Yugoslavia. This decision was taken by the Ministry in view of the fact that there is little probability of the new Act concerning regulation of conditions of work on board vessels of the mercantile marine being enacted in the near future, since the Committee for the codification of private maritime law set up at the Ministry of Justice is of opinion that the definitive regulation of conditions of work on vessels belonging to the mercantile marine should be carried out as a whole along with the codification of private maritime law.

I.

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

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

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Bel. 5 A).

Bulgaria.

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

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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).

Irish Free State.

Merchant Shipping (International Labour Conventions) Act, 1933.

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).

Amendments of 18 June 1930 and 24 April 1933 to the Seamen's Order of 30 October 1928.

Luxemburg.

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

Poland.

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P., No. 1, p. 90).

Act of 17 March 1933 amending the Seamen's Code (which came into force on 1 June 1933) (L. S. 1933, Pol. 5).

8. Unemployment indemnity (shipwreck).

Rumania.

Act of 24 April 1933 to impose a salvage tax on vessels wrecked in Rumanian waters and to grant an unemployment indemnity to seamen in case of the loss or foundering, breaking up or capture of the ship (L. S. 1933, Rum. 4).

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 No. 2 (Unemployment)*, point 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.

Irish Free State. — According to § 1 (3) of the Merchant Shipping (International Labour Conventions) Act, 1933, 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. Under § 5 of the Act the expression "ship" means any sea-going ship or boat of any description which is registered in Saorstát Éireann and includes any fishing boat entered in the fishing boat registers in Saorstát Éireann, 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.

Latvia. — The report states that according to the corresponding clauses of the Seamen's Order of 30 October 1928 (e.g. §§ 13, 34, etc.) and of the other Acts there are two categories of seamen: (1) the crew of the vessel and (2) the administrative staff of the vessel, so that the laws relating to seamen apply to these two categories of seamen, i.e. to all persons

employed on board the vessel engaged in maritime navigation.

Poland. — According to the Seamen's Code the term "seaman" means any person other than the master and officers of a vessel engaged on behalf of the shipowner for service on board ship during the voyage, irrespective of whether such person has been registered or not. The term "vessel" applies to all vessels of the mercantile marine authorised to fly the flag of the Polish Republic.

Rumania. — According to § 7 of the Act of 24 April 1933 by the term "seaman" is meant any person who renders services on board a vessel. By the term "vessel" is meant any vessel of any nature whatsoever whether publicly or privately owned and engaged in maritime or inland navigation, with the exception of ships of war.

Spain. — . . . See also 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.

Irish Free State. — § 1 (1) of the Merchant Shipping (International Labour Conventions) Act, 1933 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, notwithstanding anything in § 158 of the Merchant Shipping Act, 1894, but subject to the provisions of this section, 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 to which he was entitled at that date". According to § 1 (2) "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".

Latvia. — § 39 of the Seamen's Order of 30 October 1928, as amended by the Saeima on 18 June 1930 and further amended by the Act of 24 April 1933, provides

8. Unemployment indemnity (shipwreck).

as follows: The articles of agreement of all persons employed on board a vessel for purposes of maritime navigation are terminated in case of loss by shipwreck, or in the case of the vessel being declared lost by shipwreck or beyond repair, except where otherwise provided by the articles; it is however the duty of the seaman to take part in the salvage operations of the vessel for his original wage, maintenance and accommodation, and to remain on duty until the certificate of wreck is issued. In such cases the seamen are entitled to obtain from the shipowner an indemnity equal to the wage fixed in the articles of agreement, during the period in which they are in fact unemployed; this indemnity may not however exceed a sum equal to two months' wages. If the unemployed seaman refuses without justification during this period to accept a post of the same grade offered on a vessel, he loses from that moment the right to an unemployment indemnity. If the wage of a seaman is lower in the new vessel he has the right to obtain from the owner of the vessel lost by shipwreck the difference between his old wage and his new wage for the remaining period of the two months mentioned in this clause.

Poland. — The Seamen's Code as amended by the Act of 17 March 1933 provides in § 69 that in case of shipwreck the seaman has the right to receive from the shipowner or the person with whom he had contracted for service an indemnity for every day during which he is in fact unemployed at the rate of his last daily wage, but subject to a maximum period of 60 days.

Rumania. — According to § 7 of the Act of 24 April 1933, in case of loss of a vessel engaged in maritime or inland navigation by breaking up, capture or wreck, the shipowner or the person with whom the seamen have contracted for service on board ship must pay to each seaman employed on the vessel an indemnity against unemployment resulting from such loss. This indemnity is payable only for the days during which the seaman remains in fact unemployed and in accordance with the rate of wages payable under the contract; the total amount of indemnity payable to each seaman may be limited to two months' wages.

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.

Irish Free State. — The report states that the remedies available to seamen for

recovering arrears of wages are in brief: (a) If the sum in dispute is under £ 5, the matter may be adjudicated by the Superintendent of Mercantile Marine; (b) where the wages do not exceed £ 50, proceedings for their recovery may be taken before a Court of summary jurisdiction; (c) where the wages exceed £ 50, the proceedings will be before a higher Court.

Poland. — § 69 of the Seamen's Code as amended provides in paragraph 4 that the indemnity in question shall be treated on a footing of equality with arrears in wages; in order to recover it the seaman has the same facilities in procedure as he has for recovering arrears in wages.

Rumania. — Under § 7 of the Act of 24 April 1933 the indemnity in question enjoys the same privileges as arrears of wages due for services rendered, and the seamen may have recourse to the same procedure for recovering such indemnity as they have for recovering arrears of wages.

III.

Article 4 of the Convention is as follows:

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

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

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

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

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

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

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

France. — The report states that, in view of the fact that the Act of 15 February 1929, whose provisions are in conformity with those of the Convention, has been extended to *Algeria*, the Convention is in practice applied in that colony, although no Decree for such application has been issued. In *Tunis*, the application of the Convention is rendered difficult on account of the poverty of the owners of the small coasting vessels which constitute the great bulk of the shipping of this colony. The report adds that, by reason of local

8. Unemployment indemnity (shipwreck).

conditions, it has not been possible to extend the application of the Convention to the other colonies, but that the Department for the Colonies intends to have the possibilities of its adaptation in the various colonies examined.

Great Britain.— . . . Legislation applying the provisions of the Convention has been enacted in the following additional dependency: *Sarawak* (Order L-6 of 1933).

Italy.— The Government states that the provisions which ensure, in case of shipwreck, indemnity for loss of kit and for insurance benefits in case of unemployment have been extended to the colonies.

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.

Irish Free State.— The Minister for Industry and Commerce is responsible for the administration of the Act. The report states that the supervision, enforcement and inspection in respect of the Act is similar to that under the Merchant Shipping Acts.

Poland.— The report states that the application of the Act of 17 March 1933 is entrusted to the Minister of Industry and Commerce and to the Minister of Social Assistance.

Rumania.— The application of the Act is entrusted to the Ministry of Labour and the Ministry of Communications which ensure it through their inspection and supervising services.

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.— The Civil Court of Rouen has decided that the Act of 15 February 1929 enumerated limitatively the cases in which unemployment indemnity was due, that is to say, capture, wreck, or declaration of unseaworthiness.

Great Britain.— The annual report refers to a judgment given by the House of Lords on 17 March 1933, in the case of

Barras v. the Aberdeen Steam Trawling and Fishing Company, Limited. This case arose out of an action brought by the chief engineer of a trawler, which was damaged in a collision and was consequently dry-docked for repairs during a period of fourteen days, to recover an unemployment indemnity under the Merchant Shipping (International Labour Conventions) Act, 1925 in respect of the fourteen days during which the ship was laid up (he had been re-engaged as soon as the vessel was again ready for sea). Lord Buckmaster, in giving judgment, reaffirmed the definition of the term "wreck" given in the Olympic case (1913), to the effect that "the wreck of the ship... is anything happening to the ship which renders her incapable of carrying out the maritime adventure in respect of which the seaman's contract was entered into". In the case of the Olympic, however, the adventure was a voyage to New York and home, if so desired, by a series of calls at ports in the South Atlantic, and she resumed her place in nine weeks. In the present case the fishing trip lasted from five to fourteen days, and the ship generally sailed out after one and a half days in harbour. The contract of service was for about six months, the agreement being terminable at any time before at the discretion of the shipowners. It did not appear that the shipowners had, in fact, terminated the contract. Accordingly, the case did not come within the principle laid down in the Olympic case, and the claim for an indemnity must be dismissed.

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.

Please state whether you have received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

8. Unemployment indemnity (shipwreck).

Belgium. — No occasion for the application of the Convention arose during the period covered by the report, in view of the fact that no shipwreck was registered. No observations were made by the organisations of employers or workers regarding the application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Canada. — 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 no difficulty in their operation has been experienced during the period from 1 October 1932 to 30 September 1933. No statistics in connection with the operation of the Convention are compiled by the Department of Marine. The report adds that no observations or representations were received by the Department of Marine from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the law implementing it.

Estonia. — The report states that no particulars are available regarding the seamen who have benefited by the indemnity provided for in the Convention, but in view of the fact that no contested cases were notified it may be presumed that the seamen concerned obtained satisfaction in the few cases in which loss or foundering of the ship took place.

France. — The report states that the question whether unemployment indemnity should be calculated by taking into account only the wages mentioned in the muster-roll, or whether it should include an allowance for food in addition to the wage proper, was raised by the workers' organisations concerned, which claimed the benefit of the latter interpretation. The employers' organisations concerned, on the other hand, in a circular issued on 20 June 1932, have made every reservation with regard to the interpretation of the Act in this sense and have considered it desirable that the International Labour Office should supply particulars as to the manner in which the various maritime States which have ratified the Convention have interpreted the term "wages". The Government has communicated to the Office together with its report statistical tables compiled on 1 July 1933 giving information concerning the number of workers covered by the Convention. For a summary of this information see below under *Convention No. 22 (Seamen's articles of agreement)*, point VI.

Germany. — The Convention is applied in the letter and in the spirit. The 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. The report adds that the Government is not aware that any observations have been made by the organisations of employers or workers concerned regarding the application of the Convention.

Great Britain. — There is no inspection service and there are no statistics respecting the cases in which indemnities under Article 2 of the Convention have been granted. No observations have been received from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

Irish Free State. — The report states that statistics as to the number of seamen covered by the legislation are not available and that no cases coming within the scope of the Convention occurred during the 12 months ended on 30 September 1933.

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 1932 the number of seamen registered as being eligible for employment on board was 241,441. The number of wrecks suffered by national vessels during 1932 was 23. 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. The report adds that no observations or complaints were submitted by the occupational associations concerned regarding the application of the Convention.

Latvia. — The Ministry of Social Welfare received only three individual complaints from the seamen regarding the non-observance of the articles of agreement with the administrative staff of the vessel, but they were amicably settled through the intermediary of the labour inspectors.

Luxemburg. — The report states that the Government has not received from the organisations of employers or workers any observations regarding the practical application of the Convention.

Poland. — No information.

Rumania. — The report states that the indemnity provided for by the Convention is granted not only in case of loss or foundering of the vessel, but also in case of breaking up or capture of the vessel, irrespective of whether it was engaged in maritime or inland navigation. The report adds that no case of wreck occurred during the period 1 October 1932-30 September 1933.

9. Employment for seamen.

Spain. — The report states that no documentary information under this heading is available except the record of the proceedings of the National Maritime Conference of 1932.

Yugoslavia. — See introductory note.

9. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia	3. 8.1925	27.11.1933
Belgium	2. 2.1925	25.10.1933
Bulgaria	16. 3.1923	14.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Estonia	3. 3.1923	29. 9.1933
Finland	7.10.1922	10.11.1933
France	25. 1.1928	3. 2.1934
Germany	6. 6.1925	3. 1.1934
Greece	16.12.1925	
Italy	8. 9.1924	14.12.1933
Japan	23.11.1922	25. 1.1934
Latvia	3. 6.1926	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Norway	23.11.1921	7.10.1933
Poland	21. 6.1924	9.12.1933
Rumania	10.11.1930	6. 8.1934
Spain	23. 2.1931	15. 1.1934
Sweden	27. 9.1921	6.11.1933
Uruguay	6. 6.1933	
Yugoslavia	30. 9.1929	13.11.1933

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

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

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

The *Spanish* Government states in its report that the labour exchanges and the seamen's employment offices are subject to the provisions of the Act of 27 November 1931 respecting the establishment by the State of a national public and free employment exchange system and the Regulations of 6 August 1932 issued thereunder. The question of adopting special legislation for the purpose of regulating the working of these exchanges and offices is being studied. In the meantime these exchanges and offices are subject to the principles contained in the General Act mentioned above and the prescriptions drawn up by the Joint Maritime Transport Commission. These prescriptions are to come into force on a date subsequent to the period covered by the report.

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

I.

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

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

Australia.

Navigation Act, 1912-1926.

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Bel. 5A).

Royal Order of 20 January 1926 respecting the institution of a Joint Committee on the engagement of seamen (L. S. 1926, Bel. 11).

Royal Order of 10 September 1929 respecting maritime police (L. S. 1929, Bel. 6).

Bulgaria.

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

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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).

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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).

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 § 8 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.
- Decree of 21 August 1913 concerning the carrying out of the above Act (summary in 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 *Convention No. 2 (Unemployment)*.
- Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, p. 90).

Rumania.

- Employment Exchanges Act of 22 September 1921 (L. S. 1921, Rum. 2).
- Ministerial Decisions No 79024/1931 and 244358/1933 setting up a special section for finding employment for seamen in the public employment exchanges at Constanza and Braila respectively.

Spain.

- Employment Exchanges Act of 27 November 1931 (L. S. 1931, Sp. 17).
- Regulations of 6 August 1932 issued under the above Act.
- Prescriptions drawn up by the Joint Maritime Transport Commission.

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 No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

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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.

Rumania. — . . . § 2 of Ministerial Decision No. 244358/1933 lays down that "by the term 'seamen' is meant all persons employed as members of the crew on vessels engaged in maritime or inland navigation".

Spain. — Neither the Employment Exchanges Act of 27 November 1931 nor the Regulations of 6 August 1932 issued thereunder contain a definition of the term "seamen". See introductory note.

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.

Spain. — § 1 of the Employment Exchanges Act of 27 November 1931 provides that a national, public and free employment exchange system shall be organised by the State under the direction of the Ministry of Labour and Social Welfare. Under § 2 of the Act one of the purposes of the organisation to be set up is to inspect private employment agencies as a result of the abolition of commercial and fee-charging agencies, in order to ensure that they satisfy the requirements of morality and hygiene, are in conformity with the system prescribed by the Act and are entirely free of charge to employees. § 12 of the Act provides that the exchanges shall give their services free of charge both to employees and employers and such services shall include both the supply of information and the placing of labour. § 15 of the Act provides for penalties for breaches of the provisions of the Act.

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.

Spain. — § 1 of the Employment Exchanges Act of 27 November 1931 provides that commercial undertakings for the placing of employees and fee-charging agencies shall cease their operations within a year. Under § 2 of the Act one of the purposes of the free employment system set up under the Act is to inspect private employment agencies as a result of the abolition of commercial and fee-charging agencies . . .

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. — . . . A table appended to the report shows that, during the year ended 30 June 1933, 3,496 Australians, 4,853 British, 528 seamen belonging to British Dominions or possessions, and 838 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 1933 was 5,224. The average numbers of seamen, excluding

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officers, unemployed at the principal ports during the year are estimated to be approximately: Sydney, 1,503; Melbourne, 629; Newcastle, 232; Port Adelaide, 120; Brisbane, 195; Freemantle, 42; Hobart, 9.

Belgium. — . . . During the year under report, recruitment took place for 330 Belgian vessels. This recruitment included about 11,200 Belgian seamen and 840 foreign seamen.

Estonia. — . . . 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 1932 to 30 June 1933. Deck officers: 56 applications, 36 vacancies filled; engineer officers: 123 applications, 112 vacancies filled; deck crew: 118 applications, 55 vacancies filled. Engine-room crew: 121 applications, 62 vacancies filled. General service staff: 40 applications, 21 vacancies filled. Radiotelegraphists: 12 applications, 5 vacancies filled. Total number of applications, 470; total number of vacancies filled, 291.

France. — . . . The activities of the Joint Maritime Employment Offices during the year 1932 may be summarised as follows: Dunkirk, 1,230 applications, 579 vacancies notified and 579 vacancies filled; Le Havre, 2,760 applications, 973 vacancies notified, 973 vacancies filled; Rouen, 7,846 applications, 2,880 vacancies notified, 2,797 vacancies filled; Brest, 1,065 applications, 488 vacancies notified, 453 vacancies filled; Nantes, 2,024 applications, 1,235 vacancies notified, 1,195 vacancies filled; Bordeaux, 865 applications, 551 vacancies notified, 551 vacancies filled; Sète, 1,677 applications, 838 vacancies notified, 832 vacancies filled; Marseilles, 7,901 applications, 4,263 vacancies notified, 4,231 vacancies filled. Total number of applications, 25,368; vacancies notified, 11,807; vacancies filled, 11,611. The number of unemployed seamen has shown a substantial increase as a result of economic circumstances. The figures regarding the number of seamen assisted by assistance organisations in certain ports were as follows: Dunkirk, 159 in January 1933, 163 in September 1933; Le Havre, 160 in February 1933, 172 in September 1933; Rouen, 34 in January 1933, 52 in September 1933; Nantes, 32 in February 1933, 50 in September 1933; St. Nazaire, 99 in January 1933, 247 in September 1933; Marseille, 378 in February 1933, 431 in September 1933.

Germany. — . . . According to the figures supplied by the Government, in October 1932 the seamen's recruiting offices and the other offices which provide facilities for employment finding in the case of seamen registered 29,938 applications and 3,591 vacancies. The number of persons placed in employment during this period was 3,555. The figures for June 1933 are as follows: applications, 33,419;

vacancies 4,279; workers placed, 4,278. The figures for July-September 1933 are not yet available.

Italy. — In the ports of Savona, Genoa, Spezia, Leghorn, Portoferraio, Civitavecchia, Naples, Torre Annunziata, Castellammare, Taranto, Brindisi, Molfetta, Barletta, 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 may, under § 1 of the Legislative Decree of 24 May 1925, be carried on exclusively by local employment exchanges under the management of the harbour authority. . . .

Japan. — . . . The report states that the number of employment exchange agencies is 31, including 21 free agencies with 3 branches and 10 agencies charging fees. The record of the seamen's employment exchange service for the period from October 1932 to September 1933 is as follows: vacancies notified: free agencies, 20,776; fee-charging agencies, 600; applications for work: free agencies, 25,974; fee-charging agencies, 1,109; applications satisfied: free agencies, 20,454; fee-charging agencies, 600.

Latvia. — . . . There are 3 seamen's employment offices in Latvia: (1) in Riga, attached to the Seamen's Society of Latvia (*Latvijas jūrn arodbiedrība*); (2) in Liepāja; and (3) in Ventspils, attached to the offices of "Watershouts". During 1933 these three offices placed 1,500 persons in employment.

Poland. — . . . 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 1,014 placings as against 700 in 1931. . . .

Rumania. — . . . § 1 of Ministerial Decision No. 244358/1933 provides that a special section for finding employment for seamen shall be set up in the public employment exchange at Braila, to be carried on in accordance with the provisions contained in the Employment Exchanges Act of 22 September 1921. § 2 of the Decision lays down that the services of this section shall be free of charge.

Spain. — § 1 of the Employment Exchanges Act of 27 November 1931 lays down that a national, public and free employment exchange system shall be organised by the State under the direction of the Ministry of Labour and Social Welfare. According to § 2 of the Act the purposes of the organisation to be set up are as follows: (a) to keep an accurate and up-to-date register of all vacancies and applications for employment; (b) to publish vacancies and applications in a

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suitable manner immediately and regularly; (c) to place persons applying for employment or out of employment in touch with employers or undertakings in want of workers . . . (e) to inspect private employment agencies as a result of the abolition of commercial and fee-charging agencies, in order to ensure that they satisfy the requirements of morality and hygiene, are in conformity with the system prescribed by the Act and are entirely free of charge to employees . . . (h) to keep up-to-date the statistics of labour supply and demand, of persons placed in employment and of fluctuations in unemployment; (i) to perform any other duties relating to employment exchange work in the interests of a sound and rationalised system of national economic organisation. According to § 4 of the Act, employment exchanges with the necessary sections for the various branches of agriculture, industry, commercial and domestic occupations shall be set up by the municipalities concerned at least in the chief towns of the districts (*Partido*) and provinces, and, if necessary, in other important towns in the said areas. § 5 of the Act provides that the provincial assemblies and the regional authorities and unions of local authorities, where such exist, shall set up employment exchanges in their respective areas in order to co-ordinate the municipal services and the interlocal movement of labour. Under § 9 the actual employment exchange work shall be delegated to competent officials responsible to the inspection committee (see under ARTICLE 5) in the first instance and ultimately to the Ministry of Labour and Social Welfare after an investigation by the competent sub-committee of the Labour Council. § 10 provides that in the selection of the staff for the employment exchanges, other conditions being equal, preference shall be given to persons with a knowledge of industrial methods and practical experience of social questions. § 6 of the Act provides that a Central Employment Exchange and Unemployment Prevention Office shall exercise the requisite control over all the employment exchanges throughout Spain, direct their operations in a suitable manner, co-ordinate and connect their various activities, centralise statistics, report on measures to combat unemployment, encourage the carrying out of such measures and act as a clearing-house for the transference and distribution of labour. See also introductory note.

Sweden. — . . . The report states that the special commissioners have employment offices in the following ports: Ornsköldsvik, Härnösand, Sundsvall, Söderhamn, Gävle, Stockholm, Södertälje, Oxelösund, Norrköping, Oskarshamn, Kalmar, Visby, Karlshamn, Sölvesborg, Åhus, Ystad, Malmö, Landskrona, Helsingborg, Halmstad, Göteborg, Lysekil, Uddevalla. For the period 1 October 1932-30 September

1933 there were 95,256 applications, 18,481 vacancies and 18,051 vacancies filled.

Yugoslavia. — . . . During the period 1 October 1932-30 September 1933 the public employment exchanges registered (a) 3,368 persons as being unemployed, of whom 2 were women; (b) 183 vacancies offered for men and (c) 173 posts filled.

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.

Rumania. — . . . § 1 of Ministerial Decision No. 244358/1933 lays down that the special Seamen's Section of the Public Employment Exchange at Braila 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; preference being given to the harbour master or his representative. The election of the members of the Committee and of its chairman must be confirmed by the Ministry of Labour, Health and Social Welfare.

Spain. — § 7 of the Employment Exchanges Act of 27 November 1931 provides that the management of every employment exchange set up by a municipality, a province, a union of local authorities or a regional authority shall be subject to the direct inspection of a committee for the exchange, consisting of employers' and employees' representatives and of experts appointed, on the recommendation of the organisations concerned, by the Ministry of Labour and Social Welfare. Under § 8, the Central Employment Exchange and Unemployment Prevention Office shall be subject to the direct inspection of a special sub-committee of the Labour Council with the addition of the

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number of employers' and employees' members considered necessary and including a number of experts appointed by the Minister of Labour and Social Welfare on the recommendation of the Standing Committee of the above-mentioned Council. Under § 7 the chairman of the inspection committee of a local, provincial or regional employment exchange, or an exchange set up by a union of local authorities, shall be an employee; if the committee fails to agree respecting the appointment, he shall be appointed by the Ministry of Labour and Social Welfare from a list of three names submitted by the various occupational organisations concerned and by the labour officer of the province in which the headquarters of the committee is to be set up. For details as to the degree of State supervision, see the information given under ARTICLE 4 regarding the functions of the Central Employment Exchange and Unemployment Prevention Office.

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.

Rumania. — . . . § 2 of Ministerial Decision No. 244358/1933 contains a provision to this effect.

Spain. — According to § 13 of the Act of 27 November 1931, refusal of the employers to accept employees is allowed if it is based on proved lack of skill or dishonesty on the part of the employees, and refusal of the employees to accept employment is allowed if it is based on the obvious unsuitability of the employment proposed. See also introductory note.

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.

Rumania. — § 2 of Ministerial Decision No. 244358/1933 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 §§ 531 ff. of the Commercial Code (which deal with the signing on and payment of members of the crew).

Spain. — The Act of 27 November 1931 does not contain similar provisions. See introductory note.

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.

Belgium. — . . . During the period covered by the report, approximately 840 foreign seamen were embarked on Belgian vessels through the intermediary of the recruitment office of the Belgian Shipowners' Union.

Rumania. — . . . For the definition of the term "seamen" contained in Ministerial Decision No. 244358/1933, see under ARTICLE 1 above.

Spain. — The Employment Exchanges Act of 27 November 1931 does not contain equivalent provisions. See introductory note.

Sweden. — . . . 431 foreign seamen applied to the Employment Service, and 55 were placed in employment, during the period covered by the report.

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.

Rumania. — . . . Ministerial Decision No. 244358/1933 does not allude to this Article of the Convention.

Spain. — The Employment Exchanges Act of 27 November 1931 does not contain equivalent provisions. See introductory note.

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 Government 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.

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Rumania. — § 3 of Ministerial Decision No. 244358/1933 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 Braila.

Spain. — The report does not contain any information under this Article.

III.

Article 11 of the Convention is as follows :

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

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

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

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

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

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

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

Italy. — The Government states that the Convention has not yet been applied to the colonies, but that a legislative measure for extending the application of the provisions of the Convention to the colonies is in course of preparation.

Spain. — The report does not refer to this question. See introductory note.

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.

Rumania. — The authority responsible for supervising the application of

Ministerial Decision No. 244358/1933 is the Employment Exchange and Migration Service of the Ministry of Labour. (See also the summary of the report on *Convention No. 2 (Unemployment)*).

Spain. — The report states that the application of the relevant provisions is entrusted to the authorities under the Ministry of Labour and Social Welfare, which carries out its functions through the medium of delegates and labour inspectors in the different provinces.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Australia. — The report refers to the information supplied last year. No observations on the Convention were received from employers or employees.

Belgium. — 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. The crisis has brought shipowners and seamen into agreement to ensure that the recruiting office when engaged in recruiting shall take strict account of the order of inscription of seamen in its books. The report adds

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that no observations have been received from the organisations of employers or workers with regard to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Estonia. — See under ARTICLE 4.

Finland. — The report states that the employers' or workers' organisations concerned have not submitted any observations regarding the application of the Convention.

France. — The Department of Mercantile Marine has not received any observations from the organisations of employers or workers concerned with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the provisions of the Seamen's Code relating to the placing of seamen. See also ARTICLE 4.

Germany. — The Government states that it is applying the Convention both in the spirit and in the letter. No observations with regard to the application of the Convention or of the relevant provisions of the national legislation were received from the organisations of employers or workers.

Italy. — The report states that no observations or complaints with regard to the application of the Convention have been made by the occupational associations concerned. See also under ARTICLE 4.

Japan. — The report states that one contravention was reported during the period covered by the report. For information on the working of the employment exchanges, see under ARTICLE 4. The report adds that no observations have been received from the organisations of employers or workers concerned with regard to the practical fulfilment of the

conditions prescribed by the Convention or the application of the national law implementing it.

Latvia. — The report states that the Ministry of Social Welfare has not received any complaints from the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention. See also 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. — The Government has not received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it.

Poland. — See under ARTICLE 4.

Rumania. — The report states that in addition to the special departments for the placing of seamen set up under the Public Employment Offices at Constanza and Braila, the Ministry of Labour will, if necessary, set up a department for placing seamen in the Office at Galatz.

Spain. — The report does not refer to this question. See introductory note.

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.

Yugoslavia. — See under ARTICLE 4.

THIRD SESSION (GENEVA, 1921).

10. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6.1924	10.11.1933
Belgium	18. 6.1928	25.10.1933
Bulgaria	6. 3.1925	14.12.1933
Czechoslovakia . .	31. 8.1923	22. 1.1934
Dominican Republic	4. 2.1933	
Estonia	8. 9.1922	29. 9.1933
Hungary	2. 2.1927	14.12.1933
Irish Free State . .	26. 5.1925	6.12.1933
Italy	8. 9.1924	14.12.1933
Japan	19.12.1923	25. 1.1934
Luxemburg	16. 4.1928	3. 1.1934
Poland	21. 6.1924	9.12.1933
Rumania	10.11.1930	6. 3.1934
Spain	29. 8.1932	19.12.1933
Sweden	27.11.1923	6.11.1933
Uruguay	6. 6.1933	

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

The *Spanish* Government states in its report that up till now it has not been found possible to enact the provisions

necessary to bring Spanish legislation into agreement with the Convention.

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

I.

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

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

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.

10. Minimum age (agriculture).

Bulgaria.

Act of 1924 respecting public education.
See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 dated 4 October 1928; amended by Order of the Department of Education dated 27 November 1930).

Luxemburg.

Act of 10 August 1912 concerning the organisation of elementary education.
Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Poland.

Decree of 7 February 1919 concerning compulsory education, in force in the Central Provinces of Poland.
Constitution of the Republic of Poland of 17 March 1921 (L. S. 1921, Pol. 3).
Order of the Minister of Public Worship and Public Instruction of 18 November 1932 concerning the organisation of the school year, issued under the Act of 11 March 1932 concerning the organisation of the school system.
Order of the Minister of Public worship and Public Instruction of 22 March 1933 concerning the Easter holidays.
Education laws in force in the Southern and Western Provinces and in Upper Silesia.

Rumania.

Act of 26 July 1924 relating to primary education.

Spain.

See introductory note.

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.

Spain. — See introductory note.

ARTICLE 2.

For purposes 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.

Poland. — . . . The school year for the whole of Poland is fixed by the Orders

of 18 November 1932 and 22 March 1933, which have superseded the Order of 6 December 1923 and have repealed all the provisions which were contrary to the terms of the Convention. Under these new Orders, the school year lasts from 20 August to 15 June, and the periods of absence, including the summer holidays, must not exceed three months. The periods of absence allowed under § 23 of the Decree of 7 February 1919 must not exceed 28 days (14 in the spring and 14 in the autumn).

Spain. — See introductory note.

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 adds that, as school attendance is compulsory until the age of fourteen, that is, until the end of the school year during which the child has reached 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.

Spain. — See introductory note.

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.

Spain. — See introductory note.

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.

Spain. — 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 concerning the number of children employed subject to the conditions provided for in the Convention, the number and nature of the contraventions reported, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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. Information concerning the number of pupils, school attendance, facilities for this attendance and penalties inflicted in cases of non-attendance may however be found in the statistical information on the school year 1932-1933 which will appear in the 1933 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. Neither employers' nor workers' organisations have communicated any observations to the Government with regard to the practical application of the Convention.

Belgium. — The application of the Convention is fully secured by the sanctions provided in the organic law on public instruction. This law imposes upon the heads of families the responsibility of securing to their children a suitable primary education for a period of eight years which commences normally after the summer holidays of the year during which they complete their sixth year. Children who reach the age of 14 years in the course of their eighth year of school must complete the current session. The inspectors of primary education are responsible for supervising the strict application of these provisions, and § 11 of the Act contains penalties against heads of families who fail to secure the education of their children or who withdraw them from school before the end of the school period. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Czechoslovakia. — The report states that the information required by this heading is contained in the report of the factory inspection service for 1932, which will be forwarded to the International Labour Office as soon as possible.

Estonia. — During 1932, the inspection services reported six contraventions. In every case proceedings were taken and the cases referred to the ordinary law courts.

Hungary. — The inspection authorities are required to submit a report only in cases where a defective application of the law is detected. During the period covered by the report no notification, complaint or report was brought to the notice of the Government. The application of the Convention is therefore satisfactory. No statistical information is available regarding the number of children employed in the conditions laid down by the Convention. The Government has not received any observations from employers' or workers' observations with regard to the practical application of the Convention and of the legislation which implements it.

Irish Free State. — From the records kept by the enforcing authorities, the Minister is satisfied that the contraven-

tions 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 42.4 % 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 0.5 % for children between 6 and 12 years of age and 1.4 % for children between 12 and 14. No observations have been received from employers' or workers' organisations with regard to the practical application of the provisions of the Convention.

Italy. — There is nothing to add with regard to the application of the Convention. No observations or complaints have been made by the trade union organisations concerned with regard to the practical application of the provisions of the national legislation which implement the provisions of the Convention.

Japan. — 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 99.5 % of the children attend schools, the supervision of contraventions seems unnecessary. No observations have been received from the employers' or workers' organisations concerned with regard to the application of the Convention or of the national legislation which implements its provisions.

Luxemburg. — No information.

Poland. — No information.

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.

Spain. — See introductory note.

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.

11. 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 1933 and from which annual reports under Article 408 were due in respect of the period 1 October 1932—30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6.1924	10.11.1933
Belgium	19. 7.1926	25.10.1933
Bulgaria	6. 3.1925	14.12.1933
Chile	15. 9.1925	29.12.1933
Colombia	20. 6.1933	
Czechoslovakia . .	31. 8.1923	22. 1.1934
Denmark	20. 6.1930	8.11.1933
Estonia	8. 9.1922	29. 9.1933
Finland	19. 6.1923	10.11.1933
France	28. 3.1929	12.12.1933
Germany	6. 6.1925	3. 1.1934
Great Britain . . .	6. 8.1923	6.12.1933
India	11. 5.1923	4. 1.1934
Irish Free State . .	17. 6.1924	9.12.1933
Italy	8. 9.1924	14.12.1933
Latvia	9. 9.1924	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	20. 8.1926	31.10.1933
Norway	11. 6.1929	7.10.1933
Poland	21. 6.1924	9.12.1933
Rumania	10.11.1930	6. 3.1934
Spain	29. 8.1932	19.12.1933
Sweden	27.11.1923	6.11.1933
Uruguay	6. 6.1933	
Yugoslavia	30. 9.1929	13.11.1933

The report of the Government of Colombia has not yet been received.

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

¹ Vol. III, pp. 303-321. The volume in question was published by the Office in 1928 in its collection of "Studies and Reports".

volume appeared no alteration has been made in the law.

The Government of Poland states that the Order of 27 October 1932 concerning associations introduced a uniform legislation for the whole of Poland, superseding the varying legal principles which existed previously in different parts of the country, while at the same time keeping in force, as regards occupational associations, the Decree of 8 February 1919 concerning provisional measures with regard to workers' organisations, without changing the scope of the Decree which was in force in the central and eastern Provinces.

The report of the Government of Uruguay has not yet been received.

I.

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

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

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.

11. Rights of association (agriculture).

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).

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).

Luxembourg.

Constitution of the Grand Duchy of Luxembourg 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 (L. S. 1930, Pol. 3), amended by the Presidential Decree of 25 September 1932.

Presidential Decree of 22 March 1928 concerning Labour Courts (L. S. 1928, Pol. 5).

Order of the President of the Republic of 27 October 1932 to promulgate the law relating to associations (L. S. 1932, Pol. 5).

Various laws and decrees in force in the Provinces of Poland.

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).

Spain.

§ 39 of the Constitution of the Spanish Republic. (Act of 8 April 1932 concerning occupational associations) (L. S. 1932, Sp. 1).

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, conference and assemblies.

See also under *Convention No. 2 (Unemployment)*, point 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.

Spain. — The report states that the Constitution guarantees freedom of association to every individual and to every occupation, and that the Act of 2 April 1932 gives practical effect to this principle.

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.

France. — . . . The legislation in *Algeria* places workers in agriculture on exactly the same footing as workers in other branches of production. The Decree of 1 July 1933 applies the provisions of the Convention to *Martinique, Guadeloupe* and *Reunion*. . .

Netherlands. — . . . The Governor of *Surinam* reports that the Convention has been promulgated in the colony, but that it has not been found necessary so far to take any special measures to apply it. . .

Spain. — The report states that the Act of 8 April 1932 concerning associations applies to all territory under Spanish sovereignty.

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.

Spain. — §§ 37 *et seq.* of the Act of 8 April 1932 lay down that the authority responsible for its application is the Ministry of Labour, which operates through its provincial labour offices and the legal authorities.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — No information. The report simply states that neither employers' nor workers' associations have communicated to the Government any suggestions with regard to the practical application of the Convention.

Belgium. — No general observations. The report states that no observations have been made by employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

Chile. — The report states that, although agricultural workers in Chile enjoy the same rights of association and combination as industrial workers, they have not, in practice, exercised these rights in the past. During the past year, however, considerable initiative has been shown in this respect, and Chile now possesses 8 agricultural trade unions with a total of 502 members. Four of these unions are corporate bodies at civil law.

Czechoslovakia. — The report refers to the report of the Labour Inspection Service for 1932.

Denmark. — During the period with which the report deals, no question has arisen as regards the dissolution of an association of agricultural workers. No special observations have been made by employers' or workers' organisations with regard to the application of the provisions of the Convention or of the legislation which implements it.

Estonia. — The report states that, in general, the Convention is strictly applied in Estonia. This is confirmed by the fact that the workers' organisations have made no complaints with regard to the application.

Finland. — No general observations. The report states that the employers' and workers' organisations concerned have

12. Workmen's compensation (agriculture).

not made any observations with regard to the application of the Convention or of the national legislation which implements it.

France. — The report gives the same information as for last year. It adds that the employers' and workers' organisations concerned have not made any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements those provisions.

Germany. — The Government applies the Convention in letter and in spirit. The application of the Convention has not given rise to any difficulties. No observations have been made by employers' or workers' organisations with regard to the practical application of the legislation which implements the Convention.

Great Britain. — No general observations. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

India. — The report states that trade unionism is practically non-existent among agricultural workers in India. The Government has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions of the Convention or of the national legislation which implements those provisions.

Irish Free State. — No general observations. No observations have been received from employers' or workers' organisations.

Italy. — The report states that there is nothing to add with regard to the application of the Convention. No observations or complaints have been made by the trade union organisations concerned with regard to the practical application of the provisions of national legislation which implement the provisions of the Convention.

Latvia. — The Government is not aware of any difficulty arising out of the application of the Convention. The Ministry of Social Welfare has not received any observations from employers' or workers' organisations with regard to the practical application of the provisions 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 general observations. No observations have been received from

employers' or workers' organisations with regard to the application of the provisions of the Convention or of the legislation which implements those provisions.

Norway. — See introductory note. The report adds that the Government has not received any observations from the organisations of employers or workers with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

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 36,133 paying members in 1,222 branches; (2) Agricultural Workers' Union, affiliated to the Trade Union Federation of the Republic of Poland, with 14,414 paying members in 48 branches; (3) Agricultural and Forestry Workers' Union, affiliated to the Federation of Trade Unions at Poznan, with about 16,328 paying members in 224 branches; (4) Christian Agricultural Workers' Unions of the Republic of Poland, with 2,540 paying members in 13 branches. These statistics refer to 1 January 1933.

Rumania. — The report states that the spirit of trade union organisation is not highly developed among agricultural workers in Rumania.

Spain. — The application of the Convention presents no difficulties. Since the promulgation of the Act of 8 April 1932, a large number of agricultural workers' associations have been constituted throughout the whole country; these associations continue to increase both in numbers and importance.

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. — No information.

12. Convention concerning workmen's compensation in agriculture.

This Convention came into force on 26 February 1923. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

12. Workmen's compensation (agriculture).

COUNTRIES	Date of registration of ratification	Reports received
Belgium	26.10.1932	25.10.1933
Bulgaria	6. 3.1925	11.12.1933
Chile	15. 9.1925	29.12.1933
Colombia	20. 6.1933	
Denmark	26. 2.1923	8.11.1933
Estonia	8. 9.1922	29. 9.1933
France	4. 4.1928	29.12.1933
Germany	6. 6.1925	3. 1.1934
Great Britain . . .	6. 8.1923	6.12.1933
Irish Free State . .	17. 6.1924	9.12.1933
Italy	1. 9.1930	14.12.1933
Latvia	29.11.1929	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	20. 8.1926	31.10.1933
Poland	21. 6.1924	9.12.1933
Spain	1.10.1931	24.11.1933
Sweden	27.11.1923	6.11.1933
Uruguay	6. 6.1933	

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

The *Polish* Government states in its report that the Act of 28 March 1933 provides that the insurance of agricultural workers against incapacity for work or death shall be governed by a special Act. The Government adds that the relevant Bill was to be laid before the Diet before 1 January 1934. For details, see under Article 1.

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

I.

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

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

Belgium.

Royal Order of 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents. Consolidated Acts of 24 December 1903, 3 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930 (L. S. 1931, Bel. 9).

Bulgaria.

Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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 No. 1450 of 23 August 1917 concerning compulsory insurance against accidents in agriculture, amended by the Act of 20 March 1921 (L. S. 1921, It. 2) and by Royal Legislative Decrees No. 432 of 11 February 1923 (L. S. 1923, It. 5) and No. 2050 of 15 October 1925 (L. S. 1925, It. 4).

Regulations No. 1889 of 21 November 1918 for the enforcement of the Decree of 23 August 1917 (see above), with the successive amendments.

Act No. 878 of 26 April 1930 giving effect in the Kingdom to the Convention concerning workmen's compensation for accidents.

12. Workmen's compensation (agriculture).

Legislative Decree No. 264 of 23 March 1933 to unify the institutions for compulsory insurance against industrial accidents.

Act No. 851 of 22 June 1933 to co-ordinate and supplement the regulations for the reduction of the causes of malaria.

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), as amended by the Act of 6 September 1933 (L. S. 1933, Lux. 3).

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.

Act of 28 March 1933 respecting social insurance (L. S. 1933, Pol. 6) (to be put into operation with respect to agricultural undertakings in the various provinces by Orders of the Council of Ministers).

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.

Decree of 8 October 1932 to issue a consolidated text of the legislation relating to industrial accidents (L. S. 1932, Sp. 6).

Regulations of 31 January 1933.

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.*

Belgium. — Under the consolidated Acts in operation since 1 January 1932, all agricultural undertakings are covered by the law, and farm servants (male and female) are placed on the same footing as wage-earning employees. It is laid down, however, that "a person who engages in the cultivation of the soil for the purpose of the maintenance of his family and not mainly with the object of selling the produce shall not be deemed to be the head of an agricultural undertaking within the meaning of this Act". The report states that this restriction is justified by the fact that such cultivation of the soil does not constitute an "undertaking" within the meaning of the Act.

Italy. — . . . Insurance against accidents in agriculture differs from insurance against industrial accidents in that it is an automatic insurance; it comprises the insurance of wage-earning employees *de jure*, and the contributions are collected in the form of a supplement to the tax on landed property. The Act of 22 June 1933 provides that the dependants of a wage-earning employee in an industrial or agricultural undertaking who was insured and whose death was caused by malaria shall receive the compensation provided by the Legislative Decree of 23 August 1917 and the subsequent amendments thereto.

Poland. — . . . The report states that the Act of 28 March 1933 (which is to be put into operation by Orders of the Council of Ministers) suspends the application of its provisions with respect to incapacity for work or death caused by industrial accidents to persons employed in agricultural undertakings, the areas of which are less than 30 hectares, in the Central, Southern and Eastern Provinces

of Poland. § 7 of the said Act lays down that the insurance of agricultural workers against incapacity for work and death shall be governed by a special Act. The relevant Bill was to be laid before the Diet by the Minister of Social Welfare before 1 January 1934.

Spain. — The Decree of 8 October 1932 places the following on the same footing as industries and occupations which are deemed to give rise to the liability of the employer for compensation for industrial accidents, namely: "undertakings in agriculture, forestry and stock-keeping falling under the following heads: (a) undertakings employing regularly more than six wage-earning employees; (b) undertakings using agricultural machinery driven by mechanical power. In this case the employer shall be liable in respect of the staff engaged in managing or minding the motors, or machinery, and wage-earning employees who are victims of accidents occurring in connection therewith." (§ 7 (5)). Provision is made for the payment of a pension in case of permanent and total incapacity for all work or for the employee's habitual occupation, or for the occupation or kind of work in which the victim was employed (§ 23). On the other hand, accidents occurring in agricultural undertakings which do not belong to the categories mentioned above continue to be governed by the Legislative Decrees of 12 June and 9 September 1931 and the provisions supplementary thereto. In accordance with these Decrees, compensation for industrial accidents is payable in a lump sum (§ 7 (5)) which in case of permanent and total incapacity for all work is to be equivalent to two years' wages.

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 does not refer to this question.

France. — The report states that the Act of 15 December 1922/30 April 1926 is applicable to *Algeria* under the first paragraph of § 17 thereof. With regard to *Tunis*, a Decree of the Bey, dated 31 January 1934, extends the legislation respecting industrial accidents to agricultural undertakings. Two public administrative regulations, dated 23 May 1927, deal with the conditions for the application of the Act of 15 December 1922, one with respect to the three colonies of *Martinique*, *Guadeloupe* and *Reunion*, the other with respect to *Guiana*; nevertheless, they specify that their provisions shall not come into operation in either of the said colonies until three months after the publication in the *Journal Officiel* of the colony concerned of the various texts which will be issued for their administration.

Great Britain. — . . . The legislation of the *Straits Settlements* (Ordinance 9 of 1932) and of the *Federated Malay States* (Enactment 17 of 1932) has been brought into operation with effect from 1 October 1933. The question of introducing similar legislation in *Johore* and *Kedah* is under consideration.

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. — See under *Convention No. 17 (Workmen's compensation, accidents)*, point IV.

France. — . . . As regards the colonies, supervision is also exercised under the authority of the Minister of the Colonies and the Minister of Labour in the colonies in which the legislation respecting industrial accidents has been made applicable.

Italy. — The enforcement of accident insurance in agriculture is supervised by the Ministry of Corporations, acting through the corporation inspectors and police officials. The insurance is managed by the National Accident Insurance Fund in the case of three districts, and by mutual benefit funds in the case of the 22 other districts. Nevertheless, Legislative Decree No. 264 of 23 March 1933 provides that the management of this insurance in the three districts mentioned above shall be transferred on 1 January 1934 to the mutual benefit funds set up by Royal Decree No. 2050 of 15 October 1915. In case of dispute the decision rests with the arbitration boards of the first instance and a central committee of appeal.

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 refers to four awards granting wage-earning agricultural employees or their dependants the right to the compensation and allowances provided by Chilean legislation, in the same manner as if they had been wage-earning employees engaged in industry.

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 and nature of accidents reported, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — See under Convention No. 17 (*Workmen's compensation, accidents*). The report states that neither the employers' nor the worker's organisations have made any observations with respect to the practical application of the Convention.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

Chile. — The report states that practically all employers in agriculture are insured in respect of workmen's compensation for accidents; the total number of agricultural workers is 352,727.

Denmark. — The report reproduces the general information supplied in the report for last year. The employers' and workers' organisations have not made any special observations with respect to the application of the provisions of the Convention or the legislation implementing the Convention.

Estonia. — The report states that wage-earning employees in agriculture are treated as regards compensation for industrial accidents in exactly the same manner as workers employed in industrial undertakings which are covered by the provisions of Chapter VII of the Industrial Labour Code. The efforts made to compile regular statistics have not yet yielded satisfactory results.

France. — No general information. The report simply states that the Government has no knowledge of any observations made by the employers' or workers' organisations concerned respecting the practical application of the provisions of the Convention.

Germany. — The Government states that the Convention is applied in the letter and in the spirit. The report states that the information required may be found in the *Geschäftsbericht des Reichsversicherungsamts* for 1932 (published in *Amtliche Nachrichten für Reichsversicherung*, 1933, p. IV 123) and in the *Statistik der Sozialversicherung* for 1931, published as appendix No. 12 to *Amtliche Nachrichten für Reichsversicherung*, 1932. From these publications it appears that in 1932 there were 39 agricultural and forestry corporations for the purpose of applying compulsory accident insurance. 4,605,300 undertakings, comprising 14,054,000 insured employees, were insured with these corporations in 1931. The statistics for the year 1932 are not available. Indemnities paid for accidents in agriculture in 1932 amounted to 52,977,000 Reichsmark for a total of 249,977 accidents. Statistics for 1933 are not yet available.

Great Britain. — The report refers to the information supplied last year. It adds that no observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Irish Free State. — 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. No observations have been received from the organisations of employers or workers.

Italy. — 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. Information concerning insur-

13. Use of white lead in painting.

ance administration is to be found in the January number (page 85) and September number (page 354) 1933 of the review "*Sindacato e Corporazione*". The number of accidents declared in agriculture was 7,921 in 1932 (as compared with 6,492 in 1931). Of this number, 3,545 (as compared with 3,016 in 1931) did not give rise to compensation; 4,376 (as against 3,476 in 1931) gave rise to compensation as follows: 3,303 (as compared with 2,504 in 1931) entailed temporary incapacity, 967 (against 887 in 1931) entailed permanent incapacity and 106 (against 85 in 1931) resulted in death. During the period covered by the report no observations or reports were received from the industrial organisations concerned with respect to the practical application of the Convention or the legislation implementing it.

Latvia. — The Insurance Department of the Ministry of Social Welfare registered 8,244 accidents in 1932. The Ministry of Social Welfare received no observations from the employers' or workers' organisations with respect to the practical application of the provisions of the Convention.

Luxembourg. — The report of the Accident Insurance Association for 1932, in the section relating to agriculture and forestry, gives detailed information respecting the causes of accidents and injuries caused thereby. It states that 2,551 accidents were notified and that compensation was paid in 2,449 cases. Death resulted in 10 cases. The number of permanent pensions at the end of 1932 was 694.

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 1931. No observations were received from the employers' or workers' organisations respecting the application of the provisions of the Convention or the legislation implementing the Convention.

Poland. — No information. See also introductory note.

Spain. — The report states that all agricultural employers are obliged to constitute mutual insurance societies with a view to providing medical assistance for wage-earning employees who incur accidents. Employers who employ more than six wage-earning employees or use machinery are further bound to insure their employees against the risk of permanent incapacity or death. Employers in agriculture have constituted about 100 mutual insurance societies, a great number of which also insure employers in large scale agricultural undertakings against liability in respect of the risks of incapacity for work or death in agreement with the National Industrial Acci-

dents Fund. No information is supplied by the reports of the labour inspection service with regard to the application of the laws giving effect to the provisions of the Convention. There is a special inspection service for the mutual insurance societies which assume the obligations of the employers with respect to workers who are victims of accidents. Of these societies, two are national and the remainder (about 100) are regional.

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.

13. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	12. 6.1924	10.11.1933
Belgium	19. 7.1926	25.10.1933
Bulgaria	6. 3.1925	4.12.1933
Chile	15. 9.1925	29.12.1933
Colombia	20. 6.1933	
Cuba	7. 7.1928	
Czechoslovakia . .	31. 8.1923	22. 1.1934
Estonia	8. 9.1922	29. 9.1933
Finland	5. 4.1929	10.11.1933
France	19. 2.1926	13. 2.1934
Greece	22.12.1926	
Latvia	9. 9.1924	21.12.1933
Luxembourg	16. 4.1928	3. 1.1934
Norway	11. 6.1929	7.10.1933
Poland	21. 6.1924	9.12.1933
Rumania	4.12.1925	6. 3.1934
Spain	20. 6.1924	24.11.1933
Sweden	27.11.1923	6.11.1933
Uruguay	6. 6.1933	
Venezuela	28. 4.1933	
Yugoslavia	30. 9.1929	13.11.1933

13. Use of white lead in painting.

The Government of *Chile* states in its report that the regulations provided for in the Legislative Decree No. 178 of 13 May 1931 to 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, have not yet been issued.

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

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

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

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

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

I.

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

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

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 building, 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.

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

Belgium.

Act of 30 March 1926 concerning the use of white lead and other white pigments containing lead (L. S. 1926, Bel. 2 A).

Act of 24 July 1927 concerning compensation for injury caused by occupational diseases (L. S. 1927, Bel. 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, Bel. 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, Bel. 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, Bel. 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, Bel. 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, Bel. 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, Bel. 3).

Bulgaria.

Order No. 13,600 of 29 September 1932 prohibiting the use of white lead and sulphate of lead in certain painting operations (L. S. 1932, Bulg. 2).

Order No. 13,599 of 30 September 1932 laying down the measures to be taken for the handling and the use of lead and its compounds and alloys in trades and factories and in industrial establishments and undertakings (L. S. 1932, Bulg. 2).

See also under *Convention No. 1 (Hours of work, industry)*, 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. 10 A) and 8 August 1930 (L. S. 1930, Fr. 13 A) concerning dangerous work prohibited to children and women.

§ 12 of the Act of 25 October 1919 to extend to industrial diseases the Act of 9 April 1898 respecting industrial accidents (L. S. 1920, Fr. 7).

Decree of 6 November 1929 respecting the application of § 12 of the Act of 25 October 1919 (L. S. 1929, Fr. 9).

Latvia.

Act of 13 June 1930 concerning the trade in white lead and the use of white lead in painting (L. S. 1930, Lat. 5).

Luxemburg.

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

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 18 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).

Rumania.

Act of 4 July 1930 respecting public health and social welfare (L. S. 1930, Rum. 3).

Royal Decree No. 130 of 30 January 1933 issuing health regulations for undertakings in which lead and its compounds are manipulated (L. S. 1933, Rum. 2).

Spain.

Royal Decree of 19 February 1926 to provide that the use 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 No. 2 (Unemployment)*, point 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.

13. Use of white lead in painting.

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.

Bulgaria. — § 1 of 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.

Rumania. — § 22 of the Decree of 30 January 1933 prohibits the employment of white lead, sulphate of lead and all products containing these pigments in the internal painting of buildings as well as in the painting of children's cradles and toys, except where the use of the above-mentioned substances is considered necessary for railway stations or industrial establishments by the Minister of Labour, Health and Social Welfare, who is required to take this decision after consulting the Permanent Labour Committee. It is nevertheless permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead. The Minister of Labour, Health and Social Welfare shall determine where necessary by a Ministerial decision the line of demarcation between different kinds of painting. The report adds that over and above the consultation of the Permanent Labour Committee, provided for in this section, the consultation of the most important occupational associations of employers and workers is obligatory for the Minister of Labour, in virtue of the requirements of §29 (2) of the Act of 26 May 1921 concerning trade unions.

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.

Bulgaria. — Order No. 13,600 makes no provision for exemptions of any kind.

Rumania. — § 22 (3) of the Decree of 30 January 1933 lays down that the provisions of the first paragraph of that section 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.

Bulgaria. — § 3 of Order No. 13,600 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 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 on a medical certificate. The permanent board set up by the Superior Labour Council and composed of a workers' delegate and an employers' delegate appointed by their respective organisations is responsible for undertaking the consultation with the employers' and workers' organisations concerned which is mentioned in the Convention.

Rumania. — According to the provisions of § 8 of the Decree of 30 January 1933, the employment of children under 18 years of age and of all females irrespective of age is prohibited in works and workshops where the manipulation of white lead, sulphate of lead and of products containing these pigments is carried out, as well as in operations connected with the cleaning of the workshops where these products are manipulated. The labour inspectors for their respective areas, or the

Ministry of Labour, Health and Social Welfare for the whole country after consulting the Permanent Labour Committee may, however, permit the employment of painter apprentices with a view to their education in their trade, provided such apprentices prove by a medical certificate delivered by a Government doctor or by the medical officer of the respective social insurance institutions that they are healthy and sufficiently developed physically. The report adds that over and above the consultation of the Permanent Labour Committee, as provided for in this section, the consultation of the most important occupational associations of employers and workers is obligatory for the Minister of Labour, in virtue of § 29 (2) of the Act of 26 May 1921 concerning trade unions.

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.

Bulgaria. — The prohibitions in question have been in force since 1932.

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.

Bulgaria. — I (a). § 4 of 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. I (b). § 6 of Order No. 13,599 lays down that spray painting shall be carried out in special workshops provided with a hygienic system of ventilation. If the paint used in this work cannot be damped, the workers shall be provided with masks. I (c). § 4 of Order No. 13,600 provides that dry rubbing down and scraping shall only be carried out after sufficient damping, and measures must be taken to reduce to a minimum the generation of dangerous dust (ventilation, use of exhaust apparatus for the removal of dust, etc.). II (a). 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 fitted with running water. Failing a supply of running water, the water must be stored in closed vessels. The workers shall be given soap and towels in sufficient quantity. II (b). The employer shall provide working clothes for his workmen and shall see that these clothes are worn during the whole of the working period. II (c). Special cloakrooms shall be provided where the workmen may put their clothes away to keep them from being soiled. III (a). 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. III (b). All workers shall submit themselves to a compulsory medical examination at the time of their engagement and, after engagement, they shall be examined every six months. IV. The report does not refer to this point.

Rumania. — I. Under § 6 of the Decree of 30 January 1933, lead salts may be used only in the form of paste or of paint ready for use. In cases where such salts must be used in a dry condition or in the form of spray the necessary manipulation must be carried out mechanically in a closed apparatus. The manipulation of lead and its salts directly with the hands is prohibited. The employers shall take special measures to prevent danger arising from the application of paint in the form of spray or from the dust caused by dry rubbing down and scraping. According to § 7 of the Decree, boilers, furnaces and other installations from which vapours, gases and lead in the form of spray issue

shall be equipped with exhaust lids which, if necessary, can be lowered to close the apparatus hermetically. The draught from the apparatus concerned is arranged for by means of a special opening. II. According to § 9 of the Decree, the employers shall place, free of cost, at the disposal of the staff employed in the workshops covered by the Decree, special working places, cloakrooms, washrooms and shower baths. In certain branches of the industries covered, as well as in all sections and workshops to which lead vapours or gases are likely to spread, as well as in places indicated by the supervising authorities (§ 24 of the Decree), the employers shall make arrangements for painting operations to be carried out in separate rooms which are properly ventilated. They must also provide the workers with respiratory masks. According to § 10, the employers are responsible for the upkeep in proper condition and the frequent washing of the special working clothes of their employees. §§ 11, 12 and 13 lay down special health provisions regarding the food of the workers, who are also required to drink half a litre of milk each before commencing work. III. §§ 14, 15, 16, 17 and 18 of the Decree contain a certain number of detailed provisions which give effect to the requirements of paragraph 3 of Article 5 of the Convention. IV. According to § 20 of the Decree of 30 January 1933, the managers of undertakings covered by the Decree are required to post up in a conspicuous fashion an extract from the Decree in all workshops, as well as on the premises where the payment of wages takes place. They are also required to post up the name and address of the medical practitioner responsible for the medical supervision of the staff, as well as of the place, the day and the hour at which such medical practitioner gives consultations to the workers, outside the regular visits. According to § 21 of the Decree, a special section of the works regulations of the undertaking shall impose upon the workers the obligation (with fines in cases of infraction and dismissal in cases of repetition of the offence, according to the terms of the Act concerning contracts of employment): (a) to use the tools and the clothes provided by the undertaking; (b) to rinse the mouth and wash the hands after each termination of work, at noon and in the evening; (c) to take a bath at least once a week; (d) to submit themselves to the monthly medical examination regularly, as provided for by § 15 of the Decree, as well as to the requirements of §§ 17 and 18 of the same Decree; (e) not to manipulate substances with a lead basis with unprotected hands, especially if there are cuts on the skin; (f) not to walk about with naked feet in the workshops; (g) not to smoke or chew tobacco or to use tobacco snuff, or to eat or drink during working hours or in the workshops.

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.

Bulgaria. — Contraventions of the Orders are subject to penalties: payment of medical treatment and a pension by the employer; fine of not less than 1,000 nor more than 10,000 levas, etc.; an industrial medical officer guilty of a contravention shall be prohibited from practising his profession for a period of not less than one year nor more than three years; a worker guilty of a contravention loses his right to medical assistance, etc. As regards the consultation of the employers' and Workers' organisations concerned, see under Article 3 above.

Rumania. — See below under point VI.

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.

Bulgaria. — The report states that no special statistics as provided for by Article 7 of the Convention are as yet available.

Rumania. — § 19 of the Decree of 30 January 1933 reproduces the text of Article 7 of the Convention.

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.

France. — . . . By a Decree dated 1 July 1933 the provisions of the Convention have been made applicable to the colonies of *Martinique*, *Guadeloupe* and *Reunion*.

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 labour inspectors, medical inspectors and health officers are responsible for the application of the legislation in question.

Rumania. — The supervision of the application of the relevant provisions of the Decree of 30 January 1933 is ensured by §§ 23 and 24 of the Decree, as well as by §§ 334, 349, 350, 351 and 353 of the Act of July 1930 respecting public health and social welfare. According to these latter sections, contraventions of the health regulations for public premises are punishable by a written warning and fines, which may vary from 100 to 10,000 lei, by the cleaning of the premises concerned, carried out by the authorities at the expense of the proprietor, and by the closing down of the premises. Any doctor who notices symptoms of poisoning in a worker is required to notify the case to the local administration and to the employer. Employers may not re-employ a worker who has been incapacitated from working except on production of a medical certificate from a health authority, the medical officer of the undertaking or the social insurance institution concerned. A medical examination is obligatory for admission to employment in an industry; periodical medical examinations are also obligatory; penalties are provided for medical practitioners and employers responsible for contraventions. The local police authorities, assisted by the medical officer of the social insurance institution and of the industry concerned, have to conduct an enquiry into each accident occurring during and in the course of the employment. The medical practitioners or the employers who conceal an accident or who do not notify it in good time are liable, if the accident involves incapacity for work for more than 8 days, to a fine which may vary from 1,000 to 50,000 lei and this fine may be doubled in case of repetition of the offence. The undertakings, and in certain cases the dwelling houses, may be inspected and supervised at all times by the heads of the local services attached to the Ministry con-

cerned, as well as by the sanitary authorities. Persons who obstruct the work of the supervising authorities are liable to a fine of from 5,000 to 20,000 lei. The report recalls the fact that the consultation of the most important occupational associations of employers and workers is obligatory for the Minister of Labour, in virtue of § 29 (2) of the Act of 26 May 1921 concerning trade unions.

Yugoslavia. — The enforcement of the relevant legislation is entrusted to the 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — Owing to the lack of statistics on the subject, information cannot be given respecting the number of workers protected by legislation and the number of offences reported. The information given on pp. 105, 116 and 122 of the report on labour inspection for 1932 is referred to. The statistics of lead poisoning affecting working painters, etc., for the period comprised between 1 January and 30 September 1933 show that one death occurred during the period in question, namely, a working painter, 23 years of age, who frequently handled putty containing white lead. The symptoms recorded were: lead complexion, anaemia, colic and arthralgia. The worker in question had already been

13. Use of white lead in painting.

subject to lead poisoning two years previously; he died on the date on which the sickness was notified. The number of persons suffering from lead poisoning was 16, all males, a proportion being unskilled working painters. The ages of the said persons were 19, 21, 27 (three cases), 32, 36 (two cases), 38, 43, 47, 49 (two cases), 52, 54 and 55 years. In nine cases the attack reported was the first, in six cases the second, and in one case the fourth. It was not found possible to ascertain in every case the period during which the sick persons had been employed on work involving the use of white lead. In the majority of cases the lead colour used was red lead and in other cases white lead, oxide of zinc, pigments having a chalk and aluminium basis and enamels containing lead. In view of the fact that the pigments mentioned above comprise paints which do not contain lead, it is to be presumed that the information supplied to the authorities when notifying the cases and retransmitted by the said authorities was incomplete. Among the symptoms notified to the authorities the following may be mentioned: anaemia (11 cases), colic (9 cases), lead complexion (3 cases), modification of the blood composition (3 cases), arthralgia (3 cases), muscular pains (2 cases), blue line (2 cases), encephalopathy (1 case), pains in the limbs (1 case), affections of the respiratory organs (1 case), insomnia (1 case). The report adds that neither the employers' nor the workers' organisations have submitted to the Federal Government any suggestions with respect to the practical application of the Convention.

Belgium. — 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 Bund for victims of occupational diseases, in its report for 1932, records 110 declared cases of lead poisoning, 71 of which gave rise to compensation. Of this number 57 cases resulted in temporary invalidity, 10 in permanent invalidity and 3 ended fatally. During 1932, 2,579 permits were issued for the use and 107 for the sale of white lead.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — The report states that the labour inspectors, when inspecting industrial establishments and undertakings or dealing with persons connected with the trade in question, constantly require the provisions and the regulations respecting hygiene and industrial safety to be strictly observed. The inspectorate points out in its report that no case of a working painter suffering from lead poisoning was observed, since white lead is not employed.

Czechoslovakia. — The Ministry of Social Welfare states 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 1932. This report will be transmitted to the International Labour Office as soon as possible.

Estonia. — The report states the administration of the Act and regulations thereunder has not so far offered any difficulty and that the labour inspectors received no complaints during 1932 with respect to any contravention of the said provisions.

Finland. — No general information. The report states that the employers' and workers' organisations concerned have made no observations with respect to the application of the Convention or the national legislation.

France. — The report states that detailed information concerning the application of the Convention was supplied in previous reports and in particular in the report for 1932. A standing investigation of the problem is conducted on the basis of the information supplied by the labour inspectors, in reply to a questionnaire drawn up for this purpose, in their annual reports on the application of the provisions for the administration of which they are responsible. The report adds that details concerning the cases of lead poisoning notified and in particular various data concerning cases of lead poisoning affecting working painters employed in the building trade are contained in the report on the application during 1932 of the Act of 25 October 1919 respecting industrial diseases. The number of cases of lead poisoning notified in 1932 was 913 (against 1,114 in 1931) of which 28 cases (against 33 in 1931) were working painters (metal painters 18 cases; painters in the building trade 8 cases; vehicle painters 2 cases). It is pointed out that a number of the cases notified were due to the use of red lead, which is not mentioned in the Convention. In 1932 proceedings were taken in 21 cases and fines inflicted in 21 cases for contravention of the prohibition of the use of lead compounds in the painting of buildings. Contraventions of the regulations with regard to the use of lead compounds in painting work where their use is not prohibited gave rise to 14 warnings; no proceedings were taken and no fines inflicted. During the period covered by this report the employers' and workers' organisations did not submit any observations concerning the practical fulfilment of the conditions prescribed by the Convention or the application of the national legislation implementing the Convention.

Latvia. — The enforcement of the relevant legislation has not given rise to any difficulty. The Public Health Department of the Ministry of Social Welfare recorded 48 cases of lead poisoning in 1931, 41 cases in 1932 and 18 cases up to 1 November 1933.

Luxemburg. — The report states that no contraventions were notified by the labour inspectorate and no fresh case of lead poisoning was observed during the year under review.

Norway. — No observations have been received from the employers' or workers' organisations with respect to the application of the Convention or the laws for giving effect thereto.

Poland. — The statistics of industrial diseases for 1932 show a noteworthy decrease in the cases of lead poisoning, which however do not arise out of work entailing the use of white lead in painting.

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

Spain. — The report states that the labour inspectorate notified a certain number of contraventions respecting the health conditions of workers employed on painting work in connection with railway rolling stock and painting on metal. These contraventions are explained mainly by the refusal of the workers themselves to use the working clothes and special respirators and observe certain health regulations. This is doubtless due to the fact that the legislation in question has only recently been put into operation. In the same manner, most of the offences committed by employers were contraventions of § 6 of the Decree of 28 May 1931, and in particular of Nos. 1, 2 and 3 of the said section, under which the employers are required to cause the walls, floor and ceiling to be washed weekly, to provide washing facilities and towels for the employees and furnish them with special working clothes. Finally, the health inspectorate records no cases of death due to lead poisoning, and only a few cases of sickness due to the same cause. White lead, red lead and white zinc are the pigments most frequently used. A slight decrease in the use of white lead is recorded.

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. — In accordance with the report of the Central Workers' Insurance Institute, 8 cases of lead poisoning were recorded during 1932; pensions were granted in two cases.

14. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	19. 7. 1926	25. 10. 1933
Bulgaria	6. 3. 1925	14. 12. 1933
Chile	15. 9. 1925	29. 12. 1933
Colombia	20. 6. 1933	
Czechoslovakia . .	31. 8. 1923	22. 1. 1934
Estonia	29. 11. 1923	29. 9. 1933
Finland	19. 6. 1923	10. 11. 1933
France	3. 9. 1926	10. 2. 1934
Greece	11. 5. 1929	
India	11. 5. 1923	4. 1. 1934
Irish Free State . .	22. 7. 1930	1. 12. 1933
Italy	8. 9. 1924	14. 12. 1933
Latvia	9. 9. 1924	21. 12. 1933
Lithuania	19. 6. 1931	13. 11. 1933
Luxemburg	16. 4. 1926	3. 1. 1934
Poland	21. 6. 1924	9. 12. 1933
Portugal	3. 7. 1928	19. 2. 1934
Rumania	18. 8. 1923	6. 3. 1934
Spain	20. 6. 1924	24. 11. 1933
Sweden	22. 12. 1931	6. 11. 1933
Uruguay	6. 6. 1933	
Yugoslavia	1. 4. 1927	13. 11. 1933

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

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

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 upwards employed in

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

14. Weekly rest (industry).

premises under the Factory and Workshop Acts. The Road Traffic Act, 1933, makes provision for a period of 24 hours of weekly rest in the case of drivers and conductors of large public service vehicles. The weekly rest position is so well established in An Saorstat that the Act of ratification may be regarded as the reaffirmation of a recognised principle.

The *Polish* Government mentions in its report the new Act of 22 March 1933 to amend and supplement certain provisions of the Act of 18 December 1919 respecting the hours of work in commerce and industry as amended by the Act of 7 November 1932. This Act, certain provisions of which amend the legislation respecting weekly rest, was to come into operation on 1 January 1934.

In its report, the *Portuguese* Government mentions Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Statute. According to § 26 of this Decree "all workers employed in agriculture, industry or commerce have the right to a day of rest every week, which day of rest may, by way of exception and for sufficiently important reasons, be a day other than Sunday; the exigencies of work shall, as far as possible, respect the civil and religious festivals of the locality; work performed on Sunday or on another day designated by way of exception as the day of weekly rest shall be remunerated at double rate, except for persons employed in continuous work". The report also mentions Legislative Decree No. 23,053 of 23 September 1933 setting up a national labour and welfare institute. This Decree, which provides in its §§ 27-43, 44, 48, 49 and 52 for a new system of labour courts and magistracy, came into force on 1 October 1933.

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

I.

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

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

Belgium.

Act of 17 July 1905 relating to the Sunday rest in industrial and commercial undertakings (French text in B. B. Vol. IV, 1905, p. 212), amended by the Acts of 25 May 1914 and 24 July 1927 (L. S. 1927, Bel. 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).

Orders of the Minister of Education and Social Welfare of 26 January 1933, respecting the method of granting rest periods and pay to transport workers employed in undertakings in connection with work which may be performed on Sundays and public holidays in pursuance of § 4 of the Act of 17 December 1925 (L. S. 1933, Est. 1).

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 17 December 1932 concerning certain exceptions to the provisions of the Act of 27 November 1917 respecting the eight-hour working day.

Decision of the Council of State of 17 December 1932 respecting hours of work in continuous undertakings.

Factory Inspection Act of 4 March 1927 (L. S. 1927, Fin. 1.)

14. Weekly rest (industry).

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. 284).

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).

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.

Road Traffic Act, 1933.

See also introductory note.

Italy.

Act of 7 July 1907 respecting the weekly rest and wages in industrial and commercial establishments (B. B. Vol. VI, 1907, p. 312).

Royal Legislative Decree of 28 September 1919 and the Regulations issued thereunder amending the Act of 7 July 1907 with respect to newspaper printing undertakings.

Royal Legislative Decree of 22 July 1923 issuing 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 24 December 1924 and regulations for the administration of the Royal Decree of 31 December 1924 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).

Luxembourg.

Act of 31 August 1913 concerning the weekly day of rest for employees and workmen (B. B. Vol. IX, 1914, p. 106).

Resolution of 21 August 1914 in pursuance of the above Act (B. B. Vol. XI, 1916, 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 the contract of employment of wage-earning employees (L. S. 1928, Pol. 3).

Decree of the President of the Republic dated 16 March 1928, concerning the contract of employment of intellectual 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).

Legislative Decree No. 23,048 of 23 September 1933 to promulgate the National Labour Statute (L.S. 1933, Por. 5).

Decree No. 22,500 of 10 May 1933 concerning hours of work in transport undertakings (L.S. 1933, Por. 2).

See also introductory note.

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.

14. Weekly rest (Industry).

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 26 October 1921 concerning measures for hygiene and safety in undertakings (L. S. 1921, Part II, S. C. S. 3).

See also, under *Convention No. 2 (Unemployment)*, point 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.

Portugal. — . . . The report refers to the statement made by the representative of the Portuguese Government to the Committee on Article 408 set up by the Conference at its Seventeenth Session. According to this statement, the principle of a weekly rest is generally applied in all industrial and other undertakings and the Decree concerning hours of work in transport undertakings (No. 22,500 of 10 May 1933) has taken due account of the right to a weekly rest in such undertakings. See also introductory note.

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.

Portugal. — . . . See also introductory note.

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.

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.

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.

Estonia. — . . . The Minister of Education and Social Welfare issued two Orders on 26 January 1933, respecting the grant-

14. Weekly rest (industry).

ing of rest periods and compensation to persons employed in transport undertakings on Sundays and public holidays on work which is allowed in pursuance of § 4 of the Act of 17 December 1925. One Order refers to transport workers employed in the conveyance of passengers and goods on rural and urban highways, the other deals with undertakings engaged in inland navigation. In accordance with these Orders, wage-earning and salaried employees who are employed on a legal day of rest for more than four hours shall be entitled to a weekly rest in accordance with the principle laid down in § 2 of the Order, or supplementary pay as laid down in § 4, or longer leave as laid down in § 5. In pursuance of § 2 of the Order respecting transport by road, the weekly rest shall be granted: (a) from noon on Sunday until noon on Monday; (b) from noon on Sunday until midnight, provided that a rest day of not less than 24 hours is granted every fortnight; (c) on another day of the week for not less than 24 hours without interruption; and (d) on two half-days in each week from noon to midnight. In pursuance of the Order respecting inland navigation the weekly rest shall be granted: (a) on another day of the week for a period of not less than 24 hours; (b) a half-day on Sunday, provided that a rest day of not less than 24 hours is granted every fortnight; (c) on two half-days in each week from noon until midnight. In accordance with § 4 of both Orders, work performed on legal rest days shall be deemed to be overtime and the remuneration therefor shall be not less than 50 per cent. higher than the ordinary rate of pay. § 5 of both Orders provides that a wage-earning or salaried employee who performs work on legal rest days may be granted a holiday calculated on the basis of a day's holiday for every eight hours' work performed. If a wage-earning or salaried employee has not taken his holiday upon the expiry of his contract of employment, he shall receive the daily pay corresponding to every day's leave to which he is entitled but which he has not taken.

Portugal. — . . . See also introductory note.

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.

Estonia. — The Government has communicated to the Office the two following lists of exceptions permitted by law:

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. 1931, Est. 3 C) and completed on 18 August 1932 (L. S. 1932, Est. 2), 18 January 1933 (L. S. 1933, Est. 1), 21 March 1933 (L. S. 1933, Est. 1) and 30 June 1933 (L. S. 1933, Est. 1), in virtue of § 6 the Act respecting the weekly rest in industrial undertakings.

(12) Charcoal burning and wood distillery establishments: work in connection with water supply and pumps, work in the boiler-room, conduits and motors, work in connection with the dry distillation and the heating, charging and emptying of retorts operating with continuous processes and the working up of the products of the dry distillation; work in connection with the manufacture, drying, extraction and rectification of gray chalk; conveyance of fuel and raw materials.

(13) Wire galvanising industry: work in connection with heating, electrical installation, conduits, motors and water supply; pickling and galvanising wire; conveyance of fuel, raw materials and products in process of manufacture and removal of manufactured products.

(14) Construction of bridges, drainpipes and superstructure: work in connection with draining the water, concrete and employment in hydraulic engineering.

Finland. — . . . The two decisions of the Council of State dated 21 December 1931 have been extended for 1933 by two decisions of the Council of State dated 17 December 1932.

Italy. — . . . The report states that during the period covered an exception was authorised in favour of the manufacture and sale of *schicciate* (a kind of biscuit). This exception is authorised subject to the granting of a compensatory rest in turn to the persons employed in such manufacture and sale.

Sweden. — In accordance with the exceptions mentioned in § 1, § 5 (l) and the fifth paragraph of the final provisions of the Act of 29 June 1912 as amended, work is performed on Sundays and other holidays in certain undertakings belonging to the following categories:

Factories for the working up of ores and briquette factories; blast furnaces; Bessemer steel works; Thomas steel works; large foundries for the production of various alloys; lime kilns; brick factories; potteries; glass works; cement factories; limestone brick factories; carbonising factories; coking works; various electro-chemical and electrothermic factories; paper pulp factories; newspaper printing factories; flour mills (large); raw sugar

14. Weekly rest (industry).

factories; sugar refineries; breweries and malt works; confectionery factories; dairies; oil refineries; various chemical factories; central hydraulic works and electric factories; gas works; water supply undertakings; various kinds of transport undertakings such as posts, telegraphs and telephones, railways, tramways, omnibuses, carriage hiring undertakings, aerial navigation and timber floating. Besides the above-mentioned categories of undertakings in which work on Sunday and other public holidays is practised on a more or less large scale, such work is to be found also in all classes of undertakings for small groups of workers or for isolated workers carrying out watching duties of various kinds or engaged in attending to steam boilers and heating installations, or employed in services connected with streets and highways or as repairers, etc.

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 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.

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.

Portugal. — . . . See also under Convention No. 1 (Hours of work, industry), point IV.

IV.

Please state to what authority or authorities the application of the above-mentioned legislation and administrative regula-

tions, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

Portugal. — . . . See also introductory note.

Spain. — The labour inspectorate (Regulations of 23 June 1932) and the inspecting committees of the joint labour boards, acting as assistant inspectors in the general service of the labour inspectorate, are responsible for supervising the administration of the laws in operation respecting the weekly rest. The reports drawn up in case of contraventions by the said inspectors or inspecting committees must be forwarded by them, together with the recommendation of the penalty, to the provincial labour officers who are responsible for imposing fines.

V.

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

Chile. — The labour courts frequently give decisions in connection with the legislative provisions which implement the Convention. The Government supplies three specimens of such 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 and nature of the contraventions, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — 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 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. No observations have been received from the employers' or workers' organisations concerned with respect to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — The report states that the inspection services have notified that the weekly rest is strictly observed in industrial and commercial establishments and that the number of wage-earning and salaried employees protected by the Act in this respect is 1,245,818.

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 1932 the number of workers protected by the Act was 43,072. During that year the factory inspectors received 12 complaints of non-observance of the Act. In their reports they noted 106 cases of contravention of the legal provisions, of which 90 were the subject of a warning and 16 entailed legal proceedings.

Finland. — The report refers to the annual factory inspection reports which are regularly communicated to the Office. The employers' and workers' organisations concerned have not made any observation with respect to the application of the Convention or the national laws implementing it.

France. — The French Government states that it has no observations to make with respect to the manner in which the Convention has been applied; it points out, however, that the scope of the French law, which comprises both commercial and industrial establishments, is more extensive than that of the Convention, which includes only industrial undertakings. With regard to the statistics of contraventions of the weekly rest provisions in industrial establishments, they are as follows for 1931-1932 : 1931 : 3,074 contraventions notified ; 1932 : 2,227 contraventions notified. The classification of industrial undertakings the weekly rest

system of which is known to the labour inspection service was as follows in 1932 : normal system : collective rest on Sundays : 317,534 undertakings. Exceptions : collective rest on a day other than Sunday : 2,636 undertakings ; collective rest from Sunday noon to Monday noon : 496 undertakings ; collective rest from Sunday afternoon with compensatory rest : 1,063 undertakings ; rest by rotation : 9,254 undertakings ; special rest in continuous process undertakings (Decree of 31 August 1910) : 865 undertakings. Total : 14,314 undertakings. The employers' and workers' organisations concerned have not made any observations during the period covered by the report concerning the practical application of the provisions of the Convention or of the national laws implementing it.

India. — The report refers to the information supplied previously. It adds that the Government of India has not 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.

Irish Free State. — See the introductory note. The Government is not aware of any breaches and the necessity for punitive measures has therefore not arisen.

Italy. — The Government states that, according to the report concerning the work of the corporative inspectors during 1932, 26,481 undertakings, employing in all 770,398 workers, were made the subject of ordinary inspections carried out during the course of the year in connection with the application of the provisions in operation respecting the weekly rest and holidays, while special inspections were made in 7,755 undertakings. A total of 454 contraventions of the above-mentioned provisions were noted. The industrial organisations concerned have not made any observations nor drawn up any reports with respect to the practical application of the provisions of the Convention or the legislation implementing it.

Latvia. — The report states that no complaint of any importance was recorded by the labour inspection service.

Lithuania. — The report refers to the information supplied last year.

Luxemburg. — During the period under review the labour Inspection service instituted legal proceedings in four cases for breaches of the Convention.

Poland. — On 1 January 1933 the number of workers protected by the

legislation was 786,824 persons, employed in 32,063 industrial establishments registered by the labour inspectorate and subject to its supervision (not including the small undertakings employing less than five workers and not using motive power). The figure for the number of persons employed is made up as follows: 597,963 men, 161,783 women, 21,351 boys, and 5,727 girls.

Portugal. — The report refers to the information supplied last year. It adds that the principle of a weekly rest is generally applied in all industrial and other undertakings. The weekly rest is an old-established custom in Portugal and has formed the subject of legislation in 1907-1911. The Decree on hours of work in transport undertakings (No. 22,500 of 10 May 1933) has taken due account of the right to a weekly rest in such undertakings. The application of Portuguese legislation on the weekly rest has not given rise to any complaints on the part of the workers concerned.

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. During 1933 the labour inspectors instituted 4,034 prosecutions for breaches of the Act of 1925 respecting the Sunday rest and legal holidays.

Spain. — The Government states that the representatives of the employers and workers constituting the joint boards have done useful work. Certain joint boards, as for example the railways' joint boards, have drawn up rules providing for calculating rest-periods for the operating staff over periods longer than a week, subject to provision being made for other rest periods by way of compensation, as laid down by law. It adds that it is not at present in a position to forward the statistics, as the adaptation of the inspection service to the new regulations applicable to this service is not yet terminated.

Sweden. — The Government declares that in a general way the Convention is strictly applied in Sweden. This opinion is confirmed by the fact that the industrial organisations concerned have made no complaints with respect to its application.

Yugoslavia. — The report states that, according to the report of the central labour inspectorate, the labour inspectors visited 5,804 undertakings during 1932. The number of workers employed in these undertakings was 130,152. The number of contraventions noted and punished was 230 (under § 12 of the Worker's Protection Act).

15. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Belgium	19. 7. 1926	25. 10. 1933
Bulgaria	6. 3. 1925	14. 12. 1933
Canada	31. 3. 1926	17. 10. 1933
Colombia	20. 6. 1933	
Cuba	7. 7. 1928	
Denmark	12. 5. 1924	8. 11. 1933
Estonia	8. 9. 1922	29. 9. 1933
Finland	10. 10. 1925	10. 11. 1933
France	16. 1. 1928	3. 2. 1934
Germany	11. 6. 1929	3. 1. 1934
Great Britain	8. 3. 1926	6. 11. 1933
Greece	14. 6. 1930	
Hungary	1. 3. 1928	14. 12. 1933
India	20. 11. 1922	4. 1. 1934
Irish Free State . . .	5. 7. 1930	9. 11. 1933
Italy	8. 9. 1924	14. 12. 1933
Japan	4. 12. 1930	25. 1. 1934
Latvia	9. 9. 1924	21. 12. 1933
Luxemburg	16. 4. 1928	3. 1. 1934
Netherlands	17. 6. 1931	31. 10. 1933
Norway	7. 10. 1927	7. 10. 1933
Poland	21. 6. 1924	9. 12. 1933
Rumania	18. 8. 1923	6. 3. 1934
Spain	20. 6. 1924	24. 11. 1933
Sweden	14. 7. 1925	6. 11. 1933
Uruguay	6. 6. 1933	
Yugoslavia	1. 4. 1927	13. 11. 1933

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

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

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

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

15. Minimum age (trimmers and stokers).

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

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

I.

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

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

Belgium.

Act of 5 June 1928 concerning seamen's articles of agreement (L. S. 1928, Bel. 5 A.).

Bulgaria.

Regulations of 8 August 1923 relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company.

See also under *Convention*, No. 1 (*Hours of work, industry*), introductory note.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Denmark.

Seamen's Act of 1 May 1923 (L. S. 1923, Den. 2).
Act of 26 February 1872 relating to the engagement and discharge of crews.

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

Finland.

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).
Act of 26 May 1925 amending the Seamen's Act (L. S. 1925, Fin. 2).
Order of 19 September 1925 bringing the Convention into force.

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).
Regulations 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 Draft Conventions fixing the minimum age for admission of children to employment at sea, fixing the minimum age for the admission of young persons to employment as trimmers or stokers and concerning the compulsory medical examination of children and young persons employed at sea (L. S. 1929, Ger. 8 A).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Order No. 2 of 8 May 1929 concerning the examination of seamen respecting their fitness for employment on board ship (L. S. 1929, Ger. 8 B).

Great Britain.

Merchant Shipping Act, 1894.

Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Hungary.

Act No. XVII of 1928, ratifying the Convention.
Order No. 32043 of 1933 issued by the Minister of Commerce for the application *inter alia* of the above Act.

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.

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2.).

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, Jap. 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.

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.

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 18 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 No. 2 (Unemployment)*, point 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.

Hungary. — § 7 of the Order No. 32048 of 1933 reproduces the definition of the term "vessel" contained in this Article of the Convention.

Irish Free State. — Under § 5 of the Merchant Shipping (International Labour Conventions) Act, 1933, the expression "ship" means any seagoing ship or boat of any description which is registered in Saorstát Éireann, and includes any fishing boat entered in the fishing boat register in Saorstát Éireann, 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.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Hungary. — § 3 (1) of the Order No. 32043 of 1933 reproduces the text of the Convention.

Irish Free State. — § 2 (1) of the Act provides that subject to the provisions of the section no young person shall be employed on work as a trimmer or stoker in any ship. According to § 5 of the Act, the expression "young person" means a person who is under the age of eighteen 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

15. Minimum age (trimmers and stokers).

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.

Hungary. — (a) § 3 (3) of the Order No. 32043 of 1933 provides that the Minister of Commerce may authorise the employment of persons under eighteen years of age as trimmers or stokers on training ships provided such work is subjected to supervision. (b) § 3 (2) of the Order reproduces the text of paragraph (b) of this Article of the Convention.

Irish Free State. — Under § 2 (1) of the Act, the prohibition relating to the employment of young persons as trimmers or stokers does not apply: (a) to the employment of a young person on such work in a school ship or training ship, if the work is of a kind approved by the Minister for Industry and Commerce and is carried on subject to supervision by officers of the said Minister; (b) to the employment of a young person as trimmer or stoker in a ship which is mainly propelled otherwise than by means of steam; (c) to the employment of a young person subject to and in accordance with the provisions contained in paragraph (c) of Article 3 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.

Hungary. — § 4 of the Order No. 32043 of 1933 reproduces the text of the Convention.

Irish Free State. — According to § 2 (1) (b) of the Act, the prohibition relating to the employment of young persons as trimmers or stokers does not apply where in any port a trimmer or stoker is required for any ship and no person over the age of eighteen years is available to fill his place, but a young person over the age of sixteen years may be employed as trimmer or stoker provided in any case that two young persons over the age of sixteen years shall be employed to do the work which should otherwise have been performed by one person over the age of eighteen years.

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.

Hungary. — Under § 5 of the Order No. 32043 of 1933 every captain or master (commandant) of a vessel is required to keep a register giving a list of all persons below the age of eighteen years employed on board ship, or mention them in the muster-roll of the crew with an indication of their full names, the places and dates of their births, their nationalities and domiciles, the commencement and termination of the engagement, the date of the medical examination and the nature of their work. The masters of vessels flying the Hungarian flag register the above-mentioned young persons in the muster-roll of the crew.

Irish Free State. — § 2 (2) of the Act provides that there shall be included in every agreement with the crew a list of the young persons who are members of the crew together with particulars of their dates of birth and, in the case of a there ship in which is no such agreement, the master of the ship shall, if young persons 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.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

Hungary. — § 8 of the Order No. 32043 of 1933 provides that the articles of agreement of the crew shall contain a summary of the provisions of §§ 3-7 of the Order. These sections of the Order give effect to the provisions of the Convention.

Irish Free State. — Under § 2 (3) of the Act there shall be included in every agreement with the crew a short summary of the provisions of § 2 of the Act.

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 pro-

visions 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.

Great Britain. — ... Legislation applying the provisions of the Convention has been enacted in the following additional dependencies: *Kenya* (Ordinance 14 of 1933); *Straits Settlements* (Ordinance 8 of 1933); *Sarawak* (Ordinance 6 of 1933).

Italy. — The Government reports that the Convention has not been applied to the colonies, but that a legislative measure is in course of preparation for extending the application of the provisions of the Convention to them.

Japan. — The Government hopes to apply the provisions of the Convention to the colonies as far as circumstances permit. For *Taiwan* (Formosa) the report mentions the Imperial Ordinance No. 273 of 9 November 1931 concerning the administration of maritime laws and regulations in that colony and the Order of the Governor-General No. 17 of 5 February 1933 concerning the enforcement of the Minimum Age Act for Seamen, which embodies the principles of the Convention.

Netherlands. — ... The Governor of *Surinam* reports that the Convention has been promulgated in this colony but that no special measures for its application have so far been found necessary.

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.

Hungary. — The application of the Act and the Order is entrusted to the Hungarian Seamen's Office. Supervision is exercised directly by visits and examination by the Seamen's Office or through the intermediary of the Hungarian diplomatic or consular agents.

Irish Free State. — The Department of Industry and Commerce is the authority entrusted with the administration of the Act, which is operated through the medium of the Mercantile Office where the engagement of crews is supervised. The provisions of the Convention can also be enforced by proceedings for penalties under § 4 of the Act.

Rumania. — Contraventions of the Act of 9 April 1928 must be reported by the inspection and supervisory authorities. They are adjudicated upon in the first instance by the labour courts, in accordance with the Act of 15 February 1933, or by the justices of the peace in the absence of a labour court in the district concerned. In either case an appeal lies to a court of law. Moreover, in accordance with §§ 6 and 16 of the Regulations for the application of the Act of 1907 concerning the organisation of the mercantile marine, the crew employed on board is subject to supervision by the port authorities and the navigation and harbour inspectorate.

Spain. — The supervision of the provisions of the Labour Code is entrusted to the authorities of the mercantile marine and the Labour Inspection Service, although the latter has not yet attained its full working capacity.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report states that there are no observations to make under this point, since all deck crew and engine room crew working under the Belgian flag during 1932 were more than 16 and 18 years of age respectively. The report adds that no observations were made by the organisations of employers or workers regarding the application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Canada. — 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. No statistics in connection with the operation of the relevant legislation are compiled by the Department of Marine. The report adds that no observations have been received by the Department of Marine regarding the fulfilment of the conditions of the Convention or the application of the national law implementing it.

Denmark. — The superintendents of mercantile marine draw up reports only in cases of infringement; up till now no infringements have been reported. The report adds that the organisations of employers or workers concerned have not made any special observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Estonia. — The report states that no infringements have been recorded.

Finland. — No statistics showing the number of persons covered by the Convention are available. The report adds that the employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention or of the relevant national legislation.

France. — No infringements have been recorded with regard to the enforcement of the above-mentioned provisions of the Seamen's Code. Further, 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 1933, as follows: ordinary seamen, 6,087; ship's boys, 5,156. The Department of the Mercantile Marine has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the provisions of the Convention or of the sections of the Seamen's Code which relate to the minimum age for the

employment of young persons as trimmers or stokers.

Germany. — The Convention is applied in the letter and the spirit. No contravention has been notified, nor have any reports on contraventions been received either from the seamen's offices or from the German consuls. The report adds that no observations from employers' or workers' organisations were brought to the notice of the Government.

Great Britain. — No relevant statistics are compiled, and no reports of inspection or registration services are available. No observations have been received from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Hungary. — The report states that the Order No. 32043 of 1933 came into force in July 1933 and that, on account of the shortness of the period which has elapsed since its entry into force, the particulars required under this heading are not yet available.

India. — 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. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers. The Government of India has no remarks to offer.

Irish Free State. — The Government states that it has not been the practice to employ persons under 18 as firemen or trimmers and that no contraventions have been reported. Seamen's and shipowners' organisations have made no representations in the matter.

Italy. — No special information is available. No observations or complaints were received from the occupational associations.

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 on the matter number 24 in Japan proper and 2 in Taiwan. The cities, towns and villages handling the business of coastal offices number 154 in Japan proper and 14 in Taiwan. With regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law which implements it, no observations have been received from the

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organisations of employers of workers concerned.

Latvia. — The report states that no contravention has been reported during the period under review.

Luxemburg. — See introductory note.

Netherlands. — The report states that the application of the relevant legislation does not call for any observations. No particulars are available concerning infractions. The report adds that no observations by employers' or workers' organisations were brought to the notice of the Government.

Norway. — 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. The Government has not received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions presented in the Convention or the application of the national law implementing the Convention.

Poland. — The administrative maritime authorities of second instance are unaware of any cases of the employment of young persons as trimmers or stokers.

Rumania. — Rumanian vessels do not employ young persons under the age of 18 years as trimmers or stokers.

Spain. — 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 Spain. 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 states that in virtue of Decree No. 159, of 19 September 1883, the Yugoslav maritime authorities deliver the seamen's book only to persons wishing to be employed as trimmers or stokers who have fulfilled the required conditions. Further, since

the articles of agreement must be concluded before the maritime authorities, all the provisions of the positive legislation are strictly observed.

16. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	19. 7. 1926	25. 10. 1933
Bulgaria	6. 3. 1925	14. 12. 1933
Canada	31. 3. 1926	17. 10. 1933
Colombia	20. 6. 1933	
Cuba	7. 7. 1928	
Estonia	8. 9. 1922	29. 9. 1933
Finland	10. 10. 1925	10. 11. 1933
France	22. 3. 1928	3. 2. 1934
Germany	11. 6. 1929	3. 1. 1934
Great Britain	8. 3. 1926	6. 11. 1933
Greece	28. 6. 1930	
Hungary	1. 3. 1928	14. 12. 1933
India	20. 11. 1922	4. 1. 1934
Irish Free State . . .	5. 7. 1930	17. 11. 1933
Italy	8. 9. 1924	14. 12. 1933
Japan	7. 6. 1924	25. 1. 1934
Latvia	9. 9. 1924	21. 12. 1933
Luxemburg	16. 4. 1928	3. 2. 1934
Netherlands	9. 3. 1928	31. 10. 1933
Poland	21. 6. 1924	9. 12. 1933
Rumania	18. 8. 1923	6. 3. 1934
Spain	20. 6. 1924	24. 11. 1933
Sweden	14. 7. 1925	6. 11. 1933
Uruguay	6. 6. 1933	
Yugoslavia	1. 4. 1927	13. 11. 1933

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

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

The report of the Government of Greece has not yet been received¹.

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

The report of the Government of Uruguay has not yet been received.

I.

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

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

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L. S. 1928, Bel. 5A).

Bulgaria.

Regulations of 8 August 1923 relating to the crews of merchant vessels belonging to the Bulgarian Navigation Company.

See also under Convention No. 1 (*Hours of work, industry*), introductory note.

Canada.

Canada Shipping Act (Chapter 186, Revised Statutes, 1927).

Estonia.

Seamen's Act of 22 March 1928 (L. S. 1928, Est. 1 B).

Finland.

Seamen's Act of 8 March 1924 (L. S. 1924, Fin. 1).

Act of 26 May 1925 amending the Seamen's Act (L. S. 1925, Fin. 2).

Order of 19 September 1925 bringing the Convention into force.

France.

Act of 13 December 1926 to issue a Seamen's Code (L. S. 1926, Fr. 13).

Legislative Decree of 19 March 1852 concerning the list of crew and the particulars regarding sea-going vessels and craft.

Germany.

Act of 30 May 1929 concerning the international Draft Conventions fixing the minimum age for admission of children to employment at sea, fixing the minimum age for the admission of young persons to employment as trimmers or stokers and concerning the compulsory medical examination of children and young persons employed at sea (L. S. 1929, Ger. 8 A).

Seamen's Code of 2 June 1902 (International Labour Office, Studies and Reports, Series P, No. 1, p. 90).

Order No. 2 of 8 May 1929 concerning the examination of seamen respecting their fitness for employment on board ship (L. S. 1929, Ger. 8 B).

Great Britain.

Merchant Shipping Act, 1894.

• Merchant Shipping (International Labour Conventions) Act, 1925 (L. S. 1925, G. B. 5).

Hungary.

Act No. XVIII of 1928, ratifying the Convention.

Order No. 32043 of 1933 for the application of the above Act.

India.

Indian Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, Ind. 1).

Irish Free State.

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2).

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.

¹ The report was received by the Office on 26 March 1934. For the summary of it see Appendix A below.

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. Vol. I, 1902, p. 357).
- Order of 1 July 1905 relating to the examination of the fitness of sailors for employment.

Rumania.

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

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 No. 2 (Unemployment)*, point 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.

Hungary. — §7 of the Order No. 32043 of 1933 reproduces the definition of the term "vessel" contained in Article 1 of the Convention.

Irish Free State. — Under §5 of the Merchant Shipping (International Labour Conventions) Act, 1933, the expression "ship" means any seagoing ship or boat of any description which is registered in Saorstad Eirean and includes any fishing boat entered under the fishing boat register in Saorstad Eirean, but does not include any tug, dredge, 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.

ARTICLE 2.

The employment of any child or 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, signed by a doctor who shall be approved by the competent authority.

Hungary. — According to §6 of the Order No. 32043 of 1933, the employment of any young persons under 18 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. For the purposes of the Order, §1 (3) lays down that only ascendants, descendants and their spouses may be regarded as being members of the same family.

Irish Free State. — §3 (1) of the Merchant Shipping (International Labour Conventions) Act, 1933 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. The above prohibition does not apply to the employment of a young person in a ship in which only the members of the same family are employed. Under §5 of the Act, the expression "young person" means a person who is under the age of 18 years.

ARTICLE 3.

The continued employment at sea of any such child or young persons 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.

Hungary. — Under §6 of the Order No. 32043 of 1933 the continued employment at sea of any young person is subject to the repetition of the medical examination at intervals of not more than one year. Any such young person found unfit for work at the medical examination must be forthwith discharged.

Irish Free State. — Under §3 (2) of the Merchant Shipping (International Labour Conventions) Act, 1933, a medical certificate duly issued shall remain in force for a period of 12 months from the date on which it is granted and no longer, provided that if the said period of 12 months expires during the course of a voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

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.

Hungary. — According to §6 of the Order No. 32043 of 1933, in urgent cases the Hungarian diplomatic or consular agencies may allow a young person below the age of eighteen to embark without undergoing the prescribed medical examination, provided however that such an examination shall be undergone at the first port at which the vessel calls.

Irish Free State. — §3 (1) (b) of the Merchant Shipping (International Labour Conventions) Act, 1933 provides that the competent authority may on the ground of urgency authorise a young person to be employed in a ship notwithstanding that the prescribed medical certificate has not been delivered to the master of the ship, but a young person in whose case any such decision is given shall not be employed beyond the first port at which the ship calls after the young person embark thereon... The expression "the competent authority" means a superintendent of mercantile marine or a consular officer in the service of Saorstát Éireann, or any other person recognised by the Ministry for Industry and Commerce to be competent to give the necessary authority in this connection.

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.

Great Britain. — . . . Legislation applying the provisions of the Convention has been enacted in the following additional dependencies : *Straits Settlements* (Ordinance 8 of 1933) ; *Sarawak* (Order L-6 of 1933).

Italy. — The application of the Convention has not yet been extended to the colonies. A legislative measure is however being drafted by which the provisions of the Convention will be extended to them.

Japan. — The Government hopes to apply the provisions of the Convention to the colonies as far as circumstances permit. In *Taiwan* (Formosa) the Minimum Age Act for Seamen embodies the substance of the principles of the Convention. The report mentions the following measures of application in this connection : Imperial Ordinance No. 273 of 9 November 1931 concerning the administration of maritime laws and regulations in Taiwan ; Order of the Governor-General of Taiwan No. 17 of 5 February 1933 concerning the enforcement of this Minimum Age Act for Seamen.

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.

Hungary. — The application of the Act and the Order is entrusted to the Hungarian Seamen's Office. Supervision is

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exercised directly by visits and examination by the Seamen's Office or through the intermediary of the Hungarian diplomatic or consular agents.

Irish Free State. — The report states that the provisions of the Merchant Shipping (International Labour Conventions) Act, 1933 relating to the Convention will be enforced by proceedings under §4 of the Act which provides for penalties. Pursuant to §4 (2) of the Act, the Department of Industry and Commerce will be concerned with the enforcement of such provisions.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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. In 1932, 493 officers and 7,453 subordinate ratings underwent the examination in question. On account of the crisis, which made itself felt even in 1932, the signing on of young persons under 18 years of age has been and still is becoming and rarer and rarer. No observations regarding the application

of the Convention have been received from any employers' or workers' organisation concerned.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Canada. — 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 no difficulty in their operation has been experienced during the period under review. No statistics are compiled by the Department of Marine and no observations have been received by the Department from organisations of employers or workers regarding the fulfilment of the conditions of the Convention or the application of the national law implementing it.

Estonia. — The report states that the provisions of the Convention, which are embodied in the Seamen's Act, are strictly observed by the shipowners and the masters of vessels. No infractions have been reported.

Finland. — It seems unnecessary to give any general information as to application. The organisations of employers and workers have not made any observations with regard to the application of the Convention or of the relevant national legislation.

France. — The Minister for the Mercantile Marine is unaware of any recorded breaches of the relevant provisions of the Seamen's Code. Moreover, 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 1933, the total number of ordinary seamen was 6,087 and the total number of ship's boys (*mousses*) was 5,156. The report adds that the Mercantile Marine Department has not received any observations from the organisations of employers or workers concerned with regard to the practical fulfilment of the conditions prescribed by the Convention or of the application of the provisions of the Seamen's Code relating to the medical examination of ordinary seamen and ship's boys.

Germany. — The Seamen's Code provides in §§ 12 to 17 that all persons wishing to take up employment on board ship must be enrolled at the shipping office. On the occasion of such enrolment the shipping office must satisfy itself that the provisions of § 7 (2) of the Seamen's Code are complied with. According to this section, the employment of persons

who have not reached the age of 14 for service on board ship is prohibited. Further, the shipping office must see to it that the provisions of Articles 1 to 4 of the Convention, according to which a child or young person may be employed on board ship only on the production of a medical certificate attesting fitness for such work and signed by a doctor approved by the shipping office, are complied with. The continued employment at sea of any such child or young person is subject to verification by the shipping office, whether the medical examination is repeated at least once a year and whether the medical certificate attesting fitness for work at sea is renewed after each such examination. The age of the persons employed on board ship can be verified by means of the particulars entered in the muster-roll of the crew, which the captain must submit to the shipping office on the occasion of each new enrolment (§§ 12 and 14 of the Seamen's Code). According to § 2 of the Act of 30 May 1929, the muster-roll must give the names of all young persons under 18 years of age and indicate their dates of birth. The application of the relevant provisions has not given rise to any difficulties. The Government is not aware of any breaches of those provisions. Reports made by the shipping office and the consuls have not been submitted to the Government. The report adds that the Government has not received any observations from the organisations of employers or workers concerned.

Great Britain. — 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. No observations have been received from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Hungary. — The report states that in view of the short period of time which has elapsed since the entry into force in July 1933 of the Order No. 32043, the Government is not yet in possession of the particulars requested under this heading.

India. — The report states that no contraventions have occurred or have been reported at any of the ports. At the port of Bombay, 53 young persons were medically examined, of whom 2 were rejected as unfit for employment at sea. At the port of Calcutta, one seaman of the saloon department under 18 years was medically examined and granted a continuous dis-

charge certificate for engagement on a vessel. At the port of Aden, 3 young persons who were engaged as deckboys were medically examined and found physically fit for such employment. The organisations of employers and workers have not offered any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national laws implementing the Convention. The Government of India has no observations to offer.

Irish Free State. — The report states that very few young persons are employed on Irish Free State ships and that no difficulty in the working of the Act is anticipated. The report adds that no observations have been forwarded by seamen's or employers' organisations.

Italy. — The application of the legislation in question does not give rise to any special observations. No observations or complaints were made by the occupational associations concerned.

Japan. — The report states that no contraventions have been reported. Statistics for the inspection services are not available, but the offices of the competent authorities whose officials are charged with the duty of supervision number 24 in Japan and 2 in Taiwan. The cities, towns and villages handling the business of coastal offices number 154 in Japan proper and 4 in Taiwan. The report adds that with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention, no observations have been received from the organisations of employers or workers concerned.

Latvia. — No cases of infringement have been reported to the Ministry of Social Welfare. The report adds that there is nothing special to report with regard to the application of the Convention.

Luxemburg. — See introductory note.

Netherlands. — During 1932, 877 young persons of 14 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, 18 were rejected as unfit for employment at sea, but some of these were later certified as fit. The report adds that, during 1932, no cases of absence of a medical certificate were brought to the notice of the labour inspectors. No observations by the organisations of em-

16. Medical examination, young persons (sea).

ployers or workers concerned with regard to the application of the Convention were brought to the notice of the Government.

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.

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. In cases where they

are engaged, however, the provisions of the law are observed.

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).

17. 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 1933 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	25.10.1933
Bulgaria	5. 9.1929	14.12.1933
Chile	8.10.1931	29.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Hungary	19. 4.1928	14.12.1933
Latvia	29. 5.1928	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	13. 9.1927	31.10.1933
Portugal	27. 3.1929	19. 2.1934
Spain	22. 2.1929	24.11.1933
Sweden	8. 9.1926	6.11.1933
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	13.11.1933

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

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

The *Portugese* Government states in its report that §49 of Legislative Decree No. 23,048 of 23 September 1933 to issue the National Labour Code provides that the principle of protection for the victims of industrial accidents normally involves employers' liability; and employers are

not exempted from contributing financially to ensure for the worker or the union concerned funds to cover occupational risks, even in the case of services in which the employers are not directly responsible by law for the accidents reported. §§ 50-52 of the Decree contain in addition provisions concerning labour courts, and further and more detailed provisions on the same subject are contained in Decree No. 23,053 of 23 September 1933 concerning the National Institute of Labour and Welfare, which came into force on 1 October 1933.

The report of the *Swedish* Government contains references to an Act of 14 June 1933 (L. S. 1933, Swe. 1) to amend the Accident Insurance Act of 17 June 1916, and laying down that: "If the Crown so orders with respect to institutions for trade training or departments of such institutions, a person who receives instruction in such an institution or a department thereof shall be deemed to be a worker in conformity with this Act, although he is not employed on work on account of another". The date of coming into force of the amending Act was 1 January 1934.

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

I.

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

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

17. Workmen's compensation (accidents).

Belgium.

- Act of 24 December 1903 concerning industrial accidents (French text in B.B. (French edition) Vol. II, 1908, 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, Bel. 5).
- Act of 23 July 1927 for the approval of the Convention, published in the *Moniteur belge* of 19 November 1927.

Bulgaria.

- Act of 6 March 1924 respecting social insurance (L. S. 1924, Bulg. 1).
- See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Chile.

- Decree No. 178 of 13 May 1931 to ratify the Labour Code (promulgated on 28 May 1931) (L. S. 1931, Chile 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, Chile 2).
- Decree No. 581 of 21 April 1927 concerning occupational diseases (L. S. 1927, Chile 2).

Hungary.

- Act No. XXI of 1927 respecting compulsory insurance against sickness and accidents (L. S. 1927, Hung. 1), amended by Orders Nos. 9090 of 29 December 1931 (L. S. 1931, Hung. 5), 9600 of 1932 (L. S. 1932, Hung. 4) and 6000 of 1933 (L. S. 1933, Hung. 4).
- 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), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).
- Act of 21 July 1927 respecting the reassessment of accident pensions (L. S. 1927, Lux. 2).
- Grand Ducal Orders of 23 January, 7 and 23 April 1903, 11 June 1926, 4 April, 29 July, 23 December 1927, 7 December 1928 and 27 December 1929.
- Railway Employees' Pensions Regulations, approved by the Grand Ducal Orders of 30 July 1925 and 2 March 1926.
- Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference at its first ten Sessions (1919-1927).

Netherlands.

- Act of 2 January 1901 respecting the statutory insurance of workers against the pecuniary consequences of accidents in specified industries, text of the Decree of 28 June 1921 promulgating the said Act as amended and supplemented (L. S. 1921, Part II, Neth. 1), amended by the Acts of 2 July 1928 (L. S. 1928, Neth. 1), 7 February 1929 (L. S. 1929, Neth. 2) and 18 July 1930 (L. S. 1930, Neth. 3).

Portugal.

- Act No. 83 of 24 July 1913 establishing the right to medical attendance, medicines and compensation for workers and salaried employees victims of industrial accidents.
- Act. No. 801 of 3 September 1917 extending to commercial travellers all the provisions of the Act of 24 July 1913.
- Decree No. 4288 of 9 March 1918 approving regulations for the application of the Act of 24 July 1913.
- Decree No. 5637 of 10 May 1919 organising compulsory social insurance against industrial accidents in all occupations, as subsequently amended.
- Ministerial Decree No. 7125 of 5 June 1931, conferring certain powers, within the limits of each district, on judges acting as chairmen of courts dealing with cases of industrial accidents.
- Decree No. 23,048 of 23 September 1933 to issue the National Labour Code.

Spain.

- Decree of 8 October 1932 issuing the consolidated text of the legislation respecting industrial accidents (L. S. 1932, Sp. 6).
- Regulations of 31 January 1933 to apply the Decree of 8 October 1932.

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 Transport and Communications of 30 May 1922 respecting the sickness and accident insurance of staff employed in the State transport and communications services.
- See also, under *Convention No. 2 (Unemployment)*, point I, the information supplied by Yugoslavia.

II.

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

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

See below under ARTICLES 2 to 11.

ARTICLE 2.

The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

It shall nevertheless be open to any Member to make such exception 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) outworkers;
- (c) members of the employers' 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 outworkers;
- (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.

Luxemburg. — Under § 85 (1) 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. § 85 (3) 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 establishments becomes liable

to insurance either under the Act of 1925 or by voluntary declaration. § 93 of the Act, as amended by the Act of 6 September 1933, provides that the following persons shall be insured against industrial accidents provided that they are employed in an establishment as specified by § 85 (1) and (3) of the Act: (1) workers, assistants, journeymen, apprentices or domestic servants; (2) works officials, foremen and technical workers whose earnings do not exceed an amount to be fixed by public administrative regulations. The persons enumerated above are liable to insurance even if they are employed without remuneration . . .

Spain. — § 3 of the Decree of 8 October 1932, which came into force on 1 April 1933, defines "wage-earning employee" as any person who habitually performs manual work elsewhere than in his own home on account of another, either with or without remuneration, even in the case of apprentices, and whether employed by the day or the job or piece or in any other way or in virtue of an oral or written contract. § 4 lays down that the definition shall be deemed to cover the officials (irrespective of their trade) of the State, the regions, provinces, island councils, municipalities or associations in respect of any physical injury with which the said officials meet in the performance of their duties or in connection therewith, provided that they are not entitled to benefit under special provisions. Under § 7, the industries and occupations in which the employer is liable for accidents met with by his workers are as follows: (1) factories, workshops and industrial undertakings; (2) mines, salt works and quarries; (3) the construction, repairing and maintenance of buildings, including masonry in all its branches, carpentry, locksmithing, stone-cutting, painting, etc.; (4) the construction, repairing and maintenance of railways, harbours, roads, canals, embankments, aqueducts, sewers, streets in towns and other similar work; (5) undertakings in agriculture, forestry and stock-keeping, provided that they fall under one of the following heads: (a) employing regularly more than six wage-earning employees; (b) using agricultural machinery driven by mechanical power. In this case the employer shall be liable in respect of the staff engaged in managing or minding the motors or machinery and wage-earning employees who are victims of accidents occurring in connection therewith. Accidents occurring in other undertakings of this class shall be governed by the provisions of the Legislative Decrees of 12 June and 9 September 1931, and the provisions supplementary thereto; (6) cartage and the transportation of persons and goods by land, sea and inland waterways, and fishing. Transportation by sea shall be deemed to cover the persons belonging to the crews of vessels.

17. Workmen's compensation (accidents).

The crews of fishing vessels shall be subject to the provisions of the Royal Legislative Decree of 5 April 1929, and the provisions supplementary thereto; (7) the cleaning of streets, cesspools and sewers; (8) theatres, as regards their wage-earning staff. The artistes and managing staff shall also be entitled to the benefit of the Act, provided that their salaries are not more than 15 pesetas a day. The calculation of compensation shall in all cases be based on the average annual earnings of the persons concerned; (9) the work of fire brigades; (10) the installation, repairing and dismantling of electrical wires and lightning conductors, and the installation and maintenance of telegraph and telephone systems; (11) loading and unloading work; (12) commercial establishments, in respect of their assistants, clerks and travellers; (13) hospitals, asylums, homes and similar establishments, as regards their wage-earning staff, for accidents with which they meet in the performance of their duties; (14) the offices or dependencies of factories or industrial undertakings covered by any of the foregoing headings as regards their salaried employees in receipt of an annual salary less than 5,000 pesetas, for accidents with which they meet in the said factories, workshops or undertakings in consequence of the work ordinarily performed therein. Finally, § 8 lays down that the Decree does not apply to domestic service.

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 studies 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.

Spain. — (1) See under ARTICLE 2.

(2) The report does not refer to the question of persons covered by some special scheme.

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.

Spain. — See under ARTICLE 2. Spain has 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.

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. Under § 87 of the Act, the provisions of which were in force until 30 June 1933, an injured person whose pension did 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) might request the payment of his compensation in a lump sum. The National Insurance Institute might pay the compensation in a lump sum, whether the insured person had so requested or consented or not. The payment of a lump sum might be effected only if a medical examination had been made (giving the probable length of life of the pensioner) and if a certificate had been given by the authorities to the effect that the lump sum would be judiciously employed. § 87 as amended by § 13 of Decree No. 6,000 of 1933 no longer admits the possibility of payment of compensation in a lump sum.

Spain. — § 21 of the Decree of 8 October 1932 lays down 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 dependants in the form of a pension. By way of exception to this rule, all or part of the compensation may be paid in the form of a lump sum, if sufficient guarantee is given in the opinion of the competent authority for the proper use of the said lump sum. § 26 of the Regulations of 31 January 1933 which apply the Decree lays down that decisions with regard to the payment of compensation in a lump sum shall be taken by the Superior Joint Committee of Revision set up by the Decree of 7 April 1932. This Committee examines the circumstances of each case and the guarantees given for the proper use of the lump sum. The amount of the lump sum must not exceed a sum equal to four year's wages of the victim.

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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.*

Spain. — (a) § 23 (1) of the Decree of 8 October 1932 provides that, in the case of an accident resulting in temporary incapacity, the employer shall pay the victim compensation from the day on which the accident occurred. (b) Under § 6, the employer is liable for accidents met with by his employees. § 38 provides that the employer shall be bound to insure himself against the risk of accidents to his employees, and, finally, every employee covered by the Decree shall be deemed to be insured against the risk even if his employer is not so insured. If the employer fails to pay compensation to the employee or his dependants within the time limit fixed in the Regulations, the compensation shall be paid from the Guarantee Fund.

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.

Spain. — § 24 of the Decree of 8 October 1932 provides that a supplement to the pension shall be granted to the victim of the accident if, on account of the resulting incapacity, he needs the constant attendance of another person. The supplement shall not exceed half the principal compensation. § 35 of the Regulations of 31 January 1933 provides that this supplement may only be granted in the case of serious disablement (loss of the use of both arms by amputation or otherwise, and similar cases). The victim must prove not only that he is incapable of work, but also that he is unable to carry out unaided the actions indispensable to daily life (eating, dressing, etc.).

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.

Spain. — §§ 36 and 37 of the Decree of 8 October 1932 and §§ 81-86 of the Regulations of 31 January 1933 provide for the supervision and the revision of compensation and pensions. All pensions granted in cases of permanent incapacity may be revised within five years of the date on which they were initiated. After these five years have elapsed, no further revision may be made. Requests for revision must be made to the National Industrial Accident Insurance Fund.

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.*

Spain. — (a) § 25 of the Decree of 8 October 1932 lays down that the employer shall provide medical attendance and medicaments for an employee who meets with an accident until the said employee is able to return to work or is shown by a medical certificate to suffer from incapacity which qualifies him for a pension. § 26 lays down that the employer shall be bound to provide any surgical attendance which may be necessary as a result of the accident. (b) § 26 provides that the surgical attendance may be paid for by the insurance institutions, and, where the institutions are not liable, shall be paid by the employer.

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 regulation shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the

17. Workmen's compensation (accidents).

tenewal 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.*

Spain. — (a) § 27 of the Decree of 8 October 1932 lays down that the victim of an industrial accident shall be entitled to the supply and to the regular renewal as required by the insurance institution or the employer, of the artificial limbs and orthopaedic appliances which are deemed to be necessary for his relief. (b) Supplementary compensation, fixed at the time of the assessment or revision of the amount of the principal compensation, representing the estimated cost of the supply and renewal of such artificial limbs and appliances, may be granted. (c) § 36 of the Regulations of 31 January 1933 provides that the medical inspection service of the National Industrial Accident Insurance Fund shall decide whether the artificial limbs or orthopaedic appliances which the victim asks for are necessary and, if so, in what form. The service shall also fix every year a tariff for the estimated approximate cost of the supply and renewal of such artificial limbs and appliances.

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.

Spain. — § 38 of the Decree of 8 October 1932 lays down that every employer shall be bound to insure himself against the risk of accidents to his employees. If the employer fails to pay compensation to the employee or his dependants the compensation shall be paid from the Guarantee Fund. § 51 provides that if the employer or any of the bodies with which he may insure fails to pay the capital necessary to constitute the pension which should be paid by way of compensation on account of the death of an employee, or his total and permanent incapacity for all work, or his total or partial incapacity for his occupation as established by the competent authority,

the said compensation shall be paid forthwith out of a special guarantee fund in the form and the amount specified in the regulations. The Decree of 8 October 1932 and the Regulations of 31 January 1933 contain detailed provisions with regard to the constitution and working of the Guarantee Fund.

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.

Portugal. — See under Convention No. 1 (*Hours of work, industry*), point IV.

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.

Spain. — The report states that the labour inspectors and the joint boards are responsible for accident prevention and safety appliances, etc. The industrial tribunal is the competent body in matters of disputes with regard to the application of industrial accident legislation. The supervision of insurance obligations is the duty of the inspectors of social welfare. All questions relating to registering incapacity of victims, revision of pensions, etc., comes within the competence of the National Industrial Accident Insurance Fund.

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.

17. Workmen's compensation (accidents).

Chile. — . . . Copies of five decisions given by the labour courts are attached as appendices to the report.

Luxemburg. — . . . During the period 1 January to 31 December 1932, 368 appeals were lodged before the arbitration tribunals against the decisions of the Pensions Commission. 25 appeals were lodged before the Superior Court of Justice.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully

supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report states that there is nothing to record under this point.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — The report gives the following information for the period under review : (1) The total number of wage-earners, including workers, employees and apprentices, but excluding agricultural workers, seamen and fishermen, covered by the relevant legislation, was 871,356 ; the staff of the State railways, for whom special provisions are in force, number 16,173. (2) (a) Benefits in cash amounted to 3,574,678.32 pesos. (b) The average expenditure per injured worker was 297.27 pesos. (3) No data are available as to benefits in kind. (4) The number of accidents reported was 12,359. (5) Although insurance against industrial accidents is optional, practically all industrial, commercial, agricultural and other undertakings are insured against this risk. It is impossible to state the cost of the application of this legislation, as the companies do not publish any data on the subject.

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 1932 the number of paid workers covered by the legislation concerning workmen's compensation for accidents was 600,829 of which 172,348 were domestic servants. In 1932 the average daily numbers of workers was 539,954. 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 1932 : *benefits in cash* : (a) total cost : 8,134,518 pengö ; (b) average cost per employee covered by the legislation : 13.54 pengö ; *benefits in kind* : (a) total cost : 799,823 pengö ; (b) average cost per employee covered by the legislation : 1.33 pengö. The number of accidents notified to the National Insurance Institute was 22,616 of which 136 were fatal ; 733 involved permanent diminution in earning capacity ; 17,852 involved temporary consequences. The consequences of 3,895 accidents are not yet known. Of the 733 accidents involving permanent diminution in earning capacity, 95 were granted full invalidity pensions and 638 were treated as involving a partial diminution in earning capacity. The cost of application was as follows. In 1932 the expenses involved in instituting proceedings and other similar expenses amounted to 89,654 pengö ; administra-

tive charges : 1,310,627 pengö, making a total of 1,400,281 pengö. Of this amount, 320,993 pengö was borne by the State as a contribution to the administrative charges and 1,079, 288 pengö was met by the employers concerned. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention or of the relevant national legislation.

Latvia. — The report gives detailed statistical information with regard to the activities of the General Insurance Society and the Insurance Section of the Ministry of Social Welfare during the year 1932. This information may be summarised as follows :

General Insurance Society. Number of insured workers, 102,352 ; number of accidents reported, 10,597. Of the accidents, 2.86 per thousand resulted in death, 25.74 per thousand in permanent and 971.40 per thousand in temporary invalidity. The total cost of application was 3,097,737.15 lats, divided as follows : medical treatment, 398,360.05 lats ; benefits during medical treatment, 374,449.68 lats ; accidents still under treatment, 335,021.75 lats ; funeral benefit, 6,911.44 lats ; cash benefits (pensions, etc.), 746,038.83 lats ; pensions reserve fund, 337,642.26 lats ; administrative costs, 307,913.86 lats ; various, 91,393.28 lats.

Insurance Section of the Ministry of Social Welfare. Number of insured workers not given ; number of accidents reported, 12,050. Of these accidents, 4.39 per thousand resulted in death, 8.86 per thousand in permanent and 986.75 per thousand in temporary invalidity. The cost of application was divided as follows : medical treatment, 526,923.37 lats ; pensions, 572,425.79 lats ; benefits, 78,808.91 lats ; funeral benefit, 5,600 lats ; travelling expenses, 29,719.04 lats ; administrative costs, 10,748.66 lats. The report adds that the number of permanent pensioners in 1932 was 3,174, of whom 1,423 were in receipt of pensions from the General Insurance Society and 1,751 from the Ministry of Social Welfare.

Luxemburg. — According to the report of the Accident Insurance Association for 1932 the total number of accidents notified during the year was 11,867. The Pensions Committee took the following decisions : life annuities granted to injured persons, 389 ; temporary pensions granted to injured persons, 1,098 ; applications rejected, 315 ; life annuities suppressed, 33 ; temporary pensions suppressed, 36 ; widows' pensions granted, 29 ; orphans' pensions granted, 50 ; parents' pensions granted, 6 ; life annuity increased, 1 ; life annuities reduced, 19.

Netherlands. — The report of the State Insurance Bank (*Rijksverzekeringsbank*)

contains particulars regarding the number of accidents, the amount of compensation paid, etc. A copy of the Bank's report for 1931 has been supplied to the International Labour Office. The report contains the following information with regard to the years 1931 and 1932, taken from the Bank's report : 1. The number of full time workers (i.e. those working 300 days a year) in 1931 was 1,336,065, and in 1932, 1,187,984. The number of undertakings covered by compulsory insurance on 31 December 1931 was 179,300. No such special scheme as that mentioned in Article 3 (2) of the Convention exists in the Netherlands. 2. The total cost of benefits in 1931 (exclusive of the cost of administration) was 17,741,881.78 florins. The total cost of medical benefit, etc. (benefits in kind) in 1931 was 3,431,115.52 florins. The cost of temporary compensation was 4,858,540.95 florins, provisional pensions, 2,590,471.01 florins, pensions definitely fixed, 4,411,571.29 florins, funeral benefit, 53,812.49 florins, survivors' benefit, 2,301,952.21 florins, etc. 3. The number of accidents reported in 1931 was 170,879. Temporary pensions were granted in 1931 in 11,027 cases, and temporary grants or medical benefit in 109,956 cases. 4. The total cost of administration was 4,081,887.90 florins. § 40 (1) of the Accident Insurance Act of 1921 lays down that the sums requisite to cover the pensions and other compensation payments and the expenses of management shall be calculated in accordance with the rules of the premium system. Other regulations exist for employers who are not affiliated to the Bank, that is, employers who have been granted permission to bear the risk of the insurance of their workers themselves or to transfer it to an incorporated company or an incorporated association, including a mutual insurance or guarantee company. These employers pay the Bank indemnities other than pensions, expenses of vocational re-education, etc., and, where a pension is granted, they deposit the capital value of the pension. In addition, they pay a share of the cost of administration of the Bank. The share of the administration costs paid by non-affiliated employers in 1931 amounted to 2,662,619.01 florins.

Portugal. — There are in Portugal fifteen special courts for dealing with industrial accidents. In 1932, these courts registered 14,449 industrial accidents, of which 262 were fatal and 279 resulted in permanent incapacity. The services in question work satisfactorily and it may be explicitly stated that compensation for accidents is completely ensured by the legislation in force.

Spain. — The report states that the competent services have not yet had time to publish any information on the application of the legislation in question. It

18. Workmen's compensation (diseases).

may be stated, however, that during the first six months of its activities the National Industrial Accident Insurance Fund has already paid out a million pesetas by way of pensions.

Sweden. — In 1930, the last year for which statistics are available, the number of insured full-time workers (i.e. those working 300 days or 2,400 hours a year) was 1,590,818, including 115,304 State employees and 120,104 workers employed in agriculture, maritime navigation or fishing. The State Insurance Office, which includes the majority of insured persons — the remainder being insured with various mutual insurance companies — spent 9,414,259 crowns during the period covered by the report on benefits in kind. During the year 1930 the cost of benefits in kind was 10.75 crowns per full-time worker. The cost of medical benefit for the same year was 2,276,612 crowns, or 2.85 crowns per full-time worker. It should be noted that these amounts do not include benefits paid by the State or by employers who themselves assume the risks of insurance as regards industrial accidents for their employees. During the year 1 October 1932-30 September 1933, the State Insurance Office registered 114,568 cases of industrial accidents, including accidents to employees insured with mutual insurance companies. The cost of administration of the State Insurance Office during the same year was 1,766,939 crowns. These expenses and those of the Insurance Council are met partly by the State, partly by a supplementary payment of 5 per cent. on the net premiums paid by employers whose employees are insured with the Office, and partly by the mutual insurance companies by a payment of 3 per cent. of the total amount of premiums received by these companies. The report adds 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 1932 the total number of insured persons was 535,917. (To this number should be added 40,000 miners and 70,000 workers attached to the Ministry of Transport and Communications, all of whom are insured otherwise than with the Central Workers' Insurance Institute). The total number of accidents during 1932 was 12,354. 647 persons received medical treatment at a cost of 10,812 *dinars* a day. The number of personal payments (pensions) was as follows: (a) 887 males, the total for the year amounting to 2,738,320 *dinars*; 78 females, the total amounting to 178,051 *dinars*.

The number of family pensions was as follows: 85 widows, the total for the year being 219,912 *dinars*; 153 children, the total for the year being 281,980 *dinars*; 3 parents and grandparents, the total for the year being 9,201 *dinars*. The total expenses of the Accident Insurance Section for 1932 were 40,727,609 *dinars*.

18. 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 1933 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	29. 9.1928	13.12.1933
Belgium	3.10.1927	25.10.1933
Bulgaria	5. 9.1929	14.12.1933
Chile	31. 5.1933	29.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Czechoslovakia . .	19. 9.1932	22. 2.1934
Finland	17. 9.1927	10.11.1933
France	13. 8.1931	12. 2.1934
Germany	18. 9.1928	3. 1.1934
Great Britain . . .	6.10.1926	6.12.1933
Hungary	19. 4.1928	14.12.1933
India	30. 9.1927	4. 1.1934
Irish Free State . .	15.11.1927	9.12.1933
Japan	8.10.1928	25. 1.1934
Latvia	29.11.1929	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	1.11.1928	31.10.1933
Norway	11. 6.1929	7.10.1933
Portugal	27. 3.1929	13. 2.1934
Spain	29. 9.1932	19.12.1933
Sweden	15.10.1929	6.11.1933
Switzerland	16.11.1927	1.11.1933
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	13.11.1933

The Government of *Chile* states that the Convention is applied by the Decree

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No. 178 of 13 May 1931 to ratify the Labour Code and by the Decree No. 581 of 21 April 1927 concerning occupational diseases. In accordance with a provision of the Decree No. 178, the Decree No. 581 will remain in force until it is replaced by a new measure.

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

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

The *Indian* Government states in its report that the Bill to amend the Workmen's Compensation Act, 1923 (mentioned in last year's report), which was introduced in the Legislative Assembly in February 1932, was passed by the Indian Legislature in 1933, under the title of the Workmen's Compensation (Amendment) Act, 1933. The Act came into force on 1 January 1934, except for §§ 2, 3, 4, 5, 21, 22 and 23, which will come into force on 1 July 1934. The chief amendments to the Act of 1923 are as follows: the scope of the Act of 1923, which was limited to organised industries and certain specified hazardous occupations, has been extended by the amending Act of 1933 to cover as completely as possible the workers in organised industries, whether their occupations are hazardous or not. The amending Act adds the following to the list of occupational diseases given in the Act of 1923: Poisoning by benzene and its homologues, or the sequelae of such poisoning; chrome ulceration or its sequelae; compressed air illness or its sequelae.

The *Japanese* Government states in its report that, in addition to the occupational diseases mentioned in previous reports, silicosis (including tuberculosis) and miners' nystagmus are now deemed to be occupational diseases under certain conditions.

The *Spanish* Government states in its report that up till now it has not been found possible to enact the provisions necessary to bring Spanish legislation into agreement with the Convention. The legal procedure of the Supreme Court, however, applies the legislation concerning industrial accidents to those occupational diseases which are included in the text of the Convention.

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

I.

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

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

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, 17 July 1930, 16 November 1931 and 18 January 1932.

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 Orders issued in application of the Act on 3 September 1928 (L. S. 1928, Aus. 4) and 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.

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 employers 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).

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Chile

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

Decree No. 581 of 21 April 1927 concerning occupational diseases (L. S. 1927, Chile 2).

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Czechoslovakia.

- Act of 28 December 1887 concerning accident insurance, subsequently amended, in particular by Acts of 20 July 1894, 10 April 1919 and 12 August 1921.
- Hungarian Act No. XIX of 1907 concerning sickness and accident insurance of employees in industrial and commercial occupations (B. B. Vol. II, 1907, p. 269), subsequently amended, in particular by Decrees of 23 September 1919 and 14 July 1922.
- Hungarian Act No. XVI of 1900 concerning insurance funds for agricultural workers, with subsequent amendments.
- Act of 1 June 1932 concerning workmen's compensation for occupational diseases (L. S. 1932, Cz. 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).
- Order of 19 October 1932 to complete social insurance and assistance benefits.

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), amended by Orders No. 9090 of 29 December 1931 (L. S. 1931, Hung. 5), No. 9600 of 15 December 1932 (S. L. 1932, Hung. 4) and No. 6000 of 2 June 1933 (L. S. 1933, Hung. 4).
- 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).
- See also introductory note.

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 Ordinance of 24 June 1926 (L. S. 1926, Jap. 2 B), 1 September 1928 (L. S. 1928, Jap. 1), 26 June 1929 (L. S. 1929, Jap. 3) and 5 June 1933.
- 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 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), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

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 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 should 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, Por. 2).

Spain.

See introductory note.

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 No. 2 (Unemployment)*, point 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.

Belgium. — . . . (iii) . . . The compensation granted by the Act of 24 December 1903 as amended by the Act of 15 May 1929 is equivalent to that given to persons insured in industrial accidents. (The Workmen's Compensation Act has been amended, in particular as regards the amounts of compensation granted, and the competent service is in process of examining the possibilities of bringing the Act concerning occupational diseases into agreement with the Workmen's Compensation Act in this respect. Since, however, any such amendment must necessarily result in a heavy increase of expense for the employers concerned, it is only possible to proceed slowly and with care and direction) . . .

Chile. — (i). For an account of the general principles of the legislation concerning workmen's compensation for industrial accidents, see the summary of the report on *Convention No. 17 (Workmen's compensation, accidents)*. (ii). § 265 of the Labour Code lays down that for purposes of compensation for accidents the yearly wage or salary shall not be reckoned at more than 3,600 pesos or less than 900 pesos. Wage earning or salaried employees may, however, conclude an agreement with their employers for a higher compensation. In the event of temporary incapacity, the victim of the accident is entitled, under § 273, to benefit equal to half of his daily wage, within the limits of the yearly wage, which are fixed by § 265, from the date on which the accident occurred until the victim is completely cured, without any deduction for holidays. § 274 provides that if at the end of the year the victim is still not completely cured the case shall be deemed to be one of permanent incapacity and shall be compensated according to the degree of incapacity. Under § 276 the victim shall

be entitled, in the event of partial permanent incapacity, to compensation not exceeding two years' wages, to be assessed on the basis of the ratio between the amount of the wage and the degree assigned to the incapacity concerned. § 279 prescribes that compensation in excess of 500 pesos shall be paid in instalments in the manner prescribed in the regulations. Nevertheless, in certain cases, the labour judge may order the total amount of the compensation to be paid at once. Under the terms of § 284, the compensation in cases of total incapacity shall consist of a life pension equal to 60 per cent. of the yearly wage of the victim and shall be paid in monthly instalments in arrear. § 285 lays down that the pension shall be due from the date on which the accident occurred, and, if the victim has received daily compensation under any other heading, or a provisional pension, the sums paid on this account shall be deducted from the amount of the pension due until the date of the fixing of the annual pension, either by agreement between the parties or by the order of the courts fixing the permanent character of the incapacity. § 286 lays down that if the accident causes death, the dependants of the victim shall be entitled to compensation as follows : to the surviving husband or wife, a life annuity equal to 80 per cent. of the yearly wage of the victim. Nevertheless, a widower shall not be entitled to a pension unless he is incapacitated for work, and a widow shall lose her right to a pension if she contracts a second marriage, and her pension reduced for this purpose to 20 per cent. shall be added to the pension of the children of the victim (§ 287). To children under the age of 16 years, whether legitimate or illegitimate, an annual pension payable until the age of 16 years, equal for all of them together to 40 per cent. of the yearly wage, if there is a surviving husband or wife with a right to a life annuity or, if not, equal to 60 per cent. of the yearly wage (§ 288). In default of children, legitimate or illegitimate, relatives in the ascending and descending line who were dependants of the victim or who had a legal claim against him for maintenance shall be entitled to a pension : ascendants to a life annuity, descendants to a temporary pension until the age of 16. These individual annuities and pensions shall not exceed 10 per cent. of the yearly wage, and the sum total thereof shall not exceed 30 per cent. of the wage (§ 289). § 290 provides that, in default of a husband or wife and legitimate and illegitimate ascendants or descendants, persons, whether relatives or not, who at the time of the accident were maintained by the victim and under his care, shall be entitled to compensation, which shall consist of a life annuity, provided that the persons concerned are totally incapacitated for work, or a temporary pension until the age of 16 in the case of

persons under that age. The sum total of such annuities and pensions shall not exceed an amount equal to 20 per cent. of the yearly wage. § 292 provides that in the case of death as a result of an industrial accident, the employer shall contribute to the funeral expenses of a wage-earning or salaried employee or apprentice up to a maximum of 200 pesos. § 293 lays down that the labour judge may grant an additional compensation not exceeding 20 per cent. of the pension due in respect of accident to victims who are totally incapacitated and require the constant attendance of another person not belonging to their family. (iii). § 258 provides that the liability of the employer shall also extend to diseases which are directly caused by the exercise of the trade or occupation carried on by the wage-earning or salaried employee and which incapacitate him for work. The compensation due for occupational diseases shall be governed by the rules laid down for compensation for industrial accidents. Decree No. 581 of 21 April 1927 assimilates occupational diseases to industrial accidents. (See also introductory note).

Czechoslovakia. — (i). The report gives the following information: Under the Act of 28 December 1887, in force in the Province of Bohemia and the Moravian-Silesian Province, all paid workers, including apprentices, employed in the undertakings and occupations given below, are subject to insurance, without distinction as to age, sex or nationality: (a) factories, mills, foundries and mining of "reserved" minerals, workyards, quarries, smelting of non-reserved ores and undertakings for the production of mineral gas and asphalt; (b) industrial construction and works connected with the construction of buildings; (c) industrial undertakings in which explosives are manufactured or used; (d) industrial, agricultural and forestry undertakings in which steam boilers and machinery driven by natural or animal power are used; (e) undertakings for the transport of passengers and goods by land, sea or river; (f) dredging; (g) industrial undertakings for the cleaning of streets and buildings, canals and chimneys; (h) industrial undertakings for cellarage and storage, and wood and coal depôts; (i) permanently established theatres; (j) industrial undertakings for stone-cutting and metal forging. The following undertakings are not subject to insurance: (a) undertakings in which machinery not forming part of the permanent plant is used only temporarily; (b) construction of dwellings and other agricultural buildings in rural districts, provided that the work is executed by only the builder, the members of his household or other inhabitants of the same district who are not building workers by trade. The insurance covers accidents met with in the undertaking or establishment and also accidents sustained in the course of work performed

by order of the employer or in his name in domestic or other work outside the establishment covered by insurance. Under Act No. XIX of 1907, in force for the territories of Slovakia and Sub-Carpathian Russia, all paid workers, including apprentices, employed in the undertakings or occupations given below, are subject to insurance, without distinction as to age, sex or nationality: (a) mines and smelting works, salt works or other works for the preparation of mining products, quarries, sand-pits, gravel-pits and clay-pits, and industries, establishments and works where the breaking and preparation of stone and earth is carried on; (b) the construction of roads, bridges, railways, tunnels, water power works, dykes, canals, harbours, fortifications, water-works, gas works, electric light works and power stations; (c) industries in which inflammable, injurious or poisonous materials, or explosive materials and apparatus are manufactured or prepared; (d) chemical, physical or pharmaceutical laboratories; (e) slaughterhouses, the meat trade, sausage works and ice works; (f) railways, without regard to the nature of the driving power, and factories and workshops and construction and maintenance works in connection therewith, as well as post, telegraph and telephone undertakings; (g) inland navigation and loading ships; (h) dredging and harbour works, ferries and timber-floating undertakings; (i) carrying businesses and agencies, warehouses and commercial stores; (j) industries allied to agriculture, forestry, cattle rearing and fishing; (k) public institutions and undertakings or offices conducted by the State, by municipalities or by local authorities; (l) associations, societies and industrial corporations; (m) domestic service; (n) all building undertakings and works of construction; (o) undertakings in which persons in reformatory institutions or prisons are employed; (p) motor driving. The insurance covers accidents sustained in the course of work performed by order of the employer or his representatives or in the interests of the undertaking. The special system of accident insurance for agricultural workers which is regulated by Act XVI of 1900, with various subsequent amendments, in force for the territories of Slovakia and Sub-Carpathian Russia, includes founder members, ordinary members and affiliated members. A founder member is any person who has paid a lump sum subscription of at least 500 crowns. Ordinary members are divided into five groups, which include: 1. Agricultural workers, domestic agricultural workers and other agricultural workers who at the time of their affiliation were over 14 and under 36 years of age (groups 1 and 2); 2. Persons who, if they die, ensure funeral benefit for members of their family (group 3); 3. Persons who ensure a grant payable at a certain age (group 4); and 4. Persons, whether paid

or not, who are principally engaged in agricultural work (group 5). All agricultural workers may become affiliated members by affiliating themselves on their own account to the insurance fund for agricultural workers. All agricultural workers and agricultural domestic servants, whether in charge of agricultural machinery or not, are compulsorily insured with the fund. An employer complies with the terms of the Act if he registers his labourers and servants as affiliated members of the fund. The insurance covers all accidents met with during work which involve incapacity to earn or death. (ii). The Act of 28 December 1887 as amended provides for the following benefits: (a) *Benefits in kind*. The victim of an accident is entitled to medical and pharmaceutical relief. This relief is supplied by the sickness insurance fund, the costs being defrayed by the accident insurance fund from the beginning of the fifth week following the accident. (b) *Benefits in cash for victims of accidents*. 1. In case of total incapacity, the victim is entitled to a pension amounting to two-thirds of his annual wages. These wages are calculated on a basis of 300 times the amount of the average daily wage for the year. The amount of the wages in excess of 12,000 crowns is not taken into consideration; in the case of apprentices the minimum annual wage is 2,250 crowns and the maximum 5,400 crowns. In the case of invalids who require the constant assistance of a third person, the pension may be increased by 50 per cent. 2. In the event of partial incapacity, a pension is granted which amounts to a fraction of the total pension corresponding to the extent of the reduction in working capacity. (c) *Benefits to dependants in the case of a fatal accident*. The following are entitled to a pension: the widow, children and other near relatives of the deceased, if any. 1. The pension of the widow (or widower unable to work) is 20 per cent. of the basic wage of the deceased person. If the widow re-marries, the pension is converted into a lump sum equal to three times the amount of the annual pension. 2. Each child under fifteen is entitled to a pension of 15 per cent. of the wages of the deceased or, if an orphan with neither parent, to a pension of 20 per cent. of the wages. If by reason of physical or mental deficiency the child is quite incapable of providing for the necessities of life, the pension may be continued after 15 years of age. The pensions of the widow and children together may not exceed two-thirds of the annual wages of the deceased person. 3. If the pensions of the widow and children together do not exceed this maximum, the ascendants, grandchildren and brothers and sisters who were supported by the deceased person are entitled to the remaining sum up to an amount of 20 per cent. of the basic wage. In addition to the pension, in the case of the death of an

insured person funeral benefit up to a maximum of 900 crowns is granted. The benefits granted by Act No. XIX of 1907 are on the whole equivalent to those provided by the Act of 1887. The children of the deceased person, however, are entitled to a pension up to sixteen full years of age. Act No. XVI of 1900 lays down that, if the victim of the accident is incapable of earning at least half the wages of an agricultural worker for more than a week, he is entitled to a daily benefit of 5 crowns for a maximum period of ten weeks. If the accident was sustained during his work, the employer is obliged to provide the worker with medical care and to pay him the daily benefit of 5 crowns for a maximum period of ten weeks. Agricultural domestic servants continue to receive their wages in every case and are entitled to food and lodging, the responsibility of the insurance fund beginning only from the fifteenth week after the accident. When the incapacity for work lasts more than sixty days, the victim is entitled, as from the beginning of the eleventh week, to a pension of 2,400 crowns a year. In the event of a lasting reduction of earning capacity of more than 25 per cent., the victim is entitled, after the first ten weeks following the accident, to a fraction of the total pension corresponding to the extent of the reduction in earning capacity. With regard to survivors, the family of the deceased person is entitled to a lump sum of 3,000 crowns. If the deceased person leaves more than two children of under fourteen years of age, the benefit is increased by 500 crowns per child up to a maximum of 5,000 crowns. Members who have been affiliated to the fund for ten years and have become incapable of earning half the annual wages of agricultural workers in their district owing to invalidity (even if the invalidity is not caused by an industrial accident), are entitled to a pension of 100 crowns a year so long as they remain invalids. Members of over 65 years of age who are not in receipt of an invalidity pension are entitled to a lump sum benefit of 500 crowns. When a member who was been affiliated to the fund for at least five years dies, his family is granted a lump sum benefit of 1,000 crowns; if he has been affiliated for ten years, the benefit is increased to 1,250 crowns and, if for fifteen years, to 1,500 crowns. If the deceased person leaves more than three children, the widow is entitled to a special increase. (iii). § 3 of the Act of 1 June 1932 lays down that occupational diseases are assimilated to injuries due to an accident, and deaths resulting from occupational disease to deaths resulting from an accident. Under § 3 (3) of the Act, compensation is paid to victims of occupational disease in the form of a pension, which is granted from the beginning of the twenty-seventh week of their illness or incapacity for work, the

expenses of the first 26 weeks being defrayed by the sickness insurance fund. Compensation due to victims of industrial accidents is paid by the sickness insurance fund only for the first four weeks; after this period it is paid by the accident insurance fund. If there is danger of a fresh attack of the occupational disease or a danger of it becoming more serious if the insured person continues to be employed in one of the undertakings covered by the Act, the insurance institution may grant a temporary pension of not more than half the total pension. The insured person, however, does not, owing to this benefit, lose his right to the whole pension granted for incapacity for work (§ 5). If an insured person who is suffering from an occupational disease has not been compensated automatically, he must make his claim within a year of the date on which the doctor certified that he was suffering from an occupational disease, or at latest within two years from the date on which he ceased working in one of the undertakings covered by the Act. Dependants must make their claim during the year following the death of the victim (§ 6). § 4 makes it compulsory to report cases of occupational disease to the sickness insurance institution. Further, special orders may provide that it is compulsory for any doctor who has diagnosed a case of occupational disease to report it.

Germany. — . . . (ii) . . . 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 . . . 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 7 ½ per cent. (except in the case of pensions payable as a result of accidents which occur later than 31 December 1932) . . .

Hungary. — . . . (ii). In case of accident the insured person is entitled. . . (2) to sickness benefit for twenty successive weeks, the first four weeks' benefit being paid by the sickness insurance fund; (3) to medical benefit from the end of the twentieth week until the end of any medical treatment involving incapacity for work. The daily amount of this benefit is equivalent to 66 ⅔ per cent. of the insured person's wages; (4) to a pension, at the end of the treatment involving incapacity for work, during any further period of incapacity or reduction in capacity for work. In the event of total incapacity, the insured person is entitled to 66 ⅔ 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 15 per cent. . . . Earnings are taken into account for purposes of calculation only up to a maximum annual amount of 3,600 pengös. The earnings cannot be less than 300 pengös a year. Under the provisions of § 87 of Act No. XXI of 1927, which were in force until 30 June 1933, an insured person whose pension did not exceed 20 per cent. of the "full pension" might request payment of compensation in a lump sum. Such a lump payment might be made even without the request or consent of the person concerned. It might however be made only after a medical examination of the insured person to determine his probable expectation of life and after a certificate from the competent authorities had been obtained concerning the judicious use of the lump sum. § 87 as amended by § 13 of Decree No. 6,000 of 1933 no longer admits the possibility of payment of compensation in a lump sum (iii) . . . In the absence of official proceedings in connection therewith, 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 two years of the beginning of sickness benefit. If death attributable to the occupational disease occurs later, the dependants may claim compensation within the twelve months following the death. At the end of two years from the first payment of sickness benefit up to the end of the third year, a claim may be taken into consideration if the claimant can prove that the results of the occupational disease could not be definitely declared until after the expiration of the two years' period. The report adds that workers insured by the National Agricultural Fund against accidents in the course of their employment are entitled to certain benefits.

India. — (i) . . . See also introductory note. (ii) . . .

Spain. — See introductory note.

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

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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 polygraphic industries. Manufacture of lead compounds. Manufacture and repair of electric accumulators. Preparation and use of enamels containing lead. Polishing by means of lead files or putty powder with a lead content. All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.
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.

Occupational diseases.

Diseases due to lead and its compounds

Diseases due to mercury and its compounds

Anthrax

Insured undertakings.

All undertakings in which the substances mentioned opposite are manufactured, manipulated, or employed, or occur as by-products or otherwise.

(a) Care of animals, work in slaughter houses, use or destruction of animal carcasses or remains which may be infected with anthrax;

(b) work with wool, fur, leather, skins, hair, or silks. Undertakings for trade in these products and for their transport.

India. — . . . The report states that a Bill to amend the Workmen's Compensation Act, 1923 was passed in 1933. The amending Act adds certain diseases to the list of occupational diseases given in the Act of 1923 (Schedule III). See also introductory note.

Japan. — . . . See also introductory note.

Portugal. — . . . The Decree of 10 December 1932 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". The report states that the question of remedying this omission has been referred to the competent official services in order that the necessary correction may be made.

Spain. — See introductory note.

III.

Article 7 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

Chile. — The Decree of 21 April 1927 (§ 8) contains a list of compensable diseases assimilated to accidents which includes, *inter alia*, lead poisoning, mercury poisoning and anthrax. § 259 of the Labour Code provides that the President of the Republic shall issue special regulations specifying the occupational diseases referred to in the Code, and may revise these regulations every three years. These regulations have not yet been issued. See also introductory note.

Czechoslovakia. — § 7 of the Act of 1 June 1932 contains the list of diseases and poisons giving rise to compensation in a certain number of industries and occupations. With regard to the poisons covered by the Convention, the list gives the following indications:

Great Britain. — . . . The legislation of the *Straits Settlements* and the *Federated Malay States* has been brought into operation with effect from 1 October 1933. The question of introducing similar legislation in *Johore* and *Kedah* is under consideration.

Japan. — . . . The report states that the Imperial Decree for the assistance of Government employees is applied in the colonies as in Japan proper.

Portugal. — See under *Convention No. 1 (Hours of work, industry)*, point IV.

Spain. — See introductory note.

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.

Chile. — The report states that the enforcement of the provisions of the Convention is entrusted to the General Labour Inspectorate. From the juridical point of view, the application is within the jurisdiction of the labour courts. The methods of supervision are laid down in § 2 of Part III (Book IV) of the Decree No. 178 of 13 May 1931 (Labour Code) and are based on the general principles for the organisation of inspection services contained in the Recommendation on this subject adopted by the International Labour Conference at its Fifth Session in 1923.

Czechoslovakia. — The application of the Act of 1 June 1932 is entrusted to the accident insurance institutions at Prague, Brno, and Bratislava and to the Accident Insurance Fund for Agricultural Workers at Bratislava. Supervision of the accident insurance institutions is exercised by the Ministry of Social Welfare. The Accident Insurance Fund for Agricultural Workers is supervised by the Ministry of Agriculture. The State Railway Department, the Department for Post, Telephone and Telegraph and the Administration for the Tobacco Trade insure their own workers. The labour inspectors provide a further supervision of the application of the provisions of the Convention and of Czechoslovak legislation concerning workmen's compensation for occupational diseases.

Spain. — 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.

Chile. — The report states that there are very few legal decisions concerning the application of the Convention, since the occupational diseases specified in the legislation are not of frequent occurrence.

Spain. — See introductory note.

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, 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — The report states that in the absence of the necessary information it is not possible to give either extracts from the inspectors' reports or details regarding the occupations which give rise to the diseases mentioned in the list contained in Article 2. Detailed information concerning the number of cases of occupational disease compensated and the classification of this compensation according to disease and occupation is available only with reference to the accident insurance institutions. The number of workers insured with these institutions in 1931 was 529,300, and the number of workers insured in the Insurance Institution for the Austrian Railways for the same year was 83,619. The following table supplies details regarding cases of occupational disease reported and compensation granted in 1931:

18. Workmen's compensation (diseases).

Occupational diseases or causes of these diseases	Industries and occupations	A. Diseases mentioned in the Order concerning occupational diseases	
		Cases reported	Cases giving rise to compensation
Lead poisoning	1. Lead manufacture	9	3
	2. Metal work	29	15
	3. Cable manufacture	7	4
	4. Manufacture of accumulators	18	10
	5. Industries for the preparation of enamels	14	10
	6. Manufacture of colours and and painting work	26	16
	7. Printing, type-founding	27	12
	8. Other undertakings	20	8
	Total	150	78
Chrome alloys	Printing works	3	3
Benzol and its equivalents	1. Book printing	1	1
	2. Manufacture of electric bulbs	2	2
	3. Dye-works	1	—
	4. Other undertakings	1	1
	Total	5	4
Soot, tar, paraffin, pitch and equivalent substances	1. Chemical and rubber industries	2	2
	2. Small metal industries	1	1
	3. Manufacture of wireless bulbs (valves)	1	—
	4. Railways	4	3
	Total	8	6
Glassblowers' cataract Anthrax Eczema	Glass works	3	2
	Leather industry	2	1
	Manufacture of hats	1	1
	Total	6	4
	General total	172	95
		B. Diseases not mentioned in the Order but declared by the victims to have resulted from their occupation	
		85	—

No information is available with regard to compensation granted by the Insurance Institutions for Agricultural Workers and Employees, but it may be assumed that the number of cases of compensation is negligible. Further, information is not yet available with regard to benefits in cash or in kind, etc. The employers' and workers' organisations have not made any observations with regard to the practical application of the Convention or of the national legislation which implements it.

Belgium. — The report of the Welfare Fund in aid of victims of occupational diseases for the year 1932 shows that the number of cases of occupational diseases in that year was 142, as against 162 in 1931. 110 cases of lead poisoning and 4 cases of anthrax were reported. Compensation was granted in 71 cases of lead poisoning and 4 cases of anthrax. 3 deaths from lead poisoning were recorded. The report adds that no observations have been received from organis-

ations of employers or workers with regard to the practical application of the Convention or of the national legislation which implements it.

Bulgaria. — The report states that no observations have been made up till now by employers' or workers' organisations with regard to the practical application of the Conventions ratified by Bulgaria.

Chile. — The report states that, owing to the infrequency of cases of the occupational diseases in question, no statistical information of any value can be submitted. The written reports of the inspection services merely give an account of a small number of individual cases in which they have intervened in settling the amount of compensation to be paid.

Czechoslovakia. — With regard to the number of cases of occupational diseases reported, the Ministry of Social Welfare only possesses particulars relating to the accident insurance institutions as Prague

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and Brno, since the Act concerning workmen's compensation for occupational diseases has only been in force since 1 July 1932. Up to the end of the year 1933, the accidees insurance institution at Prague had compensated 114 cases. The amount paid in compensation was 440,000 crowns. Among the cases of occupational diseases compensated were 18 cases of lead poisoning, of which 3 were fatal, and one case of mercury poisoning. The accident insurance institution at Brno compensated 12 cases of occupational diseases, including one case of lead poisoning and 4 cases of mercury poisoning.

Finland. — The report states that, in the absence of the necessary statistics, it is impossible this year to supply detailed information under this heading. No observations have been received from the organisations of employers or workers with regard to the practical application of the Convention and of the national legislation in question.

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 1932. According to this information (summarised) 913 cases of lead poisoning were reported. This total included 21 cases in metal foundries, 63 in processes relating to the casting and rolling of lead, 18 in connection with lead roofing, 50 in the printing industry, 290 in the making and repair of accumulators, 350 in enamelling of metals, 14 in shipyards (work in connection with blowpipes), 18 in connection with painting of metals. 11 cases of hydrargyrisms (including 5 cases in the making of mercury accumulators and 4 in cutting skins for hat-making) were reported. 20 cases of anthrax were reported during the same period, distributed as follows: 9 in tanneries and leather dressing, 2 in carpet making, and 1 case each in the following occupations or processes: wool washing; wool spinning; wool weaving, carding and breaking; wool combing, sorting and trading; wool trading; wool carbonizing; transport of wool (without other indications). The 20 cases were distributed as follows as regards the raw materials treated: 12 for work with wool; 5 for work on goat skins; 2 for work on cow hides; 1 for work on other hides (no indication as to the animal). A bacteriological examination was conducted in 13 cases. One case was fatal; the remaining 19 recovered. The report adds that, during the period under review, the employers' and workers' organisations have

not made any observations with regard to the practical application of the provisions of the Convention or of the national legislation which implements it.

Germany. — The report states that the information requested is to be found in the report of the Reich Insurance Office for 1932 and in the insurance statistics for 1931. According to this information there were 1,100 cases of poisoning by lead or its compounds in 1932 as against 2,055 in 1931. Twelve cases were fatal (11 in 1931). The number of cases of mercury poisoning was 41 (67 in 1931) with 1 death (0 in 1931). Information for the year 1933 is not yet available. The report adds that the Government is not aware of any observations from employers' or workers' organisations.

Great Britain. — The report repeats the information supplied in previous years, and adds that the statistics of cases of occupational diseases covered by the Convention for 1931 for Great Britain and Northern Ireland were: lead poisoning or its sequelae, 141; anthrax, 18; mercury poisoning or its sequelae, 6. The report adds that figures as to compensation paid for particular diseases are not available, and that no observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Hungary. — The report contains the following information regarding cases of illness notified (and compensated) in 1932 to the National Social Insurance Institute which is responsible for accident insurance.

Disease	Notified	Compensated	Applications pending
(1) Lead poisoning	81	46	34
(2) Mercury poisoning	—	—	—
(3) Anthrax infection	4	—	—

For the same year, the cost involved in compensating occupational diseases was 127,487 pengos. The report adds that no observations have been received from employers' or workers' organisations with regard to the practical application of the Convention and of the national legislation which implements it.

India. — Statistical information is given in the workmen's compensation statistics for the year 1931 and the Note on the working of the Indian Workmen's Compensation Act, 1923. The statistics for 1932 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 Fac-

18. Workmen's compensation (diseases).

tories", a copy of which is annually supplied to the International Labour Office. During the year 1932 only two cases of lead poisoning, which occurred in Bengal, were reported. One claim was allowed and the other dismissed. Figures for 1933 are not yet available. The report adds that the Government of India has not received any observations from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. See also introductory note.

Irish Free State. — A table giving the number of cases of industrial diseases covered by the Convention reported during 1932 will be forwarded to the International Labour Office. No observations have been received from organisations of employers or workers.

Japan. — The report contains the following statistical information with regard to the application of the Convention: Number of factory workers and miners: factories (1931), 758,588 males, 925,921 females; mines (1931), 176,372 males, 25,983 females. Number of cases of sickness subject to relief: factories (1931), 80 males, 131 females; mines (1932), 181 males, 0 females. Cost of relief: factories (1931), 4,827 yens; mines (1932), 46,893 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: 42,891 males, 24,940 females; number of days when medical benefits were received: 364,544 for males, 166,288 for females; number of days' allowances paid for sickness and injuries (relief during holidays): 139,009 for males, 40,508 for females. The report adds that no statistical information is available with regard to the application of the Act concerning the relief of workers in case of accidents, as it was put into operation only in January 1932. During 1932 there were 4 cases of lead poisoning and one case of mercury poisoning. No cases of anthrax were reported. The report adds that, with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention, no observations have been received from the organisations of employers or workers concerned.

Latvia. — The report states that the practical application of the provisions of the Convention presents no difficulty.

Luxemburg. — The report of the Luxemburg Accident Insurance Association for

1932, to which the annual report of the Government refers, states that no new cases of occupational diseases were reported during 1932. Two appeals against the decisions of the Committee on Pensions were made to the arbitration court of Esch-sur-Alzette.

Netherlands. — The Government has communicated to the International Labour Office a copy of the Report of the State Insurance Bank (*Rijksverzekeringsbank*) for 1931, which contains particulars regarding the number of accidents, compensation paid, etc. The report states that no observations have been received from employers' or workers' organisations.

Norway. — The report refers to the information supplied in previous years, and adds that no observations have been received from employers' or workers' organisations with regard to the practical application of the Convention and of the national legislation which implements it.

Portugal. — The report repeats the observations contained in previous reports, and adds that it is not as yet possible to give detailed information under this point. It may, however, be stated that the application of the legislation concerning workmen's compensation for occupational diseases has not given rise to any complaints from the persons concerned.

Spain. — See 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. 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 1932 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 Office of Medical Statistics of the Swiss National Accident Insurance Fund at Lucerne registered the following cases between 1 October 1932 and 30 September 1933: *Lead poisoning*: 33 cases, of which 4 resulted in invalidity. No fatal cases. These 33 cases cost: (a) unemployment benefit: 22,187.75 francs; (b) medical expenses: 12,903.70 francs; (c) invalidity pensions (capital value): 39,310 francs; total 74,401.45 francs. The cases resulted in 2,581 days of incapacity for work and 2,854 days of medical treatment, including 612 days

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of hospital treatment. *Mercury poisoning*: 8 cases, of which one resulted in invalidity. No fatal cases. These 8 cases cost: (a) unemployment benefit: 6,598.40 francs; (b) medical expenses: 5,616.55 francs; (c) invalidity pensions (capital value): 11,718 francs; total: 23,933.95 francs. The cases resulted in 1,272 days of incapacity for work and 1,289 days of medical treatment, including 126 days of hospital treatment. The Federal authorities have not received any suggestions, complaints or observations from the organisations of employers or workers with regard to the application of the Convention and of the legal provisions which implement it.

Yugoslavia. — The report states that during 1932 there were 4 cases of lead poisoning and one of caisson disease. In each case the Central Workers' Insurance Institute granted a pension. The total annual cost of these pensions is 18,096 *dinars*.

19. 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 1933, and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 9.1928	13.12.1933
Belgium	30.10.1927	25.10.1933
Bulgaria	5. 9.1929	14.12.1933
Chile	8.10.1931	29.12.1933
Colombia	20. 6.1933	
Cuba	6. 8.1928	
Czechoslovakia . .	8. 2.1927	22. 1.1934
Denmark	31. 3.1928	8.11.1933
Estonia	14. 4.1930	29. 9.1933
Finland	17. 9.1927	10.11.1933
France	4. 4.1928	3. 2.1934
Germany	18. 9.1928	3. 1.1934
Great Britain . . .	6.10.1926	6.12.1933
Hungary	19. 4.1928	14.12.1933

COUNTRIES	Date of registration of ratification	Reports received
India	30. 9.1927	4. 1.1934
Irish Free State . .	5. 7.1930	2.11.1933
Italy	15. 3.1928	14.12.1933
Japan	8.10.1928	25. 1.1934
Latvia	25. 9.1928	21.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Netherlands	13. 9.1927	31.10.1933
Norway	11. 6.1929	7.10.1933
Poland	28. 2.1928	9.12.1933
Portugal	27. 3.1929	19. 2.1934
Spain	22. 2.1929	24.11.1933
Sweden	8. 9.1926	6.11.1933
Switzerland	1. 2.1929	1.11.1933
Union of South Africa	30. 3.1926	28. 2.1934
Uruguay	6. 6.1933	
Yugoslavia	1. 4.1927	13.11.1933

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

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

The *Polish* Government states in its report that a new social insurance Act was promulgated on 28 March 1933. The dates of the coming into force of this Act for the different Provinces will be fixed by Orders, to be issued by the Council of Ministers. The laws and regulations cited in the annual report for last year, therefore, continue at present to apply the provisions of the Convention. The report further states, with regard to the question of arrangements made with other Members (Article 1), that the Germano-Polish Convention concerning social insurance, signed on 11 June 1931, came into force on 1 September 1933; and that an agreement between the Polish Ministry of Social Assistance and the German Ministry of Labour, amending and supplementing, in accordance with Article 43 of the above Convention, several of its provisions, was signed on 3 October 1933.

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

I.

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

19. Equality of treatment (accidents).

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) and amending Act of 20 December 1928.

Act of 18 July 1928 concerning the insurance of agricultural workers (L. S. 1928, Aus. 6) as amended by the Act of 18 July 1929 (L. S. 1929, Aus. 6).

Act concerning the insurance of salaried employees (text as published in the Order of 22 July 1928) (L. S. 1928, Aus. 4 A).

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).

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Chile.

Decree No. 176 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 amending 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. Vo. 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, Den. 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.

Act of 2 May 1933 to make the accident insurance corporations responsible for the cost of the vocational retraining of persons disabled in industry who are entitled to a pension on account of their injuries or infirmities under the terms of the Social Insurance Code in force in the departments of the Upper and Lower Rhine and of the Moselle.

Publication in the *Official Journal* of the French Republic of the names of countries which have ratified the Convention and the date of its coming into force in respect of their nationals (i.e. the date of registration of ratification by the different States at the Secretariat of the League of Nations).

Germany.

Federal Insurance Code (L. S. 1924, Ger. 10).

Act of 21 July 1928 ratifying the Convention.

Great Britain.

Workmen's Compensation Act, 1897-1926 (L. S. 1925, G. B. 3 and 1926, G. B. 10).

Workmen's Compensation (Transfer of Funds) Act, 1927 (L. S. 1927, G. B. 2 A).

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), as amended by Orders No. 9090 of 29 December 1931 (L. S. 1931, Hung. 5), No. 9600 of 15 December 1932 (L. S. 1932, Hung. 4) and No. 6000 of 2 June 1933 (L. S. 1933, Hung. 4), 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).

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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.

Legislative Decree No. 264 of 23 March 1933 to consolidate the institutions for compulsory insurance against industrial accidents (L. S. 1933, It. 2).

Act No. 851 of 22 June 1933 to co-ordinate and supplement the measures taken to decrease the causes of malaria (L. S. 1933, It. 6).

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), 26 June 1929 (L. S. 1929, Jap. 3) and 5 June 1933.

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), as amended by Act of 6 September 1933 (L. S. 1933, Lux. 3).

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.

See also introductory note.

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.

Decree of 8 October 1932 issuing the consolidated text of the legislation concerning industrial accidents (L. S. 1932, Sp. 6).

Decree of 31 January 1933 to approve the Regulations applying the Decree of 8 October 1932.

Decree of 22 February 1933 to approve the statutes of the National Industrial Accident Insurance Fund.

Decree of 12 June 1931 to approve the rules for applying industrial accident legislation to agriculture (L. S. 1931, Sp. 8).

Decree of 25 August 1931 to approve the Regulations applying industrial accident legislation to agriculture.

Act of 9 September 1931 to give force of law to the Decree of 12 June 1931.

Sweden.

Act of 17 June 1916 respecting insurance against industrial accidents (B. B. Vol. XI, 1916, p. 267), 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).

Declaration of 12 February 1919 between Sweden, Denmark and Norway establishing reciprocity as regards workmen's compensation for accidents (French text in B. B. Vol. VIII, 1919, p. 60.).

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, 25 April, 14 July and 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.

Union of 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.

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 § 82 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.

See also, under *Convention No. 2 (Unemployment)*, point I, the information given by Yugoslavia.

II.

Please indicate in detail for each of the following Articles of the Conventions 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 conditions 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 the 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.

Austria. — . . . 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; the former of these is not yet operative, but the latter is already in force.

Latvia. — . . . The exceptions under § 31 of the Act 1 June 1927 are not applicable to nationals of States which have ratified the Convention. The Convention is applied in practice with no conditions as regards residence.

Poland. — . . . Among the treaties concluded with other States, and based on the principle of equality of treatment of national and foreign workers as regards

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workmen's compensation, the report for this year mentions a Convention between Poland and the Argentine Republic, concerning workmen's compensation for industrial accidents, signed at Buenos Aires on 17 March 1932. The Polish-German Convention, which was signed on 11 June 1931, came into force on 1 September 1933. See also introductory note.

Spain. — § 5 of the Decree of 8 October 1932, which came into force on 1 April 1933, states that "alien wage-earning employees and their dependants resident in Spanish territory shall have the benefit of these legislative provisions. Such dependants who are resident abroad at the time of the accident shall also have the benefit of the said provisions if the legislation of their country grants such benefit under analogous conditions to Spanish subjects, if they are citizens of a country which has ratified the Geneva International Convention concerning equality of treatment as regards workmen's compensation for accidents, or if this has been stipulated in special treaties." § 5 of the Regulations of 31 January 1933 lays down that "alien wage-earning employees and their dependants who are resident in Spanish territory at the time of the accident shall have the benefit of the provisions of the Regulations. Dependants who are resident abroad at the time of the accident shall also have the benefit of the said provisions if the legislation of their country grants such benefit under analogous conditions to Spanish subjects if they are citizens of a country which has ratified and given effect to the Geneva International Convention concerning equality of treatment as regards workmen's compensation for accidents, or if this has been stipulated in special treaties. In cases where the dependants resident in Spanish territory at the time of the accident transfer their residence to a foreign country, they shall continue to have the benefit of these legislative provisions if the legislation of their country grants such benefit under analogous conditions to Spanish subjects, and if their new country of residence has ratified the Convention concerning equality of treatment as regards workmen's compensation for accidents, or if this has been stipulated in special treaties." The Decrees of 12 June and 25 August 1931 concerning the application of the legislation to agriculture do not distinguish between nationals and foreigners.

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.

Austria. — See information given under ARTICLE 1.

Poland. — The Polish-German Convention, which was signed on 11 June 1931 and came into force on 1 September 1931, contains provisions of this kind.

Spain. — The report states that no special agreements have been made under this Article.

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.

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.

France. — The report states that, owing to the fact that the national legislation concerning industrial accidents has not so far been applied in the departments of the Moselle and the Upper and Lower Rhine, where the Social Insurance Code of 19 July 1911 is still force, victims of industrial accidents in these three departments cannot benefit by the Act of 14 May 1930 to provide free vocational retraining of persons disabled in industry who are entitled to a pension on account of their injuries or infirmities. This deficiency has now been remedied by an Act of 2 May 1933 which makes the accident insurance corporations responsible for the cost of the vocational retraining of persons disabled in industry who are covered by the Social Insurance Code. A copy of the text of this Act accompanies the report. See also under III below.

Great Britain. — The report states that no modifications have been made in the law and regulations in force on workmen's

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compensation during the period under review, except that the regulations and rules as to procedure in connection with applications to certifying surgeons and medical referees in Great Britain have been re-arranged and somewhat altered. The legislative texts in question accompany the report.

Hungary. — The report states that Act XXI of 1927 has been amended by Orders No. 9090 of 29 December 1931, No. 9600 of 15 December 1932 and No. 6000 of 2 June 1933. Copies of these legislative texts have been sent to the International Labour Office.

Italy. — The following modifications have been made in the relevant legislation during the period under review: (1) Legislative Decree No. 264, of 23 March 1933, to consolidate the institutions for compulsory insurance against industrial accidents, and (2) Act No. 851, of 22 June 1933, to co-ordinate and supplement the measures taken to decrease the causes of malaria. Copies of these legislative texts accompany the report.

Japan. — The report states that Ordinance No. 21 of the Department of Agriculture and Commerce, dated 3 August 1916, has been further amended by Order No. 16 of the Department of Home Affairs, dated 5 June 1933. A copy of the text of this Order has been sent to the International Labour Office.

Luxemburg. — The report states that the Act of 17 December 1925 has been amended by the Act of 6 September 1933. Copies of the amending Act accompany the report.

Poland. — 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. This Bill, which is based on the principle of complete equality of treatment between foreign workers and national workers with regard to their rights to benefits, was passed on 28 March 1933 (see introductory note).

Spain. — The Regulations to apply the Decree of 8 October 1932 were approved by the Decree of 31 January 1933, which came into force on 1 April 1933. The text of the Regulations has been sent to the International Labour Office.

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.

France. — The report states that the Convention, which was already applied in *Algeria* and *Tunisia*, has now been applied in the French zone of the *Sherifian Empire* by a *Dahir* of 6 February 1933. The Convention is not yet applied in the other French colonies and protectorates.

Great Britain. — . . . The legislation applying the Convention in the *Straits Settlements* and the *Federated Malay States* has been brought into operation with effect from 1 October 1933. The question of introducing similar legislation in *Johore* and *Kedah* is under consideration.

Portugal. — See under *Convention No. 1 (Hours of work, industry)*, point IV.

Spain. — The report states that no provision or special agreement exists for applying Spanish industrial accident legislation to the colonies in *Africa* nor to the Protectorate of *Morocco*. With regard to *Morocco*, however, no special provision is necessary for the application of legislation to Spanish citizens or foreigners resident in the territory.

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.

France. — . . . With regard to the colonies, supervision is exercised, under the authority of the Minister for the Colonies and the Minister of Labour, in those colonies which are covered by the legislation with regard to industrial accidents.

Spain. — The application of the industrial accident legislation, in so far as regards insurance, is entrusted to the National Industrial Accident Insurance Fund, set up in 1933. The supervision

19. Equality of treatment (accidents).

of insurance is the business of the General Inspectorate of Social Insurance. For all other questions, the Ministry of Labour and the labour inspectorate attached to it, the industrial courts, or the judges of first instance are responsible.

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. — The different decisions given by the courts are still at variance with regard to the question whether the mere fact that France has ratified the Convention involves reciprocity with the other Members of the International Labour Organisation who have also ratified it, without the necessity of concluding special agreements. This juridical controversy will shortly be ended however, since the point has now been submitted to the Supreme Court of Appeal in connection with an application made by the dependants of a foreign worker, who were living abroad, for compensation for a fatal accident which occurred to the worker in France.

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 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — 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. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

Belgium. — No observations have been made by employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — 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.

Czechoslovakia. — With regard to inspection during 1932, the report refers to the report of the Labour Inspection Department of the Ministry of Social Welfare for 1932, which, it states, will be forwarded shortly to the International Labour Office.

Denmark. — The report states that, in the absence of the necessary statistics, it is impossible this year to supply detailed information under this heading. No observations have been received from organisations of employers or workers with regard to the practical application of the Convention and of the national legislation which implements its provisions.

Estonia. — 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. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention.

Finland. — Owing to the lack of the necessary statistics, it is not possible to supply detailed information under this heading this year. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention or of the national legislation which implements it.

France. — With regard to the approximate number of foreign workers in 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 1,258,000. At the end of September 1933, owing to immigration and emigration, the number could be estimated as 840,000. The Government is not aware of any observations from the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention.

Germany. — The Convention is applied in the letter and in the spirit. The report supplies the following statistics concerning foreign workers employed in Germany, their nationality, and their territorial distribution. In agriculture 7,976 foreign workers were employed in Germany in virtue of a special permit granted in 1932. In addition, there were 40,048 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, 539; Silesia 773; Brandenburg, 1,529; Pomerania, 1,055; Northern Marches, 1,561; Lower Saxony, 369; Westphalia, 93; Rhineland, 275; Hesse 137; Central Germany, 1,001; Saxony, 635; Bavaria, 9; South West Germany, 0. The nationality of those who possessed exemption certificates was as follows: Polish, 21,087; other countries of Eastern Europe, 2,207; Czechoslovak, 3,774; Yugoslav, 202; Hungarian, 37; Austrian, 677; Swiss, 2,899; Italian, 112; Dutch, 2,747; Belgian, 46; French, 1; other countries, 6,259. The nationality of the holders of the exemption certificates is shown in the following statistics: Poles, 9,671; national of Eastern States, 1,364; Czechoslovaks, 40,770; Yugoslavs, 3,518; Hungarians, 974; Austrians, 8,476; Swiss, 2,278; Italians, 3,018; Dutch, 14,660; Belgians, 662; Danes, 58; Swedes, 29; Norwegians, 5; French, 61; nationals of other States, 6,743; total, 92,287. The total number of non-agricultural workers for whose employment a special authorisation was granted in 1932 was 9,992. These workers are classified as follows: Belgian, 147; Bulgarian, 9; Danish, 57; citizens of Danzig, 342; Estonian, 40; Finnish, 9; French, 121; Greek, 7; British and Irish, 88; Italian, 290; Yugoslav, 203; Latvian, 62; Lithuanian, 83; Luxemburg, 8; Memel Territory, 32; Dutch, 15; Norwegian, 17; Austrian, 1,736; Polish, 1,602; Portuguese, 1; Rumanian, 69; Swedish, 44; Swiss, 737; Russian, 160; Spanish, 27; Czechoslovak, 3,114; Turkish, 14; Ukrainian, 13; Hungarian, 133; without nationality, 714; U.S.A. citizens, 30; nationals of other countries, 68. The report also gives statistical data with regard to their distribution in different groups of occupations in industry and

commerce and domestic service, and their distribution among the districts of the various labour offices of the country. The report adds that no observations have been received from the employers' or workers' organisations concerned.

Great Britain. — The report refers to the information supplied in previous reports, and adds that no observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from organisations of employers or workers.

Hungary. — Since no distinction is made between nationals and foreigners, it is impossible to supply the statistical information requested. No observations have been received from employers' or workers' organisations with regard to the practical application of the Convention and of the national legislation which implements it.

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. The Government of India has not received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Irish Free State. — It is impossible to supply useful particulars under this point. No observations have been received from organisations of employers or workers.

Italy. — During the period under review, no observations or complaints have been received from the trade union organisations concerned with regard to the practical application of the provisions of the Convention or of the legislation which implements those provisions.

Japan. — No statistics are available as regards foreign workers employed in undertakings to which the legislation concerning compensation for accidents applies. With regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention, no observations have been received from the organisations of employers or workers concerned.

Latvia. — No complaints have been received from employers' or workers' organisations as regards the practical fulfilment of the Convention.

20. Night work in bakeries.

Luxemburg. — The report of the Luxemburg Accident Insurance Association for 1932, to which the annual report of the Gouvernement refers, contains the following information: out of a total of 239 persons in receipt of life annuities who were paid a lump sum during 1932, 108 were foreigners; out of a total of 11,867 accidents reported during 1932, 2,968 (25.01 %) occurred to foreigners.

Netherlands. — The statistics do not distinguish between national and foreign workers and it is therefore impossible to give the required information. The Government is not aware of any observations made by organisations of employers or workers.

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. The Government has not received from the organisations of employers or workers any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Poland. — The report supplies no information on this point.

Portugal. — The report refers to the information supplied in previous reports.

Spain. — The report states that, in view of the very short time which has elapsed since the coming into force of the relevant legislation, there is not yet enough experience of its application to give the information requested under this point. It is hoped that next year's report will be able to supply it.

Sweden. — In the absence of the necessary particulars the information requested under this point 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 Convention is strictly observed in the whole of Swiss territory. As regards foreigners subject to compulsory insurance, it is impossible to furnish the particulars requested because the National Fund, by reason of the system of insurance established by legislation, has no means of knowing the composition

of its membership. It is, however, possible to gain some idea of it from the proportion between the fatal accidents which have occurred in the case of Swiss citizens and those in the case of foreigners. Out of a total of 330 survivors' pensions granted from 1 October 1932 to 30 September 1933 on account of industrial accidents, 279 related to accidents in the case of Swiss citizens, and 51 in the case of foreigners. The nationality of these 51 pensioners was as follows: Italian, 32; German, 9; French, 6; Austrian, 3; Czech, 1. The report adds that, during the period under review, the federal authorities have not received any suggestions, complaints, or observations with regard to the application of the Convention and of the legislative provisions which implement it.

Union of South Africa. — The report repeats the information supplied in previous reports, and adds that such observations as have been made to the Union Government by organisations of employers and workers are confined to the provisions of a proposed new law relating to workmen's compensation.

Yugoslavia. — 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.

20. 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 1933 and from which annual reports under Article 408 were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Bulgaria	5. 9. 1929	11. 12. 1933
Chile	31. 5. 1933	29. 12. 1933
Colombia	20. 6. 1933	
Cuba	6. 8. 1928	
Estonia	23. 32. 1929	29. 9. 1933
Finland	26. 5. 1928	10. 11. 1933
Luxemburg	16. 4. 1928	3. 1. 1934
Spain	29. 8. 1932	19. 12. 1933
Uruguay	6. 6. 1933	

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

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

The *Spanish* Government states in its report that night work in bakeries is at present regulated by the Royal Decree of 3 April 1919 and the provisional Regulations of 10 June 1919. Since there are considerable divergences between the provisions of this legislation and those of the Convention, a survey was made with a view to amending the existing legislation. The conclusions of the survey have already been approved by the Council of Labour, and the Government is at present preparing the necessary measures for bringing the above-mentioned legislative texts into agreement with the provisions of the Convention.

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

I

Please give a list of the legislation and administrative regulations, etc. which apply the provisions of the Convention. Where this has not already been done, please forward copies of the 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).

See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

Chile.

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

Decree No. 356 of 30 March 1932 to approve the Regulations concerning the work of persons employed in bakeries (L. S. 1932, Chile 4).

Estonia.

Act of 25 March 1929 concerning the prohibition of night work in bakeries (L. S. 1929, Est. 3 A).

Order of 11 April 1929 concerning the times at which work in bakeries is prohibited (L. S. 1929, Est. 3 B).

Order of 11 April 1929 concerning the exceptional cases in which night work in bakeries is permitted in order to satisfy special requirements on public holidays and popular festivals (L. S. 1929, Est. 3 C).

Order of 4 May 1929 concerning exceptions allowed during the season in summer resorts to the Act concerning the prohibition of night work in bakeries (L. S. 1929, Est. 3 D).

Order of 4 May 1929 concerning the exceptional cases in which night work is permitted in order to ensure the weekly rest day (L. S. 1929, Est. 3 E).

Order of 27 April 1933 concerning the exceptions to the prohibition of night work in bakeries granted for preparatory and supplementary processes, amended by Order of 23 June 1933 (L. S. 1933, Est. 1).

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.

Luxembourg.

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).

Spain.

Royal Decree of 3 April 1919 prohibiting night work in bakeries and similar establishments during six consecutive hours between 8 p.m. and 5 a.m. (B. B. vol. XIV, 1919, p. 69).

Provisional Regulations of 10 June 1919 to apply Royal Decree of 3 April 1919.

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.

Chile. — Under § 341 of the Labour Code the provisions which regulate work

in bakeries apply to all establishments engaged in bread baking, pastry making, confectionery, or similar industries, whether as their principal industry or as a subsidiary industry, even if the owner of the undertaking employs only members of his own family under the supervision of one of them. § 342 of the Code provides that the prohibitions of night work shall apply to all persons in such establishments including owners and partners. The report states that Chilean legislation does not admit of the exception mentioned in the last paragraph of this Article of the Convention.

Spain. — § 1 of the Royal Decree of 3 April 1919 provides that all work in bakeries, oven-houses and manufactories of bread shall be prohibited during six consecutive hours, which must be taken between the hours of 8 p.m. and 5 a.m. This rule shall also be applicable to the baking of bread in restaurants, hotels and inns, as well as to the making of confectionery, cakes, pastry and the like.

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.*

Chile. — § 342 of the Labour Code provides that all work is prohibited in bakeries 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 report states that up till now no advantage has been taken of this option.

Spain. — See introductory note and also under ARTICLE 1.

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).

Chile. — § 342 (4) of the Labour Code provides that the workers employed in the preparation of the leaven and in the firing of the ovens shall alone be exempted from the prohibition of night work, provided that such work shall not begin before 2 a.m. Under § 346, young persons of less than 18 years of age are not admitted as workers in bread bakeries and similar establishments.

Estonia. — (a) The report states that after consultation with the employers' and workers' organisations concerned, the Minister has taken the necessary steps to authorise the following exception: in order to carry out preparatory or complementary work, a certain number of workers may begin work at 3 a.m.; this number is in proportion to the total number of workers employed in a bakery and is fixed by the Order of 27 April 1933, as amended by the Order of 23 June 1933. The following processes are considered to be preparatory or complementary: firing the ovens, watching the dough in order to prevent its changing, and adding spice to the dough.

Spain. — § 3 of the Royal Decree of 3 April 1919 lays down that the prohibition of night work shall not be applicable: (1) during a maximum period of 30 days per year, on the occasion of festivals, fairs, etc., but in no case for more than six consecutive days; (3) for motives of general interest and public necessity, and in the case of supplies for the armed forces. Under § 4, these exceptions shall be allowed, at the request of the owners of establishments, by the local

Committee for Social Reform, or, in absence of any such Committee, by the mayor, after consultation with the employers' and workers' organisations, if such exist, subject to appeal to the Ministry of the Interior. § 8 provides that the Government shall have the right to suspend the application of this Decree in any locality or region, or throughout the whole of Spain, in case of extreme urgency, for reasons of public order or in the national interest. See also introductory note.

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.

Chile. — § 344 of the Labour Code provides that in specially attested cases of *force majeure*, temporary exemptions may be allowed under the order of the competent governor after consulting the labour inspectorate for the locality.

Spain. — § 3 of the Royal Decree of 3 April 1919 provides that the prohibition of night work shall not be applicable in case of accidents, duly verified, which impede day work. This exemption is granted under the conditions laid down under ARTICLE 3.

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.

Spain. — The report states that the provisions relating to night work in bakeries apply outside the home country under

the same conditions as other social legislation.

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.

Chile. — The application of the provisions which give effect to the Convention is entrusted to the General Labour Inspectorate. From the juridical point of view, the application is within the jurisdiction of the labour courts. Under § 354 of the Labour Code, the municipal inspectors and the police officers also help to supervise the application of the legislation, and §§ 355-361 of the Code contain special provisions for the exercise of this supervision.

Spain. — The report states that the supervision of the application of the relevant provisions is entrusted to the labour inspectors attached to the provincial labour offices.

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.

Chile. — The report states that the Labour Courts have given numerous decisions with regard to the application of the Convention. As an appendix to the report are attached copies of four judgments applying the sanctions provided by law (fines, closing the establishment) for different breaches of the provisions regulating work in bakeries.

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 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Bulgaria. — See under Convention No. 1 (*Hours of work, industry*), point VII.

Chile. — The report states that the number of registered bakeries is 800 and the number of persons employed in them is 13,539.

Estonia. — The report states that the number of undertakings in which night work in bakeries was carried on at the end of 1932 was 394. These undertakings employed 666 workers. During that year 195 breaches of the Act of 25 March 1929 were reported by the labour inspectors. In 168 cases the inspectors instituted proceedings and in 27 cases a warning was issued to the heads of the undertakings

concerned. The Ministry of Public Instruction and Social Affairs received a request from the Bakers' Association drawing the attention of the Ministry to the unfair competition of those bakeries which did not obey the law. With a view to meeting this difficulty, the Association proposed to increase the amount of the fines imposed by the Act. A similar proposal was made by the Union of Workers in the Food Industries, who further requested that the labour inspector should be authorised, when making his visit of inspection, to stop any work which was being done during the prohibited hours, and also that the supervision of the observance of the law should be entrusted, apart from the supervision of the labour inspection service, to commissioners appointed for this purpose by the Minister from candidates nominated by the Union. In order to satisfy these complaints, the Government laid before the Officers of the *Riigikogu*, in January 1933, a Bill to amend the Act of 25 March 1929 in the sense proposed by the employers' and workers' organisations. The Committee of Social Affairs of the *Riigikogu* examined this Bill, but the procedure for adopting it, which had already been initiated, has been suspended owing to the resignation of the Government.

Finland. — The report states that the employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention.

Luxemburg. — The report states that no breaches were reported during the period under review.

Spain. — The report gives no information under this heading.

EIGHTH SESSION (GENEVA 1926).

21. Convention concerning the simplification of the inspection of emigrants on board ship.

This Convention came into force on 29 December 1927. The following table shows the countries which had ratified the Convention unconditionally before 1 July 1933 and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Albania	17. 3.1932	15. 1.1934 9. 3.1934
Australia	18. 4.1931	27.11.1933
Austria	29.12.1927	10.11.1933
Belgium	15. 2.1928	25.10.1933
Bulgaria	29.11.1929	14.12.1933
Colombia	20. 6.1933	
Czechoslovakia	25. 5.1928	22. 1.1934
Finland	5. 4.1929	10.11.1933
Hungary	3. 2.1931	14.12.1933
India	14. 1.1928	4. 1.1934
Irish Free State	5. 7.1930	17.11.1933
Japan	8.10.1928	25. 1.1934
Luxemburg	16. 4.1928	24.12.1933
Netherlands	13. 9.1927	31.10.1933
Uruguay	6. 6.1933	

The information supplied by the *Albanian* Government with regard to the Conventions ratified by Albania may be found in the introductory note to the summary of the annual reports on the application of *Convention No. 4 (Night work, women)*.

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 Government of *Bulgaria* refers to its report for last year, which stated that no special legislative measures had as yet been adopted for the application of the Convention. By letter of 16 March 1933, however, the Government announced that the Convention was fully applied by the Emigration Act, which defined as an "emigrant" 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 *Colombia* has not yet been received.

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 Acts No. XXVII of 1927 and No. XVI of 1932, 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. The legislation given below under heading I, however, contains provisions concerning the protection of emigrants, the competence of the masters, and the inspection of emigrant vessels.

The Government of *Luxemburg* states that it is not practicable to apply this Convention, since the country possesses neither seaboard, seaports, nor sea-going vessels.

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 provides for an inspectorate to supervise the protection of emigrants on board ship, but it does not make it obligatory to arrange for inspection 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.

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

I.

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

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

Albania.

See introductory note.

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 and *Convention No. 1 (Hours of work, industry)*, 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 concerning emigration.

Act No. VII of 1931 to ratify the Convention.

India.

Indian Emigration Act, 1922 (L. S. 1922, Ind. 2), as amended by Acts No. XXVII of 1927 (L. S. 1927, Ind. 1) and No. XVI of 1932 (L. S. 1932, 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 as Ordinance No. 3 of the Department of Home Affairs in June 1907.

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Act No. 47 concerning seamen, promulgated in June 1899.

Regulations for the enforcement of the Seamen's Act, promulgated as Ordinance No. 25 of the Department of Communications in June 1899.

Act No. 67 concerning inspection of vessels, promulgated in April 1898.

Regulations for the enforcement of the Ship Inspection Act, promulgated as Ordinances Nos. 87 and 88 of the Department of Communications in December 1900.

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.

Albania. — 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.

Albania. — See introductory note.

Hungary. — The report states that, during the period under review, the Government has not taken advantage of the possibility allowed by the second paragraph of this Article of appointing a representative to accompany its emigrants.

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.

Albania. — See introductory note.

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. At present, however, the Government is taking the following measures with a view to ensuring the protection of emigrants on board ships sailing to South America: (1) Persons dealing with emigrants select suitable persons for the protection of emigrants and make a report in advance to the Government on their personal records and on the methods of protecting emigrants. (2) After being given the necessary instructions, and in agreement with the Government, these persons are taken on board ship. They are asked to submit to the Government a report on the conditions under which the transport of the emigrants is made on each voyage. These inspectors, however, have no legal authority.

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.

Albania. — 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

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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.

Albania. — 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.

Albania. — 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.

Albania. — See introductory note.

III.

Article 12 of the Convention is as follows:

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

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

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

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

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.

Albania. — 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Albania. — See introductory note.

Australia. — See introductory note.

Austria. — The report repeats the information supplied in previous years, and adds that statistics with regard to migration in 1933 will be sent to the Office as soon as available. The Federal Government has not received any observations from employers' or workers' organisations with regard to the practical application of the Convention.

Belgium. — The report refers to the information supplied last year, and adds that no observations have been made by employers' or workers' organisations with regard to the practical application of the Convention.

Bulgaria. — See introductory note and under Convention No. 1 (*Hours of work, industry*), point VII.

Czechoslovakia. — The report states that summary tables relating to Czechoslovak overseas emigration for 1932 are included in the Reports of the State Statistical

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Office, XIVth year, 1933, Nos. 58 and 59. Similar information for the first and second quarters of 1933 is given in the Reports of the State Statistical Office, XIVth year, 1933, Nos. 91 and 114.

Finland. — The report refers to the information supplied last year, and adds that the employers' and workers' organisations concerned have not made any observations with regard to the application of the Convention.

Hungary. — In 1932, 718 Hungarian nationals were carried overseas as emigrants. During the first nine months of 1933 the number was 573.

India. — The report refers to the information supplied last year with regard to emigrant traffic from India and the inspection of emigrant ships. The report adds that the number of emigrants who went to Ceylon and Malaya during the year 1932 is: Ceylon, 50,869 and Malaya, 17. During the year 1933 their number up to 1 July is: Ceylon, 9,000 and Malaya, 1. The large reduction in the number of Indian emigrants to Ceylon and Malaya is due, as in 1932, to general economic depression, particularly in rubber and tea industries. The report adds that the Government has not 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.

Irish Free State. — There are no regulations in force regarding inspectors on board emigrant ships. The emigrant trade from

Saorstát Éireann is all in the hands of non-Saorstát shipping companies. During the year 1932 the number of emigrants of Saorstát Éireann nationality was 811. The report adds that no observations have been received from organisations of employers or workers.

Japan. — The report contains the following statistical table concerning Japanese subjects carried as emigrants on board ships flying the Japanese flag:

Number of Japanese emigrants transported on board Japanese ships (1 October 1932 to 30 September 1933).

Destination	Number of emigrants
South America	24,603
South Seas	1,037
North America	631
Elsewhere	8
Total	26,279

The report adds that with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention, no observations have been received from the organisations of employers or workers concerned.

Luxemburg. — See introductory note.

Netherlands. — The report states that emigrants are inspected before the vessel leaves port and that, in the absence of any inspection on board ship, the Government is not in a position to supply any information on this point. The application of the provisions in force has not given rise to any observations from occupational organisations.

NINTH SESSION (GENEVA, 1927).

22. 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 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932-30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	25.10.1933
Bulgaria	29.11.1929	14.12.1933
Colombia	20. 6.1933	
Cuba	7. 7.1928	
Estonia	10. 5.1929	29. 9.1933
France	4. 4.1928	3. 2.1934
Germany	20. 9.1930	3. 1.1934
Great Britain . . .	14. 6.1929	6.11.1933
India	31.10.1932	4. 1.1934
Irish Free State . .	5. 7.1930	21.12.1933
Italy	10.10.1929	14.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Poland	8. 8.1931	9.12.1933
Spain	23. 2.1931	24.11.1933
Uruguay	6. 6.1933	
Yugoslavia	30. 9.1929	13.11.1933

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 August 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 report states that the Regulations of 8 August 1923 cover practically the whole of the Mercantile Marine and those Regulations, though prior to the Convention, are in general harmony with the latter's provisions. The Government will not fail to amend them to the necessary extent. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

The Government of the *Irish Free State* states, with reference to a statement in its last annual report, that as regards paragraph 2 of Article 5 of the Convention the provisions of the Merchant Shipping Act of 1894 were not quite in harmony with the Convention, and to the observation made on this point by the Committee of Experts under Article 408, that the point raised will be taken into account when the General Merchant Shipping Code is being revised. It adds that special legislative action in this matter would not be justified, inasmuch as existing law is in substantial accord with the provisions of the

Convention. The law and practice in operation in An Saorstat enables seamen to obtain the documents referred to in Articles 5 and 14 and provide in addition that a seaman may, if he so desires, have a report on his character endorsed on his discharge certificate or on a separate sheet, or he may refuse to have a report on his character in any form. These provisions appear to the Government to satisfy the requirements of the Convention.

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

The report of the *Polish* Government states that legislation for the purpose of codifying all the provisions concerning the work of seamen is in course of preparation. This legislation will cover all the relevant questions in this sphere of labour and thus will give effect to the provisions of the Convention and therefore to Articles 9 and 13. The work in connection with this codification is making progress and the relevant Bill can probably be submitted to the Officers of the Diet at its 1934 Session. In consequence of this new legislation in course of preparation, the competent authorities do not intend to introduce partial amendments to the Act of 2 June 1902 for a short period similar to the amending Act of 17 March 1933, which was issued with a view to bringing Polish legislation into complete harmony with the Convention concerning unemployment indemnity in case of loss or foundering of the ship.

The report of the *Spanish* Government states that the Regulations of 26 March 1925 respecting the engagement of crews (subsequently incorporated in the Royal Decree to approve the Labour Code dated 23 August 1926), although dating from 1925 and therefore anterior to the ratification of the Convention, are in conformity with the provisions of the Convention. Nevertheless, there exist minor discrepancies between the Regulations and the Convention. These discrepancies were examined by the National Maritime Conference held at the beginning of 1933, and will disappear in the near future when the necessary amendments to the Regulations are made in order to adapt them to the Convention. The report adds that with regard to these amendments, which are in course of preparation as a result of the National Maritime Conference of 1932, the delay caused in the application of the modifications found necessary is not due to any unwillingness loyally to carry out the engagements contracted in this connection, but is due to the difficulties of the internal political situation of which the Government must take account and which the

Government is endeavouring to overcome as rapidly as possible.

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

The *Yugoslav* Government states in its report that, pending the adoption of a special Act for the definitive regulation of the matter, the Minister of Social Policy and Public Health, in agreement with the Minister of Communications, is endeavouring to have inserted in the Finance Act an authorisation for securing the application, by means of Decrees, of the provisions of the maritime Conventions ratified by Yugoslavia. For details, see the introductory note to the summary of the annual report of the Yugoslav Government on the application of *Convention No. 8 (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 relating to seamen's articles of agreement (L. S. 1928, Bel. 5 A).

Bulgaria.

See introductory note.

Estonia.

Act of 22 March 1928 concerning seamen (L. S. 1928, Est. 1 D).

Act of 31 January 1928 concerning the Seamen's Institute (L. S. 1928, Est. 1 A).

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)).

India.

Merchant Shipping Act, 1923 (L. S. 1923, Ind. 4).

Merchant Shipping (Amendment) Act, 1931 (L. S. 1931, Ind. 1).

General Clauses Act, 1897.

Indian Contract Act, 1872.

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)).

Merchant Shipping (International Labour Conventions) Act, 1933 (L. S. 1933, I. F. S. 2).

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.

Collective agreements for the enrolment of crews.

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. 357 (French ed.)), as amended by the Act of 17 March 1933 (L. S. 1933, Pol. 4).

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).

Collective agreements drawn up by the Joint Central Transport Board, approved on 6 September 1933.

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 No. 2 (Unemployment)*, point 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.

India. — Under § 3 of the Merchant Shipping Act, 1923 the provisions of the Act applying to steamships apply to ships propelled by electricity or other mechanical power with such modifications as the Governor General in Council may direct for the purpose of adaptation. According to § 4, the Act does not, except where specially provided, apply to ships belonging to His Majesty or the Government or to ships belonging to any foreign Prince or State and employed otherwise than for profit in the public service of that foreign Prince or State. The report states that the tonnage limit for home trade vessels is 300 tons burden.

Yugoslavia. — ... See also introductory note.

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.

India. — (a) Under § 3 (56) of the General Clauses Act of 1897 the term "vessel" includes "any ship or boat or any other description of vessel used in navigation". (b) According to § 2 (8) of the Merchant Shipping Act, 1923 the term "seaman" means "every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship." (c) Under § 2 (4) the term "master" includes "every person (except a pilot or harbour master) having command or charge of a ship". (d) Under § 2 (3) of the Act the expression "home trade ship" means "a ship employed in trading between any ports in British India, or between any port in British India and any port or place on the continent of India or in the Straits Settlements or in the island of Ceylon."

Yugoslavia. — ... See also introductory note.

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.

India. — According to § 27 (1) of the Merchant Shipping Act, 1923 the master of every British ship, except home-trade ships of a burden not exceeding 300 tons, shall enter into an agreement (called the agreement with the crew) with every seaman whom he engages in, and carries to sea as one of his crew from, any port in British India. Under § 28 (1) of the Act an agreement with the crew must be in a form sanctioned by the Governor-General in Council and be dated at the time of the first signature thereof, and must be signed by the master before any seaman signs the same. The report states that, in order to comply fully with the requirements of the Convention, shipping masters have been instructed to provide reasonable facilities for the accredited representatives of seamen to examine the articles of agreement before they are signed. According to § 30 (1) of the Act, in the case of agreements with the crew made in British India for foreign-going ships registered either within or without British India, the agreement shall be signed by each seaman in the presence of a shipping master, who shall cause the agreement to be read over and explained to each seaman in a language understood by him, or shall otherwise ascertain that each seaman understands the same before he signs it, and the shipping master shall attest each signature.

Yugoslavia. — ... See also introductory note.

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.

India. — § 28 (3) of the Merchant Shipping Act, 1923 provides that the agreement with the crew shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of any enactment for the time being in force relating to merchant shipping) as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law. The report refers to the provisions of § 28 of the Indian

Contract Act of 1872, according to which agreements in restraint of legal proceedings are void, with the exception, *inter alia*, of a contract to refer to arbitration any dispute that may arise.

Yugoslavia. — ... See also introductory note.

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 seamen'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.

India. — § 43 (1) of the Merchant Shipping Act, 1923 provides that the master shall sign and give to a seaman discharged from his ship in British India, either on his discharge or on payment of his wages, a certificate of his discharge in a form sanctioned by the Local Government, specifying the period of his service and the time and place of his discharge. A copy of the certificate of discharge has been supplied to the International Labour Office.

Irish Free State. — ... See also introductory note.

Yugoslavia. — ... See also introductory note.

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 shipowner 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.

India. — According to § 28 (1) of the Merchant Shipping Act, 1923 the agreement with the crew shall contain as terms thereof the following particulars, namely: (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, such scale being, in the case of lascars or other native seamen, not less than a scale to be fixed by the local government with the previous sanction of the Governor General in Council and published in the local Official Gazette; (g) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishments for misconduct, which have been sanctioned by the Governor General in Council as regulations proper to be adopted, and which the parties agree to adopt; and (h) where it is agreed that the services of any lascar or other native seaman shall end at any port not in British India, a stipulation to provide him either fit employment on board some other ship bound to the port at which he was shipped or to such other port in British India as may be agreed on, or a passage to some port in British India free of charge or on such other terms as may be agreed upon, and in this provision the word "seaman" shall include also any native of British India carried to sea from any port in

British India as one of the crew : Provided that any such stipulation shall be signed by the owner of the ship or by the master on his behalf. The report states that the agreement with seamen covers all the obligatory particulars required by this Article of the Convention. It adds that the Indian law does not permit (1) engagements for an indefinite period; and (2) annual leave with pay.

Irish Free State. — . . . A list of young persons has to be included in agreements in accordance with the Employment of Women, Young Persons and Children Act, 1920 and the Merchant Shipping (International Labour Conventions) Act, 1933.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that the Indian law does not provide for the maintenance of a separate list of crew on board.

Yugoslavia. — . . . See also introductory note.

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.

India. — According to § 36 (1) of the Merchant Shipping Act, 1923 the master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement with the crew and, if necessary, a translation thereof in a language understood by the majority of the crew (omitting the signatures), to be placed or posted up in such part of the ship as to be accessible to the crew.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that agreements for an indefinite period are not permitted by Indian law. See under ARTICLE 6.

Poland. — . . . See also introductory note.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that the provisions of this Article are in conformity with the existing law and practice in India.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that the provisions of this Article are covered by the ordinary law of India.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that the provisions of this Article are covered by the ordinary law of India.

Yugoslavia. — . . . See also introductory note.

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.

India. — Under § 28 (1) of the Merchant Shipping Act, 1923 the Government of India (Department of Commerce), by a Resolution No. 11-M. II (3)/31, dated 21 May 1931, ordered that an additional stipulation shall be inserted in the prescribed form of agreement for lascars. The terms of this stipulation are identical with those of this Article of the Convention. The report adds that the lascar agreement form has been amended to comply with the requirements of this Article.

Poland. — . . . See also introductory note.

Yugoslavia. — . . . See also introductory note.

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.

India. — The report states that the Merchant Shipping Act, 1923 was amended with a view to making provision for this Article. § 43 A (1) of the Merchant Shipping (Amendment) Act, 1931 accordingly provides that the master of every ship, except home-trade ships of a burden not exceeding 300 tons, shall sign and give to a seaman discharged from his ship in British India, either on his discharge or on payment of his wages, a certificate in a form sanctioned by the Governor General in Council stating: (a) the quality of the work of the seaman; or (b) whether the seaman has fulfilled his obligations under the agreement with the crew. A specimen copy of the prescribed form of certificate has been supplied to the International Labour Office.

Yugoslavia. — . . . See also introductory note.

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.

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.

India. — The application of the law, administrative regulations, etc., is entrusted to the shipping masters at the ports of recruitment, who supervise their enforcement at the time of signing on.

Spain. — The report states that the application of the relevant legislation is entrusted to the harbour authorities, consuls, etc.

V.

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

Belgium. — . . . The Government appends to its report the text of three decisions given by the probiviral Court for seamen during 1932, dealing respectively with: (1) the refusal of the shipowner to admit a claim to be paid during holidays, put forward by an officer under his articles of agreement; (2) the cancelling of the articles consequent upon the sale of the vessel abroad; and (3) a contested case

regarding overtime and paid holidays. The report adds that a certain number of disputes of minor importance were settled by the maritime commissioners by conciliation procedure in accordance with § 109 of the Act of 5 June 1928.

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 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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report refers to the information supplied last year, and adds that, during 1932, 8,418 seamen of lower ratings were signed on for service under the Belgian flag; of these 522 were of foreign nationality. It adds that no observations were made by the organisations of employers or workers with regard to the practical application of the Convention.

Bulgaria. — See introductory note and under *Convention No. 1 (Hours of work, industry)*, point VII.

Estonia. — On 1 July 1932 the number of seamen signed on was 2,072, of whom 425 were officers, 174 engineer officers, 20 radio-telegraphists, 1,021 deck hands, 292 engine room staff and 140 staff engaged in general duties. No difficulties in the application of the legislation were experienced and no cases of infraction came to the notice of the competent authorities.

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 statistics of seamen drawn up on 1 July 1933 and attached to the 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 186,276, of which 52,804 were not on board ship. The number of French seamen on board ship was therefore 133,472 divided as follows: officers of the bridge, 91,157; engineering officers, 16,852; catering staff, 13,697; sailing under foreign flags, 280; members of crews of the fleet or in other units, 11,486. In addition, the number of seamen on board ship included 2,509 colonials and 2,780 foreigners. The Mercantile Marine Department has not received any observations from the organisations of employers or workers concerned with regard to the practical fulfilment of the conditions of the Convention or the application of the provisions of the Seamen's Code relating to seamen's articles of agreement.

Germany. — The report 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 has 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. No observations by the organisations of employers or workers were brought to the notice of the Government.

Great Britain. — Statistics respecting the number of seamen engaged on British ships during the year are not available. No observations have been received from the organisations of employers or workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the law implementing the Convention.

India. — The report states that the Government has given statutory effect to the provisions of the Convention. No contraventions have occurred or have been reported at any port. The Government adds that the system of supervision of the enforcement of the relevant legislation is working satisfactorily. No observations regarding the fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received from the organisations of employers or workers. The Government of India has no remarks to offer.

Irish Free State. — The report repeats the information supplied in previous years, and adds that 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. The report adds that no

23. Repatriation of seamen.

complaints or observations have been received from organisations of seamen or employers regarding the application of the relevant provisions.

Italy. — The report states that no special information is available with regard to the application of the Convention. No observations or complaints were made by the occupational associations concerned with regard to the application of the Convention.

Luxemburg. — See introductory note.

Poland. — See introductory note.

Spain. — The report states that the inspection and statistical services, being in process of reorganisation, are not in a position to supply the particulars requested under this heading.

Yugoslavia. — The report does not refer to this point. See also introductory note.

23. 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 1933, and from which annual reports under Article 408 of the Treaty of Versailles were due in respect of the period 1 October 1932 - 30 September 1933 or of a part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Belgium	3.10.1927	25.10.1933
Bulgaria	29.11.1929	14.12.1933
Colombia	20. 6.1933	
Cuba	7. 7.1928	
Estonia	9. 7.1928	29. 9.1933
France	4. 3.1929	3. 2.1934
Germany	14. 3.1930	3. 1.1934
Irish Free State . .	5. 7.1930	17.11.1933
Italy	10.10.1929	14.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Poland	8. 8.1931	9.12.1933
Spain	23. 2.1931	24.11.1933
Uruguay	6. 6.1933	
Yugoslavia	30. 9.1929	13.11.1933

The Government of *Bulgaria* states in its report that the special legislative provisions for the application of the Convention have not been adopted. The provisions of the Convention are effectively applied, however, 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, which represents the whole Bulgarian merchant service. § 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 report adds that the Government will not fail to amend the legislation to the necessary extent. See also under *Convention No. 1 (Hours of work, industry)*, introductory note.

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

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

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 repatriation of seamen into harmony with the Convention. In view, however, of the circumstances referred to in the report on the *Convention concerning seamen's articles of agreement*¹, it has not been possible so far to issue the relevant provisions with any possibility of success. Nevertheless, the goodwill of the department concerned is shown by the proposal made to the Director General of Labour as well as by the collective agreements which were adopted on 26 August 1933

¹ See p. 158.

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as a result of decisions taken by the Joint Central Maritime Transport Board. The report adds that the Government will endeavour at the earliest opportunity to secure the adoption of a resolution facilitating the adaptation of Spanish legislation concerning the repatriation of seamen to the provisions of the Convention.

The report of the Government of Uruguay has not yet been received.

I.

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

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

Belgium.

Act of 5 June 1928 relating to seamen's articles of agreement (L.S. 1928, Bel. 5 A).

Bulgaria.

See introductory note.

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 for merchant vessels to take on board seamen entitled to repatriation.

Order of 15 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)).

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 agreements 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.)), amended by the Act of 17 March 1933 (L.S. 1933, Pol. 4).

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), 28 October 1919 (No. 1400), 30 October 1919 (No. 1450) and 31 October 1919 (No. 1500).

Navigation Regulations and the Regulations of 20 February 1824 (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 *Convention No 2 (Unemployment)*, point 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,

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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.

Bulgaria. — See introductory note.

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 of the British Government on *Convention No. 22 (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.

Bulgaria. — See introductory note.

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 British Government on *Convention No. 22 (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.

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.

Bulgaria. — See introductory note.

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 of default, or

(d) discharge for any cause for which he cannot be held responsible.

Bulgaria. — See introductory note.

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.

Bulgaria. — See introductory note.

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 pro-

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tectorates, 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.

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.

Bulgaria. — 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, where such statistics are available, the number of seamen repatriated during the year under review, the number and nature of the contraventions reported, etc.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Belgium. — The report states that: (a) except in cases of discharge abroad for grave offences, committed by the person concerned, all the expenses of repatriation (railway or steamship fare, second or third class according as the person repatriated is an officer or a seaman belonging to a lower rating; food during the voyage; transportation of luggage) are charged to the shipowner. If the seaman is repatriated in a vessel belonging to the same shipowner or any other vessel returning to Belgium, the person repatriated is treated on board the vessel according to the rank he had in the vessel in which he served previously. (b) During 1932, about one hundred seamen were repatriated from foreign ports to Belgium. The report adds that no complaints were made by the organisations of employers or workers concerned with regard to the practical application of the Convention.

Bulgaria. — See introductory note, and under Convention No. 1 (Hours of work, industry), point VII.

Estonia. — The report states that cases of repatriation occur rarely in Estonia. There is in general no difficulty in applying the relevant legislation. There were no cases of infraction.

France. — The report repeats the information given last year, and adds that the Mercantile Marine Department has not received any observations from the organisations of employers and workers concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the provisions of the Seamen's Code relating to the repatriation of seamen.

Germany. The report states that the application of the provisions of the relevant legislation has 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. The report adds that no observations from the organisations of employers or workers were brought to the notice of the Government.

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Irish Free State. — The report states that the provisions of the Merchant Shipping Acts of 1894 and 1906 are substantially in harmony with those of the Convention. Repatriation cases occur but rarely in the Irish Free State. For the twelve months covered by the report there were no cases. No difficulties have been experienced in carrying out the regulations and no contraventions have occurred. The report adds that no complaints or observations have been received from organisations of seamen or employers regarding the working of the regulations.

Italy. — The report states that no special information regarding the application of

the Convention is available, and adds that no observations or complaints were submitted by the occupational associations concerned.

Luxemburg. — See introductory note.

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

Spain. — See introductory note.

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

ELEVENTH SESSION (GENEVA, 1928).

24. 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 1933 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1932-30 September 1933 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2.1929	13.12.1933
Bulgaria	1.11.1930	13.12.1933
Chile	8.10.1931	29.12.1933
Czechoslovakia . . .	17. 1.1929	22. 1.1934
Germany	23. 1.1928	3. 1.1934
Great Britain . . .	20. 2.1931	6.12.1933
Hungary	19. 4.1928	14.12.1933
Latvia	29.11.1929	21.12.1933
Lithuania	19. 6.1931	13.11.1933
Luxemburg	16. 4.1928	3. 1.1934
Rumania	28. 6.1929	6. 3.1934
Spain	29. 9.1932	19.12.1933
Yugoslavia	30. 9.1929	13.11.1933

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 provide for compulsory insurance for domestic servants has been laid before the Chamber of Deputies. But the Chamber has decided to postpone a decision on the question, since it considers that the imposition at the present moment of new social charges would involve the risk of aggravating unemployment. Under § 1(2) of the Act of 17 December 1925, 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 *Spanish* Government states in its report that at the time of ratification of the Convention it requested the National Welfare Institute, which is the chief executive body for social insurance purposes, to prepare a scheme of sickness insurance. The Institute forthwith put in hand the preliminary work in this connection by appointing an important committee, which is at present endeavouring to carry out the task assigned to it. As part of this preliminary work should be mentioned the publication of four volumes containing a collection of legislation in foreign countries concerning sickness insurance. These volumes were published in 1933, and will constitute the basis of the final decisions to be taken.

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.

24. Sickness insurance (industry, etc.).

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).

Order of 21 July 1933 concerning sickness, invalidity and widow's and orphans' insurance for miners (L. S. 1933, Aus. 9).

Bulgaria.

Act of 6 March 1924 concerning 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.

Legislative Decree No. 203 of 14 July 1933 concerning the method of constituting the Council of the Compulsory Workers' Insurance Fund.

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).

Order of the President of the Reich dated 26 July 1930 for the purpose of remedying the financial, economic and social crisis. (L. S. 1930, Ger. 5).

Order of the President of the Reich dated 1 December 1930 to ensure economic and financial equilibrium. (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).

Order of 19 October 1932 to complete social benefits (L. S. 1932, Ger. 9).

Order of 1 March 1933 concerning sickness insurance (L. S. 1933, Ger. 11).

Act of 14 August 1933 amending the Federal Insurance Code (L. S. 1933, Ger. 1).

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) amended and supplemented by Orders No. 9090 of 29 December 1931 (L.S. 1931, Hung. 5), No. 9600 of 15 December 1932 (L.S. Hung. 4), and No. 6000 of 2 June 1933 (L. S. 1933, Hung. 4).

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).

Luxembourg.

Act of 17 December 1925 concerning the social insurance code (L. S. 1925, Lux. 2) amended by the Act of 8 September 1933 (L. S. 1933, Lux. 3).

Decrees of 16 October 1926, 24 February 1927, 11 December 1929, 14 January 1930 and 6 December 1933.

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

See also introductory note.

Rumania.

Act of 8 April 1933 concerning the unification of social insurance (L. S. 1933, Rum. 3), and the Regulations of 14 October 1933 issued thereunder.

Spain.

See introductory note.

Yugoslavia.

Act of 14 May 1922 concerning workmen's insurance (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 No. 2 (Unemployment)*, point 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.

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 para graph 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.

Chile. — . . . The report states that the Act concerning compulsory sickness insurance does not apply to civil servants, journalists and members of the military and police forces, nor to private employees, since each of these categories is covered by a special welfare fund.

Hungary. — . . . With regard to the persons employed in the public services and exempted from compulsory insurance in accordance with § 7 (1) of Act No. XXI of 1927, the report states that the payment of the benefits to which such persons are entitled in case of sickness is regulated by Order No. 2300 of 1928.

Rumania. — According to § 1 of the Act concerning the unification of social insurance, employees in industrial and commercial undertakings (public or private) whose wages do not exceed 6,000 lei per month are subject to sickness insurance. Apprentices and probationers in such undertakings, even when they do not receive any wages, as well as the members of the family of the employer who habitually render services without remuneration in the undertaking, are considered as being subject to insurance. The following are also subject to insurance without any condition as to remuneration: independent craftsmen; employees of certain professional organisations of salaried employees; persons working in their own homes, either alone or with the assistance of others, on account of one or more employers (home workers), persons working on their own account in the houses of their clients (independent workers). Domestic servants will be brought under compulsory sickness insurance as from 1 April 1934. According to the provisions of § 4 of the Act, the general assembly of the Central Social Insurance Fund has power to admit to compulsory insurance other categories of employees on the proposal of the governing body, and subject to approval by the Council of Ministers. The report states that no use has been made of the exceptions provided in paragraph 2 (a) of this Article of the Convention. The Act does not fix any minimum age for admission to insurance; nevertheless, in view of the requirements of the Act concerning apprenticeship, such admission cannot take place in practice under the age of 14 years. The obligation to pay contributions ceases when the insured person has reached the age of 65 years. According to § 2 of the Act, the following are exempted from the

obligation to insure : (a) employees covered by the General Pensions Act ; and (b) employees in public undertakings who are insured with special funds established in accordance with the relevant Acts.

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.

Germany. — . . . The Order of 8 December 1931, amended by that of 19 October 1932, provides that, pending the adoption of new legislative measures, the benefits granted on account of sickness insurance are reduced to the benefits normally paid by the funds in accordance with § 179 of the Insurance Code (sickness benefits, maternity benefits, funeral benefits and family benefits). Supplementary benefits may be granted only with the consent of the Superior Insurance Office, and in the case of miners' insurance with that of the supervising authority.

Hungary. — . . . (b) Under § 47 of Act No. XXI of 1927 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 except in respect of the first three days in hospital.

Rumania. — Under § 11 of the Act for the unification of social insurance, the insured person is entitled, while he is sick and incapable of working, to a benefit in cash equal to 50 per cent. of the average wage insured, and payable as from the eighth day of sickness. During the first seven days, the employee has the right to be paid his full wage by the employer. Benefits in cash are paid for a maximum of 26 weeks for the same illness, and for 36 weeks for different illnesses suffered during twelve months. In the case of accidents the benefits in cash are paid until recovery or the healing of the wound. If the financial situation admits, the Fund may decide, with the approval of the Council of the Central Fund, to prolong the cash benefits for the same illness from 26 to 56 weeks in cases where the insured person is not entitled to an invalidity pension. The duration of the cash benefits is calculated as from the first day of illness or accident, and not from the day on which the insured person began to receive medical treatment. Cash benefits are not granted while the insured person is treated in a sanatorium or hospital, or during his stay at a watering place or health resort where he is fully maintained by the insurance fund. An insured person who has caused the injury intentionally or by a grave fault on his part by taking part in brawls or by committing an offence, has no right to cash benefits. Nevertheless, the family of the insured person may receive benefits up to 50 per cent. of the legal rates of benefit if in the above-mentioned cases (maintenance in hospital, or intentional fault on the part of the insured person), it is proved that the family was dependent on the insured person. Similarly, § 8 of the Act provides that, if in certain specified cases the sick person refuses to be treated in a hospital, he thereby loses rights to cash benefits ; nevertheless, one-half of the benefit which would have been due to the insured person is granted to the family maintained by him. § 117 provides that membership of the insurance fund begins for persons subject to insurance on the date of joining duty, that no person may receive benefits in cash while he is receipt of wages, and that finally, a person may not be insured with more than one social insurance fund at the same time and may receive the cash benefit due to him only once.

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.

Germany. — . . . The insured person wishing to obtain medical treatment must obtain a treatment certificate, the fee for which has been reduced from 50 to 25 Reichspfennig.

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 Minister of the Interior may issue Orders providing for a minimum participation by the insured person in the cost of medicaments and medical appliances. The right to impose such participation is also provided for in the statutes of certain independent sickness insurance funds approved by the Minister. The report states that the relevant legislation does not provide for the suspension of medical aid by reason of the non-observance of the doctor's instructions.

Rumania. — Under § 6 of the Act for the unification of social insurance, the insured persons are entitled to medical attendance as from the first day of the illness or accident until recovery. § 7 provides that the insured person may be confined to a hospital or sanatorium in accordance with the instructions given by the doctors attached to the insurance fund. In such a case, the insured person has the right to the payment of cost of transportation from his home to the hospital and return. The period of hospital treatment at the expense of the insurance fund may last for 26 weeks

for insured persons. The Council of the insurance fund may decide to prolong the duration of hospital treatment up to a year if the financial situation of the fund permits. In cases of emergency, the insured person may on his own initiative enter a hospital or sanatorium with which the insurance institution has concluded an agreement. When in urgent cases an insured person has been sent to a hospital or sanatorium with which the fund has concluded no agreement, such insured person has a right to be paid the hospital charges up to the limit of the cost of such treatment in the hospital or sanatorium to which the fund sends its insured patients. § 8 provides that for treatment in a hospital the consent of the injured person is not necessary in the following cases: (a) when the nature of the illness makes it impossible for treatment to be given in the home; (b) when the illness is contagious; (c) when the patient has neglected to observe on a number of occasions the instructions given by the doctor, and has thereby retarded his recovery. According to § 10, the insured persons are entitled to medicaments and medical appliances according to the prescriptions of the doctor attached to the insurance fund. In proved urgent cases, the insured person has the right to repayment of the expense incurred by him for the purchase of medicaments and appliances. The insurance fund must in case of absolute necessity grant to its members treatment at a watering place, or open-air or mineral water treatment, within the limits of the credits allowed for this purpose in the budget. The fund must also grant to its insured members artificial teeth, bandages, belts, crutches as well as other therapeutic appliances prescribed by the medical specialists attached to the fund as being absolutely necessary. § 13 of the Act provides that the benefits in cash payable to the insured person shall be doubled when the fund is not in a position to give him the necessary medical treatment and medicaments.

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.

Rumania. — Under § 6 (2) of the Act for the unification of social insurance the right to medical attendance is accorded also to the following members of the family if they live in the household of the insured person: the wife, children under

18 years of age, children suffering from an infirmity even if they have passed this age, and parents (father and mother) who are incapable of working. § 10 (5) of the Act provides that the members of the family are entitled to medicaments as well as to treatment in hospital for a maximum period of four weeks. In the hospitals belonging to the insurance institution the members of the family may be treated for a maximum period of 20 weeks, provided that the insured persons bear the cost of hospital treatment up to 25 per cent of the expenses incurred by the insurance fund.

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. — . . . As regards miners' benefit societies, by Order of 21 July 1933 they have been dissolved, and as from 1 August 1933 the insurance of miners against sickness is managed by other insurance institutions recognised by law, namely, the regional sickness funds for undertakings and associations in accordance with the provisions in force for such funds. . .

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 function which are laid down in § 7 of the Act and § 58 of the Regulations

applying it. The present organisation of the board responsible for the administration of the insurance institution is regulated by Legislative Decree No. 203 of 14 July 1932, replacing Legislative Decree No. 2096 of 31 December 1927. 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.

Rumania. — Social insurance is administered by the social insurance funds which are autonomous public bodies invested with legal personality. There has been set up in connection with each fund a governing body composed according to the importance of the fund of 12 to 18 members, representing in equal numbers the employers and employees of the industry, trade or commerce, and appointed by the respective organisation of the persons concerned. The functions of the governing body are to prepare, in conjunction with the director and the chief medical officer of the fund, the budget of the fund and its balance sheet, to sanction the appropriations falling within its competence, to vote the opening of credits, etc. The Minister of Labour, Health and Social Welfare appoints for each fund a committee of auditors consisting of a representative of the employers, a representative of the workers, and an expert accountant. The Central Social Insurance Fund is the body responsible for directing and inspecting the activities of the regional funds. The Central Fund consists of the following executive and inspecting organs: (a) general assembly, (b) governing body, (c) directorate, (d) superior inspection committee, and (e) Government commissioner. In addition to a certain number of representatives and experts mentioned in the relevant Act, the general assembly consists of delegates of the insurance funds, each fund being represented according to its importance by 2 or 4 delegates appointed for this purpose by the governing body of the fund from among its employer and worker members. The functions of the general assembly are, *inter alia*, to examine and approve the budgets and the balance sheets of the social insurance funds as well as the general budget and balance sheet of the Central Fund. The governing body which, in addition to the members appointed by the Minister, consists of 9 representatives of employers and 9 representatives of workers elected by the general assembly, is responsible for the administration of the funds of the Central Fund and for supervision, by means of instructions,

of the bodies responsible for social insurance. The permanent control of the administration of the Central Fund is carried out by the superior inspection committee consisting, in addition to the President of the accountant's institute and an expert accountant appointed by the Minister, of a representative of the employers and a representative of the workers, appointed by the general assembly. Further, a Government commissioner appointed by the Minister is responsible for the general supervision of the working of the Central Fund.

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. — . . . 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. For information concerning sickness insurance of miners, see above under ARTICLE 6.

Hungary. — . . . The report states that the contribution of the State towards the expenses of the national social insurance institute and the insurance institute for private employees amounted to 2.4 million pengos during the period under review . . .

Rumania. — § 42 of the Act for the unification of social insurance provides that the insured persons shall contribute (together with their employers and in the same proportions) towards the constitution of the resources of the insurance funds a sum not exceeding 6 per cent. of the average wage in the category of contributions to which the insured person belongs. The contributions in respect of apprentices and probationers who do not receive any wages in cash, as well as for all other non-remunerated insured persons, are paid exclusively by the employers. On the other hand, the contributions are paid exclusively by independent craftsmen, home-workers and independent workers. The report adds that the State bears the expenses of sickness insurance to the extent of assuming responsibility for the

salaries of a certain number of officials of the insurance administration.

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, *Bulgaria, Chile, Germany, Hungary, Latvia, Luxemburg, Rumania, Spain* and *Yugoslavia* have ratified the Convention concerning the employment of women before and after childbirth. (See summary of reports under that Convention).

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.

Chile. — The report states that final appeals from insured persons may be lodged before the Superior Administrative Council of the Fund. According to paragraphs 2 and 3 of § 418 of the Labour Code, the insured person may also have recourse to the labour courts.

Rumania. — Under §§ 101 and 102 of the Act for the unification of social insurance all disputed questions relating to the application of the law are decided by an arbitration committee appointed in connection with each insurance fund and consisting, in addition to a permanent judge, of a representative of the employers and a representative of the workers appointed by the governing body of the fund. Against the decision of the arbitration committee an appeal may be made to the appeal committee set up in connection with the central social insurance fund, and the decisions of this appeal committee are final and have executive force.

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.

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.

(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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — The report states that for the year 1931 there is no statistical information available concerning the total number of employees and their distribution in industry, commerce and domestic occupations. Neither is there any statistical information concerning the persons exempted from insurance, in particular persons exempted from insurance in view of the fact that they are covered by another system of protection against the risks of sickness. As regards other particulars, the report gives the following statistical information for the year 1931, the figures for 1932 being not yet available :

	Workers' Sickness Insurance	Salaried Employees' Sickness Insurance
(1) Number of insured (average) :	925,264	264,838
(2) Sickness benefit :		
(a) Total amount of payments for sickness benefit	Schillings 42,004,238	6,187,421
(b) Average amount of payments for sick benefit per insured	45.40	23.36
(3) Benefits in kind :		
(a) Total amount of outgoings for benefits in kind ...	51,863,614	28,725,458
(b) Average amount of outgoings for benefits in kind per insured	56.05	108.47
(4) Furnishing of resources :		
Total amount of contributions .	101,553,381	37,544,546
Share of employers	34,085,577	18,480,603
Share of insured	67,467,804	19,063,943

24. Sickness insurance (industry, etc.).

The report adds that the organisations of employers or workers have not made any observations concerning the application of the Convention, or of the legislation implementing it.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

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 1931-1932 have not yet been drawn up. Statistics for 1933 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 persons insured with the sickness funds set up by the federal laws was, in 1932, 17,076,000, of whom 14,099,000 were subject to compulsory insurance. The disbursements made by these funds for the same year were as follows: benefits in cash, 232,702,000 RM. (13.68 RM. per insured person); benefits in kind, 625,231,000 RM. (36.1 RM. per insured person). The benefits granted in case of death were, in 1932, 8,346,000 RM., which amounted to an average of 0.48 RM. per insured person. The receipts of the sickness funds amounted to 1,078,348,000 RM. distributed as follows: contributions, 1,018,714,000 RM.; fees charged for treatment certificates, 12,946,000 RM.; interest on capital investments, 36,973,000 RM.; profit, 1,666,000 RM.; other receipts, 8,049 RM.; which amounted to an average of 63.15 RM. per insured person, of which 59.65 represented contributions. With regard to the free approved funds, the figures for 1932 were as follows: number of insured persons, 1,636,000; benefits in cash, 15,477,000 RM. (9.46 RM. per insured person); benefits in kind, 103,959,000 RM. (63.54 RM. per insured person). The receipts amounted to 155,471,000 RM., of which 150,350,000 RM. represented contributions, which amounted to an average of 93.08 RM. per insured

person, 91.90 of which represented contributions. The report states that no observations were submitted by the organisations of employers or workers.

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 servants 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 1932	18,532,000 ¹	(863,000)
(b) Estimated number of workers insured on 30th September 1933	—	(364,000)

2. Benefits in Cash :

	During year ended 31st December 1932	Estimate for period 1st Jan. 1933 to 30th Sept. 1933
(a) Total cost of sickness benefit	£ 11,034,000 (237,000)	£ — (164,000)
(b) Average cost of sickness benefit per insured person	12s. 8.6d. (13s. 0.6d.)	— (9s. 0.1d.)
(c) Total cost of disablement benefit..	£ 6,274,000 (219,000)	— (150,000)
(d) Average cost of disablement benefit per insured person	7s. 2.9d. (12s. 0.8d.)	— (8s. 2.9d.)

3. Benefits in kind :

	£	£
(a) Total cost of medical benefit	9,972,000 (187,000)	— (152,000)
(b) Average cost of medical benefit per insured person	10s. 10.1d. (10s. 3.6d.)	— (8s. 4.2d.)
(c) Total cost of additional treatment benefits provided under the scheme .	2,875,000 (39,000)	— (29,000)
(d) Average cost of additional treatment benefits per insured person . . .	4s. 1.2d. (2s. 1.8d.)	— (1s. 7.1d.)

¹ This figure includes 1,067,000 insured persons over 65 years of age who are entitled to benefits in kind true who are not entitled to benefits in cash.

24. Sickness insurance (industry, etc.).

4. Financial resources :

	£	£
(a) Contribution from employers	12,635,000 (238,000)	— (175,000)
(b) Contributions from employees.....	12,395,000 (231,000)	— (176,000)
(c) Contributions by Exchequer (including cost of central administration) ...	6,184,000 (150,000)	— (112,500)
(d) Interest on accumulated funds and sundry receipts ...	6,064,000 (73,000)	— (52,000)

Total Financial Resources.

On 31 December 1932, the total accumulated funds amounted to £121,168,000 (£1,335,000) of which £119,150,000 (£1,292,000) was invested and the remainder was in hand or at the Bank.

The report states that no observations have been received from organisations of employers or workers regarding the practical fulfilment of the conditions presented by the Convention or the application of the national law implementing the Convention.

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 1932 amounted to 862,469, of whom 545,433 were men and 317,036 women. For 1931 the benefits in cash amounted to 28,187,775 pengös (average per insured person : 30.1 pengös); the benefits in kind amounted to 9,765,901 pengös (average per insured person : 10.4 pengös). The report states that no observations trade been made by the organisations of employers or workers with regard to the practical application of the Convention.

Latvia. — The report contains a number of statistical tables, showing that the total number of insured persons belonging to 40 sickness funds was, in June 1933, 248,522, including 96,429 members of families. In 1932 the benefits in cash paid to insured persons and members of their families amounted to 3,154,379.60 lats (22.38 per insured person) and benefits in kind amounted to 8,820,992.15 lats (52.57 per insured person). The amount of contributions paid by the insured persons and their employers, after deducting 5 per cent for reserves, amounted during the same period to 9,176,350.36 lats. The subventions made by the State amounted to 3,264,455.78 lats.

Lithuania. — The report states that in view of the fact that statistical information has been collected only since the

beginning of 1933 the particulars requested can be supplied only next year.

Luxemburg. — The report refers to the record concerning sickness insurance in the Grand Duchy of Luxemburg during 1932 published by the Central Committee of Sickness Insurance Funds, in which the following figures are given : number of workers insured in 1932, 48,603 (16.20 per cent. of the total number of persons legally domiciled in the country); cash benefits to sick persons 8,000,084.72 francs (representing an average of 164.60 francs per insured person); expenditure for medical treatment 6,071,898.30 francs (124.92 francs per insured person); expenditure on pharmaceutical products, etc. 4,677,026.47 francs (96.22 francs per insured person); expenditure for treatment in hospitals 2,596,942.41 francs (53.43 francs per insured person); total receipts 47,885,011.86 francs; receipts from contributions 21,080,514.47 francs (433.72 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 1,180,450.60 francs (45.68 per insured person) for the district funds (half this amount was reimbursed to the funds by the State), and to 132,201.52 francs (5.80 francs per insured person) for the industrial funds (not including the salary of the accountant which is paid by the employer).

Rumania. — The Government states that statistical information for 1933 is not yet available. For 1932 it has supplied the following particulars : average number of insured persons : 175,620 for the old Kingdom and Bessarabia (this figure indicates the number of insured persons who had paid contributions for 52 weeks) and 280,780 for Transylvania.

	Old Kingdom and Bessarabia	Transylvania
	Lei	
Benefits in cash	29,042,628	53,956,068
Average per insured person	165	224
Benefits in kind	25,706,208	22,573,188
Amount per insured person	146	94
Total contributions from employers ...	—	122,725,775
Total contributions from the insured ..	170,946,636	122,725,775

Spain. — See introductory note.

Yugoslavia. — The report gives the following figures concerning the application of sickness insurance for the year 1932 : average number of insured persons : 535,917, of whom 396,221 were men and 139,696 women; cash benefits : 61,463,000 dinars (114.70 per insured

person); benefits in kind: 125,418,000 *dinars* (237.50 per insured person); total resources: 268,642,000 *dinars*; employers' contributions: 134,780,000 *dinars*; contributions from insured persons: 126,980,000 *dinars*.

25. 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 1933 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1932-30 September 1933 or for a part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Austria	18. 2.1929	13.12.1933
Bulgaria	1.11.1930	14.12.1933
Chile	8.10.1931	29.12.1933
Czechoslovakia . .	17. 1.1929	22. 1.1934
Germany	23. 1.1928	3. 1.1934
Great Britain . . .	20. 2.1931	6.12.1933
Luxemburg	16. 4.1928	3. 1.1934
Spain	29. 9.1932	19.12.1933

The Government of *Luxemburg* stated, in its preceding reports, 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 1932—September 1933 indicates that the Bill in question is still before the Chamber of Deputies, which has decided to postpone its decision on the question, since it considers that the imposition at the present moment of new social charges would involve the risk of aggravating unemployment. By letter dated 28 February 1934, the Government has how-

ever informed the Office that it has made sickness insurance compulsory for workers employed in forestry or agricultural operations undertaken or subsidised by the Government.

The *Spanish* Government states in its report that at the time of ratification of the Convention it requested the National Welfare Institute, which is the chief executive body for social insurance purposes, to prepare a scheme of sickness insurance. The Institute forthwith put in hand the preliminary work in this connection by appointing an important committee, which is at present endeavouring to carry out the task assigned to it. As part of this preliminary work should be mentioned the publication of four volumes containing a collection of legislation in foreign countries concerning sickness insurance. These volumes were published in 1933, and will constitute the basis of the decisions to be taken.

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 Council of Welfare on 9 April 1930, to apply Act No. 4054 to agricultural occupations.

Legislative Decree No. 203 of 14 July 1933 concerning the method of constituting the Council for the Compulsory Workers' Insurance Fund.

25. Sickness insurance (agriculture).

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.

Order of the President of the Reich dated 26 July 1930 for the purpose of remedying the financial, economic and social crisis.

Order of the President of the Reich dated 1 December 1930 to ensure economic and financial equilibrium (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).

Order of 19 October 1932 to complete social benefits (L. S. 1932, Ger. 9).

Order of 1 March 1933 concerning sickness insurance (L. S. 1933, Ger. 11).

Act of 14 August 1933 amending the Federal Insurance Code (L. S. 1933, Ger. 1).

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), amended by the Act of 6 September 1933 (L. S. 1933, Lux. 3).

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.

Spain.

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. 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.

Chile. — Under § 2 of the Regulations of 9 April 1930 for extending the application of the Act No. 4054 to agricultural workers, the following persons are subject to insurance as dependent persons: employees, tenants, share tenants, workers, and generally all persons working in an undertaking on account of an employer. Small cultivators and persons working simply as small farmers on their own account are subject to insurance as independent workers, and are considered as employers of the persons they employ in their undertakings. 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 *Convention No. 24 (Sickness insurance, industry, etc.)*

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, each 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.

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.

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.

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.

Chile. — See under Convention No. 24 (*Sickness insurance, industry, etc.*), ARTICLE 6.

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.

Chile. — § 3 of the Regulations of 9 April 1930 for extending the application of Act No. 4054 to agricultural workers provides that, for fixing the contributions payable to the insurance fund by its members, the employers and the State, food, lodging, dwelling house, plot of ground to cultivate animal forage, etc., which are usually granted to agricultural workers, must be evaluated in cash and the resultant sum added to the wages in cash to which the worker concerned is entitled. See also under Convention No. 24 (*Sickness insurance, industry, etc.*).

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.

Chile. — See under Convention No. 24 (*Sickness insurance, industry, etc.*), ARTICLE 8.

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 No. 24 (*Sickness insurance, industry, etc.*).

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.*

25. Sickness insurance (agriculture).

- (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*.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Austria. — The report gives the following statistics for the year 1931 on the application of the said legislation. These statistics cover the whole country except Upper Austria and Salzburg. The total number of persons employed in agricultural undertakings (workers and apprentices) is about 480,000. 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 295,000. 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.

(2) <i>Benefits in cash</i> :	Schillings.
(a) Total cost of benefits in cash .	4,276,989
(b) Average cost of benefits in cash per insured person . . .	15.54
(3) <i>Benefits in kind</i> :	
(a) Total cost of benefits in kind .	8,317,409
(b) Average cost of benefits in kind per insured person . . .	30.23
(4) <i>Financial resources</i> :	
Total amount of contributions .	14,978,256
(a) Contributions from the employers	7,410,658
(b) Contributions from the insured persons	7,567,598

Note. — The figures given above do not include the data relating to the working of an agricultural sickness insurance fund (with a membership of about 18,500 persons), which has not yet supplied information for the year 1931.

The report states that the organisations of employers or workers have not submitted to the Government any observations with regard to the practical application of the Convention.

Bulgaria. — See under *Convention No. 1 (Hours of work, industry)*, point VII.

Chile. — The report states that exact and detailed information on the points to which this heading refers will be sent to the Office as soon as available.

Czechoslovakia. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*. The information supplied there applies equally to agricultural workers.

Germany. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*. The information supplied there applies equally to agricultural workers.

Great Britain. — See under *Convention No. 24 (Sickness insurance, industry, etc.)*. The information supplied there applies equally to agricultural workers.

Luxemburg. — See introductory note.

Spain. — See introductory note.

TWELFTH SESSION (GENEVA, 1929).

26. 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 1933 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1932-30 September 1933 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3. 1931	27.11.1933
China.	3. 5. 1930	
France	18. 9. 1930	3. 2. 1934
Germany	30. 5. 1929	3. 1. 1934
Great Britain . . .	14. 6. 1929	6.12.1933
Irish Free State . .	3. 6. 1930	9.12.1933
Italy	9. 9. 1930	4.12.1933
Spain	8. 4. 1930	24.11.1933

By letter of 10 November 1932 forwarding the last annual report, the Government of the Commonwealth of *Australia* stated 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 Arbitration 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 subject.

"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 aboriginals and half-castes in the Northern Territory are fixed in pursuance of the *Aboriginals 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."

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

I.

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

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

26. Minimum wage-fixing machinery.

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; 1930, Austral. 12; 1931, Austral. 13; 1932, Austral. 5).

Queensland.

Industrial Conciliation and Arbitration Act of 1912 (L. S. 1933, Austral. 1).
Apprentices and Minors Act, 1929 (L. S. 1929, Austral. 7) and Regulations of 27 February 1930 to apply the Act.

Tasmania.

The Wages Boards Act, 1920, as amended in 1924 and 1928 (L. S. 1924, Austral. 1; 1929, Austral. 1).
Regulations under the above Act.

Victoria.

Factories and Shops Act, 1928 (L. S. 1929, Austral. 18).

Western Australia.

Industrial Arbitration Act, 1912-1925 as amended (L. S. 1925, Austral. 12; 1930, Austral. 7).
Factories and Workshops Act No. 44 of 1930.
Various industrial agreements registered at the Court of Arbitration.

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 18 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).
Act of 18 May 1933 concerning the assessors of the labour judicial and conciliation authorities and home work trade committees (L. S. 1933, Ger. 5).
Act of 8 June 1933 concerning the protection of wages in home work (L. S. 1933, Ger. 8).
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.
Act No. 437 of 3 April 1933 to extend the legal regulation of collective relations in connection with employment to share contracts in agriculture and contracts for small holdings (L. S. 1933, It. 7).

Spain.

Act of 27 November 1931 concerning joint labour boards (L. S. 1931, Sp. 15).

I.

Please indicate in detail for each of the following Articles of the Convention the provisions 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. — The new information supplied by the Government with regard to the States of the Commonwealth is as follows:

Queensland. — § 42 (1) of the Industrial Conciliation and Arbitration Act of 1932 provides that any industrial union may make an agreement in writing with an industrial association of employers or some specified employer or employers

26. Minimum wage-fixing machinery.

for the prevention or settlement of an industrial dispute or relating to any industrial matter. On the other hand, the Industrial Court established by the Act may, under the terms of §§ 8 and 9, make an award with reference to a calling or callings, fixing the lowest price for their work or rates of wages payable to employees, and may also from time to time declare general rulings relating to the cost of living and the basic wage for males and females.

ARTICLE 2.

Each Member which ratifies the 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. — The new information supplied by the Government with regard to the States of the Commonwealth is as follows :

Queensland. — The report states that the Industrial Court, having fixed a basic wage, hears representatives of employers' and employees' organisations and other interested parties before fixing wages and conditions in any calling. To this extent only are employers and workers concerned in the operation of the machinery, the administration of the awards of the Court being entrusted to a staff of industrial inspectors.

Germany. — § 19 of the Home Work Act of 27 June 1923 lays down that the Federal Minister of Labour, before deciding to set up a trade committee, must have consulted the economic associations and official trade representatives of employers and employees. The Act of 18 May 1933 cancels this obligation to consult the above-mentioned organisations, and also repeals the third paragraph of § 19, which provides that, if the economic associations of employers and employees make a joint application for the establishment of a trade committee, the Minister must comply with the request. The report states that the measure in question is intended to facilitate and expedite the negotiations which precede the establishment of trade committees without, however, excluding the relations with the organisations concerned.

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 authorisations of the competent authority).

Australia. — The new information supplied by the Government with regard to the States of the Commonwealth is as follows :

Queensland. — The report states that the Industrial Conciliation and Arbitration Act permits of agreements between employers and employees, either collectively or with respect to a particular employer, being registered in the Court; such agreements having the effect of awards of the Court and being equally binding on the parties.

Tasmania. — The Wages Boards are composed of equal numbers of representatives of employers and workers in the trade in respect of which the Board was established, and a chairman appointed by the Government. The representatives are elected from lists submitted by the employers and workers in the trade concerned. 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.

Germany. — The Act of 18 May 1933 provides, in § III (1), that, up till 31 December 1933, the supreme State authority is entitled to take the necessary steps for the nomination of assessors and the appointment of representatives on trade committees for home work, and also for their discharge, and, in so far as these nominations and appointments are concerned, the supreme State authority may depart from the provisions of § 23 of the Act of 27 June 1923, which stipulates that the representatives shall be appointed from lists of candidates furnished by the economic associations of employers and employees within the area of the trade committee concerned.

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 applica-

26. Minimum wage-fixing machinery.

tion 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. — The new information supplied by the Government with regard to the States of the Commonwealth is as follows :

Queensland. — The report states that awards cover practically all trades and callings except domestic work and agricultural work, but no statistics are available as to the number of men and women, or adults and young persons, who are affected by each industrial award.

Tasmania. — The report supplies the following list of trades in which minimum wage fixing machinery has been applied, together with the current base weekly rates of wages for a full week's work for adults :

Name of Trade and Weekly Wage :

Aerated Water : £3. 9. 6. ; Barristers and Solicitors' Clerks : £3. 7. 6. ; Boot Trade : £4. 8. 0. ; Brickmakers : £4. 7. 0. ; Carpenters : £4. 12. 7. ; Bricklayers : £4. 12. 7. ; Plasterers : £4. 11. 0. ; Stonemasons : £4. 12. 7. ; Painters : £3. 16. 4 ;

Builders' Labourers : £3. 13. 8. ; Butchers : £4. 0. 0. ; Butter and Cheese Makers : £2. 19. 0. ; Electrical Engineers : £4. 8. 0. ; Furniture-makers : £4. 16. 0. ; Fuel Merchants : £3. 9. 6. ; Flourmillers : £4. 2. 0. ; Grocers : £3. 0. 0. ; Hairdressers : £4. 10. 0. ; Hotel Workers : £2. 18. 8. ; Insurance Clerks : 3. 5. 0. ; Ironmongers : £3. 10. 0. ; Jam Trade : £3. 9. 6. ; Leatherworkers : £3. 9. 6. ; Laundrymen : £3. 14. 0. ; Marine Boards : £3. 17. 0. ; Motor Garages : £3. 9. 6. ; Mechanical Engineers : £3. 9. 6. ; Foundrymen : £3. 9. 6. ; Bakers : £4. 11. 0. ; Carriers : £3. 5. 3. ; Cement-makers : £3. 6. 6. ; Chemists : £4. 15. 0. ; City Council Labourers : £3. 4. 10. ; Coachbuilders : £4. 5. 0. ; Country Council Labourers : £3. 3. 0. ; Cycle Trade : £3. 16. 0. ; Country Storekeepers : £3. 10. 0. ; Drapers : £2. 12. 6. ; Dressmakers : £1. 15. 0. ; Enginedrivers : £4. 2. 0. ; Entertainment : £3. 4. 4. ; Electrolytic Zinc : £3. 10. 10. ; Plumbers : £4. 11. 8. ; Printers : £3. 17. 0. ; Produce Merchants : £3. 9. 6. ; Quarrymen : £3. 10. 0. ; Rubber Workers : £3. 9. 6. ; Road-makers : £3. 3. 0. ; Shipping Trade : £3. 11. 6. ; Soft goods : £3. 5. 3. ; Sweep Promoters : £4. 4. 0. ; Timber Trade : £3. 10. 11. ; Tanners : £3. 9. 6. ; Textile Trade : £3. 9. 6. ; Wholesale Grocers : £3. 9. 6. ; Wharves, Piers and Jetties : £3. 15. 0. ;

The report states that existing statistics do not permit of an accurate estimate of the number of persons employed, but the approximate number is considered to be 20,000.

France. — . . . 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 1932 :

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	2,882	9,575	1,162	23,801	67	12,887
Hats	206	951	86	1,643	1	205
Footwear	476	2,039	262	5,265	7	902
Underclothing of all kinds	898	3,786	697	20,556	35	18,770
Embroidery	301	1,525	750	25,492	43	5,802
Lace	177	1,258	147	3,417	10	2,192
Feathers	26	90	11	160	—	—
Artificial flowers	80	313	35	780	2	462
Work subsidiary to the clothing industry	46	225	40	1,822	4	1,020
Dressmaking	9	40	—	—	—	—
Knitting	132	570	109	2,179	3	850
Machine knitting	—	—	5	102	—	—
Rosaries	2	10	8	92	2	348
Jewellery	2	5	1	45	—	—
Umbrellas	15	69	15	432	1	101
Wigs	6	29	4	84	—	—
Tapestry	5	20	1	10	—	—
Bead work	44	196	27	791	1	120
Paper and cardboard goods	83	363	83	2,218	5	1,017
Wrapping of food products and confectionery	—	—	1	15	—	—
Assembling of boxes made of thin wood	1	3	7	264	—	—
Basket making, straw and rush work	52	298	69	1,830	2	203
Case making and fancy leather goods	39	183	42	422	—	—
Bristle work and brushmaking	45	208	33	586	—	—
Sorting, finishing and carding of buttons	3	23	17	217	—	—
Burnishing of precious metals	—	—	2	28	—	—
Totals	5,525	21,729	3,614	91,751	183	44,379

Germany. — The report states that the difficulties to which attention was drawn in the preceding report have still persisted during most of the period under review. The struggle against unemployment and

the business recovery, however, may tend to improve the situation with regard to home work. The report refers to the annual reports of the labour inspectors for 1931 and 1932, which contain informa-

tion with regard to the activities of the trade committees for home work and, as far as it is available, statistical information concerning the persons who do home work and the wages fixed by the committees in question.

Great Britain. — The report supplies the following lists of the general minimum time rates fixed by the Trade Boards and in operation at 1 September 1933 for the lowest grades of experienced adult workers. The table for Great Britain also shows the number of establishments on the Trade Board lists, while the table for Northern Ireland includes a list of the estimated number of workers under each Trade Board.

(See tables on following pages.)

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 390 males and 2,007 females. Arrears of wages recovered as a result of inspection totalled £278. . .

Spain. — The report states that, in virtue of the Act concerning joint labour boards, all Spanish workers are now protected by the minimum wage fixing machinery set up under the Act; further, there are at the present moment a large number of collective labour agreements fixing minimum wages.

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.

Australia. — The Government states that the local conditions in *Papua, Norfolk Island* and the mandated territories of *New Guinea* and *Nauru* are such as to render the provisions of the Convention inapplicable to them.

Great Britain. — Legislation of a simple character has been enacted in the following dependencies in addition to those mentioned in previous reports: *Gambia* (Ordinance 14 of 1933); *Gold Coast* (Ordinance 23 of 1932); *Northern Rhodesia* (Ordinance 27 of 1932); *Falkland Islands* (Ordinance 6 of 1932); *British Solomon Islands* (Ordinance 8 of 1932); *Gilbert and Ellice Islands* (Ordinance 8 of 1932); *Gibraltar* (Ordinance 3 of 1933); *Seychelles* (Ordinance 22 of 1933); *North Borneo* (Gazette Notification No. 275 of 1932 amending the Labour Ordinance, 1929); and *Sarawak* (Order L-6 of 1933). In *Kedah* and *Perlis* the Enactments Nos. 2 and 3 of 1345 have been supplemented by Enactments Nos. 19 and 10 of 1351 respectively, which relate to payment of fines for issuing less than a standard wage, and publication to the labourers of the standard rates of ages.

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. — The new information supplied by the Government with regard to the States of the Commonwealth is as follows :

Queensland. — The Industrial Conciliation and Arbitration Act of 1932 provides for adequate supervision of the observance of awards, for suitable means of making the awards known to employers and workers, and for workers to recover underpayments within reasonable limits. The administration is controlled by the Minister for Labour and Industry, as far as the Industrial

Great Britain

Trade	Number of establishments on Trade Board list	Female workers	Male workers
		per hour	per hour
		d.	s. d.
Aerated Waters (E. & W.)	1,427	7	1. 1
Aerated Waters (Scotland)			
(1) Orkney and Shetlands	174	5½	— 11½
(2) Rest of Scotland		6½	1. 0½
Boot and Floor Polish	146	7½	1. 1½
Boot and Shoe Repairing	13,742	10¼ (a)	1. 2¼
* Brush and Broom	542	6 (a)	— 10
* Button Manufacturing	137	6½	1. 1½
* Chain Making (1)	155	5¾	1. 1
Coffin Furniture and		6¾ (a)	1. 0¾
Cerement Making	48	7½ (b)	—
Corset	244	7	1. 1 (d)
Cotton Waste Reclamation	199		
(1) England and Wales		6¼	— 10½
(2) Scotland		6	— 10½
* Dressmaking and Women's Light Clothing (E. and W.)	10,884	6¼, 7, 7½ (c)	1. — (d)
(1) Retail Bespoke Section		7	1. — (d)
(2) Other Sections			
* Dressmaking and Women's Light Clothing (Scotland)	934		
(1) Retail Branch		7, 7½ (c)	1. — (d)
(2) Other Branches		6½	1. — (d)
Drift Nets Mending	181	6 (e)	—
Flax and Hemp	122	5¾	— 9½
Fur	1,532	7½ (k)	1. 1
General Waste Materials Reclamation	1,961	5¾	— 10
Hair, Bass and Fibre	68	6¼	— 10¾
Hat, Cap and Millinery (England and Wales)	4,985	7	1. — (d)
Hat, Cap and Millinery (Scotland)	408		
(1) Wholesale Cloth Hat and Cap Branch		7½	1. 2 (d)
(2) Other Branches		7, 7½ (c)	1. 2 (d)
Hollow-ware	112	6¼	— 10¾
Jute	104	6	— 9¾
Keg and Drum	129	6½	— 11¼
* Lace Finishing (1)	282	6¼	—
Laundry	6,858		
(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	386	6¼	— 11½
Made-up Textiles	388	5¾	— 9¾
Milk Distributive :			
England and Wales	13,891	6½, 7½, 8½ (a) and (c)	1.1, 1.2 (c)
Scotland	2,125	6½ (a)	1.1½
Ostrich and Fancy Feather and Artificial Flower	136	7	1. — (d)
Paper Bag	411	7¼	1. 1½
* Paper Box	1,147	7¾	1. 0¼
Perambulator and Invalid Carriage	115	6¾ (a)	— 11½
Pin, Hook and Eye and Snap Fastener	40	6½ (a)	— 10¾
* Readymade and Wholesale Bespoke Tailoring	6,108	7	— 11¾ (d)
* Retail Bespoke Tailoring	10,334		
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 1.3½ (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 :	1,549	7, 7½ (f) and (g)	1.1, 1½ (f) and (h)

* See note at foot of table on following page.

26. Minimum wage-fixing machinery.

Trade	Number of establishments on Trade Board list	Female workers	Male workers
		per hour	per hour
		d.	s. d.
Rope, Twine and Net	440	6 ¹ / ₄	10
Sack and Bag	309	6 ¹ / ₂	11 ¹ / ₂
* Shirtmaking	1,103	7	1. 2 (d)
Stamped or Pressed Metal Wares	379	6 ¹ / ₄	— 11
Sugar Confectionery and Food Preserving	1,751	6 ³ / ₄	1. — (b)
Tin Box	213	7 ¹ / ₄	1. 1
Tobacco	223	9 ³ / ₈ (a)	1. 3 ³ / ₈
* Toy Manufacturing	384	6 ³ / ₄ (a)	1. 0 ¹ / ₂
Wholesale Mantle and Costume	5,195	7	11 ¹ / ₂ (d)

(a) At 21 years of age.

(b) At 24 years of age.

(c) According to population.

(d) At 22 years of age.

(e) On completion of 2 years' employment in the trade.

(f) Dependent on Area as graded by the Trade Board.

(g) With not less than 4 years' employment after the age of 14.

(h) With not less than 5 years' employment after the age of 14.

(i) After seven years' employment in the trade.

(j) After eight years' employment in the trade.

(k) At 19 years of age.

(l) The minimum rates in the Chain trade and the Lace Finishing Trade are not fixed by reference to sex. The rates shown in the columns "Female Workers" and "Male Workers" are respectively those applicable to work generally performed by women and generally performed by men.

* Trades marked with an asterisk provide employment for an appreciable number of home workers.

Northern Ireland

Trade	Estimated total number of workers under the Board	Female Workers	Male Workers
		per hour	per hour
		d.	s. d.
Aerated Waters	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 ³¹ / 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	
Milk Distributive	500	6 ⁵ / ₁₆ , 7 ³ / ₄ , 8 ⁹ / ₁₆ A (a)	9 ⁹ / 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 / ₈	— 8
Other Areas		4 ¹ / ₈	— 7 ¹ / ₂
* 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.

Conciliation and Arbitration Act is concerned, and by the Minister for Public Instruction with respect to the Apprentices and Minors Act, industrial inspectors on the staff of the Department of Labour and Industry actually supervising the observance of wage fixing awards under both Acts.

Tasmania. — The necessary measures, by way of a system of supervision 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, are taken by the inspectorial staff attached to the Department of Public Health. Inspectors are entitled to enter and inspect factories or workshops at all reasonable times, and have the right to exercise all powers necessary for carrying into effect the provisions of the Wages Boards Act of 1920 and amendments thereof.

Great Britain. — . . . The report states that during the year ended 30 September 1933 the number of inspections made in Great Britain was 18,364. The number of workers whose wages were examined was 202,932 and the number of prosecutions undertaken was 25. The amount of arrears of wages collected by the Ministry of Labour for the same period was £23,274. In Northern Ireland during the same period the number of workers whose wages were examined was 11,058 and the number of prosecutions undertaken was 9. The amount of arrears of wages collected was £617.2.3.

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 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 data which you may consider useful in so far as such information has not already been given under other headings, and in particular under II (Article 5).

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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.

Queensland. — No information.

Tasmania. — The report states that the Wages Boards may not have accomplished all that was expected of them, but they have materially contributed to the maintenance of harmonious industrial conditions, which would probably not have been possible had the relationship between employer and employee remained unregulated, as in the days before such Boards were instituted. The policy followed by the Department charged with the enforcement of minimum wage fixing machinery is one of adjustment, rather than one for the enforcement of any penalty enjoined for breaches of the law, and this policy it is considered has produced satisfactory results that might otherwise not be attainable. The report adds that no observations have been received from organisations of employers or employees concerned, regarding the practical fulfilment of the conditions prescribed by the Convention, or the application of the national law implementing the Convention.

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 1932, in 70 cases arising out of 20 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	28	105
§ 33 b	9	17
§ 33 c	21	168
§ 33 n	12	130
	70	420

The report adds that the Government has not received any observations from the employers' or workers' organisations concerned with regard to the practical application of the provisions of the Convention, or of the national legislation which implements it.

Germany. — The report states that, in addition to the annual reports of the labour inspectors, the following documents may be consulted in order to form a judgment as to the situation with regard to home work: (1) Explanatory statement prefixed to the Act concerning the protection of wages in home work; *Reichsarbeitsblatt*, 1933, No. 17, p. I, 159. (2) The development of the protection of wages in home work, by Mrs. Else Lüders; *Reichsarbeitsblatt*, 1933, No. 18, p. II, 242. The report adds that the labour inspectors and the trade committees for home work are in constant touch, during their work, with the organisations concerned of employers, of persons carrying on home work industries, and of the home workers themselves, and that no observations worth mentioning have been made.

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, and adds that no observations have been received from the employers' and workers' organisations concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention.

Irish Free State. — The report states that observations have been received from organisations of workers, with respect to

the operation of the Trade Boards Acts in the case of certain trades for which Trade Boards were constituted prior to the establishment of Saorstát Éireann. Legal questions arose as to the validity of such Boards in Saorstát Éireann, with consequent difficulty in proceedings for the enforcement of minimum rates fixed by them. The re-constitution of these Boards, which has been found to be necessary, and has now been completed, will enable the Acts to be applied fully to the trades in question.

Italy. — The report refers to the information published in the review *Sindacato e Corporazione* (for February and September, 1933) concerning collective agreements. No observations have been made by the trade union organisations concerned with regard to the practical application of the Convention.

Spain. — The report states that, in execution of the decisions of the joint boards, 1,008 collective agreements were concluded, and 483 were discussed without reaching any conclusion. In almost all these agreements, minimum wages were fixed for the trades concerned. 23,843 visits of inspection were made with a view to ensuring the application of these agreements. The industrial courts and the joint boards have dealt with several thousand complaints with regard to wages.

FOURTEENTH SESSION (GENEVA, 1930)

27. 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 1933 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 1932-30 September 1933 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Australia	9. 3.1931	27.11.1933
China.	24. 6.1931	19. 2.1934
Estonia	18. 1.1932	29. 9.1933
India	7. 9.1931	4. 1.1934
Irish Free State . .	5. 7.1930	19.12.1933
Japan	16. 3.1931	25. 1.1934
Luxemburg	1. 4.1931	3. 1.1934
Poland	18. 6.1932	
Portugal	1. 3.1932	1. 2.1934
Sweden	11. 4.1932	6.11.1933

By letter dated 25 September 1933 the Government of *Estonia* states that it has been impossible to submit a report on the application of the Convention concerning the marking of the weight on

heavy packages transported by vessels owing to the fact that the special committee appointed to draft a Bill concerning maritime navigation, which should contain a provision to ensure the application of the Convention, has not yet concluded its work.

The *Irish Free State* Government stated, in its last 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 was being drafted. The report added that the provisions of the Convention were observed by certain of the larger exporting firms in the Saorstat and that the Bill would make provision for the observance by all firms transporting by vessels packages of one metric ton or more. This year, the Government states that the necessary implementing legislation is in course of preparation, and that it hopes to be in a position to forward at an early date a copy of the implementing Bill.

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

I.

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

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

27. Weight of packages transported by vessels.

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.

China.

Regulations concerning the marking of the weight on heavy packages transported by vessels, put into force on 23 November 1931.

Estonia.

See introductory note.

India.

Various measures taken by the competent authorities for the ports of Bombay, Karachi, Aden, Tuticorin, Madras, Calcutta, Rangoon and Chittagong.

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).

Luxembourg.

Act of 24 February 1931 to ratify the Conventions adopted by the International Labour Conference during its Twelfth Session (L. S. 1931, Lux. 1).

Portugal.

Decree No. 20,611 of 11 December 1931, to provide for the marking of the weight on packages or objects of more than one thousand kilograms gross weight transported by vessels (L. S. 1931, Por. 5).

Decree No. 21,024 of 24 March 1932 to settle the procedure to be followed in cases infringement of the provisions of the preceding Decree.

Sweden.

Act of 11 March 1932 respecting the marking of the weight in certain cases on packages or objects to be transported by vessels (L. S. 1932, Swe. 1).

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.

China. — § 1 of the Regulations concerning the marking of the weight on heavy packages transported by vessels provides that any package or object of one thousand kilograms or more gross weight for transport by sea or inland waterway should have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel by the consignor. § 3 of the said Regulations allows the consignor to mark an approximate weight in exceptional cases where it is difficult to determine the exact weight, such as wood, iron or any other heavy object. According to § 5 of the Regulations the obligation for having the weight marked as aforesaid rests solely upon the consignor or his legal representative.

India. — Various measures have been taken by the authorities of the ports of Bombay, Karachi, Aden, Tuticorin, Madras, Calcutta, Rangoon and Chittagong to implement the provisions of the Convention. In these ports, packages or other objects weighing more than one metric ton may not be loaded unless the weight is marked on them. Under the regulations in force in the ports of Bombay, Karachi, Tuticorin, Madras and Chittagong, the obligation for having the weight marked falls on the consignor.

Portugal. — § 1 of Decree No. 20,611 of 11 December 1931 lays down that any package or object of one thousand kilograms or more gross weight transported by a vessel from the mainland of Portugal or its adjacent islands shall have its gross weight plainly and durably marked upon it on the outside. The same section also provides that the obligation prescribed in this section shall fall on the consignor, and that the margin of error shall not exceed 10 per cent. of the marked weight. § 2 prescribes that the above-mentioned provisions shall not apply to packages or objects in transit or re-exported, nor to any other packages or objects consigned from territories other than the mainland of Portugal or its adjacent islands.

Sweden. — § 1 of the Act of 11 March 1932 stipulates that any package or object of one thousand kilograms or more gross weight which is consigned to be loaded on a vessel for conveyance either in Sweden or abroad shall have its gross weight in kilograms marked upon it before being loaded or, if it is to be loaded in a foreign port, before it is despatched from Sweden. The weight shall be plainly and durably marked on the outside of the package

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 object 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

or object. The duty of seeing that the weight is duly marked on a package or object shall lie with the shipper or, if loading is to take place in a foreign port, with the consignor.

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.

Australia. — As regards *Papua*, the report indicates that the Navigation Ordinance, 1931, and Regulations thereunder were passed by the Legislative Council of the Territory of *Papua* to bring into force the provisions of the Convention.

Portugal. — The provisions of the Decree which implements the Convention apply only to the home country and to the adjacent islands (the Azores and Madeira) and consequently exclude the Portuguese colonies. The report states that when the Government ratified the Convention it reserved the right to take a decision later with regard to its application to the colonies ; the report also refers to the statements on this point which have been made by the Portuguese Government Delegates at various Sessions of the International Labour Conference.

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.

China. — The report states that the application of the Regulations in question is entrusted to the local shipping offices and to the customs authorities.

India. — The application of the Convention is entrusted to the trustees of the ports of Bombay, Karachi, Aden, Tuticorin and Madras and the commissioners for the ports of Calcutta and Rangoon as far as those ports are concerned, and the agent, Assam-Bengal railway, as far as the port of Chittagong is concerned. The application of the Convention is generally enforced and supervised through the executive officers of the port trusts and port commissioners, and at Chittagong by the jetty inspector under the control of the jetty superintendent.

Portugal. — The customs authorities are responsible for the supervision of the execution of Decree No. 20,611 of 11 December 1931.

Sweden. — Supervision of the observance of the provisions concerning marking of the weight is exercised by the labour inspection officials, under the supreme supervision and direction of the Department of Labour and Social Welfare. The supervision takes place in conjunction with the inspection of work in ports.

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.

Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

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 case 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.

China. — The report states that there is nothing in particular to record with regard to the application of the Regulations which implement the provisions of the Convention.

Estonia. — See introductory note.

India. — The report states that the Convention has been satisfactorily applied in India and that no contraventions of its requirement have been reported. No observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention have been received by the Government of India from organisations of employers and workers concerned.

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. No observations have been received from the organisations of employers or workers concerned with regard to the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing it¹.

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

Portugal. — Decree No. 21,024 of 24 March 1932 lays down that where a breach of the provisions of Decree No. 20,611 has been recorded in the port of discharge, the merchandise in question may not be seized, but a report of the facts must be drawn up and sent to the customs authorities of the port of discharge, so that the prescribed sanctions may be applied. The report states that, according to information supplied

by the chief of the customs service, no breaches have been reported.

Sweden. — The report states that statistics with regard to the application of the Convention are not available. It may be stated, however, that the Conventions ratified by Sweden are strictly applied, and this appears to be confirmed by the fact that no complaints have been made by the occupational associations concerned.

28. 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 1933 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 1932-30 September 1933 or for part of that period:

COUNTRIES	Date of registration of ratification	Reports received
Irish Free State . .	5. 7. 1930	9. 1. 1934
Luxemburg	1. 4. 1931	3. 1. 1934

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 2 January 1934, 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 inspection 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

¹ See also p. 230 below.

28. Protection against accidents (dockers) (1929).

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". The Minister has had under consideration, with a view to ratification, the draft Convention adopted in this matter at the Sixteenth Session of the International Labour Conference, and Regulations for the purpose of implementing the Convention are under consideration."

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 exemption 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".)

SIXTEENTH SESSION (GENEVA, 1931).

29. 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 1933 and which, in accordance with Article 408 of the Treaty of Versailles, were called upon to submit reports for the period 1 October 1932-30 September 1933 or for part of that period :

COUNTRIES	Date of registration of ratification	Reports received
Australia	2. 1.1932	29.11.1933
Denmark	11. 2.1932	8.11.1933
Great Britain . . .	3. 6.1931	27.12.1933 12. 2.1934 3. 3.1934
Irish Free State . .	2. 3.1931	2.11.1933
Liberia	1. 5.1931	
Sweden	22.12.1931	6.11.1933

The ratification of the Convention by *Australia* applies to the Commonwealth of Australia and the territories of *Papua* and *Norfolk Island*, and to the Mandated Territories of *New Guinea* and *Nauru*.

The Government of *Denmark* states that "forced or compulsory labour" within the meaning of the Convention, is in-existent in Denmark and the Danish possession of *Greenland*.

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*. On 20 March 1933 a similar communication was registered in respect of *Southern Rhodesia*.

The British Government states that in the *Gold Coast* full compliance with the provisions of the Convention will in future be ensured by an Ordinance, entitled the Labour Ordinance, which has been prepared and will be introduced at the next session of the Legislative Council ; and that

in the *Gambia* it has been found unnecessary to make provision for the employment of any of the forms of compulsory labour which are subject to the stipulations of the Convention, provision being made in a Bill shortly to be introduced for the continued employment of compulsory labour solely for minor commercial workers, personal services for chiefs, and in case of emergency.

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 are 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 *Sweden* states that Sweden possesses no territories to which there could be any question of applying the provisions of the Convention.

For the second year in succession, a voluntary report upon the measures taken to give effect to the provisions of the Convention was received from the Government of the *Anglo-Egyptian Sudan*, on 4 January 1934.

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.

Australia. — The Government states that no forced or compulsory labour exists in Australia, Papua, Norfolk Island, or the Mandated Territories of New Guinea and Nauru. (See also under ARTICLE 18).

Denmark. — See introductory note.

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, Newfoundland, and Southern Rhodesia.*

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 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.

29. Forced or compulsory labour.

Gambia.

Slave Trade (Abolition) Ordinance, 1906, § 3.
Native Authority Ordinance, 1933.
See also introductory note.

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.
See also introductory note.

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.
Compulsory Labour (Regulation) Ordinance, 1932 (came into force 31 December 1933.)
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, 657 of 1933.

Nigeria.

Forced Labour Ordinance, 1933 (came into force 6 April 1933).
Regulations with regard to the Forced Labour of Persons as Carriers, issued under § 7 of the above Ordinance.
The Ordinance and Regulations apply to the Protectorate, including the Cameroons under British Mandate, and §§ 17, 3 except para. (b), 4, 5, 12, 14, 15 (so far as it relates to the provisions of § 14) and 16, except paras. (a), (b), and (d) of the Ordinance apply to the Colony.
See also under ARTICLES 2 and 19.

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 Notifications 95 of 1931 and 37 of 1933.
Land Ordinance, 1930, § 66.
Prohibition of Forced Labour Ordinance, 1933 (came into force 1 August 1933).
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.

Nyasaland.

Forced Labour Ordinance, 1933 (came into force 14 June 1933).

Sierra Leone.

Headmen Ordinance (Cap. 91).
Public Health (Protectorate) Ordinance (Cap. 172) § 9.
Destruction of Locusts Ordinance, 1931.
Protectorate Ordinance (Cap. 167), § 8 (8).
Forced Labour Ordinance, 1932 (came into force 1 January 1933).
Sierra Leone General Orders 461-477, as amended by Amendment Slips No. 40 of 24 January and No. 52 of 9 September 1933.

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"), 2nd edition (revised), 1933.

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.

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 report states that Rule 2 (ii) of the Native Authority Rules, 1920, which permitted the compulsory cultivation of communal plots to provide for the repayment to the Government of monies expended on famine relief, but was never operated, has been repealed.

Irish Free State.

See introductory note.

Sweden.

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.

Australia. — See under I, and also under ARTICLE 18.

Denmark. — See introductory note.

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 *Nyasaland*).

Gambia. — § 10 of the Native Authority Ordinance, 1933, provides for the employment of compulsory labour in case of famine. (See also introductory note).

Nigeria. — ... The report states that the Government of Nigeria is considering the form of the regulations to be made under § 16 of the Forced Labour Ordinance, 1933, with regard to the exaction and employment of labour under §§ 13 (minor communal services) and 14 (urgent calamities). It is not proposed that regulations should be made to permit any Chief to enjoy the personal services contemplated by § 10, and an administrative order is being issued to ensure that where the custom has not entirely died out Native Courts shall not punish persons for failure to render such services to chiefs. Although Articles 11 and 13 of the Convention do not apply to minor communal services, it is proposed in the regulations, to be issued under § 13 of the Ordinance governing the exaction of labour for these purposes, to embody the restrictions laid down in those Articles as to the class of persons who may be called upon to perform these services, the proportion of resident adult able bodied males who may be required to work at any one time and the length of the working day, and to define strictly the minor communal services and sanitary measures for which such labour may be exacted. It is proposed that the local roads and paths, for the maintenance and cleaning of which labour may be exacted, shall include only roads and paths within a town or village and those leading to the nearest water supplies and to neighbouring farms belonging to the inhabitants and such intervillage foot paths and bridle paths as exist solely for the benefit of the native community. Administrative instructions have been issued that an organised system must be set up for maintaining and cleaning by gangs of paid voluntary labour roads and paths which do not come within this restricted category.

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) for furnishing transport for Government purposes. The illegal exaction of compulsory labour is a punishable offence under § 12 of the Prohibition of Forced Labour Ordinance, 1933...

Nyasaland. — § 3 of the Forced Labour Ordinance, 1933, lays down that no forced labour shall be exacted except in accordance with the provisions of the Ordinance which allows the exaction of such labour under certain circumstances by native authorities for the execution of public works and by District Commissioners for portage and public works. With regard to the exceptions to the definition of forced or compulsory labour, §§ 2 and 7 (1) of the Ordinance provide that the term "forced labour" shall not include (a) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that such 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 ; (b) any work or service exacted in circumstances where the existence or wellbeing of the whole or any part of the population is endangered ; (c) minor communal services which are incumbent on the members of the community by native law and custom ; (d) emergency and minor communal services exacted under the District Administration (Native) Ordinance, 1924, the Destruction of Locusts Ordinance, 1932, or the Native Authority Ordinance, 1933.

Sierra Leone. — Under the Forced Labour Ordinance, 1932, 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. 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.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — . . . 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, Nyasaland* and *Uganda*.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — . . . In *Nyasaland* § 17 of the Forced Labour Ordinance, 1933, lays down that "no . . . person in authority shall directly or indirectly put any constraint upon the the population over which he exercises authority or upon any individual member thereof, to work for any private person."

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

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.

Nigeria. — § 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. No such services will, however, be formally sanctioned and where in a small part of the country the custom still exists it will die out. The Native Courts are not allowed to punish a native who refuses such labour. In the Northern Provinces personal services of the kind referred to in Article 7 have been rendered in the following instances: (i) Adamawa Province. The Lamid of Adamawa and the Emir of Muri called in labour for the maintenance of their houses. The workers came in readily and were remunerated. Such work is regarded as customary. Similar conditions apply to work done on some of the Chiefs' farms by means of "gayya" or "gathering to assist" resembling the English Harvest-home. (ii) Ilorin Province. Certain Chiefs who are so entitled by custom received occasional personal services for which they gave remuneration. Since the enactment of the Ordinance and the decision of the Nigerian Government not to make regulations under § 10 permitting any chief to enjoy such personal services, the exaction of labour for these services is strictly speaking illegal but the practice will die out more quickly if regulations are *not* made: they would merely perpetuate it. In the Southern Provinces no such compulsory services were rendered.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nyasaland. — Under § 12 of the Forced Labour Ordinance, 1933, a District Commissioner may not order the execution of forced labour, or sanction the issuing of an order to perform forced labour by a native authority, unless the Governor in writing has especially authorised him to do so. A District Commissioner may not exact forced labour for public works (see under ARTICLE 11) except where the prior sanction of the Secretary of State has been obtained (§ 5). A native authority may not exact forced labour for the execution of public works (see under ARTICLE 10) without the sanction of the District Commissioner.

Sweden. — See introductory note.

Sudan (Voluntary Report). — ... See also under ARTICLE 10.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nyasaland. — § 5 (1) of the Forced Labour Ordinance, 1933, provides that a District Commissioner may order Natives to labour for payment under certain circumstances subject to the provision that no Native shall be required to work (i) unless the work is of important direct interest to the community to which he belongs and of present or imminent necessity; (ii) unless voluntary labour is unobtainable by the offer of rates of wages obtaining in the area for similar work; (iii) if the work will impose upon the community to which he belongs too heavy a burden having regard to the labour available and its capacity to undertake the work. See also under ARTICLE 10.

Sweden. — See introductory note.

Sudan (Voluntary Report). — ... See also under ARTICLE 10.

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 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 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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Nyasaland. — The report states that although the Forced Labour Ordinance makes provision for the employment of compulsory labour when necessary, no such labour has in fact been employed during the period under review. § 4 (1) of the Ordinance lays down that a native authority, chief or village headman may order any able-bodied Native between 18 and 45 years of age to perform labour for the execution of public works provided that such labour shall, *inter alia*, (a) be of important direct interest to the community to which he belongs and of present imminent necessity; (b) not impose upon the community to which he belongs too heavy a burden having regard to the labour available and its capacity to undertake the labour; (c) not necessitate such Native sleeping away from his home; (d) be in accordance with the exigencies of religion, social life and agriculture. The report adds that there is a considerable number of unemployed Natives in the Protectorate who would be quite willing to labour voluntarily in any capacity, and that in these circumstances it is extremely unlikely that it will be necessary for recourse to be had to any of the forms of compulsory labour which are subject to the stipulations of the Convention.

Tanganyika Territory. — ... The following steps have already been inaugurated with a view to the abolition of tax labour: (a) the rates of tax have been reduced where that course seemed desirable in order to facilitate payment in cash; (b) arrangements have been made for the payment of tax by instalments; (c) in certain cases payment in cash for produce has been insisted on to the exclusion of barter; (d) improved market facilities

have been organised and every effort is being made to encourage the increased production of established economic crops and the introduction of suitable new crops. The report adds that payment of taxes by labour in lieu of cash has temporarily increased as a consequence of the world depression which drastically reduced the prices of primary products and thus made money much more scarce amongst the populations which produce them. Despite this fact, the measures set forth above have already been effective in greatly facilitating payment of tax in cash and will progressively render unnecessary the compulsion of labour as an alternative. The large increase in the numbers who paid their taxes by labour in 1933 is due to the cessation of the wholesale exemptions it was necessary to grant in the beginning of the period of depression which coincided with a heavy locust infestation which has now ceased.

Uganda. — ... In no case has sanction been given for the exaction of forced labour from persons unable to pay their Poll Tax during the period under review. The right to convert the obligation to perform "luwalo" labour into a cash payment has been extended into further districts. This right now prevails in every District of the Protectorate except three viz. the Toro and Kigezi Districts of the Western Province and the Karamoja District of the Eastern Province. ...

Sweden. — See introductory note.

Sudan (Voluntary Report). — Any native may pay his tax in cash if he wishes but, owing to the natives' aversion to acquiring it by the sale of their cattle, a limited amount of labour on the maintenance of roads is required from certain tribes in the southern Sudan in lieu of the payment of taxes. Only a very small proportion of adult able-bodied males is employed, free rations are issued during work, parties work in the immediate vicinity of their homes, and there is no interference with the exigencies of religion, social life or agriculture. No chief has any power to exact such labour which can only be authorised and is always strictly controlled by a British official. All labour on new works, as opposed to maintenance work, is paid for at full local rates.

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 (e) 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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Nigeria. — ... See also under ARTICLE 2.

Nyasaland. — § 5 (1) of the Forced Labour Ordinance, 1933, lays down that a District Commissioner may order any able-bodied male native over the apparent age of 18 years and under the apparent age of 45 years to labour for payment in work of the following descriptions: (1) transport of Government officers and their baggage when travelling on duty; (2) transport of urgent Government stores, equipment, and materials; (3) obtaining local materials for, and the construction and repair of public buildings, railways, roads, telegraphs, bridges, sanitary works, tanks, drains and such other work of a public nature provided for out of public monies as the Governor may with the prior approval of the Secretary of State declare to be a work of a public nature. No Native shall however be required to perform work under these circumstances if he is suffering from any infectious or contagious disease or is not physically fit for the work required and the conditions under which it is to be carried out. School teachers and pupils, officials of the administration in general and such other persons or classes of persons as the Governor shall declare are to be exempt from all forms of forced labour (§ 13). Further, no Native is to be employed in this manner (i) if in the community to which he belongs 25 per cent. of the able-bodied males are already working under the provisions of the Ordinance; (ii) if by so doing the labour requisite to the maintenance of his family or community is withdrawn; (iii) if at the time the circumstances relating to his family or conjugal life would render it oppressive.

Sweden. — 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. See also under ARTICLE 10.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nyasaland. — Under § 4(1) of the Forced Labour Ordinance, 1933, a native authority may only order forced labour for the execution of public works provided that such labour shall (a) not be for a longer period than 24 days in any one year; (b) not necessitate the native worker sleeping away from his home; (c) entitle the native worker to a certificate issued by the native authority, chief or village headman indicating the periods of such labour which he has completed. Under §§ 5(1) and 11 a District Commissioner may exact forced labour for certain purposes of portage and public works provided that no native shall be required to work for a longer period than 60 days in any one year including the time spent in going to and from the places of work. Whenever any Native has completed any work under the provisions of this clause of the Ordinance the District Commissioner must furnish him with a certificate indicating the period during which he was so employed.

Sweden. — See introductory note.

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 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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nigeria. — ... See also under ARTICLE 2.

Nyasaland. — § 15 of the Forced Labour Ordinance lays down that the normal working hours of any person from whom forced labour is exacted shall be the same as those prevailing in the case of voluntary labour, and in the case of labour exacted under the provisions of § 5 (1) of the Ordinance (see under ARTICLE 11) the hours worked in excess of such normal working hours must be remunerated at the rates prevailing in the case of overtime for voluntary labour. A weekly day of rest must be granted to all persons from whom forced labour is exacted and this day must coincide as far as possible with the day fixed by tradition or custom in the districts concerned.

Sweden. — See introductory note.

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 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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Nyasaland. — § 6 of the Forced Labour Ordinance lays down that work or service exacted by District Commissioners for portage or public works purposes shall be remunerated in cash at rates not less than those prevailing for similar work either in the district in which the labour is employed or recruited whichever be the higher. Such remuneration is paid to the individual worker. Rations in part payment of wages may be issued if equivalent in value to the money payment they represent. No deductions from wages may be made for the payment of taxes, or for special food, clothing, tools, or accommodation necessitated by such work. Under § 5 (1, b) the time spent in going to and from the places of work is to be reckoned for the purpose of wages.

Sweden. — See introductory note.

Sudan (Voluntary Report). — ... The Government reports that the payment of wages to each worker individually is impracticable in most areas of the southern Sudan, but the system is being introduced gradually in areas where geographical and administrative conditions permit. In all areas a system of "checking" is in force and there is little chance of abuses remaining undiscovered.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nyasaland. — Under § 10 of the Forced Labour Ordinance, 1933, where a worker on forced labour is rendered wholly or partially incapable of providing for himself by accident arising out of his employment or dies as a result of such accident compensation is payable out of the revenue of the Protectorate. Such compensation is to be assessed by a subordinate court of the first or second class and must be sufficient to ensure the maintenance of such worker and his dependants, or in the event of the worker's death his dependants.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Nyasaland. — § 16 of the Forced Labour Ordinance, 1933, embodies the provisions of this Article of the Convention.

Sweden. — See introductory note.

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 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 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 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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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 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 re-

cruited, 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.

Australia. — See under I. The report also states that "natives in *Papua* are obliged when required to carry for Government. They are paid for any transport work done, and such employment in any year may not exceed 31 days. Steps are being taken to introduce other means of transport where possible".

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Gambia. — See introductory note.

Kenya. — . . . The general provisions of the Article are embodied in § 13 of the Compulsory Labour (Regulation) Ordinance. The regulations issued by Government Notice No. 657, dated 29 September 1933, fix the following maxima: maximum weight of load — 50 lb.; maximum distance a worker may be taken from his home — 100 miles; maximum number of days in any month for which a worker may be employed — 15.

Nyasaland. — § 5 (1) of the Forced Labour Ordinance, 1933, authorises District Commissioners to exact forced labour for the transport of Government officers and their baggage when travelling on duty, or for the transport of urgent Government stores, equipment and materials, or for the purpose of obtaining local materials for certain public works. The report states, however, that no forced labour was in fact employed during the period under review otherwise than on minor communal services (see under ARTICLE 10 above).

Sweden. — See introductory note.

Sudan (Voluntary Report). — . . . There is no forced or compulsory labour for the transport of persons or goods.

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

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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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — The situation is summarised below.

Gambia. — § 9 (o) of the Native Authority Ordinance, 1933, authorises Native Authorities to require any native to cultivate land to such extent and with such crops as will secure an adequate supply of food for himself and those dependent on him.

Nigeria. — There is no power in the Forced Labour Ordinance to order compulsory cultivation but sub-section 8 (n) of a new Native Authority Ordinance which will come into force on 1 April 1934 provides that "a native authority may issue orders, to be obeyed by such persons within its area as may be subject to its jurisdiction and to whom the orders relate, for all or any of the following purposes: ... (n) requiring any native to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such native and of those dependent upon him." The report adds that the crops will of course remain the unrestricted property of the cultivators.

Nyasaland. — § 14 (b) of the Forced Labour Ordinance, 1933, lays down that forced labour shall not be used for cultivation except as a precaution against famine or a deficiency of food supplies. All food or crops so produced must remain the property of the individuals or the community producing them.

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 cultivation of adequate supplies of food both for normal times and for provision against famine." (See also under I).

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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.

Australia.—See under I and ARTICLE 18.

Denmark. — See introductory note.

Great Britain. — For *Nyasaland* see information furnished in connection with ARTICLE 10.

Gambia. — No compulsory labour, in any of the forms subject to the stipulations of the Convention, was employed during the period under review.

Gold Coast. — No compulsory labour, other than for minor communal services, was employed during the period under review.

Kenya. — The report states that the only form of compulsory labour employed in Kenya which is subject to the Convention is compulsory portage for the transport of Government Officers and stores. During the period under review the number of men so employed was 5,908, representing a total of 12,540 man-days of labour. This slight increase over the amount employed during the previous twelve months has been necessitated by increased touring of outlying areas where no motor roads exist. The figures represent, however, only a fraction of 1 per cent of the number of adult able-bodied males residing in any district from which parties were called out, and it is unlikely that this proportion will be exceeded in the future. The average day's march does not exceed 15 miles and the average load does not exceed 50 lbs. No deaths occurred to labourers called out for compulsory labour. The hours of work and rates of pay were those obtaining in the various districts. The report adds: "It must be remembered that it is often hard to fix a line of demarcation between voluntary and compulsory porters. An order is issued that so many porters are required on a certain date and all of them are reported as compulsory labour, whereas it is almost certain that a considerable proportion of them are in fact volunteers. This has been specially the case during the recent financial depression. As it is usually necessary to call for porters at short notice, it is impossible to delay until volunteers can be recruited. This prevents a methodical sifting of the two classes but there is no doubt that the position is far more favourable than that reflected by the figures."

Nigeria. — A. *Compulsory labour for transport.* In the Southern Provinces compulsory carrier labour was only used by Government in the Obubra Division of the Ogoja Province on certain occasions when Administrative and Medical Officers occupied in essential touring were unable to obtain voluntary carriers. Exact statistics are not available. Forty-seven persons were prosecuted in the Native Courts for refusal to render this class of labour, thirteen being fined 2s./—, eighteen 5s./— and one £1, while six men received six strokes and nine were discharged. All except two of these

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prosecutions took place before the passing of the Forced Labour Ordinance. These two cases were tried subsequent to the passing of the Ordinance owing to a misunderstanding on the part of the Court Members, but both convictions were quashed by the District Officer in charge of the Obubra Division. Arrangements have been made for the employment of a permanent gang of professional carriers and the use of forced carrier labour will therefore only be necessitated in the most exceptional cases. The employment of forced carrier labour by Native Administrations occurred only in the Benin Division of the Benin Province and the Kumba Division of the Cameroons Province. In the Benin Division during the whole year gangs of six men were compelled on twenty-two occasions to serve as porters for District Heads engaged in revising nominal rolls or collecting tax in areas which are off the motor roads. These carriers were never taken more than 15 miles from their homes to which they returned the same day. On sixty-eight occasions two men were compelled to carry Native Court Record Books to Headquarters for purposes of checking. These men carried for distances of twenty-five to fifty miles and were away from their homes for periods of four to six days. For refusing to render this class of labour, ten men were convicted in four cases tried in Native Courts. Eight were fined 5s./, one 10s./—, and one 2s./6d. Two of these cases were inadvertently tried after the passing of the Forced Labour Ordinance, and instructions have therefore been given that these two cases shall be transferred to the Provincial Court. There is now an adequate network of motor roads in the Benin Division and given an improvement in economic conditions motor transport will entirely

replace carrier transport on these roads. In the Kumba Division forced carrier labour ceased on the 18th of July, 1933, but between the 1st of October, 1932, and 13th of July, 1933, a total of forty-eight men were compelled to carry Native Court records to Headquarters, and a total of twelve men were compelled to carry drugs and dressings to Native Administration Dressing Stations. In March, 1933, arrangements were made for all Court Records to be carried by Court Messengers and in July 1933 it was possible to arrange that the transport of drugs and other materials should be undertaken by voluntary labour. In every case mentioned above the carriers, whether working for Government or Native Administrations, received pay on or before the completion of their work, and in all cases the rates of pay were either equal to or slightly in excess of the prevailing rates for unskilled labour in the respective districts. There were no cases of death or sickness among the carriers so compelled, whose hours of work did not exceed six per diem. In the Northern Provinces and the northern areas of the Cameroons under British Mandate no forced or compulsory labour has been exacted for transport. *B. Other compulsory labour.* In the Adamawa Province compulsory labour, paid at the usual local rates, was employed occasionally on the repair of resthouses in remote villages where there is no voluntary labour supply. Certain dry season tracks were also repaired by compulsory labour. The employment of compulsory labour for such purposes is now illegal under the Ordinance and will not in future occur.

North Borneo. — The report supplies the following statistical information :

	Sandakan Residency	Tawau Residency	West Coast Residency	Interior Residency	Whole State
Total number of persons compulsorily employed as carriers	1,290	* 22	3,770	5,740	10,822
Average number of days each person employed	4.20	* 29	2.98	2.12	2.72
Normal working hours	6-8	6-7	3-8	6-8	6-8
Rate of daily remuneration	30 to 40 cents	35 cents and * free rice	30 to 35 cents	30 cents (15 cents returning empty)	30 to 40 cents
How paid	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers	In cash through Government Officers
Deaths	Nil	Nil	Nil	Nil	Nil
Sickness	Nil	Nil	Nil	Nil	Nil

* These carriers were employed on a special journey performed by the Conservator of Forests through an uninhabited area where it was impossible to change the carriers, this accounts for the number of days and for the free rice. Apart from this one journey, no carriers were compulsorily employed in the Tawau Residency throughout the period under review.

Sierra Leone. — (A) *Unpaid labour employed by Chiefs* : During the period under review unpaid labour has been used by Chiefs on the maintenance of motor-roads at a rate varying from 2.5 to 1.8 persons per mile. In the Northern Province, at 2.5 persons a mile, the average daily number so employed would be 627. In the Southern Province the average number was 826. This work, however, is unpopular and in some cases it was found preferable to the people to work periodically in large gangs rather than maintain daily labour at the rate per mile specified. The only unpaid (but rationed) labour used on road construction was that employed on deviations of three miles on an existing road made to avoid level crossings. 90 man-days were spent on the construction of about 4 miles of motor-roads in the Bonthe District

of the Southern Province, pay being at the rate of 6d. a day. The hours of work did not exceed eight a day. (B) *Carrier transport labour.* Porters have only been used for essential Government transport, which has been reduced to the lowest practical minimum. In the Northern Province 2,711 man-days were spent in portage. In the Southern Province detailed figures were not kept until the beginning of this year. For the period 1st January to 30th September, 1933, 6,133 man-days were employed in portage. Recourse is had to forced labour for this purpose only by a Provincial Commissioner or District Commissioner or some person acting on their written authority. The report emphasises that the element of "compulsion" in securing the services of porters is very slight and voluntary

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porters are frequently obtained. In one district in the Southern Province all labour required for portage in the last 9 months of the period under review was obtained voluntarily, and in many cases where it is classified as "compulsory", having been obtained through the Chiefs, it could have been obtained without the introduction of any element of compulsion. The low prices ruling for produce during the period under review no doubt made more attractive this labour, which is relatively well-paid. (C) *The construction and maintenance of buildings in Government Stations*: As regards the construction and maintenance of buildings in Government Stations, labour again is easily obtained and the work is not unpopular, the rate of remuneration being 6d. a day. There is an element of compulsion, but in the prevailing economic depression, which cannot be expected to last indefinitely, little difficulty would in general have been felt in obtaining labour on a voluntary basis. In the Northern Province 477 men were so employed for periods in no case exceeding 10 days. The average period was five days. So, the total amount may be calculated as 2,385 man-days. In the Southern Province the amount of labour was 7,196 man-days for the period 1st January to 30th September, 1933, statistics not being kept for the period 1st October to 31st December, 1932. The report adds that in the Colony, as distinct from the Protectorate, there has been in the period under review no recourse to compulsory labour except as provided for under the Headmen Ordinance, (i.e. on minor communal Services).

Tanganyika Territory. — The report contains detailed statistical tables, of which it supplies the following summary:

The total numbers of compulsory labourers recruited in the Provinces of the Territory during the period 1 October 1932, to 30 September 1933, were:

	Number employed	Total number at Man-Days
(i) Porters	5,468	17,007
(ii) Others	377	8,366

In addition to the above, 35,484 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. (See also under ARTICLE 10.)

Uganda. — The report supplies the following statistical information:

(See table on following page.)

Sweden. — See introductory note.

Sudan (Voluntary Report). — ... Forced or compulsory labour, as usually conceived, is unknown in the Sudan. On the few occasions when taxation is liquidated by maintenance work on roads the prospect of remuneration in kind and the knowledge that the community have a debt to discharge are sufficient to bring forward an adequate number of volunteers and to destroy the idea of compulsion or force.

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

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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Sweden. — See introductory note.

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.

Australia. — See under I.

Denmark. — See introductory note.

Great Britain. — ... In *Southern Rhodesia* the liberty of the subject is safeguarded at Common Law. In *Nyasaland* § 18 of the forced Labour Ordinance, 1933, lays down that the illegal exaction of forced labour is punishable by a fine not exceeding fifty pounds, or by imprisonment with or without hard labour for a term not exceeding two years, or by both fine and imprisonment.

Sweden. — See introductory note.

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.

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Great Britain. — Uganda.

	Buganda Province	Eastern Province	Northern Province	Western Province
1. Labour called out under Article 10 exacted by chiefs who perform administrative functions.	59,784	217,532	148,499	118,975
2. Labour called out under Article 18 for transport	1,654	11,759	13,936	6,192
3. Labour called out for any other form of compulsory labour.	—	—	—	—
4. Nature of work performed.	<p>1. The labour under 1 above was employed on Native Administration buildings, roads and bridges, forestry plantations and nurseries, transport of chiefs on duty, etc.</p> <p>2. The labour under 2 above was employed on the transport of Government stores and of the effects of Officers on tour.</p>			
5. Health.	<p><i>Good</i></p> <p>1 death due to a falling pole while on building operations and 1 killed by wild animal. Compensation was paid to the relatives.</p>	<p><i>Good</i></p> <p>1 death due to fall of earth in a gravel pit. Compensation was paid to the relatives.</p>	<p><i>Good</i></p> <p>No deaths.</p>	<p><i>Good</i></p> <p>No deaths.</p>
6. Hours of work.	<p>average 7-4 with 1 hour's interval. Those on task work do shorter hours.</p>	<p>average 7 a.m. to 2 p.m. or 7 to 1 and 2 to 4. Transport labour according to distance from camp to camp.</p>	<p>average 7 a.m. to 12 noon and 1 p.m. to 4 p.m. or 7 a.m. to 2 p.m. Transport labour according to distance: not more than 5 hours.</p>	<p>average 7 a.m. to 4.30 p.m. with one hour's break at mid-day. Transport labour according to distance from camp to camp.</p>
7. Payment	<p>1. above unpaid. Transport 40 cents a day or 4 cents a mile</p>	<p>1. above unpaid. Transport average 4 to 5 cents a mile</p>	<p>1. above unpaid. Transport 3 to 4 cents a mile with minimum of 30 cents a day</p>	<p>1. above unpaid. Transport average 10 cents an hour</p>

Notes : —

(a) The variations in figures as between Provinces are due largely in the case of heading 1. 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. So far as the Northern Province is concerned, as the system under which "luwalo" labour is employed varies in different districts in accordance with local requirements it is not possible to state the extent to which the figure given represents the number of men actually called out or the number of man-days of work performed. Thus the number of men called out may be substantially less than 148,499. Under head 2. the majority of these shown as employed will have performed no more than 1 day's portage, 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.

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Please state whether you have received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

Great Britain. — The following comments are taken from certain of the reports submitted by the British Government.

Kenya. — The report states that the only form of compulsory labour employed in Kenya which is subject to the Convention is compulsory portage for the transport of Government officers and stores. See also under ARTICLE 22.

Nigeria. — The only form of compulsory labour of the kinds which are subject to the stipulations of the Convention, which can now legally be exacted in Nigeria, is for carrier transport. This labour cannot be exacted in the Colony, and during the period under review it was not necessary to employ any compulsory carrier labour in the Northern Provinces of the Protectorate or in the northern section of the Cameroons under British Mandate. In the Southern Provinces of the Protectorate it was necessary to have recourse to such labour only in the Obubra Division of the Ogoja Province and in the Benin Division of the Benin Province; in the southern section of the Cameroons under British Mandate, only in the Kumba division. Arrangements have now been made, as in certain other districts, for voluntary labour or other means of transport to take the place of compulsory carrier labour in these Divisions.

Nyasaland. — See under ARTICLE 10.

Sierra Leone. — The report states that "for some time after the Forced Labour Ordinance had come into operation on the 1st January 1933 there was a certain amount of misunderstanding as to the precise effect of the changes which had been made in the laws and regulations governing the employment of compulsory labour. In some cases there was an impression that all compulsory labour had been abolished or that there was no longer any power of punishment for evading it.

This impression was shared by the recognised Chiefs as a whole. They have in consequence been afraid to call out more than a small fraction of the labour that the Ordinance allows them, either for minor public works or for personal services. Amongst the people, groups here and there are successfully evading labour on such established minor communal services as cleaning roads, streets, and water supply. There is, however, no cause for anxiety, and District Commissioners are gradually explaining both to chiefs and people the exact meaning of the law and an appreciation of it is only a matter of time."

Tanganyika Territory. — See under ARTICLE 10.

Uganda. — See under ARTICLE 10.

Sweden. — See introductory note.

None of the reporting Governments received any observations from employers' or workers' organisations on the application of the Convention or the national law.

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 are mentioned except in the case of *Sierra Leone*, where, it is stated, a few prosecutions were undertaken for minor breaches of the provisions of the forced Labour Ordinance, mainly for employing on road work persons under the age of 18 years, and convictions were obtained in some cases.

The remaining reports supplied do not mention any such decisions.

Geneva, April 1934.

HAROLD BUTLER.

APPENDIX A.

Summary of annual reports and supplementary information received by the Office after 19 March 1934.

Annual reports supplied by the Government of Greece.

CONVENTION No. 1. HOURS OF WORK (INDUSTRY).

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

The report states that, by a Decree of 23 November 1933, the provisions concerning the eight-hour day have been made applicable to workshops for the construction of machinery which form part of a factory and do not work independently, if they employ more than three workers.

I.

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).

II.

ARTICLES 1, 2, 3, 4, 5, 6, 8, 12 and 14 :
No change.

III.

ARTICLE 7 : No change.

IV.

The question does not arise.

V.

No change.

VI.

Nil.

VII.

The report does not refer to this point.

CONVENTION No. 2. UNEMPLOYMENT.

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

The report states that, by a decision of 20 December 1933, the Minister of National Economy has regulated the operations of private employment agencies.

I.

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.

Decree of 8 October 1932 to codify in one text Act No. 5288 and the provisions of § 1 of Act No. 5598 to amend and supplement various acts concerning workers' protection (L. S. 1932, Gr. 10).

Decree of 30 November 1932 to determine the constitution, method of appointment and work of the governing bodies of employment exchanges.

Decree of 14 December 1932 to set up employment exchanges in Athens, the Piraeus, Volo, Patras, Salonika, and Kavala.

II.

ARTICLE 1 : No change.

ARTICLE 2 :

(a) . . . The report states that, by the Decree of 14 December 1932, employment exchanges have been set up in Athens, the Piraeus, Volo, Patras, Salonika and Kavala, and that the Decree of 30 November 1932 determines the constitution, method of appointment and work of the governing bodies of these exchanges.

ARTICLE 3 : No change.

III.

The question does not arise.

No change.	IV.	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).
Nil.	V.	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).
No change.	VI.	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).

CONVENTION No. 3. CHILDBIRTH.

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

I.
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.

II.
ARTICLES 1, 2, 3 and 4 : No change.

III.
The question does not arise.

IV.
No change.
V.
Nil.

VI.
The report does not refer to this point.

CONVENTION No. 4. NIGHT WORK, WOMEN.

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

I.
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).
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).
Act No. 4819 of 14 July 1930 concerning the organisation of the factory inspection service (L. S. 1930, Gr. 9).

II.

ARTICLES 1, 2, 3, 4, 6 and 7 : No change.

III.

The question does not arise.

IV.
No change.
V.
Nil.

VI.

The report does not refer to this point.

CONVENTION No. 5. MINIMUM AGE (INDUSTRY).

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

I.
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).

II.

ARTICLES 1, 2, 3 and 4 : No change.

III.

The question does not arise.

IV.
No change.
V.
Nil.

VI.

The report does not refer to this point.

CONVENTION No. 6. NIGHT WORK, YOUNG PERSONS (INDUSTRY).

Date of registration of ratification : 19.11.1920.
Report received : 26. 3.1934.

I.

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.

II.

ARTICLES 1, 2, 3, 4 and 7 : No change.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 7. MINIMUM AGE (SEA).

Date of registration of ratification : 16.12.1925.
Report received : 26. 3.1934.

I.

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 June 1931 prescribing model articles of agreement for vessels of the Greek mercantile marine.

II.

ARTICLES 1, 2, 3, and 4 : No change.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 8. UNEMPLOYMENT INDEMNITY (SHIPWRECK).

Date of registration of ratification : 16.12.1925.
Report received : 26. 3.1934.

I.

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.

II.

ARTICLES 1, 2, and 3 : No change.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 9. EMPLOYMENT FOR SEAMEN.

Date of registration of ratification : 16.12.1925.
Report received : 26. 3.1934.

I.

Legislative Decree of 7 October 1925 relating to 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 28 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.

II.

ARTICLES 1, 2, 3, 4, 5, 6, 7, 8 and 9 :
No change.

ARTICLE 10 : The report does not refer to this Article.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 18. USE OF WHITE LEAD IN PAINTING.

Date of registration of ratification : 22.12.1926.
Report received : 26. 3.1934.

The report mentions a new Act, No. 6011 of 31 January 1934, which amends Act No. 2654 of 6 August 1921 concerning the use of white lead in painting. The report states that the object of this new Act is to bring Greek legislation into harmony with the provisions of the Convention. Under § 1 of the Act, the use of white lead, sulphate of lead and all products containing these pigments, and also of white pigments containing up to a maximum of 25 per cent. of lead expressed in terms of metallic lead, is prohibited in painting operations. The following exceptions are permitted : (1) restoring pictures ; (2) making stained glass windows. The following painting operations are also exempted : (a) war materials ; (b) rolling stock for railways and tramways ; (c) iron work exposed to atmospheric disturbances ; and (d) interior painting of those parts of factories which are exposed to acid fumes. § 2 prohibits the employment of young persons under eighteen years of age and women in any painting work where the products mentioned in § 1 are used. § 3 provides that all persons employed in the preparation or use of the products mentioned in § 1 will be subject to regulations, laid down in a special Decree, on the following points : (a) health measures ; (b) the methods by which doctors shall declare and report cases of lead poisoning and the keeping of statistics showing the number of deaths from lead poisoning among working painters ; (c) medical examination and conditions for granting health certificates. The Decree will also regulate the employment and sale of the products mentioned in § 1, and will lay down rules for the publication and circulation of suggestions for precautions to be taken for the safety of working painters.

I.

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.

II.

ARTICLES 1, 2, 3, 4, 5, 6 and 7 : ... See also introductory note.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 14. WEEKLY REST (INDUSTRY).

Date of registration of ratification : 11. 5.1929.
Report received : 26. 3.1934.

I.

Decree of 8 March 1930 codifying legislation respecting the Sunday rest (L. S. 1930, Gr. 8).

II.

ARTICLES 1, 2, 3, 4, 5, 6 and 7 : No change.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

**CONVENTION No. 15. MINIMUM AGE
(TRIMMERS AND STOKERS).**

Date of registration of ratification : 14.6.1930.
Report received : 26.8.1934.

V.
Nil.

VI.

The report does not refer to this point.

I.

Act No. 4505 of 7 April 1930 ratifying the Convention.

Circular No. 12005 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.

Supplementary information supplied by the Government of Rumania with regard to its annual report on Convention No. 9 (Employment for seamen).

By letter dated 16 March 1934 the Government communicated the following statistical information regarding the operations carried out by the Seamen's Employment Section at the Public Employment Exchanges at Braila and Constantza, with the request that this information should be inserted under ARTICLE 4 of the Government's annual report on the above Convention :

ARTICLE 4 :

	Vacancies notified	Applications	Places filled
Braila	123	258	123
Constantza	16	326	16
Total	139	584	139

II.

ARTICLES 1, 2, 3, 4, 5 and 6 : No change.

III.

The question does not arise.

IV.

No change.

V.

Nil.

VI.

The report does not refer to this point.

CONVENTION No. 16. MEDICAL EXAMINATION, YOUNG PERSONS (SEA).

Date of registration of ratification : 28.6.1930.
Report received : 26.3.1934.

Annual report supplied by the Government of the Union of South Africa on Convention No. 4 (Night work, women).

Date of registration of ratification : 1.11.1921.
Report received : 21. 3.1934.

I.

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.

II.

ARTICLES 1, 2, 3, and 4 : No change.

III.

The question does not arise.

IV.

No change.

I.

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) and Act No. 7 of 1933 (L. S. 1933, S.A. 1).

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

II.

ARTICLES 1, 2 and 3 : No change.

ARTICLE 4: . . . (b) . . . During 1933, § 15 (2) of the Factories Act, 1918, as amended by § 4 of Act No. 26 of 1931,

has been applied to: spinning (5 a.m.—9 p.m.), printing (6.45 p.m.—9.45 p.m.), fruit canning (4 p.m. —12 midnight), catering service (6 a.m.—2 p.m.), paper bag manufacturing (6 p.m.—9 p.m.), egg packing (8a.m.—5 p.m. or 7 p.m.—10 p.m.) and sweet manufacturing (6 a.m.—10 p.m.).

ARTICLES 5 and 7 : No change.

III.

No change.

No change.

IV.

Nil.

V.

VI.

The report refers to the last report of the Department of Labour, which contains full details of the general administration of the Factories Act. A copy of this report will be forwarded later to the International Labour Office.

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 annually submitted by Governments, under Article 408 of the Treaty, upon the application of the Conventions ratified by them, met at Geneva from 22 to 27 March, 1934.

The following members were present :

Mr. ERICH.
Sir Selwyn FREMANTLE.
Mr. Jules GAUTIER.
Mr. GINI.
Mr. McNAIR.
Mr. MAKOWSKI.
Mr. QUADRAT.
Mr. RAPPARD.

Mr. Paul TSCHOFFEN was precluded by his duties as Belgian Minister of the Colonies from attending.

It is necessary to mention two changes in the personnel of the Committee. Since last year's meeting Mr. von Nostitz and Mr. de Koschembahr-Lyskowski have resigned their membership of the Committee; their colleagues may be permitted to take this opportunity of placing on record their strong sense of the devotion and impartiality displayed by these two gentlemen in co-operating in the task of the Committee and their sincere regret that they have found it necessary to resign. At the same time the members of the Committee welcome to their ranks Mr. Makowski, Professor of Penal Law in the University of Warsaw, Vice-Marshal of the Diet of Poland, President of the Constitutional Committee of the Diet, and formerly Minister of Justice.

The Committee also looks forward to having in future years the co-operation of Mr. César Charlone, Director of the Pension Funds of Uruguay and former head of the National Department of Labour in that country, whose nomination by the Governing Body is indicative of the increasing interest in the work of the International Labour Organisation which is being evinced by its American Members.

The Committee once more appointed Mr. Jules Gautier as Chairman and Mr. McNair as Reporter.

* * *

The number of reports due to be furnished under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace is 522, of which up to 21 March 436 had been received, leaving 86 outstanding.

The Members whose reports have not yet been received fall into two groups. The first consists of those which have replied to the circular of the Office, to which were attached the report forms, either by sending a certain number of the reports due from them, or by explaining the reasons for their inability to furnish the reports or the delay in sending them. The second consists of countries which have not replied either to the forms of report which were sent to them or to the letters of reminder.

In the first group are China, Greece, Poland, Portugal and the Union of South Africa.

As last year, the Government of *China* was called upon to supply reports on the Conventions concerning the creation of minimum wage-fixing machinery and concerning the marking of the weight on heavy packages transported by vessels. When the Committee of Experts met last year, neither of these reports had been presented, but with regard to the report on the former of the two Conventions the Government of China had explained that it had decided temporarily to postpone the application of the provisions of the Convention. That was considered necessary "in view of the general depression and the instability of industrial conditions in the country, which has been rendered more acute during the last two years by a series of internal calamities and by the invasion of Manchuria and Shanghai by Japan." The Chinese Government nevertheless expressed the hope that an improvement in the economic situation would shortly enable it to introduce measures for the application of the legislation on minimum wages in accordance with the provisions of the Convention. This year the Office has received the Chinese Government's

report on the application of the Convention concerning the marking of the weight on heavy packages transported by vessels. It has not, on the other hand, received any communication from the Government with reference to the minimum wage-fixing machinery Convention. It appears possible that the Chinese Government considers that the explanations given last year for its failure to supply a report on the application of the Convention still hold good.

None of the reports due from the Government of *Greece* has yet been received, notwithstanding the assurances given in a telegram dated 20 January 1934 from the Under-Secretary of State in the Ministry of National Economy¹.

The Government of *Poland* has supplied 16 out of the 17 reports due. The missing report is that for the Convention concerning the marking of the weight on heavy packages transported by vessels, which was due this year for the first time. Explanations were, however, given in the Committee concerning the difficulties which have delayed the despatch of the report.

The Government of *Portugal* had this year to supply 8 annual reports. Of these, 6 have so far been received. The reports still missing are those concerning the application of Conventions Nos. 4 and 6: night work, women and night work, young persons (industry). It will be remembered that last year also the Portuguese Government supplied all the reports due from it with the exception of these two.

The Government of the *Union of South Africa* has only sent two out of the three reports due from it.

The Governments which have sent no reply are those of *Colombia*, *Cuba*, the *Dominican Republic*, *Liberia*, *Uruguay* and *Venezuela*.

The case of *Cuba* has frequently been mentioned in previous reports of the Committee. Since Cuba ratified 16 Conventions in 1928 it has supplied no annual reports, and down to last year had, on the Government's own admission, not taken steps to bring its law and practice into harmony with the provisions of the ratified Conventions. Considerable progress was noted last year. A special committee was appointed to draft legislation; Bills were drafted providing not merely for the application of the Conventions but for the creation of a labour inspection service, and there seemed to

be every prospect that these Bills would rapidly be adopted. The country then entered, however, upon a period of severe political and civil disturbance. It may be hoped that so soon as normal conditions are restored the work that had been begun for the application of the Conventions will again be taken up.

The Government of *Liberia*, for the second year in succession, has failed to supply a report on the application of the Forced Labour Convention. Certain explanations were supplied to the Conference Committee on Article 408 last year by the representative of the Government of *Liberia*. It is regrettable to notice that the hopes expressed by the Government's representative last year to the effect that in future the annual report would be furnished in due form and at the proper time have not been realised, and that the Government has made no response to the communications addressed to it with regard to this report. In view of this situation the Committee begs to refer to the remarks made in its report of a year ago. As will be remembered, the negotiations between the Government of *Liberia* and the Council of the League of Nations place that Government under a very special obligation to send an annual report upon the Convention on forced or compulsory labour ratified by it, and thus to demonstrate to the Members of the League of Nations that that Government is rigorously enforcing the provisions of that Convention. The Committee feels bound to ask the Governing Body to consider whether the attention of the Council of the League of Nations should not be drawn to this matter.

With regard to the situation in respect of the application of the Conventions in the remaining countries — *Colombia*, the *Dominican Republic*, *Uruguay* and *Venezuela* — the Office has no information. In the case of all of these countries the annual reports are due to be supplied this year for the first time.

The Committee realises the extent to which the present pressure of events throughout the world has increased the labours of Government Departments in all countries, but it ventures to point out once more that the non-receipt of the outstanding reports hampers it in presenting a complete picture of the field of application of the Conventions negotiated by the International Labour Organisation and ratified by the States Members. A list of the reports which were lacking at the date of the meeting of the Committee is attached. The steady increase in the number of ratifications is most gratifying, but the Committee must remark that the value of a ratification is greatly diminished when it is not followed by the annual reports which are required by Article 408

¹ The reports from *Greece* have in the meantime reached the Office, but arrived too late to be examined by the Committee.

of the Treaty in order to demonstrate the internal measures which are being taken to give effect to that ratification.

* * *

The Committee raised the question last year whether it would not be possible for the Office to arrange that each year a meeting should take place of the representatives of the labour inspection services of those countries which were willing to send a representative. It was suggested that the meeting should take place *sur place* in a different country each year. The Governing Body referred this proposal to the Conference Committee on Article 408, which "endorsed in principle this suggestion, without having considered its financial aspect, and decided to invite the Governing Body to consider the best means of giving effect to it". At its Sixty-fourth Session (October 1933), the Governing Body authorised the Director to communicate with the Governments on the question of the organisation of such meetings, on the understanding that he would in due course submit to the Governing Body definite proposals for the organisation of a first meeting of factory inspectors, and that, in approaching the Governments, the Office would bear in mind the hope expressed by a member of the Governing Body that the invitation should be addressed not only to the factory inspectors but also to the heads of the departments to which the inspectors belonged.

The Committee has noted with great satisfaction the reception with which its suggestion of a year ago has met. It believes that the establishment of direct contact between the persons actually charged with the duty of supervising the application of the Conventions will bear valuable fruit.

* * *

The Governing Body has decided to refer to the Committee of Experts a proposal made by a representative of the British employers for the insertion in the report form for Convention No. 8 (Unemployment indemnity, shipwreck) of the two following enquiries:

Article 2. (i) Please indicate the manner in which the words "unemployment resulting from such loss or foundering" are interpreted in your country for the purpose of this Article, in the case of the loss or foundering of a vessel the crew of which would, had there been no loss or foundering, have had their contract of service terminated owing to the completion of the voyage, within a period of less than two months from the loss or foundering which in fact resulted. In such a case is indemnity paid

for the full period of two months, or is it only paid for the period from the loss or foundering up to the date on which the contract would have terminated in normal course?

(ii) Please indicate the manner in which the words "loss or foundering" are interpreted in your country for the purpose of this Article. Does it cover:

(a) total loss;

(b) total constructive loss; and

(c) damage to a vessel, which can be and is subsequently repaired, but is so substantial that it frustrates the completion as a commercial venture of the particular voyage upon which the damage occurs?

The Committee considered these two suggestions and sees no objection to the insertion of questions on these two points in the report form. As to the actual wording, it appeared to the Committee that the meaning of the first paragraph of the draft quoted above might be somewhat clearer if the following alternative wording were adopted for the last sentence:

"In such a case is the indemnity for two months after the loss or foundering of the vessel due in full, irrespective of the time which has still to elapse between the date of the wreck and the date on which the contract would have terminated if the wreck had not taken place?"

On the second point the Committee ventures to propose the following drafting for paragraph (b):

(b) "Damage so substantial that, although the ship is physically capable of being repaired, it would not, commercially speaking, be worth while repairing it."

* * *

The report of last year's Conference Committee on Article 408 contains a proposal that the Office should prepare a statement, if possible in tabular form, showing the interpretation given to the scope of all Conventions applying in a general way to workers in "industrial undertakings". The Office has accordingly prepared a specimen table for the Night Work of Women Convention.

The Committee has carefully considered the comparative table which has been submitted to it. It was impressed by the care and skill which have combined to produce so lucid an exposition of the field of application of this Convention. It will of course be for the Director to decide whether this experiment should be extended to the other Conventions, since he alone is in a position to form an

estimate of the amount and complexity of the work already undertaken by the staff of the Office. It is impossible for the Committee to express an opinion upon the value for other purposes than its own of the production of a series of tables on these lines covering all the Conventions concerned, but the Committee would not feel justified, so far as its own work is concerned, in pressing for the completion of such a series.

* * *

The Committee wishes to take the opportunity of thanking the officials of the great majority of the Governments for the valuable co-operation rendered by them in the careful formulation of the information asked for in the forms of report.

It notices that a fairly considerable number of countries refrain from repeating in their reports information already given in previous reports. It entirely agrees with the Committee on Article 408 set up by the Conference last year that where the legislation for the application of a Convention's provisions remains unchanged, it will suffice that Governments should merely refer to the information given in previous reports. On the other hand, in respect of certain points in the report forms (and particularly the points which refer to judicial decisions and to the practical application of the Convention during the period under review), a mere reference to information supplied in previous reports seems to the Committee unsatisfactory. Thus it would be desirable for the sake of clearness explicitly to repeat a statement to the effect that "no breaches of the relevant legislation have been reported during the period under review". Moreover, in many countries and in the case of many of the Conventions, fresh statistical information can be supplied from year to year.

With reference to the supply of statistical information, the Committee has noted with interest and with full approval that the Office, in the covering letter which it sends out each year to the Governments with the report forms, is in the habit of pointing out that the statistics for which it asks are the latest available, even if the period covered is prior to the period covered by the report. This indication does not appear to have been understood by all Governments, since some of them, finding themselves unable to supply statistics for the period covered by the reports, refrain from giving any statistics at all.

The Committee is particularly grateful to Governments which include relevant statistical information in their reports. It notes that certain Governments simply supply a reference to official statistical publications regularly supplied to the International Labour Office. The Committee would

venture to ask the Governments in question to make such references as precise as possible. In the absence of such precise references there is a likelihood that the Committee will in many cases fail to secure certain statistical information.

* * *

The Committee attaches so much importance to Article 421 of the Treaty of Versailles (relating to colonies, protectorates and possessions which are not fully self-governing), that it has again asked one of its members, Sir Selwyn Fremantle, to draw up a special report on the application of the Conventions to such territories (and also territories under mandate). His report (which is annexed) again bears witness to the increasing spread of the field of application of the Conventions. It gives ground for belief that the Members of the Organisation are progressively finding it useful to apply the Conventions to such territories, either *in toto* or subject to the modifications required to adapt them to local conditions.

* * *

In conclusion, the Committee of Experts wishes to express its gratitude to the Conference Committee on Article 408 for its kind appreciation of the work of this Committee, which (it is hardly necessary to say) is only made possible by the services rendered to it by the staff of the Office.

Geneva, 27 March 1934.

(Signed) ARNOLD D. MCNAIR,
Reporter.

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).*

Number of reports due : 14

Number of reports received : 10

Reports missing : Colombia, Dominican Republic, Greece, Uruguay.

Bulgaria. — 1. Last year the Committee, while noting that the report was much more complete than in previous years, considered that further explanations might be requested concerning the exact methods by which the provisions of Article 8 of the Convention are applied. In its report this year, the Government refers to a statement made by the Bulgarian Government delegate to the Conference Committee last year. According to this statement, the Order of 2 August 1919 and §20 of the Health and Safety of Workers Act of 5 April 1917 impose on all industrial undertakings the obligation to post up the works regulations concerning working

hours and rest periods. §30 of the same Act, and also §40 of the Social Insurance Act of 1924, deal with the question of penalties. §20 of the Health and Safety of Workers Act, paragraph 2, and, more particularly, the regulations issued under the Act, deal with overtime. The Committee takes note of this statement. It does not appear, however, that the legislative texts in question provide in detail for the measures prescribed by paragraphs (a), (b) and (c) of Article 8 of the Convention (notification of the hours at which work begins and ends, notification of rest intervals, record of additional hours worked). The Government might be asked to supply further information on this point.

2. Article 7 of the Convention specifically requires the communication of certain information to the International Labour Office. The Bulgarian Government does not supply such information this year, but refers to Government publications and to information supplied in previous reports. The Committee would be grateful if in future years the Government could supply the specific information required under Article 7 of the Convention in its annual report.

India. — The Committee has noted with much interest the provisions of the Bill intended to replace the present Factories Act, introduced in the Indian Legislature in September 1933, and providing, *inter alia*, for a 54-hour week and a 10-hour day with certain provisions for seasonal factories, and fixing the rates of extra pay for overtime and Sunday work.

Lithuania. — The Committee notes the statement of the Government that the provisions of the Convention should apply to all the workers covered by the Convention and even to certain categories of workers (including persons holding positions of supervision or management) exempted by the Convention itself.

Lucemburg. — 1. The Committee notes with satisfaction that the question of workers in handicraft undertakings, to which attention has been drawn in previous years, has now been settled by the Order of 6 January 1933.

2. The Committee noted last year that the Orders relating to continuous processes and exceptions permitted under Article 6 of the Convention has not yet been published. According to this year's report these Orders have not yet been issued, but are being drawn up.

Portugal. — In addition to the legislation mentioned in last year's report for the application in detail of the provisions of the Convention, the report this year states that "the National Labour Code recently issued (Legislative Decree No. 23048 of 23 September 1933) lays down principles concerning hours of work which are to be found in § 24." According to this section, the wage or salary shall as a general rule be subject to a minimum limit corresponding to the necessities of subsistence, but shall, nevertheless, not be subject to any absolute rule, being governed by the contract of employment or the corporative regulations in accordance with the normal requirements of production of the undertaking and of the workers, and also with the actual output. The section goes on to lay down that hours of work shall be subject to the same principle, but a maximum limit may be fixed by law or by corporative decision in specific branches of economic activity in accordance with the interests of the nation, the undertakings and the workers. The acceptance of any international Convention respecting hours of work shall be subordinate to the same principle. The Committee assumes that these provisions are to be interpreted as reaffirming the provisions of the Convention and not as permitting any departure from them.

Spain. — 1. The Committee welcomes the detailed information supplied this year by the Government under Article 7 of the Convention, and in particular the list of the chief continuous

process industries (Article 4 of the Convention). The Government points out that it should not be inferred that all the industries in this list benefit permanently by the exceptions permitted under Article 4 of the Convention, seeing that the exceptions permitted vary from one district to another and from one season to another, and also in accordance with the special situation of each industry. The Committee does not clearly understand, however, the precise nature of the connection between this list of continuous process industries and the exemptions permitted therein, and the legislation in virtue of which the Convention is applied, which does not appear to provide specifically for such exemptions. The Committee would be grateful if the Government would explain this point.

2. The report states that "in those districts and in those industries where no workers' organisations exist or where they exist only to an insufficient degree, the provisions of the Hours of Work Act are constantly and persistently broken owing to complicity between workers and employers, a complicity which prevents the workers (who are the persons mainly interested in the enforcement of the legal provisions) from co-operating with the inspection service by reporting infringements and by keeping a watch on the management of the undertaking". The Committee notes this statement with great interest, and would be grateful to the Government for any details which it could supply with regard to this state of affairs.

The *Bulgarian* Government does not supply information on the practical working of the Convention (Point VII of the annual report form).

2. Unemployment.

Number of reports due : 28

Number of reports received : 24

Reports missing : *Colombia, Greece, Union of South Africa, Uruguay.*

Chile. — The Committee thinks it desirable to draw the attention of the Governing Body to two suggestions made by the Government of Chile with regard to the Convention concerning unemployment.

In the first place, the Government suggests that the question of placing of workers might be placed on the agenda of the Conference with a view to the adoption of a Recommendation supplementing the provisions laid down in Article 2 of the Convention. The Technical Placing Conference, which held a first session in 1933 and which the Governing Body intends to convene again, might perhaps consider this proposal.

The Chilean Government's second suggestion is that a form should be established for the use of Governments in the periodical submission of the information required under Article 1 of the Convention. The Committee considers that, since the use of such a form is not formally prescribed by the Convention, its use could not be imposed on Governments, but the Committee feels that it might usefully be placed at the disposal of those Governments which consider its employment useful.

India. — The Government supplies detailed and very interesting explanations in reply to an observation made by the Committee last year with reference to the possibility of the adoption of a system of free public employment agencies under the control of the central authority for industrial workers. The Government states that, while it is of opinion that the setting up of a general system of agencies on the western model to deal solely with industrial workers is not warranted by the conditions in India, an examination is nevertheless being made in consultation with the authorities concerned into the possibility of setting up exchanges somewhat of the type contemplated in the Committee's observation to cater for dock workers in certain ports. The Committee thanks the Government for these explanations, and will

follow with great interest the progress of the experiments which the Government contemplates undertaking on this matter.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Chile, Norway, Spain.

3. *Childbirth.*

Number of reports due : 13
 Number of reports received : 9
 Reports missing : *Colombia, Cuba, Greece, Uruguay.*

Chile. — The Committee notes the Government's replies to the observations that it made last year.

Hungary. — The Committee notes the information supplied by the Government in reply to the observation made by the Committee last year.

Luxemburg. — The Committee notes with satisfaction that the provisions of the national legislation have now been adapted to the provisions of the Convention in respect of the point noted last year (possibility of a mistake of the medical adviser in estimating the date of confinement).

Rumania. — The Committee notes with satisfaction that the new unified social insurance legislation (Act of 8 April 1933) has put an end to the divergences noted in previous years with regard to the benefits prescribed by Article 3 (c) of the Convention.

Spain. — Article 3 (c) of the Convention lays down that a woman shall, while absent from her work during the weeks before and after confinement in accordance with the Convention's provisions, be paid benefits sufficient for the full and healthy maintenance of herself and her child. The Committee notes that in the great majority of countries which have ratified the Convention the benefits payable under the relevant social insurance legislation are fixed at rates which vary according both to the period during which the woman concerned is absent from work and to the wage that she was previously earning. That is to say, a woman receives for each day during which she is absent from work a benefit amounting to a specific fraction of her normal wage, this fraction being determined as follows in various countries: Germany, 75 per cent. before and 50 per cent. after confinement; Bulgaria, 50 to 80 per cent.; Hungary 50 per cent. (60 per cent. in the case of women earning low wages); Latvia, 100 per cent.; Luxemburg, 50 per cent.; Rumania, 50 per cent.; Yugoslavia, 75 per cent. Under the Spanish system, on other hand, the benefit is proportional solely to the amount of contributions already paid by the woman concerned. The maximum benefit (180 pesetas) is payable in the case of women who have contributed regularly for three years, and during the period of preliminary organisation of the social insurance system, a minimum flat rate benefit of 90 pesetas is provided for. The Committee ventures to suggest that the Government might be asked to consider whether the system adopted in other countries for the fixing of the rate of benefit is not better calculated to provide the "benefits sufficient for the full and healthy maintenance" of the woman and her child required by the Convention.

Further, the Committee notes that no woman is entitled to benefit until she has contributed to the insurance fund for at least eighteen months before her confinement. The Committee would venture to ask the Government to consider whether so long a waiting period does not result in excluding very considerable numbers of women from the scope of the Convention.

Yugoslavia. — Last year the Committee made observations on the two following points:

1. The fact that, owing to a discrepancy between the provisions of the Act of 5 December 1931 and those of § 22 of the Act of 28 February 1922, the period during which a woman may not be employed before and after confinement was longer than that during which benefits were payable under the 1931 Act. In a reply dated 2 June 1933, the Government of Yugoslavia observes that the importance of this discrepancy is in fact mitigated by the provisions of § 236 of the Factories Act of 9 March 1931, which lays down that during the six weeks before and the six weeks after childbirth, when the woman may not be employed, the contract of employment remains in force and consequently the woman has the right to her wage in addition to three-fourths of the basic salary representing the maternity benefit. The Committee notes this explanation, but ventures to hope that the Government will find it possible to put an end to the somewhat anomalous legal position which apparently still exists on this point.

2. The fact that Yugoslav legislation does not appear to provide for the possibility of a mistake of the medical adviser or the midwife in estimating the date of confinement. In reply to this observation, the Government, in the communication mentioned above, states that "the practice is that if the doctor or the midwife makes a mistake in his estimate the maternity benefit is granted and for a longer period than estimated, but subject to the condition that this benefit may not be granted for a period exceeding twelve weeks". The Committee feels bound to point out that the object of the provisions on this point contained in Article 3 (c) of the Convention is precisely to make it possible, in case of a mistake on the part of the doctor or midwife in the estimate, for benefits to be granted for a period exceeding twelve weeks.

The Government of *Bulgaria* supplies no information on the practical working of the Convention (Point VI of the annual report form).

4. *Night work, women.*

Number of reports due : 27
 Number of reports received : 21
 Reports missing : *Colombia, Cuba, Greece, Portugal, Uruguay, Venezuela.*

Albania. — By letter dated 8 January 1934 the Government of Albania informed the Office that a Bill drawn up by the Council of State on the lines of the four international labour Conventions ratified in March 1932 had recently been before Parliament with a view to the enactment of legislation. Further, according to information received by the Ministry of Foreign Affairs, no breaches of the provisions of the Conventions in question had been noted, this fact being due, first, to the slight industrial development of the country and secondly, to the fact that by the custom of the country women and children were never, or only very rarely, employed in industrial undertakings. By a further letter dated 6 March 1934 the Government states that owing to pressure of parliamentary business the Bill in question had not yet been considered by Parliament, but that it was hoped that the Bill might be adopted before the close of the present parliamentary year.

The Committee notes this information, and hopes that by next year the legislation in question will be adopted so that it will be possible for the Government to supply its annual reports in the form prescribed by the Governing Body.

India. — The Committee notes with satisfaction the statement contained in the Government's report to the effect that it is proposed that the lack of harmony between the Convention and the existing Indian factory legislation to which reference has been made in past years should be removed by the Factories Bill 1933, a copy of which is attached to the report.

Lithuania. — The Committee notes with satisfaction the Government's statement that legislation has now been passed on industrial employment, the provisions of which in respect of the employment of women during the night are in complete harmony with those of the Convention. The Committee ventures to hope that this new legislation will be analysed in next year's report in the form prescribed by the Governing Body.

Spain. — The work of the Committee would be greatly facilitated if the Spanish Government would supply its report in the detailed form prescribed by the Governing Body.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Chile, Lithuania.

5. *Minimum age (industry).*

Number of reports due : 23
Number of reports received : 18
Reports missing : *Colombia, Cuba, Dominican Republic, Greece, Uruguay.*

Albania. — See under Convention No. 4.

Latvia. — The Government states that the Social Affairs Committee of the Saeima has drawn up an Apprenticeship Bill for the practical application of the provisions of Article 3 of the Convention, but that the Saeima has not yet approved this Bill. The Committee ventures to hope that the Bill will have been enacted by the time that the Government is called upon to supply its next year's report.

Spain. — This is the first annual report which the Government has been called upon to supply in respect of the application of this Convention. It appears from the report that provisions for the full adaptation of Spanish legislation to the provisions of the Convention have still to be adopted. The Committee ventures to hope that it will be possible for the Government to secure the adaptation of the necessary legislation by the time that it is called upon to supply next year's report.

Yugoslavia. — The Committee notes the Government's statement, in reply to the observation made last year that § 453 (2) of the Factories Act of 9 March 1931 providing for the possibility of employing children of 12 years of age is not considered applicable to employment in industrial undertakings, to the effect that steps will be taken as soon as possible to amend the text of the Act in such a manner as to make this point clear, and that in the meanwhile an explanatory circular has been issued.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Latvia.

6. *Night work, young persons (industry).*

Number of reports due : 27
Number of reports received : 22
Reports missing : *Cuba, Greece, Portugal, Uruguay, Venezuela.*

Albania. — See under Convention No. 4.

Hungary. — The Committee notes with satisfaction that a Decree has been issued to put an end to the slight discrepancy to which attention has been drawn in previous years.

India. — See under Convention No. 4.

Latvia. — The Committee notes the Government's statement that young persons are not

admitted to industrial employment in Latvia. It is no doubt for this reason that the Government has not thought it necessary to bring its legislation into harmony with the provisions of the Convention on the point mentioned by the Committee last year. The Committee ventures, nevertheless, to suggest that the Government might consider the advisability of amending its legislation on this point in order to meet future eventualities.

Lithuania. — See under Convention No. 4.

Spain. — See under Convention No. 5.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Lithuania.

7. *Minimum age (sea).*

Number of reports due : 26
Number of reports received : 21
Reports missing : *Colombia, Cuba, Dominican Republic, Greece, Uruguay.*

Hungary. — The Committee notes with satisfaction the enactment of legislation for the enforcement of the provisions of this Convention.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Finland.

8. *Unemployment indemnity (shipwreck).*

Number of reports due : 19
Number of reports received : 15
Reports missing : *Colombia, Cuba, Greece, Uruguay.*

Irish Free State. — The Committee notes with satisfaction that the necessary legislation to implement this Convention has now been enacted.

Latvia. — The Committee notes with satisfaction that the legislation has now been brought into full harmony with the provisions of the Convention.

Poland. — The Committee notes with satisfaction that the legislation has now been brought into full harmony with the provisions of the Convention.

Rumania. — The Committee notes with satisfaction that the legislation has now been brought into full harmony with the provisions of the Convention.

Spain. — The Committee notes with satisfaction the Government's statement, in reply to the observation made last year, that steps are to be taken to secure the application of the provisions of the Convention to officers and masters.

Yugoslavia. — The Committee notes the Government's statement as to the efforts that have been made pending the completion of the work of the Committee for the Codification of Private Maritime Law to secure immediate application of the provisions of this Convention. It ventures to hope that the Government will keep the International Labour Office informed of the progress made in this direction.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Poland, Spain.

9. *Employment for seamen.*

Number of reports due : 21
 Number of reports received : 17
 Reports missing : *Colombia, Cuba, Greece, Uruguay.*

Belgium. — In reply to the observation made by the Committee last year with reference to the constitution of the free employment exchange at Antwerp, the Government has supplied by letter dated 24 May 1933 detailed and interesting explanations, of which the Committee takes note.

Latvia. — In view of the observations made in previous years the Committee notes with satisfaction that three employment-finding agencies for seamen are at work in Latvia under the supervision of a joint committee, that some 1,500 persons were placed in employment by these three agencies in 1933 and that no complaint has been received from the employers' or workers' organisations concerned with reference to the practical application of the provisions of the Convention.

Spain. — The report states that steps are at present being taken for the regulation of the employment-finding agencies catering specially for seamen. The Committee ventures to hope that next year the Government will be able to supply a report in the form prescribed by the Governing Body showing the manner in which these agencies have been organised and are working.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Finland, Sweden.

10. *Minimum age (agriculture).*

Number of reports due : 16
 Number of reports received : 14
 Reports missing : *Dominican Republic, Uruguay.*

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Italy, Luxembourg, Poland.

11. *Rights of association (agriculture).*

Number of reports due : 25
 Number of reports received : 23
 Reports missing : *Colombia, Uruguay.*

12. *Workmen's compensation (agriculture).*

Number of reports due : 18
 Number of reports received : 16
 Reports missing : *Colombia, Uruguay.*

Poland. — The Committee notes with satisfaction that the Polish Government is at present considering the possibility of widening the scope of the existing insurance system so as to cover the risks of invalidity and death for workers on small farms, the risks arising out of occupational accidents being also taken into account.

Spain. — The Committee notes that agricultural workers not employed on farms where more than six workers are constantly employed, or where power-driven machinery is used, do not enjoy the full protection of the workmen's compensation legislation applicable in the case of other workers. The Committee ventures to repeat its observation of last year to the effect that the attention of the 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.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Belgium, Bulgaria, France.

13. *Use of white lead in painting.*

Number of reports due : 21
 Number of reports received : 16
 Reports missing : *Colombia, Cuba, Greece, Uruguay, Venezuela.*

Belgium. — With regard to the application of Article 5 (4) of the Convention, the Government's reports in previous years stated that the Government was intending to renew the practice of issuing special instructions relating to health measures for painting occupations. The Committee suggests that the Government might be asked whether any further steps have been taken in this direction.

Bulgaria. — The Committee takes note of the reply given last year by the representative of the Bulgarian Government to the Conference Committee on Article 408 with regard to the observations of the Committee of Experts concerning the consultation of workers' and employers' organisations under Articles 3 and 6 of the Convention. The Committee would be grateful if the Government would in future reports supply further details as to the manner in which such consultation is ensured through the permanent committee constituted by the Supreme Labour Committee.

Latvia. — The Committee last year suggested that the Latvian Government might be asked to hasten promulgation of the measures for carrying into effect Articles 2 and 5 of the Convention. As this year's report contains no further information on this subject, the Committee ventures to repeat its suggestion.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Finland, Norway, Rumania.

14. *Weekly rest (industry).*

Number of reports due : 22
 Number of reports received : 19
 Reports missing : *Colombia, Greece, Uruguay.*

Sweden. — The Committee is grateful for the full and detailed reply made by the Government to its request for additional information on the list of exceptions. For the purpose of enabling it to appreciate more fully the way in which the Convention is applied, the Committee would be obliged if the Government would deal specifically in its report next year with the question of the manner in which compensatory rest is provided for where advantage is taken of these exceptions.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

Bulgaria, Finland, Lithuania.

15. *Minimum age (trimmers and stokers).*

Number of reports due : 27
 Number of reports received : 23
 Reports missing : *Colombia, Cuba, Greece, Uruguay.*

Hungary. — See under Convention No. 7.

Irish Free State. — See under Convention No. 8.

Yugoslavia. — The Committee notes with interest the explanations supplied by the Government

in reply to its request for supplementary information as to the methods by which the provisions of Article 6 of the Convention are applied.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland, Italy.

16. *Medical examination, young persons (sea).*

Number of reports due : 25
Number of reports received : 21
Reports missing : *Colombia, Cuba, Greece, Uruguay.*

Hungary. — See under Convention No. 7.

Irish Free State. — See under Convention No. 8.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland, Italy, Yugoslavia.

17. *Workmen's compensation (accidents).*

Number of reports due : 14
Number of reports received : 11
Reports missing : *Colombia, Cuba, Uruguay.*

Chile. — The Committee has noted with great interest the very full information supplied with regard to the practical application of the Convention and also the text of a number of judicial decisions supplied by the Government. It notes, however, that in the case of permanent partial incapacity compensation is given in the form of a lump sum, whereas Article 5 of the Convention lays down that it shall be paid in the form of periodical payments.

Luxemburg. — The position with regard to the exclusion of workers employed in commercial undertakings from *compulsory* insurance remains the same. The Committee therefore feels bound to repeat the observation which it made last year.

Portugal. — It is not clear from the Government's report whether provision is made for the renewal of artificial limbs and surgical appliances, in accordance with Article 10 of the Convention.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Belgium, Bulgaria.

18. *Workmen's compensation (diseases).*

Number of reports due : 25
Number of reports received : 22
Reports missing : *Colombia, Cuba, Uruguay.*

Belgium. — With reference to the observation made by the Committee last year, it is noted that the competent service is at present examining the possibility of bringing the law concerning compensation in respect of industrial diseases into harmony with the law concerning compensation in respect of accidents. The Committee ventures once again to express the hope that the Government will succeed in securing the passage of the necessary amending legislation at an early date.

Spain. — See under Convention No. 5.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland.

19. *Equality of treatment (accidents).*

Number of reports due : 30
Number of reports received : 27
Reports missing : *Colombia, Cuba, Uruguay.*

Bulgaria. — The Committee notes with interest the reply made last year by the representative of the Bulgarian Government to the Conference Committee on Article 408 with reference to the observation of the Committee of Experts to the effect that, under § 17 (c) of the Social Insurance Act of 1929, it is laid down that a pension shall be suspended "where the person in receipt of the pension, being a foreign subject, voluntarily or under compulsion leaves the country in order to reside abroad, except where the principle of reciprocity is established between the two countries". The Committee suggests that the Government might be asked whether the principle of reciprocity is regarded as having been established with all other countries which have ratified this Convention.

Yugoslavia. — The Government states in its report that the Minister of Social Policy and Public Health may lay down special provisions in the case of nationals of States which do not grant equality of treatment to Yugoslav nationals. The Committee suggests that the Government might be asked to state whether this power is regarded as no longer existing in the case of States which have ratified this Convention.

The Committee recognises that it may 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:

France, Germany, Switzerland.

20. *Night work in bakeries.*

Number of reports due : 9
Number of reports received : 6
Reports missing : *Colombia, Cuba, Uruguay.*

Spain. — The report states that, as the existing legislation is at variance on important points with the provisions of the Convention, its amendment has been under consideration and the Government is at present preparing the necessary amending legislation. The Committee notes this statement and hopes that the Government will find it possible to secure the adoption of the legislation in question at an early date.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Bulgaria, Finland.

21. *Inspection of emigrants on board ship.*

Number of reports due : 15
Number of reports received : 13
Reports missing : *Colombia, Uruguay.*

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Albania, Austria, Belgium, Bulgaria, Finland.

22. *Seamen's articles of agreement.*

Number of reports due : 16
Number of reports received : 13
Reports missing : *Colombia, Cuba, Uruguay.*

Bulgaria. — In reply to the observations made by the Committee last year the representative

of the Government of Bulgaria informed the Conference Committee on Article 408 that the regulations concerning the crews of marine vessels belonging to the Bulgarian Shipping Company covered practically the whole of the mercantile marine and that these regulations, though prior to the Convention, were in general harmony with the latter's provisions. The Government would not fail to amend them to the necessary extent. The Committee takes note of this statement and would be grateful if in its next report the Government would state whether the necessary steps for the amendment of the regulations have been taken.

Poland. — The Government states that legislation for the codification of the law on the subject of employment at sea is in preparation and that this legislation will in particular give effect to the provisions of the present Convention and incidentally of its Articles 9 and 18. The Committee notes this statement and hopes that the Government will keep the Office informed of the progress of the projected legislation.

Spain. — The Government admits that certain slight divergences still exist between the Spanish regulations and the provisions of the Convention, but states that these divergences will soon be eliminated. The Committee takes note of this statement and hopes that the Government will find it possible to take the necessary steps at an early date.

Yugoslavia. — See under Convention No. 8.

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 such information is supplied in the reports of the following Governments:

Belgium, Estonia, France.

23. Repatriation of seamen.

Number of reports due : 14

Number of reports received : 11

Reports missing : *Colombia, Cuba, Uruguay.*

Bulgaria. — See under Convention No. 22.

Spain. — See under Convention No. 22.

Yugoslavia. — See under Convention No. 8.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form):

Italy, Poland.

24. Sickness insurance (industry, etc.).

Number of reports due : 13

Number of reports received : 13

Bulgaria. — In 1932 and 1933 the Committee noted 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. The representative of the Government of Bulgaria replied to the Committee's observation in a statement submitted to the Conference Committee on Article 408 last year. It appears, however, both from his reply and from the Government's report this year that the probationary period in question is maintained. The Committee therefore feels bound to repeat its previous observation.

Chile. — Under Article 3 of the Convention a cash benefit is payable in case of incapacity subject to a waiting period of not more than three days. In Chile a waiting period of four days is required by law. The Government's attention might be drawn to this slight discrepancy.

Lithuania. — The slight discrepancy to which the Committee drew attention last year appears still to exist.

Luxemburg. — In 1932 and 1933 the Committee noted that legislative measures were still pending for the extension of compulsory sickness insurance to domestic servants. According to this year's report the Chamber of Deputies, before which a Government Bill for this purpose had been laid, has decided to postpone its decision, on the ground that the imposition of fresh social charges at the present moment might aggravate unemployment. The Committee has every sympathy with the reasons which have prompted the Chamber of Deputies to postpone its decision. Nevertheless, it feels bound to point out that ratification of the Convention involves a definite obligation to provide compulsory sickness insurance for domestic servants and that other neighbouring countries, which have ratified the Convention, fulfil this obligation.

Rumania. — The entry into force of the new Rumanian social insurance legislation has put an end to a situation to the unsatisfactory character of which the Committee had been obliged to draw attention in past years. The Committee notes this progress with great satisfaction.

Spain. — The Government's report states that steps are being taken for the creation of a system of sickness insurance with a view to the application of the Convention. The Committee ventures to hope that the necessary preparatory work will be performed rapidly and that the Government will soon be in a position to execute the obligations which it has undertaken by its ratification of this Convention.

The following Governments do not supply information on the practical working of the Convention (Point V of the annual report form):

Bulgaria, Chile, Lithuania.

25. Sickness insurance (agriculture).

Number of reports due : 8

Number of reports received : 8

Bulgaria. — The same observation applies as in the case of Convention No. 24.

Chile. — The same observation applies as in the case of Convention No. 24.

Luxemburg. — In past years the Committee has had to note that legislation was still pending for the extension of compulsory insurance to agricultural workers. This year's report states that the Chamber of Deputies has decided to postpone its decision on this matter, on the ground that the imposition of fresh social charges involving pecuniary expenditure at the present juncture might aggravate unemployment. The observations made with regard to Convention No. 24 consequently apply in this case as well.

Spain. — The same observation applies as in the case of Convention No. 24.

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.

Number of reports due : 8

Number of reports received : 7

Report missing : *China.*

Spain. — 1. Under Article 1 of the Convention each ratifying State undertakes to create or maintain minimum wage-fixing machinery "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". According to the report of the Spanish Government the Convention is applied by the Act of 27 November 1931 respecting joint boards for industrial and rural labour, etc. According to § 2 of this Act home work is explicitly covered. The joint boards created under the Act are, however, based on occupational associations in the trades concerned. The Government might be asked to explain whether the degree of organisation among home workers is sufficiently advanced to enable them to take full advantage of the provisions of the Act.

2. The Government does not supply the information required under Article 5 of the Convention. The Committee ventures to hope that this information will be supplied in next year's report.

27. *Weight of packages transported by vessels.*

Number of reports due : 10
Number of reports received : 9
Report missing : *Poland*.

Estonia. — The Government states that no report can at present be supplied in the prescribed form on the application of the Convention, as the special committee appointed to draw up draft maritime shipping legislation, which was to include provisions for the enforcement of this Convention, has not yet completed its work. The Committee hopes that the Government will keep the Office informed of the progress made with the projected legislation.

Irish Free State. — The Government states that the necessary implementing legislation is in course of preparation and that the Government hopes to be in a position to forward at an early date a copy of the implementing Bill. The Committee takes note of this statement and hopes that the Government will keep the Office informed of the progress made with the projected legislation.

The following Governments do not supply information on the practical working of the Convention (Point VI of the annual report form) :

China, Japan¹, Sweden.

28. *Protection against accidents (dockers) (1929).*

Number of reports due : 2
Number of reports received : 2

29. *Forced or compulsory labour.*

Number of reports due : 6
Number of reports received : 5
Report missing : *Liberia*.

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.

Australia. — A telegram only has been received from Australia stating that "no forced or compulsory labour exists in Australia, Papua, Norfolk Island or the mandated territories of New Guinea

and Nauru, but that with reference to Article 18 of the Convention natives in Papua are obliged when required to carry for Government. They are paid for any transport work done and such employment in any year shall not exceed 31 days. Steps are being taken to introduce other means of transport where possible. Legislation and regulations already in possession of your Office". It would be useful if the Australian Government would next year furnish replies to the questionnaire, and especially state (under Article 22) the extent to which recourse is had to compulsory portorage.

Great Britain. — Full reports have again been received from the African territories chiefly concerned with the question of forced labour : Gambia, Gold Coast, Nigeria, Sierra Leone, Kenya, Tanganyika, Uganda and Nyassaland ; and also from North Borneo. In Sierra Leone, Kenya and Nyassaland, Compulsory Labour Ordinances have been passed to give effect to the Convention, and in the Gold Coast a similar measure is about to be introduced. In the other territories the existing native labour regulations have been amended in conformity with the Convention. In most cases statistics of persons employed have been furnished in accordance with Article 22. The following notes refer to specific territories.

It is noted with much interest that the *Nigerian* Government intends to apply the principle of Articles 11 and 13 in the regulations to be issued regarding minor communal services, at the same time defining strictly such minor communal services. According to the report, it is proposed that local roads or paths, for the maintenance and cleaning of which labour may be exacted, are to include only roads and paths within a town or village, those leading to nearest water supplies and neighbouring farms, and such inter-village footpaths and bridle paths as exist solely for the benefit of the native community. Other roads and paths are to be maintained and cleaned by paid voluntary labour.

It would be interesting to know whether it is proposed to adopt this policy in other British territories, and what definitions of minor village services are in force in those territories.

Some doubt exists regarding the meaning of the figures given in the report relating to *Uganda* of the unpaid labour called out by chiefs who perform administrative functions (Article 10). It would be useful to know, particularly in view of the size of the figures (544, 790 for the whole territory), whether they refer to man-days or individuals, and also whether any measures, other than the extension of the right to commute for cash payments labour exacted by chiefs who perform administrative functions, have been taken to give effect to the first paragraph of Article 10, which provides that such labour "shall be progressively abolished". In *Tanganyika*, for instance, various other measures have been adopted with this object.

It was remarked last year with special reference to African territories that "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". The British Government, in a letter of 31 May 1933, replied to this remark as follows : "As regards the question raised with reference to the application of the same Convention in Northern Rhodesia and the territories under the South African High Commission, I am to inform you that before including these territories in the list of the dependencies in which there is no law or custom admitting the exaction of forced or compulsory labour as defined by the Convention, steps were taken to ascertain that no compulsory labour other than those forms which are exempted from the stipulations of the Convention under Article 2, are in fact employed in these dependencies." The Committee notes this statement with satisfaction, in view of the fact that in the case of Northern Rhodesia, the Native Authority Ordinance (No. 32 of 1929) appeared to permit the use in certain

¹ By letter dated 18 April 1934 the Japanese Government informed the Office that the phrase "there are no particulars to be mentioned with regard to the application of the Convention" meant that no difficulties had been encountered in applying the Convention, and that no special observations therefore appeared to be required.

Report of the Committee of Experts on Article 408, Appendix II.

circumstances of forms of labour which are not excluded from the sphere of application of the Convention under Article 2.

The *Sudan*, as was pointed out last year, not being a State Member of the Organisation, is unable to ratify the Convention, but expressed its willingness to apply the terms of the Convention with certain minor reservations. The Committee notes with satisfaction that the Sudan Government is gradually introducing the system of individual payment of wages, which is one of the points on which reservation was formerly expressed.

APPENDIX II.

LIST OF ANNUAL REPORTS NOT RECEIVED BY THE OFFICE BY 22 MARCH 1934.

Convention No. 1. *Hours of work (industry)* :

Colombia.
Dominican Republic.
Greece.
Uruguay.

Convention No. 2. *Unemployment* :

Colombia.
Greece.
Union of South Africa.
Uruguay.

Convention No. 3. *Childbirth* :

Colombia.
Cuba.
Greece.
Uruguay.

Convention No. 4. *Night work, women* :

Colombia.
Cuba.
Greece.
Portugal.
Uruguay.
Venezuela.

Convention No. 5. *Minimum age (industry)* :

Colombia.
Cuba.
Dominican Republic.
Greece.
Uruguay.

Convention No. 6. *Night work, young persons (industry)* :

Cuba.
Greece.
Portugal.
Uruguay.
Venezuela.

Convention No. 7. *Minimum age (sea)* :

Colombia.
Cuba.
Dominican Republic.
Greece.
Uruguay.

Convention No. 8. *Unemployment indemnity (shipwreck)* :

Colombia.
Cuba.
Greece.
Uruguay.

Convention No. 9. *Employment for seamen* :

Colombia.
Cuba.
Greece.
Uruguay.

Convention No. 10. *Minimum age (agriculture)* :

Dominican Republic.
Uruguay.

Convention No. 11. *Rights of association (agriculture)* :

Colombia.
Uruguay.

Convention No. 12. *Workmen's compensation (agriculture)* :

Colombia.
Uruguay.

Convention No. 13. *Use of white lead in painting* :

Colombia.
Cuba.
Greece.
Uruguay.
Venezuela.

Convention No. 14. *Weekly rest (industry)* :

Colombia.
Greece.
Uruguay.

Convention No. 15. *Minimum age (trimmers and stokers)* :

Colombia.
Cuba.
Greece.
Uruguay.

Convention No. 16. *Medical examination, young persons (sea)* :

Colombia.
Cuba.
Greece.
Uruguay.

Convention No. 17. *Workmen's compensation (accidents)* :

Colombia.
Cuba.
Uruguay.

Convention No. 18. *Workmen's compensation (diseases)* :

Colombia.
Cuba.
Uruguay.

Convention No. 19. *Equality of treatment (accidents)* :

Colombia.
Cuba.
Uruguay.

Convention No. 20. *Night work in bakeries* :

Colombia.
Cuba.
Uruguay.

Convention No. 21. *Inspection of emigrants on board ship* :

Colombia.
Uruguay.

Convention No. 22. *Seamen's articles of agreement* :

Colombia.
Cuba.
Uruguay.

Convention No. 23. *Repatriation of seamen* :

Colombia.
Cuba.
Uruguay.

Convention No. 26. *Minimum wage-fixing machinery* :

China.

Convention No. 27. *Weight of packages transported by vessels:*
Poland.

Convention No. 29. *Forced or compulsory labour:*
Liberia.

List showing, by countries, the number of reports not received:

China	1 report	(out of 2 reports due)		
Colombia	21 reports	" "	21	" "
Cuba	16	" "	16	" "
Dominican Republic	4	" "	4	" "
Greece	13	" "	13	" "
Liberia	1 report	" "	1 report	" "
Poland	1	" "	17 reports	" "
Portugal	2 reports	" "	8	" "
Union of South Africa	1 report	" "	3	" "
Uruguay	23 reports	" "	23	" "
Venezuela	3	" "	3	" "

APPENDIX III.

APPLICATION OF CONVENTIONS TO COLONIES, PROTECTORATES AND POSSESSIONS.

Observations submitted by Sir Selwyn Fremantle.

Australia. — The reports on Conventions 9 (employment for seamen), 21 (inspection of emigrants on board ship) and 26 (minimum wage-fixing machinery) refer to last year's reports, in which reasons were given for not applying them to the colonies and mandated territories. As regards Convention 27 (weight of packages), it is applied in two colonies and the surmise made last year that it is also applied in Papua has now been confirmed.

Belgium. — It was stated last year that the Government had decided to apply Convention 4 (night work, women) to the Congo and the Mandated Territory of Ruanda-Urundi in the near future. The Belgian Government might be asked whether any progress has been made in this direction. As to Convention 6 (night work, young persons — industry), the Government states that it is unnecessary to introduce special legislation to enforce it since the law provides that only adult natives may take up employment whether by day or by night and that a certificate of physical fitness is required. In the case of all other Conventions reference is made to last year's reports, but no mention is made of the intention expressed last year 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 Territory. The Belgian Government might be reminded of its intention.

Denmark. — The Government, in reply to the request made last year for information as to the conditions under which deep sea-fishermen work in Greenland, states that natives under the age of 14 years are not employed as trimmers or stokers or in industrial establishments — in fact under the law they are not allowed to be hired.

France. — In most cases reference is made to last year's reports, but there has been some advance in the application of Conventions to colonies and protectorates.

In order to make the application of Convention No. 2 (unemployment) more effective a second labour exchange has been added in Tunis. Convention 11 (rights of association — agriculture) has been extended to Martinique, Guadeloupe and Réunion by a Decree of 1 July 1933. So also

has Convention No. 13 (use of white lead in painting) but the position as regards this Convention in Tunis, which was said last year to be obscure, has not been explained.

With reference to Convention No. 8 (unemployment indemnity — shipwreck), which is in force in Algeria, the Government proposes to consider the question of applying it to various colonies.

Convention No. 12 (workmen's compensation — agriculture) is applied in Algeria and Tunis, and provision has been made for the law to come into force in the Colonies of Martinique, Guadeloupe, Réunion and French Guinea three months after its publication in the Official Gazette of the Colony. Apparently no such publication has yet been made. Convention No. 19 (equality of treatment — accidents) has been extended to French Morocco by a Decree of 6 February 1933.

Great Britain. — Here also there has been a further advance, especially in the regulation of the work of women and children.

Convention No. 4 (night work, women) has been applied in eight other colonies, in one case with a modification. Convention No. 5 (minimum age, industry) has been applied in seven other colonies, in most cases with the modification that the minimum age is 12 instead of 14. Convention No. 6 (night work, young persons — industry) has been applied in seven other colonies, in two cases with modifications, and Convention No. 7 (minimum age — sea) in eight other colonies, here also with modification in two cases. A law has been passed applying all these four Conventions to British Guiana and two of them to Trinidad, but it has not yet been brought into force.

Conventions No. 8 (unemployment indemnity — shipwreck), No. 15 (minimum age — trimmers and stokers) and No. 16 (medical examination, young persons — sea) have been extended to one, three and two colonies respectively, while the list of colonies where simple machinery for fixing minimum wages in accordance with the principle of Convention No. 26 exists has been increased by nine.

Italy. — Some progress is also being made here. With regard to Convention No. 2 (unemployment) it is pointed out that the system of unemployment insurance extends to Italian citizens residing in Tripoli or Cyrenaica.

Convention No. 8 (unemployment indemnity — shipwreck) has been extended to the colonies, and legislative measures are being prepared to apply to them the following Conventions: No. 7 (minimum age — sea), No. 9 (employment for seamen), No. 15 (minimum age — trimmers and stokers) and No. 16 (medical examination, young persons — sea).

Japan. — In reply to the enquiry made last year the Japanese Government has sent a detailed report showing how the system of public employment exchanges is gradually increasing in the colonies of Chosen, Bormosa, Kwantung and Karafuto and that further steps are being taken to supervise the private agencies which at present exist.

As stated last year, Convention No. 18 (workmen's compensation — diseases) is partially applied in two colonies. The present report says that Government hopes to apply Convention No. 7 (minimum age — sea) to the colonies so far as circumstances permit. The same remark was made two years ago respecting both this Convention and Conventions No. 15 and No. 16, and it is hoped that the action promised may now be taken.

Netherlands. — In accordance with the suggestion made in this report last year the Government invited the attention of the Governors of Surinam and Curaçao to the fact that a number of Conventions have been applied in other colonies where similar conditions prevail. This year the Minister for the Colonies states that the Governor of Surinam reports that only Conventions No. 11 (rights of association — agriculture) and No. 15 (minimum age — trimmers and stokers) have

been made applicable in that colony and that it has not yet been necessary to take special measures to enforce the application of these Conventions. It is not understood whether any law has been passed to apply these Conventions. With regard to other Conventions the Governor reports that it is not possible to make the modifications necessary to adapt them to local conditions. This has, however, been done in the adjoining colony of British Guiana.

The Governor of Curaçao merely reports that the Conventions are not applied in this colony since no need has been felt for them.

Portugal. — The Government, in reply to question III regarding each Convention concerning its application to colonies, possessions and protectorates, refers to a statement made by its representative last year to the Conference Committee on Article 408. From this statement it is gratifying to observe that under the Native Labour Code hours of work are limited to 9 per day, that a compulsory weekly rest period is provided, and that the night work of women and children is prohibited. Moreover, workers are entitled to compensation in case of accident and in some cases to compensation for occupational diseases. In these circumstances it might be suggested to the Portuguese Government to consider the application of the Conventions concerned, at least to the greater colonies, with such modifications as the circumstances of each colony may require.

Spain. — In reply to the question raised last year regarding the desirability of greater exacti-

tude in specifying the territories to which each Convention applies, the Spanish Government explained that its oversea territories can be classified as follows :

1. Autonomous cities (Melilla, Ceuta, Alhucemas, Penon de Velez and Chafarinas) which may be regarded as being an extension of Spanish territory ;

2. The Spanish Protectorate in Morocco, where the Shereef is bound to take action for the introduction of Spanish legislation but has so far been unable to do so because of the state of insecurity existing till recently in the Province ; and

3. Colonies and Spanish territories on the Gulf of Guinea where it is said to be impossible to introduce a system of legislation of the European type in view of the scarcity of labour and the rudimentary state of civilisation of the majority of the inhabitants. There is, however, a Council for the Protection of Natives and a National Curatorship.

In the Spanish reports of this year on individual Conventions, however, the phrases used in specifying the territories to which they apply are still somewhat obscure. Several Conventions are said to apply to "all territories placed under Spanish protection, Act of 15.8.27" (so apparently including Sherifian Morocco) while in some "colonies and protectorates" are added. It would be helpful if the Spanish Government, bearing in mind its own classification above, would specify to which of its dependencies each Convention is applied and the measures taken to give practical effect to its application.

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